

**RUTHERFORD COUNTY,
TENNESSEE
BOARD OF
COMMISSIONERS
LEGISLATIVE MINUTES**

**THURSDAY,
February 14, 2013**

RUTHERFORD COUNTY BOARD OF COMMISSIONERS

AGENDA

FEBRUARY 14, 2013 6:00 P.M.

RUTHERFORD COUNTY COURTHOUSE, COURTROOM

- A. Commission called to order by Chairman
 - B. Prayer
 - C. Pledge to Flag
 - D. Roll Call
 - E. Reading and Approval of the Minutes
 - F. Resolutions of Sympathy:
 - 1. Roger Allen
 - 2. Laughlin Youree

 - G. Resolution of Appreciation for Ernest K. Johns
 - H. Public Comments

 - I. **ELECTIONS & CONFIRMATIONS**
 - 1. Elect Notaries
 - 2. Fill Vacancy on Conservation Board
 - 3. Fill County Historian Vacancy

 - J. **UNFINISHED BUSINESS**

 - K. **PUBLIC HEARING – 6:30 P.M.**
 - 1. Planning Department – 13-A001 – Multiple Rezonings
 - 1. Location: 5700 Epps Mill Road & Miller Road (Map: 156, Parcel: 47.00)
Proposal: From RM to Employment & Activity Center (EAC)
 - 2. Location: Lascassas Pike (Map: 61, Parcel: 29.05)
Proposal: From RM to Commercial Services (CS)
 - 3. Location: 8100 Franklin Road (Map: 94, Part of Parcel: 53.00)
Proposal: From RM to Planned Unit Development (PUD)
 - 4. Location: West Jefferson Pike (Map: 26, Part of Parcel: 24.00)
Proposal: From RM to Employment & Activity Center (EAC)
 - 5. Location: 4024 Barfield Crescent Road (Map: 137, Parcel 18.01)
Proposal: From RM to Agricultural Residential (AR)
 - 6. Location: 3199 Franklin Road (Tax Map: 920, Group: A, Parcel: 17.00)
Proposal: From RM to Office Professional (OP)
 - 7. Location: 2887 Barfield Road (Tax Map: 124, Parcel 15.00)
Proposal: From RM to Rural Center (RC)

 - L. **REPORTS BY STANDING COMMITTEES**
 - 1. **PURCHASING COMMITTEE**
 - A. Monthly Report

 - 2. **BUDGET, FINANCE & INVESTMENT COMMITTEE**
 - A. General Fund Budget Amendments
 - 1. Juvenile Detention
 - 2. Employee and Dependent Insurance (Various Funds)
 - 3. Operating Transfers (Sheriff's Department Annex)
 - 4. Sheriff's Department/Jail (4)
 - B. Resolution Authorizing 2012 Homeland Security Grant Contract and Related Budget Amendment
 - C. Resolution Authorizing 2013 Hazardous Materials Emergency Planning Grant and Related Budget Amendment
 - D. Special Purpose (DEA) Fund Budget Amendment
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- E. Solid Waste/Sanitation Fund Budget Amendment
- F. Education Capital Projects Fund Budget Amendment
- G. Resolution Amending Rutherford County Dental Plan
- H. Resolution Authorizing Agreement with Tennessee Department of Health for the Support of the Rutherford County Health Department
- I. Resolution Amending Contract in Lieu of Performance Bond for the Rutherford County Landfill
- J. Resolution Endorsing Concept of Hiring Additional School Resource Officers for Elementary Schools

3. **HEALTH & EDUCATION COMMITTEE**

- A. No Report

4. **PROPERTY MANAGEMENT COMMITTEE**

- A. No Report

5. **PUBLIC SAFETY COMMITTEE**

- A. No Report

6. **PUBLIC WORKS & PLANNING COMMITTEE**

- A. Lascassas Convenience Center Site

7. **STEERING, LEGISLATIVE & GOVERNMENTAL COMMITTEE**

- A. Resolution to Approve Amendment to Private Acts of 1947, Chapter 384, Section 16 as Amended by Private Acts of 1977, Chapter 76 Relating to Duties of the General Sessions Judges

M. **ANY OTHER BUSINESS**

In accordance with ADA (Americans with Disabilities Act), any disabled persons requiring accommodations for participation in the meeting should contact the County Mayor's Office at 898-7745 at least two working days prior to the meeting in order that appropriate accommodations can be made.

**LEGISLATIVE DIGEST
OF THE
RUTHERFORD COUNTY
BOARD OF COMMISSIONERS**

Thursday, February 14, 2013

- A. Mr. Chairman, Ernest Burgess, called the regular session of the Rutherford County Board of Commissioners to order at 6:00 p.m. on Thursday, February 14, 2013, in the Courtroom of the Rutherford County Courthouse in Murfreesboro, Tennessee.
- B. Commissioner Brad Turner led the invocation.
- C. Commissioner Stave Sandlin led the pledge to our flag.
- D. Twenty (20) of the Rutherford County Board of Commissioners were present for the opening of the Legislative Meeting.
- E. The January 2013 Legislative Meeting Minutes were approved.
- F. Resolutions of Sympathy in honor of Roger Allen and Laughlin Youree were presented.
- G. A Resolution of Appreciation was presented to honor Ernest K. Johns for his years of service to Rutherford County.
- H. **PUBLIC COMMENTS**
Mr. Donald Todd opposes a tax increase and urged the Commission not to support, or consider, an increase.
Eighteen county citizens spoke in reference to the proposed move of the Lascassas Convenience Center. Of the 18 citizens, two (2) supported the move, nine (9) opposed moving the center to the Community Center, and seven (7) prefer the county find alternative locations for consideration. Plus, Chairman Burgess was presented a petition that reportedly includes 466 names and addresses of citizens that oppose the move to the Community Center.
- I. **ELECTIONS & CONFIRMATIONS**
 - 1. The Notary Public-at-Large Applications were approved as presented.
 - 2. Mr. Clarence Brandon was named to the Conservation Board.
 - 3. Mr. Greg Tucker was named the County Historian.
- J. **UNFINISHED BUSINESS**
None Reported
- K. **PUBLIC HEARINGS – 6:30 P.M.**
County Planning presented item 13-A001, multiple re-zonings. The item was approved.
- L. **REPORTS BY STANDING COMMITTEES**
 - *6. **PUBLIC WORKS & PLANNING COMMITTEE**
(*Chairman Burgess requested a change in the order of business)
The Public Comments period continued through completion.
A motion to purchase property currently occupied by the Lascassas Convenience Center was approved.
 - 1. **PURCHASING COMMITTEE REPORT**
 - A. Report Approved

2. BUDGET, FINANCE & INVESTMENT COMMITTEE

- A. General Fund Budget amendments were approved.
- B. A resolution to authorize the 2012 Homeland Security Grant Contract and a related Budget Amendment was approved.
- C. A resolution to authorize the 2013 Hazardous Materials Emergency Planning Grant and a Related Budget Amendment was approved.
- D. The Special Purpose (DEA) Fund Budget Amendment was approved.
- E. The Solid Waste/Sanitation Fund Budget was amended.
- F. The Education Capital Projects Fund Budget was amended.
- G. A resolution to amend the Rutherford County Dental Plan was approved.
- H. An Agreement with the Tennessee Department of Health for the support of the Rutherford County Health Department was authorized.
- I. A resolution to amend the Contract in Lieu of Performance Bond for the Rutherford County Landfill was approved.
- J. A resolution to endorse the concept of Hiring Additional School Resource Officers for Elementary Schools was approved.

3. HEALTH & EDUCATION COMMITTEE

- A. No Report

4. PROPERTY MANAGEMENT COMMITTEE

- A. No Report

5. PUBLIC SAFETY COMMITTEE

- A. No Report

7. STEERING, LEGISLATIVE & GOVERNMENTAL COMMITTEE

- A. A Resolution to approve Amendment to Private Acts of 1947, Chapter 384, Section 16 as Amended by Private Acts of 1977, Chapter 76 Relating to Duties of the General Sessions Judges, was approved.

8. ANY OTHER BUSINESS

Chairman Burgess, speaking on behalf of Commissioner Robert Peay, announced a "Ham Breakfast" to benefit the Kittrell Volunteer Fire Department. The breakfast is Saturday, February 17, from 6:00 to 10:00 a.m.

There being no further business, Mr. Chairman Ernest Burgess adjourned the Rutherford County Board of Commissioners Legislative Meeting. Time of adjournment was 9:07p.m.


Lisa Duke Crowell
Rutherford County Clerk


Rick Spence
Legislative Secretary

**** This document is a public record. Complete Legislative Minutes and all related documentation is available for review at the Office of the Rutherford County Clerk.



**ITEM A.
MEETING CALLED TO ORDER**

Mr. Chairman, Ernest Burgess, called the regular session of the Rutherford County Board of Commissioners to order on Thursday, February 14, 2013, at 6:00 p.m. in the Courtroom of the Rutherford County Courthouse in Murfreesboro, Tennessee.

**ITEM B.
PRAYER**

Commissioner Brad Turner led the invocation.

**ITEM C.
PLEDGE**

Commissioner Steve Sandlin led the pledge to the flag of the United States.

