

The McMinn County Board of Commissioners met in Regular Session on August 15, 2011, 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 David Crews.

2. INVOCATION

The Invocation was given by Commissioner Charles Slack.

3. PLEDGE TO THE FLAG

The Pledge to the Flag was led by Commissioner Scott Curtis.

4. ROLL CALL

Roll call was taken by Evonne Hoback, McMinn County Clerk, as recorded:

Scott Curtis – Present
Dale Holbrook – Present
Tim King – Present
Roger Masingale – Present
Gary Mason – Present
J. W. McPhail – Present
Bob Powers – Present
Tad Simpson – Present
Charles Slack – Present
Chairman David Crews – Present

5. APPROVAL OF MINUTES

Copies of the Minutes of the Regular Session on July 18, 2011 and the Special Called Session on July 29, 2011 were provided to the McMinn County Commissioners.

MOTION made by Commissioner Holbrook, and seconded by Commissioner Powers, to approve the Minutes of July 18, 2011 and July 29, 2011.

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

A. A Resolution to Approve and Award the Bid of a Diesel Tractor with Cab to Dooley Tractor Co., Inc.

Mr. Luallen presented the following resolution to approve and award the bid of a diesel tractor with cab to Dooley Tractor Company, Inc., along with a letter of recommendation from the Highway Commissioner and the bid summary sheet.

RESOLUTION NO. 11-098

A RESOLUTION TO APPROVE AND AWARD THE BID OF
A DIESEL TRACTOR WITH CAB TO
DOOLEY TRACTOR COMPANY, INC.

WHEREAS, in order to properly perform the essential operations of county government, goods and services must often be let for bid; and

WHEREAS, the Highway Department has requested the purchase of two diesel tractors with cabs in the amount of \$ 71,992.00 in order to properly carry out the functions of the department; and

WHEREAS, McMinn County has followed the proper procedures in securing the bids; and

WHEREAS, Randall Moss, McMinn County Highway Commissioner has recommended the bid be awarded to the low bidder meeting specifications, Dooley Tractor Company, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15th DAY OF AUGUST, 2011, that this Commission does hereby approve awarding the bid of two diesel tractors with cabs in the amount \$ 71,992.00 to Dooley Tractor Company, Inc.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

Motion carried by voice vote.

B. A Resolution to Approve the Bid to Erosion Solutions for Pumping and Hauling of Landfill Leachate.

Mr. Luallen presented the following resolution to approve the bid to Erosion Solutions for pumping and hauling of landfill leachate, along with a letter of recommendation from the Landfill Supervisor and the bid summary sheet.

RESOLUTION NO. 11-099

A RESOLUTION TO APPROVE THE BID TO EROSION SOLUTIONS FOR PUMPING AND
HAULING OF LANDFILL LEACHATE

WHEREAS, in order to properly perform the essential operations of county government as prescribed by law, goods and services must often be let for bid; and

(cont'd)

Resolution No. 11-099 (Cont'd)

WHEREAS, Stan Moses, the McMinn County Landfill Supervisor, requests to bid pumping and hauling of landfill leachate for the period of September 1, 2011 through June 30, 2014, in order to properly carry out the functions of this department; and

WHEREAS, McMinn County has followed the proper procedures in securing the bids; and

WHEREAS, Landfill Supervisor Stan Moses has recommended the bid be awarded to the lowest bidder meeting all specifications, Erosion Solutions of Athens, TN; and

WHEREAS, McMinn County desires to enter into contract with Erosion Solutions to perform pumping and hauling of landfill leachate at a price of .049 per gallon.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 15th DAY OF AUGUST, 2011 THAT THE COMMISSION DOES HEREBY APPROVE THIS BID WITH EROSION SOLUTIONS, based upon the recommendation of the Landfill Supervisor.

AND FURTHERMORE RESOLVES to grant, authority to the County Mayor or his designee to carry out the duties of said contract.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

Motion carried by voice vote.

7. REVIEW AND APPROVAL OF CONTRACTS

A. A Resolution to Approve State Reimbursement Contract with State of Tennessee Commission on Children and Youth for FY 2011-12.

Mr. Luallen presented the following resolution to approve state reimbursement contract with State of Tennessee Commission on Children and Youth for FY 2011-12, and Mr. Luallen added that it has gone down \$500.00 this year for a total contract amount of \$2,000.00.

