

# MINUTES

## MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

APRIL 24, 2012

**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, APRIL 24, 2012 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  
Bennie Moser

### SECOND DISTRICT

Bill Bivins  
Richard Kirkland  
Judy Lee

### THIRD DISTRICT

Bill Shadden  
Roger Thomas

**ALSO PRESENT**, were Mayor Tim Yates, County Clerk, Larry C. Sloan, Finance Director, Elizabeth Hicks and County Attorney Jerome Melson.

Absent was 3<sup>rd</sup> District Commissioner Hawkins.

The Board of Commissioners was officially opened by Sheriff Bivens.

The invocation was given by the Mayor Yates.

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

**424-1 BOARD OF COMMISSIONERS MINUTES FOR MARCH 27, 2012 - APPROVED**

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

**424-2 MAYOR'S REPORT:**

Mayor, Tim Yates, appeared before the Commission with two (2) prospective land purchases for the new county jail.

**HICKS PROPERTY:**

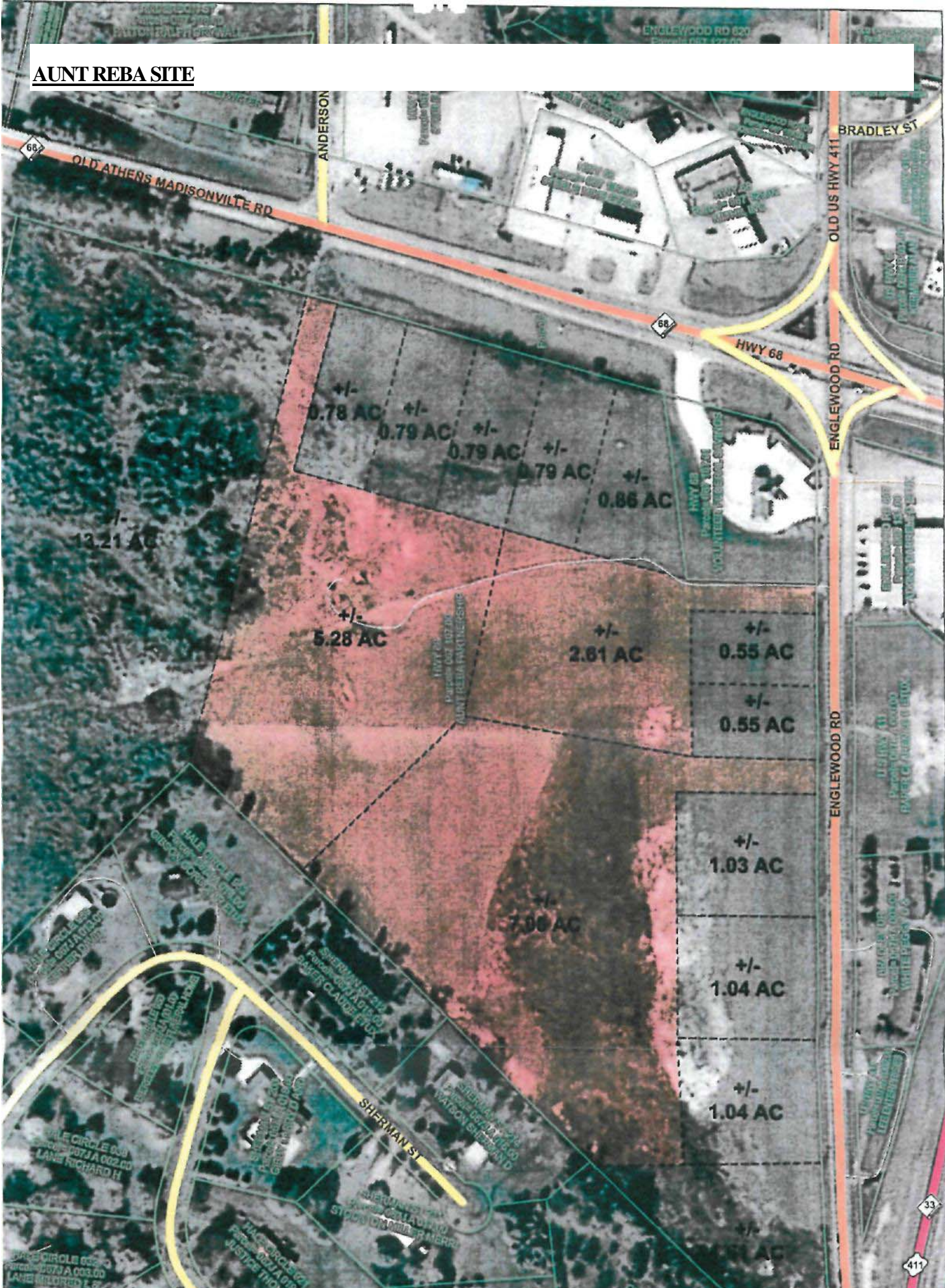
- Approximately 15 Acres - Agreed to sell for \$400,000.00  
Pending the county will allow the out parcels to share the private road access leading to the highways if needed.
- Property has slight grade
- No road frontage, but
- Three (3) access roads
- All utilities
- Out of town owners

