

The McMinn County Board of Commissioners met in Regular Session on January 30, 2023 at 7:30 pm, in the Blue Room of the McMinn County Courthouse.

1. CALL TO ORDER

The meeting was called to order by Chairman Curtis.

2. INVOCATION

The Invocation was given by Commissioner Cass.

3. PLEDGE TO THE FLAG

The Pledge to the Flag was led by Commissioner Millsaps.

4. ROLL CALL

Roll Call was taken by Melinda King, McMinn County Clerk as recorded:

Chairman Scott Curtis - Present
Tim King - Present
Roger Masingale - Present
Jerry Millsaps – Present
J. W. McPhail - Present
Brent Carter -Present
Tad Simpson - Present
Charles Slack – Absent
Travis Crisp – Present
Scott Cass - Present

5. APPROVAL OF MINUTES

Copies of the Minutes of the Regular Session on December 19, 2022 were provided to the McMinn County Commissioners.

MOTION made by Commissioner McPhail, and seconded by Commissioner Simpson, to approve the minutes of December 19, 2022.

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

A. Tennessee State Contract for CAT 306 CR Mini Hydraulic Excavator to be used at the McMinn County Highway Department.

Mr. Luallen presented resolution #23-001 along with a copy of recommendation from Dan P Evans, Chief Administrative Officer.

RESOLUTION NO. 23-001

TENNESSEE STATE CONTRACT FOR CAT 306 CR MINI HYDRAULIC EXCAVATOR TO BE USED AT THE MCMINN COUNTY HIGHWAY DEPARTMENT

WHEREAS, the McMinn County Highway Commissioner, Dan Evans, requests to purchase a CAT 306 CR Mini Hydraulic Excavator to replace inventory #92 2007 CAT excavator which will be entered as surplus for re-sale; and

WHEREAS, this is to be purchased through Tennessee State Contract Pricing from Stowers CAT; and

(Res. # 23-001 con't)

WHEREAS, the total cost of this excavator will be \$99,616.92.

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 30th DAY OF JANUARY, 2023, that this Commission does hereby approve the purchase of the CAT 306 CR Mini Hydraulic Excavator from the Tennessee State Contract for the McMinn County Highway Department.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Melinda King)
County Clerk

MOTION made by Commissioner McPhail, and seconded by Commissioner Cass, to approve this resolution.

Motion carried by voice vote.

B. A Resolution to Approve Change Order to Wilson Construction for Replacement of Rogers Creek School Septic System.

Mr. Luallen presented resolution #23-002 along with a copy of the change order from Wilson Construction Group LLC.

RESOLUTION NO. 23-002

A RESOLUTION TO APPROVE CHANGE ORDER TO WILSON CONSTRUCTION FOR
REPLACEMENT OF
ROGERS CREEK SCHOOL SEPTIC SYSTEM

WHEREAS, McMinn County followed proper procedures in securing bids to replace Rogers Creek Septic System and awarded the bid to Wilson Construction Group, LLC for a total not to exceed \$294,150; and

WHEREAS, after contract was executed in November 2020, the State of Tennessee Department of Environment and Conservation required alternate systems to be researched ; and

WHEREAS, after research was completed, it was determined that the original system be used with the addition of a UV light; and

WHEREAS, the delay in project resulted in increased costs that Wilson Construction requests contract be amended to reflect current costs with a change order increase in the amount of \$162,461 making the contract total \$456,611.

WHEREAS, educational capital outlay money will be used for this project.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 30th DAY OF JANUARY 2023 that this Commission does hereby approve this change order in the amount of \$162,461.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Melinda King)
County Clerk

MOTION made by Commissioner Crisp, and seconded by Commissioner Carter, to approve this resolution.

(Res. # 23-002 con't)

Motion carried by voice vote.

C. A Resolution to Declare Items as Property.

Mr. Luallen presented resolution #23-003 along with a list of items from Dan P Evans, Chief Administrator Officer.

RESOLUTION NO. 23-003

A RESOLUTION TO DECLARE ITEMS AS SURPLUS PROPERTY

WHEREAS, McMinn County has authority to declare items as surplus that are no longer deemed necessary or adequate to properly perform the duties of county government as prescribed by law; and

WHEREAS, McMinn County Highway Commissioner, Dan Evans requests to have the following items/vehicles declared as surplus property:

- #59 – Equipment Trailer Serial #SJTAE1829FA044428/2014;
- #92 CAT Excavator Serial #FPK03044/2007;
- #92 Bucket for CAT Excavator Serial #CH191DC20908/2007;
- #48 – 2006 Ford F550 Bucket Truck w/Altec Boom – VIN# 17DAF56P86EA69160

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 30th DAY OF JANUARY 2023, that this Commission does hereby declare these items as surplus property.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Melinda King)
County Clerk

MOTION made by Commissioner King, and seconded by Commissioner Simpson, to approve this resolution.

Motion carried by voice vote.

7. REVIEW AND APPROVAL OF CONTRACTS

- A. A Resolution to Approve Grant Contract Between McMinn County and State of Tennessee Department of Health.

Mr. Luallen presented resolution #23-004 along with a copy of the agreement.

