

The McMinn County Board of Commissioners met in Regular Session on January 16, 2012, 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 Tim King.

3. PLEDGE TO THE FLAG

The Pledge to the Flag was led by Commissioner Dale Holbrook.

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 – Absent
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 December 19, 2011 were provided to the McMinn County Commissioners.

MOTION made by Commissioner Holbrook, and seconded by Commissioner King, to approve the Minutes of December 19, 2011.

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

A. A Resolution to Approve and Award Bid for McMinn County Sheriff's Department Vehicle Equipment.

Mr. Gentry said that Mr. Luallen was in Arkansas attending a funeral and in his absence, Mr. Gentry presented the following resolution to approve and award bid for McMinn County Sheriff's Department Vehicle Equipment, along with the bid summary sheet and the letter of recommendation from Sheriff Guy.

RESOLUTION 12-001

RESOLUTION TO APPROVE AND AWARD BID FOR
MCMINN COUNTY SHERIFF'S DEPARTMENT
VEHICLE EQUIPMENT

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 Sheriff Joe Guy requests the purchase of vehicle equipment for his department; and

WHEREAS, Sheriff Guy recommends the bid be awarded to Mountain View Ford, the best and lowest bid meeting specifications.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16th DAY OF JANUARY, 2012, that this Commission does hereby approve the recommendation of Sheriff Joe Guy.

(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 Holbrook, to approve this resolution.

Motion carried by voice vote.

B. A Resolution to Reject the Bids for Solar Generating Systems for McMinn County Landfill and Airport.

Mr. Gentry presented the following resolution to reject the bids for solar generating systems for the McMinn County Landfill and Airport. Mr. Gentry referred to a detailed explanation attached from the County Planner, Mr. Russell Thress, and added that this was approved by the Properties Committee earlier this evening.

RESOLUTION NO. 12-002

A RESOLUTION TO REJECT THE BIDS FOR
SOLAR GENERATING SYSTEMS
FOR MCMINN COUNTY LANDFILL AND AIRPORT

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 bids on solar generating systems, in order to properly carry out the functions of the department; and

(Cont'd)

Resolution No. 12-002 (Cont'd)

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

WHEREAS, County Planner Russell Thress, after reviewing the bid information, has recommended rejecting all bids.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16th DAY OF JANUARY, 2012, that this Commission does hereby approve the recommendation of Russell Thress.

(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.

7. REVIEW AND APPROVAL OF CONTRACTS

A. A Resolution to Approve Memorandum of Understanding with Tennessee Department of Veterans Affairs.

Mr. Gentry presented the following resolution to approve a Memorandum of Understanding with Tennessee Department of Veterans Affairs, along with a copy of the MOU which explains the background and purpose. Mr. Gentry added that this new web-based software will actually result in a savings.

RESOLUTION NO. 12-003

A RESOLUTION TO APPROVE
MEMORANDUM OF UNDERSTANDING WITH
TENNESSEE DEPARTMENT OF VETERANS AFFAIRS

WHEREAS, Tennessee Department of Veterans Affairs is replacing its current claims management software with a web-based application provided by VetraSpec; and

WHEREAS, TDVA will fund the first year's cost of \$350.00 for the period from December 1, 2011 to November 30, 2012; and

WHEREAS, the Tennessee Department of Veterans Affairs requests approval of this Memorandum of Understanding.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 16TH DAY OF JANUARY 2012 that this request be hereby approved.

(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.

Motion carried by voice vote.

B. A Resolution to Approve a Change Order for Wilson Construction Group LLC for Health Department Renovations.

Mr. Gentry presented the following resolution to approve a change order for Wilson Construction Group, LLC for Health Department Renovations which resulted in a net decrease of \$9,055.55.

RESOLUTION NO. 12-004

A RESOLUTION TO APPROVE A CHANGE ORDER FOR WILSON CONSTRUCTION GROUP LLC FOR HEALTH DEPARTMENT RENOVATIONS

WHEREAS, McMinn County entered into a contract with Wilson Construction Group LLC for Health Department renovations; and

WHEREAS, certain line items were not fully expended; and

WHEREAS, change order # 1 has resulted in a net decrease of \$9,055.55; and

WHEREAS, upon approval by the McMinn Board of Commissioners, the total for this change order issued to Wilson Construction Group, LLC will decrease the total contract amount from \$305,000.00 to \$295,944.45.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 16th DAY OF JANUARY 2012, that the Commission does approve the change order and decrease the contract amount to \$295,944.45.

