

**CUMBERLAND COUNTY BOARD OF EDUCATION**  
**REGULAR MEETING**  
**JANUARY 4, 2007**

The Cumberland County Board of Education met in regular session on Thursday, January 4<sup>th</sup>, 2007, at the Central Office Board Room, where the meeting was called to order by Chairman Parris at the approximate hour of 6:00 p.m. She welcomed everyone to the meeting.

**PRESENT:** Parris, Davis, Hale  
Houston, Schlafer, R. Smith  
M. Smith, Randolph  
Shella Rimmer, (CCEA Rep)  
Cathy Camera (PTO/PTA Rep)  
Josh Hardy, Bryant Davis, Callie Shanks, Braddock Tollett (Student Reps)

**ABSENT:** Safdie

**COUNSEL:** Mr. Earl Patton

**MOMENT OF SILENCE**

**PLEDGE TO FLAG:** Schlafer led the audience in the Pledge of Allegiance.

**APPROVAL OF MINUTES OF DECEMBER 7 AND 15, 2006:** Randolph made and R. Smith seconded a motion to approve the December 2<sup>nd</sup> and December 15<sup>th</sup>, 2006 minutes as presented.

**VOICE VOTE:** Randolph (mover-yes)  
R. Smith (seconder-yes)  
All ayes

**MOTION:** Carried unanimously

**APPROVAL OF AGENDA:** (See Exhibit #1) Hale made and Schlafer seconded a motion to approve the agenda with the following change:

1. Item 4-E, add the word “policy” after the word “on-line” and before the word “maintenance.”

At this point, Chairman Parris made and M. Smith seconded an amendment to the motion to add the discussion and approval of lodging and traveling expenses for the out-of-town candidates who will be interviewing for the DOS position to the top of the agenda as Item #1, re-numbering the other items accordingly.

**VOICE VOTE ON  
AMENDMENT:** Chairman Parris (yes)  
M. Smith (yes)  
7-ayes, Hale-no

**MOTION:** Carried. (7-yes, 1-no)

**VOICE VOTE ON  
ORIGINAL MOTION:** Hale (mover-yes),  
Schlafer (second-yes)  
All ayes

**MOTION:** Carried unanimously

**COMMUNITY COMMENTS:** None

**ITEM #1: TRAVEL AND LODGING EXPENSES FOR CANDIDATES FOR DOS POSITION:** Chairman Parris stated that the reason this item was not on the agenda tonight was because responses from the out-of-town candidates had not come in until the day after the agenda was distributed. Letters had been mailed to each candidate on December 18<sup>th</sup>. After discussion, no action was taken due to the lack of a motion.

**ITEM #2: FACILITIES UPDATE**

**A. Phase I Update**

**1. CCHS Renovations:** Mr. Chamberlin stated that he has nothing additional to report on the renovations until the Education Committee has given its input. Ms. VanWinkle stated that that committee meeting had to be cancelled, but it will be rescheduled soon.

**B. Pine View Drainage Work:** Mr. Chamberlin stated that the bid date on this work is January 15<sup>th</sup>. The work will consist of a trench drain along the front of the canopy, tying it into the existing system, as well as re-routing the drainage along the old gym to take that roof drainage to the rear of the building. He will bring bids for the board's review to the February meeting.

**C. Crab Orchard Property:** Mr. Chamberlin reported that the property that the board is considering selling (the property and house located to the west side of the entrance drive) would be the least desirable and most expensive to develop for any type of school work. The drainage system that runs along the side of the road would make it very expensive to develop. There is adequate property on the east side of the entrance drive, as well as on the west side of the playground area, for school expansion or use.

**D. SMHS State-wide Architectural Award:** Hale stated that this award is a very prestigious award, and asked Mrs. VanWinkle to inquire from TSBA when the award will be presented in order to publicize it for community involvement. Mr. Chamberlin will also announce it to the media when he hears from TSBA.

### **ITEM #3: SCHOOL BOARD REPORTS**

**A. TLN Report:** Houston stated that the Legislature will convene on January 9<sup>th</sup>. He yielded to Schlafer for the following:

**1. “Pledge to America’s Schoolchildren” Campaign:** (See Exhibit #2) After a brief explanation of Exhibit #2, Schlafer made and Hale seconded a motion to develop a resolution with the signatures of all board members to be sent to Senator Frist, Senator Alexander and Congressman Davis, asking for their support of this NSBA Advocacy Campaign.