RESOLUTION NO. 23-004

A RESOLUTION TO APPROVE THE CONTRACT BETWEEN MCMINN COUNTY AND STATE OF TENNESSEE DEPARTMENT OF HEALTH

(Res. # 23-004 con't)

WHEREAS, it is the conviction of McMinn County, that every individual in the County has good health care readily available; and

WHEREAS, in order to properly perform the duties of county government as prescribed by law, it is often in McMinn County's interest to enter into contracts with other entities; and

WHEREAS, McMinn County has previously entered into a contract with the State of Tennessee Department of Health to protect and improve the physical health of the county citizens through the prevention of conditions that may threaten good health; and

WHEREAS, the total appropriation for which the County shall be billed is \$68,991; and

WHEREAS, McMinn County Health Department does provide these services and both parties do hereby agree to these provisions in the contract for FY 2022-2023.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 30th DAY OF JANUARY 2023, that this Commission does hereby approve this contract.

AND FURTHERMORE RESOLVES to give authority to the County Mayor or his designee to execute and administer the duties of said contract.

(Orig signed by John M. Gentry)
 McMinn County Mayor

Attest:

(Orig signed by Melinda King)
 County Clerk

MOTION made by Commissioner Millsaps, and seconded by Commissioner Masingale, to approve this resolution.

Motion carried by voice vote.

8. APPROVAL OF BUDGET AMENDMENTS

Mr. Luallen presented the following budget amendments, a copy of which was provided to each Commissioner.

| FUND: GENERAL FUND # 101 | | | DATE: 01/26/2023 | |
|--------------------------|---------------------------|-----------|------------------|----------|
| DEPARTMENT | ACCOUNT | FOLIO | DEBIT | CREDIT |
| County Mayor | Employee + Dependent Ins. | 51300-205 | 6,800.00 | |
| County Attorney | Employee + Dependent Ins. | 51400-205 | | 8,741.00 |
| Election Commission | Employee + Dependent Ins. | 51500-205 | 2,900.00 | |
| Planning Commission | Employee + Dependent Ins. | 51720-205 | 9,000.00 | |
| County Buildings | Employee + Dependent Ins. | 51800-205 | 13,500.00 | |
| Accounting & Budgeting | Employee + Dependent Ins. | 52100-205 | 17,300.00 | |

| FUND: GENERAL FUND #101 | | | DATE: 01/26/2023 | |
|----------------------------|---------------------------|-----------|------------------|--------|
| DEPARTMENT | ACCOUNT | FOLIO | DEBIT | CREDIT |
| Property Assessor's Office | Employee + Dependent Ins. | 52300-205 | 6,900.00 | |
| County Clerk | Employee + Dependent Ins. | 52500-205 | 5,000.00 | |
| General Sessions | Employee + Dependent Ins. | 53300-205 | 200.00 | |
| Chancery Court | Employee + Dependent Ins. | 53400-205 | 12,400.00 | |
| Courtroom Security | Employee + Dependent Ins. | 53920-205 | 3,100.00 | |
| Sheriff's Department | Employee + Dependent Ins. | 54110-205 | 36,300.00 | |
| Special Patrols | Employee + Dependent Ins. | 54120-205 | 9,000.00 | |

| FUND: GENERAL FUND # 101 | | | DATE 01/26/2023 | |
|--------------------------|---------|-------|-----------------|--------|
| DEPARTMENT | ACCOUNT | FOLIO | DEBIT | CREDIT |

(con't)

| | | | | |
|--|---------------------------|----------------|------------|------------|
| Jail | Employee + Dependent Ins. | 54210-205 | 71,500.00 | |
| Juvenile Services | Employee + Dependent Ins. | 54240-205 | 9,935.00 | |
| Work Release (Comm.Servcs) | Employee + Dependent Ins. | 56700-205 | 10,000.00 | |
| Parks | Employee + Dependent Ins. | 56700-205 | 1,900.00 | |
| Soil Conservation | Employee + Dependent Ins. | 57500-205 | 900.00 | |
| Veterans Services | Employee + Dependent Ins. | 58300-205 | 9,000.00 | |
| Employee Benefits | Employee + Dependent Ins. | 58600-205 | | 216,894.00 |
| Explanation: To adjust budget to pay HRA contributions from premium decrease and adjust county attorney premium. | | | | |
| Revenues-Other Govt & Citizens GRPS | OTHER | 48990-ETSU | 60,000.00 | |
| Sheriff's Department | County Officials | 54110-189-ETSU | | 9,500.00 |
| Sheriff's Department | Deputies | 54110-431-ETSU | | 40,000.00 |
| Sheriff's Department | Secretaries | 54110-355-ETSU | | 6,000.00 |
| Sheriff's Department | Social Security | 54110-201-ETSU | | 4,500.00 |
| Explanation: To budget revenue and expenditures related to ETSU Grant. Commission approved 11/29/2021 | | | | |
| DEPARTMENT | ACCOUNT | FOLIO | DEBIT | CREDIT |
| RESERVE | Unassigned Fund Balance | 39000 | 298,638.00 | |
| COVID-Direct Appropriation | Other Contracted Services | 58801-399 | | 298,638.00 |
| Explanation: To budget carryover balance of COVID state Direct Appropriation Funds. | | | | |
| DEPARTMENT | ACCOUNT | FOLIO | DEBIT | CREDIT |
| RESERVE | Unassigned Fund Balance | 39000 | 65,000.00 | |
| FIRE PREVENTION & CONT | Maintenance & Repair/Veh | 54310-398 | | 65,000.00 |
| Explanation: To budget additional funds to cover estimated expenditures for remainder of fiscal year. | | | | |

MOTION made by Commissioner King, and seconded by Commissioner Millsaps to approve these budget amendments.