(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 Simpson, to approve this resolution.

Motion carried by voice vote.

8. APPROVAL OF BUDGET AMENDMENTS

Mr. Gentry presented three budget amendments in two different funds, a copy of which was provided to each Commissioner.

Fund: General # 101

Date: January 12, 2012

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Federal through State	Rural Development Grant	47114	11,400.00	
Reserve	Unassigned Fund Balance	39000	2,657.00	
Tourism	Other Contracted Services	58110-399		14,057.00

JOURNAL ENTRY REQUIRED

Reserve	Hotel/Motel Tax Reserve	39128	2,657.00	
Reserve	Unassigned Fund Balance	39000		2,657.00

EXPLANATION: To budget revenue and expenditures related to the State of Tennessee Rural Development Grant for Feasibility Study.

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 – Absent
- Bob Powers – Aye
- Tad Simpson – Aye
- Charles Slack – Aye
- Chairman David Crews - Aye

Fund: Other Capital Projects # 189

Date: January 12, 2012

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
State of Tennessee	Airport Maintenance Program	46120	174,194.00	
General Administration Projects	Airport Improvements	91110-702		174,194.00

EXPLANATION: To budget revenue and expenditures related to State of Tennessee Aeronautics Division Grant for land purchase at airport.

Fund: # 189 Other Capital Projects

Date: January 12, 2012

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Reserve	Unassigned Fund Balance	39000	577,544.00	
Educational Capital Projects	Building Construction	91300-706		577,544.00

EXPLANATION: To budget additional carryover balance from FY 10-11.

MOTION made by Comissioner Simpson, 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 – Absent
Bob Powers – Aye
Tad Simpson – Aye
Charles Slack – Aye
Chairman David Crews - Aye

9. ANNUAL REPORT FOR WOODS MEMORIAL HOSPITAL FUNDS – PHIL TUGGLE, TRUSTEE

Mr. Gentry said that Mr. Tuggle has requested that this be rescheduled for the February 2012 meeting because the latest funds have come in from Woods hospital and they are waiting on the investment bids to come in on the 23rd of this month and he will be able to give a more accurate report next month.

10. UPDATE ON E. G. FISHER LIBRARY AND FUNDING – CHARLIE SENN

At the request of the County Mayor, Mr. Charlie Senn, Chairman of the McMinn County Library Board, gave a lengthy overview of the funding issues of the five libraries in McMinn County. Mr. Senn went through a power point presentation which compared the E.G. Fisher Library's funding with other libraries that serve roughly the same population in the State, as well as a comparison with the other libraries in McMinn County, including existing programs offered and several exciting additional programs planned for 2012. The annual number of visits, total circulation and computer usage for each library was also compared. Mr. Senn also talked about the various funding sources and discussed the Fisher Family Trust which was established in 1978 by a gift from the Fisher family and which has suffered because of these economic times and the commitment to honor the Fisher family's wishes that the library keep offering the same services to the community. Mr. Senn said they are now have less than \$200,000 in the Fisher Trust.

Mr. Senn also discussed the County funding formula in terms of McMinn County's allocation to each library within the county, and said in 1997, it was determined that the Fisher Library was getting too much money out of the County's allocation to the detriment of the other libraries in the county. Mr. Senn explained the history of the formula and he suggested that money could be allocated by population and every library, except for Calhoun, would benefit. Mr. Senn said that the Fisher Library is a vibrant, dynamic library and engaged library and the Library Board is committed to doing whatever it takes to continue their present level of service, but added that the Fisher Trust is finite in nature and if they continue to draw the same amount annually from the trust fund, there is a termination point and they will have to reconfigure the services that are provided. Mr. Senn said that in his view the current formula is not equitable and added that he didn't think appointing a subcommittee would help, but he also said he didn't think the status quo was the answer.

(Cont'd)

There was some discussion between the Commissioners, as well as a member of the audience, and Mr. Senn answered several questions. Mr. Gentry explained that the County Library Board is also the E. G. Fisher Library Board and creating the funding allocation was a very difficult task and Mr. Gentry said that in reality, it may be the Commission who needs to create the funding formula. Mr. Gentry said the private sector built the Fisher Library and he agreed that it is a very busy and vibrant library and a real asset to the community. Mr. Gentry said he would hate to see it move backwards. Chairman Crews suggested that allocation by population may be the best option.