**VOICE VOTE:**       **Schlafer (mover-yes)**  
                               **Hale (seconder-yes)**  
                               **All ayes**  
**MOTION:**           **Carried unanimously**

**ITEM #4: LEGAL REPORT:** (Mr. Patton stated that he will report under Item #6.)

### **ITEM #5: DIRECTOR OF SCHOOLS REPORT**

**A. Approval of TDOT Request for Right-of-Way at Homestead Elementary:** Mrs. VanWinkle asked Mr. Arnold Walker, TDOT, to discuss the right-of-way at Homestead Elementary. Mr. Brad Scott (Chief Engineer), Ms. Ann Andrews (Project Manager), and Mr. Chester Sutherland, TDOT employees, were also present. After a lengthy discussion, Mr. Walker asked for a wish list from the board regarding items it would like to negotiate further with the state. Ann Andrews, Project Manager, stated that there is an Enhancement Team Committee made up of six citizens who will be looking at special design features and aesthetics for the roadway and the intersection. Changes may be made through the Right-of-Way Department, Design Department, or through the Enhancement Committee. She asked for a complete wish list so that it can be addressed at the early March meeting of the Enhancement Committee. Mrs. VanWinkle will compile the wish list and get it to Mr. Walker.

**B. Portables:** Mrs. VanWinkle stated that the portables at North Cumberland Elementary are being rented at \$375.00 each per month, with an annual expenditure of \$18,000.00. She recommended that the portables be purchased, since they will be used until they fall apart even if a new school is built. The present rent does not go toward the purchase of the portables, but it was in the contract that the board could purchase them at the end of the lease. At installation four years ago, they could have been purchased for \$76,008.00; today they are

going to cost \$78,460.00 when the lease ends in March. Further discussion was had, after which R. Smith made and Hale seconded a motion to purchase the portables at a price not to exceed \$78,460.00, with the funds to come from Line Item #76100.724.

**ROLL CALL VOTE:**       **R. Smith (mover-yes)**  
                                   **Hale (seconder-yes)**  
                                   **Houston (yes), M. Smith (yes)**  
                                   **Davis (yes), Randolph (yes)**  
                                   **Schlafer (yes), Chairman Parris (yes)**

**C. Community Meetings for New Elementary School:** Mrs. VanWinkle stated that the community meetings for the new school have been set for Tuesday, January 9<sup>th</sup>, 2007, at 6:00 p.m. at the Baptist Fellowship Center in Mayland; and Thursday, January 11<sup>th</sup>, 2007, at 5:00 p.m. at the North Cumberland Elementary cafeteria.

**D. Approval of 12-Month Agenda:** (See Exhibit #3) Mrs. VanWinkle asked board members to let her know of any changes that need to be made to the 12-Month Agenda. In discussion, Schlafer recommended that this be called the Six-Month Agenda, since planning will be done again in May, 2007. Everyone agree. Schlafer made and Randolph seconded a motion to change the board retreat from the June date to a date in May, with the time to be announced later.

**VOICE VOTE:**       **Schlafer (mover-yes)**  
                                   **Davis (seconder-yes)**  
                                   **All ayes**  
**MOTION:**           **Carried unanimously**

At this point, Schlafer made and Davis seconded a motion to approve the Six-Month Agenda, as corrected, as per Exhibit #3.

**VOICE VOTE:**       **Schlafer (mover-yes)**  
                                   **Davis (seconder-yes)**  
                                   **All ayes**  
**MOTION:**           **Carried unanimously**

**E. TSBA Contract for On-Line Policy Maintenance:** (See Exhibit #4) Mrs. VanWinkle announced that the \$3,000.00 per year policy maintenance contract with TSBA ended on December 1<sup>st</sup>, 2006. Schlafer made and Hale seconded a motion to approve the renewal of the contract as per Exhibit #4. In discussion, Hale suggested that the board do a resolution to the State Board of Education, asking them to consider offering the board some other contracted individuals who can provide these services at a lower fee. R. Smith suggested that maybe a one-year contract might be available. Hale made and R. Smith seconded an amendment to the motion to have Mrs. VanWinkle contact TSBA and try to do a one-year contract for now; if that is not possible, to go ahead and renew the contract for three years. In discussion, Mrs. VanWinkle was instructed to use her judgment, along with the Executive Committee, to take action on whatever counter-offer TSBA comes back with.