**ITEM D.
ROLL CALL**

County Clerk, Lisa Duke Crowell, called the Roll and upon Roll Call the following Commissioners were:

ROLL CALL

Doug Shafer – present	Rhonda Allen – present
Jack Black – present	Robert Stevens – present
Will Jordan – present	Jeff Jordan – present
Robert Peay – present	Charlie Baum – present
Carol Cook – present	Adam Coggin – present
Joe Frank Jernigan – present	Matthew Young – present
Gary Farley – present	Jeff Phillips – present
Tiffany Phillips – absent	Allen McAdoo – present
Steve Sandlin – present	Joyce J. Ealy – present
Brad Turner - present	Trey Gooch –present
Chantho Sourinho – present	

A quorum present, Chairman Burgess called for the first item on the Agenda.

**ITEM E.
APPROVAL OF COMMISSION MINUTES**

MOTION

Commissioner Jeff Phillips moved, second by Commissioner Brad Turner, to dispense with the reading of the minutes of January 17, 2013, and approve the minutes by acclamation.

MOTION ADOPTED BY VOICE VOTE.

**ITEM F.
RESOLUTION OF SYMPATHY**

ITEM F. 1. – Roger Allen

RESOLUTION OF SYMPATHY

WHEREAS, it was with great sadness that the Rutherford County Board of Commissioners learned of the death of Roger Lee Allen, former Director of the Rutherford County Emergency Management Agency, and friend of many; and

WHEREAS, Mr. Allen is survived by his wife of 42 years, Janene Delle Allen; children, Sonja (Curtis) Tate, Kayla Allen, and Chantele (Thomas) Jacobs; six grandchildren and one great-granddaughter; and

WHEREAS, Mr. Allen served 20 years in the United States Army earning his silver Star and two Purple Hearts; and

WHEREAS, he was one of the first building code officials in Rutherford County, was a volunteer firefighter with Salem-Blackman Volunteer Fire Department and lead its Board of Directors for several years, and served as Assistant Director of the Rutherford County Emergency Management Agency; and

WHEREAS, Mr. Allen retired as Director of the Rutherford County Emergency Management Agency in October 2012 after 25 years of service; and

WHEREAS, we know that his passing has caused great sadness to his family and friends.

NOW, THEREFORE, BE IT RESOLVED that the Rutherford County Board of Commissioners at its regular session on this 14th day of February 2013, does hereby extend sincere sympathy to the family of Roger Lee Allen; and

BE IT FURTHER RESOLVED that a copy of this Resolution of Sympathy be forwarded to the family of Mr. Allen by the Clerk of this Legislative Body.

Ernest Burgess

Jack Black

Will Jones

Robert Reynolds

Carol Cook

Joe Frank Jennings

Carl Taylor

James J. Foley

Jeffrey W. Dralman

Alan F. Sizj

Doug J. Hester

Steve Taylor

Brad Hines

Shonda P. All

Robert Stevens

Ed Krasilo

Drew Good

Allen M. Hester

Mark E. Hester

Charles L. Baum II

Jeff Good

MOTION

Commissioner Gary Farley moved, second by Commissioner Will Jordan and many others, to approve the Resolution of Sympathy in honor of Roger Allen.

MOTION ADOPTED BY UNANIMOUS VOICE VOTE.

ITEM F.2. Laughlin Youree

RESOLUTION OF SYMPATHY

WHEREAS, it was with great sadness that the Rutherford County Board of Commissioners learned of the death of William Laughlin Youree, a member of the Rutherford County Board of Equalization and a friend of many; and

WHEREAS, Mr. Youree is survived by his wife of 50 years, Berry Ann Moore Youree, daughters, Cynthia (James) Gill, Charlotte (Joey) Peay, Cheryl (Edward) Yager, and Carla (Matthew) Bush; and eight grandchildren; and

WHEREAS, Mr. Youree served for two years in the United States Army, was the Clerk of Session and an Elder for Cripple Creek Presbyterian Church and was active in the Presbytery of Middle Tennessee; and

WHEREAS, Mr. Youree, who was a farmer, spent twenty-five years as a loan officer for Production Credit Association and time with First National Bank in Woodbury before becoming a certified real estate appraiser; and

WHEREAS, Mr. Youree was the Kittrell Fire Department Board President, Farm Bureau Board member, American Society of Farm Managers & Rural Appraisers, past President of the Tennessee Society of Farm Managers and Rural Appraisers, member of the Tennessee Cattleman's Association, The Gideon's International, Lions Club, Soil Conservation Services Supervisor, and he was a charter member of MTSU's Block & Bridle; and

WHEREAS, we know that his passing has caused great sadness to his family and friends.

NOW, THEREFORE, BE IT RESOLVED that the Rutherford County Board of Commissioners at its regular session on this 14th day of February 2013, does hereby extend sincere sympathy to the family of Laughlin Youree; and

BE IT FURTHER RESOLVED that a copy of this Resolution of Sympathy be forwarded to the family of Mr. Youree by the Clerk of this Legislative Body.

Ernest Burgess

Judy Black

Bill Jack

Robert Peay

Carol Cook

Frank Young

Carl Puley

John F. Caley

James W. Miller

Alan H. [unclear]

Doug Stefan

Steve [unclear]

Brod [unclear]

Shonda [unclear]

Robert [unclear]

Don [unclear]

Eric [unclear]

Allen [unclear]

Mark [unclear]

Charles A. Baum II

Jeff Jordan

MOTION

Commissioner Robert Peay moved, second by Commissioner Will Jordan, to approve the Resolution of Sympathy in honor of Laughlin Youree.

MOTION ADOPTED BY UNANIMOUS VOICE VOTE.

ITEM G.
RESOLUTION OF APPRECIATION – Ernest K. Johns

RESOLUTION OF APPRECIATION FOR ERNEST K. JOHNS

WHEREAS, the Rutherford County Board of Commissioners should pause and recognize those individuals who have made a substantial and positive impact on the people of Rutherford County; and

WHEREAS, Ernest K. Johns, also known as Ernie Johns, is one such individual; and

WHEREAS, Ernie Johns was born in Rutherford County; and

WHEREAS, Ernie Johns graduated from Smyrna High School in 1952; and

WHEREAS, Ernie Johns graduated from the University of Tennessee in 1956 with a degree in geology; and

WHEREAS, Ernie Johns proudly served his country as a member of the United States Air Force; and

WHEREAS, Ernie Johns has been married to Mary Lou Johns for fifty-five years and has two children: Gregory Johns and Keith Johns; and

WHEREAS, Ernie Johns served two terms on the Rutherford County Board of Commissioners from 1990–1998; and

WHEREAS, Ernie Johns has been heavily involved throughout Rutherford County as a businessman, a leader in civic organizations such as the Smyrna Lions Club, and a tireless advocate for promoting local history; and

WHEREAS, Ernie Johns was a founding member of the Rutherford County Historical Society and has previously served as its president; and

WHEREAS, Ernie Johns has contributed many scholarly articles to historical publications, including the Historical Society's monthly publication, *Frow Chips*, in addition to helping lead local efforts to locate and preserve Rutherford County's cemeteries by co-authoring several books; and

WHEREAS, Ernie Johns has ably and selflessly served as Rutherford County's Historian since 1982; and

WHEREAS, the people of Rutherford County have greatly benefited from the continual and reliable service Ernie Johns has provided, and, therefore, this legislative body should honor Ernie Johns for the positive impact he has made by appointing him to serve as Rutherford County Historian Emeritus.

NOW, THEREFORE, BE IT RESOLVED by the members of the Rutherford County Board of Commissioners that this legislative body hereby creates the honorary and non-compensated office of Rutherford County Historian Emeritus; and

BE IT FURTHER RESOLVED that this legislative body elect and appoint Ernest K. Johns to serve as Rutherford County Historian Emeritus, effective immediately; and

BE IT FURTHER RESOLVED that the Board of Commissioners adopts this resolution to sincerely thank Ernie Johns for his dedicated service to Rutherford County and wish him and his family much happiness and success in the future.

RESOLVED this 14th day of February, 2013.

<u>Ernest Burgess</u>	<u>Doug Shaper</u>
<u>Jack Black</u>	<u>Steve Jaki</u>
<u>Wm D</u>	<u>Brad Myers</u>
<u>Robert Keys</u>	<u>Theresa P. All</u>
<u>Carol Cook</u>	<u>Robert Stevens</u>
<u>Joe Frank Jennings</u>	<u>A. W. Hoar</u>
<u>Gary Kules</u>	<u>Terry Seal</u>
<u>Steve J. Foley</u>	<u>Allen McArthur</u>
<u>Gregory W. Phillips</u>	<u>Phil J</u>
<u>Adam G. Lutz</u>	<u>Charles L. Baum II</u>
<u>Jeff J. Goble</u>	

MOTION

Commissioner Robert Stevens moved, second by Commissioner Jack Black, to approve the Resolution of Appreciation in honor of Ernie Johns

MOTION ADOPTED BY UNANIMOUS VOICE VOTE.

