

# MINUTES

## MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

JANUARY 22, 2013

**BE IT REMEMBERED**, that the Board of Commissioners for Monroe County, Tennessee, was begun and held at the Courthouse in Madisonville, Tennessee, in Regular Session, January 22, 2013 at 7:00 P.M. Present and presiding was Wanda Alexander, Chairperson, and the following Commissioners were present and answered roll call.

### FIRST DISTRICT

Wanda Alexander  
Marty Allen

### SECOND DISTRICT

Bill Bivins  
Richard Kirkland  
Judy Lee

### THIRD DISTRICT

Harold Hawkins  
Bill Shadden  
Roger Thomas

**ALSO PRESENT**, were Mayor Tim Yates, County Clerk, Larry C. Sloan, & Finance Director, Elizabeth Hicks.

Absent was 1<sup>st</sup> District Commissioner Moser.

The Board of Commissioners was officially opened by the Sheriff.

The invocation was given by the Mayor.

The Pledge of Allegiance to the Flag was led by the Chairperson.

**122-1 BOARD OF COMMISSIONERS MINUTES FOR NOVEMBER 27, 2012-**  
**APPROVED**

There being no exceptions to the Board of Commissioners Minutes for November 27, 2012 it was moved by Commissioner Kirkland, seconded by Commissioner Hawkins, that these minutes be approved as presented. Motion carried. Aye 8 Nay 0

**122-2**  
**Quarterly Report**  
**Monroe County Mayor**  
**Tim Yates**

**4<sup>th</sup> Quarter- October 1, 2012 thru December 31, 2012**

As Monroe County Mayor I have been involved in duties and events for the 4<sup>th</sup> quarter of 2012

- Participated in the "Walk to School" in Madisonville and Tellico Plains to encourage school children to walk and exercise more to keep and maintain healthy life styles and weight.
- Worked with engineers and State officials regarding water grant in the Gudger area by assisting in a door to door survey of all living quarters in the area and the need for clean water. Conducted public hearings and meetings as necessary for proposed grant.
- Attended many "Ribbon Cuttings" for businesses throughout the county over the quarter.
- Attended several Hiwassee College functions.
- Attended various "Open house" for all fire departments in Monroe County.
- Attended 2<sup>nd</sup> Annual "Taste of Monroe around Courthouse streets sponsored by the Monroe County Chamber of Commerce.
- Attended Katie Upton Jones appreciation in Sweetwater and 4-H Banquet in Sweetwater
- Attended TCSA meetings in Memphis, TN fall program.
- Continued meetings with ETDD - RPO and St. Of TN regarding roads, various intersection improvements and road extensions within Monroe County.
- Attended breakfast by State of Tennessee Senators and Representatives at Donna's Cafe.
- Attended and Spoke at Autumn Gold Festival
- TDOT Commissioner Schroer toured Monroe County Roads (B'fast and tours).
- Working with State of Tennessee Aeronautics Division to meet State requirements at the Monroe County Airport. (Public participation now required in several areas)
- Applied for Preservation Grant to continue work on brick for Monroe County Courthouse.
- Attended and participated in Bio Mass Field Days.
- Continued CTAS Training
- Signed several proclamations and attended events for the proclamations.
- Assisted with Veteran's Day Memorial Day services at Courthouse and attended Coker Creek's Veterans program. Participated in VFW Parade in Sweetwater.
- Worked Homeless Coalition to develop a plan for Monroe County.
- Continuing meeting and reports to Nashville on CCP to keep jail system open and not be decertified.

- Attended several events for various candidates.
- Searching for viable property for a new Jail. Several onsite inspections and tours with the Justice Committee.
- Assisting Randy White with EMS building plans for Ambulance Building in Tellico Plains.
- Attended and participated in several school celebrations
- Attended and participated in all city Christmas Parades across the county as well as Hiwassee Homecoming celebration and parade.
- Assisted with Hazardous Mitigation plans and public hearing for Monroe County.
- Continued working with Food City and TDOT to locate new store in Vonore.
- Assisted John J. Duncan in final event with Coker Creek and Rural Vale Citizens.
- Various meetings with government & businessmen - potential businesses in Monroe County
- Attended all Board meetings and represented Monroe County at various events County, State and others.
- Animal Control situations across the county

### **122-2A REQUEST-AIRPORT**

**January 14, 2013**

**As Mayor of Monroe County, I would like the approval of Monroe County Commission to send a letter to Larry Hamilton (FBO) of Monroe County Airport, stating that his contract will expire as of April 1, 2013 and that Monroe County has no intention to renew a contract with him.**

**By sending this letter, the County will give Mr. Hamilton sufficient time to remove all of his personal property by April 1, 2013.**

**He will be required to give Monroe County total access to enter the property on that date April 1, 2013.**

**Mayor Tim Yates, Monroe County Government**

It was moved by Commissioner Allen, seconded by Commissioner Lee, that this request be granted as presented. Motion carried on roll call. **Aye 5** Commissioners Alexander, Allen, Bivins, Kirkland & Lee **Nay 3** Commissioners Hawkins, Shadden & Thomas.

