

October 23, 2023

David Abbott	A
Don Adkins, Jr.	P
Donald Blansett	P
Ruric Brandt	P
Logan Campbell	A
Jimmy Cantrell	P
Steve Franklin	P
Gene Hargis	P
Linda Mason	P
Chris Morrison	P
Jim Nunley	P
Dennis Rollins	P
Paul Schafer	P
Peggy Thompson	P
Sherry VanAilman	P

The Marion County Board of Commissioners met in a regular session on October 23, 2023. Madam Chairman Linda Mason called the meeting to order. (Time: 01) Invocation was given by Commissioner Hargis. (Time :03) Pledge was led by Marion County Clerk, Joanie Spangler. (Time 1:01) Roll call was taken by Jaime Quick, Chief Deputy Clerk. (Time 1:29) Thirteen commissioners were present. Absent this month: Commissioner Abbott and Commissioner Campbell.

Approval of previous month's minutes: (Time 2:04) Commissioner Schafer made a motion to approve the minutes from the September 25, 2023, meeting. Seconded by Commissioner Cantrell. 13 voting aye.

1. Election of Chairperson, Marion County Commission: (Time 2:45) Commissioner Hargis made a motion to appoint Commissioner Blansett as the temporary Chairman. Commissioner Morrison seconded the motion. 13 voting aye.
2. Temporary Chairman Blansett opened nominations for new chairperson. Commissioner Brandt nominated Commissioner Franklin. Seconded by Commissioner Schafer. Commissioner Adkins nominated Commissioner Mason. Seconded by Commissioner Hargis. Commissioner Schafer made a motion to cease nominations. Seconded by Commissioner Hargis. Temporary Chairman Blansett called for a roll call vote at this time. The Commission voted 8 votes (Commissioner Adkins, Commissioner Blansett, Commissioner Hargis,

Commissioner Mason, Commissioner Morrison, Commissioner Rollins, Commissioner Thompson, Commissioner VanAllman) for Commissioner Mason to 5 votes (Commissioner Brandt, Commissioner Cantrell, Commissioner Franklin, Commissioner Nunley, Commissioner Schafer) for Commissioner Franklin. Commissioner Mason was elected Chair.

3. Election of Vice-Chairperson, Marion County Commission- (Time 3:02)
Commissioner Hargis nominated Commissioner Franklin. Seconded by Commissioner Mason. Commissioner Rollins made a motion to cease nominations. Seconded by Commissioner Hargis. 13 voting aye for Commissioner Franklin as Vice-Chairperson.
4. Award Bid- Mullins Cove Water Line Extension- (Time 4:20) (Attachment)
Counselor Gouger read the recommendation letter from Croy Engineering and the three (3) bids: Green Brothers Construction for \$4,997,020.00; Norris Bros Excavating for \$1,610,154.00 and B&B Plumbing and Heating for \$3,300,00.00. Croy Engineering's recommended awarding the project to the second lowest bid, B&B Plumbing & Heating Inc. in the amount of \$3,300,000.00 providing satisfactory payment and performance bonds are posted for the project. Commissioner Morrison made a motion to approve the recommendation. Seconded by Commissioner Rollins. 11 voting aye. Commissioner Blansett voted no, and Commissioner Adkins abstained.
5. Appoint Sharon Yarber to the Marion County Library Board- (Time 5:32) Mayor Jackson by letter respectfully requested to appoint Sharon Yarber to the open position of at-large Library Board Trustee for (2) two consecutive three (3) year terms. Commissioner Schafer questioned if Mrs. Yarber had a master's degree in library science. Commissioner Cantrell made a motion to approve the said written request. Seconded by Commissioner Morrison. 13 voting aye.
6. Discussion- Beaver Eradication contract- (Time 7:54) Commissioner Cantrell asked if the structures are being torn down when the beavers are removed. Commissioner Hargis responded that this would be the property owner's responsibility to remove these structures. Commissioner Franklin expressed concerns for the cost of \$317 per beaver given that 97 beavers were removed in one year, this is a cost using taxpayers money on private property. Commissioner Thompson asked could this be a month-to-month contract. Bill Swan was present and stated the costs of the different contracts. After further discussion Commissioner Hargis made a motion to approve to continue the yearly contract which called for a roll call vote. The yearly contract was voted to continue with 9 voting yes (Commissioner Adkins, Commissioner Blansett, Commissioner Hargis, Madam Chairman Mason, Commissioner Morrison, Commissioner Nunley, Commissioner Schafer, Commissioner Thompson, Commissioner VanAllman) to 4 voting no (Commissioner Brandt, Commissioner Cantrell, Commissioner Franklin, Commissioner Rollins)
7. Approval of Opioid Funding Application- (Time 28:54) Counselor Gouger stated this would be approving the application process as recommended by the County's Opioid Task Force. The application should be available on the website on October 25, 2023. Commissioner Schafer made motion to approve. Seconded by Commissioner Rollins. 13 voting aye.
8. Discussion- Infrastructure Upgrade, Marion County Park- (Time 30:02)
Commissioner Hargis expressed the needs for upkeep of the park and in order to do these upgrades the Park would need to borrow money from the County. The

