

The McMinn County Board of Commissioners met in Regular Session on November 26, 2012, at 7:00 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 - 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 October 15, 2012 were provided to the McMinn County Commissioners.

MOTION made by Commissioner Holbrook, and seconded by Commissioner King, to approve the Minutes of October 15, 2012.

Motion carried by voice vote.

6. ATTORNEY/CLIENT SESSION

At 7:02 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 7:25 pm, Chairman Crews reconvened the Commission meeting.

7. APPROVAL OF BIDS AND PURCHASES

A. A Resolution to Approve and Award the Semi-Annual Liquid Asphalt Bid.

Mr. Luallen presented the following resolution to approve and award the semi-annual liquid asphalt bid, along with a letter of recommendation from the Commissioner of Highways and the Bid Summary Sheet.

RESOLUTION NO. 12-141

A RESOLUTION TO APPROVE AND AWARD THE
SEMI-ANNUAL LIQUID ASPHALT 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 the purchase of liquid asphalt for the period of November 1, 2012 thru April 30, 2013, 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 recommends the bid be awarded to the low bidder, Marathon Petroleum Company, Knoxville, TN and Hudson Materials Company, Chattanooga, TN.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 26th DAY OF NOVEMBER 2012, 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 Powers, and seconded by Commissioner Slack, to approve this resolution.

Motion carried by voice vote.

B. A Resolution to Approve and Award the Annual Pharmacy Bid.

Mr. Luallen presented the following resolution to approve and award the annual pharmacy bid, along with a letter of recommendation from the Sheriff, as well as the bid summary sheet and a price comparison for the bid.

RESOLUTION NO. 12-142

A RESOLUTION TO APPROVE AND AWARD THE ANNUAL PHARMACY 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. 12-142 (Cont'd)

WHEREAS, the Sheriff's Department requests purchase of medical supplies, non prescription items, and prescription drugs from Diamond Pharmacy Service for the period of December 1, 2012 through November 30, 2013; and

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

WHEREAS, Joe Guy, McMinn County Sheriff, has recommended the bid be awarded to Diamond Pharmacy Service, the low bidder meeting specifications.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 26th DAY OF NOVEMBER, 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 Simpson, and seconded by Commissioner King, to approve this resolution.

Motion carried by voice vote.

C. A Resolution to Approve Purchase Over \$10,000 from State of Tennessee Contract for a 2012 F-150 Truck to be Used at the McMinn County Highway Department.

Mr. Luallen presented the following resolution to approve purchase over \$10,000 from State of Tennessee contract for a 2012 F-150 truck to be used at the McMinn County Highway Department, along with a copy of the requisition.

Resolution No. 12-143

A RESOLUTION TO APPROVE PURCHASE OVER \$10,000 FROM
STATE OF TENNESSEE CONTRACT FOR A 2012 F-150 TRUCK TO BE USED
AT THE MCMINN COUNTY HIGHWAY DEPARTMENT

WHEREAS, the McMinn County Highway Commissioner, Randall Moss, requests to purchase an F-150 truck from the State of Tennessee contract; and

WHEREAS, the truck to be purchased is a 2012 F-150 4WD Extended Cab valued at \$21,513; and

WHEREAS, according to Financial Management Committee Policies & Procedures, purchases over \$10,000 require County Commission approval; and

NOW, BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 26th DAY OF NOVEMBER, 2012, that this Commission does hereby approve the purchase of a 2012 F-150 4WD Extended Cab truck from the State of Tennessee contract for the McMinn County Highway Department.

(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 Mason, to approve this resolution.

Motion carried by voice vote.

D. A Resolution to Approve Advance Payment of 2012 Inservice/Supplemental Pay to Eligible Officers of the McMinn County Sheriff's Department.

Mr. Luallen presented the following resolution to approve advance payment of 2012 inservice/supplemental pay to eligible officers of the McMinn County Sheriff's Department. Mr. Luallen explained that this money is received in the month of June, but historically, it has been paid to the officers in December.

RESOLUTION NO. 12-144

A RESOLUTION TO APPROVE ADVANCE PAYMENT OF 2012 INSERVICE/SUPPLEMENTAL PAY TO ELIGIBLE OFFICERS OF THE MCMINN COUNTY SHERIFF'S DEPARTMENT

WHEREAS, McMinn County receives payment of in-service supplemental pay from the State of Tennessee Peace Officer Standards and Training Commission for eligible officers as defined in Tennessee Code Annotated Title 38 Chapter 8; and

WHEREAS, the amount of the supplemental pay is \$600.00 per officer, and is received in the month of June; and

WHEREAS, McMinn County Sheriff Joe Guy requests this money be paid in the month of December.

