

COUNTY COMMISSION MEETING – DECEMBER 16, 2019

The Claiborne County Commission met in regular session on Monday, December 16, 2019 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
Nicholas Epperson

District 4

Zach Mullins
Anthony Rowe

District 5

Mitchell Cosby

District 6

Rosemary Barnett
Carolyn Brooks
Steve Mason

District 7

Sherry McCreary
Shawn Peters

District 8

David Mundy
Steve Murphy

District 9

James Hatmaker

ABSENT:

District 7

Steve Brogan

20 commissioners present
1 commissioner absent

Also present: Cynthia Logan, Recorder

AGENDA ITEM #2 – APPROVAL OF AGENDA:

MOTION: Commissioner Mundy – to approve

SECOND: Commissioner Clark

Commissioner Hatmaker requested that the road name in Resolution #2019-097 be amended to "Creek Road" since there is another road in the county by the name of Straight Creek Road. This in order to eliminate any conflict or confusion of the road that is the subject of this resolution.

(Item #2 cont.)

Commissioner Shuford requested to add a discussion item concerning Amedisys and a discussion item requested by the County Mayor.

(These discussion items added as #9A and #9B under New Business)

Commissioners Peters and Clark requested that discussion item #1 under Old Business be deleted as Sherry Hoskins of Appalachian Promise was unable to attend the meeting.

Commissioner Honeycutt requested to add a resolution concerning payment of ADA self-evaluation.

(This added as item #9C under New Business (Resolution 2019-099))

MOTION: Commissioner Hatmaker – to approve agenda as amended

SECOND: Commissioner Vass

Vote on agenda as amended / Motion carried by aye vote

AGENDA ITEM #3 – APPROVAL OF MINUTES

MOTION: Commissioner Vass – to approve

SECOND: Commissioner Large

Motion carried by aye vote

AGENDA ITEM #4 – COUNTY OFFICE REPORTS

MOTION: Commissioner Rowe – to approve

SECOND: Commissioner Mullins

Motion carried by aye vote

AGENDA ITEM #5 – NOTARIES

MOTION: Commissioner Hatmaker – to approve

SECOND: Commissioner Mason

Motion carried by aye vote

Approved:

Robin J. Johnson

Betty J. Evans

AGENDA ITEM #6 – NOTARY BONDS

(none)

OLD BUSINESS:

(none)

NEW BUSINESS:

ITEM #1 – RES. 2019-090 – THREE STAR GRANT

MOTION: Commissioner Hatmaker – to approve

SECOND: Commissioner Mundy

Motion carried by aye vote

(Resolution as follows)

RESOLUTION NO. 2019-090
Three Star Grant Resolution

WHEREAS, the Claiborne County needs to amend the Three Star Budget in order to reflect the increased state grant to be received for the 2019-2020 fiscal year.

WHEREAS, this resolution involves no local tax dollars.

THEREFORE, the following budget amendment must be approved.

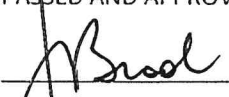
<u>Revenue</u>	<u>INCREASE</u>
46980 Other State Grants	\$25,000

<u>Expenditures</u>	
58130-791 Other Construction- Star	\$25,000

BE IT THEREFORE RESOLVED by the Board of County Commissioners of Claiborne County, Tennessee, assembled in regular session on December 16, 2019 that the

NOW, THEREFORE, BE IT FURTHERRESOLVED, that this resolution takes effect from and after its passage, the public welfare requiring it.

PASSED AND APPROVED THIS 16th day of December 2019.



County Mayor

James Hatmaker

Commission Sponsor



County Court Clerk

RECEIVED
9:50 am 11-8-19
the

ITEM #2 – RES. 2019-091 – CLAIBORNE COUNTY HIGHWAY DEPARTMENT REPORT OF WORK PROJECTS

MOTION: Commissioner Clark – to approve

SECOND: Commissioner Mason

MOTION TO AMEND: Commissioner Large – to also require quarterly reports from the County Mayor's office and the Sheriff's Department.

