

January 29, 2024

David Abbott	P
Don Adkins, Jr.	P
Donald Blansett	P
Ruric Brandt	P
Logan Campbell	P
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 VanAllman	P

The Marion County Board of Commissioners met in a regular session on January 29, 2024, due to increment weather on January 22, 2024. Madam Chairman Linda Mason called the meeting to order. (Time: .01) Invocation was given by Commissioner Rollins. (Time .03) Pledge was led by Marion County Clerk, Joanie Spangler. (Time 0:56) Roll call was taken by Jaime Quick, Chief Deputy Clerk. (Time 1:18) Fifteen commissioners were present.

Approval of previous month's minutes: (Time 1:55) Commissioner Morrison made a motion to approve the minutes from the November 27, 2023, meeting. Seconded by Commissioner Campbell. 14 voting aye. Commissioner Schafer voting no.

1. Audit Committee Report- (Time: 2:28) (Attachment) Mayor Jackson state the Audit Committee met twice this month to review the audit report and stated there were some findings. Mayor Jackson read the findings, recommendations and explained the corrections made. Mayor Jackson also stated one question he always asks the auditor in the exit interview yearly "did you find anyone stealing money?" and their answer was "no". Commissioner Campbell made a motion to accept and approve the audit. Seconded by Commissioner Abbott. Commissioner Brandt questioned, with bankers on the Committee, are they involved in assisting the Mayor with these findings and stated he feels this is embarrassing to the County. Commissioner Schafer stated in his opinion after reviewing last year and this year's report he feels nothing has been done for improvement. After

discussion of questions and understanding of this audit among Commissioner Brandt, Commissioner Abbott, and Commissioner Schafer, Commissioner Abbott stated he felt confident in the report given. 15 voting aye.

2. Approval of Opioid Tax Force Recommendation and Contract for Distribution of Opioid Abatement Funds- - (Time 12:04) (Attachment) Mayor Jackson stated this item was tabled in November and the Ethics Committee met with the Opioid Task Force where all their questions were answered. Commissioner Campbell stated on behalf of the Ethics Committee that it met with the Opioid Abatement Committee on January 11, 2024. The Ethics Committee reviewed all the questions regarding reporting as well as compared the policies to the State of Tennessee's and concluded that the Opioid Committee held to all the Ethics of Marion County as well as those of the State of Tennessee. Commissioner Campbell made a motion to approve. Seconded by Commissioner Franklin. During this time there was discussion about how the funds would be distributed; all at once, semi-annually, or quarterly to each organization. Commissioner Rollins asked to amend the motion regarding anyone not subject to having a federal audit. Commissioner Campbell recommended the distributions be quarterly. Commissioner Franklin and Commissioner Blansett recommended and suggested sending the money back to the committee. Commissioner Hargis stated he will not approve of giving money to anyone not subject to an audit. Madam Chairman Mason asked for a Roll Call vote. After the question for understanding of the Roll Call vote by Commissioner Abbott and with the suggestion of Mayor Jackson to vote to approve the amount of the distribution of the money and send back to the Finance Committee to decide how it would be distributed. Commissioner Campbell at this time withdrew his motion. At this time Commissioner Schafer made a motion to accept the suggestion of Mayor Jackson. Seconded by Commissioner Campbell. 15 voting aye.
3. Approval- Contract with Rutherford County to house juveniles- (Time 25:37) (Attachment) Counselor Gouger addressed the proposed contract for approval stating in addition to the charges on this contract the County would be responsible for the transportation and any special medical care the juvenile might need. Commissioner Campbell made a motion to approve. Seconded by Commissioner Cantrell. 15 voting aye.
4. Update- Brow Trail Road- (Time 28:24) Commissioner Morrison stated this is an issue that has been under discussion for over a year, about 14 months. Also, Commissioner Morrison stated there have been several resolutions sent to TDOT. Brow Trail Rd is an extension of Big Fork Road but is a public road not owned by the County. Commissioner Morrison stated the need for the adoption of this road as an emergency outlet for those traveling and those that live on Suck Creek Mountain. Commissioner Morrison stated also when this is made into a motion for this 1.7 miles be made into a County Road and that he would like too also change the name of Brow Trail Road to Big Fork Road and the little spur road on the right be named Tree Farm Road. Commissioner Blansett made the motion. Seconded by Commissioner Morrison. Commissioner Cantrell asked to hear from the Road Commissioner, Cory Pickett. At this time Cory Pickett, Road Commissioner, read the requirements for a road to become a county road. After further discussion among commissioners and with explanation of the deed of dedication process from Counselor Gouger, Commissioner Blansett withdrew his motion at this time. Commissioner Blansett suggested a committee to follow through with getting this completed for the North end of the County that was followed by a motion made. Commissioner Schafer seconded. 15 voting aye. Commissioner Morrison made the motion to adopt the road tonight as a County

Road. After discussion of legal options Commissioner Morrison withdrew his motion and to continue with the Committee formed tonight. The Committee members for Brow Trail Road are Commissioner Schafer, Commissioner Abbott, and all District 4 and 5 Commissioners.

