

COUNTY COMMISSION MEETING – JANUARY 25, 2021

The Claiborne County Commission met in regular session on Monday, January 25, 2021 at 6:30 p.m. at the Courthouse in Tazewell, Tennessee. Meeting was opened by Officer Doug Evans. Invocation led by Commissioner James Hatmaker. Pledge led by Officer Doug Evans.

AGENDA ITEM #1 – CALL TO ORDER/ROLL CALL:

Chairman Mike Campbell called the meeting to order. County Clerk Karen Hurst called the roll by district. Commissioners present/absent as follows:

PRESENT:

District 1

Brent Clark
Whitt Shuford
Charlton Vass

District 2

Nathan Epperson
Juanita Honeycutt
Kim Large

District 3

Mike Campbell
Stacey Crawford
Nicholas Epperson

District 4

Anthony Rowe

District 5

Mitchell Cosby

District 6

Rosemary Barnett
Carolyn Brooks
Steve Mason

District 7

Steve Brogan
Sherry McCreary
Shawn Peters

District 8

David Mundy
Steve Murphy

District 9

James Hatmaker

ABSENT:

District 4

Zach Mullins

20 commissioners present
1 commissioner absent

Also present: Cynthia Logan, Recorder

AGENDA ITEM #2 – APPROVAL OF AGENDA

MOTION: Commissioner Hatmaker – to approve
SECOND: Commissioner Large

MOTION: Commissioner Clark – to include Resolution 2021-005 on the agenda page.
SECOND: Commissioner Nathan Epperson
(This added as item #5A under New Business)

MOTION: Commissioner Honeycutt - to add a resolution concerning the traffic flow at the Claiborne Health Department.

SECOND: Commissioner Brogan

(This added as Resolution 2021-006; item #5B under New Business)

Commissioner Honeycutt requested to add a discussion item concerning the courthouse roof leak.

(This added as discussion item #5C under New Business)

Commissioner Honeycutt requested to add a discussion item concerning COVID-19.

(This added as discussion item #5D under New Business)

Commissioner Shuford requested to add a discussion item concerning the purchasing agent for the county.

(This added as discussion item #5E under New Business)

MOTION: Commissioner Hatmaker – to approve agenda as amended

SECOND: Commissioner McCreary

Vote on agenda as amended / Motion carried by aye vote

AGENDA ITEM #3 – APPROVAL OF MINUTES

MOTION: Commissioner Mundy – to approve

SECOND: Commissioner Hatmaker

Motion carried by aye vote

AGENDA ITEM #4 – COUNTY OFFICE REPORTS

AGENDA ITEM #5 – COUNTY MAYOR'S REPORT

AGENDA ITEM #6 – COUNTY SHERIFF'S REPORT

AGENDA ITEM #7 – COMMITTEE REPORTS

MOTION: Commissioner Hatmaker – to approve

SECOND: Commissioner Mason

Motion carried by aye vote

AGENDA ITEM #8 – NOTARY PUBLIC APPOINTMENTS

MOTION: Commissioner Large – to approve

SECOND: Commissioner Hatmaker

Motion carried by aye vote

APPROVED:

Carla Reece

Taylor Olivia Lawson

Tara Pierce

Wendy Elaine Holt

Ember S. Dotson

AGENDA ITEM #10 – NOTARY BOND APPROVAL

(none)

OLD BUSINESS:

(none)

NEW BUSINESS:

ITEM #1 – RES. 2021-001 – BOARD OF EDUCATION (budget amendment)

MOTION: Commissioner Peters – to approve

SECOND: Commissioner Honeycutt

Motion carried by aye vote

(Resolution as follows)

CLAIBORNE COUNTY
BOARD OF EDUCATION

RESOLUTION
2021-001

January 14, 2021

WHEREAS, the Claiborne County Board of Education needs to amend the School Nutrition Budget in order to reflect the additional money received from a USDA Rebate for the 2020-2021 school year.


WHEREAS, this resolution involves no state or local tax dollars

BE IT THEREFORE RESOLVED by the Claiborne County Commission in session on January 25, 2021 that the Claiborne County Board of Education be authorized to amend the School Nutrition Budget by adjusting the following items.