SECOND: Commissioner Mundy

MOTION TO AMEND: Commissioner Mason – to also require that the Finance Department provide the commission with a monthly listing of all checks being disbursed concerning all departments and what the payment is being made for.

ROLL CALL VOTE (on 2nd Motion to Amend): 20 for; 0 against / Motion carried

ROLL CALL VOTE (on 1st 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 2019-091
**CLAIBORNE COUNTY HIGHWAY DEPARTMENT REPORT OF WORK PROJECTS,
REPORTS OF COUNTY MAYOR'S OFFICE, SHERIFF'S DEPARTMENT AND
FINANCE DEPARTMENT**

WHEREAS, it appears that the Claiborne County Highway Department is responsible for maintenances, repairs and surfacing of Claiborne County roads, and

WHEREAS, it appears that the Claiborne County legislative body passed and approved a resolution in 2015 assessing a wheel tax in the amount of \$25.00 per motor vehicle registration to generate revenue for road surfacing and equipment, and

WHEREAS, in order to keep the legislative body informed of progresses, it is imperative that the county commission be provided regular reports of same, and so,

IT IS THEREFORE RESOLVED that the Claiborne County Road Superintendent provide updates to the Claiborne County Commission on road improvements and projects that have taken place, including roads fixed, repaired and surfaced/re-surfaced. Reports should also include descriptive of work completed and the upcoming projects being planned. These reports shall be provided to county commission at three (3) months intervals.

IT IS FURTHER RESOLVED that, by amendments approved by the county commission, quarterly reports also be provided by the County Mayor's office and the Sheriff's Department and that the Finance Department provide a monthly listing of all checks being disbursed concerning all departments and what the payment is being made for.

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

PASSED and APPROVED this the 16th day of December, 2019.


County Mayor

Brent Clark
County Commissioner Sponsor

ATTEST:

County Clerk

ITEM #3 – RES. 2019-092 – SUPPORT OF THE SECOND AMENDMENT OF THE UNITED STATES CONSTITUTION

MOTION: Commissioner Mullins – to approve

SECOND: Commissioner Cosby

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

RESOLUTION 2019 – 092

Resolution of the Claiborne County Commission declaring its support of
the Second Amendment of the United States Constitution

WHEREAS, the 111th General Assembly in its 2019 session considered and referred to committees for further study, SB0943/HB1049, that authorizes the issuance of extreme risk protection order, “Also known as a red flag law” that a law enforcement officer may seek to prevent a restrained person from being able to lawfully possess a firearm when the officer believes that the person is a danger to the person or another.

WHEREAS, Section 26 of the Tennessee Constitution states, “That the citizens of this state have a right to keep and to bear arms for their common defenses; but the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime; and

WHEREAS, the Second Amendment to the United States Constitution, adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms; and

WHEREAS, the United States Supreme Court in District of Columbia v. Heller, 554 U.S. 570 (2008), affirmed an individual's right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and

WHEREAS, the United States Supreme Court in McDonald v. Chicago, 561 U.S. 742 (2010), affirmed that the right of an individual to “keep and bear arms,” as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment against the states; and

WHEREAS, the United State Supreme Court in United States v. Miller, 307 U.S. 174 (1939) opined that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense are protected by the Second Amendment; and

WHEREAS, it is the desire of the Claiborne County Commission to declare its support of the Second Amendment to the United States Constitution and to protect law abiding citizens the right to keep and bear arms; and

WHEREAS, the Claiborne County Commissioners each took an oath to support and protect the United States Constitution: and

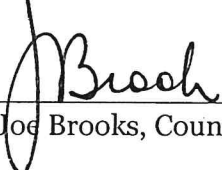
RESOLUTION 2019 – 092

Resolution of the Claiborne County Commission declaring its support of
the Second Amendment of the United States Constitution

NOW, THEREFORE, BE IT RESOLVED, that the Claiborne County Commission hereby has, declared Claiborne County to be a “Second Amendment Sanctuary County”, meaning that Claiborne County will provide safe haven and protect the United States Constitution and the 2 Amendment Rights of law-abiding Claiborne County citizens.

