

February 26, 2024

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| David Abbott | P |
| 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 VanAllman | P |

The Marion County Board of Commissioners met in a regular session on February 26, 2024. 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 0:45) Roll call was taken by Jaime Quick, Chief Deputy Clerk. (Time 1:01) Fourteen commissioners were present. Absent Commissioner Campbell.

Mayor Jackson stated at this time there is a revised agenda present, item #6 was added to the previous agenda.

Approval of January 29, 2024, meeting minutes: (Time 2:06) Commissioner Cantrell asked for video review of the Brow Trail Road item on which it was noted that he seconded the motion. Commissioner Cantrell stated he was not making the Second to the motion that he was asking for comments from the Road Commissioner. Commissioner Schafer stated he would like to change the word "Chairman" to "Chairperson" so that it is gender neutral for the Chair position. Commissioner Schafer also asked for the Chairperson's statement "I never follow the rules and am opinionated" added to the January 29, 2024, minutes. Commissioner Hargis made a motion to approve the minutes as amended. Commissioner Schafer seconded. 13 voting aye. Commissioner Franklin no.

1. Ratify emergency repairs at the Marion County Justice Center-Replacement of 4" Backflow Preventer Assembly by Viking Industrial- (Time 4:00) (Attachment)- Mayor Jackson stated the back flow preventor did not pass inspection about three months ago. Viking Industrial has a proposed amount of \$28, 991.00 for the replacement of the back flow preventer assembly. Commissioner Adkins stated on behalf of the Finance Committee it is their recommendation to follow through on the replacement with Viking Industrial for the proposed amount of \$28,991.00. Commissioner Adkins made the motion to approve. Seconded by Commissioner Cantrell. 14 voting aye.
2. Commissioner Brandt asked Counselor Gouger if the Commission is supposed to be approving the agenda. Counselor Gouger stated yes it would be standard and to add it as an item after the approval of minutes. Commissioner Brandt made this into a motion to begin approving the agenda at each meeting. Seconded by Commissioner Hargis. 14 voting aye.
At this time Commissioner Franklin made a motion to approve this agenda. Commissioner Schafer made a motion to add an agenda item, "Aneta Mountain, life safety".
Counselor Gouger stated that even under the new law adding items to the agenda can happen as long as there is a motion and second and a majority vote of the Commission because of the 48-hour rule of the agenda being posted publicly. Commissioner Brandt asked if there should also be a roll call vote on approving the minutes. Counselor Gouger stated it is a recommendation for a roll call vote on approving the minutes.
Commissioner Brandt seconded Commissioner Schafer's motion. Chairperson Mason asked for a roll call vote for approval. 13 voting aye (Commissioner Abbott, Commissioner Blansett, Commissioner Brandt, Commissioner Cantrell, Commissioner Franklin, Commissioner Hargis, Chairperson Mason, Commissioner Morrison, Commissioner Nunley, Commissioner Rollins, Commissioner Schafer, Commissioner Thompson, Commissioner VanAllman) 1 voting no (Commissioner Adkins).
Commissioner Franklin stated he would like to discuss the TIFF program.
Counselor Gouger suggested that could be discussed under General Business.
3. Approval of Bid- Compactor for Sequatchie Convenience Center- (Time 11:02) (Attachments) Mayor Jackson stated the County received two bids: FleetGenius of NC, Inc in the amount of \$21,790.56 and Municipal Equipment in the amount of \$32,900.00. Mayor Jackson stated the low bid did not meet bid specs. Commissioner Schafer made a motion to accept the bid from Municipal Equipment. Seconded by Commissioner Abbott. 14 voting aye.
4. Approval of Bid- Mowing Contracts- (Time 12:15) (Attachments) Mayor Jackson stated there were three companies attending the mandatory bid meeting. Bid 1) Chattanooga State Campus at Kimball, Bid 2) Marion County Airport Bid, 3) Marion County Courthouse, Bid 4) Spray weed killer at the Marion County Convenience Centers. Mayor Jackson made the recommendation to accept Cutting Edge Lawn for Bid 1 in the amount of \$7275.00 a month for 8 months, Bid 2 in the amount of \$7925.00 a month for 8 months and Bid 3 in the amount of \$3525.00 a month for 8 months and to accept Walker's Lawn and Mowing for Bid 4 in the amount of \$800.00 a month for 8 months. Commissioner Rollins made the motion to accept Mayor Jackson's recommendation. Seconded by Commissioner Cantrell. 12 voting aye. Commissioner Hargis and Commissioner Thompson abstained.