11. COMMENTS FROM THE AUDIENCE

A. Comments of Mr. Dan Chesanow, a McMinn County Resident.

Mr. Chesanow said he feels the McMinn County Commission agenda should be more detailed so that citizens know what will be discussed. He also suggested that the resolutions be emailed to the various libraries where they can be printed and available to the public. Mr. Chesanow said he reviewed about 170 resolutions and he discussed what he felt was the wrong direction of our county and was critical of the Commission's lack of action concerning creation of jobs and lack of revenue.

12. RESOLUTIONS

A. A Resolution to Approve a Grant with the Federal Emergency Management Agency for Reimbursement of Costs Associated with Storm Recovery and Response.

Mr. Gentry presented the following resolution to approve a grant with the Federal Emergency Management Agency for reimbursement of costs associated with storm recovery and response.

RESOLUTION NO. 12-005

A RESOLUTION TO APPROVE A GRANT WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR REIMBURSEMENT OF COSTS ASSOCIATED WITH STORM RECOVERY AND RESPONSE

WHEREAS, the purpose of the FEMA-1974 Grant is to reimburse for costs incurred by the county as a result of the severe storms, flooding, tornadoes and straight-line winds that occurred during April 2011 storms; and

WHEREAS, this contract is for projects that were written for reimbursement during the response and recovery phases of the declared disaster FEMA-1974-DR-TN; and

WHEREAS, projects include the work documented by the McMinn County Highway Department, Sheriff's Department, Landfill and various rural fire districts; and

WHEREAS, all projects are complete and the contract will now allow for reimbursement payments to the County; and

NOW, THEREFORE; BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16th DAY OF January 2012, that this Commission approves the reimbursement grant with FEMA and FURTHER RESOLVES to authorize the County Mayor to execute all necessary documents regarding this grant.

(Orig signed by John M. Gentry)
County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

Motion carried by voice vote.

B. A Resolution to Enter into Agreement with the City of Athens, TDEC and the U.S. Army Corps of Engineers Concerning Remediation and Restricted Use of Mouse Creek Bank in the Athens Regional Park.

Mr. Gentry presented the following resolution to enter into agreement with the City of Athens, TDEC and the U.S. Army Corps of Engineers concerning remediation and restricted use of Mouse Creek Bank in the Athens Regional Park. Mr. Gentry added that this was approved by the Properties Committee earlier this evening.

Resolution No. 12-006

A RESOLUTION TO ENTER INTO AGREEMENT WITH THE CITY OF ATHENS, TDEC AND THE U.S. ARMY CORPS OF ENGINEERS CONCERNING REMEDIATION AND RESTRICTED USE OF MOUSE CREEK BANK IN THE ATHENS REGIONAL PARK

WHEREAS, the City of Athens and McMinn County(Grantor), is the owner of approximately 2.47 acres situated along 2,127 linear feet (lf) of North Mouse Creek within 11.1 acres of real property described in a Deed of record with the McMinn County Tennessee Register of Deeds, Book 14G, Page 187, and Parcel Number 054055 03100 herein after referred to as the "Property"; and,

WHEREAS, the Property is shown on a survey drawn by City of Athens, GIS Division dated 12-15-2011, attached hereto as Exhibit A and incorporated herein by reference; and,

WHEREAS, the Property possesses natural resources with significant aquatic, ecological and habitat values ("Conservation Values"). These natural resources are of aesthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people. These values include Waters of the U.S., as defined in 40 C.F.R § 122.2 (Oct. 1, 2009), including streams, wetlands and the adjacent uplands, and other native vegetation and wildlife. These natural resources are of great importance to both TDEC, the Grantor, and the United States Army Corps of Engineers ("USACE");

WHEREAS, the Property has been approved by USACE for use as mitigation pursuant to and as defined in 33 C.F.R. Part 332 (April 10, 2008);

WHEREAS, the Property has been identified as being occupied by, or as being potential habitat for species of native plants and wildlife which Grantor desires to establish, preserve, protect, restore and enhance;

WHEREAS, on or about 10-6-2009, the Commissioner of the Department of Environment and Conservation (TDEC) issued Aquatic Resource Alteration Permit (ARAP) Number NRS 09.260 to Grantor; and,

WHEREAS, on or about 9-11-2009, the Nashville District Engineer of the USACE issued an Individual Permit (IP) [OR "verified Nationwide Permit (NWP)" or "General Permit (GP)"] Number 2009-01223 pursuant to Section 404 of the Clean Water Act (CWA) to Grantor; and,

WHEREAS, the referenced ARAP and CWA permits and approval of the Property for use as mitigation under 33 C.F.R. Part 332 require that certain uses of the Property be restricted.