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

PASSED AND APPROVED, 16TH DAY OF December 2019.

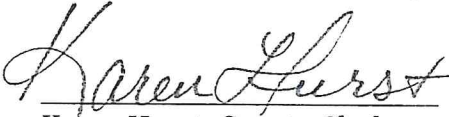


Joe Brooks, County Mayor

Zach Mullins, County Commissioner

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11-22-19 1:15 pm
KCR

ATTEST:



Karen Hurst, County Clerk

ITEM #4 – RES. 2019-093 – CLAIBORNE COUNTY SHERIFF’S DEPARTMENT (budget amendment)

MOTION: Commissioner Cosby – to approve
SECOND: Commissioner Large

ROLL CALL VOTE: 19 for; 0 against; 1 abstain / Motion carried
(Commissioner Murphy announced that, as an employee of the Claiborne County Sheriff's Department, he has a conflict and will abstain from voting on this matter.
(Resolution as follows)

RESOLUTION NO. 2019-093.
Claiborne County Salary Supplement

WHEREAS, the Claiborne County needs to amend the Sheriff’s Department Budget in order to reflect the increased state reimbursement money to be received for the 2019-2020 school year.

WHEREAS, this resolution involves no local tax dollars.


THEREFORE, the following budget amendment must be approved.

<u>Revenue</u>	<u>INCREASE</u>
46210 Law Enforcement Training Program	\$8800
<u>Expenditures</u>	
54110-140 Salary Supplements	\$8800

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Claiborne County, Tennessee, assembled in regular session on the 16th day of December 2019, that such resolution be passed.

NOW, THEREFORE, BE IT FURTHERRESOLVED, that this resolution takes effect from and after its passage, the public welfare requiring it.

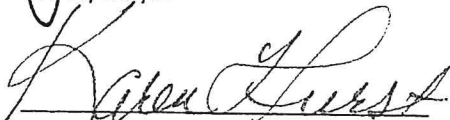
PASSED AND APPROVED THIS 16th day of December 2019.



County Mayor



Commission Sponsor



County Court Clerk

RECEIVED
11-27-19 11:35am
KCh

ITEM #5 – RES. 2019-094 – BOARD OF EDUCATION (budget amendment)
ITEM #6 – RES. 2019-095 – BOARD OF EDUCATION (budget amendment)
ITEM #7 – RES. 2019-096 – BOARD OF EDUCATION (budget amendment)

MOTION: Commissioner Peters – to combine items #5, 6 and 7 and approve
SECOND: Commissioner Cosby

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

Claiborne County Board of Education
RESOLUTION 2019-094

December 12, 2019

WHEREAS, the Claiborne County Board of Education has received a SPIRE grant in the amount of \$36,000, and this needs to be added to the General Purpose Budget in order to adhere to grant guidelines, and

WHEREAS, this resolution involves no local tax dollars.

BE IT THEREFORE RESOLVED by the Claiborne County Commission in session December 16, 2019 that the Claiborne County Board of Education be authorized to amend the General Purpose Budget by adjusting the following line items.


REVENUE

INCREASE

Account Code No.	
47590	Other Federal thru State Revenue
	\$36,000


EXPENDITURES

Account Code No.	
71300/730	Vocational Equipment
	36,000


Dr. Linda Keck
Claiborne County Schools

Shawn Peters

Commission Sponsor


Angelia Tucker
Finance Director

RECEIVED
12-19-19 3:20 pm
RH

Claiborne County Board of Education
RESOLUTION 2019-095

December 12, 2019

WHEREAS, the Claiborne County Board of Education has received an additional \$1,500 in the Family Resource Grant, and this needs to be added to the **General Purpose Budget** in order to adhere to grant guidelines, and

WHEREAS, this resolution involves no local tax dollars.

