

Anderson County Board of Commissioners
OPERATIONS COMMITTEE
AGENDA

January 13, 2020
6:00 p.m. Room 312
Anderson County Courthouse

1. **Call to Order**
2. **Prayer / Pledge of Allegiance**
3. **Approval of Agenda**
4. **Appearance of Citizens**
5. **Election Commission** – requested by Mark Stephens
 - Proposed Courthouse move out of rooms 126 and 128.
6. **Mayor Frank**
 1. Requesting motion to authorize drafting of resolution in support of the Second Amendment.
 2. A. Requesting motion to establish a temporary moratorium for approval of any new TIF proposal.
B. Requesting motion to establish a Tax Increment Financing Study and Formulating Committee.
 3. Requesting authorization to speak with the county’s insurance company about a possible claim and also an attorney with expertise in real estate law about possible remedies for the purchase of 205 Main Street.
7. **MOU Oak Ridge General Sessions Court**
8. **Property Purchase 96 Mariner Point Drive** – requested by Commissioner McKamey
9. **Senior Center Discussion** – requested by Commissioner Scott
10. **Briceville Volunteer Fire Department** – requested by Chairman Isbel
 - Discussion on new fire hall to be built.

New Business

Old Business

Adjournment



ANDERSON COUNTY GOVERNMENT

TERRY FRANK
COUNTY MAYOR

January 8, 2020

Commissioner Tim Isbel
Chairman, Operations Committee

RE: Agenda

Dear Chairman Isbel and Honorable Members of the Operations Committee,

I wish to request the following items be added to the agenda:

1. I have been contacted by numerous citizens via email, visits to my office, phone calls, and messages on Facebook asking if Anderson County will pass a resolution declaring support for the Second Amendment as many neighboring counties are doing.

Not all county commissions post their minutes online, but I've included a couple of exhibits as examples of resolutions passed in those counties where the minutes are posted. (See attached)

I don't wish to blindsides commission with the presentation of a resolution, so I wanted to get input from commission on suggested language and then I can bring a draft back for next month's Operation meeting. Requesting motion to authorize drafting of resolution.

2. Temporary moratorium on approval of any new Tax Increment Financing proposals to allow for the establishment of a committee to review terms, consider establishing restrictions, and improving transparency on investment. As an example of possible changes, other municipalities have reformed their TIF programs to split new tax revenues instead of using 100% of new tax revenues to pay back TIF loans. Anderson County may consider limiting TIFs to 10 years, as community priorities may change and what is priority in 20 years may be different than today. Anderson County may wish to address where to focus TIF awards.
 - a) Requesting motion to establish a temporary moratorium not to exceed 6 months for the approval of any new TIF proposal.

- b) **Requesting motion to establish a Tax Increment Financing Study and Formulating Committee. I have attached a model "function" description for a similar committee in another jurisdiction. (see attached)**
3. **As we have debated housing for the Anderson County Senior program for almost two years, individual commissioners continue to express concerns regarding the purchase of 205 S. Main Street and how to reimburse taxpayers. I do know that if we intend to act as a county, that statutes of limitations will eventually run out. I'm not an attorney, so I don't know if the legal or insurance terms of misfeasance, nonfeasance or malfeasance apply to this scenario; however, I am requesting authorization to speak with the county's insurance company about a possible claim and also an attorney with expertise in real estate law about possible remedies.**

My best regards,

A handwritten signature in black ink, appearing to read "Terry", written in a cursive style.

Terry

Sullivan County
Board of County Commissioners
239th Annual Session

Item 8
No. 2019-11-95

To the Honorable Richard S. Venable, Sullivan County Mayor and the Board of Sullivan County Commissioners meeting in Regular Session this 21st day of November, 2019.

RESOLUTION of the Sullivan County Commission declaring support for the Second Amendment of the United States Constitution.

WHEREAS, the 111th General Assembly in its 2019 session considered and referred to committees for further study SB0943/HB1049 that authorizes the issuance of extreme risk protection order, also known as a "red flag law", "Extreme Risk Protection Orders" means an order, in writing, signed by the court, prohibiting and enjoining a named person from having in the person's custody or control, owning, purchasing, possessing, or receiving, any firearm or ammunition.

WHEREAS, Article 1, Section 26 of the Tennessee Constitution states, "That the citizens of this state have a right to keep and to bear arms for their common defenses; but the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime"; and

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

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

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

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

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

WHEREAS, the Sullivan County Commission opposes any federal or state law, including Red Flag laws, that infringe on a citizen's Second Amendment right to bear arms.

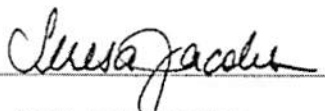
NOW, THEREFORE BE IT RESOLVED that the Sullivan County Board of Commissioners hereby declares Sullivan County to be a "Second Amendment Sanctuary County", meaning that

Sullivan County will provide safe haven and protect the United States Constitution and the 2nd Amendment Rights of law-abiding Sullivan County citizens from infringement.

This resolution shall take effect from and after its passage. All resolutions in conflict herewith shall be and the same are hereby rescinded insofar as such conflict exists.