<u>Account No.</u>	<u>INCREASE</u>
47114 (USDA Other)	\$6,528.67

EXPENDITURES

Account No.	
73100-422	\$6,528.67



Dr. Linda Keck
Claiborne County Schools



Shawn Peters
Commission Sponsor



Angelia Tucker
School Finance Director

FILED 1-4-2021
KAREN HURST, COUNTY CLERK
BY:  B-6

ITEM #2 – RES. 2021-002 – COUNTY ROAD LIST

MOTION: Commissioner Mundy – to approve
SECOND: Commissioner Hatmaker

ROLL CALL VOTE: 20 for, 0 against / Motion carried
(Resolution as follows)

RESOLUTION NO. 2021-002
COUNTY ROAD LIST

WHEREAS, it is required by State law, that the Claiborne County Highway Department submit a road list to the Claiborne County Commission, for their approval each January.

THEREFORE, BE IT RESOLVED, by the County Commission of Claiborne County, Tennessee assembled in regular session on this 25th day of January 2021, that the attached 2021 road list be approved.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the approved Road List will take effect upon its passage.

BE IT FURTHER RESOLVED, that this resolution shall take place from and after its passage, the public welfare requiring it.

PASSED AND APPROVED, this 25th day of January 2021.

Ronnie Pittman, Road Superintendent

David Mundy
SPONSOR

Joseph Brooks
Joseph Brooks, County Mayor

ATTEST:

Karen Hurst
Karen Hurst, County Clerk

FILED 1-12-21
KAREN HURST, COUNTY CLERK
BY: RH D.C.

01/25/2021

ITEM #3 – RES. 2021-003 – ROAD EXTENSION (Wylie Lane)

MOTION: Commissioner Mason – to approve

SECOND: Commissioner Hatmaker

*ROLL CALL VOTE: 20 for, 0 against / Motion carried
(Resolution as follows)*

RESOLUTION NO. 2021- 003

WHEREAS, it has become apparent that Wylie Lane, located in the sixth district of Claiborne County, (2/10 miles in length, tar and chip surface) that is currently on the road list, needs to be increased to (3/10 miles in length). The additional 1/10 mile is gravel surface. The property owners on the additional length of this road have signed a document (see attached) agreeing to include this part of the road as a county maintained road.

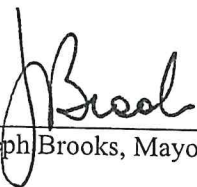
WHEREAS, the Claiborne County Highway Department has agreed to maintenance this additional length of road of gravel road surface.

THEREFORE, be it resolved that Wylie Lane, be increased by 1/10 mile (total length of 3/10 miles) be changed on the county road list.

THEREFORE, be it resolved, by the Board of County Commissioners of Claiborne County, Tennessee, assembled in session on the 25th day of January that such resolution is approved.

BE IT FURTHER BE IT RESOLVED that this resolution shall take place from and after its passage, the public welfare requiring it.

PASSED AND APPROVED this 25th day of January 2021.

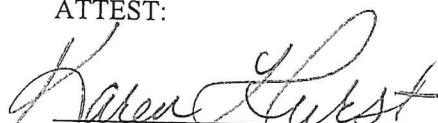


Joseph Brooks, Mayor

Steve Mason

Sponsor

ATTEST:



Karen Hurst, County Court Clerk

Eva & Veid Hansard

Roy Smith

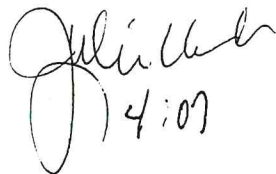
1-13-21

3:54 pm

11:AM

1-12-21

180 Wylie Ln Tazewell Va



1-12-21

190 Wylie Lane Tazewell Va

FILED *1-13-2021*
KAREN HURST, COUNTY CLERK
BY: *Kh* B.S.

