

**MINUTES OF THE VAN BUREN COUNTY COMMISSION
VAN BUREN COUNTY, TENNESSEE**

The Van Buren County Commission met in a Regular Meeting on April 16, 2019 at 6:00 p.m. at the Van Buren County Administrative Facility & Justice Center. The following action was taken as recorded in Minute Book, "R".

Call the Meeting to Order

Chairman Joey Grissom called the Meeting to order.

Commissioner Mickey Robinson spoke on the behalf of the City of Spencer. He just wanted to thank everyone for keeping the City and Mickey Fishers family in their prayers. Mickey Fisher was a City employee who lost his life on April 2, 2019. City Mayor Robinson stated, "He wasn't just a City employee, he was family." Commissioner Robinson asked for continued prayers for the family and thanked the Community for coming together.

Roll Call

Member present: Michael Woodlee, David Chandler, Joey Grissom, Bill Mosley, William Maxwell, Mickey Robinson, Henry Seamons, Brian Simmons and Robert Van Winkle.

Also present: County Attorney Howard Upchurch, County Mayor Greg Wilson and County Clerk Lisa Rigsby.

Approval of Minutes from the March Meetings

Henry Seamons made a motion, second by William Maxwell to approve the Minutes from Special Called Meeting March 11, 2019 and Regular Meeting on March 19, 2019. Everyone agreed by voice vote. Motion passed.

Appointment of 3rd District Commissioner

Zach Fletcher 3rd District Commissioner resigned on March 21, 2019 because of relocation. Letter following for the record:

**Zach Fletcher
55 Fall Creek Falls Lane
Pikeville, Tn 37367
3/21/2019**

Dear Mayor/Commissioners,

Due to some unforeseen circumstances involving my daughter my family has made decision to move closer to her. It is with regret that I tender my resignation from the Van Buren County Commission effective 03/21/2019.

I am grateful for having had this opportunity to serve Van Buren County and will always call it home. I also would like to thank the people of the 3rd District for giving me this opportunity to serve.

**Sincerely,
Zack Fletcher**

The following residents of the 3rd District applied for the 3rd District Commissioner:

**Terry Hickey
Rip Van Winkle**

They were the only two people who submitted letters to the Commission that were interested in the position. Letters following for the record:

**Van Buren County Commission
Spencer, Tennessee
April 16, 2019**

Honorable Commissioners,

I am writing today to ask for your support in filling the remaining term of the open Commission seat in Van Buren County's 3rd Civil District. It has been my honor to serve in this capacity in the past and I would relish the opportunity to do so again.

While I am sure there are many individuals who would make fine Commissioners, I have the advantage of many years of experience and a passion for the job. I am well versed in the complexities of the County budget and can hit the ground running so to speak.

Most importantly, I am the only possible candidate for the position who was actually on the ballot for such in the last election and I believe that honoring the votes of our Citizens is of the utmost importance.

Therefore I humbly ask that you consider nominating and confirming me as Van Buren County Commissioner for the 3rd Civil District.

**Respectfully,
Rip Van Winkle
493 Van Winkle Road
Spencer, Tennessee 38585**

April 16, 2019

I, Terry Hickey, am interested in fulfilling the remainder of the term as County Commissioner vacated by Zack Fletcher of the 3rd District. I currently live at 920 Jack Branch Road, in Van Buren County. If you have any question please feel free to contact me at 423-619-0533.

Terry Hickey

Chairman Joey Grissom opened the floor for nominees:

Bill Mosley nominated Terry Hickey. Robert Van Winkle nominated Rip Van Winkle. Chairman Joey Grissom asked if there were any nomination from any registered voters in the audience. No one spoke out.

Bill Mosley made a motion, second by Michael Woodlee for all nominations to cease. All approved by voice vote. Motion passed.

Chairman Joey Grissom explained that this would be a roll call vote with one candidate at a time.

Roll Call for Terry Hickey:

Michael Woodlee, David Chandler, Bill Mosley, William Maxwell, Bill Mosley, William Maxwell, Mickey Robinson, Henry Seamons, and Brian Simmons voted yes. Joey Grissom abstained. Robert Van Winkle voted no. 7-yes votes, 1- abstained, 1-no vote.

Roll Call for Rip Van Winkle:

David Chandler, Joey Grissom, Mickey Robinson, Brian Simmons and Robert Van Winkle voted yes. Michael Woodlee, Bill Mosley, William Maxwell, and Henry Seamons voted no. 5-yes votes, 4-no votes.

