

# MINUTES

## MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

OCTOBER 28, 2014

**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, October 28, 2014 at 7:00 P.M. Present and presiding was Chairman Kirkland, and the following Commissioners were present and answered roll call.

**1<sup>st</sup> DISTRICT**

Wanda Alexander  
Marty Allen  
Bennie Moser

**2<sup>nd</sup> DISTRICT**

Mitch Ingram  
Richard Kirkland

**3<sup>rd</sup> DISTRICT**

Harold Hawkins  
Bill Shadden  
Roger Thomas

**4<sup>th</sup> DISTRICT**

Paulette Summey

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

Absent was 2<sup>nd</sup> District Commissioner Bivins.

The Board of Commissioners was officially opened by Sheriff Tommy Jones, Jr.

The invocation was given by the Mayor.

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

**1028-1 BOARD OF COMMISSIONERS MINUTES FOR SEPTEMBER 23, 2014-  
APPROVED**

There being no exceptions to the Board of Commissioners Minutes for September 23, 2014, it was moved by Commissioner Thomas, seconded by Commissioner Alexander, that these minutes be approved as presented. Motion carried. Aye 7  
Nay 0

**1028-2 THRU 1028-17 DEPARTMENTAL QUARTERLY REPORTS-APPROVED**

It was moved by Commissioner Alexander, seconded by Commissioner Allen, that the following departmental quarterly reports be approved as presented. Motion carried.  
Aye 7 Nay 0

- 1028-2 Mayor Quarterly Report
- 1028-3 Director of Finance Report
- 1028-4 Ambulance Service Quarterly Report
- 1028-5 Archives Quarterly Report
- 1028-6 Building Permits Quarterly Report
- 1028-7 Circuit Court Quarterly Report
- 1028-8 Clerk & Master Quarterly Report
- 1028-9 County Clerk Quarterly Report
- 1028-10 Director of Economic Development Quarterly Report
- 1028-11 GIS Directors Report
- 1028-12 Register of Deeds Quarterly Report
- 1028-13 Service Officer Quarterly Report
- 1028-14 Sheriffs Dept Quarterly Report
- 1028-15 Solid Waste Quarterly Report
- 1028-16 Tourism Quarterly Report
- 1028-17 Trustee Monthly Report

**1028-18 NOTARY PUBLIC APPLICATIONS**

It was moved by Commissioner Thomas, seconded by Commissioner Hawkins, that the following notary public applications be approved as presented. Motion carried.  
Aye 9 Nay 0

**Commissioner Hawkins & Commissioner Shadden came in on this vote.**

John L. Anderson  
Sandra G. Anderson  
Tara Danielle Clotfelter  
Robert Martin Desanto  
J. Reed Dixon  
Teri L. French

Heather G. Gatchel  
Nancy Lynn Hawkins  
Juanita Ilene Hicks  
J. Lewis Kinnard  
Donna K. Lee  
Sherri Lee Mccrary  
Donna Marie Martin  
Nicholas Lee Plemons  
Tara L. Shaw  
Patricia A. Teague

**1028-19 MONROE COUNTY STANDING COMMITTEES-CHANGES**

**CHAIRMAN OF THE BOARD OF THE COMMISSIONERS**

RICHARD KIRKLAND

**CHAIRMAN PRO TEM**

ROGER THOMAS

**ADULT-ORIENTED ESTABLISHMENT BOARD 4-YEAR TERM**

SHERIFF- TOMMY JONES  
JR - Replacing Randy White

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

SHERIFF- TOMMY JONES JR- replacing Sheriff Randy  
White

**PERSONNEL-TITLE 6 COMMITTEE**

SHERIFF- TOMMY JONES JR-replacing Randy White

**RISK MANAGEMENT COMMITTEE**

**PERMANENT COMMITTEE MEMBERS**

SHERIFF- TOMMY JONES JR- replacing Randy White

**Temporary Committees**

**AD HOC-JUSTICE CENTER COMMITTEE**

SHERIFF- TOMMY JONES JR-replacing Randy White

It was moved by Commissioner Thomas, seconded by Commissioner Hawkins, that these standing committees be approved as presented. Motion carried. Aye 9 Nay 0

**RESOLUTION NO.1028-20**

BE IT RESOLVED, by the Monroe County Board of County Commissioners, meeting in regular session, October 28, 2014, that the following amendment for the University of Tennessee Agriculture Extension Service, be made in the General County Operations of the Agricultural Extension Service Budget for the Fiscal Year 2014-2015 for increase of funds to pay for salary increases from 2% to 3% including all associated fringe benefits.

