

AGENDA

GREENE COUNTY LEGISLATIVE BODY

Monday, December 16, 2013

10:00 A.M.

The Greene County Commission will meet at the Greene County Courthouse on Monday, December 16, 2013 beginning at 10:00 a.m. in the Criminal Courtroom (Top Floor) in the Courthouse. Caucus meetings will begin at 9:00 a.m.

Call to Order

- *Pledge to Flag
- *Invocation
- *Roll Call

Public Hearing

- Larry Parman

Approval of Prior Minutes

Reports

Reports from Solid Waste Dept.
Committee Minutes

Old Business

Election of Notaries

Resolutions

- A. A resolution to budget for sexual offender registration reserve
- B. A resolution to budget from assigned fund balance of the Drug Control Fund for the costs related to roof repair and HVAC project at the crime lab
- C. A resolution authorizing the County Mayor to enter into an agreement with the Town of Greeneville and the Tennessee Wildlife Resources Agency to construct and develop a firing range, testing facility and educational center on property jointly owned by the Town of Greeneville and Greene County
- D. A resolution to appropriate generated revenue from the hotel/motel tax currently designated for performing arts exclusively to the Niswonger Performing Arts Center
- E. A resolution to employ an auditor to audit the monthly tax returns of any operator of any motel/hotel, etc. in Greene County

Other Business

- Appointment of Audit Committee members

Adjournment

CERTIFICATE OF ELECTION OF NOTARIES PUBLIC

BATCH # 23

AS A CLERK OF THE COUNTY OF GREENE, TENNESSEE I HEREBY CERTIFY TO
THE SECRETARY OF STATE THAT THE FOLLOWING WERE ELECTED TO THE OFFICE OF
NOTARY PUBLIC DURING THE NOVEMBER 27, 2013 MEETING OF THE GOVERNING BODY:

NAME	HOME ADDRESS	HOME PHONE	BUSINESS ADDRESS	BUSINESS PHONE	SURETY
1. DAVID RAY PITCOCK	433 WEST MAIN ST GREENEVILLE TN 37743	423-552-6598	503 ASHEVILLE HIGHWAY GREENEVILLE TN 37743	423-278-3225	
2. APRIL M ALLEN	120 ALPINE DRIVE GREENEVILLE TN 37743	423-638-4105	124 AUSTIN STREET, SUITE 3 GREENEVILLE TN 37745	423-787-1450	
3. KERRY NEAL EMMETT	155 JAYNES LN. CHUCKEY TN 37641	423-257-6423	123 E DEPOT ST GREENEVILLE TN 37743	423-525-7777	ROGER A. WOOLSEY LINDA WOOLSEY
4. JOHN ANTHONY LAMB JR	20 NAPLES LANE GREENEVILLE TN 37745	423-823-0394	145 ALEXANDER ST GREENEVILLE TN 37745	638 6211	
5. SUE MALONE BROWN	425 TED WEEMS ROAD GREENEVILLE TN 37745	423-329-9585	1500 INDUSTRIAL ROAD GREENEVILLE TN 37745	423-278-1434	061016084643N WESTERN SURETY COMPANY
6. ANNIE ELAINE MCKINNEY	1196 FOX RD CHUCKEY TN 37641	423-426-8028	7185 E ANDREW JOHNSON HWY CHUCKEY TN 37641	423-257-4648	
7. CINDY M LANDERS	311 HOPE RD GREENEVILLE TN 37745	423-723-7033	503 ASHEVILLE HWY GREENEVILLE TN 37743	423-278-3224	
8. CANDIDA GEORGINA SHIPLEY	172 WARRENSBURG ROAD GREENEVILLE GR 37743	423-552-8196	172 WARRENSBURG ROAD GREENEVILLE TN 37743	--	61863609N
9. JOYCE NANCE	1423 TUSCULUM BLVD. APT-A GREENEVILLE TN 37745	423-327-4879	1423 TUSCULUM BLVD. APT-B GREENEVILLE TN 37745	423-798-9800	JOYCE NANCE
10. MEGAN OLIVIA KIRK	901 WEST HWY 25-70 NEWPORT TN 37821	423-608-5578	602 COSBY HWY NEWPORT TN 37821	423-625-0436	
11. JACQUELINE ANN MURR	590 WISECARVER RD MOSHEIM TN 37818	423-422-7100	140 W BERNARD STE 2 GREENEVILLE TN 37743	423-639-4381	
12. JUDY CAROL YN COOTER	710 WEST PINES RD AFTON TN 37616	278-6355	560 VAN HILL RD GREENEVILLE TN 37745	278-3240	

