

The McMinn County Board of Commissioners met in Regular Session on May 16, 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 Gary Mason.

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 – Absent
Gary Mason – Present
J. W. McPhail – Present
Bob Powers – Present
Tad Simpson – Absent
Charles Slack – Present
Chairman David Crews – Present

5. APPROVAL OF MINUTES

Copies of the Minutes of the Regular Session on April 18, 2011 were provided to the McMinn County Commissioners.

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

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

A. A Resolution to Approve Extension of the Annual Waste Tire Processing Bid.

Mr. Luallen presented the following resolution to approve extension of the annual waste tire processing bid, along with letters of recommendation from the Landfill Supervisor and Mac's Tire Recyclers, Inc.

RESOLUTION NO. 11-047

A RESOLUTION TO APPROVE EXTENSION OF THE ANNUAL WASTE TIRE PROCESSING
BID

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

(Cont'd)

Resolution No. 11-047 (Cont'd)

WHEREAS, the current bid allows for extension of the contract upon agreement of both parties; and

WHEREAS, Stan Moses, McMinn County Landfill Supervisor has requested to extend the current agreement for bidding the annual requirements of waste tire processing for the period of July 1, 2011 through June 30, 2012; and

WHEREAS, Stan Moses, McMinn County Landfill Supervisor recommends the bid contract be renewed for another year to Mac's Tire Recyclers at the same rate of last year being \$78.00 per ton.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16th DAY OF MAY, 2011, that this Commission does hereby approve the recommendation of the landfill supervisor.

(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 King, to approve this resolution.

Commissioner Mason mentioned that he was at the Co-op recently and they are behind on their used tire pickup and used tires are stacked everywhere. Mr. Gentry said that their used tires were picked up today and added that the delay was caused by a shortage of trailers because of a change in the lease that the recycler has with the trailer supplier.

Motion carried by voice vote.

B. A Resolution to Approve and Award Annual Pipe Bid.

Mr. Luallen presented the following resolution to approve and award annual pipe bid, along with the bid summary sheet and a letter of recommendation from the Highway Commissioner.

RESOLUTION NO. 11-048

A RESOLUTION TO APPROVE AND AWARD ANNUAL PIPE BID

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

WHEREAS, Randall Moss, McMinn County Highway Commissioner, requests to bid the annual pipe purchase for the period of July 1, 2011 through June 30, 2012; and

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

(Cont'd)

Resolution No. 11-048 (Cont'd)

WHEREAS, Randall Moss the McMinn County Highway Commissioner recommends awarding the bid of reinforced concrete pipe to Sherman Dixie of Nashville, TN; the bid of steel pipe to Contech of Englewood, TN; and corrugated poly pipe to Contech of Englewood, TN and Superior Drainage of Knoxville, TN. Each recommendation is for the lowest bid meeting specifications except for the corrugated poly pipe which the low bid will be determined by availability at the plant and price according to size at time of purchase, see attached recommendation letter.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16th DAY OF MAY, 2011, that this Commission does hereby approve the recommendation of the Highway Commissioner.

(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 Mason, to approve this resolution.

Motion carried by voice vote.

C. A Resolution to Approve and Award the Bid for Turn-Out Gear for McMinn County Rural Fire Department.

Mr. Luallen presented the following resolution to approve and award the bid for turn-out gear for McMinn County Rural Fire Department, and Mr. Luallen said that this was approved by the Emergency Services Committee earlier this evening. Mr. Luallen added that 32 sets were allowed in this year's budget.

RESOLUTION NO. 11-049

A RESOLUTION TO APPROVE AND AWARD THE BID FOR TURN-OUT GEAR FOR MCMINN COUNTY RURAL FIRE DEPARTMENT

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

WHEREAS, the McMinn County Rural Fire Chief Scott Thompson has requested the purchase of turn-out gear, 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, Scott Thompson, McMinn County Rural Fire Chief has recommended the bid be awarded to Heritage Fire Equipment, of Knoxville, TN, the low bidder meeting specifications; and

WHEREAS, the FY 10-11 budget will allow the purchase of 32 sets of turn out gear and it is recommended to make such purchase; and

(Cont'd)

Resolution No. 11-049 (Cont'd)

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16th DAY OF MAY 2011, that this Commission does hereby approve the recommendation of the Rural Fire Chief.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

Motion carried by voice vote.