- Chairman Scott Curtis - Aye
- Tim King - Aye
- Roger Masingale - Aye
- Jerry Millsaps - Aye
- J. W. McPhail - Aye
- Brent Carter - Aye
- Tad Simpson - Aye
- Charles Slack - Absent
- Travis Crisp - Aye
- Scott Cass - Aye

Motion carried by roll call vote, as recorded:

Mr. Luallen presented the following budget amendments, a copy of which was provided to each Commissioner. These did have School Board approval.

| | | | | |
|--|------------------------------------|------------------|--------------|------------|
| Fund: General Purpose School Fund # 141 | | Date: 12/30/2022 | | |
| DEPARTMENT | ACCOUNT | FOLIO | DEBIT | CREDIT |
| Other local revenues | Other Local Revenue | 44990 | 250.00 | |
| Vocational Education Program | Vocational Instructional Equi | 71300-730 | | 250.00 |
| Explanation: To budget from ABB Thomas & Betts Corporation to the Mechatronics to the Mechatronics program for FY 22-23. | | | | |
| | | Date: 1/20/2023 | | |
| State Reserve | Other Vocational | 46790 | 5,500,000.00 | |
| Regular Instruction Program | Instructional Supplies & Materials | 71100-429 | | 110,000.00 |
| Regular Instruction Program | Regular Instruction Equipment | 71100-722 | | 420,000.00 |
| Vocational Education Program | Bus Drivers | 71300-146 | | 6,480.00 |
| Vocational Education Program | Other Salaries & Wages | 71300-189 | | 13,920.00 |
| Vocational Education Program | Social Security | 71300-201 | | 540.00 |

(con't)

MOTION made by Commissioner Simpson and seconded by Commissioner McPhail to approve these budget amendments.

Chairman Scott Curtis – Aye
 Tim King - Aye
 Roger Masingale - Aye
 Brent Carter - Aye
 J. W. McPhail - Aye
 Jerry Millsaps - Aye
 Tad Simpson - Aye
 Charles Slack - Absent
 Travis Crisp – Aye
 Scott Cass - Aye

Motion carried by roll call vote, as recorded:

Mr. Luallen presented the following budget amendments, a copy of which was provided to each Commissioner. These did have School Board approval.

| | | | | |
|--|------------------------------------|------------------|----------|----------|
| Fund: Federal Projects #142, Carl Perkins, #820 | | Date: 12/16/2022 | | |
| Vocational Education Program | Other Contracted Services | 71300-399 | 2,000.00 | |
| Vocational Education Program | Instructional Supplies & Mater | 71300-429 | | 4,000.00 |
| Vocational Education Program | Oher Supplies & Materials | 71300-499 | 4,000.00 | |
| Other Student Support | Travel (CTSO) | 72130-355 | | 3,000.00 |
| Support Services/Vocational Edu. | Other Equipment | 72230-790 | 1,000.00 | |
| EXPLANATION: To amend the budget in order to be the same as the FY 2022-2023 ePlan document. | | | | |
| Fund: Federal Projects # 142, IDEA Partnership for Systemic Change, # 94 | | Date: 08/26/2021 | | |
| Revenue | Special Education-Grants to States | 47143 | 5,500.00 | |
| Special Education Program | Instructional Supplies & Materials | 71200-429 | | 5,500.00 |
| EXPLANATION: To enter the budget for the IDEA Partnership for Systemic Change (K-12) grant for FY 22-23. | | | | |

| | | | | |
|--|------------------------------|-----------------|-----------|-----------|
| Fund: Federal Projects # 142, ESSER 3.0 #939 | | Date 01/20/2023 | | |
| Regular Instruction Program | American Rescue Plan #3 | 47403 | | 53,714.12 |
| Special Education Program | Teachers | 71100-722 | | 30,000.00 |
| Special Education Program | Social Security | 71200-116 | | 1,984.00 |
| Special Education Program | State Retirement | 71200-201 | | 2,552.00 |
| Special Education Program | Employer Medicare | 71200-204 | | 464.00 |
| Other Student Support | Social Workers | 72130-130 | 75,000.00 | |
| Other Student Support | Social Security | 72130-201 | 4,650.00 | |
| Other Student Support | State Retirement | 72130-204 | 6,518.00 | |
| Other Student Support | Life Insurance | 72130-206 | 115.00 | |
| Other Student Support | Medical Insurance | 72130-207 | 13,843.12 | |
| Other Student Support | Employer Medicare | 72130-212 | 1,088.00 | |
| Support Services/Reg Instruc | Other Supplies and Materials | 72210-499 | | 7,500.00 |
| Support Services/Reg Instruc | Other Equipment | 72210-790 | | 5,000.00 |
| Explanation: To enter the budget for the ESSER 3.0 (ARP) for FY 2022-2023. | | | | |

MOTION made by Commissioner Carter and seconded by Commissioner Simpson to approve these budget amendments.