ITEM H. PUBLIC COMMENTS

VISITORS THAT REQUEST TO SPEAK AT COUNTY COMMISSION MEETING ON

Feb. 14, 2013

DATE	NAME & PHONE NUMBER	TOPIC
① 2-6-13	Stanley Word 708-1898	Lascassas Conv. Ctr.
② 2-6-13	Wayne Wood 273-2102	" "
③ 2-6-13	Melinda Brown Black 631-3922	" "
④ 2-6-13	Stan Vaught (456-4600)	" " "
⑤ 2-6-13	John Wilkinson (957-4125)	" " "
⑥ 2-6-13	Chuck Clark (400-9050)	" " "
⑦ 2-6-13	Christian Wrather (533-0136)	" " "
⑧ 2-6-13	Christy Martin 719-6502	" " "
⑨ 2-7-13	Mike Vaught 396-7208	" " "
⑩ 2-8-13	John Welker 631-7610	" "
⑪ 2-11-13	Gandy Wells 273-2591	" "
⑫ 2-11-13	Donald Todd 217-8466	Rford Co. Can avoid a tax increase
⑬ 2-11-13	Brad Rayles 556-4871	Lascassas Conv. Ctr.
⑭ 2-11-13	Darren Drake 410-3919	" "
⑮ 2-13-13	Penny Hooper 273-2172	" "
⑯ 2-14-13	Steve Ayers 890-7049	Hiring new SRD's
⑰ 2-14-13	Nancy Dill 828-8820	Lascassas Conv. Ctr.
⑱ 2-14-13	Melody Sorensen 406-8388	" "
⑲ 2-14-13	Lisa Dill 390-1404	" "
⑳ 2-14-13	Aaron Sorensen 542-0897	" "
㉑ 2-14-13	Raylon Perry 273-2724	" "
㉒ 2-14-13	Angela Cetter 971-0663	" "

While twenty-one (21) citizens signed up to speak, two of those citizens were not present for the hearing.

Eighteen (18) county citizens spoke in reference to the proposed move of the Lascassas Convenience Center. Of the 18 citizens, two (2) supported the move, nine (9) opposed moving the center to the Community Center, and seven (7) prefer the county find alternative locations for consideration. Plus, Chairman Burgess was presented a petition that reportedly includes 466 names and addresses of citizens that oppose the move to the Community Center.

Mr. Donald Todd, the only speaker to not discuss the Convenience Center, opposes a tax increase and urged the Commission not to support, or consider, an increase. Here are his remarks:

633 Buck Lane
Murfreesboro, Tennessee 37129
February 14, 2013

To the Rutherford County Commission and Mayor Burgess:

Rutherford County Can Avoid a Tax Increase

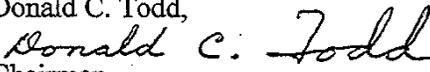
Just recently, I heard one of you commissioners say that our County is seriously considering a tax increase for the 2013-2014 fiscal year. Our message has been : “we can and must avoid a tax increase”.

Rutherford County needs to urge the Tennessee Legislature to adopt a law during 2013 which would do the following:

- A. the law would require cities, counties, and the state governments to stop using huge cash balances of Surplus Revenue for purposes other than the purpose for which the appropriations were originally made; in other words, stop investing the Surplus Revenue in three major investment accounts in banks, especially if, in doing so, a raise in taxes would become necessary. Bankers unconstitutionally are using taxpayers’ Surpluses to expand their loan businesses; and, taxpayers receive no financial benefit whatsoever. In fact, in order to honor the citizens’ Fifth Amendment rights, one state refunded Surplus Revenues to the taxpayers, statewide.
- B. The law should also require that: when a shortfall in one of the government’s Funds seems likely to occur in the next fiscal year’s budget, it should be a priority to recycle adequate Surplus Revenue to that particular Fund, showing a shortfall, especially when this recycling would result in preventing a tax increase. Therefore this new state law would eliminate several NML or TML rules.

I know that a few of you County commissioners have asked, “why does Rutherford County, over the last several years, continue to create huge cash balances of Surplus Revenue in several major funds, including the General Debt Service Fund?” And, instead of paying off our terrible debt, Surpluses are used for the wrong purpose.

Let’s take a look at the General Debt Service Fund. How can Rutherford County justify to taxpayers a tax increase for next year, when it is plain to see that, in this fund alone, an average cash balance of Surplus Revenue , totaling 32 million dollars, has existed in each one of the last seven years within the category entitled “Equity in Pooled Cash and Investments”? And, when the taxpayers learn that TML or Federal Reserve agents have apparently forced nonsensical rules (not laws) upon our local governments and have prevented cities, counties, and states nationwide from recycling the Surplus Revenue to the next fiscal year’s budget, the citizens become angry and demand that these local governments recycle their Surplus Revenue to next year’s budget because this often eliminates a shortfall in a Fund and prevents a tax increase. Even without this proposed law, Rutherford County must ignore the TML in order to avoid Socialism.

Donald C. Todd,

Chairman,
Republican Precinct No. 163

**ITEM I.
ELECTIONS & CONFIRMATIONS**

**ITEM I.1.
NOTARY PUBLIC-AT-LARGE**

RUTHERFORD COUNTY CLERK
LISA CROWELL COUNTY CLERK
319 N. MAPLE STREET
MURFREESBORO TN 37130
Telephone 615-898-7800
Fax 615-217-6597

Notaries to be elected February 14, 2013

JANET ADAMS	MELISSA MCLAUGHLIN
CEDRIC F. ALFORD	SCOTT R. MERKLE
INGRA L. BAKER	CINDY MINGLE
AMY MICHELLE BARRETT	CINDY K. MOONEYHAM
JILLIAN BARTON	SHELIA Y. MORRIS
SAMMY BASS	KATIE MORRIS
NICOLE LYNAM BIRD	KAREN E.S. MULLINS
CARLA V. BLACKMON	ALYCIA NOLAND
DONNA K. BLYTHE	GEORGETTE NORMAN
SARAH D BOWERS	JOE B. O'STEEN JR.
MYRA C. BUGG	SUSAN OWENS
SUZANNE BURNETTE	PENNY POTEAT
SARAH E BYERS	WILLIAM R. PRATT
CAREY A. CLARK	LYNNE M. PRICE
DEBORAH B CROCKER	STACEY T PRINCE
CHRISTINA EICHINGER	ANGIE R. RAPER
AMANDA L FAULK	JULIE N. READ
RYAN A. FREEZE	WESLEY RING
MONICA GAMBILL	LEON SHARBER
MICHELLE GARCIA	EDWARD SIMMONS
KIM C. GILLELAND	SUSAN E. SMITH
LINDA F. GODDARD	ANNA STAGNER
GARY HEATH	SONYA E. STEPHENSON
MONICA P HELTON	JOHN R. TOY II
TERESA ELAINE HOBSON	BRIAN TRAVIS
JENNIFER LOVE HOLTON	JENNIFER TREW
ANGELA LEE HUNTER	LYNZI J. TYUS
MARY B JAKES	BOUASAVANH VANKHAM
SARAH J JAMISON	KATHLEEN T. VENAFRO
ALISA MICHELLE JERNIGAN	ELIZABETH R. WALLER
SUSAN S. JOHNSON	SUZANNE C WILLIAMS
TONGIA E. KEY	BEVERLY YOUSEFZADEB
CINDY S. MAY	

MOTION

Commissioner Trey Gooch motioned, second by Commissioner Steve Sandlin, to approve the notary applicants as presented.

MOTION PASSED BY UNANIMOUS VOICE VOTE

ITEM I.2.**Fill Vacancy on Conservation Board**

Commissioner Trey Gooch motioned, second by Commissioner Robert Peay, to confirm the appointment of Clarence Brandon to the Conservation Board.

MOTION APPROVED BY UNANIMOUS VOICE VOTE**ITEM I.3.****Fill County Historian Vacancy**

Commissioner Trey Gooch announced the Steering Committee recommends Greg Tucker to fill the County Historian vacancy. Mr. Gooch motioned, second by Commissioners Joe Frank Jernigan and Doug Shafer, to approve the recommendation.

MOTION APPROVED BY UNANIMOUS VOICE VOTE**ITEM J.****UNFINISHED BUSINESS**

None Presented

**ITEM K.
PUBLIC HEARINGS – 6:30**

**ITEM K.1.
13-A001 – Multiple Re-Zonings**

**A RESOLUTION TO AMEND
THE RUTHERFORD COUNTY ZONING MAP
ADOPTED NOVEMBER 15, 2012**

WHEREAS, the Rutherford County Regional Planning Commission in regular session on January 14, 2013 completed a detailed analysis of properties referenced by file 13-A001 submitted by the Planning Department, and recommended approval of the application by a vote of 9 for, 0 against; and

WHEREAS, due notice was published and a hearing held in accordance with Tennessee Code Annotated 13-7-105 and Section 1409 of the Rutherford County Zoning Ordinance; and

WHEREAS, it had been determined that the proposed rezoning of the above referenced properties will not adversely affect the health, safety, or general welfare of the citizens of Rutherford County and the surrounding community; and

WHEREAS, it had been determined that the proposed rezoning of the above referenced properties is consistent with the land use policies within the Rutherford County Comprehensive Plan; and

NOW THEREFORE BE IT RESOLVED by the Rutherford County Board of Commissioners that:

The Zoning Map of Rutherford County be amended by rezoning the following properties:

- Tax Map Number 156, Parcel 47.00, located in the 25th Civil District, at 5700 Epps Mill Road, containing approximately 84 acres, from Medium Density Residential (RM) to **Employment and Activity Center (EAC)**
- Tax Map Number 61, Parcel 29.05, located in the 22nd Civil District, on Lascassas Pike, containing approximately 5.67 acres, from Medium Density Residential (RM) to **Commercial Services (CS)**
- Tax Map Number 94, Part of Parcel 53.00, located in the 7th Civil District, at 8100 Franklin Road, containing approximately 74.95 acres, from Medium Density Residential (RM) to **Planned Unit Development (PUD)**, being more particularly described as follows:

A TRACT OF LAND IN THE 7TH CIVIL DISTRICT OF RUTHERFORD COUNTY, TENNESSEE, BOUNDED ON THE NORTH BY THE REMINING LANDS OF SPRINGHOUSE DEVELOPMENT LLC (R.B. 780, PG. 3310), ON THE EAST BY LUCY BASKIN HOLLIS (R.B. 470, PG. 1165), ON THE SOUTH BY THE RIGHT OF WAY FOR FRANKILN ROAD (HIGHWAY 96) AND ON THE WEST BY J. AVENT DISMUKES ET UX (D.B. 300, PG. 300), JAMES EARL WILSON (R.B. 342, PG. 2115), AND DELORIS C. ODUM (D.B. 312, PG. 647). PROPERTY IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE HIGHWAY MONUMENT IN NORTHERLY RIGHT OF WAY FOR FRANKLIN ROAD (STATE ROUTE 96), THE SOUTHEAST CORNER OF DISMUKES; THENCE LEAVING SAID RIGHT OF WAY, WITH THE EASTERLY LINE OF DISMUKES, NORTH 03 DEGREES 59 MINUTES 48 SECONDS EAST A DISTANCE OF 1191.50 FEET TO THE SOUTHEAST CORNER OF WILSON; THENCE WITH THE EASTERLY LINE OF WILSON, NORTH 07 DEGREES 01 MINUTES 54 SECONDS EAST A DISTANCE OF 717.65 FEET TO THE SOUTHEAST CORNER OF ODUM; THENCE WITH THE EASTERLY LINE OF ODUM, NORTH 06 DEGREES 21 MINUTES 24 SECONDS EAST A DISTANCE OF 825.80 FEET; THENCE WITH A NEW LINE SEVERING THE LANDS OF SPRINGHOUSE DEVELOPMENT LLC THE FOLLOWING CALLS: NORTH 81 DEGREES 10 MINUTES 09 SECONDS EAST A DISTANCE OF 183.10 FEET; THENCE, SOUTH 79 DEGREES 08 MINUTES 50 SECONDS EAST A DISTANCE OF 192.90 FEET; THENCE, SOUTH 63 DEGREES 19 MINUTES 49 SECONDS EAST A DISTANCE OF 85.92 FEET; THENCE, SOUTH 52 DEGREES 39 MINUTES 05 SECONDS EAST A DISTANCE OF 76.00 FEET; THENCE, NORTH 37 DEGREES 20 MINUTES 55 SECONDS EAST A DISTANCE OF 221.99 FEET; THENCE WITH A 625.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 24.74 FEET, A CHORD BEARING AND DISTANCE OF NORTH 53 DEGREES 47 MINUTES 07 SECONDS WEST, 24.74 FEET; THENCE, NORTH 29 DEGREES 21 MINUTES 21 SECONDS EAST A DISTANCE OF 164.30 FEET; THENCE, NORTH 69 DEGREES 30 MINUTES 35 SECONDS EAST A DISTANCE OF 366.21 FEET; THENCE, SOUTH 20 DEGREES 29 MINUTES 25 SECONDS EAST A DISTANCE OF 192.07 FEET; THENCE, SOUTH 23 DEGREES 24 MINUTES 22 SECONDS EAST A DISTANCE OF 123.60 FEET TO THE NORTHWEST CORNER OF BASKIN, THENCE WITH THE WESTERLY LINE OF BASKIN THE FOLLOWING CALLS: SOUTH 16 DEGREES 31 MINUTES 42 SECONDS WEST A DISTANCE OF 89.29 FEET; THENCE, SOUTH 05 DEGREES 28 MINUTES 26 SECONDS WEST A DISTANCE OF 435.63 FEET; THENCE, SOUTH 06 DEGREES 05 MINUTES 56 SECONDS WEST A DISTANCE OF 549.21 FEET; THENCE, SOUTH 06 DEGREES 31 MINUTES 11 SECONDS WEST A DISTANCE OF 1608.40 FEET; THENCE, SOUTH 09 DEGREES 00 MINUTES 48 SECONDS WEST A DISTANCE OF 187.89 FEET TO THE SOUTHWEST CORNER OF BASKIN, A POINT IN THE NORTHERLY RIGHT OF WAY FOR FRANKLIN ROAD (STATE ROUTE 96); THENCE WITH SAID RIGHT OF WAY, NORTH 87 DEGREES 18 MINUTES 36 SECONDS WEST A DISTANCE OF 1088.38 FEET TO THE POINT OF BEGINNING, HAVING AN AREA OF 3,264,268 SQUARE FEET OR 74.937 ACRES.

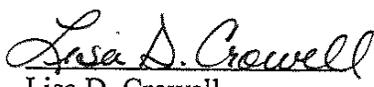
BEING A PORTION OF THE SAME PROPERTY CONVEYED TO SPRINGHOUSE DEVELOPMENT, LLC BY DEED OF RECORD IN RECORD BOOK 786, PAGE 3310, REGISTER'S OFFICE FOR RUTHERFORD COUNTY, TENNESSEE.

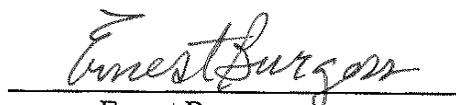
- Tax Map Number 26, Part of Parcel 24.00, located in the 5th and 6th Civil District, on West Jefferson Pike, containing approximately 187.6 acres, from Medium Density Residential (RM) to **Employment and Activity Center (EAC)**, being more particularly described as follows:

Located in the 5th and 6th Civil District of Rutherford County, Tennessee. Bound on the north by Shelah Phillips, Jr., et ux Regina (Record Book 290, Page 327 & Record Book 40, Page 1926); on the east by State Route 840 and Lailia J. Jordan et al Robert A. Jones (Deed Book 167, Page 515); on the south by West Jefferson Pike (State Route 266); and on the west by Hollingshead Concrete Construction, LLC (Record Book 479, Page 517), Hollingshead Concrete Construction, LLC (Record Book 611, Page 3988), Michael A. Hollingshead (Record Book 879, Page 1890), Karen R. Muse (Record Book 815, Page 1879), Gladys Alsup (Will Book 24, Page 248), William S. & Howard S. Thornton (Record Book 292, Page 285), and Hollingshead Concrete Construction, LLC (Record Book 478, Page 1479).

- Tax Map Number 124 Parcel 15.00, located in the 11th Civil District, at 2887 Barfield Road, containing approximately 6 acres, from Medium Density Residential (RM) to **Rural Center (RC)**

Date: February 14, 2013


Lisa D. Crowell,
County Clerk


Ernest Burgess,
County Mayor

PUBLIC HEARING

Mr. Chairman, Ernest Burgess, recessed the Rutherford County Board of Commissioners Legislative Meeting to hold a Public Hearing on the requests.

Mr. Chairman requested that anyone desiring to speak on the issue to please come forward to the microphone, state their name, address and whether they were for or against the proposed request.

No person spoke for or against the requests.

The Public Hearing was closed and the Rutherford County Board of Commissioners Legislative meeting was called back in session.

Doug Demosi, in outlining the details of the re-zoning requests, advised the Planning Commission voted to recommend each of the requests.

MOTION

Commissioner Steve Sandlin moved, second by Commissioner Joe Frank Jernigan, to approve, as set forth by the Planning Commission, each of the Re-Zoning Requests included in 13-A001.

MOTION ADOPTED BY UNANIMOUS VOICE VOTE.

ITEM L. REPORTS BY STANDING COMMITTEES

As agreed upon by the Commission members earlier in the meeting, Chairman Burgess called for the report from the Public Works & Planning Committee ahead of item K.1.A.

ITEM L.6.
PUBLIC WORKS & PLANNING COMMITTEE

Public Comments continued until each participating citizen could be heard.

L.6.A.
Resolution – Two Presented – Lascassas Convenience Center Site

RESOLUTION

BE IT RESOLVED by the Rutherford County Board of Commissioners to relocate the Lascassas Convenience Center from its present location to the Lascassas Community Center as proposed by Commissioner Jack Black.

BE IT FURTHER RESOLVED the County Mayor shall immediately cause a thirty (30) day notice of termination of the lease with the Lascassas-Milton Lions Club to be sent to the Lascassas-Milton Lions Club. The lease will be revised to exclude the real property used for the convenience center.

RESOLVED this 14th day of February, 2013.

RUTHERFORD COUNTY, TENNESSEE

ATTEST:

BY: _____
ERNEST G. BURGESS, Chairman

LISA DUKE CROWELL, County Clerk

RESOLUTION

BE IT RESOLVED by the Rutherford County Board of Commissioners to purchase, subject to negative results on a Phase One Environmental Study, the current Lascassas Convenience Center location at a cost of Two Hundred Twenty Thousand Dollars (\$220,000.00) plus reasonable and ordinary closing costs typically assessed to a buyer in Rutherford County, Tennessee.

BE IT FURTHER RESOLVED the County Mayor and other appropriate officials are hereby authorized to execute required documents to complete said purchase.

RESOLVED this 14th day of February, 2013.

RUTHERFORD COUNTY, TENNESSEE

ATTEST:

BY: _____
ERNEST G. BURGESS, Chairman

LISA DUKE CROWELL, County Clerk

Committee Chairperson Rhonda Allen introduced two resolutions as options to be considered by the County Commission. She indicated all questions on this matter should be directed to Chairman Burgess.

MOTION

Commissioner Jack Black moved, second by Commissioner Matthew Young, to move the Convenience Center Operation to the Lascassas Community Center.