RESOLUTION NO. 11-100

A RESOLUTION TO APPROVE STATE REIMBURSEMENT CONTRACT WITH STATE OF TENNESSEE COMMISSION ON CHILDREN AND YOUTH FOR FY 2011-12

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 Commission on Children and Youth to receive funds to be disbursed for developing and improving juvenile court and community alternative to detention; and

(Cont'd)

Resolution No. 11-100 (Cont'd)

WHEREAS, it is necessary to renew the contract with McMinn County for the period July 1, 2011 through June 30, 2012.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15th DAY OF AUGUST, 2011, that this Commission does hereby agree to enter into this contract with State of Tennessee, Tennessee Commission on Children and Youth for period July 1, 2011 through June 30, 2012.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

MOTION made by Commissioner Powers, and seconded by Commissioner Slack, to approve this resolution.

Motion carried by voice vote.

B. A Resolution to Renew Airport Maintenance Contract with State of Tennessee Department of Transportation.

Mr. Luallen presented the following resolution to renew Airport Maintenance Contract with State of Tennessee Department of Transportation. Mr. Luallen added that this is 50% match with the State portion not exceeding \$13,000.

RESOLUTION NO. 11-101

A RESOLUTION TO RENEW AIRPORT MAINTENANCE CONTRACT WITH STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION

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 desires to renew their Airport Maintenance Contract # 99-555-1206-04 with the State of Tennessee, Department of Transportation; and

WHEREAS, the term of this grant is July 1, 2011 through June 30, 2012, with the state portion not exceeding \$13,000.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15TH DAY OF AUGUST, 2011, that this Commission does hereby agree to renew this Airport Maintenance Contract with the State of Tennessee,

(Cont'd)

Resolution No. 11-101 (Cont'd)

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 Evonne Hoback)
County Clerk

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

Motion carried by voice vote.

C. A Resolution to Approve Change Order with Wilson Construction for Phase One Partial Renovation of McMinn County High School.

Mr. Luallen presented the following resolution to approve change order with Wilson Construction for phase one partial renovation of McMinn County High School and Mr. Luallen reminded the Commissioners that Mr. Pierce had given the Commission a “heads up” at last month’s Budget Committee that this would be forthcoming.

RESOLUTION NO. 11-102

**A RESOLUTION TO APPROVE CHANGE ORDER WITH
WILSON CONSTRUCTION FOR PHASE ONE PARTIAL RENOVATION
OF MCMINN COUNTY HIGH SCHOOL**

WHEREAS, in order to properly perform the essential operations of county government, goods and services must often be let for bid; and

WHEREAS, McMinn County Board of Education has requested partial renovation and partial re-roofing at McMinn County High School in order to properly carry out the functions of the school; and

WHEREAS, McMinn County has followed the proper procedures in securing the bids; and

WHEREAS, architects Upland Design Group has recommended and the McMinn County School Board recommends that the change order to provide fire alarm control panel that would allow for any future requirements be approved; and

WHEREAS, the cost of said change order is \$24,222.88; and

(Cont'd)

Resolution No. 11-102 (Cont'd)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15th DAY OF AUGUST 2011, that this Commission does hereby approve the recommendation of the architect, Upland Design Group, and the McMinn County School Board and further authorize the County Mayor to execute all documents essential to fulfilling said project.

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

Attest:

(Orig signed by Evonne Hoback)
 County Clerk

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

Motion carried by voice vote.

8. APPROVAL OF BUDGET AMENDMENTS

Mr. Luallen presented eight budget amendments in four different funds, a copy of which was provided to each Commissioner.

Fund: General Fund # 101

Date: June 29, 2011

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Reserve	Undesignated Fund Balance	39000	13,195.00	
Local Health Center	Other Capital Outlay	55110-799		13,195.00

JOURNAL ENTRY REQUIRED

Reserve	Assigned for Health Department	34790	13,195.00	
Reserve	Unassigned Fund Balance	39000		13,195.00

EXPLANATION: To budget for Health Department floor refinishing and parking lot repair and restriping from County Savings from Health Dept. No effect on general budget.

Fund: General # 101

Date: June 29, 2011

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Reserve	Unassigned Fund Balance	39000	9,500.00	
Tourism	Contributions	58110-316		9,500.00

JOURNAL ENTRY REQUIRED

Reserve	Restricted for Hotel/ Motel Tax	39128	9,500.00	
Reserve	Unassigned Fund Balance	39000		9,500.00

EXPLANATION: To budget for additional contributions related to Tourism portion of Hotel/Motel Tax Reserve. No effect on General Budget.

