

MINUTES
ROANE COUNTY COMMISSION
REGULAR MEETING
April 8, 2013

STATE OF TENNESSEE
COUNTY OF ROANE

BE IT REMEMBERED, that the County Commission of Roane County, Tennessee convened in regular session in Kingston, Tennessee on the 8th day of April, 2013 at 7:00 P.M.

The Commission was called to order by **Bailiff Lloyd Cook**.

Invocation was given by **Commissioner Cantrell**.

The Pledge of Allegiance to the Flag of the United States of America was led by Bailiff Lloyd Cook.

Present and presiding was the Honorable **James Brummett** and the following Commissioners: **Bacon, Berry, Cantrell, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Moore, Nelson, Tedder**. (14)

Absent: **Kelley (1)** Commissioner Kelley was out of town on business.

THEREUPON Chairman **Brummett** announced the presence of a quorum. Also present was the Honorable **Ron Woody**, County Executive, Budget Director **Kaley Walker**, County Attorney **Tom McFarland**, County Clerk **Barbara J. Anthony**, Deputy Clerk **Bobbie Tipton** and Building & Codes Inspector **Glenn Coffey**.

APPROVE MINUTES OF THE MARCH 11, 2013 MEETING.

MOTION was made by **Commissioner Forrester** with second by **Commissioner Moore** to approve the minutes of the March 11, 2013 meeting.

Motion **Passed** upon unanimous voice vote.

ACCEPTANCE OF COMMITTEE REPORTS AND CORRESPONDENCE:

1. Minutes of Tourism Committee 02-7-13.
2. Minutes of Board of Zoning Appeals 02-20-13.
3. Minutes of Planning Committee 02-20-13.
4. Minutes of Budget Committee 03-06-13.
5. Minutes of Building Inspector, Codes & Review 03-07-13.
6. Minutes of Public Hearing re: School Board Member 03-11-13.
7. Letter from Leslie Henderson re: expiration of terms of Industrial Board members 03-19-13.
8. Letter from Community Probation Services. LLC 03-18-13.
- 10 Letter from The Deputy Secretary of Energy to Governor Bill Haslam 03-05-13.
11. Letter to Mayor Chris Mason from Executive Woody re: Coordinating Committee.
- 12 Lawsuit re: Roane County vs Curtis Fitzgerald Jr. 03- Lawsuit re: Roane County vs C. L. & Ida Hagaman 03-14-13.
- 14 .Lawsuit re: Roane County vs Jane Janamae McInnis 03-13-13.

Motion to receive the Committee Reports and Correspondence was made by **Commissioner Forrester** with second by **Commissioner Johnson**.

It was determined that item number one was a duplication from last month and would be pulled from the packet.

Commissioner Berry and Executive Woody discussed item number eleven.

Motion to adopt accept the Committee Reports and Correspondence as amended **Passed** upon unanimous voice vote.

NOTARIES:

The following persons desiring to be elected as a Notary Public in Roane County were presented to the Commission by County Clerk **Barbara Anthony**: Rhonda M. Badger, Janie S. Burris, Kay W. Drewry, Carol Duncan, Rachel L. Houston, Barbara Pelfrey Milsaps, Benita K. Moore, Laura A. Vincent and Rebecca A Wright.

Motion to elect was made by **Commissioner Bacon** with second by **Commissioner East**.

Motion **Passed** upon unanimous voice vote.

HEARING OF DELEGATION:

Roberta Dennis of Rockwood, TN requested the County work on roads in Pioneer Village.

Gail Okulczyk congratulated Kingston Elementary School for their participation and for winning several categories in the Science Fair

Tim Theiss of Kingston reported that 43 Roane County High students competed in 1st Robotics Contest in Knoxville. They were among 10 teams that won Rookie All Star Team and will be going to the World Championship in St Louis

COUNTY ATTORNEY'S REPORT:

COUNTY EXECUTIVE'S REPORT:

A number of meetings are scheduled this month regarding your government's operations.

- About four (4) Budget Committee meetings
- Park Advisory Board meeting
- Property and Solid Waste this month or next

We have Ray Evans with Plateau Partnership Park here to report about the Plateau Partnership Park.