5. Approval of Interlocal Agreement- Loan to County Conservation Commission- (Time 14:35) (Attachment) Mayor Jackson stated this is the repayment plan for the funds previously approved to loan to the Park Board. Commissioner Abbott made a motion to approve. Seconded by Commissioner Brandt. 14 voting aye.
6. Resolution- 2022 Childcare CDBG-CV Project- (Time 16:34) (Attachment) Mayor Jackson stated this is a grant awarded to Nonna's Nest Childcare Center and this resolution allows the County to negotiate with local contractors to secure the work needed to complete the project. Commissioner Cantrell made a motion to approve. Seconded by Commissioner Adkins. 14 voting aye.
7. Finance Committee Report- Opioid Abatement Funds distribution-(Time 17:30) Commissioner Adkins on behalf of the Finance Committee stated the Committee meet last week to discuss the funds in the amount of \$214,000.00 to the varies organizations. The recommendation is to distribute the previously approved funds, with the exception of \$83,000.00, in 2 payments to the varies organizations and to call the Opioid Abatement Committee back to order to decide the \$83,000.00. Commissioner Adkins made the motion to approve. Seconded by Commissioner Rollins 14 voting aye.
8. Resolution-Opposition of legislation affecting Property Tax Levy- (Time 20:56) (Attachment) Counselor Gouger addressed this as a follow up to last month's meeting. Commissioner Rollins made a motion to approve. Seconded by Commissioner Hargis. 13 voting aye. Commissioner Brandt opposed.
9. Approval- Declare MC Airport runway lights as surplus property and donate to Perry County Airport- (Time 23:11) Mayor Jackson asked that the old lights that were replaced at Marion County Airport be declared surplus property to donate to Perry County for use at its airport. Commissioner Blansett made the motion to approve. Seconded by Commissioner Cantrell. 14 voting aye.
10. Approval- Transfer to MC Health Department employee to a State employee- (Time 23:52) (Attachment) Mayor Jackson stated this is a request from the State to allow employee Jackie Thompson to be paid solely by State funds. Commissioner Schafer made a motion to approve. Seconded by Commissioner Franklin. 14 voting aye.
11. Approval of Marion County Library Board appointments- (Time 24:54) (Attachment) Mayor Jackson stated the letter presented is a request to appoint Sharon Case as a new Library Board member. Commissioner Hargis made a motion to approve the request. Seconded by Commissioner Abbott. 14 voting aye.
12. Appointment- Gary Reames to Marion County Conservation Commission- (Time 25:45) Mayor Jackson asked the Commission to approve his recent appointment of Gary Reames to the Conservation Commission. Commissioner Adkins made a motion to approve. Seconded by Commissioner Franklin. 14 voting aye.
13. Budget Amendments- Marion County Local Government- (Time 26:15) (Attachments) Mayor Jackson read the attached budget amendments for Funds 101, 122, 363 for approval for this month. Commissioner Franklin made a motion to approve. Seconded by Commissioner Hargis. 14 voting aye.

Commissioner Franklin also made a motion to move the money appropriated by the Commission to the 911 account by March 1, 2024. Seconded by Commissioner Brandt. 14 voting aye. Mayor Jackson asked Commissioner Franklin to have the 911 Board send an invoice for the funds.

14. Budget Amendments- Marion County Board of Education- (Time 33:39) (Attachments) Due to Dr. Griffith having an emergency the attached amendments were deferred until next month.
15. Budget Amendments- Marion County Highway Department- (Time 33:55) None at this time.
16. Johnny Gholston- Building Permit Dispute- (Time 34:07) (Attachment) Mr. Gholston due to waiting on information from ADA on handicap accessible, he wishes to defer until next month.
17. Thomas Morgan- Pull Tight Road train and sign issues- (Time 35:01) Mr. Morgan was given three minutes to speak. Mr. Morgan stated his opinions and dissatisfaction of the Sherriff and leadership within the County by referring to the January 29, 2024, meeting. Mr. Morgan also stated after his three minutes "I told you my demand last month Billy".
18. Tom Kenningham- Stagecoach Road- (Time 39:39) Mr. Kenningham questioned where the funds went from FEMA to replace the money used to fix Stagecoach Road in 2020. Commissioner Hargis stated this has been discussed in previous meetings and asked Counselor Gouger to refresh the Commission. Cory Pickett, the Road Commissioner, stated there is no money earmarked for Stagecoach Rd and he would be glad to meet with Mr. Kenningham to discuss the funding that was used for Stagecoach Road. Mr. Kenningham stated he was informed by the State legislature there was a lawsuit against the Contractor by FEMA, and it was picked up by TEMA. Commissioner Hargis stated to Mr. Kenningham he would be interested in any casework or documentation that he could find on this lawsuit.
19. Jack Champion- Beaver Eradication contract- (Time 51:44) In the absence of Mr. Champion, Mr. Tom Kenningham asked for Mr. Champion if there are checks and balances on the beavers that the contractor is being paid to remove. Mayor Jackson clarified that yes there is.
20. Commissioner Ruric Brandt: (Time 53:16)
 - A) Perceived Conflict of Interest- Commissioner Brandt stated he has had many concerns with conflicts of interest among Commission members and office holders and asked Counselor Gouger to explain that. Counselor Gouger stated this has to do with items on the agenda that are being voted on and if the voting members have conflicting interests. This is a new law that is up for approval currently but has not yet been passed.
 - B) Big Fork Road and Brown's Trace Road- Commissioner Brandt stated he owns property on Brown's Trace Road and asked Counselor Gouger to explain the same issues with Brown's Trace Road and Brow Trail Road from a Committee meeting that was formed to follow up with Brow Trail Road completion. Counselor Gouger stated there was actually a deed of dedication for that road to the County signed off on by the Property Owner Association. Commissioner Brandt asked Counselor Gouger in your opinion do you think the

County is still liable for completing that road to the Alabama line. Counselor Gouger stated he thinks the obligation is still there.