Counselor Gouger stated he would be happy to meet with the newly formed Committee to share all the information he has gathered.

5. Property Tax Sale- Map 133, Parcel 078.01- (Time 56:46) (Attachment) Mayor Jackson stated the Property Tax Committee met at 5:30pm. There was one property, Map 133, Parcel 078.01, for bid. Jeanette Dunning submitted a written bid of \$868.02. It was published in the newspaper and John Hewgley submitted a written bid of \$1200.00. There was a bid off at 10am on January 8, 2024, and Jeanette Dunning was not present at 10am. The Property Tax Committee recommended accepting the bid of John Hewgley. Commissioner Morrison made a motion to accept. Seconded by Commissioner Cantrell. 15 voting aye.
6. Approval- Conservation Committee plan to reimburse County General Fund for funds loaned for Marion County Park Improvements- (Time 58:38) (Attachment) Mayor Jackson stated the Finance Committee met and the Conservation Committee. The Conservation Committee has voted to pay \$60,000.00 per year to repay the loan the County Commission has agreed to make. Commissioner Adkins made a motion on behalf of the Finance Committee to ask the County Commission to accept the repayment plan from the Conservation Committee. Seconded by Commissioner Franklin. 15 voting aye.
7. Approval- Opt-In for Employee Retiree Coverage- (Time 59:27)) (Attachment) Counselor Gouger addressed this is an item that had to be voted on every year by the Commission. By opting into this coverage, it allows your retired employees to be on the insurance plan at the retired employee's expense. Commissioner Campbell made a motion to approve. Commissioner Franklin seconded. 14 voting aye. Commissioner Morrison abstained.
8. Approval- TDOT Resolution- State Route 2 Improvements- (Time 1:00:28) (Attachment) Mayor Jackson stated he is asking for permission to sign and return this resolution from TDOT. TDOT is going to replace a tile on State Route 2/ Highway 41 and now TDOT has started sending out resolutions for approval to do the work. Commissioner Morrison made a motion to approve. Seconded by Commissioner Campbell. 15 voting aye.
9. Steve Lamb- EMA Director- Hazard Mitigation Plan- (Time 1:01:10) Mr. Lamb addressed the Commission and audience about the importance of the Hazard Mitigation Plan survey is he needs everyone to complete. Mr. Lamb left the form at the back of the room and encouraged everyone to take one and complete it.
10. Proposal- Sequatchie Valley Honor Guard- Permission to place a monument on Courthouse property to recognize Honor Guard members- (Time 1:04:38) Mayor Jackson stated the Honor Guard had asked for permission to place an Honor Guard Memorial monument on the Courthouse grounds. Commissioner Hargis made a motion to approve the monument. Seconded by Commissioner Rollins. 15 voting aye.
11. Extension of Food City Pilot- (Time 1:05:09) (Attachment) Counselor Gouger addressed the request of Food City property owner to change the date of their 10-year tax agreement from 2023 to 2024 due to the fact the building was not

complete, and they were not able to take advantage of the tax incentive given by the County. Commissioner Adkins stated it is the recommendation of the Finance Committee to accept the change of the date from 2023 to 2024. Commissioner Schafer made a motion to approve. Seconded by Commissioner Adkins. 12 voting aye. Three (3) voting no. Commissioner Morrison, Commissioner Brandt, and Commissioner Cantrell.

12. Donald Leonard- Pull Tight Road- (Time 1:08:26) Donald Leonard spoke on his concerns of the gunshots at the intersection of 299 Pull Tight Rd and Old Whiteside Road and expressed how much worse it has been in the past couple of days. Sherriff Burnette, being present in the audience, stated he would add more patrol in that area for a while.

13. Report on Debt Obligation- General Obligation Bonds- (Time 1:12:34) Mayor Jackson stated the debt obligations have to be reported to the Comptroller's office and needs to also be presented to the Commission. Commissioner Morrison made a motion to approve. Seconded by Commissioner Cantrell. 15 voting aye.