May have more site work to do in low lying area. Everything looks good subject to core drilling

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**AUNT REBA SITE**



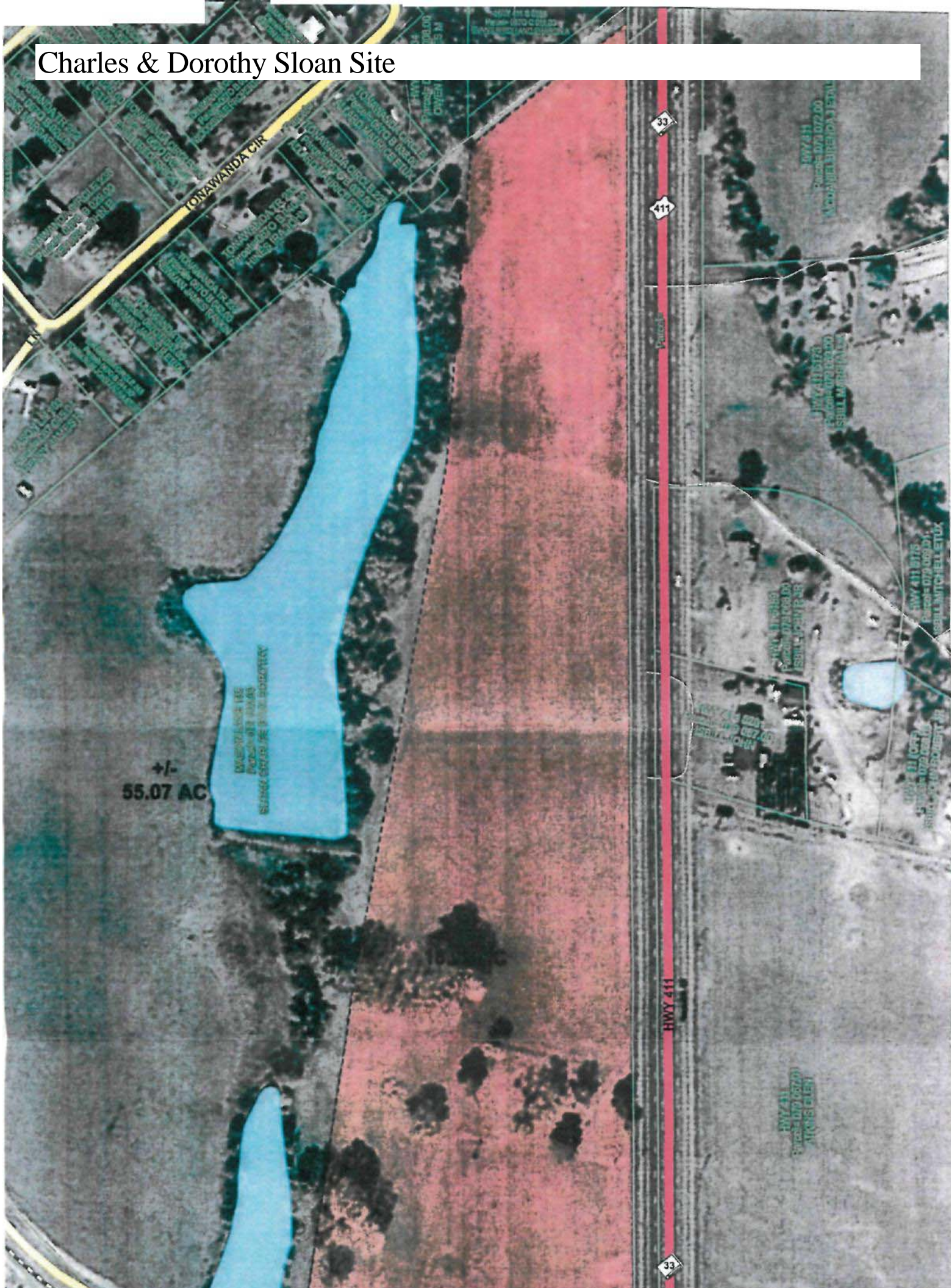


**SLOAN PROPERTY**

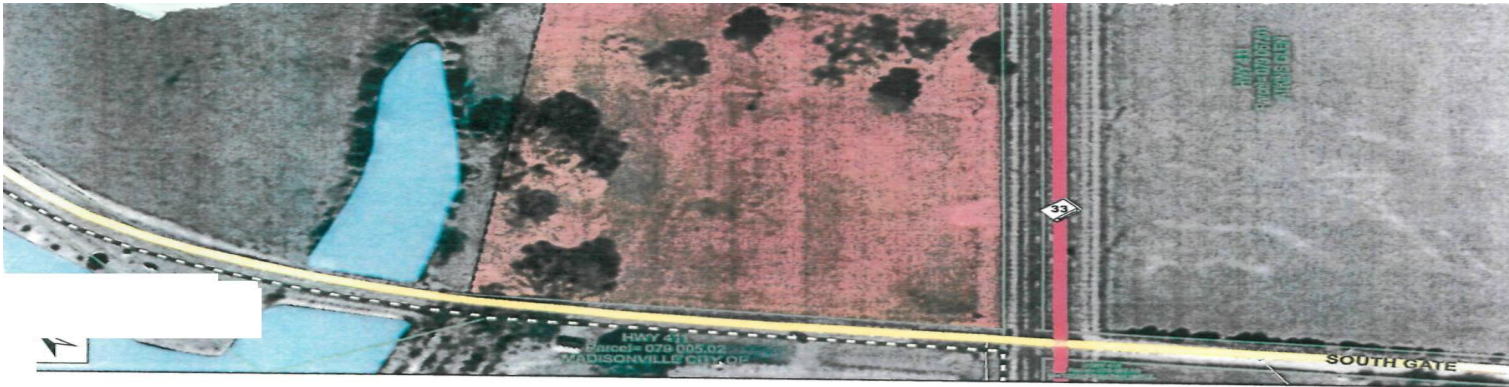
- Ten (10 Acres \$200,000.00 or all 19 Acres for \$380,000.00.
- All flat land
- All road frontage.
- All Utilities
- Less on site preparation
- Locally Owned by Monroe County citizens

Everything looks good subject to core drilling.

# Charles & Dorothy Sloan Site







After several minutes of discussion on these 2 sites, it was moved by Commissioner MOSER, seconded by Commissioner LEE, to approve core drilling and have wetland study done on the Hicks Property. Motion carried on roll call. Aye 6- Commissioners Alexander, Allen, Kirkland, Lee, Moser & Shadden; Nay 2-Commissioners Bivins & Thomas.