<u>Increase Expenditures</u>		
101-5700-101	County Administrator	\$ 130.00
101-57100-103	Assistant	146.00
101-57100-105	Supervisor	118.00
101-57100-162	Clerical Personnel	47.00
101-57100-189	Other Salaries & Wages	99.00
101-57100-201	Social Security	4.00
101-57100-204	State Retirement	35.00

101-57100-212 Employer Medicare

3.00

Increase Revenues

101-46990 Other State Revenues \$ 582.00

PASSED, this 28<sup>th</sup> day of October 2014.

It was moved by Commissioner Thomas, seconded by Commissioner Shadden, that this Resolution be approved as presented. Motion carried on roll call. Aye 9 Nay 0

**RESOLUTION NO. 1028-21**

**A RESOLUTION TO DECLARE THE SALE OF TWO AMBULANCES AS SURPLUS PROPERTY AND PLACE THEM 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 two ambulances as listed on the attached letter as scrap metal, and

WHEREAS, Ambulance Director, Gary L. Smith, requests approval to declare these ambulances as surplus and place them 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 28th DAY OF October, 2014, 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.

PASSED, this 28<sup>th</sup> day of October 2014.

It was moved by Commissioner Allen, seconded by Commissioner Summey, that this Resolution be approved as presented. Motion carried on roll call. Aye 9 Nay 0

**RESOLUTION NO. 1028-22**

**A RESOLUTION TO DECLARE ARCHIVES COMPUTER TOWER AS SURPLUS PROPERTY**

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 Archives Department desires to declare as surplus property a Fox Conn Computer Tower and

WHEREAS, Archives Director, Jo Stakely requests approval to declare this item as surplus, remove it from her inventory and dispose of it; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MONROE COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 28th DAY OF OCTOBER, 2014, that this Commission does hereby declare this Archives computer as surplus property.

It was moved by Commissioner Thomas, seconded by Commissioner Shadden, that this Resolution be approved as presented. Motion carried. Aye 9 Nay 0

**RESOLUTION NO. 1028-23**

**A RESOLUTION TO DECLARE A DEPARTMENT OF SOLID WASTE VEHICLE AND FIVE (5) 42YD. COMPACTOR RECEIVER BOXES AS SURPLUS PROPERTY AND PLACE THEM 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 Department of Solid Waste desires to declare as surplus property a 1996 Chevrolet Pickup VIN #1GCEK14WOTZ181508 and five (5) 42 yd. Compactor Receiver Boxes as surplus, and

WHEREAS, Solid Waste Director, Mike Atkins, requests approval to declare this Chevrolet Pickup and Compactor Receiver Boxes as surplus and place it for sale by sealed bid or as scrap metal at a scrap metal dealer within Monroe County who is currently paying the highest price per pound, and

WHEREAS, the Finance Director, is instructed to conduct a sealed bid sale and/or negotiate the sale with scrap metal dealers within Monroe County to determine which dealer will pay the highest price per pound for scrap metal.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MONROE COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 28th DAY OF OCTOBER, 2014, that this Commission hereby approves the sale of the attached documentation of a vehicle, 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 Hawkins, seconded by Commissioner Alexander, that this Resolution be approved as presented. Motion carried. Aye 9 Nay 0

## **RESOLUTION NO. 1028-24**

### **A RESOLUTION AUTHORIZING A MULTIPLE YEAR LEASE PURCHASE and MAINTENANCE AGREEMENT FOR THE MONROE COUNTY AMBULANCE DEPARTMENT**

WHEREAS, the Monroe County Ambulance Department has a need to upgrade, operate and maintain their current copier including hardware/software system within the respective offices, and

WHEREAS, the current copier is not sufficiently meeting the needs of the function of the department in concern, and

WHEREAS, the proceeds for a multi year lease agreement are currently budgeted within the Monroe County General Fund Budget as deemed necessary in order to expedite the resolution of this matter, and

WHEREAS, the projected cost of this copier hardware/software system 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 lease agreement with Image Matters and the lease is not to extend over a period of more than sixty (60) 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 28th day of October, 2014.

