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DADE COUNTY COMMISSION
REGULAR MEETING
JULY 7, 2011

1 MR. RUMLEY: I'll go ahead and call the
2 meet to order. It's July 7th, 2011. I appreciate
3 all of you staying through the work session. Before
4 we get started, I would like to ask, as usual,
5 Robert Goff here to stand and say the blessing and
6 also the Pledge of Allegiance to the flag.

7 (Thereupon, the invocation and
8 Pledge of Allegiance were given.)

9 MR. RUMLEY: This is the regularly
10 scheduled meeting of the Dade County Commission
11 which takes place at the same time on the first
12 Thursday of every month. Proper notice of this
13 meeting was given in the legal organ of the Dade
14 County Sentinel and has been posted in the hallway
15 of the Administrative Building.

16 At this time I need a roll call.
17 Mr. Cervelli?

18 MR. CERVELLI: Here.

19 MR. RUMLEY: Mr. Goff?

20 MR. GOFF: Here.

21 MR. RUMLEY: Mr. Pittman?

22 MR. PITTMAN: Here.

23 MR. RUMLEY: Mr. Smith?

24 MR. SMITH: Here.

25 MR. RUMLEY: The chair is present.

1 Move down to district commissioner committee
2 reports. Do you want to start, Mitchell, on your
3 end?

4 MR. SMITH: I don't have anything.

5 MR. RUMLEY: Okay. Scottie?

6 MR. PITTMAN: No. I'm good. I don't
7 have anything either.

8 MR. RUMLEY: Robert?

9 MR. GOFF: Well, I don't have a lot,
10 but so much has happened in the north end of the
11 county with the storms and things are getting back
12 to normal as quick as they can. People are
13 beginning to rebuild and lives are kind of shaping
14 back up and, again, I'm thankful for all of those
15 that have helped to make that possible and the help
16 that we've received and just continue to think about
17 those people and pray for the people that are still
18 going through these things every day they live.
19 Thank you.

20 MR. RUMLEY: Mr. Cervelli?

21 MR. CERVELLI: You sure left me a lot
22 of time.

23 MR. RUMLEY: You've got three minutes.

24 MR. CERVELLI: Well, I was going to say
25 storms are still happening. We had that West Brow

1 wind storm come through, so we're not done with that
2 yet. That's added to our clean-up problem, as you
3 probably know if you're up on Lookout Mountain.

4 We've had a forest fire up there and I want to thank
5 the West Brow Fire Department for spending time over
6 there trying to help the State Forestry Commission
7 put that fire out and thank God it rained. I think
8 that helped a whole bunch putting the fire out, but
9 too many disasters as of lately in our community and
10 I appreciate all the hard work people have done to
11 do that.

12 As many of you know, we've talked a
13 little bit about this, a little on the state
14 highways, the right-of-ways on the state highways
15 are chucked full of debris and that's true on Scenic
16 Highway. I got calls from folks on 136 about being
17 able to put out the debris and if you were here
18 earlier, we finally had a breakthrough with the
19 State Department of Transportation last week, but we
20 had to go to Atlanta to make it happen to talk to
21 the commissioner who didn't understand that he could
22 actually get reimbursed by FEMA to do this work or
23 at least some of the work for the equipment and etc.
24 So we're hopeful to have that intergovernmental
25 agreement in our hands soon and we'll start to see

1 some cleanup taking place on our state roads in West
2 Brow and New Salem, etc., and up on Sand Mountain
3 and whatever is left here in the city. So I look
4 forward to that.

5 In terms of finances, we had actually a
6 pretty good tax collection check last go around.
7 Our L.O.S.T. collections check for June was 172,000.
8 It was about 146,000 for last year the same month.
9 That's actually a 17 percent increase and it's
10 actually 19 percent more than May of this year, so
11 that's -- was surprising, unexpected and one month
12 doesn't a trend make, so I wouldn't get too
13 optimistic that tax collections are going up,
14 especially since we've had one of our major tax
15 collectors, Ingle's, in terms of shopping, people
16 shopping in town out of commission and where those
17 folks are shopping today, I don't know. I hope it's
18 in Dade County, but I do know we had a good tax
19 collection, but I wouldn't get our hopes up that
20 we've got a trend occurring, but it was a good month
21 in terms of the check.