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE MEETING IN REGULAR SESSION ON THIS THE 26th DAY OF NOVEMBER 2012, that this Commission does hereby approve the request of Sheriff Guy.

(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 Powers, to approve this resolution.

Motion carried by voice vote.

8. REVIEW AND APPROVAL OF CONTRACTS

A. A Resolution to Approve the Contract Between McMinn County and Griffith Engineering for Engineering Services for Boiler Replacement at the McMinn County Justice Center.

Mr. Luallen presented the following resolution to approve the contract between McMinn County and Griffith Engineering for engineering services for boiler replacement at the McMinn County Justice Center.

RESOLUTION NO. 12-145

A RESOLUTION TO APPROVE THE CONTRACT BETWEEN
MCMINN COUNTY AND GRIFFITH ENGINEERING
FOR ENGINEERING SERVICES FOR BOILER REPLACEMENT
AT THE MCMINN COUNTY JUSTICE CENTER

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 enter into contract with Griffith Engineering & Consulting Inc. to supply engineering services for boiler replacement at the McMinn County Justice Center; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 26TH DAY OF NOVEMBER 2012 THAT THIS commission does hereby agree to enter into contract with Griffith Engineering & Consulting Inc. for engineering services for boiler replacement at the McMinn County Justice Center.

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 Mason, to approve this resolution.

Mr. Gentry explained that local building permit and boiler inspection regulations now require professional engineered plans for boiler replacement.

Motion carried by voice vote.

9. APPROVAL OF BUDGET AMENDMENTS

Mr. Luallen presented six budget amendments in two different funds, a copy of which was provided to each Commissioner. Mr. Luallen added that these all had School Board approval on 10-17-2012.

Fund: General Purpose School # 141

Date: October 15, 2012

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Federal Funds Rec'd Thru State	Ed. of the Handicapped Act	47143	18,093.59	

Cont'd

Fund: General Purpose School # 141 (Cont'd)

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Special Ed. Program Support	Travel	72220-355		17,093.59
"	Other Supplies & Materials	72220-499		1,000.00

EXPLANATION: To budget additional funds received from the state for special education high cost students.

Fund: General Purpose School Fund # 141 Date: October 16, 2012

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Reserve	Unassigned Fund	39000	277,214.00	
Regular Education Program	Maint. & Repair Svcs -	71100-336		59,564.00
"	Regular Instruction	71100-722		11,881.00
Regular Ed. Program Support	Other Supplies & Materials	72210-499		580.00
"	Staff Development	72210-524		3,000.00
Maintenance	Maint. & Repair Svcs - Building	72620-335		102,760.00
"	Maint & Repair Svcs - Equip.	72620-336		27,970.00
Pre-School	Instructional Supplies	73400-429		4,605.00
Regular Capital Outlay	Building Improvements	76100-707		66,854.00

EXPLANATION: To budget funds for items entered in reserve for encumbrances prior year. These were purchase orders issued in FY 2011 - 2012 that will be completed in FY 2012-2013.

Fund: General Purpose School # 141 Early Childhood Education Date: November 2, 2012

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Revenue	Early Childhood Education	46515	9,913.00	
Regular Instruction Program	Teachers	73400-116	12,757.00	
"	Educational Assistants	73400-163	121.00	

(Cont'd)

Fund: General Purpose School # 141 Early Childhood Education (Cont'd)

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Regular Instruction Program	Social Security	73400-201	798.00	
"	State Retirement	73400-204	1,140.00	
"	Life Insurance	73400-206		25.00
"	Medical Insurance	73400-207		6,488.00
"	Unemployment Compensation	73400-210	530.00	
"	Employer Medicare	73400-212	187.00	
"	Printing, Stationery, & Forms	73400-349		1,500.00
"	Travel	73400-355		10,000.00
"	Other Contracted Services	73400-399		4,512.00
"	Instructional Supplies	73400-429	27,957.00	
"	Other Charges	73400-599	4,122.00	
"	Other Equipment	73400-790		35,000.00

EXPLANATION: To adjust estimated budget for Pre-K to actual budget, FY 2012-2013.