WHEREAS, it is the purpose of this Notice to ensure that the Property will be retained forever in an open space condition and to prevent any use of the Property that will impair or interfere with the Conservation Values of the Property. Grantor intends that this Notice (i) will assure that the Property will be used for such activities that are consistent with the purposes of this Notice and (ii) shall be implemented consistently with the referenced ARAP and CWA Permits.

(Cont'd)

Resolution 12-006 (Cont'd)

NOW, THEREFORE, in consideration of the foregoing, Grantor hereby declares that the Property should be held, sold, and conveyed subject to the following land use restrictions. Said land use restrictions shall run with the land and shall be binding on all parties having any right, title, or interest in the Property or any part thereof, their heirs, successors, successors-in-title, and assigns, and shall inure to the benefit of each owner thereof and to TDEC and the respective successors and assigns of such parties:

Land Use Restrictions:

- A. Uses. There shall be no commercial or industrial activity undertaken or allowed; nor shall any right of passage across or upon the Protected Property be allowed or granted if that right of passage is used in conjunction with commercial or industrial activity.
- B. Vegetation. There shall be no removal, destruction, cutting, or spraying with biocides of any vegetation, nor any disturbance or change in the natural habitat in any manner, excepting activities (e.g., invasive species eradication and access road upkeep) that are essential to the maintenance of the Property as a protected natural area. There shall be no planting or introduction of any vegetation except as described in the Aquatic Resource Alteration Permit NRS # 09.260, the CWA Permit, or in the final mitigation plan attached hereto as Exhibit B.
- C. Topography. Except as permitted under the referenced ARAP and CWA Permits or as described in the final mitigation plan, there shall be no filling, excavating, dredging, mining, or drilling, no removal of topsoil, sand, gravel, rock, minerals or other materials, nor any dumping of ashes, garbage, or of any other material not required for the Property's maintenance as a protected natural area, and no changing of the topography of the land in any manner, excepting activities (e.g., wetland restoration, restorative stream bank grading) that are essential for the management of the Property as a protected natural area.
- D. Building. There shall be no construction or placing of buildings, mobile homes, advertising signs, billboards, or other structures, excepting notice signs as required by the referenced ARAP or CWA Permits.
- E. Roads. Except as permitted under the referenced ARAP and CWA Permits there shall be no building of new roads or any other rights of way, nor widening of existing roads, excepting access routes and trails required for the management of the Property as a natural area.
- F. Waters. Except as permitted under the referenced ARAP and CWA Permits or as described in the approved mitigation plan, there shall be no draining, ditching, diking, dredging, channelizing, damming, pumping, or impounding; no changing the grade or elevation, impairing or diverting the flow or circulation of waters, or reducing the reach of waters; and no other discharge or activity requiring a permit under applicable clean water or water pollution control laws and regulations, as amended.
- G. Vehicles. There shall be no operation of dune buggies, motorcycles, or any recreational all-terrain vehicles, or any other types of motorized vehicles, excepting work vehicles (e.g., tractors, backhoes, work trucks) required to maintain the Property as a protected natural area.
- H. Non-Native/Exotic Species. There shall be no introduction of non-native or exotic species to the Property.
- I. General. There shall be no use of the Property which may adversely affect the purpose of this Notice.

Resolution 12-006 (Cont'd)

Other Provisions:

- A. Entrance and Inspection. Any owner of a portion of the Property and USACE and TDEC shall have the right to enter and inspect the Property and may enforce this Notice of Land Use Restrictions by means of a civil action.
- B. Enforcement. The grantor grants USACE and TDEC, as third party beneficiaries hereof, a discretionary right to enforce these restrictive covenants in a judicial action against any person or other entity violating or attempting to violate these restrictive covenants; provided, however, that no violation of these restrictive covenants shall result in forfeiture or reversion of title. In any enforcement action, an enforcing agency shall be entitled to complete restoration for any violation, as well as any other remedy available under law or equity, such as injunctive relief and administrative, civil or criminal penalties. No omission or delay in acting by USACE and/or TDEC shall bar subsequent enforcement rights or constitute a waiver of any enforcement right. These enforcement rights are in addition to, and shall not limit, enforcement rights available under other provisions of law or equity, or under any applicable permit or certification. Nothing herein shall limit the right of the USACE to modify, suspend, or revoke the referenced CWA Permit. Nothing herein shall be construed to authorize the USACE or TDEC to institute proceedings against the owner for changes to the Property due to acts of God, natural disasters, or unauthorized acts of third parties outside the control of the grantor so long as the compensatory mitigation is completed and determined by the USACE and TDEC to be successful in accordance with the Mitigation Plan.
- C. Term. This Notice of Land Use Restrictions shall run with and bind the Property in perpetuity unless/until this Declaration shall be made less stringent or canceled as set forth under the paragraph entitled "Amendment and Termination."
- D. Amendment and Termination. This Notice of Land Use Restrictions may be waived, amended, modified, or terminated at any time for cause by and upon the agreement of both the Commissioner of TDEC and USACE. No amendment to this Notice of Land Use Restrictions shall be effective until such amendment or instrument terminating this Notice of Land Use Restrictions is recorded in the Register's Office for McMinn County, Tennessee.
- E. Modifications. Grantor must provide 60 (sixty) days notice to TDEC and USACE prior to any action being taken that serves to void, modify, amend, or terminate this Notice of Land Use Restrictions.. Any permit application, or request for certification or modification, which may affect the Property made to any government entity with authority over wetlands or other waters of the United States, shall expressly reference and include a copy (with the recording stamp) of this Land Use Restriction.

The grantor shall provide the USACE and TDEC with written notice of any legal action affecting this Land Use Restriction, including but not limited to foreclosure proceedings, tax sales, bankruptcy proceedings, zoning changes, adverse possession, abandonment, condemnation proceedings, and the exercise of the power of eminent domain. For any action that might result in this Land Use Restriction being voided or modified, such notice shall be provided at least 60 days before such action would be taken.

- E. Severability. Invalidation of any of these covenants or restrictions by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.

Resolution No. 12-006 (Cont'd)

- F. Title. Grantor represents and warrants that Grantor is lawfully seized of the Property, including the mineral rights thereto, that Grantor has a good right to enter into this Notice of Land Use Restrictions, that the title to the Property is clear and unencumbered, and Grantor will forever warrant and defend the title to the Property to TDEC and USACE against the lawful claims and demands of all persons whomsoever, except as listed on Exhibit C, attached hereto and hereby incorporated by reference.

Grantor has identified all other parties that hold any interest (e.g. encumbrances) in the Property and has notified such parties of the Grantor's intent to grant this Land Use Restriction.

- G. Transfer and Assignment. The Grantor shall include the following notice on all deeds, mortgages, plats, or any other legal instrument used to convey any interest in the Property:

NOTICE: This Property is subject to a Land Use Restriction dated [*insert date of Declaration*], recorded in the [*insert County name*] County Clerk's Office on [*insert date recorded*] in Deed Book [*insert number*], Page [*insert number*] and enforceable by the U.S. Army Corps of Engineers and Tennessee Department of Environment and Conservation.

The grantor shall provide the USACE and TDEC with written notice of any transfer 60 days prior to such transfer. The notice shall include the name, address, and telephone number of the prospective transferee, a copy of the proposed deed or other documentation evidencing the conveyance, and a survey map that shows the boundaries of the Mitigation Property being transferred. Failure to comply with this paragraph does not impair the validity or enforceability of this Land Use Restriction.

- H. Notification. Any notice, request for approval, or other communication require by these restrictive covenants shall be sent by registered mail, pre-paid postage, to the following addresses (or such addresses as may be hereinafter specified by notice pursuant to this paragraph):

To Grantor City of Athens, TN
P.O. Box 849
Athens, TN 37371-0849

To USACE: U.S. Army Corps of Engineers, Nashville District
Regulatory Branch
3701 Bell Road
Nashville, TN 37214

To TDEC: TDEC
Division of Water Pollution Control
401 Church Street, 7th Floor L & C Annex
Nashville, TN 37243-1534

(Cont'd)

Resolution 12-006 (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 JANUARY 2012, that this Commission authorizes the County Mayor to enter into agreement with the City of Athens, TDEC and the U.S. Army Corps of Engineers concerning remediation and restricted use of Mouse Creek bank in the Athens Regional Park and FURTHER RESOLVES to authorize the County Mayor to execute all necessary documents regarding this agreement.