22 For S.P.L.O.S.T, we've got \$215,000 on
23 the check and that's substantially more than we
24 budgeted for. We budgeted \$185,000 a month in
25 S.P.L.O.S.T collections and a check like that puts

1 us over our expectation and that helps us take off
2 some of our S.P.L.O.S.T. projects on hold, but we
3 can reduce our expectations about what we can pay
4 for with S.P.L.O.S.T dollars. So good month. I'm
5 not optimistic that's going to continue. Certainly
6 one month does not make a trend.

7 Regarding the budget, we closed the
8 book on May. That's 92 percent of the year and, of
9 course, it sounds like we're talking about old news,
10 since we're in the new budget year. The fiscal year
11 books are not going to be done for a while yet.
12 Revenue attained was 89 percent through May and, of
13 course, our expenses were at 87 percent, so we're
14 running below revenue and running below expenses.

15 Now, we were doing a lot better in
16 terms of our net savings until we had to pay for
17 cleanup and Ted will talk a little bit about this,
18 I'm sure. We've put out a lot of money so far to
19 pay our contractor to clean up and FEMA, GEMA will
20 not reimburse us until we actually write the check.
21 So they don't give us money ahead of time. They
22 give us money after we've spent the money. And we
23 haven't seen any of that money show up other than
24 the initial needs dollars that we got way back. So
25 right now we're looking like we're running in the

1 red for last fiscal year and a lot of that is
2 associated with having to pay our bills to clean up
3 the roads and Ted will tell you a lot more about
4 that because he's been working very hard trying to
5 get --

6 MR. RUMLEY: I can't tell them much.
7 You're telling them about everything, I think. Your
8 three minutes are up.

9 MR. CERVELLI: All right. I'm done.
10 That's it.

11 MR. RUMLEY: Are you sure you haven't
12 got anything else?

13 MR. CERVELLI: I'm done. I'm insulted.
14 No, I'm done.

15 MR. RUMLEY: If I thought you were, I'd
16 cry. You know, what Peter said is really right.
17 With FEMA, you run into something it seems like
18 against the wall every other day. What he mentioned
19 about that check, you know, you have to write a
20 check. If it's for \$300,000, let that check clear
21 through the -- the people make you write it, come
22 back and then you make a copy of that and then you
23 get paid for that. That would be like the insurance
24 company coming out to your house and saying we'll
25 replace your house for \$250,000, you're covered, but

1 you're going to have to build that house, pay for
2 everything and when you get finished, bring us the
3 check and then we'll pay you. So that's exactly the
4 same way this is happening. That was -- right up
5 front they didn't really tell us that. We found out
6 really the rules as another group came in a month or
7 two months ago, month and a half ago, a few weeks
8 after the disaster. So it's -- we get 75 percent,
9 but still it's really hard because we're having to
10 write this and get it returned. So think about
11 that.

12 Anyway, the fire though that Peter was
13 talking about, I did want to touch on that out at
14 West Brow. That was kind of a scary situation. It
15 could have been a lot more serious than what it was.
16 We did have -- in West Brow we have every fire
17 department really participated in it. Rising Fawn,
18 they were on standby a lot of the time. You had New
19 Salem, New Home, had Davis from the other mountain.
20 Of course, the Forestry was actually calling the
21 shots out there, but they actually set that thing up
22 for 24 hours a day practically until it was put out.
23 Thank goodness we had some rain because they brought
24 helicopters in and all and if we didn't have that,
25 it would start right back.