ITEM #4 – DISCUSSION – Opioid Lawsuit

Commissioner Honeycutt introduced District Attorney General Jared Effler for this discussion item. General Effler spoke with commission with an update on the pending opioid lawsuit. He stated that the case has been through appeals that have been heard and appeals that have reached the Tennessee Supreme Court and that that court has recently ruled that the Drug Dealer Liability Act does apply to Big Pharma and they can be held liable. Secondly, the Supreme Court considered whether or not District Attorney Generals could sue Big Pharma as plaintiffs. The Supreme Court found it was a technical error and that, in order to proceed, the District Attorney Generals could not be plaintiffs and that Claiborne County would need to retain General Jared Effler and the law firm which has been representing the District Attorney Generals since 2017. Also present was Tricia Hertzfield from the law firm of Branstetter, Stranch and Jennings. She relayed to the commission that a considerable amount of work has already gone into this lawsuit process such as depositions, countless documentation reviews and travel.

County Attorney Estep advised commission to approve a resolution to retain District Attorney General Jared Effler and the Branstetter, Stranch and Jennings law firm as counsel to proceed in this lawsuit on behalf of the county.

MOTION: Commissioner Peters – to suspend the rules and approve a resolution to retain District Attorney General Jared Effler and Branstetter, Stranch and Jennings PLLC as counsel to represent Claiborne County in the opioid lawsuit litigation.

SECOND: Commissioner Vass

(This entered in record as: Resolution 2021-007 – Resolution in Support of Drug Dealer Liability Act Lawsuit)

*ROLL CALL VOTE: 20 for; 0 against / Motion carried
(Resolution as follows)*

Res. 2021-007

RESOLUTION IN SUPPORT OF DRUG DEALER LIABILITY ACT LAWSUIT

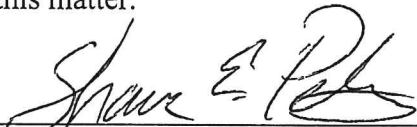
The Claiborne County Legislative Body meeting in regular session on the 25th day of January, 2021, a quorum being present and a majority voting in the affirmative, hereby RESOLVES as follows:

WHEREAS, Claiborne County, as well as other counties in Tennessee and in surrounding states, has experienced an epidemic related to the distribution and use of opioids by its citizens that has generated critical issues and problems for Claiborne County, including but not limited to opioid addiction by Claiborne County citizens, drug overdose deaths, the birth of drug dependent babies, a rise in criminal charges convictions for the illegal sale and use of opioids as well as other crimes resulting from the opioid abuse epidemic, including but not limited to burglary, theft, and fraud, and the loss of productivity of the citizens in the workplace, damage and destruction to the family unit, all resulting from the illegal sale, distribution, and use of opioids in Claiborne County.

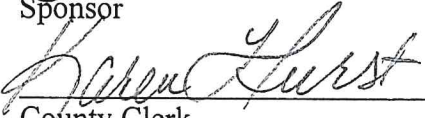
WHEREAS, District Attorney Jared Effler is duly elected District Attorney General for the 8th Judicial District of the State of Tennessee.

WHEREAS, ^{District Attorney} General Effler brought a lawsuit in 2017 through the law firm of Branstetter, Stranch & Jennings, PLLC to recover money for Claiborne County under Tennessee's Drug Dealer Liability Act ("DDLA"), and that lawsuit is pending in Campbell County Circuit Court;

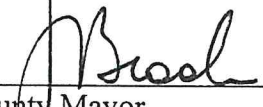
The Claiborne County Commission hereby RESOLVES that it fully supports the lawsuit, approves of the actions taken in the lawsuit thus far on its behalf, approves of the lawsuit going forward with Claiborne County as the named plaintiff, and retains District Attorney Jared Effler and the law firm Branstetter, Stranch & Jennings, PLLC as counsel in this matter.



