

STATE OF TENNESSEE
COUNTY OF GREENE

GREENE COUNTY LEGISLATIVE BODY
MONDAY, DECEMBER 16, 2013
10:00 AM

The Greene County Legislative Body met in regular session on Monday,
December 16, 2013 at the Greene County Courthouse.

Mayor Broyles called the meeting to order to transact business that is to lawfully
come before this Honorable Body. Commissioner Seay led the Pledge to the Flag,
followed by Prayer led by Commissioner Rollins. The Commissioners signed in on their
key pads and the following Commissioners were present: Commissioners Bird; Bowers,
Carter, Crum, Dabbs, Greenway, Hensley, Holt, Hopson, Kiker, King, Malone, McAmis,
Moss, Quillen, Rollins, Sams, Sauceman, Seay, Waddle and White were present. There
were 21 Commissioners present and 0 absent.

PUBLIC HEARING

Larry Parman, Rolling Hills Rd, was on agenda, but did not show.

Mayor Broyles announced that Resolution D was pulled, and would not be voted on.

APPROVAL OF PRIOR MINUTES

A motion was made by Commissioner Sauceman and seconded by Commissioner Quillen to approve prior minutes. Mayor Broyles called for the Commissioners to vote on their keypads on the motion. The following vote was taken: Commissioners Bird, Bowers, Carter, Crum, Dabbs, Greenway, Hensley, Holt, Hopson, Kiker, King, Malone, McAmis, Moss, Quillen, Rollins, Sams, Sauceman, Seay, Waddle and White voted yes. The vote was 21 – aye; 0 – nay. The Commissioners voted in favor of the motion to approve the prior minutes.

REPORTS

There were reports from the Solid Waste Dept. and Committee minutes in the package.

OLD BUSINESS

Commissioner Quillen asked about Jail Committee plans and questioned who was paying for them. Mayor Broyles said no money approved.

A MOTION TO APPROVE NOTARIES

Mayor Broyles asked the Clerk to read a list of names requesting to be notaries to the Commission. Clerk, David Thompson, read the list. Megan Olivia Kirk's name was pulled from the list. A motion was made by Commissioner Holt and seconded by Commissioner Sauceman to approve the list. Mayor Broyles called for the Commissioners to vote on their keypads. The following vote was taken: Commissioners Bird, Bowers, Carter, Crum, Dabbs, Greenway, Hensley, Holt, Hopson, Kiker, King, Malone, McAmis, Moss, Quillen, Rollins, Sams, Sauceman, Seay, Waddle and White voted yes. The vote was 21 – aye; 0 – nay. The Commissioners voted in favor of the motion to approve the notaries.

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:

December 16,

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 WEEEMS ROAD GREENEVILLE TN 37745	423-329-9585	1500 INDUSTRIAL ROAD GREENEVILLE TN 37745	423-278-1434	0601016084643N 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 CAROLYN COOTER	710 WEST PINES RD AFTON TN 37616	278-6355	560 VAN HILL RD GREENEVILLE TN 37745	278-3240	

*motion held
2nd Savanna*

2/1/2013

David Thompson
SIGNATURE

CLERK OF THE COUNTY OF GREENE, TENNESSEE

12-16-2013
DATE

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:

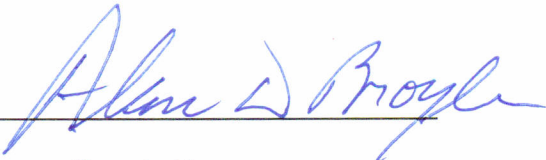
INCREASE AMOUNT BUDGETED FROM RESERVES

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.



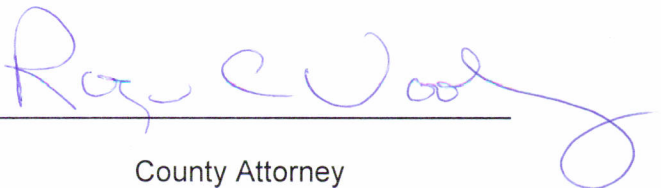
County Mayor

Budget and Finance Committee

Sponsor



County Clerk



County Attorney

A. A RESOLUTION TO BUDGET FOR SEXUAL OFFENDER REGISTRATION
RESERVE

A motion was made by Commissioner Crum and seconded by Commissioner Bird to approve a resolution to budget for sexual offender registration reserve.