Personnel Policies Required (We are redoing our policies):

- Leave TCA 5-23-101
- Anti-Discrimination
- Wage and Hour
- Drug Testing (only CDL)

Discussion of industrial effort related to the Uranium Processing Facility – Commissioner Hagerty of ECD announced the Carbon Fiber Open House with the Governor about two (2) weeks ago.

Discussion of Certified Sites at Roane Regional Business and Technology
Park and Roane County Park

SPECIAL ORDERS:

Election to fill vacancies on the Roane County Industrial Development Board and the Health Education and Housing Facilities Board caused by the expiration of the terms of James Owens, Jerry Stephens and Bob Kyker. The terms will expire March 12, 2019.

Motion to re appoint James Owens and Jerry Stephens to another term and elect James Gann to replace Bob Kyker was made by Commissioner Ellis with second by Commissioner Johnson.

Chairman Brummett asked 3 additional times for other nominations. There being none, he announced the nominating process closed.

Upon roll call vote the following persons voted to elect James Owens Jerry Stephens and James Gann to the Roane County Industrial Development Board and the Health Education and Housing Facilities Board. These terms will expire March 12, 2019.

Aye: Bacon, Berry, Beets, Brummett, Cantrell, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Moore, Nelson, Tedder. (14)

Passed. (0)

No: (0)

Thereupon Chairman Brummett announced that James Owens, Jerry Stephens and James Gann were elected.

ZONING RESOLUTIONS: None

OLD BUSINESS:

Resolution # 03-13-08

A Resolution authorizing the county attorney to file a lawsuit regarding an unsafe building on property designated as Map 104 Parcel 31.01.

Motion to postpone 90 days was made by **Commissioner Moore** with second by **Commissioner Berry**.

Motion **Passed upon unanimous voice vote.**

NEW BUSINESS:

Resolution # 04-13-01

IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE.

A RESOLUTION authorizing **ROANE COUNTY** to refund to: John Harvey Smith Inc., PO Box 3 Harriman TN, 37748, the sum of \$2,953.00

WHEREAS, taxes on the following parcel were changed by the Property Assessor's office.

Reason: SBE appeal

Map	Group	Parcel No.	Year	Amount of tax paid	Refund
026K	N	001.00	2011	\$6,737.00	\$2,953.00

NOW, THEREFORE, BE IT RESOLVED, that **ROANE COUNTY** is hereby authorized to refund to: John Harvey Smith Inc., PO Box 3, Harriman TN 37748, the sum of \$2,953.00.

Upon motion of **Commissioner Forrester** seconded by **Commissioner Johnson**.

The following Commissioners voted Aye: **Bacon, Berry, Brummett, Cantrell, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Moore, Nelson, Tedder (14)**

The following Commissioners voted No: **(0)**

Therefore, the County Chairman announced to the Court that said resolution had received a constitutional majority and ordered same spread record.

See attachment

Resolution # 04-13-02

IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE.

A **RESOLUTION** authorizing **ROANE COUNTY** to refund to: Christmas Lumber Company PO Box 3, Harriman TN 37748, the sum of \$485.00.

WHEREAS, taxes on the following parcel were changed by the Property Assessor's office.

Reason: SBE appeal

Map	Group	Parcel No.	Year	Amount of tax paid	Refund
026F	G	025.00	2011	\$1,969.00	\$485.00

NOW, THEREFORE, BE IT RESOLVED, that **ROANE COUNTY** is hereby authorized to refund to: Christmas Lumber Company Inc, the sum of \$485.00.

Upon motion of **Commissioner Forrester** seconded by **Commissioner Johnson**.

The following Commissioners voted Aye: **Bacon, Berry, Brummett, Cantrell, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Moore, Nelson, Tedder (14)**

The following Commissioners voted No: **(0)**

Therefore, the County Chairman announced to the Court that said resolution had received a constitutional majority and ordered same spread record.

See attachment

Resolution # 04-13-03

IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE.