### **122-3 THRU 122-18 DEPARTMENTAL QUARTERLY REPORTS-APPROVED**

It was moved by Commissioner Lee, seconded by Commissioner Kirkland, that the following departmental quarterly reports be approved as presented. Motion carried. Aye 8  
Nay 0

- 122-3 Director of Finance Report
- 122-4 Ambulance Service Quarterly Report
- 122-5 Animal Shelter Quarterly Report-**NO REPORT**
- 122-6 Archives Quarterly Report
- 122-7 Building Permits Quarterly Report
- 122-8 Circuit Court Quarterly Report
- 122-9 Clerk & Master Quarterly Report
- 122-10 County Clerk Quarterly Report
- 122-11 GIS Directors Report
- 122-12 Industrial Development Quarterly Report
- 122-13 Register of Deeds Quarterly Report
- 122-14 Service Officer Quarterly Report
- 122-15 Sheriffs Dept Quarterly Report
- 122-16 Solid Waste Quarterly Report
- 122-17 Tourism Quarterly Report
- 122-18 Trustee Monthly Report

### **122-19 NOTARY PUBLIC APPLICATIONS-APPROVED**

It was moved by Commissioner Thomas, seconded by Commissioner Hawkins, that the following notary public applications be approved as presented. Motion carried. Aye 8  
Nay 0

JAMIE A. ALLISON  
KATHY C. ANDRE  
JOYCE ANN BARTOLONE  
PAMELA D. CLARK  
CYNTHIA G. EVANS  
MEGAN ELIZABETH GARREN  
KATHY W. HALL  
SUSAN ANN HAMMOND  
LISA R. LINGERFELT  
ROB JANSON MARTIN  
NATALIE L. MOSER

CAROLYN A. PHILLIPS  
REGINA M. RANDOLPH  
MICHAEL C. WEBB  
DANIEL NICOLE WEINEL  
RITA DIANE WHITE

RESOLUTION NO. 122-20

BE IT RESOLVED, by the Monroe County Board of County Commissioners, meeting in regular session, January 22, 2013, that the following amendment for the Tennessee Administrative Office of the Courts Rural Juvenile Court Intervention Strategy Grant for the Drug and Alcohol Program, be made in the County General Fund Budget for the Fiscal Year 2012/2013.

	<u>Increase Revenue</u>	
101-47590-ALC13	Federal through State Grants	\$7,875.00
	<u>Increase Expenditures</u>	
101-55170-599-ALC13	Other Charges	\$7,875.00

PASSED, this 22nd day of January 2013.

It was moved by Commissioner Thomas, seconded by Commissioner Bivins, that this Resolution be approved as presented. Motion carried on roll call. Aye 8 Nay 0

RESOLUTION NO. 122-20A

BE IT RESOLVED, by the Monroe County Board of County Commissioners, meeting in regular session, January 22, 2013, that the following amendment for alcohol compliance checks, youth

initiative projects, training, materials and project director fees for the drug and alcohol program, be made in the County General Fund Budget for the Fiscal Year 2012/2013.

**Decrease Reserve**

101-34530-RALCO	Restricted for Public Health and Welfare	\$10,577.10
	Alcohol Drug Treatment	

**Increase Expenditures**

101-55170-599	Other Charges	\$10,577.10
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PASSED, this 22nd day of January 2013.

It was moved by Commissioner Allen, seconded by Commissioner Bivins, that this Resolution be approved as presented. Motion carried on roll call. Aye 8 Nay 0

RESOLUTION NO. 122-20B

BE IT RESOLVED, by the Monroe County Board of County Commissioners, meeting in regular session, January 22, 2013, that the following amendment for the Register of Deeds Data Processing for a scanner, installation, memory, and wages be made in the County General Fund Budget for the Fiscal Year 2012/2013.

**Decrease Reserve**

34510-RCSYS	Reserved for Computer System - Register	\$ 11,080.75
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**Increase Expenditures**

51600-169	Part Time Personnel	\$ 5,500.00
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51600-201	Social Security	341.00
51600-212	Medicare	79.75
51600-719	Office Equipment	5,160.00

PASSED, this 22nd day of January 2013.

It was moved by Commissioner Thomas, seconded by Commissioner Shadden, that this Resolution be approved as presented. Motion carried on roll call. Aye 8 Nay 0

RESOLUTION NO. 122-20C

BE IT RESOLVED, by the Monroe County Board of County Commissioners, meeting in regular session, January 22, 2013, that the following amendment for the TBI collection fees for registrations and office equipment/supplies, be made in the County General Fund Budget for the Fiscal Year 2012/2013.

**Decrease Reserve**

101-34525-RSOFF	Restricted for Public Safety Sexual Offender	\$ 3,200.00
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**Increase Expenditures**

101-54160-599	Other Charges	\$ 1,200.00
101-54160-435	Office Supplies	\$ 2,000.00

PASSED, this 22nd day of January 2013.

It was moved by Commissioner Thomas, seconded by Commissioner Shadden, that this Resolution be approved as presented. Motion carried on roll call. Aye 8 Nay 0

RESOLUTION NO. 122-20D

BE IT RESOLVED, by the Monroe County Board of County Commissioners, meeting in regular session, January 22, 2013, that the following amendment for the Sheriffs department for server upgrades, surveillance cameras, car camera battery backups, laptops and other miscellaneous computer equipment from the Eagletel reserve account, be made in the County General Fund Budget for the Fiscal Year 2012/2013.

**Decrease Reserve**

101-34625-PHONE	Committed for Public Safety	\$12,000.00
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**Increase Expenditures**

101-54110-716-COMPU	Law Enforcement Equipment	\$12,000.00
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PASSED, this 22nd day of January 2013.