AMENDMENT

Commissioner Gary Farley moved, second by Commissioner Trey Gooch, to replace the resolution referred to in the original motion with this language:

BE IT RESOLVED by the Rutherford County Board of Commissioners to purchase, subject to negative results on a Phase One Environmental Study, the current Lascassas Convenience Center location at a cost of Two Hundred Twenty Thousand Dollars (\$220,000.00) plus reasonable and ordinary closing costs typically assessed to a buyer in Rutherford County, Tennessee.

BE IT FURTHER RESOLVED the County Mayor and other appropriate officials are hereby authorized to execute required documents to complete said purchase.

**UPON ROLL CALL,
THE FOLLOWING COMMISSIONERS VOTED:**

Doug Shafer – nay
Jack Black – nay
Will Jordan – aye
Robert Peay – aye
Carol Cook – aye
Joe Frank Jernigan – nay
Gary Farley – aye
Tiffany Phillips – none
Steve Sandlin – nay
Brad Turner – nay
Chantho Sourinho – aye

Rhonda Allen – aye
Robert Stevens – aye
Jeff Jordan – aye
Charlie Baum – nay
Adam Coggin – aye
Matthew Young – nay
Jeff Phillips – aye
Allen McAdoo – nay
Joyce J. Ealy – aye
Trey Gooch – aye

AMENDMENT ADOPTED BY ROLL CALL VOTE.

AMENDMENT

Commissioner Steve Sandlin moved, second by Commissioner Jack Black, to offer one hundred twenty thousand dollars (\$120,000.00) per acre for the property where the Lascassas Convenience Center is currently located.

UPON ROLL CALL, THE FOLLOWING COMMISSIONERS VOTED:

Doug Shafer – nay
Jack Black – aye
Will Jordan – nay
Robert Peay – nay
Carol Cook – nay
Joe Frank Jernigan – nay
Gary Farley – nay
Tiffany Phillips – none
Steve Sandlin – aye
Brad Turner – nay
Chantho Sourinho – nay

Rhonda Allen – nay
Robert Stevens – nay
Jeff Jordan – nay
Charlie Baum – nay
Adam Coggin – nay
Matthew Young – aye
Jeff Phillips – nay
Allen McAdoo – aye
Joyce J. Ealy – nay
Trey Gooch – nay

AMENDMENT FAILED BY ROLL CALL VOTE.

VOTE ON ORIGINAL MOTION AS AMENDED TO PURCHASE CONVENIENCE CENTER PROPERTY

MOTION

UPON ROLL CALL, THE FOLLOWING COMMISSIONERS VOTED:

Doug Shafer – nay
Jack Black – nay
Will Jordan – aye
Robert Peay – aye
Carol Cook – aye
Joe Frank Jernigan – aye
Gary Farley – aye
Tiffany Phillips – none
Steve Sandlin – nay
Brad Turner – nay
Chantho Sourinho – aye

Rhonda Allen – aye
Robert Stevens – aye
Jeff Jordan – aye
Charlie Baum – nay
Adam Coggin – aye
Matthew Young – nay
Jeff Phillips – aye
Allen McAdoo – nay
Joyce J. Ealy – aye
Trey Gooch – aye

AMENDMENT ADOPTED BY ROLL CALL VOTE.

ITEM L.1. PURCHASING COMMITTEE

ITEM L.1.A. REPORT - PURCHASING COMMITTEE

PURCHASING COMMITTEE

JANUARY 29, 2013 4:30 P.M.

MINUTES

MEMBERS PRESENT

Ernest Burgess, Chairman
Joyce Ealy
Allen McAdoo
Carol Cook
Trey Gooch
Doug Shafer
Jack Black

OTHERS

David Kline
Mac Nolen
Larry Farley
Joe Russell
Jamie Bailey
Darlene & Steve Spence
Vicki Taylor
Other Interested Parties

Chairman Burgess presided and called the meeting to order at 4:30 p.m. with all members present.

FIRE HALL RENOVATION, 5500 ELAM ROAD

<u>BIDDER</u>	<u>BASE BID</u>	<u>ALT #1</u>	<u>ALT #2</u>	<u>ALT #3</u>	<u>ALT #4</u>
Baron Const.	179,790	-4,040	-4,801	-4,870	+19,056
Keystone Const.	146,000	-4,800	-3,200	-7,500	+10,000
Romach, Inc.	165,350	-4,200	-3,700	-4,200	+ 6,700

Chief Larry Farley and Architect David Kline requested the bids be taken under advisement so they can be thoroughly reviewed since they are all so close.

"Commissioner Shafer moved, seconded by Commissioner Cook, to take the bids under advisement. The motion passed unanimously."

OFFICE RENOVATION FOR SHERIFF'S DEPT., 964 NEW SALEM ROAD

<u>BIDDER</u>	<u>BASE BID</u>	<u>ALT #1</u>	<u>ALT. #2</u>
Baron Const.	299,944	-40,359	-27,638
Brindley & Sons Const.	350,555	-77,890	-69,120
Dyer & Boyer Const.	320,650	-42,300	-34,160
Fellowship Const.	339,000	-54,200	-73,545
Hannah Const.	348,576	-41,784	-35,643
Keystone Const.	306,500	-36,400	-66,500
PBG Builders	294,900	-52,800	-24,100
Romach, Inc.	253,000	-37,300	-29,100

Alt. #1 and #2 are for work that was going to be done by S.O. inmates, but Joe Russell and James Bailey said they cannot do this work now due to having to replace the chillers and just the daily maintenance of

the jail so the base bid needs to be considered and not the alternates. David Kline said Romach's bid is the lowest base bid at \$253,000 with PBG coming in second at \$294,900. He also said that the contractor is allowed to have 24 hours to be sure their numbers are accurate and nothing has been left out since there is such a large difference in the two bids. Mr. Burgess said the bid can be awarded to Romach as the low bidder and in the event they did make an error, to go with the second bidder which is PBG.

"Commissioner Cook moved, seconded by Commissioner Gooch, to award the low bid to Romach at \$253,000 subject to them having 24 hours to confirm their numbers to be sure they didn't make a gross error in their bid. If they did make an error, accept the base bid from PBG in the amount of \$294,900. All of this is contingent on funding by the County Commission. The motion passed unanimously."

TIRE CONTRACT – SOLID WASTE

	<u>AMERICAN TIRE</u>	<u>BEST ONE</u>
11R22.5 new	363.34	380.00
11R22.5 cap	114.36	112.01
11R22.5 case	65.00	58.98
11R22.5 recap our tire	114.36	112.01
425/65R225 new	607.26	550.00
Service call (per trip)	50.00	48.98
Mounting (per tire)	19.00	17.98
Tire repair – patch	22.00	19.98
Tire repair – boot	30.00	21.98
Tire repair – section	30.00	33.98
Alignment per truck	89.99	88.98

Mac Nolen reviewed the bids and said he is familiar with both companies and they are both excellent companies. However, he's currently using American Tire and recommends staying with them.

"Commissioner Shafer moved, seconded by Commissioner Ealy, to award the bid to American Tire. The motion passed unanimously."

LEVEL IIIA UTOC BODY ARMOR – SHERIFF'S DEPT.

Blackfox Tactical, Chapel Hill, TN \$1,945.00 each

Joe Russell and Capt. Steve Spence reviewed the bid and recommended awarding the bid to Blackfox Tactical. Capt. Spence said he plans to purchase 8 for special units.

"Commissioner Black moved, seconded by Commissioner Cook, to award the bid to Blackfox Tactical. The motion passed unanimously."

INFORMATION TECHNOLOGY & APPLICATION SERVICES – SHERIFF'S DEPT.

Brian Arnold, d.b.a. Source Logic, Smyrna, TN

<u>MONTH</u>	<u>INVOICE MAX</u>	<u>HOURS</u>
1	\$12,500	UNLIMITED
2	\$12,500	UNLIMITED
3	\$12,500	UNLIMITED
4	\$10,500	UNLIMITED
5	\$10,500	UNLIMITED
6	\$10,500	UNLIMITED
7	\$ 8,500	UNLIMITED
8	\$ 8,500	UNLIMITED
9	\$ 8,500	UNLIMITED
10	\$ 7,500	UNLIMITED
11	\$ 7,500	UNLIMITED
12	\$ 7,500	UNLIMITED
	TCV	\$117,000

Darlene Spence and Joe Russell recommended awarding the bid to Brian Arnold, d.b.a. Source Logic. They said they have been using Brian Arnold on an emergency basis to "put out fires" and have a lot of faith in his work. However, the S.O. software definitely needs to be serviced and if not, it will have to be replaced in the near future. Mr. Burgess asked for the hourly rate included for this bid? He thinks that is very important for this bid. Mr. Arnold said \$150 regardless of which "team specialist" responded as it is a blended rate and he was willing to amend his bid to include the following: "All participants of provider will accrue hours to be billed at \$150/hour, not to exceed a total as identified in the adjacent chart." Mr. Arnold and Mr. Burgess both signed this amendment.

"Commissioner Gooch moved, seconded by Commissioner Black, to award the bid as amended to Brian Arnold, d.b.a. Source Logic, for Information Technology and Application Services for the Sheriff's Department. The motion passed unanimously."

2 CHILLERS – SHERIFF'S DEPT.

A bid from Nashville Machine Co., Inc. was submitted on July 26, 2012 and accepted by the Purchasing Committee on July 31, 2012 for 2 chillers at the Sheriff's Department. The bid was only good throughout 2012 but Nashville Machine Co., Inc. has agreed to still honor their bid until March 1, 2013. The Sheriff's Department needs the chillers replaced now and Mr. Burgess requested the Purchasing Committee accept this extension allowing the Sheriff's Department to order the chillers.