A RESOLUTION authorizing **ROANE COUNTY** to refund to: Alanson & Marsha Clark, 111 Westwind Drive, Oak Ridge TN 37830, the sum of \$150.00.

WHEREAS, taxes on the following parcel were changed by the Property Assessor's office.

Reason: per SBE appeal for 2011 and 2012

Map	Group	Parcel No.	Year	Amount of tax paid	Refund
009P	A	003.00	2011	\$830.00	\$64.00
009P	A	003.00	2012	\$830.00	\$86.00

NOW, THEREFORE, BE IT RESOLVED, that **ROANE COUNTY** is hereby authorized to refund to: Alanson & Marsha Clark, 111 Westwind Drive, Oak Ridge TN 37830, the sum of \$150.00.

Upon motion of **Commissioner Forrester** seconded by **Commissioner Johnson**.

The following Commissioners voted Aye: **Bacon, Berry, Brummett, Cantrell, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Moore, Nelson, Tedder (14)**

The following Commissioners voted No: **(0)**

Therefore, the County Chairman announced to the Court that said resolution had received a constitutional majority and ordered same spread record.

See attachment

Resolution # 04-13-04

IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE.

A RESOLUTION authorizing **ROANE COUNTY** to refund to: Gerald L and Violetta J Swykert, 1446 Paint Rock Ferry Road, Kingston TN 37763, the sum of \$974.00

WHEREAS, taxes on the following parcel were changed by the Property Assessor's office.

Reason: correct land pricing error during 2010 reappraisal

Map	Group	Parcel No.	Year	Amount of tax paid	Refund
080		016.00	2012	\$3,291.00	\$974.00

NOW, THEREFORE, BE IT RESOLVED, that **ROANE COUNTY** is hereby authorized to refund to Gerald L and Violetta Swykert, 1446 Paint Rock Ferry Road, Kingston TN 37763, the sum of \$974.00.

Upon motion of **Commissioner Forrester** seconded by **Commissioner Johnson**.

The following Commissioners voted Aye: **Bacon, Berry, Brummett, Cantrell, Collier, East, Ellis, Forrester, Goddard, Granger, Johnson, Moore, Nelson, Tedder (14)**

The following Commissioners voted No: **(0)**

Therefore, the County Chairman announced to the Court that said resolution had received a constitutional majority and ordered same spread record.

See attachment

Resolution # 04-13-05

A Resolution to amend the Zoning Regulations of Roane County, Tennessee (re: kennels)

Withdrawn without objection.

Resolution # 04-13-06

A Resolution to amend the Zoning Regulations of Roane County, TN. (re: corner lot)

WHEREAS, the Roane County Commission, in accordance with Section 13-7-102 of the Tennessee Code Annotated, may amend the Zoning Regulations of Roane County, Tennessee; and

WHEREAS, the Regional Planning Commissions of Roane County, Harriman, Kingston, and Rockwood have forwarded recommendations to County Commission regarding the amendment to the Zoning Resolution of Roane County, Tennessee;

NOW, THEREFORE BE IT RESOLVED BY THE ROANE COUNTY BOARD OF COMMISSIONERS THAT THE ROANE COUNTY ZONING REGULATIONS BE AMENDED AS FOLLOWS:

401.1.1 - Corner Lot: In all zoning districts, a corner lot is considered to be any lot which fronts on two or more public or private roads or any lot that fronts on a curved road. Corner lots shall have the setback requirement of thirty (30) feet from all property lines that front on any public or private road, excluding platted easements. However, the Board of Zoning Appeals (BZA) is empowered to conduct an administrative review to

determine if one of the front yard setbacks may be reduced. The BZA may reduce only one of the setbacks by up to fifteen (15) if the building official agrees that there is no safety issue for vehicles or pedestrians. If there is no agreement on the safety of reducing the setback, the BZA shall not grant the front yard setback reduction.

Section 202 - List of Definitions:

Front Lot Line: The front lot line is the lot, tract or parcel's property line that runs parallel with the public or private road. The front property line shall be the designated E-911 address. On lots which have deeds claiming property lines from the center of the road, the front lot line shall be the county designated right-of-way or edge-of-pavement, whichever is more stringent, and shall run parallel with the road. All sides of a lot that abuts a road shall be considered front lot lines.