(Orig signed by John M. Gentry)
County Mayor

ATTEST:

(Orig signed by Evonne Hoback)
County Clerk

Exhibits should be on separate pages attached to this document.

EXHIBIT A – SURVEY OF PROPERTY

EXHIBIT B – APPROVED MITIGATION PLAN

EXHIBIT C - TITLE EXCEPTIONS
(example: property easements, if any)

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

Motion carried by voice vote.

C. A Resolution to Authorize the County Mayor to Apply for a Clean Tennessee Energy Grant for Improvements to the Courthouse Annex.

Mr. Gentry presented the following resolution to authorize the County Mayor to apply for a Clean Tennessee Energy Grant for improvements to the courthouse annex, and added that this was approved by the Properties Committee earlier this evening. Mr. Gentry added that the match will be paid for with TVA impact funds if we are successful.

Resolution No. 12-007

A RESOLUTION TO AUTHORIZE THE COUNTY MAYOR TO APPLY FOR A CLEAN TENNESSEE ENERGY GRANT FOR IMPROVEMENTS TO THE COURTHOUSE ANNEX

WHEREAS, McMinn County desires to seek the assistance of a new funding source to promote energy conservation in the renovation of the former Proffit's building for the McMinn County Board of Education administration office; and

WHEREAS, the successful renovation of the 20,000 sq/ft facility requires a new HVAC system and, if funding allows, a new energy efficient lighting system; and

WHEREAS, McMinn County will be requesting \$250,000 from the Tennessee Department of Environment and Conservation through a Clean Tennessee Energy Grant; and

WHEREAS, due to the competitive nature of the grant, the matching amounts ranging from 20% to 50% would result in McMinn County's maximum exposure being \$125,000; and

WHEREAS, it is proposed that the match requirement be funded through TVA Impact Funds; and

WHEREAS, the deadline to apply for this grant is March 30, 2012; and

NOW, THEREFORE; BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16th DAY OF JANUARY 2012, that this Commission authorizes the County Mayor to apply for a Clean Tennessee Energy Grant from TDEC and FURTHER RESOLVES to authorize the County Mayor to execute all necessary documents regarding this grant.

(Orig signed by John M. Gentry)
County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

Motion carried by voice vote.

D. A Resolution Authorizing and Supporting the Submission of an Application for Grants from the Tennessee Aeronautics Division for a New Maintenance Hangar, New Ten Unit T-Hangar and Airport Drainage Study.

Mr. Gentry presented the following resolution authorizing and supporting the submission of an application for grants from the Tennessee Aeronautics Division for a new maintenance hangar, new ten unit T-hangar and airport drainage study. Mr. Gentry added that this was approved by the Airport Committee earlier this evening.

RESOLUTION NO. 12-008

A RESOLUTION AUTHORIZING AND SUPPORTING THE SUBMISSION OF AN APPLICATION FOR GRANTS FROM THE TENNESSEE AERONAUTICS DIVISION FOR A NEW MAINTENANCE HANGAR, NEW TEN UNIT T-HANGAR AND AIRPORT DRAINAGE STUDY

WHEREAS, the current McMinn County Airport maintenance hangar is in violation of FAA height restrictions and must be replaced at an estimated cost of \$950,000; and

WHEREAS, the old ten unit T-Hangar is in poor condition and is also in violation of FAA height restrictions and needs to be replaced at an estimated cost of \$947,777; and

WHEREAS, McMinn County desires to conduct a drainage study to determine the most appropriate way to reduce impact to adjacent property; and

WHEREAS, this drainage study will cost an estimated \$10,000; and

WHEREAS, grants for these projects are available through the Tennessee Aeronautics Division requiring 10% matching funds for each project; and

WHEREAS, \$853,000 in FAA Entitlement Funds have already been earmarked to McMinn County for the replacement of the old ten unit T-hangar; and

WHEREAS, matching funds will be taken from Other Capital Projects Fund 189; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16TH DAY OF JANUARY 2012, that this Commission does hereby authorize the County Mayor to submit the applications and execute the grants from the Tennessee Aeronautics Division for the above mentioned projects at the McMinn County Airport.

BE IT FURTHER RESOLVED that McMinn County agrees to match 10% of each grant from Other Capital Projects Fund 189.