"Commissioner McAdoo moved, seconded by Commissioner Shafer, to accept the extension from Nashville Machine Co., Inc. and allow the Sheriff's Department to order the chillers. The motion passed unanimously."

There being no further business, the meeting was adjourned at 5:35 p.m.


 ERNEST G. BURGESS, CHAIRMAN

MOTION

Commissioner Doug Shafer motioned, second by Commissioner Gary Farley, to approve and accept the Purchasing report.

MOTION APPROVED BY VOICE VOTE

CHAIRMAN BURGESS CALLED FOR A FIVE MINUTE RECESS. RECESS APPROVED BY COMMISSION MEMBERS.

THE COUNTY COMMISSION
RECONVENED AT 8:45 P.M.

ITEM L. 2.
BUDGET, FINANCE & INVESTMENT COMMITTEE

ITEM L. 2. A.
RESOLUTION - GENERAL FUND BUDGET
AMENDMENTS

Item L. 2. A.

RESOLUTION

BE IT RESOLVED by the Rutherford County Board of Commissioners that the GENERAL FUND be amended as follows:

Juvenile Detention:

Increase Revenue:	101-47141 – Title 1 Grants to Local Education -	\$ 1,001
Increase Expend.:	101-54240-499 – Other Supplies & Materials -	\$ 1,001

Employee Insurance (Various Departments):

From:	101-58600-205 – Employee Benefits/Employee Insurance -	\$49,666
To:	101-55110-205 – Health Dept./ Employee Insurance -	\$ 150
	101-51600-205 – Register of Deeds/Employee Insurance -	11,791
	101-53930-205 – Domestic Violence/Employee Insurance -	730
	101-54110-205 – Sheriff's Dept./Employee Insurance -	34,520
	101-57100-205 – Agriculture Ext./Employee Insurance -	2,475

Operating Transfers (Sheriff's Department Annex):

From:	101-39000 – Unassigned Fund Balance -	\$110,000
To:	101-99100-590 – Transfers Out -	\$110,000

Sheriff's Department/Jail:

Increase Revenue:	101-49700 – Insurance Recovery -	\$ 12,000
Increase Expend.:	101-54110-718 – Sheriff's Dept./Motor Vehicles -	\$ 12,000
From:	101-54110-336 – Sheriff's Dept./Maintenance & Repair Equip. -	\$ 15,000
	101-54210-441 – Jail/Prisoner Clothing -	10,000
To:	101-54210-421 – Jail/Food Preparation Supplies -	\$ 25,000
From:	101-34585 – Restricted for Capital Projects -	\$268,000
To:	101-54210-707 – Jail/Building Improvements -	\$268,000
Increase Revenue:	101-43541 – Contract Administrative Services LEA's -	\$ 56,570

Increase Expend. Sheriff's Department:

101-54110-187 – Overtime Pay -	\$ 47,000
101-54110-201 – Social Security -	2,915
101-54110-204 – State Retirement -	5,970
101-54110-212 – Employer Medicare -	685

RESOLVED this 14th day of February, 2013.

RUTHERFORD COUNTY, TN

BY: 
ERNEST G. BURGESS, Chairman

ATTEST:


LISA CROWELL, County Clerk

MOTION

Commissioner Joyce Ealy motioned, second by Commissioner Carol Cook, to approve the General Fund Budget Amendments.

UPON ROLL CALL, THE FOLLOWING COMMISSIONERS VOTED:

Doug Shafer – aye	Rhonda Allen – aye
Jack Black – none	Robert Stevens – aye
Will Jordan – aye	Jeff Jordan – aye
Robert Peay – none	Charlie Baum – aye
Carol Cook – aye	Adam Coggin – aye
Joe Frank Jernigan – aye	Matthew Young – aye
Gary Farley – aye	Jeff Phillips – aye
Tiffany Phillips – none	Allen McAdoo – aye
Steve Sandlin – nay	Joyce J. Ealy – aye
Brad Turner – aye	Trey Gooch – aye
Chantho Sourinho – aye	

MOTION ADOPTED BY ROLL CALL VOTE.

**ITEM L.2.B.
RESOLUTION - Authorize 2012 Homeland Security
Grant Contract and Related Budget Amendment**

Item L. 2. B.

RESOLUTION

WHEREAS, Rutherford County has been notified of available funds in the amount of Sixty-Six Thousand Dollars (\$66,000.00) for the Federal Fiscal Year 2012 Homeland Security Grant Program for the provision of pass-through funding provided by the United States Department of Homeland Security; and

WHEREAS, the grant is One Hundred Percent (100.0%) federally funded and is effective for the period beginning September 1, 2012 and ending on May 31, 2014.

THEREFORE BE IT RESOLVED by the Rutherford County Board of Commissioners that the County Mayor and other appropriate officials of Rutherford County, TN be and are hereby authorized to execute all necessary documents with the State of Tennessee, Department of Military, Tennessee Emergency Management Agency to accept the 2012 Homeland Security Grant in the amount of Sixty-Six Thousand Dollars (\$66,000.00) a copy of the same being attached hereto as "Exhibit 1" and incorporated herein by reference as if set forth herein at length verbatim; and additionally, that the GENERAL FUND be amended as follows to recognize the proceeds from the grant and to appropriate said proceeds for Other Equipment:

Emergency Management:

Increase Revenue:	101-47235 – Homeland Security Grants -	\$ 66,000
Increase Expend.:	101-54430-790 – Other Equipment -	\$ 66,000

RESOLVED this 14th day of February, 2013.

RUTHERFORD COUNTY, TENNESSEE

BY: Ernest G. Burgess
ERNEST G. BURGESS, Chairman

ATTEST:

Lisa Crowell
LISA CROWELL, County Clerk

MOTION

Commissioner Joyce Ealy moved, second by Commissioner Joe Frank Jernigan, to approve the measure.

**UPON ROLL CALL,
THE FOLLOWING COMMISSIONERS VOTED:**

Doug Shafer – aye	Rhonda Allen – aye
Jack Black – none	Robert Stevens – aye
Will Jordan – aye	Jeff Jordan – aye
Robert Peay – none	Charlie Baum – aye
Carol Cook – aye	Adam Coggin – aye
Joe Frank Jernigan – aye	Matthew Young – aye
Gary Farley – aye	Jeff Phillips – aye
Tiffany Phillips – none	Allen McAdoo – aye
Steve Sandlin – aye	Joyce J. Ealy – aye
Brad Turner – aye	Trey Gooch – aye
Chantho Sourinho – aye	

MOTION ADOPTED BY ROLL CALL VOTE.

ITEM L.2.C. AMENDMENT – Authorize 2013 Hazardous Materials Emergency Planning Grant and Related Budget Amendment

Item L. 2. C.

RESOLUTION

WHEREAS, Rutherford County has been notified of available funds in the amount of Six Thousand Five Hundred Dollars (\$6,500.00) from the U. S. Department of Transportation pass-through funding for the 2013 Hazardous Materials Emergency Planning Grant, which requires a local match of Twenty Percent (20.0%); and

WHEREAS, the grant proceeds will provide funding for hazardous materials response training for Fifty-One (51) individuals.

THEREFORE BE IT RESOLVED by the Rutherford County Board of Commissioners that the County Mayor and other appropriate officials of Rutherford County, TN be, and are hereby authorized, to execute all necessary documents with the State of Tennessee, Department of Military, Tennessee Emergency Management Agency to accept the 2013 Hazardous Materials Emergency Planning Grant in the amount of Six Thousand Five Hundred Dollars (\$6,500.00) requiring a Twenty Percent (20.0%) local match, a copy of the same being attached hereto as “Exhibit 1” and incorporated herein by reference as if set forth herein at length verbatim. Additionally, that the GENERAL FUND be amended as follows to recognize the proceeds from the grant and to appropriate said proceeds for In-Service Training along with a transfer to provide the local match:

Emergency Management:

Increase Revenue:	101-47590 – Other Federal Through State -	\$6,500
From:	101-54430-429 – Instructional Supplies & Materials -	\$ 625
Increase Expend.:	101-54430-196 – In-Service Training -	\$7,125

RESOLVED this 14th day of February, 2013.

RUTHERFORD COUNTY, TN

BY: 
ERNEST G. BURGESS, Chairman

ATTEST:


LISA CROWELL, County Clerk

MOTION

Commissioner Joyce Ealy moved, second by
Commissioner Carol Cook, to approve the measure.

**UPON ROLL CALL,
THE FOLLOWING COMMISSIONERS VOTED:**

Doug Shafer – aye
Jack Black – none
Will Jordan – aye
Robert Peay – none
Carol Cook – aye
Joe Frank Jernigan – aye
Gary Farley – aye
Tiffany Phillips – none
Steve Sandlin – aye
Brad Turner – aye
Chantho Sourinho – aye

Rhonda Allen – aye
Robert Stevens – aye
Jeff Jordan – aye
Charlie Baum – aye
Adam Coggin – aye
Matthew Young – aye
Jeff Phillips – aye
Allen McAdoo – aye
Joyce J. Ealy – aye
Trey Gooch – aye

MOTION ADOPTED BY ROLL CALL VOTE.

**ITEM L.2.D.
AMENDMENT – Special Purpose (DEA) Budget
Amendment**

Item L. 2. D.