County Attorney Howard Upchurch explained that there were 9 Commissioners and majority vote is 5 so Commissioners would need to vote again.

2nd Vote: Roll Call for Terry Hickey

Michael Woodlee, Bill Mosley, William Maxwell, Mickey Robinson, and Henry Seamons voted yes. Joey Grissom abstained. David Chandler, Brian Simmons and Robert Van Winkle voted no. 5-yes vote, 1-abstained, 3-no votes.

2nd Vote: Roll call for Rip Van Winkle

David Chandler, Joey Grissom, Mickey Robinson, Brian Simmons, and Robert Van Winkle voted yes. Michael Woodlee, Bill Mosley, William Maxwell, and Henry Seamons voted no. 5-yes vote, 4-no.

Mr. Rip Van Winkle addressed the Commission explaining he understood the dilemma and Mr. Hickey had 7 votes so he wanted to withdraw his name in consideration to let the majority have what they ask for. With Mr. Van Winkle withdrawing his name Mr. Terry Hickey was named the New 3rd District Commissioner to finish this term out. Terry Hickey stepped forward and Mayor Greg Wilson swore him in and he took his seat with the Commission.

Committee A Report

Committee A

April 9th 2019

Roll Call: Members present: Robert Van Winkle, Henry Seamons, David Chandler, Mickey Robinson and Will Maxwell. Mayor Greg Wilson, Administrator of Elections, Several Election Board Members.

Solid Waste Annual Report

Lesa Luck UCDD Solid waste Planner was present to present the Annual Solid waste report for the state. After review and changes Mr. Chandler made motion to approve the annual solid waste report. Seconded by Mr. Seamons. All voted Yes.

Budget Amendments for Election Commission

Administrator of elections presented an invoice from the election commission attorney and stated he had spoken with the DA office and she had recommended that we deduct the cost from the county attorney's salary. With no further discussion Mr. Seamons made a motion to add line item 101-51500-331 to the election commission budget for 2018/2019 for legal services in the amount of \$5403.00 Seconded by Mr. Chandler. All Voted Yes

Budget Hearing

Several items we discussed for the 2019/2020 Budget and adjustments were made as needed for Workman's comp, Jail Supplies, Mandated salaries, etc.

Solid Waste Fee Exemptions and Changes

After review of each form of exemption Mr. Robinson Made a motion to Adjust, reduce and exempt the following from the fee. (See Below) Seconded by Mr. Van Winkle: All Voted Yes

Total Exemption

1. Malcolm Jessup, 2684 Old 111, for the barn

The following will be adjusted or required to pay one \$7 fee

1. James Frysinger, 632 Stoney Point Mt. Rd
2. Robert E. Mausen, 1520 Hawks Bluff
3. George Burke, 28 Smith Dr.
4. Terry Dackman, 4711 Sparkman Town Rd.
5. Sally Brymer, 2659 Bald Knob Cummings Cove Rd.
6. Dorothy Todd, 6177 Old Hwy 111
7. Jamie Herriman/ Rhonda McCormick 4651 Sparkman town Rd.
8. Judith & Dennis Smith 901 Robert Haston Rd.
9. Jitus Walson, 329 Old County Farm Rd.
10. Bernard Flank, 298 Pettit Cabin Rd
11. Diane Greer, 5831 Cane Creek Cummingsville Rd.

Denied

1. James Shockley, 414 Phifer Mine
2. Margaret Miller, 8394 Rocky River Rd.
3. Jewelz Cutz, 240 Collage St.

Bid Opening

Bids for property on Indian Trails 2.9 acers 3 Bids were received. Top bid was Mr. Lovett for \$1011.00 Mr. Seamons made the motion to accept the bid for \$1011.00 seconded by Mr. Van Winkle. All voted Yes

Adjourn

Motion was made by Mr. Seamons to Adjourn and seconded by Mr. Chandler All Voted Yes

STATEMENT

SAMPLES, JENNINGS, CLEM & FIELDS, P.L.L.C.