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

Fund: Federal Projects # 142 - IDEA Preschool Grant, 11.21, # 911 Date: October 15, 2012

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Special Ed. Program	Instructional Supplies & Materials	71200-429		1,475.00
"	Other Supplies & Materials	71200-499		1,475.23
Special Ed. Program Support	Other Contracted Services	72220-399	2,836.23	
"	Other Equipment	72220-790	114.00	

EXPLANATION: To enter Budget Amendment No. 2 to the IDEA Preschool 11.21 Grant - Approved by the state August 31, 2012

Fund: Federal Projects # 142 - IDEA Part B, 11.21, # 91R Date: October 15, 2012

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Special Education Program	Contracts with Private Agencies	71200-312	99,000.00	
"	Other Contracted Services	71200-399	9,650.00	
"	Instructional Supplies & Materials	71200-429		7,652.00
"	Other Supplies & Materials	71200-499		21,691.00
"	Special Ed. Equipment	71200-725		18,973.00
Special Ed. Program Support	Other Capital Outlay	72220-799	3,898.00	
Transportation	Transportation Equipment	72710-729		64,232.00

EXPLANATION: To enter Budget Amendment No. 1 to the IDEA - Part B, 11.21 Grant. Approved by the State August 29, 2012.

Fund: Federal Projects # 142 - # 581 First to the Top Date: November 2, 2012

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Revenue	Other Sources	47311		20,896.00
Support Services	Other Salaries & Wages	72210-189		18,556.00
"	Social Security	72210-201	7,384.00	

(Cont'd)

Fund: Federal Projects # 142 - # 581 First to the Top (Cont'd)

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Support Services	State Retirement	72210-204		3,173.00
"	Life Insurance	72210-206	193.00	
"	Medical Insurance	72210-207	22,117.00	
"	Employer Medicare	72210-212	837.00	
"	Other Fringe Benefits	72210-299	41.00	
"	Travel	72210-355	16,357.00	
"	Staff Development	72210-524		4,304.00

EXPLANATION: To adjust estimated budget for Race to the Top, FY 2012-2013 to actual budget.

MOTION made by Commissioner Powers, and seconded by Commissioner Slack, 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

Resolution to Declare Two Ford Ranger Pickup Trucks as Surplus Property.

Mr. Luallen presented the following resolution to declare two Ford Ranger pickup trucks as surplus property as requested by the Commissioner of Highways.

RESOLUTION NO. 12-146

A RESOLUTION TO DECLARE TWO FORD RANGER PICKUP TRUCKS AS SURPLUS PROPERTY

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

WHEREAS, the McMinn County Highway Department desires to declare two Ford Ranger pickup trucks 1) 1998 Ford Ranger Pickup, SN 1FTYR10X8WUB23574 & 2) 1996 Ford Ranger Pickup, SN 1FTCR10X4TUB87066 as surplus property; and

WHEREAS, Highway Commissioner Randall Moss requests approval to declare these two Ford Ranger Pickups as surplus and sell them; and

(Cont'd)

Resolution No. 12-146 (Cont'd)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 26th DAY OF NOVEMBER 2012, that this Commission does hereby declare these two Ford Ranger Pickup trucks as surplus property.

(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.

10. PUBLIC HEARING - RURAL METRO COUNTY OPERATING LICENSE

Chairman Crews explained that the purpose of the public hearing was to determine if Rural/Metro's probationary license to provide non-emergency ambulance service in the county should be reinstated to their normal contract. Rural/Metro had been given probationary status on its license so Commissioners could await the results of an antitrust and tortious interference lawsuit filed against the company ICare-EMS Inc., the former emergency ambulance provider for the county. In response to a list of written questions asked by the County Mayor, several representatives of Rural/Metro spoke in defense of Rural/Metro's service and several issues were discussed in detail. Rural/Metro also provided a summary handout of their presentation which was provided to each Commissioner. After their presentation, a lengthy discussion was held between Rural/Metro representatives, the County Mayor and the Commissioners.

11. COMMENTS FROM THE AUDIENCE

A. Noise Complaint by Dr. Mark Workman.

Dr. Mark Workman, a resident on a county road near Lambcon Readymix concrete plant, came before the Commission for the fourth month concerning noise caused by this plant, especially at night. Dr. Workman said the problem continues and the only change since last month is that the trees are now without leaves which means there is even less barrier to the noise. Dr. Workman asked again that the County Commission seriously consider adopting the County Powers Act, and he again reviewed actions by other counties that did not result in additional expenses for the county. He also said that he now has 270 names on his petition.

B. Comments by Mr. Marvin Worthy Regarding the Tax Assessor.

Mr. Worthy said that Mr. Jerry Anderson has violated his trust and he requested that the County Commission pass a resolution strongly recommending that Mr. Anderson resign his position as Tax Assessor. Chairman Crews told Mr. Worthy that a resolution would be presented later in this meeting.

