

**APPROVED**  
JUL 18 2012  
*\*Email to prof. in ch.*

724-154

# MINUTES

## MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

JUNE 26, 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, June 26, 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

**THIRD DISTRICT**

Harold Hawkins  
  
Bill Shadden  
Roger Thomas

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

Absent were Commissioners Kirkland and Lee, 2<sup>nd</sup> District.

The Board of Commissioners was officially opened by Administrative Captain Bledsoe.

The invocation was given by the Chairperson.

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

**626-1 BOARD OF COMMISSIONERS MINUTES FOR -APPROVED**

There being no exceptions to the Board of Commissioners Minutes for May 22, 2012, it was moved by Commissioner MOSER, seconded by Commissioner HAWKINS, that these minutes be approved as presented. Motion carried. Aye 6 Nay 0

**626-2 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 6 Nay 0

Jennifer Rose Deel  
Laura B. Johnson  
Susan Afton Jones  
Tyge Hardy Land  
Nadine J. Mazienis  
Sara J. Spiva  
Doris Angela Stephenson  
Sheila D. Yarber

**626-3 DIRECTOR FINANCE REPORT & 626-4 TRUSTEE REPORT**

There being no exceptions to the Director of Finance Report or the Trustee Report, it was moved by Commissioner THOMAS, seconded by Commissioner MOSER, that these reports be approved as presented. Motion carried. Aye 6 Nay 0

RESOLUTION NO. 0626-5

BE IT RESOLVED, by the Monroe County Board of County Commissioners, meeting in regular session, June 26, 2012, that the following amendment for monthly business internet payments for the Law Library, be made in the County General Fund Budget for the Fiscal Year 2011/2012.

**Increase Revenues**

44570	Contributions	\$2,300.00
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**Decrease Expenditures**

53100-194	Jury and Witness Fees	\$3,000.00
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**Increase Expenditures**

56500-334-LAWLI	Maintenance Agreements	\$5,300.00
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PASSED, this 26th day of June 2012.

It was moved by Commissioner THOMAS, seconded by Commissioner ALLEN, that this Resolution be approved as presented. Motion carried on roll call. Aye 7 Nay 0

RESOLUTION NO.0626-5A

BE IT RESOLVED, by the Monroe County Board of County Commissioners, meeting in Regular Session, June 26, 2012 that the following amendment for the Local County Health Services Grant for the Health Department reclassifications, be made in the County General Fund Budget for the Fiscal Year 2011/2012.

**Increase Expenditures**

55190-189	Other Salaries	\$6,000.00
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**Decrease Expenditures**

55190-210	Unemployment Compensation	\$6,000.00
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PASSED, this 26<sup>th</sup> day of June 2012.

It was moved by Commissioner THOMAS, seconded by Commissioner HAWKINS, that this Resolution be approved as presented. Motion carried on roll call. Aye 6 Nay 0 Pass 1 Commissioner Allen

RESOLUTION NO. 0626-5B

BE IT RESOLVED, by the Monroe County Board of County Commissioners, meeting in Regular Session, June 26, 2012, that the following amendment for reclassification of funds to pay Unemployment Compensation, be made in the Highway Department Fund Budget for the Fiscal Year 2011/2012.

**Increase Expenditures**

131-66000-210 Unemployment Compensation \$ 9,669.03

**Decrease Expenditures**

131-62000-436-FEMA Other Road Materials - FEMA \$ 9,669.03

PASSED, this 26th day of June, 2012.

It was moved by Commissioner ALLEN, seconded by Commissioner THOMAS, that this Resolution be approved as presented. Motion carried on roll call. Aye 7 Nay 0