(A Professional Limited Liability Company)
ATTORNEYS AND COUNSELORS AT LAW

SHALLOWFORD LAW CENTER
130 JORDAN DRIVE
CHATTANOOGA, TN 37421-6731

PHONE: (423) 892-2006
FAX: (423) 892-1919

PAYABLE UPON RECEIPT
FEDERAL EMPLOYER IDENTIFICATION
62-1623996

March 21, 2019

*Create Line item
101-51500-331
Legal Services
\$5403.00*

Van Buren County Election Commission
c/o Wayne Simons
Van Buren Administrative Building
P.O. Box 254
Spencer, TN 38585

For the following legal services rendered through March 13, 2019, and for all other matters not detailed herein:

	<u>Amount</u>
conference with clients	
preparation of writ of mardamus	
telephone conference with Att Upchurch	
telephone conference with client	
preparation of complaint	
travel to Spencer, TN to meet with clients;	
finalize suit; file suit; travel to	
McMinnville to meet with Court and schedule	
show cause hearing; travel to Spencer to hand	
deliver and serve Summons on Upchurch;	
conference with Upchurch	
analysis and consideration of writ of	
certiorari filed by County Commission against	
Election Commission	
telephone conference with Wayne Simmons	
preparation of notice of appearance	
preparation of notice of appearance	
telephone conference with client and Att	
Upchurch regarding dismissal of case	
consultation with client regarding	
finalization of matter	
For professional services rendered	\$5,044.50
Reimburse for the following expenses:	
Filing Fees	249.50
Mileage	109.00
Total expenses	<u>\$358.50</u>

Van Buren County Election Commission

	<u>Amount</u>
Total amount of this bill	<u>\$5,403.00</u>
Balance due	<u>\$5,403.00</u>

**BALANCE DUE MAY NOT REFLECT PAYMENTS
RECEIVED AFTER THE DATE OF THIS BILLING.**

**To ensure proper credit, please include a copy of your
invoice with your payment.**

Parcel Number: 079 069.00
2.91 Deeded Acreage

Name: MARIANNE LOVATT
492 Cairo Junction Rd
Catskill, N.Y. 12414

Phone: 423-949-2888 (my daughter)

Bid: \$1,011.00

Committee A Chairman William Maxwell brought forward action that needs to be taken from the Full Commission from the April 9, 2019 Meeting.

Budget Amendment for the Election Commissioner

Administrator of Elections presented an invoice from the Election Commission Attorney in the amount of \$5,403.00 to the Budget Committee with a request for approval. William Maxwell made a motion, second by Mickey Robinson to approve to add line item 101-51500-331 to the Election Commission budget for 2018/2019 for legal services in the amount of \$5,403.00.

Upon roll call: Michael Woodlee, David Chandler, Joey Grissom, Bill Mosley, William Maxwell, Mickey Robinson, Henry Seamons, Brian Simmons and Robert Van Winkle voted yes. Terry Hickey voted no because this is something he hasn't looked at and he had just tonight took his seat on the Board. 9-yes votes, 1-no vote. Motion passed.

Bid on Property on Indian Trail

As you can see from the Committee A Minutes it stated that there were 3 bids but there were actually 4 bids. The fourth bid was an error oversight on the 2.9 acres on Indian Trail property owned by Van Buren County. The highest bid was Jeff Walling in the amount of \$1,576.00. William Maxwell made a motion, second by Bill Mosley to approve the bid for Mr. Jeff Walling in the amount of \$1,576.00.

Upon roll call: Michael Woodlee, David Chandler, Terry Hickey, Joey Grissom, Bill Mosley, William Maxwell, Mickey Robinson, Henry Seamons, Brian Simmons and Robert Van Winkle voted yes. No changes to any yes vote. Motion passed.

Old Business

Mayor Wilson addressed the Full Commission with old business that needed action taken.

The Mack Truck and Scales from Solid Waste

In March the Commission passed to put the Mack Truck and Scales on Gov.deals.com. The Reserve on the Mack Truck was well met it brought around \$47,000.00, the Counties part will be \$43,750.00. The second thing was the scales, the reserve on it was \$20,000.00 and it didn't made the reserve. The highest bid was \$15,050.00 therefore it was rejected by Gov.deals but if the Commission chooses to do so this bid can be accepted for the scales. In the appraisal the scales were valued at \$30,000.00 but whoever buys them will have to come take it apart. The \$30,000.00 value was with the scales in place. Michael Woodlee made a motion, second by William Maxwell to sell the scales for \$15,050.00 by accepting that bid.

Upon roll call: Michael Woodlee, David Chandler, Terry Hickey, Joey Grissom, Bill Mosley, William Maxwell, Mickey Robinson, Henry Seamons, Brian Simmons and Robert Van Winkle voted yes. No changes to any yes vote. Motion passed.

New Business

Brian Bricker from the Piney Volunteer Fire Department did a presentation on all Van Buren County Volunteer Fire Departments reviewing major problems they are facing. We have 5 Fire Departments in this County listed as following: Cedar Grove, Fall Creek Falls, Piney, Rocky River and Spencer. The problems the Departments are having which include lack of funding sources, lack of Volunteers, aging, outdated and unreliable equipment, and increasing call volume. Mr. Bricker explained the current responsibilities of the Fire Departments in Van Buren County are all fire suppression – Structure, Vehicles, Wildland etc., Medical 1st response, vehicle extrication, search and rescue, Hazmat, water emergencies, rope rescue, fire prevention.