Rear Lot Line: A rear lot line is any property line that is opposite the E-911 designated address for that lot. The rear lot line is the farthest property line from the front lot line.

Corner Lot Line: A corner lot is any lot that fronts a public or private road on two or more sides or a lot that abuts a street which is on a curve.

This Resolution shall take effect from and after its final passage, the public welfare requiring it.

Upon motion by **Commissioner Berry** Seconded by **Commissioner Moore**.

The following commissioners voted Aye: **Bacon, Berry, Brummett, Cantrell, East, Ellis, Goddard, Nelson, Tedder (9)**

The following Commissioner passed: **-0-**

The following commissioners voted No: **Forrester , Johnson, Moore (3)**

THEREFORE, the Chair announced to the Commission that said Resolution had received a Constitutional majority and ordered same spread of record.

Resolution # 04-13-07

IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE

A RESOLUTION authorizing the county attorney to file a lawsuit regarding overgrown vegetation/accumulated debris on property of Jerry Barnard, by violating Roane County Zoning Regulations, Resolution #2709, for continually allowing conditions of overgrown vegetation/accumulated debris on property identified as Map 101H, Group B, Parcel 25.00.

WHEREAS, Roane County, Tennessee adopted regional zoning by adoption of Resolution #2109 on May 4, 1990.

WHEREAS, After the adoption of a regional plan, Roane County Zoning Regulations provides that conditions of overgrown vegetation/accumulated debris such as to endanger the health, safety, and welfare of other citizens, or encourage the infestation of rats and other harmful animals must be abated.

WHEREAS, Jerry Bernard has violated Resolution #2709, by continually allowing conditions of overgrown vegetation/accumulated debris on property identified as Map 101H, Group B, Parcel 25.00.

WHEREAS, the Roane County Planning Commission recommends that the County Attorney be authorized to file a lawsuit to determine whether Jerry Barnard, by allowing overgrown vegetation/accumulated debris on property identified as Map 101H, Group B, Parcel 25.00 and having generated complaints by neighboring property owners, is subject to Roane County Zoning Regulations, Resolution #2709, and if he is, petitioning the court to enforce the same by granting injunctive and other relief.

THEREFORE, BE IT RESOLVED:

The county attorney is authorized to file a lawsuit to determine whether Jerry Barnard, by continually allowing overgrown vegetation/accumulated debris on property designated as Map 101H, Group B, Parcel 25.00 is subject to Roane County Zoning Regulations, Resolution #2709, and if he is, petitioning the court to enforce the same by granting injunctive and other relief.

Upon motion by **Commissioner Goddard**, seconded by **Commissioner Nelson**.

The following commissioners voted Aye: **Bacon, Berry, Brummett, Cantrell, East, Ellis, Forrester, Goddard, Johnson, Nelson, Tedder (11)**

The following Commissioner passed: **-0-**

The following commissioners voted No: **Moore (1)**

THEREFORE, the Chair announced to the Commission that said Resolution had received a constitutional majority and ordered same spread of record.

See Attachment

RESOLUTION NO. 04-13-08

IN THE COUNTY COMMISSION FOR ROANE COUNTY, TENNESSEE

A RESOLUTION authorizing the county attorney to file a lawsuit regarding overgrown vegetation/accumulated debris on property of Bank of America, by violating Roane County Zoning Regulations, Resolution #2709, for continually allowing conditions of overgrown vegetation/accumulated debris on property identified as Map 111G, Group B, Parcel 54.00.

WHEREAS, Roane County, Tennessee adopted regional zoning by adoption of Resolution #2109 on May 4, 1990.

WHEREAS, After the adoption of a regional plan, Roane County Zoning Regulations provides that conditions of overgrown vegetation/accumulated debris such as to endanger the health, safety, and welfare of other citizens,

or encourage the infestation of rats and other harmful animals must be abated.