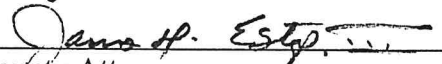
Sponsor



County Clerk



County Mayor



County Attorney

01/25/2021

**ITEM #5 – RES. 2021-004 – EXTENSION OF ADMINISTRATIVE LEAVE/SICK LEAVE
POLICIES AND GUIDELINES RELATED TO COVID-19**

MOTION: Commissioner Vass – to approve

SECOND: Commissioner Nathan Epperson

(discussion followed)

ROLL CALL VOTE: 20 for; 0 against / Motion carried

(Resolution as follows)

RESOLUTION NO. 2021-004

RESOLUTION EXTENDING THE POLICIES AND GUIDELINES RELATED TO COVID-19 PREVIOUSLY ADOPTED VIA RESOLUTION 2020-044, EXTENDING THE ADMINISTRATIVE LEAVE POLICY TO COVER THE COVID-19 PANDEMIC RESPONSE PREVIOUSLY ADOPTED VIA RESOLUTION 2020-045, EXTENDING AND AMENDING THE SICK LEAVE POLICY TO COVER THE COVID-19 PANDEMIC RESPONSE PERVIOUSLY ADOPTED VIA RESOLUTUION 2020-046

WHEREAS, the Family First Coronavirus Response Act (HR 6201) was signed into law on March 18, 2020 which declared a COVID-19 period from March 1, 2020 through December 31, 2020 that provided fourteen (14) COVID-19 sick days to fulltime employees in addition to the regular sick time policy, and

WHEREAS, the provisions of the FFCRA have ended but the COVID-19 pandemic is still active, and

WHEREAS, the Office Holders, County Mayor and County Commission want to extend the same opportunity of 14-COVID-19 sick days to every fulltime employee who has not yet been impacted by COVID-19, and

WHEREAS, the original resolution establishing the Policies and Guidelines Related To The COVID-19 Pandemic expired on December 31, 2020.

NOW THEREFORE BE IT RESOLVED, the Policies and Guidelines Related To The COVID-19 Pandemic previously adopted in Resolution 2020-044 are to be extended retroactively to begin January 1, 2021 through June 30, 2021.

BE IT FURTHER RESOLVED, the Administrative Leave Policy To Cover The COVID-19 Pandemic Response in Claiborne County's Policies and Procedures previously adopted in Resolution 2020-045 are to be extended retroactively to begin January 1, 2021 through June 30, 2021.

BE IT FURTHER RESOLVED, the Sick Leave Policy To Cover The COVID-19 Pandemic Response In Claiborne County's Policies and Procedures previously adopted in Resolution 2020-046 are to be extended retroactively to begin January 1, 2021 through June 30, 2021.


BE IT FURTHER RESOLVED, the Sick Leave Policy To Cover The COVID-19 Pandemic Response In Claiborne County's Policies and Procedures previously adopted in Resolution 2020-046 are to be amended as follows:

- COVID-19 sick time shall be used for and only used for COVID-19 related leave, when an employee is unable to work because the employee is quarantined (pursuant to federal, state or local government orders or advice of a health care provider) due to a positive test result or contact tracing due to a positive test result from immediate family members (spouse, children, parents, etc.) living in their home.
- COVID-19 sick time during this extended period is only available to employees who have not already used them prior to the original period ending on December 31, 2020.
- Any employee who refuses to accept the COVID-19 vaccine when it is offered to them when they are eligible to receive it in their respective COVID-19 Vaccine Phase is not eligible to receive COVID-19 sick time thereafter.

RESOLUTION NO. 2021-004
(CONT.)

IT IS FURTHER RESOLVED, this resolution shall take effect upon its passage, the public welfare requiring it.

PASSED AND APPROVED this 25th day of January, 2021.



Joe Brooks, County Mayor

Charlton Vass, County Commissioner

ATTEST:



Karen Hurst, County Clerk

FILED 1-14-2021
KAREN HURST, COUNTY CLERK
BY: Kh D.C.

01/25/2021

ITEM #5A – RES. 2021-005 – AMENDING BUDGET FOR VOCA GRANT FY20

MOTION: Commissioner Shuford – to approve

SECOND: Commissioner Vass

*ROLL CALL VOTE: 20 for, 0 against / Motion carried
(Resolution as follows)*

RESOLUTION NO. 2021-005
RESOLUTION AMENDING BUDGET FOR VOCA GRANT FY20

WHEREAS, Claiborne County has been awarded a grant from VOCA for FY21-FY23, and

WHEREAS, this grant will fund for the addition of two staff positions; a Navigator and Coordinated Community Response Specialist, and

WHEREAS, the grant will also provide a significant amount for the repairs that are needed to be done before the FJC can officially open.