12. DECLARE VACANCY FOR 4TH DISTRICT CONSTABLE

The County Attorney explained that this vacancy should have been on the last election ballot, but due to a simple oversight, it was not placed on the ballot. It is the consensus of the State Election Coordinator and County officials that this vacancy be declared and an appointment made next month after consideration of any applications.

MOTION made by Commissioner Mason, and seconded by Commissioner Masingale, to declare a vacancy for the 4th District Constable position.

Motion carried by voice vote.

13. RESOLUTIONS

A. Consideration of a Resolution Regarding Licensing Rural/Metro as a Non-Emergency Ambulance Service Provider in McMinn County.

Mr. Gentry presented a draft resolution to be finalized upon decision by the McMinn County Commission.

In response to a question from Commissioner King, Mr. Gentry explained that cities may contract for their own ambulance service within their city limits.

MOTION made by Commissioner Mason, and seconded by Commissioner Powers, to reinstate Rural/Metro as a non-emergency ambulance service provider in McMinn County effective until July 1, 2013.

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 - Nay
Charles Slack - Aye
Chairman David Crews - Aye

The approved resolution is spread in the minutes as follows:

RESOLUTION NO. 12-147

A RESOLUTION TO LICENSE RURAL/METRO AS A NON-EMERGENCY
AMBULANCE SERVICE PROVIDER IN MCMINN COUNTY

WHEREAS, on June 18, 2012, the McMinn County Commission passed a resolution granting probationary approval to Rural Metro to provide non-emergency and convalescent ambulance service in McMinn County; and

WHEREAS, this probationary approval was due to pending civil action in United States District Court between Rural/Metro and former McMinn County 911 EMS provider ICare, Inc. regarding allegations of antitrust and tortious interference lawsuit; and

Cont'd)

Resolution No. 12-147 (Cont'd)

WHEREAS, the McMinn County Commission has now held a full hearing concerning evidence made available during the tortuous interference lawsuit; and

WHEREAS, the McMinn County Commission recommends granting a full licensure to Rural/Metro to provide non-emergency ambulance service in McMinn County.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING THIS 26TH DAY OF NOVEMBER 2012, that this Commission does hereby grant full licensure to Rural/Metro to provide non-emergency ambulance service in McMinn County.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

B. A Resolution to Approve Adding an Extended Portion of County Road 612 to the McMinn County Highway Maintenance System as County Road 614.

Mr. Gentry presented the following resolution to approve adding an extended portion of County Road 612 to the McMinn County Highway Maintenance System as County Road 614, along with a letter of recommendation from the Commissioner of Highways.

Resolution No. 12-148

A RESOLUTION TO APPROVE ADDING AN EXTENDED PORTION OF COUNTY ROAD 612 TO THE MCMINN COUNTY HIGHWAY MAINTENANCE SYSTEM AS COUNTY ROAD 614

WHEREAS, the residents of County Road 612 desire an extended portion of their road to be included on the McMinn County Highway Maintenance System; and

WHEREAS, the McMinn County Highway Department has a policy of bringing unapproved roads up to county standards with County Commission approval; and

WHEREAS, a cashier's check in the amount of \$10,183.49 has been deposited with the McMinn County Finance Office to hold in escrow until the project is completed; and

WHEREAS, tentative approval was granted by the County Commission on October 15, 2012; and

WHEREAS, this extended portion of County Road 612 will be designated on the maintenance list as County Road 614; and

WHEREAS, the McMinn County Highway Commissioner recommends County Road 614 be accepted in the maintenance system as a Class 3 road; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 26th DAY OF NOVEMBER 2012 that this Commission does hereby approve the addition of County Road 614 to the McMinn County Highway Department Maintenance List.

(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.

C. A Resolution to Approve Adding County Road 3051 Phase One to the McMinn County Highway Maintenance System.

Mr. Gentry presented the following resolution to approve adding County Road 3051 Phase One to the McMinn County Highway Maintenance System. Mr. Gentry added that this has gone through the subdivision process and this is recommended by the Highway Commissioner.