WHEREAS, Bank of America has violated Resolution #2709, by continually allowing conditions of overgrown vegetation/accumulated debris on property identified as 111G, Group B, Parcel 54.00.

WHEREAS, the Roane County Planning Commission recommends that the County Attorney be authorized to file a lawsuit to determine whether Bank of America, by allowing overgrown vegetation/accumulated debris on property identified as 111G, Group B, Parcel 54.00 and having generated complaints by neighboring property owners, is subject to Roane County Zoning Regulations, Resolution #2709, and if they are, petitioning the court to enforce the same by granting injunctive and other relief.

THEREFORE, BE IT RESOLVED:

The county attorney is authorized to file a lawsuit to determine whether Bank of America, by continually allowing overgrown vegetation/accumulated debris on property designated as 111G, Group B, Parcel 54.00. are subject to Roane County Zoning Regulations, Resolution #2709, and if they are, petitioning the court to enforce the same by granting injunctive and other relief.

Upon motion by **Commissioner Forrester**, seconded by **Commissioner Nelson**.

The following commissioners voted Aye: **Bacon, Berry, Brummett, Cantrell, East, Ellis, Forrester, Goddard, Johnson, Nelson, Tedder (11)**

The following Commissioner passed: **-0-**

The following commissioners voted No: **Moore (1)**

THEREFORE, the Chair announced to the Commission that said Resolution had received a constitutional majority and ordered same spread of record.

See attachment

Resolution # 04-13-09

A Resolution authorizing the county attorney to file a lawsuit regarding overgrown vegetation/accumulated debris on property of Cheryl S. Lamoureux, by violating Roane County Zoning Regulations, Resolution # 2709, for continually allowing

conditions of overgrown vegetation/accumulated debris on property identified as Map 57, Parcel 86.00.

WHEREAS, Roane County, Tennessee adopted regional zoning by adoption of Resolution #2109 on May 4, 1990.

WHEREAS, After the adoption of a regional plan, Roane County Zoning Regulations provides that conditions of overgrown vegetation/accumulated debris such as to endanger the health, safety, and welfare of other citizens, or encourage the infestation of rats and other harmful animals must be abated.

WHEREAS, Cheryl S. Lamoureux has violated Resolution #2709, by continually allowing conditions of overgrown vegetation/accumulated debris on property identified as Map 57, Parcel 86.00.

WHEREAS, the Roane County Planning Commission recommends that the County Attorney be authorized to file a lawsuit to determine whether Cheryl S. Lamoureux, by allowing overgrown vegetation/accumulated debris on property identified as Map 57, Parcel 86.00 and having generated complaints by neighboring property owners, is subject to Roane County Zoning Regulations, Resolution #2709, and if she is, petitioning the court to enforce the same by granting injunctive and other relief.

THEREFORE, BE IT RESOLVED:

The county attorney is authorized to file a lawsuit to determine whether Cheryl S. Lamoureux, by continually allowing overgrown vegetation/accumulated debris on property designated as Map 57, Parcel 86.00 is subject to Roane County Zoning Regulations, Resolution #2709, and if she is, petitioning the court to enforce the same by granting injunctive and other relief.

Upon motion by **Commissioner Cantrell**, seconded by **Commissioner Goddard**.

The following commissioners voted Aye: **Bacon, Berry, Brummett, Cantrell, East, Ellis, Forrester, Goddard, Johnson, Nelson, Tedder** (11)

The following Commissioner passed: **-0-**

The following commissioners voted No: **Moore** (1)

THEREFORE the Chair announced to the Commission that said Resolution ad received a constitutional majority and ordered same spread of record.

See attachment

Resolution # 04-13-10

A Resolution authorizing the county attorney to file a lawsuit asking the court to declare whether Gary Brown, by operating a junkyard and/or outdoor storage/salvage operation on property designated as Tax Map 19, Parcel 71.00 , is subject to Roane County Zoning Regulations, and if he is, partitioning the court to enforce the same by granting injunctive and other relief.

WHEREAS, Roane County, Tennessee adopted regional zoning by adoption of Resolution #2101 on May 4, 1990.

WHEREAS, said property is located in an A-2 (Developing Agricultural) District.