BE IT THEREFORE RESOLVED by the Claiborne County Commission in session January 25, 2020 authorizes to amend the General Fund Budget by adjusting the following line items.

REVENUE

Account Code No.

46980 Other State Grants

39000 Fund Balance

INCREASE

\$124,872.00

\$27,236.00

EXPENDITURES

Account Code No.

101-53600-162-VOCA

101-53600-201-VOCA

101-53600-204-VOCA

101-53600-210-VOCA

101-53600-212-VOCA

101-53600-355-VOCA

101-53600-435-VOCA

101-53600-452-VOCA

101-91130-707

\$39,872.00

\$2,418.00

\$1,435.50

\$507.00

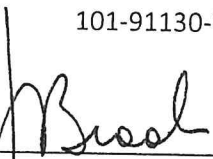
\$565.50

\$4,500.00

\$10,500.00

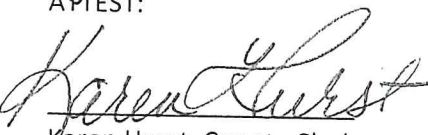
\$2,310.00

\$90,000.00



Joe Brooks, County Mayor

ATTEST:



Karen Hurst, County Clerk

Whitt Shuford, County Commissioner

FILED 1-14-2021
KAREN HURST, COUNTY CLERK
BY: Kh P.C.

ITEM #5B – RES. 2021-006 – COLLABORATION BETWEEN CLAIBORNE COUNTY ROAD DEPARTMENT AND CLAIBORNE COUNTY HEALTH DEPARTMENT FOR IMPROVEMENT OF TRAFFIC FLOW AROUND THE BUILDING

MOTION: Commissioner Honeycutt – to approve

SECOND: Commissioner Vass

(discussion followed)

Road Commissioner Pittman expressed to the commission that his department would waive the cost of completing the driveway and track materials used.

MOTION: Commissioner Mundy – to amend resolution to include a blacktop improvement of this project to be considered in the 2021-22 budget.

SECOND: Commissioner Honeycutt

ROLL CALL VOTE (on Motion to Amend): 20 for; 0 against / Motion carried

*ROLL CALL VOTE (on Original Motion as amended): 20 for; 0 against / Motion carried
(Resolution as follows)*

RESOLUTION 2021-006

**COLLABORATION BETWEEN CLAIBORNE COUNTY ROAD DEPARTMENT AND
CLAIBORNE COUNTY HEALTH DEPARTMENT FOR IMPROVEMENT OF TRAFFIC
FLOW AROUND THE BUILDING**

WHEREAS, Claiborne County Legislative Body supports improvement of services provided to Claiborne County residents, and

WHEREAS, the Claiborne County Health Department is a service entity of Claiborne County, and


WHEREAS, the Claiborne County Road Department has the means and ability to provide a gravel drive on the upper side of the health department building from the back parking lot to the front parking lot allowing traffic to circle the building to alleviate the traffic dilemma that the health department personnel are experiencing with heavy traffic of residents required COVID-19 testing and COVID-19 vaccine administration, and

WHEREAS, the road department is lawfully allowed to collaborate with the health department to provide the requested driveway as stated in TCA 54-7-202 (d)(2). Attachment #1.

THEREFORE BE IT HEREBY RESOLVED that the legislative body of Claiborne County in general session both approve and authorize the Claiborne County Road Department to collaborate with the Claiborne County Health Department for the physical improvement to the traffic law to allow drivers to circle the building.

IT IS FURTHER RESOLVED that blacktop improvement of this project be considered in the county fiscal year budget for 2021-22.

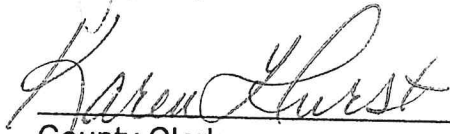
IT IS ALSO RESOLVED that this resolution is duly approved this 25th day of January, 2021, the public welfare requiring it.