**VOICE VOTE ON**  
**AMENDMENT:**       **Hale (mover-yes)**

**MOTION:** **R. Smith (seconder-yes)**  
**All ayes**  
**Carried unanimously**

**ROLL CALL VOTE ON ORIGINAL MOTION:** **Schlafer (mover-yes)**  
**Hale (seconder-yes)**  
**M. Smith (yes), R. Smith (yes)**  
**Davis (yes), Randolph (yes)**  
**Houston (yes), Chairman Parris (yes)**

**MOTION:** **Carried unanimously**

At this point, Hale made and Randolph seconded a motion to have Mr. Patton prepare a resolution from the board to TSBA, asking them to allow for competition in this area for the purpose of saving the school system money.

**VOICE VOTE:** **Hale (mover-yes)**  
**Randolph (seconder-yes)**  
**All ayes**

**MOTION:** **Carried unanimously**

**F. FYI Folder:** (See Exhibit #5)

- **Check Care Systems:** In answer to Schlafer's question about whether the Check Care Systems issue (which was on the agenda last month) has been discussed with principals, Mrs. VanWinkle stated that it has.

**ITEM #6: SCHOOL BOARD COMMITTEES**

**A. Committee Reports**

**1. School Safety Committee:** Hale stated that this committee is waiting for in-put from the two entities that are involved with the school system (City of Crossville Police Department and Cumberland County Sheriff's Department.)

**B. Committee Appointments/Review**

**A. Homestead Elementary Wish List for TDOT:** Hale suggested that a committee be appointed to compile this list. Chairman Parris, Mrs. VanWinkle, and Safdie will serve on the committee.

**ITEM #7: DISCUSSION OF PROPOSED LAND DEVELOPMENT NEAR SMHS:** Mr. Patton stated that he has researched the 2,000 Foot Rule Law, which is a state law that was adopted by Cumberland County in 1977. However, there is no enforceable 2,000 foot rule in

Cumberland County, because it has arbitrarily been enforced over the years in the Chancery Court in this county. The Supreme Court says that when that rule is enforced arbitrarily, it is of no effect. Mr. Jim Thompson, county attorney, issued an opinion letter concerning this in September of 2006. There is possibly another way to prevent a beer permit if it causes traffic congestion, but that law states: "In order for traffic congestion to constitute a valid basis for denying a permit to sell beer, it must be shown that the issuance of the permit would cause traffic to be more congested and more hazardous than it was prior to the issuance of the permit." According to Mr. Patton, this is very difficult to do, particularly at a place that has never sold beer before. After further discussion, Hale made and Schlafer seconded a motion to have Mr. Patton develop a friendly resolution to present to Pilot Oil Company, asking them to wait until the road improvements are completed in that area before building the truck stop.

**VOICE VOTE:**        **Hale (mover-yes)**  
                               **Schlafer (seconder-yes)**  
                               **All ayes**  
**MOTION:**            **Carried unanimously**

**ITEM #8: APPROVAL OF GP BUDGET RESOLUTION:** (See Exhibit #6)

**ITEM #9: APPROVAL OF SPED ASSISTIVE TECHNOLOGY GRANT:** (See Exhibit #7)

**ITEM #10: APPROVAL OF SPED CONTRACT ADDENDUM:** (See Exhibit #8)

**ITEM #11: APPROVAL OF SPED FEE SCHEDULE FOR INDEPENDENT EVALUATIONS :** (See Exhibit #9)

Schlafer made and Hale seconded a motion to approve Items 8, 9, 10 and 11, as per Exhibits #6 through #9.

**ROLL CALL VOTE:**        **Schlafer (mover-yes),**  
                                      **Hale (seconder-yes)**  
                                      **M. Smith (yes), R. Smith (yes)**  
                                      **Davis (yes), Randolph (yes)**  
                                      **Houston (yes), Chairman Parris (yes)**  
                                      **All ayes**  
**MOTION:**                **Carried unanimously**

**ITEM #12: APPROVAL OF 2<sup>ND</sup> READING ON POLICIES:**

**A. Attendance (6.200):** (See Exhibit #10) Hale made and Schlafer seconded a motion to approve, on the 2<sup>nd</sup> reading, the Attendance Policy as per Exhibit #10.

**VOICE VOTE:**        **Hale (mover-yes)**  
                               **Schlafer (seconder-yes)**  
                               **All ayes**

**MOTION:** Carried unanimously

**ITEM #13: CONSENT AGENDA**

**A. Approval of Volunteers:**

1. Martin Elementary (See Exhibit #11)

**B. Approval of Field Trips:** (See Exhibit #12)

1. CCHS Wrestling Team:
2. CCHS Advanced Choir

**C. Approval of Fund Raisers:** (See Exhibit #13)

1. Stone Elementary

**D. Approval of Bid Specifications:**

1. Homestead Elementary Tile Specs: (See Exhibit #14)

**E. Approval of Disposal of Surplus Property**

1. Stone Elementary: (See Exhibit #15)

Hale made and Randolph seconded a motion to approve Item #13, Consent Agenda, A through E, as per Exhibits #11 through #15.