Chairman Scott Curtis – Aye
 Tim King - Aye
 Roger Masingale - Aye
 Brent Carter - Aye
 J. W. McPhail – Aye

(con't)

Jerry Millsaps - Aye
 Tad Simpson - Aye
 Charles Slack – Absent
 Travis Crisp - Aye
 Scott Cass – Aye

Motion carried by roll call vote, as recorded:

Mr. Luallen presented the following budget amendments, a copy of which was provided to each Commissioner.

| Fund: Central Cafeteria Fund #143 | | Date: 12/20/2022 | | |
|--|---------------------------|------------------|----------|----------|
| DEPARTMENT | ACCOUNT | FOLIO | DEBIT | CREDIT |
| Federal Funds Received Through State | USDA-Other | 47114-SCA | 8,022.47 | |
| Food Service | Food Preparation Supplies | 73100-421-SCA | | 8,022.47 |
| Explanation: To enter additional funds for the NSLP-Supply Chain Assistance Grant for FY 22-23 | | | | |

MOTION made by Commissioner King and seconded by Commissioner McPhail to approve these budget amendments.

Chairman Scott Curtis – Aye
 Tim King - Aye
 Roger Masingale - Aye
 Brent Carter - Aye
 J. W. McPhail - Aye
 Jerry Millsaps - Aye
 Tad Simpson - Aye
 Charles Slack – Absent
 Travis Crisp - Aye
 Scott Cass – Aye

Motion carried by roll call vote, as recorded:

Mr. Luallen presented the following budget amendments, a copy of which was provided to each Commissioner.

| Fund: General Purpose School Fund # 189 | | Date: 1/26/2023 | | |
|--|----------------------|-----------------|----------|----------|
| DEPARTMENT | ACCOUNT | FOLIO | DEBIT | CREDIT |
| Revenues-Other Govt & Citiz | Other | 48990-FEGWD | 5,397.00 | |
| General Administration Pro. | Other Equipment-Fire | 91110-790””” | | 5,397.00 |
| Explanation: To budget additional funds received from Engewood Fire Dept. for purchase of Side-by-Side. Commission approved 10/17/2022 | | | | |

MOTION made by Commissioner Millsaps and seconded by Commissioner Masingale to approve these budget amendments.

Chairman Scott Curtis – Aye
 Tim King - Aye
 Roger Masingale - Aye
 Brent Carter - Aye
 J. W. McPhail - Aye
 Jerry Millsaps - Aye
 Tad Simpson – Aye

(con't)

Charles Slack – Absent
Travis Crisp - Aye
Scott Cass – Aye

9. ANNUAL WOODS PROCEEDS REPORT—PHILLIP TUGGLE, TRUSTEE

Phil Tuggle McMinn County Trustee gave a brief report on the Woods Hospital proceeds. Mr. Tuggle said as of December 21, 2022 there is a balance of 4,432,035.94 in the hospital fund.

10. JUVENILE SERVICES ANNUAL REPORT – MELISSA HUGHES, DIRECTOR

Melissa Hughes Director of Youth Affairs handed out copies of the annual report (a copy is on file in her office) which she went over various items.

11. COMMENTS FROM THE AUDIENCE

None.

10. RESOLUTIONS

A. A Resolution to Approve an Amendment to the McMinn County Sanitary Landfill's "Contract in Lieu of Performance Bond".

Mr. Gentry presented resolution # 23-005.

RESOLUTION NO. 23-005

A RESOLUTION TO APPROVE AN AMENDMENT TO THE McMINN COUNTY SANITARY LANDFILL'S "CONTRACT IN LIEU OF PERFORMANCE BOND"

WHEREAS, McMinn County and the Tennessee Department of Environment and Conservation (TDEC) have a Contract in Lieu of Performance Bond for financial assurances for the solid waste permits held by McMinn County; and

WHEREAS, these contracts must be amended annually to accurately reflect annual inflation adjustments; and

WHEREAS, the State of Tennessee and McMinn County desire to amend contracts for the following solid waste permits:

| | | | | | | | |
|----|-----|----------------|----|--------------|----|----|---------------|
| 1. | SNL | 54-0000003 | \$ | 127,093.86 | to | \$ | 88,203.14 |
| 2. | SNL | 54-0000003-exp | \$ | 9,897,779.00 | to | \$ | 10,303,587.94 |
| 3. | DML | 540000098 | \$ | 1,083,525.00 | to | \$ | 1,127,949.53 |

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 30th DAY OF JANUARY 2023, that this Commission does hereby approve the amendments for inflation adjustments to the financial assurances for solid waste permits held by McMinn County and FURTHERMORE, authorizes the County Mayor to execute the necessary documents to fulfill the intentions of this resolution.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Melinda King)
County Clerk

(Res. # 23-005 con't)

MOTION made by Commissioner Millsaps, and seconded by Commissioner Crisp to approve this resolution.

Motion carried by voice vote.

B. A Resolution to Approve an Inter-Governmental Transfer of Property to Englewood Volunteer Fire Department.

Mr. Gentry presented resolution # 23-006.

RESOLUTION NO. 23-006

A RESOLUTION TO APPROVE AN INTER GOVERNMENTAL TRANSFER OF PROPERTY TO ENGLEWOOD VOLUNTEER FIRE DEPARTMENT

WHEREAS, the McMinn County purchased a Polaris Ranger XP 1000 all-terrain vehicle for off-road emergency responses, such as tornado, logging and farming incidents with the stipulation the Englewood Volunteer Fire Department would accept the ownership and maintenance of the vehicle; and

WHEREAS, the Englewood Volunteer Fire Department accepts ownership and the responsibility associated with said ownership, including insuring, equipping and maintaining the vehicle; and

WHEREAS, the Englewood Fire Department has the funds necessary to cover the additional costs of owning, outfitting and operating the vehicle.