#### **424-3 THRU 424-18 DEPARTMENTAL QUARTERLY REPORTS-APPROVED**

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

- 424-3 Director of Finance Report
- 424-4 Ambulance Service Quarterly/Annual Report
- 424-5 Animal Shelter Quarterly Report
- 424-6 Archives Quarterly Report
- 424-7 Building Permits Quarterly Report
- 424-8 Circuit Court Quarterly/Annual Report
- 424-9 Clerk & Master Quarterly/Annual Report
- 424-10 County Clerk Quarterly/Annual Report
- 424-11 GIS Directors Report
- 424-12 Industrial Development Quarterly Report
- 424-13 Register of Deeds Quarterly/Annual Report
- 424-14 Service Officer Quarterly Report
- 424-15 Sheriffs Dept Quarterly/Annual Report
- 424-16 Solid Waste Quarterly Report
- 424-17 Tourism Quarterly Report
- 424-18 Trustee Monthly Report

**424-19 NOTARY PUBLIC APPLICATIONS-APPROVED**

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

Sara M. Ingram  
 Johnna E. Lankford  
 Danielle McKelvey  
 Samantha L. Miller  
 Claretta S. Mills  
 Paula Jean Perez  
 Joy M. Ramsey  
 Crystal D. Riden  
 Roger Daniel Schneider  
 Don Scott Workman

## RESOLUTION NO.0424-20

BE IT RESOLVED, by the Monroe County Board of County Commissioners, meeting in regular session, April 24, 2012, that the following amendment for installation of flooring in the Criminal and Chancery courtrooms at the Monroe County Courthouse, be made in the County General Fund Budget for the Fiscal Year 2011/2012.

**Decrease Reserve**

34510-RLITA	Restricted for General Government (Jail or Courthouse)	\$ 16,280.81
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**Increase Expenditures**

51800-707-FLOOR	Building Improvement	\$ 16,280.81
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Passed this 24<sup>th</sup> day of April 2012.

It was moved by Commissioner THOMAS, seconded by Commissioner KIRKLAND, that this Resolution be approved as presented. Motion **FAILED** on roll call. Aye 2-Commissioners Alexander & Kirkland; Nay 6-Commissioners Allen, Bivins, Lee, Moser Shadden & Thomas

**424-21 RECAPITULATION OF BUDGET AMENDMENTS**

April 24, 2012

Resolution # 0424-21 BOE Amendment #0412-1	Federal Projects	13,000.00	
Resolution # 0424-21A BOE Amendment #0412-2	Federal Projects	164,049.96	
Resolution #0424-2 IB BOE Amendment #0412-3	General Purpose Schools	1,400.00	
Resolution #0424-21C BOE Amendment #0412-4	General Purpose Schools	25,000.00	
Resolution #0424-2 ID BOE Amendment #0412-5	School Nutrition	16,500.00	
Resolution #0424-2 IE BOE Amendment #0412-6	General Purpose Schools	340,000.00	340,000.00
Resolution #0424-21F BOE Amendment #0412-7	Education Capital Projects	215,000.00	

It was moved by Commissioner LEE, seconded by Commissioner THOMAS, that these resolutions be approved as presented. Motion carried on roll call. Aye 8 Nay 0

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**FAIR HOUSING RESOLUTION 424-22**

**LET IT BE KNOWN TO ALL PERSONS of Monroe County that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, sex, national origin, familial status, or disability is prohibited by Title VIII of the 1968 Civil Rights Act as amended (Federal Fair Housing law). It is the policy of Monroe County to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, national origin, familial status, or disability. Therefore, Monroe County does hereby pass the following resolution.**



**BE IT RESOLVED** that within available resources Monroe County will assist all persons who feel they have been discriminated against because of race, color, religion, sex, national origin, familial status, or disability to seek equality under Federal and State laws by filing a complaint with the Tennessee Human Rights Commission or the U.S. Department of Housing and Urban Development, Atlanta Regional Office Compliance Division.

**BE IT FURTHER RESOLVED** that Monroe County shall publicize this resolution and through this publicity shall cause owners of real estate, developers and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing law and any applicable State or local laws or ordinances.