(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.

E. A Resolution to Approve the Request for Hotel-Motel Funds by the Athens Area Chamber of Commerce to Fund National Moofest

Mr. Gentry presented the following resolution to approve the request for hotel-motel funds by the Athens Area Chamber of Commerce to fund National MooFest. Mr. Gentry said that the Athens Area Chamber of Commerce has agreed to carry on National MooFest with the retirement of Richard and Elaine Newman and they requested \$20,000.00. Mr. Gentry said that this was considered by the Budget Committee earlier this evening and they recommend that we fund \$10,000.00.

Resolution No. 12-009

A RESOLUTION TO APPROVE THE REQUEST FOR HOTEL-MOTEL FUNDS BY THE ATHENS AREA
CHAMBER OF COMMERCE TO FUND
NATIONAL MOOFEST

WHEREAS, the National MooFest provides an important event to promote McMinn County's proud agrarian heritage on a grand scale; and

WHEREAS, the 2011 National MooFest was attended by an estimated 10,000 people; and

WHEREAS, the Athens Area Chamber of Commerce has agreed to carry on National MooFest with the retirement of Richard and Elaine Newman; and

WHEREAS, National MooFest does not have sufficient working capital to begin the Chamber's new venture; and

WHEREAS, the MooFest Committee has requested funding from McMinn County to assist in marketing the 2012 National MooFest; and

WHEREAS, to assist in the funding of this annual festival, the Athens Chamber of Commerce requests \$20,000 from the Hotel/Motel Tax Fund; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16th DAY OF JANUARY 2012 that this Commission does hereby approve \$10,000 for the Athens Chamber to produce the 5th Annual National MooFest.

(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 Masingale, to approve this resolution.

Motion carried by voice vote.

F. A Resolution Requesting the Tennessee General Assembly to Consider Making the Sale of Synthetic Drugs a Felony.

Mr. Gentry explained the following resolution was received from Rutherford County for our consideration and Sheriff Guy commented that this is something new that they are dealing with and he gave a couple of examples of synthetic drugs sold under pseudo names. He said he supports this resolution which would request the General Assembly to consider passing legislation that would make manufacturing, distribution and selling of synthetic drugs a felony in Tennessee.

Resolution No. 12-010

A RESOLUTION REQUESTING THE TENNESSEE GENERAL ASSEMBLY TO CONSIDER
MAKING THE SALE OF
SYNTHETIC DRUGS A FELONY

WHEREAS, synthetic marijuana and designer stimulants have created a public health problem; and

WHEREAS, currently in the State of Tennessee some of these products are being sold legally while some are covered under current legislation deeming their use only a misdemeanor; and

WHEREAS, McMinn County, like many communities in our state, is experiencing the adverse the effects of illicit drug use; and

WHEREAS, the McMinn County Commission believes the Tennessee General Assembly should consider passing comprehensive legislation to make the manufacturing, distribution and selling of synthetic drugs a felony in the State of Tennessee; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16th DAY OF JANUARY 2012 that this Commission does hereby request State Senator Mike Bell and State Representative John Forgety to further research the negative impacts of synthetic marijuana and other illegal drugs, and consider introducing or co-sponsoring legislation which would make its manufacture, sale or distribution a felony.

(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.

G. A Resolution to Approve Request for Continuation of Medical Expense and Life Insurance Coverage.

Mr. Gentry presented the following resolution to approve the following resolution to approve a request of the Highway Commissioner to continue medical and life insurance coverage for a rotary mower operator who is on temporary leave.

RESOLUTION NO. 12-011

A RESOLUTION TO APPROVE REQUEST FOR CONTINUATION OF
MEDICAL EXPENSE AND LIFE INSURANCE COVERAGE

WHEREAS, Financial Management Committee Policy and Procedures allow for continued coverage of medical and life insurance benefits during temporary leave on a case by case basis, subject to County Commission approval; and

WHEREAS, McMinn County Highway Commissioner Randall Moss does hereby request continuation of coverage for a rotary mower operator not to exceed three (3) months; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 16TH DAY OF JANUARY 2012, that this request by Highway Commissioner Randall Moss be hereby approved.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

Motion carried by voice vote.

H. A Resolution to Petition the Tennessee General Assembly to Dissolve the Woods Memorial Hospital District Board of Trustees.