14. Budget Amendments- Marion County Local Government- (Time 1:13:00) (Attachment) Mayor Jackson presented Budget Amendments for General Fund 101 and American Rescue Fund 128 for approval. Commissioner Cantrell made a motion to approve. Seconded by Commissioner Campbell. 15 voting aye. Commissioner Franklin questioned when the check for the 911 bond issue money would be released to 911 Board and stated he feels it should be now. After discussion a decision was made there would need to be a formal request for the money to be released.

15. Budget Amendments- Marion County Board of Education- (Time 1:19:55) (Attachments) Mayor Jackson presented budget amendment for Fund 141 in the absence of Dr. Mark Griffith for approval. Commissioner Rollins made the motion to approve. Seconded by Commissioner Cantrell. 15 voting aye.

16. Budget Amendments- Marion County Highway Department- (Time 1:20:21) (Attachments) None at this time.

Earlier in the meeting, (Time 56:03) Mr. Pickett presented the 2024 County Road list for approval. Commissioner Adkins made a motion to approve. Seconded by Commissioner Schafer. 15 voting aye.

Mr. Pickett also asked the Commission for approval to work within the municipalities of the County at their expense and to assist adjoining highway departments during hardships. Commissioner Abbott made a motion to approve. Seconded by Commissioner Morrison. 15 voting aye.

17. Mayor's Report- (Time 1:20:35) Mayor Jackson reported the following:

- (a) The County received three RFI's this month. Only one information packet was sent back on a request for Project Link for 50 acres on Mel Dixon site.
- (b) The County continues to work with a project out of Hamilton County called Southern Spear who are looking at 25 acres of port property.

- (c) Mayor Jackson and the City Mayors did meet with State Senators in December to share some concerns and issues.
- (d) The waterline project in Egypt Hollow has been started as well as the Mullins Cove waterline project. The BattleCreek waterline will be completed as soon as there is an easement. The South Pittsburg Mountain project will either have to be change ordered or bid out again due to the Engineering Firm failing to get the proper permits from TDOT. Now this waterline has had to be moved on private property in three different locations.
- (e) The bid specifications for the build-out at Chattanooga State are almost complete.
- (f) The new jail building plans will possibly go out for bid in May.
- (g) The building permits issued for 2023 were 161 which is down 51 permits from the total of 2022.
- (h) Mayor Jackson recognized Travis Hickman from The River radio station who won a National Competition and was able to host The Grand Ole Opry on December 16, 2023.
- (i) Mayor Jackson addressed a Red Alert immediate response requirement; the State is considering a Bill to take the power to levy and set property taxes away from the Cities and Counties.

Commissioner Hargis expressed his concern and stated he would like to see a resolution sent stating the County's disagreement with what the State is considering. Commissioner Brandt asked if there would be a debate needed. Commissioner Hargis made a motion to get this resolution in motion. Seconded by Commissioner Campbell. 14 voting aye. Commissioner Brandt no.

- (j) Mayor Jackson stated the budget schedule was included in the packet.
- (k) Mayor Jackson thanked David Thompson for the donation of the district maps.
- (l) Mayor Jackson announced the next County Commission meeting would be February 26, 2024.

18. Approval of Notaries- (Time 1:32:35) (Attachment) Marion County Clerk Joanie Spangler first stated there was a correction to the notary list. Sara Ashlee Garrett should have been submitted to the Commission as Sara Ashlee Gossett for approval. Mrs. Spangler then read the following names for approval: Kellye L. Hogan, Cierra Bradley, Frances Barton, Pamela Denise Bedwell, Kathy J.M. Keener, Sara Ashlee Gossett, Shannon Jai Wiggins, Phillip Douglas Smith, Malorie Robinson, Sherri Blevins, and Tanya Tate. Commissioner Morrison made the motion to approve. Seconded by Commissioner Campbell. 15 voting aye.