D. A Resolution to Approve and Award the McMinn County Health Department Addition and Renovations.

Mr. Luallen presented the following resolution to approve and award the McMinn County Health Center Addition and Renovations, along with the bid summary sheet and a letter of recommendation from the Architect. Mr. Luallen said that this was approved by the Properties Committee earlier this evening, and added that this is fully funded with State funds.

RESOLUTION NO. 11-050

A RESOLUTION TO APPROVE AND AWARD THE MCMINN COUNTY HEALTH DEPARTMENT ADDITION AND RENOVATIONS

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 requested the construction of the addition and renovations to the McMinn County Health Department 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, Architects Cope Associates, Inc. recommends the bid be awarded to the low bidder meeting specifications Wilson Construction Group, of Athens, TN for \$305,000; and

WHEREAS, the State of Tennessee has provided \$300,000 for said project; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16th DAY OF MAY 2011, that this Commission does hereby approve the recommendation of the architect, O. Grant Tharp, and further authorize the County Mayor to execute all documents essential to fulfilling said project.

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

Resolution No. 11-050 (Cont'd)

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

Motion carried by voice vote.

E. UHF VHF Mobile Repeater Systems Bid.

Mr. Luallen requested that the resolution regarding the UHF VHF Mobile Repeater Systems bid be withheld to allow more information to be gathered.

F. A Resolution to Approve and Award the Bid for the Board of Education Partial Renovation and Re-roof Bids for McMinn County High School.

Mr. Luallen presented the following resolution to approve and award the bid for the Board of Education partial renovation and re-roof bids for McMinn County High School, as well as the bid summary sheet and letters of recommendation.

RESOLUTION NO. 11-051

A RESOLUTION TO APPROVE AND AWARD THE BID FOR THE BOARD OF EDUCATION PARTIAL
RENOVATION
AND RE-ROOF BIDS FOR 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 for both projects; and

WHEREAS, architects Upland Design Group has recommended and the McMinn County School Board has approved the recommendation that the partial re-roof project bid be awarded to the low bidder meeting specifications, Parris Roofing & Sheet Metal Company, Inc., of Cleveland, TN for \$340,000; and

WHEREAS, architects Upland Design Group has recommended and the McMinn County School Board has approved the recommendation that the partial renovation project bid be awarded to the low bidder meeting specifications, Wilson Construction Group, LLC, of Athens, TN for \$945,000; and

WHEREAS, the total for both projects equals \$1,285,000.00; and

(Cont'd)

Resolution No. 11-051 (Cont'd)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16th DAY OF MAY 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

At Mr. Luallen's request, Mr. David Pierce, Director of Schools, addressed the Commission regarding this resolution. He said that they are excited at the prospects of what they will be able to do, subject to the Commission's approval, with the renovations at McMinn County High School, which will be done in a phased program. He also said that they are on a tight timeline in order to accomplish as much work in the summer as possible. The first phase is going to entail approximately one third of the roof, beginning on the auditorium end and renovations inside the building. Mr. Pierce said that the bids were presented and approved at their board meeting on May 12, 2011 and added that he felt that they were able to get some good prices and a little less than they have in their capital funds that are available to them at this time. He offered to answer any questions from the Commission.

Mr. Luallen explained that implementation of GASB 54 required the elimination of funds that do not have a direct tax revenue source. The Educational Capital Project Fund received the transfer of money for payment of educational capital projects from the county's Miscellaneous Capital Project Fund; therefore, the School Board approved projects from the Educational Capital Projects Fund. With the implementation of GASB 54, the Educational Capital Projects Fund was eliminated, leaving the money appropriated in the County's Miscellaneous Capital Projects Fund to be paid from that fund. The County Commission is the approving authority for its Miscellaneous Capital Projects Fund.

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

Motion carried by voice vote.

7. REVIEW AND APPROVAL OF CONTRACTS

A. A Resolution to Approve Service Agreement with Long Performance Advisors, LLC to Perform Business Incubator Feasibility and Rails-to-Trails Economic Impact Studies.