plan to repay the money would consist of increasing camping fees. Commissioner Schafer asked would this upgrade provide additional camping spaces in which the answer to that would be no. This would be a repayment plan over 15 years. Darrel Pittman was present and stated that the Park Board wanted to see if it could get approved for the money prior to getting bids. Commissioner Franklin reminded the Commission there had already been \$38,000.00 spent on blueprints. Commissioner Schafer made a motion to approve the borrowing request. Seconded by Commissioner Adkins. 13 voting aye

9. Jack Champion- Sand Plant/County Powers Act- (Time 39:12) Jack Champion, a citizen of the Jumpoff area, was present to again express his concerns for property owners of this area for the possible sand plant attempting to purchase land in the Jumpoff area. Mr. Champion also presented signed petitions (Attachment) from property owners in this area in opposition to the proposed sand plant. Under the previous request of Commissioner Brandt, Counselor Gouger had drafted a resolution to regulate only sand plants only in the county. Commissioner Blansett asked if passing this resolution to just regulate sand plants, would this open up the county for all things to be regulated under "nuisance". Commissioner Hargis stated that it was his understanding that in order to pass this drafted resolution tonight the county would have to be opted into the County Powers Act. Counselor Gouger stated that opting into the County Powers Act would require a two-thirds majority of the Commission's vote (10 or more). In a prior January meeting, the County Powers Act was not passed due to a resolution not being written and present at the time of voting in Counselor Gouger's opinion. Also, in a prior January meeting this resolution died for lack of a second under General Business. Counselor Gouger stated that agricultural uses of land are specifically exempted from regulation under these laws. Commissioner Adkins asked if the property had been purchased yet and state and whether state and federal permits had been issued yet with the answer to both questions being no. The property is still open to be sold. Commissioner Rollins asked if the prior County Powers Act resolution was present and could it be voted on tonight. Commissioner Rollins then made a motion to opt into for the County Powers Act. Mack Reeves, a concerned citizen, was present and asked if this is passed tonight, would it be locked in solid to only affect regulating sand plants and does not affect the future freedom of this county. Dr. Davis, a citizen of Grundy County, spoke about the problems they would have had without the County Powers Act. Deston Hutcherson, a concerned resident, spoke of his concerns of passing the County Powers Act including the word "nuisance". After further discussion Chairman Mason suggested a workshop. With the motion on the floor to opt into the County Powers Act, there was a roll call vote at this time. 9 voting yes (Commissioner Brandt, Commissioner Cantrell, Commissioner Franklin, Commissioner Hargis, Madam Chairman Mason, Commissioner Morrison, Commissioner Rollins, Commissioner Schafer, Commissioner VanAllman) 3 voting no (Commissioner Adkins, Commissioner Blansett, Commissioner Thompson) Commissioner Nunley abstained. The County Powers Act did not pass at this time due to the lack of 10 yes votes. Commissioner Blansett asked for a 10-minute recess at this time. After recess, Chairman Mason asked to set a date for a workshop on this resolution. Commissioner Brandt asked for the public to attend. Chairman Mason stated that on a workshop the public has no comment, the public would be there to observe only. The workshop was set for Tuesday, November 7, 2023, at 5pm at the Lawson Building.