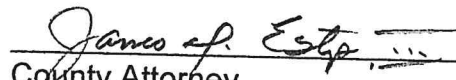
County Mayor

Juanita Honeycutt

County Commissioner Sponsor



County Clerk



County Attorney

ITEM #5C – DISCUSSION – COURTHOUSE ROOF LEAKS

County Mayor Brooks addressed the commission with the continuing roof leak problems at the courthouse that occur with heavy rains. He informed that he has had no success in getting the roofers that had worked on the roof before to return. Mayor Brooks stated that the Building, Grounds and Personnel Committee had met prior to this meeting and recommended that the mayor reach out to 3 roofing companies to examine the roof, provide a resolution and pricing. He stated he would make the contacts and bring the findings to the commission.

ITEM #5D – DISCUSSION – COVID-19 UPDATE

County Mayor Brooks addressed the commission with updates on the COVID-19 statistics in the county. As of today, there are 321 active cases in the county and there have been 33 COVID-19 deaths. The county is currently on the 1a1 and 1a2 vaccination schedule but is experiencing limited vaccines. In the last 30 days the hospital has seen an 85-90% capacity with approximately one-half as COVID-19 patients. Mayor Brooks stated that hopefully the 1b vaccination schedule, which will include the K-12 students, will be in February/March. He expressed that persistence of mask use, social distancing and good hygiene practices will continue to help combat this virus.

ITEM #5E – DISCUSSION – PURCHASING AGENT FOR THE COUNTY

County Mayor Brooks addressed the commission concerning a decision made by the finance committee concerning a purchasing agent for the county. Since the departure of the former purchasing agent for another job, the finance committee had resolved that hiring another full-time purchasing agent was not warranted and that the bid threshold would remain at \$10,000.00, which can be managed by the Finance Director. County Attorney Estep advised the commission to adopt the recommendation of the finance committee.

MOTION: Commissioner Mundy – to suspend the rules and approve a resolution that a purchasing agent not be hired, that the bid threshold remain at \$10,000.00 and that the county continue to follow the terms of the '81 Act.

SECOND: Commissioner Honeycutt

*ROLL CALL VOTE: 20 for; 0 against / Motion carried
Resolution as follows*

RESOLUTION
RESOLUTION NO. 2021-008

WHEREAS, Claiborne County does not have a purchasing agent at this time, and;
WHEREAS, a purchasing agent is required for the bid amount to remain at Twenty Five Thousand (\$25,000.00) Dollars, and;

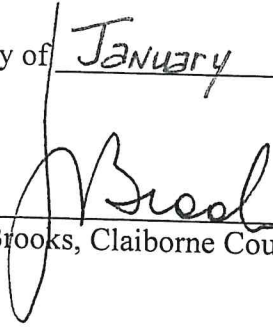
WHEREAS, the bid amount shall remain at Ten Thousand (\$10,000.00) Dollars for purchases, and;

WHEREAS, All purchases above Ten Thousand (\$10,000.00) Dollars should be required to be bid unless and until the legislature raises the minimum requirements or a purchasing agent is employed by Claiborne County, Tennessee pursuant to the Financial Management Act of 1981.

NOW THEREFORE, the Claiborne County Commission meeting in regular session on the 25th day of January, 2021, hereby sets the bid requirement threshold at Ten Thousand (\$10,000.00) Dollars unless and until the Tennessee Legislature raises the minimum requirements and/or until a purchasing agent is hired by Claiborne County, Tennessee pursuant to the Financial Management Act of 1981.

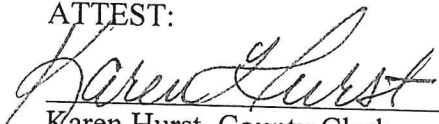
BE IT FURTHER RESOLVED, this resolution shall take effect upon its passage, the public welfare requiring it.

Duly passed and approved this 25th day of January, 2021.



Joe Brooks, Claiborne County Mayor

ATTEST:



Karen Hurst, County Clerk

SPONSOR:



David Mundy, County Commissioner


ITEM #6 - ADJOURNMENT

MOTION: Commissioner Cosby – to adjourn

SECOND: Commissioner Peters

Motion carried by aye vote / Meeting adjourned

Prepared by:


County Clerk