RESOLUTION

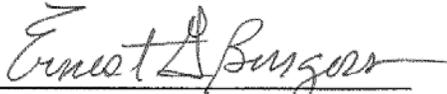
BE IT RESOLVED by the Rutherford County Board of Commissioners that the SPECIAL PURPOSE (DEA) FUND be amended as follows:

Sheriff's Department:

Increase Revenue:	121-47700 – Asset Forfeitures -	\$2,825
Increase Expend.:	121-54110-319 – Confidential Enforcement -	\$2,825

RESOLVED this 14th day of February, 2013.

RUTHERFORD COUNTY, TN

BY: 
ERNEST G. BURGESS, Chairman

ATTEST:


LISA CROWELL, County Clerk

MOTION

Commissioner Joyce Ealy moved, second by Commissioner Joe Frank Jernigan, to approve the amendments.

**UPON ROLL CALL,
THE FOLLOWING COMMISSIONERS VOTED:**

Doug Shafer – aye	Rhonda Allen – aye
Jack Black – none	Robert Stevens – aye
Will Jordan – aye	Jeff Jordan – aye
Robert Peay – none	Charlie Baum – aye
Carol Cook – aye	Adam Coggin – aye
Joe Frank Jernigan – aye	Matthew Young – aye
Gary Farley – aye	Jeff Phillips – aye
Tiffany Phillips – none	Allen McAdoo – aye
Steve Sandlin – aye	Joyce J. Ealy – aye
Brad Turner – aye	Trey Gooch – aye
Chantho Sourinho – aye	

MOTION ADOPTED BY ROLL CALL VOTE.

**ITEM L.2.E.
RESOLUTION –Solid Waste/Sanitation Fund Budget
Amendment**

Item L. 2. E.

RESOLUTION

BE IT RESOLVED by the Rutherford County Board of Commissioners that the SOLID WASTE/SANITATION FUND be amended as follows:

Litter Program & Convenience Centers:

From: 116-55732-402 – Convenience Centers/Asphalt -	\$7,360
To: 116-55720-425 – Litter Program/Gasoline -	\$6,000
116-55732-307 – Convenience Centers/Communications -	360
116-55732-353 – Convenience Centers/Towing Service -	1,000

RESOLVED this 14th day of February, 2013.

RUTHERFORD COUNTY, TN

BY: 
ERNEST BURGESS, Chairman

ATTEST:


LISA CROWELL, County Clerk

MOTION

Commissioner Joyce Ealy moved, second by Commissioner Joe Frank Jernigan, to approve the amendment.

**UPON ROLL CALL,
THE FOLLOWING COMMISSIONERS VOTED:**

Doug Shafer – aye	Rhonda Allen – aye
Jack Black – none	Robert Stevens – aye
Will Jordan – aye	Jeff Jordan – aye
Robert Peay – none	Charlie Baum – aye
Carol Cook – aye	Adam Coggin – aye
Joe Frank Jernigan – aye	Matthew Young – aye
Gary Farley – aye	Jeff Phillips – aye
Tiffany Phillips – none	Allen McAdoo – aye
Steve Sandlin – aye	Joyce J. Ealy – aye
Brad Turner – aye	Trey Gooch – aye
Chantho Sourinho – aye	

MOTION ADOPTED BY ROLL CALL VOTE.

**ITEM L.2.F.
RESOLUTION – Education Capital Projects Fund
Budget Amendment**

Item L. 2. F.

RESOLUTION

BE IT RESOLVED by the Rutherford County Board of Commissioners that the EDUCATION CAPITAL PROJECTS FUND be amended as follows:

Education Capital Projects:

From: 177-34685 – Committed for Capital Projects - \$125,000

To: 177-91300-399 – Other Contracted Services - \$125,000

RESOLVED this 14th day of February, 2013.

RUTHERFORD COUNTY, TN

BY: *Ernest G. Burgess*
ERNEST G. BURGESS, Chairman

ATTEST:

Lisa Crowell
LISA CROWELL, County Clerk

MOTION

Commissioner Joyce Ealy moved, second by Commissioner Doug Shafer, to approve the Amendment.

**UPON ROLL CALL,
THE FOLLOWING COMMISSIONERS VOTED:**

Doug Shafer – aye
Jack Black – none
Will Jordan – aye
Robert Peay – none
Carol Cook – aye
Joe Frank Jernigan – aye
Gary Farley – aye
Tiffany Phillips – none
Steve Sandlin – aye
Brad Turner – aye
Chantho Sourinho – aye

Rhonda Allen – aye
Robert Stevens – aye
Jeff Jordan – aye
Charlie Baum – aye
Adam Coggin – aye
Matthew Young – aye
Jeff Phillips – aye
Allen McAdoo – aye
Joyce J. Ealy – aye
Trey Gooch – aye

MOTION ADOPTED BY ROLL CALL VOTE.

ITEM L.2.G. RESOLUTION – Amend Rutherford County Dental Plan

Item L. 2. G.

RESOLUTION

WHEREAS, CIGNA has completed a review of the Rutherford County Employee Insurance Plan, which revealed that the dental plan was experiencing a negative trend and improvements to the dental plan have been recommended; and

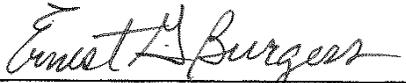
WHEREAS, currently the dental plan only covers silver fillings, and many dentists no longer use silver fillings and only use composite fillings on posterior teeth; and

WHEREAS, the dental plan does not cover composite fillings, and the employees must pay the difference in the cost between the composite fillings and the silver fillings.

THEREFORE BE IT RESOLVED by the Rutherford County Board of Commissioners that the Rutherford County Dental Plan be amended to make composite fillings available for all fillings at an estimated cost to the plan of Forty-Two Thousand Dollars (\$42,000.00) to be effective retroactive to January 1, 2013.

RESOLVED this 14th day of February, 2013.

RUTHERFORD COUNTY, TN

BY: 
ERNEST G. BURGESS, Chairman

ATTEST:


LISA CROWELL, County Clerk

MOTION

Commissioner Joyce Ealy moved, second by
Commissioner Will Jordan, to approve the measure.

Doug Shafer – aye	Rhonda Allen – aye
Jack Black – none	Robert Stevens – aye
Will Jordan – aye	Jeff Jordan – aye
Robert Peay – none	Charlie Baum – aye
Carol Cook – aye	Adam Coggin – aye
Joe Frank Jernigan – aye	Matthew Young – aye
Gary Farley – aye	Jeff Phillips – aye
Tiffany Phillips – none	Allen McAdoo – aye
Steve Sandlin – aye	Joyce J. Ealy – aye
Brad Turner – aye	Trey Gooch – aye
Chantho Sourinho – aye	

MOTION ADOPTED BY ROLL CALL VOTE.

**ITEM L.2.H.
RESOLUTION – Authorize Agreement with Tennessee
Department of Health for the Support of the
Rutherford County Health Department**

Item L. 2. H.

RESOLUTION

BE IT RESOLVED by the Rutherford County Board of Commissioners that the County Mayor and any other appropriate officials of Rutherford County, Tennessee be, and are hereby authorized, to execute an Agreement with the Tennessee Department of Health, a copy of the same being attached hereto as “Exhibit 1” and incorporated herein by reference as if set forth herein at length verbatim, for the provision of health services toward the support of the Rutherford County Health Department in the amount of Six Hundred Fifty-Nine Thousand One Hundred Thirty-One Dollars (\$659,131.00) with Five Hundred Thirty Thousand Seven Hundred Fifty-Six Dollars (\$530,756.00) being direct local funds for which Rutherford County shall not be billed and One Hundred Twenty-Eight Thousand Three Hundred Seventy-Five Dollars (\$128,375.00) in appropriations for which Rutherford County shall be billed for the period of July 1, 2012 through June 30, 2013.

RESOLVED this 14th day of February, 2013.

RUTHERFORD COUNTY, TN

BY: 
ERNEST G. BURGESS, Chairman

ATTEST:


LISA CROWELL, County Clerk

MOTION

Commissioner Joyce Ealy moved, second by
Commissioner Steve Sandlin, to approve the resolution.

UPON ROLL CALL,
THE FOLLOWING COMMISSIONERS VOTED:

Doug Shafer – aye
Jack Black – none
Will Jordan – aye
Robert Peay – none
Carol Cook – aye
Joe Frank Jernigan – aye
Gary Farley – aye
Tiffany Phillips – none
Steve Sandlin – aye
Brad Turner – aye
Chantho Sourinho – aye

Rhonda Allen – aye
Robert Stevens – aye
Jeff Jordan – aye
Charlie Baum – aye
Adam Coggin – aye
Matthew Young – aye
Jeff Phillips – aye
Allen McAdoo – aye
Joyce J. Ealy – aye
Trey Gooch – aye

MOTION ADOPTED BY ROLL CALL VOTE.

**ITEM L.2.I.
RESOLUTION – Amend Contract in Lieu of
Performance Bond for the Rutherford County Landfill**

**RUTHERFORD COUNTY, TENNESSEE
AMENDMENT OF CONTRACT IN LIEU OF PERFORMANCE BOND**

WHEREAS, Rutherford County and the State of Tennessee Department of Environment and Conservation entered into a Contract in Lieu of Performance Bond for proper operation and closure and/or post-closure of the Rutherford County Sanitary Landfill, Permit Number SNL 75-0103; and

WHEREAS, said contract included a provision allowing the Commissioner of Environment and Conservation to collect up to Three Million Three Hundred Sixty-Eight Thousand Five Hundred Seventy-Eight Dollars (\$3,368,578.00) from any funds being disbursed or to be disbursed from the State to the County of Rutherford as financial assurance for said proper operation, closure and post-closure; and

WHEREAS, the State and the County of Rutherford desire to change the amount of said financial assurance from Three Million Three Hundred Sixty-Eight Thousand Five Hundred Seventy-Eight Dollars (\$3,368,578.00) to Three Million Two Hundred Forty-One Thousand Eight Hundred Eighty-Two Dollars (\$3,241,882.00).