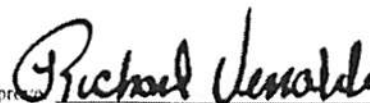
Approved this 21st day of November, 2019.

Attest:



Teresa L. Jacobs, County Clerk

Approved:



Richard S. Venable, County Mayor

Sponsored By: Commissioner(s) Gary Stidham/Hunter Locke

Co-Sponsor(s): Commissioners Angie Stanley, Hershel Glover, Todd Broughton, Joyce Crosswhite, John Gardner

No. 2019-11-95 COMMITTEE: 11/12/19 – Executive, approved; 11/12/19 Administrative approved;
COMMISSION: 11/21/19 – Approved on Consent 21 Yes, 3 Absent

**RESOLUTION 2019-51
BOARD OF COMMISSIONERS**

WHEREAS, the Fourteenth Amendment to the Constitution of the United States, Section 1 states: "No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States; nor deny to any person within its jurisdiction, the equal protection of the laws";

WHEREAS, the United States Supreme Court in the McDonald v. City of Chicago (2010) decision affirmed that a Person's Second Amendment right to keep and bear arms is further secure by the "due process" and the "privileges and immunities" clauses of the Fourteenth Amendment. The decision also protects rights closely related to the Second Amendment, namely the right to manufacture, transfer, accessories and ammunition;

WHEREAS, the Tennessee State Constitution Article 1, Section 26 states: "that the citizens of this state have a right to keep and to bear arms for their common defense; but the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime";

WHEREAS, the Tennessee State Constitution Article 1, Section 24 states: "that the sure and certain defense of a free people, is a well-regulated militia; and, as standing armies in time of peace are dangerous to freedom, they ought to be avoided as far as the circumstances and safety of the community will admit; and that in all cases the military shall be kept in strict subordination to the civil authority";

WHEREAS, the Tenth Amendment to the Constitution of America states: "the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people";

WHEREAS, the United States Supreme Court found in *Prinz v. United States* (1997) that the Federal government cannot compel law enforcement officers of the states to enforce Federal laws as it would increase the power of the Federal government far beyond that which the Constitution intends;

Section 1. The unalienable right to keep and bear arms, as specified in the Second Amendment to the United States Constitution, the Constitution of Tennessee, and further upheld by subsequent decisions of the United States Supreme Court.

Section 2. The Right, as originally written and understood, to keep and bear arms for self-defense, personal safety, protection of one's family, and in defense of one's community and county.

Section 3. The right to manufacture, transfer, purchase, and sell firearms and ammunition designed for those purposes outlined above, rights guaranteed by the United States Constitution and the Constitution of Tennessee.

FUTHERMORE, any regulation of the right to keep and bear arms or affiliated firearm rights that violates the Second, Ninth, Tenth, or Fourteenth Amendments of the United States Constitution, that violates Article 1, Sections 24 and 26 of the Tennessee Constitution, or that violates numerous related Supreme Court Decisions including those listed above shall be regarded by the people of, on, or in Jefferson County, Tennessee to be unconstitutional, a transgression of the Supreme Law of the Land and its spirit of individual sovereignty, and, therefore by necessity, unenforceable and invalid from the outset.

MOREOVER, the criminal misuse of firearms is due to the fact that criminals do not obey laws and this is not a reason to abrogate or abridge the unalienable, constitutionally guaranteed rights of law abiding citizens. The last protectors of the Constitution of the United States are we the People of the United States and our ability to fulfill that role successfully rests on our Second Amendment rights.

**RESOLUTION 2019-51
BOARD OF COMMISSIONERS**

THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Jefferson County, Tennessee government will not authorize or appropriate government funds, resources, employees, agencies, contractors, buildings, detention centers, or offices for the purpose of enforcing or assisting in the enforcement of any element of such acts, laws, orders, mandates, rules or regulation that infringe on the right by the people to keep and bear arms as described and defined in detail above.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Jefferson County, Tennessee meeting in Regular Quarterly Session this 21st day of October, 2019 at the Historical Jefferson County Courthouse in Dandridge, Tennessee that Jefferson County, Tennessee is officially declared a "Second Amendment Sanctuary County".

This Resolution shall become effective upon the passage, the public welfare requiring it.

CO-SPONSORS: Commissioners, Todd Kesterson and Paul Lowe.

Votes: _____
 Yes No Abstain

Attest: _____ Date: _____
 Frank C. Herndon, County Clerk

Approved: _____ Date: _____
 Mark Potts, County Mayor

Tax Increment Financing Study and Formulating Committee

Description

Established by BL2018-1315
7 Members

Function

The Study and Formulating Committee shall endeavor to study how the Metropolitan Government utilizes tax increment financing and to formulate recommendations for its implementation in a more transparent, equitable, effective and understandable manner. Such study shall assess (i) how tax increment financing is awarded, (ii) the strengths and weaknesses of how tax increment financing is currently awarded, (iii) whether alternative lawful approaches exist for structuring tax increment financing awards, and (iv) whether methods for awarding tax increment financing should be revised following the emergence of transit-oriented redevelopment districts and other developments.