It was moved by Commissioner Bivins, seconded by Commissioner Lee, that this Resolution be approved as presented. Motion carried on roll call. Aye 8 Nay 0

RESOLUTION NO. 122-20E

BE IT RESOLVED, by the Monroe County Board of County Commissioners, meeting in regular session, January 22, 2013, that the following amendment for a donation from the Spectra Energy Foundation for public safety to the Emergency Management Agency, be made in the County General Fund Budget for the Fiscal Year 2012/2013.



**Increase Revenues**

44570-EMA                      Contribution & Gifts                      \$500.00

**Increase Expenditures**

54490-599-DONTA              Other Charges                      \$500.00

PASSED, this 22nd day of January 2013.

It was moved by Commissioner Thomas, seconded by Commissioner Shadden, that this Resolution be approved as presented. Motion carried on roll call. Aye 8 Nay 0

RESOLUTION NO. 122-20F

BE IT RESOLVED, by the Monroe County Board of County Commissioners, meeting in regular session, January 22, 2013, that the following amendment for personnel changes to the county medical examiner and medical assistant, be made in the County General Fund Budget for the Fiscal Year 2012/2013.

**Decrease Expenditures**

101-54610-131                      Medical Personnel                      \$4,100.00

**Increase Expenditures**

101-54610-103                      Assistant                      \$ 600.00  
101-54610-105                      Supervisor/Director                      3,500.00

Passed this 22<sup>nd</sup> day of January 2013.

It was moved by Commissioner Allen, seconded by Commissioner Shadden, that this Resolution be approved as presented. Motion carried on roll call. Aye 8 Nay 0

RESOLUTION NO. 122-20G

BE IT RESOLVED, by the Monroe County Board of County Commissioners, meeting in regular session, January 22, 2013, that the following amendment for replacement glass and repairs to the windows and installation of the rear awning at the Monroe County Courthouse, be made in the County General Fund Budget for the Fiscal Year 2012/2013.

**Decrease Reserve**

34510-RLITA	Restricted for General Government (Jail or Courthouse)	\$ 5,500.00
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**Increase Expenditures**

51800-707-CHPTG	Building Improvement	\$ 5,500.00
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PASSED this 22<sup>nd</sup> day of January 2013.

It was moved by Commissioner Bivins, seconded by Commissioner Allen, that this Resolution be approved as presented. Motion carried on roll call. Aye 8 Nay 0

RESOLUTION NO. 122-20H

BE IT RESOLVED, by the Monroe County Board of County Commissioners, meeting in regular session, January 22, 2013, that the following amendment for money reserved for the Secure Rural Schools and Community Self Determination Act of 2000, Federal Title III Forest Service for Volunteer Fire Departments that border the Cherokee National Forest, that meets all applicable requirements for distribution of Title III funds, be made in the County General Fund Budget for the Fiscal Year 2012/2013.

**Decrease Reserve**

101-34530-RFORE	Restricted for Public Health and Welfare	\$ 58,541.36
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**Increase Expenditures**

101-54310-316-TITLE	Contributions Title III	\$ 58,541.36
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PASSED, this 22nd day of January 2013.

It was moved by Commissioner Thomas, seconded by Commissioner Allen, that this Resolution be approved as presented. Motion carried on roll call. Aye 8 Nay 0

RESOLUTION NO. 122-20I

BE IT RESOLVED, by the Monroe County Board of County Commissioners, meeting in regular session, January 22,2013, that the following amendment for three replacement emergency communication radio

antennas at the Hiwassee tower site, be made in the County General Fund Budget for the Fiscal Year 2012/2013.

**Decrease Fund Balance**

101-39000	Fund Balance	\$13,617.62
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**Increase Expenditures**

101-51800-708-ANTEN	Communication Equipment	\$13,617.62
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Passed this 22nd day of January 2013.

It was moved by Commissioner Allen, seconded by Commissioner Bivins, that this Resolution be approved as presented. Motion carried on roll call. Aye 8 Nay 0

RESOLUTION NO. 122-20J

BE IT RESOLVED, by the Monroe County Board of County Commissioners, meeting in regular session, January 22, 2013, that the following amendment for the purchase of an upgrade to the fueling system, located at the Highway Department, to assist in monitoring fuel consumption, control costs and enhance reporting for all county departments, be made in the County General Fund Budget for the Fiscal Year 2012/2013.

**Increase Revenue**

101-44170	Miscellaneous Refunds	\$16,550.00
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**Increase Expenditures**

101-51900-729-FUEL	Transportation Equipment	\$16,550.00
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Passed this 22nd day of January 2013.

It was moved by Commissioner Hawkins, seconded by Commissioner Thomas, that this Resolution be approved as presented. Motion carried on roll call. Aye 8 Nay 0

RESOLUTION NO. 122-K

BE IT RESOLVED, by the Monroe County Board of County Commissioners meeting in regular session, January 22, 2013, that the following amendment for expanding the internet crimes against children grant with the City of Knoxville on behalf of the State of Tennessee, Office of Criminal Justice for the Sheriffs Department, be made in the County General Fund Budget for the Fiscal Year 2012/2013.