Commissioner Morrison asked if there was an update on the deeds of dedication for Brow Trail Road. Counselor Gouger updated the number of property owners remaining, which is approximately 9. Commissioner Morrison asked if there is a timetable for completion. Counselor Gouger stated to help move this along would involve the Commission setting a date, a deadline for the remaining property owners to respond. Commissioner Hargis made a motion to set the date for 3 weeks from today for the remaining property owners on Brow Trail Road to respond by. Seconded by Commissioner Schafer. 14 voting aye.

21. Commissioner Schafer- Aneta Mountain- Life Safety- (Time 1:06:55)

Commissioner Schafer stated he has received calls from residents of Marion County about closed mines on Aneta Mountain. Commissioner Schafer stated he was only aware of surface mining but not the deep mining that was also done. Commissioner Schafer stated the question he has is why these issues has not been brought up to the Planning Committee regarding the septic systems installed and overflow of these systems making this mountain unstable. At this time Ronnie Kennedy, a lifetime resident of this area, gave a report of his knowledge and the files that he has with information of the mining on this mountain. Commissioner Hargis agreed with Mr. Kennedy's statements and added it's not just this mountain it is this whole area: mines, caves, sinkholes, etc. Counselor Gouger stated that once a County is put on notice of a potential issue it has a duty to inquire and investigate which is where the County is now with this information given. Commissioner Schafer made a motion to have Counselor Gouger inquire about the safety and welfare of future buyers of Aneta Mountain. Seconded by Commissioner Brandt. Commissioner Hargis questioned is this only for Aneta Mountain, what about the other areas of the County affected by mining. Commissioner Morrison stated the invitation sent out for March 14, 2024, at the Coal Miner's Museum at 5:30pm in Whitwell would cover a lot of information being asked tonight. Commissioner Rollins asked if knowing about this does this make the County now liable if the Commission does not do anything. At this time Chairperson Mason asked for a roll call vote with all 14-voting aye.

22. Mayor's Report- (Time 1:35:28) Mayor Jackson reported the following:

- (a) The County received 1 RFI from the State this month called Dominique.
- (b) Trying to get finished up getting the South Pittsburg Mountain water project ready to rebid.
- (c) Egypt Hollow water project is complete except for about 30 foot of pipeline and the meter.
- (d) BattleCreek water project, the water there should be on this week.
- (e) Mullin Cove water project is about 40 percent complete. It is slow due to rock and limestone.
- (f) The Chattanooga State buildout project is waiting on ARC to get it out to bid.
- (g) The jail expansion estimate has jumped to a \$7 million project which was a \$2.5 million project to begin with.
- (h) The County did receive notice this week there is some additional Opioid funding that should be coming this week.

23. Approval of Notaries- (Time 1:37:49) (Attachment) Marion County Clerk Joanie Spangler read the following names for approval: Sharon Lynn Brown, Jerry P. Rollins, Tiffany Halford, Katelyn C. Griffith, Angela D. Larrimore, Madeline McIntosh-Ortiz, Amy Durham, and Lana Meyers. Commissioner Morrison made a motion to approve. Seconded by Commissioner Schafer. 14 voting aye.

24. General Business- (Time 1:38:13)

Commissioner Franklin stated a few years ago there was a program called TIFF and the developer is wanting to sale the property and wanted to know if the program went with it. Counselor Gouger explained the specifications of the TIFF program and with the sale this same program was not available to the new owners.

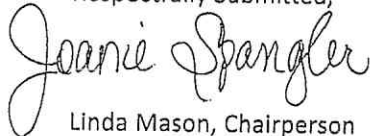
Commissioner Morrison reminded the Commission of the invitation to the Coal Miner's Museum on March 14, 2024, at 5:30pm

Commissioner Brandt stated the Rules Committee meeting is March 4, 2024, at 5:30pm and is open to the public.

25. Public Comments- (Time 1:48:45) David Thompson asked about moving "public comments" to the beginning of the meeting. Chairperson Mason stated this is something that would be moved on the agenda beginning with next month's meeting.

26. Adjournment: (Time 1:59:55) Commissioner Rollins made a motion to adjourn. Seconded by Commissioner Schafer. 14 voting aye.

Respectfully Submitted,



Linda Mason, Chairperson
Joanie Spangler, County Clerk