Fund: General Fund # 101

Date: June 30, 2011

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Reserve	Unassigned Fund Balance	39000	181,510.00	
Sheriff	Gasoline	54110-425		30,000.00
Sheriff	Maint. & Repair Svcs – Vehicle	54110-338		3,500.00
Jail	Medical & Dental Services	54210-340		46,000.00
Jail	Food Supplies	54210-422		15,000.00
Fire	Maint. & Repair Svcs – Vehicle	54310-338		74,600.00
Parks	Utilities	56700-452		2,400.00
Parks	Other Supplies & Materials	56700-499		5,300.00
Parks	Other Equipment	56700-790		345.00
Parks	Other Construction	56700-791		4,360.00
Veterans Affairs	Office Supplies	58300-435		5.00

EXPLANATION: To avoid functional category deficits at year end for FY 2010-2011

Fund: General Fund # 101

Date: June 30, 2011

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Fines, Forfeitures, & Penalties	Drug Court Fees - (Circuit)	42141	1,757.00	
“	Drug Court Fees - (General Session)	42341	9740.00	
Drug Court	Other Contracted Services	53330-399		11,497.00

EXPLANATION: To increase revenue & expenditures related to Drug Court Court Fees in FY 10-11.

Fund: General Fund # 101

Date: June 30, 2011

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Sheriff's Dept	Deputies	54110-106	109,587.00	
Employee Benefits	Social Security	58600-201	8,383.00	
“	State Retirement	58600-204	7,496.00	
“	Employee Insurance	58600-205	1,657.00	
“	Life Insurance	58600-206	300.00	
“	Unemployment Compen- sation	58600-210	360.00	
Other Charges	Worker's Compensation	58400-506	2,959.00	
Courtroom Security	Other Salaries & Wages	53920-189		109,587.00
“	Social Security	53920-201		8,383.00
“	State Retirement	53920-204		7,496.00
“	Employee Insurance	53920-205		1,657.00
“	Life Insurance	53920-206		300.00
“	Unemployment Compen- sation	53920-210		360.00
“	Worker's Compensation	53920-513		2,959.00

EXPLANATION: To budget court officers expenses in Courtroom Security to charge against revenues received from Litigation Tax designated for Courtroom Security in FY 10 – 11.

MOTION made by Commissioner Mason, and seconded by Commissioner Powers, to approve these budget amendments.

Motion carried by roll call vote, as recorded:

- Scott Curtis – Aye
- Dale Holbrook – Aye
- Tim King – Aye
- Roger Masingale – Aye
- Gary Mason – Aye
- J. W. McPhail – Aye
- Bob Powers – Aye
- Tad Simpson – Aye
- Charles Slack – Aye
- Chairman David Crews – Aye

Fund: Law Library # 114

Date: June 30, 2011

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Revenue	Officer Costs	42120	25.00	
Other Admin- istration of Justice	Trustees Commission	53900-510		25.00

EXPLANATION: To avoid functional category deficit at year end of FY 2010 – 2011.

MOTION made by Commissioner McPhail, and seconded by Commissioner Simpson, to approve this budget amendment.

Motion carried by roll call vote, as recorded:

- Scott Curtis – Aye
- Dale Holbrook – Aye
- Tim King – Aye
- Roger Masingale – Aye
- Gary Mason – Aye
- J. W. McPhail – Aye
- Bob Powers – Aye
- Tad Simpson – Aye
- Charles Slack – Aye
- Chairman David Crews – Aye

Fund: Road & Bridge Fund # 131

Date: June 30, 2011

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Reserve	Unassigned Fund Balance	39000	2,510.00	
Administration	County Official	61000-101		2,510.00

EXPLANATION: To avoid functional category deficit at year end for FY 2010 – 2011.

MOTION made by Commissioner Mason, and seconded by Commissioner Powers, to approve this budget amendment.