WHEREAS, TCA §12-9-110 allows for transfer of property among governmental entities without the requirement for public sale.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 30th DAY OF JANUARY, 2023, that the McMinn County Commission approves the transfer of the Polaris Ranger XP 1000 to the Englewood Volunteer Fire Department as allowed by law to be used for off road emergency response, the public welfare requiring it.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Melinda King)
County Clerk

MOTION made by Commissioner Simpson, and seconded by Commissioner Carter, to approve this resolution.

Motion carried by voice vote.

C. A Resolution to Approve the Application Regarding Funding and Placement of a Rural Fire Hydrant.

Mr. Gentry presented resolution # 23-007.

RESOLUTION NO. 23-007

A RESOLUTION TO APPROVE THE APPLICATION REGARDING FUNDING AND PLACEMENT OF A RURAL FIRE HYDRANT

WHEREAS, in order to properly perform the essential means of fighting fires in McMinn County, it is necessary to provide fire hydrants to rural areas; and

(Res. # 23-007 con't)

WHEREAS, it is the policy of McMinn County to aid in the funding of the placement of one rural fire hydrant per year in each fire district; and

WHEREAS, the following application has been recommended for approval by the Rural Fire Committee:

As a service to the citizens of McMinn County, the McMinn County Commission approves a grant for payment toward the installation of ONE fire hydrant per fire district per fiscal year. The grant amount is \$6,000.00 per hydrant, based on available funds and approval of the Budget Committee.

I, Gary Dake, Chief of Clearwater Fire District 10, wish to request the placement of one fire hydrant at the following location:

At the intersection of County Road 170 and 172 best location.

This form stands as a Hold Harmless agreement whereas McMinn County Rural Fire is not responsible for any fees relating to maintenance of said fire hydrant. The undersigned applicant understands that this hydrant, should its funding be approved by the McMinn County Commission, will be installed by the local utility provider, and may or may not be maintained by the utility. The person/group making this request accepts the responsibility of maintaining this hydrant, which could include, but not be limited to: painting, mowing, arranging hydrant testing, keeping maintenance records, etc.

Signature: Gary Dake (signature on file)

Address: 656 County Road 172 Athens Tennessee 37303

Telephone: 423-435-6447

Date of Request: December 29, 2022

As Rural Fire District Chief, I approve this recommendation: Gary Dake (Original On file)

Fire District: 10

Commission District: 2

Utility Provider Agreement:

As Utility Provider, it is agreed that the installation of this hydrant must be completed and billed to McMinn County within the fiscal year following the year in which the application was approved. If the installation is not completed and billed to McMinn County within that time, this utility provider will assume all costs incurred for the installation of the approved hydrant, including costs involving installation, materials, etc.

Utility Provider Authorizing Signature: Athens Utility Board (Original on file)

This hydrant was approved by the McMinn County Commission on January 30, 2023

Commissioner Signature: Commissioner Millsaps (Original on file)

Commissioner Signature: Commissioner McPhail (Original on file)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 30TH DAY OF JANUARY 30TH 2023, that this Commission does hereby approve this Fire Hydrant Request.

(Orig signed by John M. Gentry)
McMinn County Mayor

(Res. # 23-007 con't)

Attest:

(Orig signed by Melinda King)
County Clerk

MOTION made by Commissioner Millsaps, and seconded by Commissioner McPhail to approve this resolution.

Motion carried by voice vote.

D. A Resolution to Contribute Tourism Funds to the McMinn County Living Heritage Museum.

Mr. Gentry presented resolution # 23-008. This did have Budget Committee approval.

RESOLUTION NO. 23-008

A RESOLUTION TO CONTRIBUTE TOURISM FUNDS TO THE
McMINN COUNTY LIVING HERITAGE MUSEUM

WHEREAS, McMinn County levies a five percent hotel/motel occupancy tax to fund tourism and economic development initiatives; and

WHEREAS, the McMinn County Living Heritage Museum requests funds totaling \$30,000 from the McMinn County Tourism budget to assist in the purchase of the Museum Annex building, formerly the Portrait Shoppe, that joins the Museum property; and

WHEREAS, this building will play a significant role in helping preserve our heritage for many years to come and also serve as extra storage for Museum displays and artifacts.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 30th DAY OF JANUARY, 2023, that this Commission approves the contribution of \$30,000 to the McMinn County Living Heritage Museum subject to its proper advertisement in a newspaper of local circulation.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Melinda King)
County Clerk

MOTION made by Commissioner Simpson, and seconded by Commissioner Masingale to approve this resolution.

Motion carried by voice vote.

E. A Resolution to Approve the Request by the City of Niota to Provide Funds for the Construction of a Community Stage at the Niota Depot.

Mr. Gentry presented resolution # 23-009. This did have Budget Committee approval.