Mr. Gentry presented the following resolution to approve a service agreement with Long Performance Advisors, LLC to perform business incubator feasibility and Rails-to-Trails economic impact studies. Mr. Gentry explained that we were previous awarded a contract with Rural Development for \$15,000.00, but this has been amended to \$11,865.00, and the company has agreed to both of these studies at a reduced cost. Mr. Gentry added that he proposes paying the grant match out of Hotel/Motel funds with the City of Athens also committing \$2,000.00 to the match. Mr. Gentry said he also spoke with Mr. Long and told him that we didn't want a study with a predetermined answer but rather we want to know the true viability as they see it. Mr. Gentry added that Mr. Long comes highly recommended.

Resolution No. 11-052

A RESOLUTION TO APPROVE SERVICE AGREEMENT WITH LONG PERFORMANCE ADVISORS, LLC TO PERFORM BUSINESS INCUBATOR FEASIBILITY AND RAILS-TO-TRAILS ECONOMIC IMPACT STUDIES

WHEREAS, the McMinn County Commission recently selected the development of a small business development center, otherwise known as a business incubator, as a top priority to help improve the County's long-term economic stability; and

WHEREAS, McMinn County has also successfully submitted to the United States Surface Transportation Board that the abandoned rail line between Athens and Englewood be considered for alternate trail use; and

WHEREAS, McMinn County wants to enter into each project wisely and desires to perform feasibility studies on the viability of both with said studies also aiding in securing potential grant opportunities and

WHEREAS, McMinn County has been awarded a \$11,865.00 grant by the United States Department of Agriculture-Rural Development to perform respective studies on both projects; and

WHEREAS, Long Performance Advisors, LLC (LPA) is a recognized national leader in business and project feasibility studies and has been approved by USDA-Rural Development to perform both studies; and

WHEREAS, LPA has agreed to provide both studies for a combined cost of \$19,775.00, thereby providing the county a sizeable savings by combining the studies; and

WHEREAS, County Mayor Gentry proposes paying the grant match out of Hotel/Motel funds with the City of Athens also committing \$2,000.00 to the match.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16TH DAY OF MAY 2011, that this Board does hereby approve the agreement between McMinn County and Long Performance Advisors, LLC for \$19,775; and FURTHERMORE, authorizes the County Mayor to execute any documents necessary to fulfill the intent of this resolution.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

In response to a question from Commissioner McPhail, Mr. Gentry said that our part of the match will all come from Hotel/Motel funds.

Motion carried with one dissenting vote by Commissioner Powers.

B. A Resolution to Approve an Amendment to the McMinn County Sanitary Landfill’s “Contract In Lieu of Performance Bond”.

Mr. Gentry presented the following resolution to approve this annual contract in lieu of performance bond required by the Department of Environment and Conservation for post-closure costs for the McMinn County Landfill. Mr. Gentry said this amended yearly to reflect inflation (one was reduced and the other slightly increased) and is built into the Landfill budget.

Resolution No. 11-053

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 | 54-0003 | \$ 483,472.00 | to | \$ 453,428.00 |
| 2. | SNL | 54-0003-ext | \$2,191,620.00 | to | \$ 2,213,536.00 |

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16TH DAY OF May, 2011, 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 Evonne Hoback)
McMinn County Clerk

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

Motion carried by voice vote.

8. APPROVAL OF BUDGET AMENDMENTS

Mr. Luallen presented seven budget amendments in two different funds, a copy of which was provided to each Commissioner. These budget amendments had School Board approval on May 12, 2011.

Fund: General Purpose School # 141

Date: May 4, 2011

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Other Student Support	Evaluation & Testing	72130-322-IDEA		15,166.90
Regular Ed. Program Support	Other Salaries & Wages	72210-189-IDEA		150,258.00
“	Social Security	72210-201-IDEA		9,074.29
“	Retirement	72210-204-IDEA		13,598.35
“	Life Insurance	72210-206-IDEA		330.72
“	Medical Insurance	72210-207-IDEA		19,416.34
“	Employer Medicare	72210-212-IDEA		2,122.22
“	Other Fringe Benefits	72210-299-IDEA		59.94
“	Other Supplies & Materials	72210-499-IDEA		3,288.59
Other Student Support	Evaluation & Testing	72130-322	20,000.00	
Regular Ed. Program Support	Other Salaries & Wages	72210-189	150,040.00	
“	Social Security	72210-201	9,303.00	
“	Retirement	72210-204	9,633.00	
“	Life Insurance	72210-206	378.00	
“	Medical Insurance	72210-207	17,410.00	
“	Employer Medicare	72210-212	2,176.00	
“	Other Fringe Benefits	72210-299	60.00	
“	Other Supplies & Materials	72210-499	4,315.35	

EXPLANATION: To revise the original budget for the permissive use of IDEA-B 11.01 funds for Coordinated Early Intervening Services to reflect cost center analysis and Addendum # 1.