WHEREAS, Gary Brown, having failed to comply with Roane County Zoning Regulations by operating a junkyard-outdoor storage/savage operation in an Agricultural District on property designated as Tax Map 19, Parcel 71.00 is subject to Roane County Zoning Regulations, and if he is, petitioning the court to enforce the same by granting injunctive and other relief.

THEREFORE, BE IT RESOLVED:

The county attorney is authorized to file a lawsuit to determine whether Gary Brown is operating a junkyard-outdoor storage/savage operation on property designated as Tax Map 19, Parcel 71.00 and is subject to Roane County Zoning Regulations, and if he is, petitioning the court to enforce the same by granting injunctive and other relief.

Upon motion by Commissioner Goddard seconded by Commissioner Tedder.

The following commissioners voted Aye: **Bacon, Berry, Brummett, Cantrell, East, Ellis, Forrester, Goddard, Johnson, Nelson (10)**

The following Commissioner passed: **(0)**

The following commissioners voted No: **Moore, Tedder (2)**

THEREFORE, the Chair announced to the Commission that said Resolution had received a constitutional majority and ordered same spread of record.

See attachment

Resolution # 04-13-11

A Resolution to amend the General Fund (101) for the contracting of ankle monitoring bracelets for low risk offenders.

Motion to adopt was made by Commissioner Johnson with second by Commissioner Ellis.

Motion to Postpone 30 days was made by Commissioner Moore with second by Commissioner Berry.

Upon roll call vote the following commissioners voted aye:
Bacon, Berry, Cantrell, East, Moore (5)

The following voted No: Brummett, Ellis, Forrester, Goddard, Johnson, Nelson, Tedder. (7)

The following passed: (0)

Thereupon Chairman Brummett announced the motion to Postpone Failed.

Upon roll call vote on Resolution # 04-13-11 the following commissioners voted Aye: Bacon, Berry, Cantrell, East, Moore (5)

The following Commissioners voted No: Cantrell, Ellis, Forrester, Goddard, Johnson, Nelson, Tedder (7)

Thereupon the Chairman announced the motion to Postpone Failed.

Upon roll call vote on the Resolution the following Commissioners voted Aye: Bacon, Brummett, Ellis. Goddard, Johnson, Tedder (6)

The following Commissioners voted No: Berry, Cantrell, East, Forrester, Moore, Nelson (6)

Thereupon the Chairman announced the motion to adopt Failed.

Resolution # 04-13-12

A Resolution authorizing submission of an application for a Litter and Trans Collecting Grant for Fiscal Year 2013-2014 from the Department of Transportation and authorizing the acceptance of said grant.

WHEREAS, Roane County Commission intends to apply for the aforementioned Grant from the Department of Transportation and,

WHEREAS, the grant is a 100% grant with no matching funds required and,

WHEREAS, the contract for the Grant for Fiscal Year 2013-2014 will impose certain legal obligations upon Roane County.

THEREFORE BE IT RESOLVED:

1. That County Executive of Roane County is authorized to apply on behalf of Roane County for a Litter and Trash Collecting Grant for Fiscal Year 2013-2014 from the Tennessee Department of Transportation.
2. That should said application be approved by the Tennessee Department of Transportation, then the County Executive of Roane County is authorized to execute contracts or other necessary documents, which may be required to signify acceptance of the Litter and Trash Collecting Grant by Roane County.

Upon a motion by **Commissioner Moore**, seconded by **Commissioner Tedder**. The following Commissioners voted Aye: **Bacon, Berry, Brummett, Cantrell, East, Ellis, Forrester, Goddard, Johnson, Moore, Nelson, Tedder**. (12)

The following Commissioners Passed: (0)

The following Commissioners voted No: (0)

Thereupon, the Chairman announced that said resolution received a constitutional majority and ordered same spread of record.

Motion duly made by **Commissioner Moore** second by **Commissioner Tedder** the April 8, 2013 meeting stood adjourned at 9:25 P.M.

APPROVED:

Chairman James Brummett

Attest:

County Clerk Barbara J. Anthony