19. General Business- (Time 1:33:48)

Commissioner Brandt asked Counselor Gouger "what's the tenor of payment between you and the County". Counselor Gouger responded that he receives a check for payment. Commissioner Brandt also asked a question referencing the "Sunshine Law" and the exceptions of the Open Meetings Act. Commissioner Brandt asked as well can the Chairman participate in any debate without first relinquishing the gavel to the Vice-Chairman. Counselor Gouger stated they aren't supposed too. Madam Chairman Mason stated I never follow rules and am opinionated. Commissioner Brandt also referred back to a committee

referencing rules. Commissioner Thompson stated those Committee members were Commissioner Brandt, Commissioner Blansett, Commissioner Schafer, Commissioner Thompson, Commissioner Campbell, and Commissioner VanAllman. Commissioner Abbott requested the Committee appoint a chairman and let the Chairman contact the Committee. Commissioner Blansett nominated Commissioner Brandt as Chairman. Seconded by Commissioner Schafer. All Committee members agreed with the Chairman. Commissioner Adkins brought attention to this was related to CTAS documents Commissioner Brandt had passed out in a previous meeting regarding rules. Counselor Gouger clarified that CTAS stated those did not come from them per Steve Austin the attorney for CTAS. Commissioner Brandt stated those documents he presented came from Charles Curtiss at CTAS. Charles Curtiss is the Director of County Commissioners Association as stated by Counselor Gouger. Commissioner Brandt stated he would come up with a date for this Committee to meet. Commissioner Brandt also stated that the MITAC Committee meeting would be on February 1, 2024, at 6pm at Steverino's in South Pittsburg.

Commissioner Schafer stated he was called by a couple of residents as to why the County website was not used to inform the residents of the cold weather. Commissioner Schafer asked for a Committee to be formed or have a workshop to research finding another company to operate the website.

Commissioner Franklin questioned where all the paper ballots would be stored. Commissioner Franklin also stated he would like to see a workshop in the next month of two pertaining to the total cost of all the road work and waterline work and have the grant money and spendings explained.

Commissioner Rollins asked Paula Shipley (lady in the audience from Griffith Creek Utility District) if there was a bid yet on the water project on Marshall Loop. Paula replied that is through the County.

20. Public Comments- (Time 1:49:55) Jack Champion questioned who is over the Beaver Contract. Madam Chairman Mason responded this item was not on the agenda for tonight and referred Mr. Champion to contact the Mayor's office to be placed on the agenda.

David Thompson wanted to speak about the website. Madam Chairman Mason responded this was going to be discussed in a workshop and would become an agenda item for next meeting.

Thomas Morgan, owner of a campground at Pull Tight Road, stated last November he came to meeting as an agenda item and presented all the hazards of the railroad crossings, how the county could get the money, the budgeting and everything just to get laughed off the stage and be told the County doesn't have the money and only has a \$10,000.00 road budget but today he hears how the commission wants to spend close to \$2 million to build a road that has no homes on it. Madam Chairman Mason stops Mr. Morgan at this time. Mr. Morgan continues at the microphone where during this time is an argument between Mr. Morgan and Madam Chairman Mason. Mr. Morgan is informed by Madam Chairman Mason that he could be removed. Mr. Morgan agreed and said please do if you like. At this time Madam Chairman Mason asked Sherriff Bo Burnette to remove Mr. Morgan. Mr. Morgan stated are you suppressing my First Amendment right to speak in a public forum and asked to please video this. Madam Chairman Mason stated I am absolutely not going to listen to this. Donald Leonard yells from the audience "that there's a lot of problems on Pull Tight Road and that's a fact and everybody wants to hide it and that there is no

more running from this". Madam Chairman Mason stated to Mr. Leonard "you can be next". Mr. Leonard agreed replying "yes mam". Mr. Leonard stated he would walk out. At this time Mr. Morgan began to blurt out from the back of the audience about the County leadership suppressing everyone's rights. Madam Chairman Mason then stated he needed to leave the building right now. Madam Chairman Mason explained why Mr. Morgan was not allowed to speak because it was not related to Mr. Leonard on the agenda concerning firearms being shot on Pull Tight Road it was not anything to do with a quiet zone on a railroad track.

Commissioner Brandt questioned the rights under "Public Comment" on the agenda.

Counselor Gouger explained the newly recent "Public Comments" law that established this item to be placed on the agenda last year and the 48-hour notice of the agenda being posted.

Mayor Jackson explained the layout of the private property use on the South Pittsburg Mountain waterline project to a resident in the audience.

Billy King questioned for understanding how residents could speak under the public comments' agenda item.

David Thompson asked again for the Commissioners to place the County website discussion on the agenda.

David Barry asked the time that the Finance Committee would be meeting to discuss the distribution of the Opioid Abatement Settlement Funds and asked to push for at least semi-annual funding due to the cost of the startup of programs.

21. Adjournment: (Time 2:06:04) Commissioner Rollins made the motion to adjourn. made a motion to adjourn. Seconded by Commissioner Blansett. 15 voting aye.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Joanie Spangler". The signature is written in black ink and is positioned to the left of the typed name.

Linda Mason, Chairman
Joanie Spangler, County Clerk