Motion carried by roll call vote, as recorded:

Scott Curtis – Aye
Dale Holbrook – Aye
Tim King – Aye
Roger Masingale – Aye
Gary Mason – Aye
J. W. McPhail – Aye
Bob Powers – Aye
Tad Simpson – Aye
Charles Slack – Aye
Chairman David Crews – Aye

Fund: General Purpose School # 141

Date: June 30, 2011

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Board of Educa- tion Services	Other Fringe Benefits	72310-299		10,000.00
Maintenance	Maint. & Repair Services – Equip.	72620-336	10,000.00	

EXPLANATION: To amend the budget to avoid end of year deficits in functional categories. School Board approval: August 11, 2011.

MOTION made by Commissioner Powers, and seconded by Commissioner Simpson, to approve this budget amendment.

Motion carried by roll call vote, as recorded:

Scott Curtis – Aye
Dale Holbrook – Aye
Tim King – Aye
Roger Masingale – Aye
Gary Mason – Aye
J. W. McPhail – Aye
Bob Powers – Aye
Tad Simpson – Aye
Charles Slack – Aye
Chairman David Crews – Aye

9. PRESENTATION OF MEMORIAL PLAQUE TO MRS. BOBBY CARTER – TIM WOODS

Mr. Tim Woods, Agricultural Extension County Director, invited the Bobby Carter family to come to the podium. Mr. Woods said that Mr. Bobby Carter served on the McMinn County Commission for twenty years and for sixteen of those years, he served as the Chairman. He served on the UT Ag Extension Committee for over twenty years and Mr. Woods reviewed his service on numerous boards and committees as well as his employment contributions. Mr. Woods said Mr. Carter was a certified auctioneer and he always looked forward to helping the 4-H in this capacity. Mr. Woods added that Bobby Carter was an outstanding leader,

(Cont'd)

communicator and farmer and in 2005, he was awarded the Athens Chamber of Commerce Farmer of the Year Award, which Mr. Woods said he had the honor of presenting. In addition, Mr. Woods said that Bobby Carter was a great friend and mentor to him, and it was his honor to present a plaque to Bobby's family on behalf of the McMinn County Commission, UT Extension, and the citizens of McMinn County. Mr. Woods read the words on the plaque "Presented to the family of Bobby Carter, in memory and in honor of his outstanding service, loyalty, and dedication to the University of Tennessee Extension Programs in 4-H and Agriculture to the youth of McMinn County and the State of Tennessee."

Mayor Gentry also read and presented to the Carter family the following resolution which was approved by this Commission earlier in the summer.

Resolution No. 11-058

A RESOLUTION COMMEMORATING THE LIFE AND SERVICE OF MCMINN COUNTY
COMMISSION CHAIRMAN BOBBY RAY CARTER

WHEREAS, Bobby Carter was a faithful public servant who sat on the McMinn County Commission for 20 years from 1982 to 2002; and

WHEREAS, for 16 of his 20 years on the Commission, Mr. Carter served as Commission Chairman from 1986 to 2002; and

WHEREAS, Chairman Carter provided two decades of invaluable leadership and guidance to all of County Government; and

WHEREAS, Chairman Carter had incredible foresight and played an integral role in developing McMinn County's pay-as-you-go policy and was one of the visionaries who made McMinn County's current debt-free status possible; and

WHEREAS, Chairman Carter's many accomplishments and contributions to his community include being named the 2005 Farmer of the Year from the Athens Area Chamber of Commerce, serving on the Governor's Tobacco Certifying Board and the Governor's Industrial Recruitment Commission as well as serving on the Executive Committee of the Mid-East Tennessee Regional Fair, the McMinn County Election Commission and acting as a founding member of the Hillview Volunteer Fire Department; and

WHEREAS, Chairman Carter will be sorely missed by the friends with whom he served and by the citizens of McMinn County for whom worked so tirelessly to represent;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 16TH DAY OF MAY 2011, that this Commission does hereby commemorate the life and service of McMinn County Commission Chairman Bobby Carter.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

Mrs. Bobby Carter said that her husband would be so proud. The Carter family received a round of applause.

10. COMMENTS FROM THE AUDIENCE

A. Comments by Mr. Stan Womac.

Mr. Stan Womac echoed the positive sentiments concerning Mr. Bobby Carter and he added that Bobby definitely believed the Biblical advice that it is more blessed to give than to receive.