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

Motion carried by roll call vote, as recorded:

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

Fund: Federal Projects # 142 – Title II, Part D, ARRA, 10.21, #21S Date: March 14, 2011

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Support Services	Travel	72210-355-21S	150.00	
Other Uses	Transfers to Other	99100-590-21S		150.00

EXPLANATION: To transfer from Title II-D, ARRA to Consolidated Administration per Brenda Staggs, State Department of Education

Fund: Federal Projects # 142, Title I, Part A, ARRA, 10.21, #10S Date: March 14, 2011

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Support Services	Other Charges	72130-599-10S	500.00	
Other Uses	Transfers to Other Funds	99100-590-10S		500.00

EXPLANATION: To transfer from Title I ARRA to Consolidated Administration per Brenda Staggs, State Department of Education

Fund: Federal Projects, # 142, Title II, Part D – 11.01 #231 Date: March 14, 2011

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Support Services	Staff Development	72210-524-231	100.00	
Other Uses	Transfers to Other Funds	99100-590-231		100.00

EXPLANATION: To transfer from Title II-D to Consolidated Administration per Brenda Staggs, State Department of Education

Fund: # 142 Federal Projects, Title II, Part A – 11.01 # 201

Date: March 14, 2011

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Support Services	Travel	72210-355-201	2,510.00	
Other Uses	Transfers to Other Funds	99100-590-201		2,510.00

EXPLANATION: To transfer from Title II A to Consolidated Administration per Brenda Staggs, State Department of Education

Fund: Federal Projects, # 142, Teacher Incentive Fund Grant # 221

Date: April 19, 2011

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Federal Funds Rec'd Thru State	Other Federal Thru State of Tenn	47590	108,000.00	
Regular Instruction Program Support	Travel	72210-355		7,000.00
“	Other Contracted Services	72210-399		90,000.00
“	Other Supplies & Materials	72210-499		2,000.00
“	In-Service/Staff Development	72210-524		6,000.00
“	Other Equipment	72210-590		3,000.00

EXPLANATION: To enter the budget for the FY 2011 T.I.F. Grant that was awarded to McMinn County School System on April 6, 2011.

Fund: Federal Projects # 142 – Carl Perkins, 11.01, # 801

Date: May 5, 2011

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Vocational Ed. Program	Other Supplies & Materials	71300-499	23,527.19	
“	Career & Technical Equipment	71300-730		26,312.89
Other Student Support	Other Contracted Services	72130-399	1,500.00	
“	In-Service / Staff Development	72130-524	285.70	
Vocational Ed. Program Support	Other Equipment	72230-790	1,000.00	

EXPLANATION: To enter Amendment No. 1 to the Carl Perkins grant for FY 2010-2011

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

Motion carried by roll call vote, as recorded:

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

9. COMMENTS FROM THE AUDIENCE

A. Comments by Ms. Sheree Calloway Regarding Market Park Restrooms.

Ms. Calloway commented on the resolution to be considered this evening concerning the request for funds by the City of Athens to help meet the local match for the construction of Market Park restrooms. She reviewed the history of this location and said that this location is in the flood plain. She also said that City of Athens officials agreed that no permanent structure was to be built here and added that this market park pavilion looks pretty permanent to her. She asked the Commission to think about their vote before they vote to spend money on property that is in a flood plain.

Mr. Gentry said that because this pavilion is in a flood plain, it had to be built to a different standard, and Chairman Crews indicated that the City of Athens has already received their funding and they are requesting help to meeting the local match. Commissioner Curtis said it was his understanding that the restrooms are going to be elevated to a point that they are out of the flood zone. Mr. Gentry added that just because property is in a flood plain doesn't mean a structure can't be built in it. It just has to be built to a different specification.