It was moved by Commissioner Thomas, seconded by Commissioner Allen, that this Resolution be approved as presented. Motion carried. Aye 9 Nay 0

**RESOLUTION NO. 1028-25**

**A RESOLUTION AUTHORIZING A MULTIPLE YEAR LEASE PURCHASE and MAINTENANCE AGREEMENT FOR THE MONROE COUNTY GENERAL SESSIONS OFFICE OF THE CIRCUIT COURT CLERK**

WHEREAS, the Monroe County Circuit Court Clerk has a need to upgrade, operate and maintain their current copier including hardware/software system within the respective offices, and

WHEREAS, the current copier is not sufficiently meeting the needs of the function of the department in concern, and

WHEREAS, the proceeds for a multi year lease agreement are currently budgeted within the Monroe County General Sessions Fund Budget as deemed necessary in order to expedite the resolution of this matter, and

WHEREAS, the projected cost of this copier hardware/software system 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 lease agreement with Image Matters and the lease is not to extend over a period of more than sixty (60) 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 28th day of October, 2014.

It was moved by Commissioner Ingram, seconded by Commissioner Hawkins, that this Resolution be approved as presented. Motion carried. Aye 9 Nay 0

**RESOLUTION NO. 1028-26**

**A RESOLUTION OF MONROE COUNTY EXERCISING ITS STATUTORY AUTHORITY PURSUANT TO T.C.A. § 57-4-301 TO LEVY AND COLLECT A PRIVILEGE TAX IN THE AMOUNT OF \$1,500.00**

WHEREAS, T.C.A. § 57-4-301 declares it to be the legislative intent of the Tennessee General Assembly that every person who engaged in the business of selling at retail in Tennessee alcoholic beverages for consumption on the premises is thereby exercising a taxable privilege; and



WHEREAS, T.C.A. § 57-4-301 (b)(2) provides that each county or municipality within which such privilege is exercised is authorized to levy and collect the privilege tax separately; and

WHEREAS, such privilege tax collected by the county or municipality will remain at the 2003 level as set forth in T.C.A. § 57-4-301(b)(2); and

WHEREAS, said level of privilege tax by reference to the 2003 level authorizes said privilege tax in an amount not to exceed \$1,500 annually; and

WHEREAS, the State of Tennessee Alcoholic Beverage Commission confirms that that Agency's interpretation of T.C.A. § 57-4-301(b)(2) is that said statute provides that it is lawful and proper for Monroe County to levy and collect this privilege tax annually;

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the County Commission of Monroe County, acting by and through its Commissioners at a regularly called meeting on the 28th day of October 2014, that Monroe County hereby exercises its authority to levy and collect the privilege tax hereinabove described in the amount of \$1,500.00 annually, from every person in Monroe County engaged in the business of selling at retail alcoholic beverages for consumption on the premises.

BE IT FURTHER RESOLVED, that the collection of said tax shall be the responsibility of the Office of the Monroe County Clerk and in the event said tax is levied but not timely paid upon by person engaged in the business of selling at retail alcoholic beverages for consumption on the premises, the office of the Monroe County Clerk shall be authorized to pursue all applicable legal remedies to secure payment of any amounts owing pursuant to this resolution.

This resolution shall be effective upon its passage and approval, the public welfare requiring it.

Passed upon Motion duly made and seconded this 28th day of October, 2014.

It was moved by Commissioner Hawkins, seconded by Commissioner Alexander, that this Resolution be approved as presented. Motion carried. Aye 9 Nay 0

## **RESOLUTION NO. 1028-27**

### **RESOLUTION TO OPT OUT OF STATEWIDE BUILDING CODE STANDARDS FOR ONE-FAMILY AND TWO-FAMILY DWELLINGS IN MONROE COUNTY, TENNESSEE**

WHEREAS, Public charter 529 of the Public Acts of 2009, known as the "Tennessee Clean Energy Future Act of 2009" amends T.C.A. 68-120-101 to apply statewide building code standards to one-family and two-family dwellings; and

WHEREAS, Public Charter 529 authorizes counties to opt out of these standards for one-family and two-family dwellings within the county's jurisdiction outside any municipality located within the county; and

WHEREAS, the Board of County Commissioners of Monroe County has determined that it is in the best interest of the citizens of the county for these standards not to apply to one-family and two-family dwellings within the county's jurisdiction outside any municipality located with the county;

NOW THEREFORE, BE IT RESOLVED by a two-thirds (2/3) vote of the Board of County Commissioners of Monroe County, meeting in regular session on this 28<sup>th</sup> day of October, 2014, that statewide building code standards, adopted pursuant to Title 68, chapter 120, shall not apply to one-family and two-family dwellings located within the jurisdictional boundaries of Monroe County outside any municipality located within the county.

BE IT FURTHER RESOLVED, that this resolution shall take effect on the first day of October, 2014.

BE IT FURTHER RESOLVED, that the county clerk shall mail a certified copy of this resolution to the state fire marshal.