RESOLUTION NO. 23-009

A RESOLUTION TO APPROVE THE REQUEST BY THE
CITY OF NIOTA TO PROVIDE FUNDS FOR THE CONSTRUCTION OF A
COMMUNITY STAGE AT THE NIOTA DEPOT

WHEREAS, Niota Depot is a central gathering spot for the community that hosts numerous events throughout the year and attracts thousands of visitors at various festivals and private functions; and

(Res. # 23-009 con't)

WHEREAS the City of Niota desires to build a bandstand gazebo stage area for use during events held at the Depot; and

WHEREAS, the total project cost is estimated to be \$36,000; and

WHEREAS, Niota has received donations from various private sources to cover the remainder of construction costs; and

WHEREAS, the City of Niota requests McMinn County provide \$20,000 from the Tourism/Hotel-Motel Tax Fund to complete the construction of the structure; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 30th DAY OF JANUARY, 2023, that this Commission does hereby approve this appropriation of Tourism funds to the City of Niota for the construction of a stage for the Niota Depot.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Melinda King)
County Clerk

MOTION made by Commissioner Millsaps, and seconded by Commissioner King to approve this resolution.

Motion carried by voice vote.

F. A Resolution to Amend the Allocation of Funds Generated from the Meadow Branch/Waste Connections Settlement Agreement.

Mr. Gentry presented resolution # 23-010. This did have Budget Committee approval.

RESOLUTION NO. 23-010

A RESOLUTION TO AMEND THE ALLOCATION OF FUNDS GENERATED FROM THE MEADOW BRANCH/WASTE CONNECTIONS SETTLEMENT AGREEMENT

WHEREAS, one of the items of the settlement agreement with Meadow Branch Landfill established a "host" fee applicable to each ton of eligible waste disposed at Waste Connection's Meadow Branch Landfill; and

WHEREAS, the current allocation of these funds are distributed between the Other Capital Projects Fund at 25% and the Solid Waste Fund at 75%; and

WHEREAS, in order to provide additional litter collection in the county, McMinn County Mayor, John Gentry, and McMinn County Sheriff, Joe Guy, recommend that 3% of these funds be allocated annually to the General Fund to help fund an additional litter crew with 22% remaining with the Other Capital Projects Fund and 75% to the Solid Waste Fund; and

WHEREAS, the three percent 3% should generate approximately \$45,000 to fund a part-time salary, vehicle maintenance and collection materials; and

WHEREAS, may only be used once the funds from the annual TDOT litter grant has been fully expended, less those litter grant funds mandated to be spent for educational purposes.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 30th DAY OF JANUARY

(Res. # 23-010 con't)

2023, that the commission does approve these allocations of the funds generated by the Meadow Branch Landfill settlement fee to aid in the collection of roadside litter, the public welfare demanding it.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Melinda King)
County Clerk

MOTION made by Commissioner King, and seconded by Commissioner Masingale to approve this resolution.

Motion carried by voice vote.

G. A Resolution Authorizing Reconciliation on Fund from McMinn County for the Water Line Extension Project on State Highway 11.

Mr. Gentry presented resolution # 23-011. This did have Budget Committee approval.

RESOLUTION NO. 23-011

A RESOLUTION AUTHORIZING RECONCILIATION ON FUNDS FROM McMINN COUNTY FOR THE WATER LINE EXTENSION PROJECT ON STATE HIGHWAY 11

WHEREAS, McMinn County desires for all of its citizens to have access to safe and potable water; and

WHEREAS, Riceville Utility Board desires to participate in McMinn County's program for the installation of 6" water lines on Highway 11 South starting at County Road 157 and making a connection to Stone Crest Subdivision; and

WHEREAS, the total cost of this project was estimated at \$130,000, however, after closed bid was opened and assigned on December 14, 2022, the low bid came in at \$160,440 from Barger and Sons; and

WHEREAS, McMinn County Commission had agreed to a 30% match (\$40,200) on the projected cost of \$130,000; and

WHEREAS, Riceville Utility Board is now requesting an adjustment in county matching funds in the amount of \$7,932 for a total 30% match of \$48,132 from McMinn County.

| | <u>Total Cost</u> | <u>30% Co Match</u> |
|-----------------------|-------------------|---------------------|
| 2,060 feet of 6" line | \$160,440.00 | \$48,132 |

NOW THEREFORE BE IT RESOLVED that the McMinn County Commission agrees to provide \$48,132, which is thirty percent (30 %) matching funds, to assist with the extension of water lines to serve these homes; and

BE IT ADDITIONALLY RESOLVED THAT THE MCMINN COUNTY COMMISSION, MEETING IN REGULAR SESSION ON THE 30TH DAY OF JANUARY, 2023, authorizes the Mayor to enter into agreements and execute documents necessary to carry out the intent of this resolution.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Melinda King)
County Clerk

(Res. # 23-011 con't)

MOTION made by Commissioner Crisp, and seconded by Commissioner King to approve this resolution.

Motion carried by voice vote.

H. A Resolution Authorizing a Continuous Five (5) Year Reappraisal Cycle.

Mr. Gentry presented resolution # 23-012. This did have Budget Committee approval.