1 That leads me into this other thing
2 with FEMA. I've been on the phone today, almost
3 every other day these past few weeks trying to --
4 our county what they call Operation Clean Sweep and
5 that would actually -- the reason that fire was so
6 hard to fight was because all the debris that was
7 mingled in and the dozers couldn't come in there and
8 fight it. You had to go in there by hand with
9 chainsaws to do a fire break. So that's just a tip
10 of the iceberg of what could happen when all this
11 stuff does dry out, over in Middleton Estates with
12 timber. And Operation Clean Sweep, they've actually
13 initiated it in Alabama and Dekalb County from the
14 same storms. FEMA has given the cleanup people
15 authority and is also paying them to go out, even on
16 people's farms, in your yard, anywhere that there's
17 storm debris, if you'll sign a release, they're able
18 to go out and clean that up. So I know it's
19 happening in Dekalb County and parts of the area of
20 Dekalb County.

21 So we're hoping, you know -- we've got
22 a conference call with Issackson on Tuesday and
23 hopefully we can get that because there's no
24 difference in our tax money we pay federal wise and
25 Alabama. So put us on your prayer list on that

1 because it would be big. Also if they do that,
2 normally they go into a 90/10 payback, so that would
3 mean we would only be required to pay ten percent
4 and the federal people and the state would pay
5 90 percent. Hopefully that will happen. We're
6 really working on it.

7 We did go to Atlanta pertaining to
8 several things, but the big issue was the DOT,
9 misunderstanding about the cleanup. We've got that
10 verbally taken care of. Hopefully, we'll get that
11 contract back maybe tomorrow or Monday and I
12 mentioned it in the work session, we'll have to have
13 a special meeting to adopt that. But what that will
14 do, it's an intergovernmental agreement with us and
15 the City and the cleanup people will -- when they
16 finish our county roads, they'll go through to our
17 state routes and they may have to make three or four
18 rounds just like they have on the county roads, but
19 that way it won't slow it down. It looks like if
20 they do that, if we get that back, we're going to
21 have to extend our time to probably the first week
22 in August because they said it would take probably
23 two weeks to do the state roads and then we've got
24 the time of burning and hauling the debris off.
25 That's what we're looking at right now, probably the

1 first week in August when we actually start winding
2 down.

3 The -- oh, yeah. I did want to
4 mention, we've got a new x-ray machine. We
5 mentioned, I think, at our last meeting, but in the
6 courthouse. It's something, you know, we've got
7 security. We've got a security guard that's
8 required by law, but we got a brand new, practically
9 right at \$100,000 machine donated to us by Homeland
10 Security. It came out of Oak Ridge Nuclear Plant.
11 It was something that they never installed. So it's
12 over at the courthouse and we're proud of it. I
13 mean, it's something different, I guess. You put
14 your purse down there and it will tell you what's in
15 it. The sheriff, he was really instrumental in
16 getting that, he and Jackie Womack. Womack was
17 really the person that pushed it and got it for us.

18 Let's see what else I've got here.
19 That's pretty much all. Peter covered our budget.
20 We're proud to be where we're at on this budget. A
21 lot went into it. As I said, I said that over there
22 kind of joking, but I'm sure proud we're not going
23 to have one or two mill increase in taxes and the
24 way you do this, just like you said, we're tight
25 with your money and we want you to believe that we

1 are. Debbie will vouch for that with the Chamber.
2 She gets nervous every time this time of the year.

3 But anyway, anything else that you want
4 to add, Peter? We just appreciate all of y'all
5 coming to our meetings. We appreciate all the
6 support we have and, you know, it's just -- it's
7 just a good place to live and if you don't realize
8 that, just like at the disaster we had and all the
9 people that's come together. Like I said at one of
10 the meetings before, I know people that haven't
11 spoken in years that are going to eat together now.
12 They had a little, maybe a neighbor dispute or
13 something and sometimes it takes bad to have some
14 good, you know. It's just amazing and you know what
15 I'm talking about, Robert. I know one incident over
16 in your neighborhood. I'm not going to call any
17 names. Have you got anything else you want to add?