**Increase Revenue**

46190-ICAC	Other General Government Grants	12,498.00
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**Increase Expenditures**

54110-187-ICAC	ICAC Overtime	11,610.00
54210-201	Social Security	720.00
54210-212	Medicare	168.00

Passed, this 22<sup>nd</sup> day of January, 2013.

It was moved by Commissioner Allen, seconded by Commissioner Lee, that this Resolution be approved as presented. Motion carried on roll call. Aye 8 Nay 0

MONROE COUNTY BOARD OF  
EDUCATION RECAPITULATION OF BUDGET  
AMENDMENTS

December 13, 2012

RESOLUTION #122-21	
BOE Amendment #1213-01 General Purpose Schools	
Family Resource Center-Reclass supplies	\$1,633.00
Increase revenue and expenditures for donations	\$1,076.17
RESOLUTION # 122-21A	
BOE Amendment #1213-02 General Purpose Schools	
Reclass Technology Funds to cover travel to Tech Conference	\$1,000.00
RESOLUTIONS 122-21B	
BOE Amendment #1213-03 General Purpose Schools	
Reclass expenditures to cover Special Ed Bus Drivers	\$6,538.62
RESOLUTION # 122-21C	
BOE Amendment #1213-04 General Purpose Schools	
Increase revenue and expenditures and expenses for Energy Efficient Schools Grant for Sequoyah HVAC	\$38,000.00
RESOLUTION # 122-21D	
BOE Amendment #1213-05 Federal Programs Fund	\$70,062.41
Budget carryover for Sweetwater Renewal School Grant-Year 3 of 3	

MONROE COUNTY BOARD OF EDUCATION RECAPITULATION OF BUDGET AMENDMENTS

January 10, 2013

Resolution* 122-2 IE	
BOE Amendment #0110-01 General Purpose Schools	
Family Resource Center-Add contribution Volunteer Federal	
Increase revenue and expenditures for donations	\$5,500.00
Back-pack program	
Resolution* 122-21F	
BOE Amendment # 0110-02 General Purpose Schools	
Art Student Subsidy Grant-Arts & Culture Alliance of Greater Knoxville	
Increase revenue and expenditures	\$2,050.00
Resolution* 122-21G	
BOE Amendment # 0110-03 General Purpose Schools	
Regular instruction reclass funds to cover over budget amounts	\$300,721.49
Resolution* 122-21H	
BOE Amendment # 0110-04 General Purpose Schools	

Support Service Regular instruction-reclass funds to cover over budget	\$7,180.20
Resolution* 122-21J BOE Amendment # 0110-05      General Purpose Schools Vocational Education reclass funds to cover over budget	\$2.36
Resolution* 122-21J BOE Amendment # 0110-06      General Purpose Schools Adult Basic Education reclass funds to cover over budget	\$2,533.88
Resolution* 122-2 IK BOE Amendment # 0110-07      General Purpose Schools Special Ed-Reclass funds to cover over budget items	\$12,681.56
Resolution # 122-21L BOE Amendment # 0110-08      General Purpose Schools Technology-reclass funds to cover over budget	\$1,000.00
Resolution* 122-21M BOE Amendment #0110-09      General Purpose Schools Board of Education-Reclass funds to cover over budget items Director of Schools-Reclass funds to cover over budget items	\$4,025.87 \$2,227.48
Resolution* 122-2 IN BOE Amendment # 0110-10      General Purpose Schools Office of the Principal-reclass funds to cover over budget items	\$15,740.60
Resolution* 122-210 BOE Amendment #0110-11      General Purpose Schools Operation & maintenance of Plant-reclass funds to cover over budget items	\$59,221.99
Resolution* 122-21P BOE Amendment # 0110-12      Federal Projects Program School Improvement Grant 121-reclass funds for budget amendment	\$63,847.00
Resolution # 122-21Q BOE Amendment* 0110-13 School Improvement Grant 122-reclass funds for budget amendment	\$29,873.00
Resolution* 122-21R BOE Amendment* 0110-14 School Improvement Grant 123-reclass funds for budget amendment	\$10,459.41

Passed this 22<sup>nd</sup> day of January, 2013

It was moved by Commissioner Lee, seconded by Commissioner Thomas, that this Resolution be approved as presented. Motion carried. Aye 8 Nay 0

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE  
COUNTY, TENNESSEE TO LEVY A VICTIM'S ASSISTANCE ASSESSMENT  
LITIGATION TAX IN MONROE COUNTY**

**WHEREAS**, Tennessee Code Annotated 40-24-109 provides that a County legislative body of any county may elect to establish a program to assist victims of crime, their families and survivors or to provide funding or additional funding for an existing program established to assist victims; and

**WHEREAS**, Monroe County already has an existing program established for this purpose known as the Court Appointed Special Advocates (CASA); and

**WHEREAS**, TCA40-24-109 authorizes the Clerks of all General Sessions, Circuit and Criminal Courts, municipal Courts exercising General Sessions Court jurisdiction and any other Court exercising similar criminal jurisdiction to collect a victim's assistance assessment in the sum of Forty-Five Dollars (\$45.00) from any person who enters a plea of "guilty"; is found guilty by Judge or jury; enters a plea of nolo contendere; enters a plea pursuant to any of the diversionary sentencing statutes; to any criminal defense described in subsection (d); is found guilty, or enters a plea of guilty of nolo contendere, to the offense of attempting or conspiring to commit any offense described in subsection (d); or is found to be criminally responsible as principle for the commission of any offense described in subsection (d); and

**WHEREAS**, the first Three Dollars (\$3.00) of each assessment shall be paid to the Clerk of the Court imposing the assessment for processing and handling, with the remaining Forty-Two Dollars (\$42.00) to be transmitted to the County in which the offense occurred, for the exclusive use of CASA: and

**WHEREAS**, CASA currently receives a \$ appropriation from the Monroe County Commission starting with budget year 2012-2013.