B. Comments by Mike Liner, Resident on County Road 950 in Calhoun, Concerning the Planned Closing of County Road 971.

Mr. Liner asked the Commission how then can even consider closing a County Road that has been used for almost 200 years and added that it is a through road, not a dead-end road. Mr. Liner said that he has a farm on each end of this road and if the road is closed, he will have to drive 8.8 miles to go around. Mr. Liner said that he has spoken with several Commissioners and they indicated that there are alternative routes, but County Road 950 which goes through the City of Calhoun is not an alternative because the City of Calhoun has an ordinance that does not allow trucks on their city streets over 2 axles because there are bridges that can't handle big trucks. Another suggested alternative route is County Road 956 but he said this is a narrow road with several curves and steep hills and would be impossible for big trucks and trailers and added that this is 15 miles longer. Mr. Liner said that his Church, Hiwassee Baptist Church, will be 200 years old in May of 2012 and their members travel County Road 971 for every service. Mr. Liner presented the Commission Chairman Crews with a petition from 75 members of the church, as well as another petition signed by 41 people who live past the church.

Mr. Liner said it is his understanding that the Highway Commissioner wants to close the road because he doesn't want the County to bear the expense to pave it because of the rock truck traffic going in and out because of the Quarry. Mr. Liner suggested that the Quarry should pay for the road damage, just as other businesses have to do. Mr. Liner stated that he paid over \$8,000 in land taxes last year and he asked why the County doesn't take care of the taxpayers, rather than a new business. He said he is worried about his 700 acre farm losing its property value because it doesn't have viable access. Mr. Liner asked the Commission to please not close County Road 971.

C. Comments by Alan Dyke, with the Claxton Community Volunteer Emergency Services.

Mr. Dyke said he is not a resident of Calhoun, but their department does respond and they use County Road 971 to get into those structures. He said in addition to the church mentioned earlier, there is also a Advent Home. If this road is closed, it would cut off the quickest way to respond in to that area and would be dangerous for a fast response.

D. Comments by Jeff Jenkins Regarding the Planned Closing of County Road 971.

Mr. Jeff Jenkins appeared before the Commission in November 2010 in opposition to the rock quarry and tonight he presented pictures of a Rock Quarry vehicle carrying 109 tons of rock across our county roads. He wants to know why the company is not liable for damage caused to our county roads. He also covered many of the same points of Mr. Mike Liner who spoke earlier, and added that this area is not as “dead” as the Commission may have been led to believe. He added that the Advent Home has a thousand visitors a year and said that this is a striving neighborhood, which means property taxes. Mr. Jenkins reviewed some of the history of this area and he requested the Commission to look at the whole situation. He also said to his knowledge, the local residents have not been contacted. The residents on this road are not the only people who use this road and he questioned the process for closing a road.

E. Comments by Resident Near Rock Quarry.

A neighbor near the Rock Quarry has been living at this location for 26 years and her biggest worry is emergency services to her area as well as leaving her home to her only son.

F. Comments by Faye Parks, Mayor of the City of Calhoun.

Ms. Parks told the Commission that she has heard that if County Road 971 is closed a new road will be built with access to County Road 163 closer in to Calhoun. She asked if anyone could tell her if that is true. The County Highway Commissioner said that there will be a rock crusher, an asphalt plant and a concrete plant and added that there is a plan to build a new road because this is a safety issue. Mr. Moss said that County Road 971 is not designed for 80,000 lb trucks and will “close itself.” Mr. Moss said it would cost \$175,000 to pave this road property and the County does not have the money. He also said that they checked the traffic one day and there were 5 cars traveling on County Road 971. Ms. Parks asked the Commission to consider Calhoun and their small size and budget.

G. Comments by Brenda Gossett and Others Opposing the Closing of County Road 971.

Mr. Gossett said that these issues should have been discussed with Mr. Ross Tarver, the owner of the 500-acre site of the quarry, when he appeared before the Commission in August 2010. She said that he assured everyone that the closing of County Road 971 was never going to be an issue. She discussed the off-road vehicle that the quarry is using and asked if businesses are liable for damage they cause. Mr. Moss said that if a business is licensed for 80,000 load and they are not overloaded, the County cannot make them pay for damages. Mr. Doug Jenkins said that the vehicle the Quarry is using is not permitted on the roads and it is illegal.