Mr. Gentry presented and explained the following resolution to petition the Tennessee General Assembly to dissolve the Woods Memorial Hospital District Board of Trustees. Mr. Gentry referred to a letter from Attorney H. Chris Trew which was also provided to the Commission and Mr. Gentry added that a Private Act would be required that would need to be approved by 2/3 vote of this Commission.

Resolution No. 12-012

A RESOLUTION TO PETITION THE TENNESSEE GENERAL ASSEMBLY TO DISSOLVE THE WOODS
MEMORIAL HOSPITAL DISTRICT BOARD OF TRUSTEES

WHEREAS, Woods Memorial Hospital District was established by Private Act of the State of Tennessee on the 16th day of February 1965; and

WHEREAS, WMHD was sold to Doctors' Hospital of McMinn County in 2008; and

WHEREAS, WMHD Board of Trustees has now transferred the last of its funds to McMinn County and has no other pending business to resolve; and

(Cont'd)

Resolution No. 12-012 (Cont'd)

WHEREAS, the WMHD Board of Trustees has requested the McMinn County Commission to petition the Tennessee General Assembly to introduce a private act to terminate the board effective December 31, 2012; and

WHEREAS, request for a Private Act requires a two thirds majority vote by the County Commission; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16th DAY OF JANUARY 2012 that this Commission does hereby approve this resolution to petition the Tennessee General Assembly to dissolve the WMHD Board of Trustees effective December 31, 2012.

(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.

13. ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

None.

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

A. Budget Committee – Commissioner Curtis.

Commissioner Curtis said that the Budget Committee met earlier this evening and addressed the National MooFest request and also approved the budget calendar for next year.

B. Properties Committee – Commissioner Mason.

Commissioner Mason said that the Properties Committee met earlier this evening and recommended approval on three resolutions which the Commission approved earlier in this meeting.

C. Comments by County Attorney Regarding Cary Cox Case vs McMinn County.

County Attorney Vance Baker reported that the case of Cox vs McMinn County has been dismissed.

D. Approval of County Road List/Map.

At the Highway Commissioner's request, Chairman Crews presented the annual road list for approval.

MOTION made by Commissioner Curtis, and seconded by Commissioner Masingale, to approve the road list/map.

Motion carried by voice vote.

15. COMMENTS FROM THE COUNTY MAYOR

A. VA Clinic Update.

Mr. Gentry said he has talked to the Deputy Director of the Tennessee Veterans Affairs and he has not heard anything at this time. He then called Senator Corker's Office, and added that he will continue calling every month until this decision is made.

B. Redistricting.

Mr. Gentry provided copies of three redistricting maps and said that the biggest change is that McMinn County has moved from the 2nd Congressional district to the 3rd Congressional district but Mr. Gentry explained that Congressman Duncan is still our Congressman until January 1013. However, our citizens will be voting in the 3rd Congressional district election in August and November of this year.

C. Repainting in the Basement of the Courthouse.

Mr. Gentry said thanks to inmate labor and his office staff, the basement of the courthouse has been repainted and several photographs have been displayed as part of his office's thousand words project. The pictures will display various McMinn County scenes as submitted by citizens.

D. Comments in Reply to Earlier Comments by Citizen Dan Chesanow.

Mr. Gentry said that every one of the 170 resolutions that Mr. Chesanow referred to address a problem or keep one from occurring and they are not done lightly. A lot of things address industrial development in this county that don't come through this board because other organizations are charged with various duties, but we work with them and have representation on those boards. As far as Mr. Chesanow's comments regarding the agenda, Mr. Gentry said he has no problem unless there is a legal issue and added that sometimes action must be taken on issues that come up after the agenda is published. Mr. Gentry said he is very proud of McMinn County's accomplishments and feels that this is one of the best run counties in the State of Tennessee. He added that this County government has prepared itself for economic growth by purchasing hundreds of acres of industrial property and indeed extended infrastructure to them as well.

16. APPROVAL OF NOTARY APPLICATIONS

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

Notary Applications for January 2012

Teresa L. Barlok
Mark S. Dougherty
Courtney D. Hall
Brandy N. Hamilton
Robert McCowan Jr.
Marie D. McDonald
James Moore
Veniece Revis
Patsy A. Walker
Shakendre M. Warner

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

Motion carried by voice vote.

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 8:32 pm.

EVONNE HOBACK
McMinn County Clerk

Attest:

Deputy Clerk (date)