**VOICE VOTE:** Hale (mover-yes)  
Randolph (seconder-yes)  
All ayes

**MOTION:** Carried unanimously

**ITEM #14: OTHER OLD BUSINESS**

**A. Crab Orchard Property:** In answer to Randolph's question about the particulars of selling this property, Ms. Randol stated that the starting bid at a public auction cannot be more than what is invested in the property, but said property does not have to be sold for less than the amount of the investment. Randolph stated that he has talked to people in other counties that have property such as this, and they have put it up for sale on E-bay. Discussion was had about this idea. Mr. Patton stated that the board probably can incorporate restrictions into the deed, as far as the use of the property after it is sold. He will research the options and bring those back to the board.

**B. March board meeting:** Hale stated that he will be out of town the entire month of March on business, except for the week of the 12<sup>th</sup> through the 16<sup>th</sup>. He would like to move the meeting to another date if possible. After discussion, the March meeting was

set for the 13<sup>th</sup>.

**C. Plato System:** Schlafer asked for a school-by-school report at the February meeting on how the Plato Learning Systems is working – documentation of the amount of use, what kind of problems, if any, are being encountered, and if the problems are being fixed.

**D. DOS Interviews on January 27<sup>th</sup>, 2007:** Schlafer reported that on January 27<sup>th</sup>, he will be en route to Washington and will not be able to attend the interviews.

**E. Appointment of Director of Schools:** At this point, Schlafer stated that he has twice, both verbally and in writing, expressed his feelings about appointing a new Director of Schools. His opinion is that the board is far better off to go in the direction that it is already headed rather than go through the process of interviewing people whom they have no intention of hiring. He stated that he is grateful to Mrs. VanWinkle for the job she has done, and after further expressing his feelings, Schlafer made and Davis seconded a motion to appoint Mrs. Aarona VanWinkle as the Director of Schools tonight. Further discussion was had.

**ROLL CALL VOTE:**       **Schlafer (mover-yes)**  
                                   **Davis (seconder-yes)**  
                                   **Randolph (no), Hale (no)**  
                                   **M. Smith (yes), R. Smith (yes)**  
                                   **Houston (yes) (declared a conflict of interest)**  
                                   **Chairman Parris (yes)**  
**MOTION:**               **Carried (6-yes, 2-no)**

At this point, Hale made and Schlafer seconded a motion for all board members to show their unanimous support for the new Director of Schools.

**VOICE VOTE:**           **Hale (mover-yes)**  
                                   **Schlafer (seconder-yes)**  
                                   **All ayes**  
**MOTION:**               **Carried unanimously**

Mrs. VanWinkle stated that she is honored and surprised by this appointment, since nobody had talked to her about being the permanent Director of Schools. She further stated that she would not have even considered the position had she not served as the Interim Director, but everyone has been so helpful, she will accept the position. Randolph asked that Mr. Patton be tasked with developing a contract for Mrs. VanWinkle. Chairman Parris appointed Davis, Randolph and M. Smith to work with Mr. Patton in preparing the contract.

**BRYANT DAVIS, Student Representative from SMHS:** Bryant addressed the board regarding the so-called “requested resignation” of Mrs. Bendeke. Mrs. VanWinkle stated to Bryant that he has been misinformed and that Mrs. Bendeke has not been asked to resign. This is an administrative issue and not a board issue.

**QUESTIONS FROM MEDIA:** (None)

**(Two (2) tapes dated 01/04/07 are marked as Exhibit #16)**

**ADJOURNMENT:** Randolph made and Hale seconded a motion to adjourn.  
**VOICE VOTE:** All ayes  
**MOTION:** Carried unanimously

**(WHEREUPON, the meeting was adjourned  
at the approximate hour of 7:30 p.m.)**

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**Mrs. Aarona VanWinkle  
Director of Schools**

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**Ms. Shirley Parris  
Chairman**

**I, Virgie Lotze, do hereby certify that I reported the foregoing minutes and that I delivered said minutes to the office of the Director of Schools on January 15, 2007.**

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**Virgie Lotze  
Court Reporter and Notary Public  
at Large for the State of Tennessee**

**(My Commission expires 5/29/07)**