**WHEREAS**, this \$ appropriation shall remain intact with all funds collected pursuant to this victim's assistance assessment in excess of \$ to be transmitted to CASA;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Monroe County, Tennessee, meeting in regular session on this the 22<sup>nd</sup> day of January, 2013, in Madisonville, Tennessee, that: Section 1.

Effective on the first day of the month following the final passage of this resolution, a victim's assistance assessment litigation tax in the amount of Forty-Five Dollars (\$45.00) authorized by TCA 40-24-109 shall be levied on all eligible cases, pursuant to that statute.

Section 2. The Clerks of the Courts of Monroe County are instructed to collect this victim's assistance assessment in the same manner as all other litigation taxes.

Section 3. The first Three Dollars (\$3.00) of each assessment shall be paid to the Clerk of the Court imposing the assessment for processing and handling.

Section 4. The remaining Forty - Two Dollars (\$42.00) shall be transmitted to the County in which the offense occurred, for the exclusive use of the victim's assistance program known as Court Appointed Special Advocates (CASA).

Section 5. As \$ has been appropriated by the Monroe County Commission to CASA, all funds collected on the victim's assistance assessment in excess of \$ shall be paid to CASA, with the first \$ of these funds collected to remain in the Monroe County General Fund.

Section 6. If any provision of this resolution or the application of thereof to any person or circumstances should be held invalid, such invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application and to that end the provisions of this resolution are declared to be severable.





Mayor Tim Yates - Sponsor

A motion was made by Commissioner ALLEN, that this Resolution be approved as presented.

**Motion FAILED for lack of a 2<sup>nd</sup>**

**Resolution No: 122-23**

**A Resolution to approve "The Year Plan to End Homelessness" for Monroe County, Tennessee**

**BE IT RESOLVED by the Mayor and Board of County Commissioners for Monroe County, Tennessee,**

**Section 1.** Monroe County, Tennessee, has responded to the issue of homelessness for many years, and recognizes that the homeless systems need to be responsive to the changing needs of homeless people;

- A. **Whereas**, the Tennessee Valley Coalition to End Homelessness has led a regional effort to support research, planning, and policy development to change the model from managing homelessness to a model of ending homelessness;
- B. **Whereas**, the January 2012 Point in Time Count of Homeless Individuals in Monroe County showed that fifty-three individuals were literally homeless and living on the streets, in shelter, or in a place not meant for human habitation, and seventy-five were precariously housed;
- C. **Whereas**, from June 2012 to December 2012, multiple agencies, institutions, and individuals participated in a community to create "The Ten Year Plan to End Homelessness in Monroe County";
- D. **Whereas**, the Monroe County Mayor recognized the importance of the issue of homelessness in Monroe County and proclaimed November 11-18, 2012, as National Hunger and Homeless Awareness Week;

**Section 2.** **NOW, THEREFORE, BE IT RESOLVED**, by the Monroe County Mayor and Board of County Commissioners, to hereby adopt "The Ten Year Plan to End Homelessness" for Monroe County and do hereby support its continued implementation which will enable them to secure Federal funds for Monroe County, Tennessee.

It was moved by Commissioner Lee, seconded by Commissioner Kirkland, that this Resolution be approved as presented. Motion carried. Aye 8 Nay 0

**RESOLUTION NO. 122-24**

**A RESOLUTION TO DECLARE THE SALE OF ONE AMBULANCE AS SURPLUS PROPERTY AND PLACE IT FOR SALE BY SEALED BID OR AS SCRAP METAL AT A MONROE COUNTY SCRAP METAL DEALER**

WHEREAS, Monroe County has authority to declare items as surplus that are no longer deemed necessary or adequate to properly perform the duties of county government as prescribed by law; and

WHEREAS, the Monroe County Ambulance Department desires to declare as surplus property a 1999 Ford Ambulance VIN #1FDSE30F9XHA71463 as scrap metal, and

WHEREAS, Ambulance Director, Randy White, requests approval to declare this Ford Ambulance as surplus and place it for sale by sealed bid or as scrap metal at the scrap metal dealer within Monroe County who is currently paying the highest price per pound, and

WHEREAS, the Finance Director, is instructed to contact all scrap metal dealers within Monroe County to determine which dealer will pay the highest price per pound for scrap metal and negotiate the sale.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MONROE COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 22nd DAY OF January, 2013, that this Commission hereby approves the sale of the attached documentation of scrap metal and any other items which may have been inadvertently omitted and declared surplus by agreed collective consent of the respective department head, Director of Finance and the County Commission.**

It was moved by Commissioner Thomas, seconded by Commissioner Hawkins, that this Resolution be approved as presented. Motion carried on roll call. Aye 8 Nay 0

**RESOLUTION NO. 122-25**

**A RESOLUTION TO DECLARE THE SALE OF ONE VAN AS SURPLUS PROPERTY AND PLACE IT FOR SALE BY SEALED BID OR AS SCRAP METAL AT A MONROE COUNTY SCRAP METAL DEALER**