**SAID PROGRAM** will at a minimum include, but not be limited to: (1) the printing and publicizing of this policy and other applicable fair housing information through local media and community contacts; (2) distribution of posters, flyers and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

**This resolution shall take effect April 24, 2012.**

It was moved by Commissioner ALLEN, seconded by Commissioner MOSER, that this resolution be approved as presented. Motion carried. Aye 8 Nay 0

### **RESOLUTION 424-23**

**A RESOLUTION ASKING THE TENNESSEE GENERAL ASSEMBLY TO CAREFULLY INVESTIGATE AND REJECT ANY LEGISLATION WHICH PLACES NEW FINANCIAL OBLIGATIONS ON COUNTY GOVERNMENTS OR TRANSFERS OBLIGATIONS FROM THE STATE TO LOCAL GOVERNMENTS AND ASKING ALL COUNTIES TO JOIN IN PASSING THIS RESOLUTION AND FORWARDING IT TO THEIR STATE DELEGATIONS-APPROVED**

**WHEREAS**, each year more and more legislation is proposed to the Tennessee General Assembly, that while potentially providing desirable benefits, the fiscal cost to county governments is rarely considered and if passed, burdens Tennessee counties with millions of dollars of required duties and obligations; and

**WHEREAS**, in an effort to restrict state costs and spending, many existing mandates and obligations previously passed by the Tennessee General Assembly have had the required costs and expenditures passed to the local government, again leaving counties vulnerable to millions of dollars of unfunded state mandates; and

**WHEREAS**, the citizens of our counties can no longer endure these financial obligations that might address the needs of one but place a monstrous financial burden on the many.

**THEREFORE, BE IT RESOLVED** by the Monroe County Commission meeting in regular session on this 24<sup>th</sup> day of April, 2012, that this body does hereby ask our delegates to the Tennessee General Assembly to carefully investigate and reject any legislation which places new financial obligations or provides a direct financial impact on county governments; and

**BE IT FURTHER RESOLVED** that this body does hereby ask our delegates to the Tennessee General Assembly to also reject any legislation which transfers obligations from the state to counties; and

**BE IT FURTHER RESOLVED** that this body directs the office of the County Mayor to provide a copy of this resolution to all Tennessee counties and to encourage their legislative bodies to join in passing this resolution and forwarding it to their state delegations.

It was moved by Commissioner THOMAS, seconded by Commissioner KIRKLAND, that this resolution be approved as presented. Motion carried on roll call. Aye 8 Nay 0

**RESOLUTION NO. 424-24**

**RESOLUTION TO DECLARE ITEMS AS SURPLUS PROPERTY AND PLACE THEM FOR SALE BY SEALED BIDS-APPROVED**

**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 the attached list (Exhibit B) of vehicles, and

**WHEREAS**, Ambulance Department Director Randy White requests approval to declare the attached list as surplus and place it for sale by sealed bids, and

**NOW, THEREFORE, BE IT RESOLVED** By the Board of Commissioners of Monroe County, Tennessee, meeting in regular session this 24th day of April, 2012, 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.

It was moved by Commissioner THOMAS, seconded by Commissioner MOSER, that this resolution be approved as presented. Motion carried on roll call. Aye 8 Nay 0

**RESOLUTION No. 424-25**

**RESOLUTION TO ALLOW THE MONROE COUNTY AMBULANCE DEPARTMENT TO DONATE SURPLUS AMBULANCE TO THE MONROE COUNTY RESCUE SQUAD-APPROVED**

**WHEREAS**, The Monroe County Ambulance Department desires to declare as surplus property a 2006 Ford Type III Ambulance VIN #1FDXE45P56HA88398, and

**WHEREAS**, the Monroe County Ambulance Department wishes to donate said surplus ambulance to the Monroe County Rescue Squad to be used as an asset for the Rescue Squad's operational duties, and

**NOW THEREFORE BE IT RESOLVED**, that the Monroe County Legislative Body hereby authorizes the donation of the 2006 Ford Type III Ambulance from the Monroe County Ambulance Department to the Monroe County Rescue Squad for use in operational duties.

**BE IT FURTHER RESOLVED**, that the Monroe County Legislative Body meeting in regular session, April 24th, 2012, adopted this resolution, the public welfare requiring it.

Passed and approved this 24<sup>th</sup> day of April, 2012.