18 MR. PITTMAN: No.

19 MR. RUMLEY: Debbie, do you want to
20 come on up? Debbie Tinker with our Chamber. She's
21 the director of our Chamber.

22 MS. TINKER: Like every other
23 organization, individuals and everything, a lot of
24 our events, activities had to be put on hold while
25 we worked on more important things during this past

1 quarter. We did want to thank the County Commission
2 though and the City Commission for letting our
3 government employees come out, take the work ready
4 assessments. We now have our numbers in. Everyone
5 passed and hopefully we'll have our Georgia Work
6 Ready designation either in August or September and
7 it will depend on our high school graduation rate
8 and after we get this designation, then we get to
9 start on our reassessment and start all over again,
10 but with this, it will help bring businesses in.

11 They can be designated as a Georgia
12 Work Ready business and actually go through the web
13 site and pick applicants that have already been
14 tested that say their skill set would work for this
15 job and it will make it easier for the employee and
16 also the business in their selection.

17 We are in the process of rescheduling
18 our banquet that was supposed to be April 30th.
19 We will be setting a date this next week on that,
20 but we hope it will be in September, either the
21 third or fourth weekend.

22 Many of our businesses that were closed
23 because of the tornado disaster, they're beginning
24 to reopen, relocate. Curves opened this past week.
25 A business we worked to try to get here, we started

1 last year working with will be opening, Benchmark
2 Physical Therapy and that will be a new business to
3 Dade County and it will be here in August, end of
4 July or August.

5 Most of what we're doing right now, we
6 have a lot of end of the year input on state
7 websites because we are a regional welcome center
8 and because we are your Chamber, the state and other
9 organizations come to us to do the input on their
10 websites for the Georgia Tourism Guide 2012.

11 Trenton has been selected as one of five towns to be
12 highlighted in the northwest Georgia section and I
13 did include that material that we sent in your
14 packet. We did do the media profile for the media
15 riders that they brought to Georgia.

16 National Geographic right now has a
17 geo-tourism map that will take in the Tennessee
18 River Valley area and we've started inputting the
19 information on this, but today they e-mailed us and
20 said they really would prefer individuals to put
21 this in, the nomination than an organization. And
22 more than one person can nominate an attraction. So
23 Jana and I will be inputting that in under our own
24 names and then anyone that has any kind of
25 geo-tourism attraction, this can be from our artist

1 that -- anything that enhances our quality of life
2 from history, just Cloudland Canyon State Park,
3 anything like that, theater, historical society,
4 anything they may want to put in, but all of that,
5 you put in the nomination and the selections will be
6 made and a lot of people use the National Geographic
7 website, so that would be very important for
8 everybody to do.

9 Project Synergy had to be put on hold
10 for last spring. We will be -- well, we have
11 already started this with Tom again this summer and
12 Top Flight will be helping us sponsor the falls
13 along with Coca-Cola Company has said they would be
14 a corporate sponsor. And our camera ready
15 designation, we are trying to get -- we were having
16 a photo contest and the prize for that was \$1,000.
17 That has been put on hold, too, because a lot of our
18 pretty homes and everything, there's been a lot of
19 destruction and so until areas got cleaned, they've
20 just decided to put that on hold.

21 And the Farmers Market has started up
22 on Saturdays and the Chamber cosponsors that with
23 the Downtown Development, but we would like to
24 credit John Shober with much of the success of this
25 project and the Chamber has a table set up there

1 with the information from the Extension office about
2 soil testing and everything and we also do have the
3 number to call the UGA Extension office in Athens
4 and support your office here and tell them they want
5 it staffed. So we would appreciate anyone picking
6 up that phone number and I think I've just about
7 touched on everything.

8 Website numbers are included in this
9 and if you'll notice that we've had 9,000 plus
10 number of visits and next to the United States,
11 visiting our web site was Germany. So thank you.