Mr. Womac and others are developing a senior living retirement community called Prospect Hill Community and he provided a packet to each Commissioner containing a description of their proposed development, the feasibility study, and the environmental study. Mr. Womac said that this would be one of the finest senior living communities in the country and said some of the features include southern style all brick construction of 96 condominiums and patio homes along with a 108 unit senior living assisted living complex in the center, 24 hour security and maintenance, walking trails, workout room, tennis courts, swimming pool, gazebos along the creek as well as several other features, including retail space. Mr. Womac said they already have 48 units verbally committed, although they will not be taking any money until everything is in place. At some point, Mr. Womac said they would be requesting their legal counsel to be on the County Commission's agenda, or a called work session with the City of Athens, to discuss the financial aspects of this project. Mr. Womac said they expect to create 250-300 permanent jobs and added that they plan to use local contractors and purchase as much as possible locally. Mr. Womac said that this is going to be a beautiful complex and with the widening of Highway 30 to Etowah, he feels that this will definitely spur growth in that direction.

In response to a question from Mayor Gentry regarding his timeline, Mr. Womac said if he can get the City and County approvals, he would like to get it started within the next 90 days, and added that it will probably take 1 ½ to 2 years to complete.

11. RESOLUTIONS

A. Resolution to Approve Utilization of TVA Funds to Meet Maintenance of Effort Requirement for McMinn County Board of Education's General Purpose School Fund.

Mr. Gentry presented the following resolution to approve utilization of TVA funds to meet maintenance of effort requirement for McMinn County Board of Education's General Purpose School Fund. Mr. Gentry said that this received unanimous approval of the Budget Committee earlier this evening.

RESOLUTION NO. 11-103

RESOLUTION TO APPROVE UTILIZATION OF TVA FUNDS
TO MEET MAINTENANCE OF EFFORT REQUIREMENT
FOR MCMINN COUNTY BOARD OF EDUCATION'S
GENERAL PURPOSE SCHOOL FUND

WHEREAS, in preparation and approval of the FY 2010 – 2011 budget, the McMinn County Commission approved meeting its county school's Maintenance of Effort requirement by transferring the necessary funds from the Other Capital Projects Fund # 189; and

WHEREAS, it is the desire of McMinn County to utilize revenue received from TVA; and

WHEREAS, it would be necessary to transfer revenue received from TVA in the General Fund # 101 to General Purpose School Fund # 141 and replace that revenue from Other Capital Projects fund # 189 to the General Fund # 101; and

WHEREAS, the McMinn County Budget Committee recommends this sequence of transfers.

(Cont'd)

Resolution No. 11-103 (Cont'd)

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION, THIS THE 15th DAY OF AUGUST, 2011, that this Commission does hereby approve the Budget Committee's recommendation.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

Motion carried by voice vote.

12. ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

A. A Resolution to Confirm the Appointment of Greg Moses to the Board of Directors of Keep McMinn Beautiful.

Mr. Gentry presented the following resolution to confirm the appointment of Greg Moses to the Board of Directors of Keep McMinn Beautiful.

Resolution No. 11-104

A RESOLUTION TO CONFIRM THE APPOINTMENT OF GREG MOSES TO THE BOARD OF DIRECTORS OF KEEP MCMINN BEAUTIFUL

WHEREAS, McMinn County has a Keep McMinn Beautiful board to provide educational and civic programs that promote litter cleanup and recycling in McMinn County; and

WHEREAS, as part of its duties and services, Keep McMinn Beautiful plays an important role in the Litter Grant program as required by the Tennessee Department of Transportation; and

WHEREAS, John M. Gentry as McMinn County Mayor, nominates Greg Moses for appointment as a member of the Keep McMinn Beautiful Board of Directors for a term of three years; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 15TH DAY OF AUGUST 2011, that this commission does hereby confirm the appointment of Greg Moses to the Keep McMinn Beautiful Board of Directors.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

MOTION made by Commissioner Holbrook, and seconded by Commissioner Slack, to approve this resolution.

Motion carried by voice vote.

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

A. Flood Insurance Committee – Commissioner McPhail.

Commissioner McPhail said that the Flood Insurance Committee has been appointed and he said they would be meeting at a future date to look into this issue.

B. Budget Committee – Commissioner Curtis.

Commissioner Curtis said that the Budget Committee met earlier this evening and recommended approval on the resolution to approve utilization of TVA funds to meet maintenance of effort requirement for McMinn County Board of Education's General Purpose School Fund, which was approved by the Commission earlier in this meeting.