RESOLUTION NO. 23-012

A RESOLUTION AUTHORIZING A CONTINUOUS
FIVE (5) YEAR REAPPRAISAL CYCLE

WHEREAS, Tennessee Code Annotated Section 67-5-1601 establishes a general six (6) year reappraisal for updating and equalizing property values for every county in Tennessee for property tax purposes; and

WHEREAS, a six (6) year reappraisal program consists of an on-site review of each parcel of real property over a five-year period followed by revaluation of all such property in the year following completion of the review period and includes a current value updating during the third year of the review cycle and sales ratio studies during the second and fifth years of the review cycle; and

WHEREAS, Chapter 318 of the 1997 Public Acts provides upon the approval of the assessor and upon the adoption by majority approval vote of the county legislative body, the reappraisal program may be completed by a continuous five (5) year cycle comprised of an on-site review of each real property over a four (4) year period followed by revaluation of all such property in the year following completion of the review period; and

WHEREAS, the county legislative body of McMinn County understands that by approving such a five (5) year reappraisal cycle a sales ratio study will be conducted during the second and fourth years of the review cycle and the centrally assessed properties and commercial/industrial tangible personal property will be equalized by the sales ration adopted by the State Board of Equalization.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE MEETING THIS THE 30th DAY OF JANUARY, 2023, that pursuant to Tennessee Code Annotated Section 67-5-1601, as amended by Chapter 318 of the 1997 Public Acts, reappraisal shall be accomplished in McMinn County by a continuous five (5) year cycle beginning 2023 comprised of an on-site review of each parcel of real property over a four (4) year period followed by revaluation of all such property for tax year 2028.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Melinda King)
County Clerk

MOTION made by Commissioner Cass, and seconded by Commissioner Carter to approve this resolution.

Motion carried by voice vote.

I. A Resolution to Exempt McMinn County from Applicability of Statewide Building Construction Safety Standards in One-Family and Two-Family dwellings Within its Jurisdiction.

Mr. Gentry presented resolution # 23-013. This did have Planning Committee approval.

RESOLUTION NO. 23-013

(Res. # 23-013 con't)

A RESOLUTION TO EXEMPT MCMINN COUNTY FROM APPLICABILITY OF STATEWIDE
BUILDING CONSTRUCTION SAFETY STANDARDS IN ONE-FAMILY AND TWO-FAMILY
DWELLINGS WITHIN ITS JURISDICTION

WHEREAS, Public Chapter No. 529 of the 2009 Public Acts, also known as the “Tennessee Clean Energy Future Act of 2009”, requires the State Fire Marshal to adopt and enforce statewide building construction and safety standards in jurisdictions who do not adopt and adequately enforce codes meeting the state’s minimum standards; and

WHEREAS, *Tennessee Code Annotated* § 68-120-101(b)(1)(B) authorizes a municipality/county to, by a two-thirds (2/3) vote, adopt a Resolution to exempt the municipality/county from application of statewide standards for one-family and two-family dwellings within its jurisdictional boundaries; and

WHEREAS, An opt-out Resolution adopted pursuant to *Tennessee Code Annotated* § 68-120-101(b)(1)(B) expires one hundred eighty (180) days following the date of the next election of the governing body after its passage; and

WHEREAS, The State Fire Marshal has, via Rules of the Departments of Commerce and Insurance, Division of Fire Protection, Chapter 0780-02-23, adopted the 2009 edition of the International Residential Code with various amendments; and

WHEREAS, McMinn County desires to exempt the applicability of statewide building construction safety standards within its jurisdictional boundaries; and

SECTION 1. Pursuant to *Tennessee Code Annotated* § 68-120-101(b)(1)(B) McMinn County Commission elects to exempt the applicability of the statewide building construction safety standards in one-family and two-family dwellings within its jurisdictional boundaries.

SECTION 2. The exemption enacted by Section 1 of this resolution shall expire one hundred eighty (180) days following the date of the election for the local legislative body next occurring following the adoption of this resolution¹

SECTION 3. The County Clerk shall transmit a copy of this Resolution to the State Fire Marshal upon its passage.

SECTION 4. This resolution takes effect from and after its passage, the welfare of the McMinn County requiring it.

NOW THEREFORE, BE IT RESOLVED BY TWO THIRDS (2/3) VOTE OF THE BOARD OF COUNTY COMMISSIONERS OF MCMINN COUNTY, MEETING IN REGULAR SESSION ON THIS 30TH DAY OF JANUARY, 2023, that statewide building code standards, adopted pursuant to Title 68, chapter 120, shall not apply to one-family and two-family dwellings located within the jurisdictional boundaries of McMinn County outside any municipality located within the county.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Melinda King)
County Clerk

MOTION made by Commissioner Millsaps, and seconded by Commissioner McPhail to approve this resolution.

Motion carried by voice vote.

11. ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

- A. A Resolution to Confirm the Appointment of Carolyn Guthrie to the McMinn Agricultural Extension Committee.

(Res. # 23-014 con't)

Mr. Gentry presented resolution # 23-014.

RESOLUTION NO. 23-014

A RESOLUTION TO CONFIRM THE APPOINTMENT OF CAROLYN GUTHRIE TO THE MCMINN COUNTY AGRICULTURAL EXTENSION COMMITTEE

WHEREAS, McMinn County has a seven member Agricultural Extension Committee comprised of three McMinn County Commissioners, two male farmers and two female farmers; and

WHEREAS, it is the responsibility of the McMinn County Commission to appoint farmers to this committee; and

WHEREAS, there is currently a female farmer vacancy on the board; and

WHEREAS, Carolyn Guthrie, a farmer in District 5, has agreed to serve on the McMinn County Agricultural Extension Committee; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 30th DAY OF JANUARY, 2023, that this commission does hereby confirm the appointment of Carolyn Guthrie to the McMinn County Agricultural Extension Committee.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Melinda King)
County Clerk

MOTION made by Commissioner McPhail, and seconded by Commissioner King, to approve this resolution.