12 MR. CERVELLI: Debbie, on the Work
13 Ready, when do we actually get our formal state
14 designation?

15 MS. TINKER: Well, I'm asking that same
16 question down there. Anyway, they said that the
17 information is usually about a month to two months
18 behind, so I'm looking at August and September at
19 the latest, but I already faxed the actual test
20 scores in to them, Georgia Northwestern sent those
21 to us and I checked with the school. We've got the
22 graduation rates. From what I can tell, even though
23 it has dropped from when we first went in there,
24 we're still above what it's supposed to be. And
25 after that, to keep that designation, we have to do

1 a third more each year of this testing, but
2 government employees and private citizens will not
3 have to do that.

4 MR. CERVELLI: Good.

5 MS. TINKER: Peter actually took this
6 for us.

7 UNIDENTIFIED CITIZEN: Debbie, have you
8 checked that number at the Extension office?
9 I've --

10 MS. TINKER: Oh, our local one? Okay.
11 I'll find out about that. Give me a call at the
12 office. Ted Dyer is actually who I got the
13 information from.

14 UNIDENTIFIED CITIZEN: That figures. I
15 cannot get an answer from anybody.

16 MS. TINKER: Okay. I know the local
17 office here. Okay. I'll check with Ted and see
18 what's going on with that phone number.

19 MR. RUMLEY: There was a rumor going
20 around. You know, Peter took the test and he did
21 real good on it. They said he was talking to his
22 Droid over there. The Droid was telling him the
23 answers. I don't know how true that is. That's
24 just a rumor.

25 MR. CERVELLI: Not true, for the

1 record.

2 MR. RUMLEY: She mentioned the
3 Historical Society, I do want to tell you that just
4 last week in June, the first of -- last week of
5 June, the Historical Society has got the new
6 printing of the history of Dade County. I've got a
7 copy in the office. It's a real thick, looks
8 like -- but it's got a lot of information, lot of
9 history, lot of people, lot of pictures in there. A
10 lot of y'all especially that's lived here a long
11 time. It's something that -- when you pick it up,
12 you see something different every time you pick it
13 up.

14 From what I understand, you can buy
15 these books at either one of the banks and the
16 Historical Society members, they're also selling.
17 Verenice Hawkins, I know she's got them.

18 MS. TINKER: We've got them.

19 MR. RUMLEY: The Chamber has them.
20 What are they, \$30?

21 MS. TINKER: Thirty-five or if you're a
22 Historical Society member, I believe you can get it
23 for 30.

24 MR. RUMLEY: It sounds high, but it's
25 really a thick book.

1 MS. TINKER: It's very nice.

2 MR. RUMLEY: It's something to keep,
3 something to really keep. It's even got a picture
4 of Don in it. It looks like he's about 18 years
5 old.

6 Okay, Don, financial -- monthly
7 financial report, Mr. Don Townsend.

8 MR. TOWNSEND: As of June 30, 2011, in
9 the general fund, a balance of \$542,037; federal
10 asset fund, U.S. Treasury, \$285; special sheriff's
11 fund, \$1,483; drug abuse education fund, \$91,855;
12 supplemental juvenile services fund, \$19,124; victim
13 assistance fund, \$2,407; jail fund, \$10,592, federal
14 asset fund, Department of Justice, \$3,660; payroll
15 account, \$74,957.

16 Principal and interest account for 2004
17 S.P.L.O.S.T is \$146,480. Project account for 2009
18 S.P.L.O.S.T is \$229,144; proceeds account is
19 \$1,045,240; construction account is \$19,055. See
20 below the New Salem for the fire departments, the
21 balance remaining there.

22 Again, budget attained through May
23 31st is 91.67 percent. Revenues attained,
24 89.17 percent. Expenses are 86.64 percent.
25 Revenues less expenses for May was short

1 \$427,308.43. Revenues less expenses year-to-date
2 was short \$17,389.05. Year-to-date revenues was 700
3 -- I'm sorry, \$7,724,301.78. We budgeted
4 8.1 million, which is \$334,067 short.