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. 424-26**

**A RESOLUTION AUTHORIZING  
A MULTIPLE YEAR GROUNDWATER MONITORING SERVICE AGREEMENT  
FOR THE MONROE COUNTY LANDFILL-APPROVED**

**WHEREAS**, the Monroe County Landfill has a need to maintain their current groundwater monitoring service for entire Monroe County area, and

**WHEREAS**, the current groundwater monitoring service agreement has expired, and

**WHEREAS**, the expenditures for a multi-year groundwater monitoring service agreement are currently budgeted within the Monroe County Solid Waste Budget as deemed necessary in order to expedite the resolution of this matter, and

**WHEREAS**, the projected cost of this groundwater monitoring service is such that the payments need to be spread over more than one budget year, and the Monroe County Director of Finance does not have the authority to enter into purchase contracts for this period of time without the approval of the Monroe County Board of Commissioners and the State of Tennessee Comptroller - Division of Local Finance.

**NOW, THEREFORE, Be It Resolved** by the Monroe County Board of Commissioners that the Monroe County Director of Finance be authorized to enter into a multi-year service agreement with Atlantic Coast Consulting, Inc. and the agreement is not to extend over a period of more than thirty-six (36) months.

**Be It Further Resolved** that this resolution be effective immediately upon the passage and confirmation from the Tennessee State Comptroller's Office, Division of Local Finance for the public welfare demanding it on this the 24<sup>th</sup> day of April, 2012.

It was moved by Commissioner LEE, seconded by Commissioner MOSER, that this resolution be approved as presented. Motion carried. Aye 8 Nay 0



**424-27 CONSIDERATION OF RATIFICATION OF PRIVATE ACT ON SCHOOL BOARD REDISTRICTING-NO ACTION TAKEN**

County Attorney, Jerome Melson, provided an update regarding the status of private act legislation introduced in the Tennessee General Assembly on March 15, 2012 aimed at implementing new electoral district lines for the Monroe County School Board as set forth in the resolution adopted by County Commission of February 28, 2012.

The private act legislation passed the Tennessee Senate unanimously on April 4, 2012 and passed the House unanimously on April 18, 2012. On April 18, 2012 the legislation was signed by the House Speaker and was transmitted to the Governor for action. As of the meeting time, no action had been taken by the Governor to sign the legislation. Therefore, no action could be taken by the Commission towards ratifying the legislation.

Melson pointed out that the April 6, 2012 qualifying deadline for candidates for the August 2012 school board election had already passed. Accordingly, consultation with officials in the office of the Tennessee Coordinator of Elections had occurred to determine whether any authority existed to support the use of new electoral district lines after the qualifying deadline had passed. Although no Tennessee case directly addresses the issue, Mr. Melson reported the discovery of an opinion issued by the office of the Tennessee Attorney General in 1982 opining that, since the statute creating qualifying deadlines for candidates does not explicitly allow new district lines to be used once the qualifying deadline has passed, the use of new lines under such circumstances would not be legally permissible.

Melson reported that if the Commission remained committed toward the creation of a 4<sup>th</sup> district for the County School Board for an election beyond 2012, the process of seeking the introduction and passage of a private act by the Tennessee General Assembly and subsequent ratification by the County Commission could be repeated.

**424-28 DISCUSSION: SCHOOL SUPERINTENDENT, MIKE LOWRY ON LOAN FROM FT LOUDON ELECTRIC COMPANY-APPROVED**

School Superintendent, Mike Lowry, appeared before the Commission to request permission to participate in the REDLEG Program offered by Fort Loudon Electric Company. This allows Sequoyah High School to borrow money thru this program at 0% interest to install air conditioning in the gym at Sequoyah High School.

It was moved by Commissioner KIRKLAND, seconded by Commissioner LEE, that this request be granted. Motion carried on roll call. Aye 8 Nay 0

**ADJOURNMENT**

There being no further business, the meeting was adjourned.

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**TIM YATES, Mayor**

**ATTEST**

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**LARRY C. SLOAN, Clerk**