SIGNATURE



CLERK OF THE COUNTY OF GREENE, TENNESSEE

DATE

11-27-2013

RESOLUTION TO BUDGET FOR SEXUAL OFFENDER REGISTRATION RESERVE

- WHEREAS,** the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004 (Public Chapter 921) imposes a fee to sexual offenders to recover the cost associated with updating the offender's fingerprints, palm prints, photograph, and TBI registration form; and
- WHEREAS,** the fee can only be used for the administrative cost associated with registering sexual offenders; and
- THEREFORE,** let the General Fund budget be amended to the following:

INCREASE AMOUNT BUDGETED FROM RESERVES

34157	Reserved For Sexual Offender Registration	\$ 16,980
	Total adjustment to budgeted reserves	<u>\$ 16,980</u>

INCREASE APPROPRIATIONS

54160	Administration of the Sexual Offender Registry	
	435 Office Supplies	\$ 16,980
	Total increase in appropriations	<u>\$ 16,980</u>

NOW, THEREFORE; be it resolved by the Greene County Legislative Body meeting in regular session this 16th day of December 2013, a quorum being present and a majority voting in the affirmative, that the budget be amended as above.

<hr/>	<hr/>
County Mayor	Budget and Finance Committee
	Sponsor
<hr/>	<hr/>
County Clerk	County Attorney

**RESOLUTION TO BUDGET FROM ASSIGNED FUND BALANCE
OF THE DRUG CONTROL FUND FOR THE COSTS RELATED
TO ROOF REPAIR AND HVAC PROJECT AT THE CRIME LAB**

- WHEREAS,** the Tennessee Code Annotated § 53-11-451 states all fines and forfeitures regarding drug violations shall be accounted for in a special revenue fund of the jurisdiction that initiated the arrest; and that per TCA § 39-17-420 moneys in the special revenue fund may be used only for the following purposes: A. Local drug enforcement program; B. Local drug education program; C. Local drug treatment program; and D. Nonrecurring general law enforcement expenditures
- WHEREAS,** the Greeneville-Greene County Drug Enforcement Training Facility, Inc. leases the Crime Lab from the Town of Greeneville and may make improvements the facility as needed or desired; and
- WHEREAS,** the Crime Lab is in need of roof and HVAC improvements; and
- WHEREAS,** the Drug Control Fund has funds available in the Assigned Fund Balance to support this project in that those funds may be used for nonrecurring general law enforcement expenditures ; and
- THEREFORE,** let the Drug Control Fund 122 budget be amended to the following:

INCREASE AMOUNT BUDGETED FROM Unassigned Fund Balance

39000	Assigned Fund Balance	\$ 29,740
	Total adjustment to budgeted reserves	<u>\$ 29,740</u>

INCREASE APPROPRIATIONS

54150	Drug Enforcement	
707	Building Improvements	\$ 29,740
	Total increase in appropriations	<u>\$ 29,740</u>

NOW, THEREFORE; be it resolved by the Greene County Legislative Body meeting in regular session this 16th day of December 2013, a quorum being present and a majority voting in the affirmative, that the budget be amended as above.