There were several other comments in opposition to closing County Road 971.

10. RESOLUTIONS

A. A Resolution to Approve the Request of Sheriff Guy to Apply for a Community Oriented Policing Services Grant.

Mr. Gentry asked Sheriff Guy to present the following resolution to approve his request to apply for a Community Oriented Policing Services (COPS) grant. Sheriff Guy said this was a pretty standard COPS grant.

(Cont'd)

It is a non-matching grant with no obligation on the part of McMinn County for two full-time deputy sheriff officers for three years. One position is to replace a position currently funded by the Drug Fund and the other position will be an additional narcotics officer to help bring money into the drug fund. Sheriff Guy said that if at the end of the grant term, there is no funding availability through the budget or the Drug Fund, the positions will be terminated by him.

Resolution No. 11-054

A RESOLUTION TO APPROVE THE REQUEST OF SHERIFF GUY TO APPLY
FOR A COMMUNITY ORIENTED POLICING SERVICES GRANT

WHEREAS, Sheriff Guy requests permission to apply for a Community Oriented Policing Services (COPS) grant; and

WHEREAS, this grant will be for two full-time deputy sheriff officers at entry level salary and benefits; and

WHEREAS, this is a non-matching grant with no obligation on the part of McMinn County; and

WHEREAS, if at the end of the grant term there is no funding availability through the budget or Drug Fund, the positions will be terminated by the Sheriff.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16TH DAY OF MAY 2011, that this Commission does hereby approve request of Sheriff Guy to apply for the COPS grant.

(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.

B. A Resolution to Approve the Request for Funds by the City of Athens to Help Meet the Local Match for the Construction of Market Park Restrooms.

Mr. Gentry presented the following resolution to approve the request for funds by the City of Athens to help meet the local match for the construction of Market Park Restrooms. Mr. Gentry said this was considered by the Budget Committee earlier this evening and they approved \$30,000 over a two year period of \$15,000 each, coming from Hotel Motel tax.

RESOLUTION NO. 11-055

A RESOLUTION TO APPROVE THE REQUEST FOR FUNDS BY THE CITY OF ATHENS TO HELP MEET THE LOCAL MATCH FOR THE CONSTRUCTION OF MARKET PARK

WHEREAS, the City of Athens has received funding in the amount of \$150,000 from the Local Parks and Recreation Fund that must be matched locally with \$150,000 for a total project cost of \$300,000; and

WHEREAS, the scope of work listed in this grant includes construction of a restroom facility and ADA accessible walkways to serve Market Park and the downtown area; and

WHEREAS, the restroom facility is designed not only for local use but to assist with tourism in the downtown area as it is part of an overall master plan for the Market Park; and

WHEREAS, the City of Athens will be responsible for the construction and operation of this facility, and the county money will be used strictly for the capital expenditure; and

WHEREAS, the City of Athens requests McMinn County allocate funds from the Hotel/Motel Tax Fund in the amount of \$30,000 toward the local match of \$150,000.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16TH DAY OF MAY 2011, that this Commission does hereby approve \$30,000 from the Hotel/Motel Tax Fund to be used toward the local match for the Local Parks and Recreation Grant for the City of Athens, with \$15,000 being paid in the 2010-11 budget and \$15,000 in the 2011-12 budget.

(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 Curtis, to approve this resolution.

Motion carried with two dissenting votes by Commissioner Holbrook and Commissioner McPhail.

C. A Resolution to Approve a Request for Funds by the Athens Area Chamber of Commerce to Help Equip a New Visitor's Center Located Off of I-75.

Mr. Gentry presented the following resolution to approve a request for \$6,700.00 by the Athens Area Chamber of Commerce to help equip a new visitor's center, located off of I-75. This request has Budget Committee approval.