**RECAPITULATION OF BUDGET AMENDMENTS 626-6**

RESOLUTION 626-6

BOE Amendment #0614-01 General Purpose Schools \$ 9,851.63

RESOLUTION 626-6A

BOE Amendment #0614-02 General Purpose Schools \$ 29,443.95

RESOLUTION 626-6B

BOE Amendment #0614-03 General Purpose Schools \$ 5,941.86

RESOLUTION 626-6C

BOE Amendment #0614-04 General Purpose Schools \$ 600.00

RESOLUTION 626-6D

BOE Amendment #0614-05 General Purpose Schools \$ 21,981.79

RESOLUTION 626-6E		
BOE Amendment #0614-06	General Purpose Schools	\$ 8,409.16
RESOLUTION 626-6F		
BOE Amendment #0614-07	General Purpose Schools	\$ 13,719.00
RESOLUTION 626-6G		
BOE Amendment #0614-08	General Purpose Schools	\$ 13,000.00
RESOLUTION 626-6H		
BOE Amendment #0614-09	General Purpose Schools	\$ 25,850.88
RESOLUTION 626-6I		
BOE Amendment #0614-10	General Purpose Schools	\$ 3,000.00
RESOLUTION 626-6J		
BOE Amendment #0614-11	General Purpose Schools	\$ 26,064.74
RESOLUTION 626-6K		
BOE Amendment #0614-12	General Purpose Schools	\$ 1,000.00
RESOLUTION 626-6L		
BOE Amendment #0614-13	Federal Projects	\$ 427.20
RESOLUTION 626-6M		
BOE Amendment #0614-14	Federal Projects	\$ 400.00
RESOLUTION 626-6N		
BOE Amendment #0614-15	Federal Projects	\$ 14,250.00
RESOLUTION 626-6O		
BOE Amendment #0614-16	General Purpose Schools	\$ 22,721.70
RESOLUTION 626-6P		
BOE Amendment #0614-17	General Purpose Schools	\$ 26,134.00
RESOLUTION 626-6Q		
BOE Amendment #0614-18	General Purpose Schools	\$ 2,400.00
RESOLUTION 626-6R		
BOE Amendment #0614-19	General Purpose Schools	\$ 2,993.19
RESOLUTION 626-6S		
BOE Amendment #0614-20	Federal Projects	\$ 100.00

RESOLUTION 626-6T  
BOE RESOLUTION #0614-11 BOE

It was moved by Commissioner THOMAS, seconded by Commissioner MOSER, that this Resolution be approved as presented. Motion carried on roll call. Aye 7 Nay 0

RESOLUTION #626-7

RESOLUTION TO ADOPT A CONTINUING BUDGET AND TAX RATE FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND TO AUTHORIZE THE ISSUANCE OF TAX ANTICIPATION NOTES FOR MONROE COUNTY

**WHEREAS**, it appears that the 2012-2013 fiscal budget of Monroe County, Tennessee will not be approved during the 2012 July term of the Board of Commissioners:

**NOW THEREFORE BE IT RESOLVED**, by the Board of Commissioners of Monroe County, Tennessee that the amounts set out in the 2011-2012 Appropriation Resolution are hereby continued until a new 2012-2013 Appropriation Resolution is adopted: and,

**BE IT FURTHER RESOLVED**, that the property tax rate as adopted for the 2011-2012 fiscal year shall remain in effect for the fiscal year beginning July 1, 2012 until a new tax rate is adopted: and,

**BE IT FURTHER RESOLVED**, that the county Mayor and County Clerk are hereby authorized to borrow money on tax anticipation notes, not exceeding 60% of the appropriations of each individual fund of the continuing budget to pay for the expenses herein authorized until the taxes and other revenues for the fiscal year 2012-2013 have been collected. Such notes shall first be approved by the State Director of Local Finance. The notes evidencing the loans authorized under this section shall be issued under the authority of Title 9, Chapter 21, *Tennessee Code Annotated*. All of said notes shall mature and be paid in full without renewal not later than June 30, 2013.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect from and after its passage and its provisions shall be in force from and after July 1, 2012.

Adopted this 26<sup>th</sup> day of June 2012.

It was moved by Commissioner MOSER, seconded by Commissioner THOMAS, that this Resolution be approved as presented. Motion carried on roll call. Aye 7 Nay 0

## **626-8 APPOINTMENT: TASS BOARD REAPPOINTMENTS**

### **TASS 3-YEAR TERM**

**BOB WOOLDRIGE (6-2015)**

**Mr. Wooldridge term is up June, 2012. He is being reappointed for another term.**

**TOM TALLENT (6-2013)**

**Incorrect date was listed for Mr. Tallent. This is being corrected to the date on file with TASS**

**JOHN P HAMMONTREE (6-2014)**

**It was moved by Commissioner HAWKINS, seconded by Commissioner ALLEN, that these appointments be approved as presented. Motion carried. Aye 7 Nay 0**

### **RESOLUTION NO. 626-9**

#### **A RESOLUTION TO DECLARE VEHICLES AS SURPLUS PROPERTY AND PLACE THEM FOR SALE AT PUBLIC AUCTION**

**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 vehicles, and

**WHEREAS**, Sheriff Bill Bivens requests approval to declare the attached list as surplus and place it for sale at public auction.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MONROE COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS 26<sup>th</sup> DAY of JUNE, 2012, that this Commission hereby approves the sale of the attached list of surplus vehicles 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.**

**MONROE COUNTY SHERIFF'S DEPARTMENT**

May 22, 2012

Monroe County Board of Commissioners

Dear Commissioners.