Their lack of funding sources

- Each Department is required by State law to submit an expense report to the County and State annually.
- Operating expenses can be up to \$45,000.00 per Department per year.
- An individual department may have to raise up to \$20,000.00 in any given year.

The problems with funding sources

- Minimum County funding, funding formula/structure has not changed since the 1987/1988 referendum.
- Decrease in monies from fundraising, less volunteers to assist with fundraisers.
- Sky rocketing expenses over the past 30 years.
- Inflation has increased 112% since 1988.

Lack of Volunteers

- Volunteers numbers have decreased.
- Van Buren County has approximately ½ of the active volunteers we had 10 years ago.
- Lack of Volunteer spirit.
- Increase in training requirements/standards.
- Federal, State and Local mandatory training.
- Time is spent fundraising instead of firefighting related activities.
- Old, outdated and sometimes unsafe equipment.
- The risk is just not worth the reward.

Aging, Outdated and Unreliable Equipment

- In 1988 Van Buren County purchased five (5) old used fire engines. None of those engines lasted more than 10 years after they were purchased.
- All five (5) departments have upgraded or purchased additional apparatus as funds allowed. Every department has received at least two (2) FEMA grants for

equipment/apparatus upgrades. These grants have become very competitive and the funding has become so low that small rural department rarely receive them.

Apparatus currently owned by the Fire Departments in Van Buren County

- 10 Engines (pumpers) – 2 per Department
- 1 Tanker/Pumper (Piney)
- 2 Tankers – (Fall Creek Falls and Rocky River)
- 4 Brush Trucks (Cedar Grove, Fall Creek Falls, Rocky River, Piney)
- 1 Medical Squad (Piney)

Aging Firefighting Apparatus

- Engines (Pumpers) the oldest is 33 years old
- Average age of the 10 Engines is 23.5 years old
- Tankers – The oldest is 37 years old
- Average age of Tankers is 26 years old

Cost to outfit 1 Firefighter

● Pager	\$400.00
● Radio	\$750.00
Turnout gear:	
● Helment	\$300.00
● Coat	\$1,600.00
● Pants	\$1,200.00
● Boots	\$300.00
● Suspenders	\$50.00
● Gloves	\$100.00
● Hood	\$35.00

Self-contained Breathing Apparatus \$6,500.00

Total Cost for 1 Firefighter \$11,235.00

Aging outdated and Unreliable equipment

- Average useful life of turnout gear is about 5 to 7 years or less.
- Average age of current turnout gear in Van Buren County is 13 years old.

Increasing Call Volume

- 2013 there were 434 calls – 2018 there were 615
- Piney alone there were in 2013 17calls -2018 there were 259

Short Term Solution (1-2 years)

- Currently the Local Purpose Fund pays approximately \$40,000.00 in insurance for the Fire Departments.

- Van Buren County General Fund would assume the financial responsibility of the insurances. May possibly be combined with current county insurance Policy at a lower cost.
- Use the \$40,000.00 earmarked for insurance from the Local Purpose Fund and commit an additional \$10,000.00 from the General Fund.
- Use the combined \$50,000.00 to purchase equipment for the Fire Departments.
- Current funding to each Department from the Local Purpose Fund will not change.
- A Committee of Fire Departments personal will evaluate the equipment needs and report to the Commission annually.
- Van Buren County would retain ownership of all equipment purchased.

Long Term Solutions

- Progressively commit funding for Fire Protection in Van Buren County.
- Establish a County wide Fire Coordinator to oversee Administrative Duties and serve as a Commission liaison.
- Secure funding for additional training and Fire prevention.
- Formulate a replacement cycle and plan for all equipment owned by the formulate replacement cycle and plan for all equipment owned by the Fire Departments.

Benefits

- Ease the fundraising burdens of the Volunteer Fire Department
- Volunteers could spend more time training and less time doing non fire Fighting related task.
- Update old and outdated equipment across the County.
- Purchase much need equipment that we cannot currently afford.
- Standardize equipment between all the Fire Departments.
- Provide safer equipment for the Volunteer Firefighters of our County.
- Secure future funding for the fire service in Van Buren County.
- Possibly lower the Insurance rating for the Citizens of the County in the Future.