WHEREAS, Monroe County has authority to declare items as surplus that are no longer deemed necessary or adequate to properly perform the duties of county government as prescribed by law; and

WHEREAS, the Monroe County Industrial Development desires to declare as surplus property a 1995 Chevrolet Van VIN #1GNDM19W75B231060 as scrap metal, and

**WHEREAS**, Industrial Development Director, Shan Harris, requests approval to declare this Chevrolet Van as surplus and place it for sale by sealed bid or as scrap metal at the scrap metal dealer within Monroe County who is currently paying the highest price per pound, and

**WHEREAS**, the Finance Director, is instructed to contact all scrap metal dealers within Monroe County to determine which dealer will pay the highest price per pound for scrap metal and negotiate the sale.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MONROE COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 22nd DAY OF January, 2013, that this Commission hereby approves the sale of the attached documentation of scrap metal and any other items which may have been inadvertently omitted and declared surplus by agreed collective consent of the respective department head, Director of Finance and the County Commission.**

**APPROVED:**

It was moved by Commissioner Thomas, seconded by Commissioner Shadden, that this Resolution be approved as presented. Motion carried on roll call. Aye 8 Nay 0

### **RESOLUTION NO. 122-26**

#### **A RESOLUTION TO DECLARE ITEMS AS SURPLUS PROPERTY AND PLACE THEM FOR SALE AS SCRAP METAL AT A MONROE COUNTY SCRAP METAL DEALER**

**WHEREAS**, Monroe County has authority to declare items as surplus that are no longer deemed necessary or adequate to properly perform the duties of county government as prescribed by law; and

**WHEREAS**, the Monroe County Maintenance Department desires to declare as surplus property the attached list (Exhibit A, B, C, and D) of miscellaneous items, and

**WHEREAS**, Maintenance Supervisor Brad Bivens requests approval to declare the attached list as surplus and place it for sale as scrap metal at the scrap metal dealer within Monroe County who is currently paying the highest price per pound, and

**WHEREAS**, the Finance Director is instructed to contact all scrap metal dealers within Monroe County to determine which dealer will pay the highest price per pound for scrap metal and negotiate the sale.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MONROE COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 22nd DAY OF JANUARY, 2013, that this Commission hereby approves the sale of the attached list of surplus property and any other items which may have been inadvertently omitted and declared surplus by agreed collective consent of the respective department head, Director of Finance and the County Commission.**

**APPROVED**

It was moved by Commissioner Bivins, seconded by Commissioner Hawkins, that this Resolution be approved as presented. Motion carried on roll call. Aye 8 Nay 0

**RESOLUTION NO. 122-27**

**A RESOLUTION TO DECLARE ITEMS AS SURPLUS  
PROPERTY AND PLACE THEM FOR SALE BY GOV  
DEALS OR BY SEALED BIDS**

**WHEREAS**, Monroe County has authority to declare items as surplus that are no longer deemed necessary or adequate to properly perform the duties of county government as prescribed by law; and

**WHEREAS**, the Monroe County Sheriffs Department desires to declare as surplus property the attached list (Exhibit A) of computer equipment, and

**WHEREAS**, Sheriff Bill Bivens requests approval to declare the attached list as surplus and place it for sale by Gov Deals or-by sealed bids, and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MONROE COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS 22nd DAY OF JANUARY, 2013, that this Commission hereby approves the sale of the attached list of surplus property and any other items which may have been inadvertently omitted and declared surplus by agreed collective consent of the respective department head, Director of Finance and the County Commission.**

**APPROVED:**

It was moved by Commissioner Allen, seconded by Commissioner Bivins, that this Resolution be approved as presented. Motion carried on roll call. Aye 8 Nay 0

**122-28 APPOINTMENTS TO STANDING COMMITTEES-APPROVED**

**AIRPORT COMMITTEE**

**JULIE MORGAN**

**STEVE TEAGUE**

**HAROLD HAWKINS**

**WANDA ALEXANDER**

**SHAN HARRIS**

## **E 911 BOARD - 4 YEAR TERM**

**MAYOR TIM YATES  
STEVE TEAGUE  
HAROLD HAWKINS  
SHERIFF BILL BIVENS  
RANDY WHITE  
CHARLES HALL  
BOYD CUTRIS  
EDDIE BYRUM  
GREG BREEDEN**

## **MEDICAL EXAMINER AND DIRECTOR**

**DR. KEN KOZAWA, MD**

## **EMERGENCY MANAGEMENT DIRECTOR**

**BRIAN TURPIN**

**TEMA                                      Richard Taylor- Contact Person**

**FEMA                                      Julia Hall-Contact Person**

It was moved by Commissioner Bivins, seconded by Commissioner Lee, that these Appointments be approved as presented. Motion carried. Aye 8 Nay 0

### **122-29 UPDATE: JUSTICE COMMITTEE**

Justice Committee Update - Three (3) properties have been viewed with no decisions made to purchase any property at this time. The county is still working with the State of Tennessee on the CCP plan to keep the jail from being decertified. A meeting has been called for January 31, 2013 @ 6:00 P.M. in the JPK Board Room. These monthly meetings are required by the State Corrections Department.