5 Expenses was -- actual expenses
6 year-to-date for May 31st, \$7,741,690.83. Budget
7 7.8 million, which was 147 under budget. Local
8 option sales tax for the month of June was
9 \$172,260.14 and revenue for S.P.L.O.S.T for June is
10 \$215,329.50.

11 Of the May expenses that have posted,
12 \$99,109.99 plus the -- I did not calculate this, but
13 the FICA and workers' comp and stuff like that would
14 have pushed that over \$100,000 and that would
15 quality FEMA expenses only. That's only employee --
16 in fact, I think that's only employee time. I don't
17 believe there was any DTS in those expenses, so that
18 was about \$100,000 in general supplies, contracted
19 services, employee overtime, supplied and fuel as
20 well as purchase services that was involved with
21 FEMA cleanup. So that was why most of those numbers
22 were under budget.

23 MR. RUMLEY: Okay. Any questions for
24 Don?

25 MR. CERVELLI: Yeah. Don, when do we

1 stop talking about the 2004 S.P.L.O.S.T?

2 MR. TOWNSEND: The money left is for
3 the jail kitchen expansion project, 50,000 to be
4 paid on the library roof, I believe.

5 MR. RUMLEY: Courthouse, the old
6 courthouse.

7 MR. TOWNSEND: Well, the library --
8 yeah, you're right, the courthouse.

9 MR. RUMLEY: The library already --
10 they got 50,000 on it and then the courthouse, the
11 old courthouse.

12 MR. PITTMAN: The courthouse gets the
13 remainder of it.

14 MR. CERVELLI: Thank you, Ted.

15 MR. RUMLEY: Any more questions for
16 Don? If not, I'll entertain a motion to approve the
17 financial report presented by Don Townsend.

18 MR. PITTMAN: I make a motion we
19 approve the financial statement as read by Don
20 Townsend.

21 MR. RUMLEY: Do I hear a second?

22 MR. GOFF: Second.

23 MR. RUMLEY: Okay. I'll call a vote.
24 Mr. Cervelli?

25 MR. CERVELLI: Yes.

1 MR. RUMLEY: Mr. Goff?

2 MR. GOFF: Yes.

3 MR. RUMLEY: Mr. Pittman?

4 MR. PITTMAN: Yes.

5 MR. RUMLEY: Mr. Smith?

6 MR. SMITH: Yes.

7 MR. RUMLEY: The chair votes yes.

8 Thank you, Don.

9 Okay. Legal matters, we'll go into
10 that in executive session, so we'll move on down to
11 unfinished business. We don't have anything that I
12 know of. Okay. Don, do you want to go ahead and
13 read the workshop agenda on the -- and then also
14 we'll entertain a motion to approve that.

15 MR. TOWNSEND: Okay. Matters to be
16 under consideration for the items on the workshop
17 agenda are considered for the consent agenda, the
18 approval of previous meeting minutes, the Hutcheson
19 Hospital board registration -- I'm sorry,
20 resignation of Mr. Holmes, the acceptance of that
21 resignation as well as the replacement with
22 Mr. Larry Moore to the HHE Board. Public works
23 vehicle under S.P.L.O.S.T capital equipment to be
24 purchased from Mountain View Ford with the lowest
25 bid submitted \$23,705. A grant for the fiscal year

1 2012 for the USDANRC soil conservationist Joe Lee in
2 the amount of \$14,498, approval of the fiscal year
3 2012 budget, a resolution for the total of
4 \$8,830,000. Agreement for the fiscal year 2012
5 Northwest Georgia Regional Commission,
6 transportation for the elderly for Meals on Wheels
7 and the Department of Family and Children's Services
8 rental agreement option on a 12-month extension with
9 the Georgia Department of Human Services.