Motion carried by voice vote.

B. A Resolution to Confirm the Appointment of Jeff Latham to the McMinn Agricultural Extension Committee.

Mr. Gentry presented resolution # 23-015.

RESOLUTION NO. 23-015

A RESOLUTION TO CONFIRM THE APPOINTMENT OF JEFF LATHAM TO THE MCMINN COUNTY AGRICULTURAL EXTENSION COMMITTEE

WHEREAS, McMinn County has a seven member Agricultural Extension Committee comprised of three McMinn County Commissioners, two male farmers and two female farmers; and

WHEREAS, it is the responsibility of the McMinn County Commission to appoint farmers to this committee; and

WHEREAS, there is currently a male farmer vacancy on the board; and

WHEREAS, Jeff Latham, a farmer in District 4, has agreed to serve on the McMinn County Agricultural Extension Committee; and

(Res. # 23-015 con't)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 30th DAY OF JANUARY, 2023, that this commission does hereby confirm the appointment of Jeff Latham to the McMinn County Agricultural Extension Committee.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Melinda King)
County Clerk

MOTION made by Commissioner Carter, and seconded by Commissioner Cass, to approve this resolution.

Motion carried by voice vote.

C. A Resolution to Confirm the Appointment of Travis Crisp to the McMinn Agricultural Extension Committee.

Mr. Gentry presented resolution # 23-016.

RESOLUTION NO. 23-016

A RESOLUTION TO CONFIRM THE APPOINTMENT OF TRAVIS CRISP TO THE MCMINN COUNTY AGRICULTURAL EXTENSION COMMITTEE

WHEREAS, McMinn County has a seven member Agricultural Extension Committee comprised of three McMinn County Commissioners, two male farmers and two female farmers; and

WHEREAS, it is the responsibility of the McMinn County Commission to appoint members to this committee; and

WHEREAS, there is currently a commissioner vacancy on the board; and

WHEREAS, Travis Crisp, Commissioner, District 5, has agreed to serve on the McMinn County Agricultural Extension Committee; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 30th DAY OF JANUARY, 2023, that this commission does hereby confirm the appointment of Travis Crisp to the McMinn County Agricultural Extension Committee.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Melinda King)
County Clerk

MOTION made by Commissioner McPhail, and seconded by Commissioner King, to approve this resolution.

Motion carried by voice vote.

12. REPORTS FROM COMMITTEES, COUNTY OFFICIALS, COMMENTS FROM COMMISSIONERS.

(con't)

- Commissioner King- Properties Committee met with the School Board and established a 2-million-dollar fund to be used for school projects while waiting on plans to be developed of larger projects.
- Commissioner Masingale – Public Safety Committee met to discuss opting out of the state wide building construction. Resolution # 23-013 was sent to the full commission tonight.
-

13. COMMENTS FROM THE COUNTY MAYOR

- Mayor Gentry gave an update on the Meadow Branch monitoring system. Mr. Gentry said the weather station is here. He also said they had to add a monitoring system which they had thought the State of Tennessee would be able to provide the monitoring system but they are so far behind for getting rules and regulations so we just ordered a new monitoring system. He said the technician will be here Thursday to install the weather station and the monitor.
Commissioner Simpson ask where the monitor would be and Mr. Gentry said they are looking at doing a sub-station and will not need power. It will be solar and they will not need fiber.
- Mayor Gentry said he met with Kevin Goins with AUB about Fiber program that was approved for the Niota/Mt. Verd, Englewood area. He said he has maps of the service areas for anyone interested in seeing them and Mr. Goins would answer any questions after the meeting.
- Mayor Gentry reminded everyone the planning session would be at the Higher Education Center on February 24, 2023 at 5:00 pm and they should have literature for County Government Day.

14. APPROVAL OF NOTARY APPLICATION

Notaries to be elected January 30, 2023

KRISTINE BOGGESS
VALERIE S JARRETT
WILLIAM A BUCKLEY JR
SYDNEY MORGAN JONES
MARISSA NICOLE BURKHARDT
CONNIE R KEETON
REBA CABINESS
SHIRLEY KING
KIMBERLY J. CALDWELL
KERRI RENA E MCCONKEY
NANCIE CARDIN
DAVID RC OCHOA
JENNIFER CROSS
BRIANA LYNN PAGDON

REBECCA DAVIS
WILLIAM BRUCE PATTESON
KIM C DAVIS
LEAH BROWN SAUCEMAN
ELVIN GARCIA
NOREEN A. STEPHENSON
JADE GILBERT
AMY L TEBECK
CAROLYN J. HOBBS
SANDRA DARLENE THORNTON
ANDREA M. HOBBS
AUDREY TRUELOVE
DANA JAQUISH
NICHOLAS TIMOTHY WELCH

MOTION made by Commissioner Simpson, and seconded by Commissioner McPhail, to approve these notary applications.

Motion carried by voice vote.

15. ANY OTHER BUSINESS THAT MAY LEGALLY COME BEFORE THE COMMISSION

There being no other business, Chairman Curtis declared the Commission meeting adjourned at 8:15 pm.

MELINDA KING
McMinn County Clerk

Attest:

Deputy Clerk (date)