### **122-30 UPDATE: AIRPORT**

Airport report - The County has applied for two (2) grants one for \$380,000.00 and one for \$100,000.00 with a 95% grant, 5% match on one and 90% funding with 10% match on the smaller grant. These funds will be used to repair the taxi ways and fill in an area to prepare for construction of 10 more T-hangers



**CHAIRMAN ADVISED MR. MCNABB THIS WILL BE CONSIDERED AT NEXT MEETING**

**122-32 LEASE AGREEMENT BETWEEN MONROE COUNTY, TENNESSEE TO THE EMERGENCY COMMUNICATIONS DISTRICT OF MONROE COUNTY, TENNESSEE-APPROVED**

**LEASE**

This Lease (this "Lease") is made and entered into as of the 22<sup>nd</sup> day of January 2013, by and between MONROE COUNTY, TENNESSEE, a Tennessee governmental corporation ("Lessor") and THE EMERGENCY COMMUNICATIONS DISTRICT OF MONROE COUNTY, TENNESSEE, a public nonprofit corporation organized and existing under the laws of the State of Tennessee ("Lessee").

**WITNESSETH:**

WHEREAS, the Lessor is the owner of that certain parcel of property described on Exhibit A attached hereto (the "Property"); and

WHEREAS, Lessee is a public nonprofit corporation and a public instrumentality of the Lessor, and is authorized under Sections 7-86-101 et seq., Tennessee Code Annotated, as amended (the "Act"), to acquire, whether by purchase, exchange, gift, lease, or otherwise, and to own, lease and dispose of properties for the public purpose of maintaining an emergency communication system; and

WHEREAS, Lessor desires to Lease to Lessee, and Lessee desires to Lease from Lessor a portion of the Property described on Exhibit B attached hereto (the "Leased Property"); and

WHEREAS, the parties have agreed that Lessor will lease the Lease Property to Lessee subject to the terms of this Lease;

NOW, THEREFORE, in consideration of the mutual covenants, agreements and undertakings set forth herein, the parties hereby agree as follows:

1. **Premises. Term and Rent.** Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor the Leased Property. Subject to the provisions hereof, the term of this Lease shall begin on the date hereof and shall end on the 40<sup>th</sup> anniversary of such date. The annual rental payable hereunder shall be \$1.00, payable in advance, on the date hereof and on or before the first (1<sup>st</sup>) day of each November thereafter, without demand, to Lessor at the address set forth hereafter. Lessor acknowledges that Lessee has paid all rent payable hereunder in advance on the date hereof.

2. **Taxes.** Lessee shall be responsible for all real estate taxes and special assessments levied upon Lessor's interest in and to the Leased Property attributable to the period covered by this Lease to the extent such taxes or assessments are lawfully due and payable. Lessee shall pay all such taxes and assessments directly to the appropriate officer of the taxing authority before they become delinquent.

3. **Maintenance: Insurance: Utilities.** Lessee shall be responsible for maintaining and repairing the Leased Property. Lessee will keep the Leased Property, including any improvements hereinafter existing thereon, in good repair and clean condition, reasonable wear and tear and damage by fire or other casualty or condemnation excepted.

Lessee shall maintain property insurance with respect to the Leased Property.

Lessee will pay all bills for electricity, natural gas, water, and other utilities serving the Leased Property.

4. **Fire or Other Casualty.** If any improvements on the Leased Property should be damaged or destroyed by fire or other casualty, Lessee shall have no obligation whatsoever to repair or rebuild such Leased Property.

5. **Surrender of Leased Property.** At the expiration of the term of this Lease, Lessee shall peaceably yield up to Lessor the Leased Property and all improvements thereto. Upon expiration or earlier termination of this Lease, all interests in the Leased Property shall be revested in Lessor, and Lessee shall have no interests therein.

6. **Use of Leased Property.** The Leased Property shall be used only for the purposes of maintaining an emergency communications system. Neither Lessor nor Lessee will at any time use or occupy the Leased Property in violation of laws, ordinances, or regulations of any government or agency having jurisdiction or in violation of insurance contracts.

7. **Indemnity: Liability Insurance.** Lessee will save, indemnify and hold Lessor free and harmless from any and all liability or any injury, loss, or damage to person or property arising out of any cause associated with Lessee's business or use of the Leased Property, including its omission to act.

Lessee agrees to provide liability insurance with respect to the Leased Property in such amounts and upon such terms as may be agreed upon by Lessor and Lessee, naming Lessor as an additional insured to protect Lessor from loss covered by such insurance. The policy shall provide that it will not be canceled without thirty (30) days prior notice to Lessor.

8. **Quiet Enjoyment.** Lessor covenants that Lessee shall peaceably hold and enjoy the Leased Property, subject to the terms of this Lease.

9. **Eminent Domain.** If the whole or a portion of the Leased Property shall be taken or condemned by any competent authority for any public use or purpose, this Lease shall also terminate. The entire award of damages or compensation for the Leased Property taken as between Lessor and Lessee, whether such taking be in whole or in part, shall belong to and be the property of the Lessor.

10. **Assignment and Subleasing.** Lessee may not assign or encumber this Lease or sublet the Leased Property, either in whole or in part, without the prior written consent of Lessor. Consent to one assignment or subletting will not be deemed a consent to any other.