10 MR. RUMLEY: Okay. Any questions for
11 Don?

12 MR. GOFF: No.

13 MR. RUMLEY: Okay. If not, I'll
14 entertain a motion to approve the consent agenda.

15 MR. ROGERS: Mr. Chairman, I think
16 there was also -- we submitted the name of Evan
17 Stone for the Hospital Authority Board.

18 MR. RUMLEY: That's right. Okay. Any
19 questions for Don? If not, I'll entertain a motion
20 to approve the consent agenda as presented. Do I
21 hear a motion?

22 MR. SMITH: Motion to approve the
23 consent agenda.

24 MR. RUMLEY: Do I hear a second?

25 MR. PITTMAN: Second.

1 MR. RUMLEY: I'll call the roll. Mr.
2 Cervelli?

3 MR. CERVELLI: Yes.

4 MR. RUMLEY: Mr. Goff?

5 MR. GOFF: Yes.

6 MR. RUMLEY: Mr. Pittman?

7 MR. PITTMAN: Yes.

8 MR. RUMLEY: Mr. Smith?

9 MR. SMITH: Yes.

10 MR. RUMLEY: And the chair votes yes.
11 Okay. Anyone want to come up and talk
12 to us tonight? We'll go into executive session in
13 just a little while it looks like. You're welcome
14 to come up and talk to us if you have any comments
15 you want to make. Mayor, you got anything? Buddy?

16 MR. BUDDY: Don't have a thing.

17 MR. RUMLEY: Anything going on in West
18 Brow you want to talk about?

19 THE WITNESS: Afraid not.

20 MR. RUMLEY: If not, I'll entertain a
21 motion to go into executive session.

22 MR. CERVELLI: So moved.

23 MR. RUMLEY: Okay. Do I hear a second?

24 MR. PITTMAN: Second.

25 MR. RUMLEY: I'll call a vote. Mr.

1 Cervelli?

2 MR. CERVELLI: Yes.

3 MR. RUMLEY: Mr. Goff?

4 MR. GOFF: Yes.

5 MR. RUMLEY: Mr. Pittman?

6 MR. PITTMAN: Yes.

7 MR. RUMLEY: Mr. Smith?

8 MR. SMITH: Yes.

9 MR. RUMLEY: The chair votes yes. All
10 right. We'll be back shortly.

11 (Thereupon, the Commissioners
12 retired to Executive Session.)

13 MR. ROGERS: We revised our current
14 ordinance to bring that in line with the placement
15 and regulation as done by the State already and so
16 that would be my suggestion that we kind of bring
17 our ordinance in line and to be consistent with
18 those regulations that are in place not only for
19 methadone clinics, but other facilities.

20 MR. CERVELLI: Mr. Chairman, I called
21 the Regional Commission today to ask them if a
22 developmental regional impact would be required for
23 such a facility and they looked up the requirements
24 in state law, state regulations that say for a
25 nonmetropolitan region, which we are, and for a

1 hospital and health care facility, which they
2 believe this would fall under, a regional impact
3 needs to be done by the Regional Commission if the
4 facility had to be greater than 200 beds and it
5 doesn't fall under that requirement, but it may fall
6 under the requirement of generating more than 250
7 peak hour vehicle trips per day, basically a traffic
8 issue in that area. And so based on my reading of
9 the regulations and talking to the folks at the
10 Regional Commission, we're actually obligated, if
11 that criteria is made, to do a regional impact of
12 this facility before taking any action that might be
13 adverse and so we need to have these folks fill out
14 a questionnaire and talk with the Regional
15 Commission about what the requirements and what the
16 impact on that location might be.

17 And the Regional Commission is then,
18 based on a time line that kicks in, required to come
19 back and give us an analysis of the adverse or
20 negative or positive impacts of this development and
21 then by state law we can act based upon what their
22 advice is.

23 MR. RUMLEY: Okay. Can you put that in
24 the form of a motion, please?

25 MR. CERVELLI: I make a motion that we

1 ask the Hancocks to work with the Regional
2 Commission to get a regional impact statement done
3 so that we might be able to be consistent with state
4 regulations regarding development of regional
5 impacts in the nonmetropolitan areas.