RESOLUTION NO. 11-056

A RESOLUTION TO APPROVE A REQUEST FOR FUNDS BY THE ATHENS AREA CHAMBER OF COMMERCE TO HELP EQUIP A NEW VISITOR’S CENTER LOCATED OFF OF I-75

WHEREAS, the Athens Area Chamber of Commerce, desiring to improve tourism in the Athens and McMinn County Area, has hired a director of tourism; and

WHEREAS, they have secured a location for a visitor center located at 3537 Decatur Pike directly off of Exit 49 on Interstate 75 which is intended to promote tourism throughout McMinn County; and

WHEREAS, the Athens Chamber has requested \$6,700 from McMinn County’s Hotel/Motel Tax Fund to help establish and equip the Athens Visitor Center; and

WHEREAS, these funds will be used to purchase essential items such as office equipment, signage and promotional materials.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16TH DAY OF MAY 2011, that this Commission does hereby approve \$6,700 from the Hotel/Motel Tax Fund to be used to help equip a visitor’s center located on Decatur Pike off of Exit 49.

(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 Powers, to approve this resolution.

Motion carried by voice vote.

D. A Resolution to Close and Remove County Road 971 from the McMinn County Highway Department Maintenance System.

Mr. Gentry read the resolution requested by the Commissioner of Highways to close and remove County Road 971 from the McMinn County Highway Department Maintenance System. Mr. Gentry added that Mr. Ross Tarver asked him to tell the Commission that he was not in favor of closing the road, but was in favor of no through traffic.

MOTION made by Commissioner Curtis, and seconded by Commissioner Slack, to table this resolution until the Safety Committee can review.

Commissioner King asked if we can look into what can be done to these illegal vehicles that are damaging the roads. Commissioner King drove the road this past weekend and the road is being destroyed. The County Attorney said it was his understanding that part of this project was supposed to involve the construction of a new road. Mr. Gentry said that the Rock Quarry was applying for State Industrial Access Road road grant and they did not meet the qualifications. Commissioner King said he would like to know what recourse we have against the Rock Quarry to make sure they fix that section of the road.

Motion carried by voice vote to table this resolution and send it to the Safety Committee for review.

E. A Resolution Regarding Fair Housing in McMinn County.

Mr. Gentry said the following resolution is an annual resolution required in order to remain eligible to apply for any federal grants, and he requested approval.

Resolution No. 11-057

A RESOLUTION REGARDING FAIR HOUSING IN MCMINN COUNTY

WHEREAS, discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, sex, national origin, familial status, or disability is prohibited by Title VIII of the 1968 Civil Rights Act as amended (Federal Fair Housing Law); and

WHEREAS, let it be known to all persons of McMinn County that it is the policy of McMinn County to participate in programs that ensure equal opportunity in all persons regardless of race, color, religion, sex, national origin, familial status, or disability; and

WHEREAS, McMinn County will assist persons affected by these programs, such as the Housing Rehabilitation Program or Community Development Block Grants, who feel they have been discriminated against because of race, color, religion, sex, national origin, familial status, or disability to seek equity under Federal and State laws by referring or filing a complaint with the Tennessee Human Rights Commission or the U.S. Department of Housing and Urban Development, Atlanta Regional Office Compliance Division; and

WHEREAS, McMinn County shall publicize this resolution and through this publicity shall cause owners of real estate, developers and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing law and any applicable State or local law or ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE MCMINN COUNTY BOARD OF COMMISSIONERS, MEETING IN REGULAR SESSION THIS THE 16th DAY OF MAY 2011, that this commission does approve this resolution concerning Fair House in McMinn County.

(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 Curtis, to approve this resolution.

Motion carried by voice vote.

F. A Resolution Commemorating the Life and Service of McMinn County Commission Chairman Bobby Ray Carter.

Mr. Gentry presented the following resolution commemorating the life and service of McMinn County Commission Chairman Bobby Ray Carter. Mr. Gentry said that this resolution will be framed and presented to his family.

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

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

Motion carried by voice vote.

11. ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

None.

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

A. Budget Committee – Commissioner Curtis.

Commissioner Curtis said that the Budget Committee met prior to this meeting and discussed the contributions to the City of Athens and the Chamber of Commerce approved earlier in this meeting. He said they also received a report from the County Attorney regarding the court fee proposal that was requested by Family Court Services and others at the April 2011 County Commission meeting. Vance Baker, the County Attorney said that this \$45.00 fee would be paid by all criminal defendants for the purpose of allocating funding for organizations supporting victims of violent crimes. Mr. Baker explained that there could be some indirect costs for the county, i.e. if criminals are unable to pay these fees, it could result in their probation being revoked, which means they would be back in jail at a cost to the county. Mr. Baker also said that there is a Criminal Injuries Compensation Fund has also been in existence for thirty years to help compensate the victims of crime.