11. **Notice.** Any notices required to be sent hereunder shall be hand delivered or sent by certified mail return receipt requested, postage prepaid or via overnight courier service to the following addresses or such other addresses as the parties may hereafter designate pursuant to this Section 11:

Lessor: Monroe County, Tennessee  
Monroe County Mayor's Office 105 College St.  
Ste 1 Madisonville, TN 37354 Attention:  
Tim Yates, Mayor

Lessee: The Emergency Communications District  
of Monroe County, Tennessee Dr. Boyd Curtis,  
Chairman POBox41 Madisonville, TN  
37354

All notices shall be effective upon receipt at the proper address.



12. **Default.** An event of default by Lessee shall occur hereunder if Lessee shall breach or fail to perform any material term, covenant or agreement contained herein and such breach shall continue for thirty (30) days after written notice of such breach is provided by Lessor to Lessee, provided that if such failure cannot reasonably be cured within such 30-day period, it shall not constitute an event of default hereunder if corrective action is instituted by the appropriate party during such period and diligently pursued until such failure is cured.

Upon the occurrence of an event of default hereunder, Lessor may at its option, in addition to any other remedies that it may have at law or equity, terminate this Lease. All actions taken by Lessor pursuant to this Section shall be without prejudice to any other remedies which might otherwise be used for the breach of covenant or conditions.

13. **No Waiver.** The subsequent acceptance of rent hereunder by Lessor shall not be deemed a waiver of any preceding breach of any obligation hereunder by Lessee other than the failure to pay the particular rental so accepted, and the waiver of any breach of any covenant or condition by Lessor shall not constitute a waiver of any other breach regardless of knowledge thereof.

14. **Memorandum of Lease.** This Lease will not be recorded, but at the request of either party a memorandum or short form thereof will be executed and recorded.

15. **Entire Agreement** It is agreed that the entire understanding between the parties is set out in this Lease, that this Lease supersedes and voids all prior proposals, letters and agreements, oral or written, and that no modification or alteration of this Lease shall be effective unless evidenced by an instrument in writing signed by both parties.

16. **Heirs, Successors and Assigns.** All the terms, covenants, and conditions hereof shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors, and assigns of the parties hereto.

17. **No Liability of Officers, Etc.** No recourse under or upon any obligation, covenant or agreement contained in this Lease shall be had against any incorporator, member, director or officer, as such, past, present or future, of the Lessor or the Lessee, either directly or through the Lessor or the Lessee. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such incorporator, member, director or officer is hereby expressly waived and released by Lessor and Lessee as a condition of and consideration for the execution of this Lease.

18. **Applicable Law.** This Lease shall be governed exclusively by the provisions hereof and by the applicable laws of the State of Tennessee.

## **EXHIBIT A**

### **LEASED PROPERTY**

Situated in District No. Three of Monroe County, Tennessee, and being a part of Tract 31 of Block C of Berry Acres as shown by a plat dated September 15, 1979, recorded in Cabinet A, Slide 97, in the Register's Office for Monroe County, Tennessee, and being more particularly bounded and described as follows:

BEGINNING at an iron pin on the north right-of-way line of Highway No. 68, said iron pin being in a northerly direction 50 feet, more or less, from an iron pin marking the dividing line between Lot 31 and Lot 32; thence, in a

northerly direction with the north right-of-way line of Highway No. 68, N. 39 degs. 35 mins. West 393.79 feet to an existing concrete monument; thence No. 72 degs. 11 mins. East 275 feet to an iron pin; thence S. 52 degs. 55 mins. East 142.71 feet to an iron pin; thence continuing S. 33 degs. 40 mins. East 130.82 feet to an iron pin; thence, S. 45 degs. 40 mins. West 275.72 feet to the point of BEGINNING, and containing approximately 2.07 acres as shown by survey of Wade B. Nance, Tennessee Registered Land Surveyor, No. 856, said survey being dated February 8, 1985.

BEING a portion of the property conveyed to Monroe County by Dennis Plemmons and wife Alice Lou Plemmons, by Warranty Deed of record in Warranty Book 153, page 719, in the Register's Office for Monroe County, Tennessee.

There is also conveyed herewith an easement for ingress and egress 25 feet in width running over the existing road on Lot 30, said easement runs from the existing road to the iron pin marking the rear corner of the property herein conveyed and runs adjacent and parallel with the rear boundary described as S. 52 degs. 55 mins. East 142.71 feet to an iron pin; thence, continuing S. 33 degs. 40 mins. East 130.82 feet to an iron pin. The entire 25-foot easement lies adjacent to the property herein described and on the other property of Monroe County, said easement being 25 feet in width. Said easement is non exclusive.

This property is conveyed subject to a certain Option Agreement of same date for the purchase of the property herein described, said option is to run with the land and being recorded in Misc. Book 62, page 433, in the Office of the Register of Deeds for Monroe County, Tennessee.

Also being the same property conveyed to Overlook Mental Health Center, Inc. by Monroe County by Warranty Deed of Record in Warranty Deed Book 172, page 652, Register's office for Monroe County, Tennessee.

## **EXHIBIT B**

### **LEASED PROPERTY**

**All portions of the Property with the exception of that portion of the Property and the improvements thereon occupied by the Monroe County Road Department.**

It was moved by Commissioner Hawkins, seconded by Commissioner Lee, to approve the Lease Agreement as presented. Motion carried on roll call. Aye 8 Nay 0

### **ADJOURNMENT**

The meeting was adjourned.

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TIM YATES, Mayor

ATTEST

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LARRY C. SLOAN, Clerk