County Mayor

Budget and Finance Committee

Sponsor

County Clerk

County Attorney

RESOLUTION AUTHORIZING THE COUNTY MAYOR TO ENTER INTO AN AGREEMENT WITH THE TOWN OF GREENEVILLE AND THE TENNESSEE WILDLIFE RESOURCES AGENCY TO CONSTRUCT AND DEVELOP A FIRING RANGE, TESTING FACILITY AND EDUCATIONAL CENTER ON PROPERTY JOINTLY OWNED BY THE TOWN OF GREENEVILLE AND GREENE COUNTY

WHEREAS, Greene County and the Town of Greeneville jointly own and operate a firing range, testing facility and educational facility on Hal Henard Road, which facilities have been in place more than thirty years; and

WHEREAS, grant funding is now available through the Tennessee Wildlife Resources Agency that could be utilized to greatly improve and further develop the firing range, to make additional capital expenditures to develop skeet and trap ranges and construct an educational facility for hunter education classes that would benefit not only local law enforcement agencies but in addition thereto could by agreement be utilized by Walter State Community College in their law enforcement certification training, high school competition shooting teams and the citizens of Greene County; and

WHEREAS, the grant funding from the TWRA requires a local 25% match which match may be in the form of real property where the facility is located and/or in-kind labor and services by the County and Town; and

WHEREAS, Greene County and the Town of Greeneville presently own approximately 48 acres immediately behind and adjacent to the ball field complex on Hal Henard Road which property has not in the past been utilized by the County and Town and which property has little economic, educational, or industrial prospects other than for the uses in compliance with the uses contemplated by this Resolution; and

WHEREAS, the fair market value of 48 acre tract as shown on the attached plat could be utilized as part of the local match provided that the property is forever restricted for any uses other than what is contained and described above including using said property as a firing

Roger A. Woolsey
County Attorney
204 N. Cutler St.
Suite 120
Greeneville, TN 37745
Phone: 423/798-1779
Fax: 423/798-1781

C

range, testing facility, and educational facility for hunter education training and competition;

and

WHEREAS, it would appear that it would be in the best interest of the citizens of Greene County for the above specified tract be dedicated and set aside with a permanent easement for use as an educational facility, training facility and firing range for training and educational purposes related to the use of firearms and to enhance the training of both certified officers working for the various law enforcement departments in Greene County and to assist in training future post-certified officers enrolled in law enforcement training through Walter State Community College.

NOW THEREFORE BE IT RESOLVED, by the Greene County Legislative Body, meeting in regular session on the 16th day of December, 2013, a quorum being present and a majority voting in the affirmative, that the County Mayor for Greene County, Tennessee is authorized enter into negotiations and contract with TWRA and the Town of Greeneville to develop, improve and expand the present firing range located on Hal Henard Road, which would include the approximate 48 acres as shown on the plat attached to this Resolution for the development of an educational facility, testing facility and firing range as well as a competitive shooting venue.

BE IT FURTHER RESOLVED, that the County Mayor is authorized to execute such documents as is required to establish a permanent restrictive covenants requiring that the 48 acre tract including the present shooting range be forever used for the purposes as spelled out in this Resolution.

Robert Bird

Sponsor

County Mayor

County Clerk

County Attorney

**RESOLUTION TO APPROPRIATE GENERATED REVENUE FROM THE HOTEL/MOTEL TAX
CURRENTLY DESIGNATED FOR PERFORMING ARTS EXCLUSIVELY TO THE NISWONGER
PERFORMING ARTS CENTER**

WHEREAS, previously Greene County had passed a motel/hotel tax currently the allocation of revenue generated by the motel/hotel tax is as follows: one and one-half percent (1 ½ %) tax levied is retained by county government in the general fund and allocated for the direct support of industrial development, recruitment, and retention for all Greene County; one and one-half percent (1 ½ %) of the tax shall be retained by county government and allocated for the direct support of development and support of tourism for Greene County; two percent (2%) of the tax shall be allocated to the Greene County General Debt Service Fund; one percent (1%) of the tax shall be allocated to the county's capital improvement fund for construction, renovation, or maintenance of facilities, recreational pursuits or for the purchase of equipment; and the remaining one percent (1%) of the tax shall be allocated to support or promote the performing arts as allocated by the County Legislative Body; and