B. Agricultural Extension Committee – Commissioner Mason.

Commissioner Mason said that the Agricultural Extension Committee met this week and they have hired Mr. Nicholas Lewis for the 4-H position, effective July 1, 2011.

13. COMMENTS FROM THE COUNTY MAYOR

A. VA Clinic.

Mr. Gentry said he had the opportunity to speak with the Tennessee Commissioner of Veterans Affairs several weeks ago about the importance of trying to keep McMinn County and the others counties in that same project list in front of the Federal Veterans Administration. Mr. Gentry said she was gracious to give me one-on-one time in her office and is very concerned about this situation. He also said she was complimentary of McMinn County in making the investment in the Veterans program, i.e. we had two certified Veterans Service Officers at that time and McMinn County has moved up to 7th in the State as far as Veteran benefits. She periodically meets with the Federal VA staff and promised to keep our situation in the forefront. Mr. Gentry said he also spoke with the Federal VA Public Information Officer and the clinic has still not gone out to bid and said they are still evaluating whether or not to change the model for this clinic from a full service contract to a VA staffed clinic, because of the difficulty of providing mental health services in rural communities. Mr. Gentry told her that they remain committed to publicize this bid.

B. Four-Laning of Highway 30.

Mr. Gentry said that many have expressed concern about the second phase to take us from County Road 609 into the four lane of Etowah. Mr. Gentry said that there will be a field review in Chattanooga on May 18th and we hope that project will be bid and let by the end of the year.

C. Local Planning Office is Closing.

Mr. Gentry said that the Governor in his review of the Department of Economic and Community Development who oversees the Local Planning Office did make a recommendation to eliminate that division. Mr. Gentry said that this will have implications for McMinn County because the Local Planning Office gives technical staffing to our Planning Commission and they are also the body that certifies and oversees communities for the National Flood Insurance Program, and this is the body that works on reapportionment after the census every ten years. Mr. Gentry said that reapportionment will likely be done by CTAS utilizing our GIS system in the Assessor's Office.

D. Entrepreneurship Resource Rally.

Mr. Gentry referred to a flyer that was provided to each Commissioner announcing an Entrepreneurship Resource Rally on May 18th in the Courthouse Annex building, from 8:30 am to 2:00 pm. He asked all the Commissioners to attend if possible. Mr. Gentry said we want McMinn County to be a community where entrepreneurship and small business can thrive.

E. April 27, 2011 Tornado.

Mr. Gentry thanked the First Responders for the marvelous job they did to protect people in the path of the tornado. He also said that the community responded the next morning in an incredible way, e.g. churches, businesses, neighbors. This was a wonderful example of the good spirit that still exists in McMinn County and added that the Claxton Community is a close knit community and they took care of each other.

F. Update on Jail Security System.

Mr. Gentry said that this is nearing completion but they are trying to identify some places they can share some conduit. The bid documents should be ready to go soon.

14. APPROVAL OF NOTARY APPLICATIONS

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

Notary Applications for May 2011

Donna M. Bridges
Jamie LeAnn Davis
Connie Fain-Woodcock
Melissa Henderson
Linda J. Holder
Rhonda King
John E. Linn
Leah N. Tavernese

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

Motion carried by voice vote.

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

A. Comments by County Attorney Regarding Wrongful Death Case Against Sheriff's Department.

Mr. Vance Baker reported to the Commission that that wrongful death case against the Sheriff's Department was dismissed.

B. Comments by Sheriff Guy Regarding his Monthly Report.

Sheriff Guy apologized and said the Commission's copies of his monthly report are on his desk in his office, but he wanted to tell the Commission that the old command center (RV) sold on the internet for \$25,000. Sheriff Guy said that this money will be put back into the drug fund and use it for equipment for the officers.

16. ADJOURNMENT

There being no other business, Chairman Crews declared the Commission meeting adjourned at 8:55 pm.

EVONNE HOBACK
McMinn County Clerk

Attest:

Deputy Clerk (date)