Mayor Wilson stated, "Our Fire Departments are all volunteer and these men do a great job, their always there when we need them so we need to be there when they need us." William Maxwell made a motion, second by Mickey Robinson to defer this to Committee A for further research. All agreed by voice vote. Motion passed.

Resolution for litter and Trash collection Grant

RESOLUTION 403

Resolution authorizing submission of an application for a Litter, Trash, and Recycle Grant for FY 2019-2020 from the Tennessee Department of Transportation and authorizing the acceptance of said Grant.

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

WHEREAS, the contract for the Grant for FY 2019-2020 will impose certain legal obligations upon Van Buren County.

THEREFORE, BE IT RESOLVED:

Greg Wilson, Van Buren County Mayor, is authorized to apply on behalf of Van Buren County, for a Litter and Trash collecting Grant for FY 2019-2020 from Tennessee Department of Transportation

That should said application be approved the Tennessee Department of Transportation, then Greg Wilson, Van Buren County Mayor of Van Buren County is authorized to execute contracts or other necessary documents, which may be required to signify acceptance for the Litter and Trash Collecting Grant by Van Buren County.

Approved at the Regular Meeting held on the 16th of April, 2019.

Solid Waste Chairman
Van Buren County Commissioner Vice-Chairman

William Maxwell

Van Buren County Clerk Lisa Rigsby

Van Buren County Mayor Greg Wilson

Mayor Greg Wilson is asking for approval to apply on behalf of Van Buren County for a Litter and Trash collecting Grant for Fiscal Year 2019/2020 from Tennessee Department of Transportation. Mayor Wilson stated, "Van Buren County does this every year, the Grant will be \$44,000.00." William Maxwell made a motion, second by Michael Woodlee to approve this Grant.

Upon roll call: Michael Woodlee, David Chandler, Terry Hickey, Joey Grissom, Bill Mosley, William Maxwell, Mickey Robinson, Henry Seamons, Brian Simmons and Robert Van Winkle voted yes. No changes to any yes vote. Motion passed.

Proclamation (Flag of the United States of America)

PROCLAMATION

WHEREAS: It is appropriate that the Flag of the United States of America shall be allowed to be flown in all areas of Van Buren County.

WHEREAS: It shall be respected and allowed to be flown as permissible in all areas of Van Buren County, examples: Private Residence, Businesses, County Properties, Cemeteries, and Churches as desired by an individual or as desired by groups and/or Organizations. County Buildings shall always fly the United States of America Flag.

NOW THEREFORE: I, Greg Wilson, the Mayor of Van Buren County endorse this Proclamation for the respect to our Country and all armed service men and women currently serving and those whom have fallen in defense of our Great Nation.

Van Buren County Greg Wilson

Date

Commission Chairman Joey Grissom

Date

Mayor Wilson was asking approval from the Full Commission for the Proclamation. William Maxwell made a motion, second by Brian Simmons to approve this Proclamation.

Upon roll call: Michael Woodlee, David Chandler, Terry Hickey, Joey Grissom, Bill Mosley, William Maxwell, Mickey Robinson, Henry Seamons, Brian Simmons and Robert Van Winkle voted yes. No changes to any yes vote. Motion passed.

Approval of Terry Hickey to be placed on Committee B

Mayor Greg Wilson wanted approval to add newly Commissioner Terry Hickey to the Committee B to replace Zack Fletcher. William Maxwell made a motion, second by Michael Woodlee to approve this. All approved by voice vote. Motion passed.

Vanderbilt University Medical Center

Roberta White was present from Vanderbilt Medical Center. Ms. White is an Educator for Vanderbilt Cancer Center. Vanderbilt is very interested in what is going on with the Cancer in Van Buren County along with several other Counties across the State of Tennessee. There are several things they would like to do; come talk with people to find out what concerns they may have, also find out what can be done to eliminate some of these issues. Ms. White is having a Public Meeting on April 25, 2019 at 5:30 p.m. at the Burritt College in Spencer. She is asking for attendance because that's the best way to find out what Van Buren County needs. She would like to do some Education Sessions for the County. Give information about screenings for Cancer and introduce resources that people may not even know that are available and increase those resources for our County. Ms. White would like for everyone to get the word out about the meeting on April 25, 2019.

Upper Cumberland Waste to Energy

Mayor Wilson announced the ground breaking for Upper Cumberland Waste to Energy for May 20, 2019 more information will come before that date.

Adjournment

Mickey Robinson made a motion, second by Michael Woodlee to adjourn. All agreed by voice vote. Motion passed. Meeting adjourned at 7:09 p.m.