Paragraph Three (3) of the Agreement in Lieu of Performance Bond is amended as follows:

The figure "\$3,368,578.00" is deleted and the figure "\$3,241,882.00" is substituted in lieu thereof.

RESOLVED, this 14th day of February, 2013.

RUTHERFORD COUNTY, TN

BY: Ernest G. Burgess
ERNEST G. BURGESS, COUNTY MAYOR

ATTEST: Lisa Crowell
LISA CROWELL, County Clerk

Commissioner
Department of Environment and Conservation

Commissioner
Department of Finance & Administration

MOTION

Commissioner Joyce Ealy moved, second by Commissioner Steve Sandlin, to approve the resolution.

**UPON ROLL CALL,
THE FOLLOWING COMMISSIONERS VOTED:**

Doug Shafer – aye	Rhonda Allen – aye
Jack Black – none	Robert Stevens – aye
Will Jordan – aye	Jeff Jordan – aye
Robert Peay – none	Charlie Baum – aye
Carol Cook – aye	Adam Coggin – aye
Joe Frank Jernigan – aye	Matthew Young – aye
Gary Farley – aye	Jeff Phillips – aye
Tiffany Phillips – none	Allen McAdoo – aye
Steve Sandlin – aye	Joyce J. Ealy – aye
Brad Turner – aye	Trey Gooch – aye
Chantho Sourinho – aye	

MOTION ADOPTED BY ROLL CALL VOTE.

ITEM L. 2. J.

RESOLUTION – Endorsing Concept of Hiring Additional School Resource Officers for Elementary Schools

Item L.2.J.

PROPOSED AMENDMENT

RESOLUTION

WHEREAS, the recent shootings at Sandy Hook Elementary School in Newtown, Connecticut have brought school security to the forefront; and

WHEREAS, there are currently two (2) School Resource Officers (SRO's) at each high school, one (1) SRO at each middle school, and elementary schools share a SRO; and

WHEREAS, Rutherford County has set the standard for the SRO Program across the State of Tennessee and recognizes the great benefit of the SRO Program for school personnel, school children, and the citizens of the county; and

WHEREAS, the Rutherford County Sheriff's Department has proposed to add eleven (11) new SRO's to supply each elementary school with a full time SRO; and additionally, two (2) SRO's will be needed for the new Stewarts Creek High School for a total of thirteen (13) SRO's; and

WHEREAS, the Sheriff's estimated cost for the additional Thirteen (13) SRO's, vehicles, equipment, and training is One Million Five Hundred Three Thousand and Sixteen Dollars (\$1,503,016.00), and

WHEREAS, the Rutherford County Board of Commissioners should work in a fiscally responsible manner with the Sheriff, the County Mayor, and the Finance Director to provide each school with a full time SRO as quickly as the budget allows.

THEREFORE BE IT RESOLVED that the Rutherford County Board of Commissioners endorses the concept of providing a full time SRO at each school and that the same should be accomplished in a fiscally responsible manner.

RESOLVED this 14th day of February, 2013.

RUTHERFORD COUNTY, TN

BY: Ernest G. Burgess
ERNEST G. BURGESS, Chairman

ATTEST:

Lisa Duke Crowell
LISA DUKE CROWELL, County Clerk

AMENDMENT

Commissioner Robert Stevens moved, second by Commissioner Brad Turner, to substitute language.

UPON ROLL CALL, THE FOLLOWING COMMISSIONERS VOTED:

Doug Shafer – aye	Rhonda Allen – aye
Jack Black – none	Robert Stevens – aye
Will Jordan – aye	Jeff Jordan – nay
Robert Peay – none	Charlie Baum – aye
Carol Cook – aye	Adam Coggin – aye
Joe Frank Jernigan – aye	Matthew Young – nay
Gary Farley – aye	Jeff Phillips – aye
Tiffany Phillips – none	Allen McAdoo – aye
Steve Sandlin – aye	Joyce J. Ealy – aye
Brad Turner – aye	Trey Gooch – aye
Chantho Sourinho – aye	

AMENDMENT ADOPTED BY ROLL CALL VOTE.

ORIGINAL MOTION (AS AMENDED)

Commissioner Joyce Ealy moved, second by Commissioner Matthew Young, to substitute language.

UPON ROLL CALL, THE FOLLOWING COMMISSIONERS VOTED:

Doug Shafer – aye	Rhonda Allen – aye
Jack Black – none	Robert Stevens – aye
Will Jordan – aye	Jeff Jordan – aye
Robert Peay – none	Charlie Baum – aye

Carol Cook – aye
Joe Frank Jernigan – aye
Gary Farley – aye
Tiffany Phillips – none
Steve Sandlin – aye
Brad Turner – aye
Chantho Sourinho – aye

Adam Coggin – aye
Matthew Young – aye
Jeff Phillips – aye
Allen McAdoo – aye
Joyce J. Ealy – aye
Trey Gooch – aye

AMENDMENT ADOPTED BY ROLL CALL VOTE.

**ITEM L.3.
HEALTH & EDUCATION COMMITTEE**

**L.3.A.
No Report**

**ITEM L.4.
PROPERTY MANAGEMENT**

L.4.A.

No Report

**ITEM L.5.
PUBLIC SAFETY COMMITTEE**

**L.5.A.
No Report**

**ITEM L.7.
STEERING, LEGISLATIVE &
GOVERNMENTAL COMMITTEE**

**ITEM L.7.A.
RESOLUTION – Approve Amendment to Private Acts
of 1947, Chapter 384, Section 16, as Amended by
Private Acts of 1977, Chapter 76, Relating to Duties of
the General Sessions Judge**

AN ACT TO AMEND PRIVATE ACTS OF 1947, CHAPTER 384, SECTION 16
AS AMENDED BY PRIVATE ACTS OF 1977, CHAPTER 76

WHEREAS, Rutherford County previously adopted Chapter 384 of Private Acts of 1947, thereby creating a General Sessions Court in Rutherford County; and

WHEREAS, the County legislative body of Rutherford County desires to amend Private Acts of 1947, Chapter 384, Section 16 as amended by Private Acts of 1977, Chapter 76.

NOW, THEREFORE, BE IT RESOLVED by the Rutherford County Board of Commissioners, that Private Acts of 1947, Chapter 384, Section 16 as amended by Private Acts of 1977, Chapter 76, is hereby amended as follows:

1. Section 16 of Private Acts of 1947, Chapter 384, Section 16 as amended by Private Acts of 1977, Chapter 76 is hereby repealed and in substitution thereof is adopted the following:

"Section 16. The judges of the General Sessions Courts, including the Probate Courts, and the independent Juvenile Court of Rutherford County, Tennessee, are authorized and empowered to appoint, qualified persons at least eighteen (18) years of age to serve as court officers, which may include the offices of legal secretary, law clerk, Civil/Probate Court Coordinator and Juvenile Court Magistrate, for said courts, and whose primary duties shall be to attend and wait upon those courts whenever they are in session, to maintain order and decorum in the courtrooms and chambers, to perform such other duties as the courts may prescribe and to perform duties as defined in the job descriptions for said offices as adopted by the County Legislative Body. The said officer, or officers, shall serve at the pleasure of the judges of said courts, and vacancies in the office shall be filled in the same manner and subject to the same terms as provided for the original appointments.

Before entering upon the duties of the officer, the said officer, or officers, and any successor in the office, shall subscribe an appropriate oath chosen and administered by said officer's appointing judge.

At the expense of the county, and when performing any of the duties of the office, the said officer, or officers, and any successor shall display a badge of the office, and shall be entitled to compensation from the county treasury in such amount and upon such terms as the County Legislative Body shall determine from time to time.

2. In all other respects, the present Private Acts of 1947, Chapter 384, Section 16 as amended be and the same are

hereby ratified, confirmed and approved.

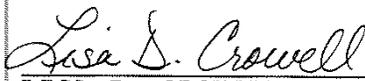
3. This Act shall have no effect unless it is approved by a two-third (2/3) vote of the legislative body of Rutherford County. Its approval or non-approval shall be proclaimed by the presiding officer of the legislative body and certified to the Secretary of State.

4. For the purpose of approving or rejecting the provisions of this Amendment, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in the section immediately above.

RESOLVED this 14th day of February, 2013.

RUTHERFORD COUNTY, TENNESSEE

ATTEST:


LISA D. CROWELL, County Clerk

BY: 
ERNEST G. BURGESS, Chairman

MOTION

Commissioner Adam Coggin moved, second by Commissioner Gary Farley, to approve the Amendment to the Private Act as relates to the General Sessions Court.

MOTION ADOPTED BY UNANIMOUS VOICE VOTE

ITEM M ANY OTHER BUSINESS

Chairman Burgess, speaking on behalf of Commissioner Robert Peay, announced a "Ham Breakfast" to benefit the Kittrell Volunteer Fire Department. The breakfast is Saturday, February 16, from six to ten a.m.

ADJOURNMENT

There being no further business, Mr. Chairman Ernest G. Burgess, adjourned the Rutherford County Board of Commissioners Legislative meeting at 9:07 P.M.

**ENTER: _____
CHAIRPERSON, ERNEST G. BURGESS**

**ATTEST: _____
COUNTY CLERK, LISA DUKE CROWELL**