Please add the following county vehicles previously assigned to the Sheriffs Department that are unserviceable and out of service to the previously requested list dated May 15, 2012. The vehicles were mistakenly left off the list are as follows:

**#1514 2005 Dodge Stratus VIN 1B3EL46R45N573487**

**#1512 1997 Ford Expedition 4x4 VIN 1FMFU18L1VLA02859**

**#1511 1999 GMC Sonoma Pickup 4x2 VIN 1GTCS19X4X8506973**

I am requesting permission to have these vehicles declared surplus county property to be sold at public auction.

If you have any questions please feel free to call me.  
Bill Bivens Sheriff

Sincerely,

**319 Hickory Street • Madisonville, Tennessee 37354 • (423) 442-3911**

It was moved by Commissioner THOMAS, seconded by Commissioner SHADDEN, that this Resolution be approved as presented. Motion carried on roll call. Aye 7 Nay 0

**A RESOLUTION TO DECLARE ITEMS AS SURPLUS  
PROPERTY AND PLACE THEM FOR SALE AS  
SCRAP METAL AT LANKFORD'S SCRAP METAL**

**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 documentation of scrap metal, and

**WHEREAS**, Maintenance Director, Brad Bivens, requests approval to declare the attached documentation as surplus and place it for sale as scrap metal at Lankford's Scrap Metal, and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MONROE COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 26<sup>th</sup> DAY OF JUNE, 2012, 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.**

MONROE COUNTY MAYOR

MEMO

May 16, 2012

TO: Libby Hicks - Finance Director  
FROM: Mayor Tim Yates  
RE: Scrap Metal Hauled to Recycle - Brad Bivins

Enclosed you will find \$120.00 cash and a receipt logged by Ami Tallent for that amount.

This represents a sale of scrap metal to Lankford recycling consisting of old water heater frames, metal scraps from various work details and old file cabinets no longer advisable for use.

These funds should be credited to Brad Bivins- Maintenance Director department to be used as he sees fit in his care and upkeep of all county buildings.

If you have any questions, please feel free to call me.

It was moved by Commissioner ALLEN, seconded by Commissioner BIVINS, that this Resolution be approved as presented. Motion carried on roll call. Aye 5 Nay 2 Commissioners Hawkins & Thomas, 3<sup>rd</sup> District

**RESOLUTION NO. 626-11**

**A RESOLUTION AUTHORIZING  
A MULTIPLE YEAR LEASE PURCHASE and MAINTENANCE AGREEMENT  
FOR THE MONROE COUNTY BOARD OF EDUCATION  
SPECIAL EDUCATION DEPARTMENT**

**WHEREAS**, the Monroe County Board of Education Special Education 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 Board of Education 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 Appalachia Business Communications 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 26<sup>th</sup> day of June, 2012.

It was moved by Commissioner ALLEN, seconded by Commissioner HAWKINS, that this Resolution be approved as presented. Motion carried. Aye 7 Nay 0

**RESOLUTION NO. 626-11A**

**A RESOLUTION AUTHORIZING  
A MULTIPLE YEAR LEASE PURCHASE and MAINTENANCE AGREEMENT  
FOR THE MONROE COUNTY BOARD OF EDUCATION  
COORDINATED SCHOOL HEALTH**

**WHEREAS**, the Monroe County Board of Education Coordinated School Health 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 Board of Education 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 Appalachia Business Communications 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 26<sup>th</sup> day of June, 2012.