BE IT THEREFORE RESOLVED by the Claiborne County Commission in session December 16, 2019 that the Claiborne County Board of Education be authorized to amend the **General Purpose Budget** by adjusting the following line items.

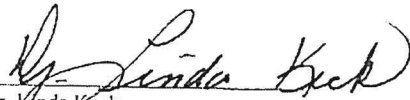
REVENUE

INCREASE

Account Code No.	
46590	Other State Revenue
	\$1,500

EXPENDITURES

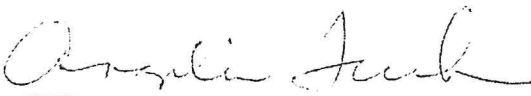
Account Code No.	
73300-499	Other Supplies
	1,500



Dr. Linda Keck
Claiborne County Schools

Shawn Peters

Commission Sponsor



Angelia Tucker
Finance Director

RECEIVED
12-2-19 3:20 pm
pk

Claiborne County Board of Education
RESOLUTION 2019-096

December 12, 2019

WHEREAS, the Claiborne County Board of Education has received E-rate dollars in the amount of \$8,615.64 to be expended for technology, and

WHEREAS, these dollars need to be entered into the **General Purpose Budget**, and

WHEREAS, this resolution involves no local tax dollars.

BE IT THEREFORE RESOLVED by the Claiborne County Commission in session December 16, 2019 that the Claiborne County Board of Education be authorized to amend the **General Purpose Budget** by increasing the following line items.

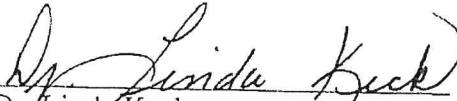
REVENUE

INCREASE

Account Code No.	
44170	Miscellaneous Refunds
	\$8,616

EXPENDITURES

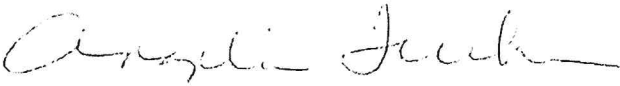
Account Code No.	
72250-790	Other Equipment
	\$8,616



Dr. Linda Keck
Claiborne County Schools

Shawn Peters

Commission Sponsor



Angelia Tucker
Finance Director

RECEIVED
12-2-19 3:20 pm
JK

ITEM #8 – RES. 2019-097 – CREEK ROAD (9th District)

MOTION: Commissioner Hatmaker – to approve
SECOND: Commissioner Mundy

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

RESOLUTION NO. 2019-097

WHEREAS, Kopper Glo Mining, LLC has requested permission to permit and bond the portion of Creek Road (located in the Ninth District of Claiborne County), beginning at the road intersection at the southwestern end of the existing concrete bridge over Straight Creek, being 2 miles southeast of the intersection with State Route Highway 90 and extending 2.1 miles to the intersection with Haul Road "1R". Kopper Glo Mining, LLC will perform maintenance and repairs on this permitted and bonded section of Creek Road, in a timelier manner than that allowed by the Claiborne County Highway Department's schedule. This road will be left as a permanent road upon the completion of mining and reclamation.

THEREFORE, be it resolved, by the Board of Commissioners of Claiborne County, Tennessee, assembled in session on the 16th day of December, 2019 that such resolution is approved.

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

PASSED AND APPROVED this 16th day of December, 2019.

Ronnie Pittman, Road Superintendent



Joe Brooks, County Mayor

James Hatmaker

Commissioner Sponsor

ATTEST:



Karen Hurst, County Clerk

ITEM #9 – RES. 2019-098 – ATF REIMBURSEMENT

MOTION: Commissioner Nathan Epperson – to approve
SECOND: Commissioner Large

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

RESOLUTION NO. 2019-098
ATF Reimbursement

WHEREAS, the Claiborne County needs to amend the Sheriff's Department Budget in order to reflect the agreement with the United States Department of Justice for the 2019-2020 fiscal year.

WHEREAS, the Claiborne County Sheriff's Department is in agreement with the United States Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for reimbursement of overtime while providing resources to assist ATF in an amount not to exceed 16,000 annually.