Mayor Broyles then called for the Commissioners to vote on their keypads. The following vote was taken: Commissioners Bird, Bowers, Carter, Crum, Dabbs, Greenway, Hensley, Holt, Hopson, Kiker, King, Malone, McAmis, Moss, Quillen, Rollins, Sams, Sauceman, Seay, Waddle and White voted yes. The vote was 21 – aye; 0 – nay. The Commissioners voted in favor of the motion to approve the resolution.

**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>

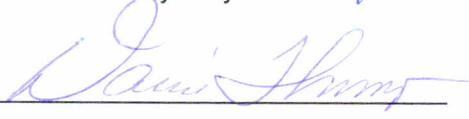
INCREASE APPROPRIATIONS

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.

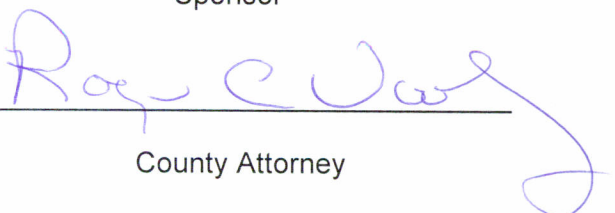


County Mayor



County Clerk

Budget and Finance Committee

Sponsor


County Attorney

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

A motion was made by Commissioner Bowers and seconded by Commissioner Holt to approve 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. Mayor Broyles called for the Commissioners to vote on their keypads. The following vote was taken: Commissioners Bird, Bowers, Carter, Crum, Dabbs, Greenway, Hensley, Holt, Hopson, Kiker, King, McAmis, Moss, Quillen, Rollins, Sams, Sauceman, Seay, Waddell and White voted yes. Commissioner Malone voted no. The vote was 20 – aye; 1 – nay. The Commissioners voted in favor of the motion to approve the resolution.

**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 more or less 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 range, testing facility, and educational facility for hunter education training and competition; and

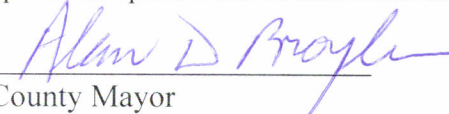
WHEREAS, it would appear that it would be in the best interest of the citizens of Greene County for the above specified tract be dedicated and set aside with a permanent easement for use as an educational facility, training facility and firing range for training and educational purposes related to the 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.

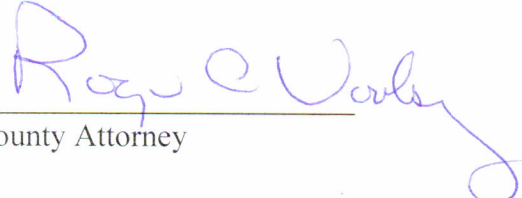
NOW THEREFORE BE IT RESOLVED, by the Greene County Legislative Body, meeting in regular session on the 16th day of December, 2013, a quorum being present and a majority voting in the affirmative, that the County Mayor for Greene County, Tennessee is authorized enter into negotiations and contract with 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 more or less 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 more or less as shown on the Plat attached as Exhibit "A" to this Resolution including the present shooting range be forever used for the purposes as spelled out in this Resolution.

Robert Bird
Sponsor


County Clerk


County Mayor


County Attorney

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

A motion was made by Commissioner Bowers and seconded by Commissioner Bird to approve 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.

TWRA, Jerry Strom spoke about resolution C and TWRA programs. Walters State Community College, Dr. Wade McCamey, spoke about resolution C and WSCC involvement. TWRA, James McAfee spoke about resolution C and TWRA programs. Roger Woolsey explained exact location and specifics.