WHEREAS, the Niswonger Performing Arts Center provides a venue for a multitude of cultural activities and the performing arts for the adults and children of this community as well as providing a venue for many programs including but not limited to band concerts, citizenship ceremonies and other events; and

WHEREAS, because of the enhancements to the community above specified, the appropriated portion by Greene County of the hotel/motel tax be given exclusively to the Niswonger Performing Arts Center and no other performing arts venue which designation shall become effective July, 2014. With the exception of Capital Outlay Note obligations already in

Roger A. Woolsey
County Attorney
204 N. Cutler St.
Suite 120
Greeneville, TN 37745
Phone: 423/798-1779
Fax: 423/798-1781

D

existence for band-rooms and the ongoing Trustees commission the remaining allocation for performing arts shall go to the Niswonger Performing Arts Center.

THEREFORE BE IT RESOLVED by the Greene County Legislative Body, meeting in regular session on the 16th day of December, 2013, a quorum being present and a two-thirds majority voting in the affirmative, that the total allocated portion of the hotel/motel tax for performing arts be given exclusively to the Niswonger Performing Arts Center, which is allocated from fund 189 –Economic Development beginning July, 2014, with the exception of Capital Outlay Note obligations already in existence for band-rooms and the ongoing Trustees commission.

Budget and Finance Committee
Sponsor

County Mayor

County Clerk

County Attorney

**A RESOLUTION TO EMPLOY AN AUDITOR TO AUDIT THE MONTHLY
TAX RETURNS OF ANY OPERATOR OF ANY MOTEL/HOTEL, ETC. IN
GREENE COUNTY**

WHEREAS, Greene County levied by Resolution a privilege tax upon the privilege of occupancy in any motel of each transit in Greene County; and

WHEREAS, pursuant to T.C.A. § 67-4-1406 the Court Clerk is obligated to audit each operator in the County at least once per year and shall report from the audits made on a quarterly basis to the Legislative Body; and

WHEREAS, any operator who fails to remit to the County Court Clerk in a timely fashion taxes that are required is considered to be delinquent, which operator(s) shall be liable for interest on such delinquent taxes from the due date at a rate of 12% per annum and in addition thereto shall be obligated to pay a penalty; and

WHEREAS, after careful consideration and deliberation it would appear that it would be manifestly in the best interest of the citizens of Greene County to employ an individual or firm trained and competent to provide such audits and to authorize the County Mayor to employ such individual after consultation with the County Court Clerk and the County Attorney.

NOW, THEREFORE BE IT RESOLVED by the Greene County Legislative Body meeting in regular session on the 16th day of December, 2013, a quorum being present and a majority is voting in the affirmative to authorize the County Mayor to employ with the consent of the County Court Clerk and County Attorney an auditor to audit each operator in Greene County of any motel/hotel, structure or space or any portion thereof that is occupied or designed for occupancy by transits for dwelling, lodging or sleeping purposes and includes any Hotel, Motel, Inn, Tourist Camp, Tourist

Roger A. Woolsey

County Attorney

204 N. Cutler St.

Suite 120

Greeneville, TN 37745

Phone: 423/798-1779

Fax: 423/798-1781

E.

Court, Tourist Cabin or any other place in which rooms lodging or accommodations are furnished to transits for consideration.

BE IT FURTHER RESOLVED that the County Mayor is authorized to negotiate with said purposed auditor a fee based on a percent of the amount recovered from operators based on said audit as payment for his/her services all in keeping with reasonable compensation paid for the auditors services.

Jan Kiker
Sponsor

County Mayor

County Clerk

County Attorney