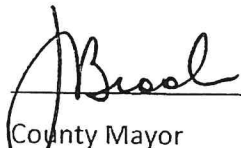
THEREFORE, the following budget amendment must be approved.

<u>Revenue</u>	<u>INCREASE</u>
47990- Other Direct Federal Revenue	\$16,000
<u>Expenditures</u>	
54110-187-ATF Overtime Pay	\$16,000

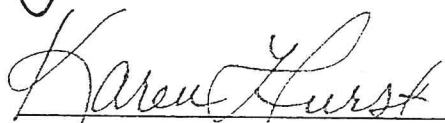
BE IT FURTHER RESOLVED, by the Board of County Commissioners of Claiborne County, Tennessee, assembled in regular session on the 16th day of December 2019, that such resolution be passed.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that this resolution takes effect from and after its passage, the public welfare requiring it.

PASSED AND APPROVED THIS 16th day of December 2019.


County Mayor


Commission Sponsor


County Court Clerk

12-16-19 12:30 pm
pk

ITEM #9A – DISCUSSION – AMEDISYS

Ladonna King, a nurse representing Amedisys Home Healthcare, addressed the commission with concerns over an incident that occurred involving a dog attack on a nurse employed by Amedisys. Ms. King brought up questions concerning what the laws of the county for animal control and what measures could be taken to prevent anything of this nature from occurring again.

**ITEM #9B – DISCUSSION – COUNTY MAYOR ON NRPO PROJECT RANKING LIST
DECEMBER 16, 2019**

County Mayor addressed the commission and provided report of current road projects and how the projects move from phases or levels and how the selections occur.

ITEM #9C – RES. 2019-099 – PAYMENT OF ADA SELF-EVALUATION

MOTION: Commissioner Honeycutt – to approve
SECOND: Commissioner Nathan Epperson

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

RESOLUTION NO. 2019 – 099
RESOLUTION FOR PAYMENT OF ADA SELF-EVALUATION

WHEREAS, the State of Tennessee is working to ensure all individuals with disabilities have access to all government buildings; and

WHEREAS, to accomplish this, the State of Tennessee is requiring all its ninety-five counties to become ADA compliant or loose Tennessee Department of Transportation (TDOT) funding; and

WHEREAS, the State of Tennessee has put in place an ADA Transition mandate that requires all counties to submit a formal transition plan by December 31, 2019; and

WHEREAS, the Building's, Ground's and Personnel Committee voted unanimously to have Partners Development to perform the required self-evaluation; and

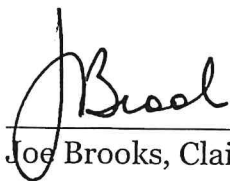
WHEREAS, the cost associated with the self-evaluation is Twenty-Eight Thousand Nine Hundred Eighty Dollars (\$28,980); and

IT IS THEREFORE RESOLVED, the Claiborne County Commission meeting in regular session on the 16th day of December, 2019 hereby authorize Joe Brooks, County Mayor to retain the services of Partners Development to perform an A.D.A. evaluation on behalf of Claiborne County, Tennessee for the sum of \$28,890.00.

IT IS FURTHER RESOLVED, the cost shall be paid from undesignated fund surplus transferred to line item 51800-308, County Buildings-Consultants.

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

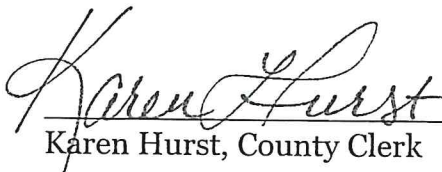
PASS AND APPROVED this 16th day of December, 2019.



Joe Brooks, Claiborne County Mayor

Juanita Honeycutt, County Commissioner

ATTEST:



Karen Hurst, County Clerk

ITEM #10 – ADJOURNMENT

MOTION: Commissioner Mundy – to adjourn

SECOND: Commissioner Vass

Motion carried by aye vote / Meeting adjourned

Karen Lust
Co. Clerk