6 MR. RUMLEY: Okay. I have a motion.
7 Do I have a second?

8 MR. ROGERS: Mr. Chairman, to be sure I
9 understand, would that also provide for our current
10 ordinance?

11 MR. CERVELLI: My assumption is we'll
12 learn something as a result of that that may impact
13 requirements in that ordinance so that it's a safe
14 development if the project goes forward.

15 MR. RUMLEY: Now, comment on that,
16 Attorney, because we need to -- what you're asking
17 him is does he need to include that we rescind that
18 part of the ordinance?

19 MR. ROGERS: That's correct. What I
20 would recommend that we do is that that part of the
21 ordinance, we rescind that part of the ordinance and
22 look at -- reevaluate looking at the DRI, sort of
23 restriction of placement and of the methadone clinic
24 or other facilities we might need.

25 MR. CERVELLI: So amended.

1 MR. RUMLEY: All right. I have a
2 motion. Do I have a second?

3 MR. GOFF: I'll second.

4 MR. RUMLEY: I'll call a vote. Mr.
5 Cervelli?

6 MR. CERVELLI: Yes.

7 MR. RUMLEY: Mr. Goff?

8 MR. GOFF: Yes.

9 MR. RUMLEY: Mr. Pittman?

10 MR. PITTMAN: Yes.

11 MR. RUMLEY: Mr. Smith?

12 MR. SMITH: Yes.

13 MR. RUMLEY: Okay. The chair votes
14 yes. Does anyone have any comments?

15 MS. FORD-WALLACE: Will you say it
16 again? You rescind the current one and will amend
17 it after the impact? Would you say it again?

18 MR. RUMLEY: We rescind the actual
19 portion of that ordinance that actually totally
20 states that you cannot sell methadone in the county
21 because that's evidently -- if you want to explain
22 the legal terms of that --

23 MR. ROGERS: Right. You can't have a
24 blanket prohibition on that, but you can regulate
25 and that has -- this area has been extensively

1 regulated by the state, so what we're intending to
2 do is to make our ordinance comply and be consistent
3 with what the state has already.

4 MR. RUMLEY: And when we get the DRI
5 back, which is the report back from this group, we
6 can actually mold our ordinance around that.

7 MS. FORD-WALLACE: Can you give us a
8 time frame?

9 MR. RUMLEY: A what?

10 MS. FORD-WALLACE: An approximate time
11 that that would take?

12 MR. RUMLEY: No. I'll entertain a
13 motion to adjourn.

14 MR. PITTMAN: I make a motion we
15 adjourn.

16 MR. RUMLEY: Do I hear a second?

17 MR. GOFF: Second.

18 MR. RUMLEY: Mr. Cervelli.

19 MR. CERVELLI: Yes.

20 MR. RUMLEY: Mr. Goff?

21 MR. GOFF: Yes.

22 MR. RUMLEY: Mr. Pittman?

23 MR. PITTMAN: Yes.

24 MR. RUMLEY: Mr. Smith?

25 MR. SMITH: Yes.

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MR. RUMLEY: The chair votes yes.

Thank you.

END OF PROCEEDING

1 REPORTER'S CERTIFICATE

2 STATE OF TENNESSEE)
3 COUNTY OF HAMILTON)

4
5 I, Erin M. Flatt, Court Reporter and
6 Notary Public, in and for Hamilton County and the
7 State of Tennessee at Large, do hereby certify that
8 I reported in machine shorthand the proceedings had
9 in the above-styled cause on the 7th day of
10 July, 2011;

11 That the said proceedings were
12 reduced to typewriting under my personal supervision;
13 and that the foregoing is a transcript of said
14 proceedings.

15 This the 1st day of August, 2011.

16
17
18
19
20 Erin M. Flatt
21 Erin M. Flatt, TN licensed
22 Court Reporter.
23 Tennessee LCR Number: 307
24
25