A motion was made by Commissioner Bird and seconded by Commissioner Bowers to amend resolution C to add the last paragraph 48 acre tract more or less as shown on attached plat. Mayor Broyles called on the Commissioners to vote on their keypads. The following vote was taken: Commissioners Bird, Bowers, Carter, Crum, Dabbs, Greenway, Hensley, Holt, Kiker, King, Malone, McAmis, Moss, Quillen, Rollins, Sams, Sauceman, Seay, Waddle and White voted yes. Commissioner Hopson abstained. The vote was 20 – aye; 1 – abstained.

Mayor Broyles called on the Commissioners to vote on their keypads on the resolution as amended. The following vote was taken: Commissioners Bird, Bowers,

Carter, Crum, Dabbs, Greenway, Hensley, Holt, Kiker, King, Malone, McAmis, Moss, Quillen, Rollins, Sams, Sauceman, Seay, Waddell and White voted yes. Commissioner Hopson voted no. The vote was 20 – aye; 1 – nay. The Commissioners voted in favor of the motion to approve the resolution as amended.

Mayor Daniels came to the podium. He spoke and took vote by the Board of Greeneville Mayor and Aldermen on same resolution C. A motion was made by Alderman Hawk and seconded by Alderman Webster to approve same resolution C. The vote was 3 – aye; 0 – nay. The Board of Greeneville Mayor and Aldermen voted in favor of the motion to approve the resolution.

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

Speaking on behalf revenue from the hotel/motel tax for performing arts:

- Earl Fletcher, Nathanael Greene Museum
- Scott Niswonger, Niswonger Performing Arts Center
- Willahemia Williams, Dickson-Williams Mansion

A committee named by Mayor Broyles consisting of Commissioners Moss, Kiker and Sams to discuss and make recommendations to the Budget & Finance Committee concerning the reallocation of the hotel/motel tax.

**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 two-thirds (2/3) majority 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.
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 proposed auditor a fee based either on a percentage of the amount recovered from the operators based on said audit or a contracted amount not to exceed \$10,000.00, or a combination of both as payment for his/her services all in keeping with reasonable compensation paid for the auditor's services.

BE IT FURTHER RESOLVED that any funds paid by Greene County for said audit shall be paid from the revenue generated by the Motel/Hotel tax allocated to each of the various funds (for example the debt service shall pay 2/7 of the cost)

Jan Kiker
Sponsor

Adam D. Moyler
County Mayor

Dawn Thompson
County Clerk

Robert E. Jace
County Attorney

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

A motion was made by Commissioner Quillen and seconded by Commissioner Bowers to approve the resolution to employ an auditor to audit the monthly tax returns of any operator of any motel/hotel, etc in Greene County.

A motion was made by Commissioner Bird and seconded by Commissioner Bowers to amend resolution E that the cost be taken from hotel/motel tax up to \$10,000. Mayor Broyles called on the Commissioners to vote on their keypads. The following vote was taken: Commissioners Bird, Bowers, Carter, Crum, Hensley, Holt, Hopson, Kiker, King, Malone, McAmis, Moss, , Rollins, Sams, Sauceman, and Seay voted yes. Commissioners Quillen and White voted no. Commissioner Dabbs abstained. Commissioners Greenway and Waddle were absent. The vote was 16 – aye; 2 – nay; 1 – abstain; 2 – absent. The Commissioners voted in favor of amending resolution E.

Mayor Broyles called on the Commissioners to vote on their keypads on the resolution as amended. The following vote was taken: Commissioners Bird, Bowers, Carter, Crum, Dabbs, Greenway, Hensley, Holt, Hopson, Kiker, King, Malone, McAmis, Moss, Quillen, Rollins, Sams, Sauceman, Seay, Waddle and White voted yes. Commissioners Quillen and White voted no. Commissioner Dabbs abstained. Commissioners Greenway and Waddle were absent. The vote was 16 – aye; 2 – nay; 1 – abstain; 2 – absent. The Commissioners voted in favor of the motion to approve the amended resolution.

OTHER BUSINESS

- Commissioners Moss, Holt, and Waddle were appointed to the Audit Committee.
- Change the date of next Commission meeting to January 21 from 20 and also February meeting from 17th to 18th.

The meeting adjourned.