It was moved by Commissioner THOMAS, seconded by Commissioner ALLEN, that this Resolution be approved as presented. Motion carried. Aye 7 Nay 0

**RESOLUTION NO. 626-12**

**A RESOLUTION AUTHORIZING  
A MULTIPLE YEAR LEASE PURCHASE and MAINTENANCE AGREEMENT  
FOR THE MONROE COUNTY BOARD OF EDUCATION**

**WHEREAS**, the Monroe County Board of Education has a need to upgrade, operate and maintain their current cellular telephone system including hardware/software system within the respective offices, and

**WHEREAS**, the current cellular telephone system 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 Board of Education Fund Budget as deemed necessary in order to expedite the resolution of this matter, and

**WHEREAS**, the projected cost of this cellular telephone 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 U.S. Cellular Corporation and the lease is not to extend over a period of more than twenty-four (24) 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 26<sup>th</sup> day of June, 2012.

It was moved by Commissioner ALLEN, seconded by Commissioner BIVINS , that this Resolution be approved as presented. Motion carried. Aye 7 Nay 0

**RESOLUTION NO. 626-12A**

**A RESOLUTION AUTHORIZING  
A MULTIPLE YEAR LEASE PURCHASE and MAINTENANCE AGREEMENT  
FOR THE MONROE COUNTY GOVERNMENT**

**WHEREAS**, the Monroe County Government has a need to upgrade, operate and maintain their current cellular telephone system including hardware/software system within the respective offices, and

**WHEREAS**, the current cellular telephone system 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 cellular telephone 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 U.S. Cellular Corporation and the lease is not to extend over a period of more than twenty-four (24) 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 26<sup>th</sup> day of June, 2012.

It was moved by Commissioner ALLEN, seconded by Commissioner HAWKINS, that this Resolution be approved as presented. Motion carried. Aye 7 Nay 0

### **RESOLUTION 13**

**Monroe County is joining with Sevier County requesting the Tennessee General Assembly to adopt a private act to establish specific additional requirements for the opportunity to seek the office of Constable in Tennessee Counties.**

**WHEREAS**, Tennessee State Law presently does not give the Monroe County Commission permission to establish additional requirements for constables and,

**WHEREAS**, Monroe County Constables have requested to be included in the establishment of additional statutorily-enumerated qualifications for office and,

**WHEREAS**, the Monroe County Sheriff and the District Attorney General support these requirements and,

**WHEREAS**, in the event the Tennessee General Assembly passes a private act, as hereby requested, such act should include the following requirements to hold the office of constable:

A) One year prior law enforcement experience and/or status as a Peace Officer Standards and Training ("P.O.S.T.") certified officer;

B) Successful passage of a psychological evaluation as prescribed by Tennessee P.O.S.T. Rules; and

C) Be subject to a drug testing policy established by the County.

**NOW, THEREFORE BE IT RESOLVED**, by the county legislative body of Monroe County, Tennessee, meeting in regular session in Madisonville, Tennessee, that the Tennessee General Assembly pass a Private Act establishing additional requirements/qualifications to hold office as a Constable of Monroe County.

Adopted this 26<sup>th</sup> day of June, 2012

It was moved by Commissioner MOSER, seconded by Commissioner ALLEN, that this Resolution be approved as presented. Motion carried on roll call. Aye 7 Nay 0

#### **626-14 UPDATE FROM JUSTICE COMMITTEE**

County Attorney, Jerome Melson, gave a verbal report from the Justice Committee.

The Justice Committee continues to meet regularly, assuming its efforts to identify and secure the purchase of an appropriate site for the construction of a jail. During recent core drilling on the Hicks property, wetlands were found. Any further consideration of that property has been abandoned. The Mayor had indicated and obtained permission to follow up on communications with another land prospect. He is engaged in direct communications with the property owner. The property owner is not presently represented by a real estate agent. As a result we are trying to see if we can do better in our negotiations at establishing a purchase price for the county commission to consider. You all know that \$400,000 has pretty much been the figure or the range of figure that has previously been considered for the acquisition of the property. The Mayor will be reporting back to the committee at a meeting which will occur in July. The Justice Committee stated that if anyone wants to bring information related to a parcel of property for examination and consideration in its deliberations, they should do so at this July meeting.

Mr. Melson also restated the facts that a 4<sup>th</sup> District School Board boundary was not ratified in time for the August election. He stated that if the county commission so desires, "I will check into establishing a new 4th school board district before the next county election." Commissioner Bivens made a motion to give Attorney Jerome Melson the authority to do this. Motion failed for lack of a second. Vonore resident Ronnie Summey and commissioner Roger Thomas had a discussion.

**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**