Meeting Details

Not yet established.

Contact

**Memorandum of Understanding
(Oak Ridge General Sessions Court)**

Come now the parties, Anderson County, Tennessee and the City of Oak Ridge, Tennessee by and through their respective legislative bodies and freely and voluntarily enter into this MOU in an effort to memorialize their partnership to provide a second General Sessions Court within the boundaries of the City of Oak Ridge for the use and benefit of all citizens of Anderson County.

WHEREAS, at the request of the parties, the Tennessee General Assembly passed *Private Act Chapter 226* in 1992 establishing a General Sessions Court inside the boundaries of Oak Ridge; and

WHEREAS, *Section 14* of the referenced Private Act states as follows:

There shall be two full-time Judges for the General Sessions Court of Anderson County, Tennessee, one being the Judge of Division I and the other being the Judge of Division II, with the same qualifications and term of office as provided by the Constitution of the State of Tennessee for Judges of inferior courts; and such Judges shall take the same oath as prescribed for Circuit Judges and Chancellors. The Judges of the General Sessions Court of Anderson County, Tennessee shall be licensed attorneys of this State and residents of Anderson County, Tennessee. The Judges shall devote full time to the office and shall not otherwise practice law, and shall be paid a salary as provided in Section 15. The Judges of Division I and Division II shall have and exercise all the same jurisdiction and may hold court and hear cases in either Division: Both Judges shall devote such time as necessary between either Division to equalize the case load and to provide for the expeditious hearing of all cases in both Divisions. **Cases arising in Division II of the General Sessions Court of Anderson County, Tennessee shall be heard in Oak Ridge, Tennessee subject to the City of Oak Ridge, Tennessee providing adequate courtroom and office facilities for the Judge and support staff. (Emphasis Added)**

WHEREAS, after several years of hosting the court inside the Oak Ridge Municipal Building, it became evident that the building was no longer adequate to house the court and associated office facilities as required by the Private Act; therefore, on October 4th, 2006 Judge Ron Murch sent a letter to Oak Ridge City Manager, Jim O'Connor, requesting additional court space. That request was denied by Mr. O'Connor; and

WHEREAS, in July of 2007 and subsequent to Mr. O'Connor's decision, Anderson County leased space from Vintage Development Corporation alongside the Oak Ridge Turnpike for use as the General Session Division II court due to space and security concerns that existed at the Oak Ridge Municipal Building; and

WHEREAS, on June 28th, 2007 a joint meeting was held between the Anderson County Commission and the Oak Ridge City Council and it was determined that the City of Oak Ridge

would contribute \$2,500 per month toward the new lease. That arrangement was subsequently approved by the Oak Ridge City Council on July 16th, 2007; and

WHEREAS, in July of 2017, the parties were notified by Vintage Development that the sale of the existing General Sessions Div. II courtroom adjacent to the Oak Ridge Turnpike was imminent and arrangements needed to made to relocate the court to another suitable location; and

WHEREAS, the Anderson County Board of Commissioners decided to renovate the county-owned Daniel Arthur Rehabilitation Center (DARC) for use as a permanent location for the General Session Div. II court; and

WHEREAS, Anderson County commenced construction on the new courtroom and clerk's office space in the fall of 2017 at a total cost in excess of \$700,000.00; and

WHEREAS, the City of Oak Ridge continued its partnership with Anderson County and assisted with the construction by providing technical expertise and a one-time \$40,000 payment for a new HVAC system for the building. The City has also made two annual payments in the amount of \$35,000 in an attempt to offset constructions costs.

NOW THEREFORE, the parties hereto agree that they will continue to partner and fulfill their duties under the Private Act and provide a second General Session Court inside the boundaries of Oak Ridge. Anderson County will continue to house the General Sessions Division II court inside the DARC provided that the City of Oak Ridge continues with an annual monetary donation of \$40,000 per year for twenty (20) years or, in the alternative, \$80,000 per year for ten (10) years to offset costs associated with providing the court and clerk's office inside the municipal limits of Oak Ridge. The City of Oak Ridge also agrees to pay twenty-five percent (25%) of all utilities attributed to the building and contribute twenty-five percent (25%) to correct major repairs including roof, structural or HVAC deficiencies. Anderson County will continue to provide a General Session Judge, judicial secretary, Clerk's office and staff, security, fixtures, office equipment and daily maintenance for the court facility.

IN WITNESS WHEREOF, the parties hereto, each acting under due and proper authority have accepted the terms and executed this Agreement.

This _____ day of _____, 2020.

{Signatures on Page 3}

ACCEPTANCE FOR THE CITY OF OAK RIDGE, TN:

Warren Gooch, City Mayor

Dr. Mark Watson, City Manager

APPROVED AS TO FORM:

Ken Krushenski, City Attorney

ACCEPTANCE BY ANDERSON COUNTY, TN:

Terry Frank, County Mayor

Tracy Wandell, Chair Anderson Co. Commission

APPROVED AS TO FORM:

N. Jay Yeager, County Law Director