It was moved by Commissioner Alexander, seconded by Commissioner Hawkins, that this Resolution be approved as presented. Motion carried. Aye 9 Nay 0

**1028-28 PUBLIC COMMENT:** Jim Haskins

**1028-29 JUSTICE COMMITTEE REPORT**

The committee voted to hire an architect for the proposed jail.

**1028-31 INFORMATION:** County Attorney, Jerome Melson, read a letter received from the State of Tennessee, Comptroller of the Treasury for information on the Monroe County Board of Education's Budget for FY 2014 thru FY 2015 to be included in the Minutes for October 28, 2014.



STATE OF TENNESSEE

**COMPTROLLER OF THE TREASURY**  
OFFICE OF STATE AND LOCAL FINANCE  
SUITE 1600 JAMES K. POLK STATE OFFICE BLDG  
505 DEADERICK STREET  
NASHVILLE, TENNESSEE 37243-1402  
PHONE (615) 401-7872  
FAX (615) 741-5986

October 2, 2014  
Honorable Tim Yates, Mayor  
Board of County Commissioners Monroe County  
103 College Street, South  
Madisonville, TN 37354

Dear Mayor Yates and Commissioners:

This letter should be read into the minutes of the next meeting of the County Commission with a copy provided to each Commissioner.

This letter acknowledges receipt of a certified copy of the 2015 fiscal year budget.

We have reviewed the budget and have determined that projected revenues and other available funds are sufficient to meet anticipated expenditures. Our review of the budget is based solely on the information we have received and is for determining that the budget appears to be balanced. With regard to programs included in the budget such as education, roads, and corrections, we have not attempted to determine that the local government has complied with specific program statutes or guidelines, or with any financing requirements prescribed by any state or federal agency. A property tax rate may be included in this budget, and we would recommend that local government officials be certain that all program requirements have been met before initiating the tax collection process.

This letter constitutes approval, by this office, for the County's 2015 fiscal year budget as adopted by the Governing Body.

**Considerations Concerning the Budget**

The Office of State and Local Finance has determined that the County's budget meets basic statutory requirements, but we have detected a deficiency, outlined below, that could possibly lead to financial problems in the future.

## Fund Balance

According to the fiscal year 2015 budget for the General Purpose School Fund, the County plans to spend \$39.48 million with revenues of only \$38.64 million. The County had a beginning fund balance of \$2.33 million, and if it spends according to the budget, the remaining fund balance would be \$1.49 million as of June 30, 2015, which represents less than one month's average expenditures of \$3.29 million.

General Purpose School Fund	
Revenues	\$ 38,643,240
Expenditures	----- <u>39,484,077</u>
Revenue Shortfall	<u>(840,837)</u>
Beginning Fund Balance	2,329,338
Ending Fund Balance	\$ 1,488,501
Fund Balance as a Percent of Expenditures	3.77%

According to the fiscal year 2015 budget for the Central Cafeteria Fund, the fund had a beginning and ending fund balance of \$101,031, which represents less than one month's average expenditures of \$250,112.

At this level of spending, the County may not have the necessary operating cash to sustain its operations. This situation could lead to a practice of issuing nonconforming tax and revenue anticipation notes or transferring unappropriated monies from another fund. State statutes require the County to maintain a balanced budget on a continuing basis and to only make expenditures if monies have been appropriated and cash is available.

The Board of Education and County Commission should review the working capital requirements for the General Purpose School Fund and the Central Cafeteria Fund to determine the necessary level of cash needed to sustain its operations. We recommend that the County use the cash flow analysis statement required by our Office for its enterprise funds to analyze its cash requirements for this fund during fiscal year 2014 and to project those requirements for fiscal year 2015. Send a copy of the results of the analysis to our Office by November 30, 2014, with the County's working capital recommendation for the General Purpose School Fund and the Central Cafeteria Fund.

Sincerely,



Sandra Thompson  
Director of the Office of State and Local Finance

Cc: Mr. Jim Arnette, Director of Local Government Audit, COT

**1028-30 APPROVAL OF OFFICIAL STATUTORY BOND FOR COUNTY PUBLIC OFFICIALS, OFFICE OF SHERIFF**

There being no objections to interim Sheriff's bond for Tommy Jones Jr., it was moved by Commissioner Thomas, seconded by Commissioner Hawkins, that this bond be approved as presented. Motion carried on roll call. Aye 9 Nay 0

Also a motion was made by Commissioner Hawkins, seconded by Commissioner Allen, to take applications for Sheriff starting November 4 and ending November 13 2014. Motion carried. Aye 9 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, County Clerk**