10. Budget Amendments- Marion County Local Government- (Time 1:46:23)
(Attachment) Counselor Gouger, in the absence of Mayor Jackson, who was attending the County Mayor's conference, read the following amendments for approval: Fund 189, Capital Projects, Fund 101, airport construction, Fund 128, American Rescue Plan. Commissioner Adkins made the motion to approve. Seconded by Commissioner Franklin. 13 voting aye.
11. Budget Amendments- Marion County Board of Education- (Time 1:51:00)
(Attachments) Dr. Griffith presented item #1 the monthly Cash Flow Analysis. Dr. Griffith also presented item #2 budget amendment request for Fund 141 to reflect new public school security state grant and adjust Vocational Innovative School Models for changes. Commissioner Hargis made a motion to approve. Seconded by Commissioner Rollins. 13 voting aye.
12. Budget Amendments- Marion County Highway Department- (Time 1:52:00) none currently at this time.
13. Mayor's Report- (Time 1:52:32) Counselor Gouger in the absence of Mayor Jackson, made the Commission aware of the new bond rating the County was given a Double AA rating by S&P.
 - (a) The County only received one RFI this month, Project Neptune. There was no packet sent back on this project.
 - (b) The airport project is 95 percent complete and projected to reopen November 10, 2023.
 - (c) BattleCreek water project is waiting for TDOT to give instructions on crossing a culvert. It will take about two days to complete once the approval from TDOT is given.
 - (d) Sweetens Cove water project started today October 23, 2023.
 - (e) The South Pittsburg Mountain water project has not yet been started due to three areas that need approval from TDOT.
 - (f) There will be a Delinquent Property tax sale on November 8, 2023, starting at 10am at the Lawson Building.
 - (g) Next County Commission meeting is November 27, 2023, at 6pm at the Lawson Building.
14. Approval of Notaries- (Time 1:57:21) (Attachment) Marion County Clerk, Joanie Spangler read the following names for approval: Jaqueline Istanich, Terri L. Peardon, Madison Witt, Kim Hargis. Commissioner Cantrell made the motion to approve. Seconded by Commissioner Schafer. 13 voting aye.
15. General Business- (Time 1:57:49) Commissioner Rollins asked Counselor Gouger for an update on Big Fork Rd and Brow Trail. Counselor Gouger responded that he had received some of the deeds of dedication back.
16. Public Comments- (Time 1:58:36) Madam Chairman Mason stated there is a three-minute time limit per person.
David Parker, a resident of the county, expressed his concern about the future possible sand plant in the Jumpoff area.

Ronnie Hoosier, concerned resident, stated that he lives fifty feet from the property of the possible future sand plant. He expressed his thoughts on this property purchase and stated the discussion he had with workers.

Ronnie Kennedy, resident of Whiteside, stated that his address had changed from Guild to Whiteside according to an EMT at Puckett when he had to call an ambulance for his wife. Mr. Kennedy stated he had asked for help back in July about getting his 911 address corrected.

Mack Reeves asked for clarification on the rules for speaking during public comment time. Madam Chaiman mason stated that it has to be pertaining to something on the current meeting agenda.

James Haskew, a resident of the county and Vice President of Tennessee State Farm Bureau, expressed his disappointment in the Commission tonight regarding the County Powers Act and felt the Commissioners voted due to peer pressure.

17. Adjournment: (Time 2:13:45) Commissioner Schafer made a motion to adjourn. Seconded by Commissioner Rollins. 12 voting aye

Respectfully Submitted,


Linda Mason, Chairman
Joanie Spangler, County Clerk