C. Financial Management Committee – Commissioner Masingale.

Commissioner Masingale said that the Financial Management Committee met on August 10, 2011 to talk about a wellness policy for County employees. The Financial Management Committee voted to request the County Mayor to form a committee to look into a wellness policy. Mr. Gentry said that he would be meeting with department heads to get their input. They will then try to have a rough draft back to the Financial Management Committee within 45 days.

D. Sheriff's Office Monthly Report.

Sheriff Guy referred to his monthly report, a copy of which was provided to each Commissioner.

14. COMMENTS FROM THE COUNTY MAYOR

A. VA Clinic Update.

Mr. Gentry said that the project has not gone to bid yet even though the VA said earlier in the spring that they would be trying to bid this project this summer. Mr. Gentry said they continue to call, and added that it has been very frustrating.

B. Jail Improvement Pre-Bid Conference.

Mr. Gentry said that the jail pre-bid conference on the improvement is scheduled for August 23, 2011, at 10:00 am at the jail, with the bid opening scheduled for September 8, 2011.

C. Reapportionment Committee.

Mr. Gentry said that all the Commissioners are members and would be notified of a Reapportionment Committee meeting with Gary Hayes, CTAS, on August 26, 2011, at 6:00 pm, in the Blue Room. They have the data and the software and Mr. Hayes will be presenting reapportionment possibilities for the Commission's decision.

D. Trustee's Annual Report.

Mr. Gentry referred to the Trustee's Annual Report and asked the Commissioners to keep their copy because Mr. Tuggle will review this with the Commissioners at the September regular session.

E. Rural Metro 30-Day Extension.

Mr. Gentry said that Rural Metro was granted a 30 day extension at the Commission's Special Call on July 29, 2011, but Mr. Gentry said he wasn't thinking about the fact that there wasn't 30 days before the August meeting. It was the consensus of the Commission to allow the extension until the next Commission meeting in September.

15. APPROVAL OF NOTARY APPLICATIONS

The following notary applications were submitted to the County Clerk's Office:

Notary Applications for August 2011

Pamela Bishop
Rita C. Brown
Rhonda Coleman
Tabatha D. Fox
Shirley King
Kelley Mack
Donna M. Martin
Crystal M. McCabe
Leslie McKee
Tabitha J. Lowe
Kim J. Moses
June Swallows
Sandra J. Vander Griend

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

Motion carried by voice vote.

16. ATTORNEY/CLIENT CONFERENCE

At 8:05 pm, Chairman Crews said that they would be meeting in an attorney/client session and that they would reconvene the Commission meeting when this session was over. At 8:35 pm, Chairman Crews reconvened the Commission meeting.

MOTION made by Commissioner McPhail, and seconded by Commissioner Mason, to hire the law firm of Robertson, Overbey, Wilson & Beeler to represent McMinn County as co-counsel with the County Attorney in the suit of City of Athens Board of Education and Etowah City Board of Education vs. McMinn County, TN.

Motion carried by roll call, as recorded:

Scott Curtis – Aye
Dale Holbrook – Aye
Tim King – Aye
Roger Masingale – Aye
Gary Mason – Aye
J. W. McPhail – Aye
Bob Powers – Aye
Tad Simpson – Aye
Charles Slack - Abstained*
Chairman David Crews – Aye

*Commissioner Slack is also a member of the Etowah City Council which is a funding body of the Etowah City School System.

In response to a question from Chairman Crews regarding the date of the lawsuit (July 29, 2011) vs the vote by the School Board(s) in an open meeting on August 18, 2011, the County Attorney explained that he has been in good spirited negotiations with an attorney for the Athens City Board of Education concerning this matter since December 2009. Mr. Baker said it was a respectful disagreement of legal opinions -- that it was our opinion that we had correctly apportioned our funds and the Athens City School took the position that we had not. On July 29, 2011, County Mayor Gentry was served with a summons and complaint which was filed in Circuit Court of McMinn County. Mr. Gentry questioned the fact that he had seen no public notices or meetings concerning this matter and inquired when the School Board had voted on it. It was learned that the School Board had not voted on this prior to the suit, but Mr. Baker said that subsequent to that a non-suit was filed, but this past Friday, a second suit was filed. Chairman Crews asked if they violated the Sunshine Law and Mr. Baker responded that it appeared to be the case.

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

None.

18. ADJOURNMENT

There being no other business, Chairman Crews declared the Commission meeting adjourned at 8:40 pm.

EVONNE HOBACK
McMinn County Clerk

Attest:

Deputy Clerk (date)