Resolution No. 12-149

A RESOLUTION TO APPROVE ADDING COUNTY ROAD 3051 PHASE ONE TO THE MCMINN COUNTY HIGHWAY MAINTENANCE SYSTEM

WHEREAS, according to Chattanooga Engineering Group, County Road 3051 meets the roadway specifications of McMinn County; and

WHEREAS, the McMinn County Highway Commissioner recommends County Road 3051 be added to the McMinn County Highway Department Maintenance List; and

WHEREAS, County Road 3051 is off State Route 305, measures approximately 3,200 lineal feet and ends at a cul-de-sac; and

WHEREAS, County Road 3051 is a Class 1 Road; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 26th DAY OF NOVEMBER 2012 that this Commission does hereby approve the addition of County Road 3051 to the McMinn County Maintenance List.

(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.

D. A Resolution to Approve Adding County Road 555 Back to the McMinn County Highway Maintenance System.

Mr. Gentry presented and explained the following resolution to approve adding County Road 555 back to the McMinn County Highway Maintenance System.

Resolution No. 12-150

A RESOLUTION TO APPROVE ADDING COUNTY ROAD 555 BACK TO THE MCMINN COUNTY HIGHWAY MAINTENANCE SYSTEM

WHEREAS, County Road 555 was removed from the McMinn County Maintenance System and removed from the log book; and

WHEREAS, this removal was due to the State of Tennessee's plan to widen Highway 30 E and replace CR 555 with a series of extended driveways; and

WHEREAS, the State of Tennessee has decided it would be in the best interest of residents of that area to keep CR 555 in place; and

WHEREAS, County Road 555 in its rebuilt state begins at the west bound lane of Highway 30 E and extends .10 miles to a dead end and is 24 feet wide and plant mix paved; and

WHEREAS, County Road 555 is now a Class 1 Road compared to its original rating of a Class 4 Road; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 26th DAY OF NOVEMBER 2012 that this Commission does hereby approve the addition of County Road 555 to the McMinn County Maintenance System.

(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 Powers, to approve this resolution.

Motion carried by voice vote.

E. A Resolution to Congratulate Jack Hammontree on His Retirement as Executive Vice President of the McMinn County Economic Development Authority.

Mr. Gentry presented the following resolution to congratulate Jack Hammontree on his retirement as Executive Vice President of the McMinn County Economic Development Authority.

Resolution No. 12-151

A RESOLUTION TO CONGRATULATE JACK HAMMONTREE ON HIS RETIREMENT
AS EXECUTIVE VICE-PRESIDENT OF THE McMINN COUNTY ECONOMIC
DEVELOPMENT AUTHORITY

WHEREAS, Jack Hammontree has decided to retire as Executive Vice President and Chief Operating Officer of the McMinn County Economic Development Authority after 13 years of service; and

WHEREAS, Jack Hammontree's illustrious career of economic development has included serving as President and CEO of the Knoxville Chamber of Commerce, Director of Economic Development for the State of Alabama and Chairman of the Alabama Industrial Development Bond Board; and

WHEREAS, Jack Hammontree has made a lasting impact on economic development in McMinn County by helping develop and implement innovative programs such as the PILOT and TIF programs; and

WHEREAS, during Jack Hammontree's tenure as McMinn County EDA Director, over 1,500 jobs have been added as a result of companies such as Waupaca, E&E Manufacturing, Creative Foam and Midlab making McMinn County their home, and various corporations such as Denso, Heil and Johns Manville instituting substantial expansions; and

WHEREAS, Jack Hammontree has overseen the addition of Mt. Verd Industrial Park as well as the expansions of McMinn/Athens I-75 Industrial Park and North Etowah Industrial Park; and

WHEREAS, his expertise and leadership was instrumental in obtaining a grant from USEDA to supply all three industrial parks with fiber optics; and

WHEREAS, Jack Hammontree has been a prominent member of numerous professional organizations including the Southern Economic Development Council, the National Right-to-Work Committee, the International Economic Development Council as well as the Tennessee Economic Development Council which recently awarded Jack the organization's first Legacy Award; and

WHEREAS, Jack Hammontree's service to the citizens of McMinn County has been characterized by dedication, integrity, courtesy, professionalism and class; and

WHEREAS, McMinn County is an overall better place to live because of Jack Hammontree's career contributions at the McMinn County Economic Development Authority; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 26th DAY OF NOVEMBER 2012, that this Commission does hereby honor Jack Hammontree's efforts in the field of economic development and commends him for the positive impact he has had on the McMinn County economy and wishes him many years of joyful retirement.

(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 King, to approve this resolution.

Motion carried by voice vote.

F. A Resolution Requesting the Resignation of McMinn County Property Assessor Jerry Anderson.

At Chairman Crews request, Mayor Gentry presented and read the following resolution requesting the resignation of McMinn County Property Assessor Jerry Anderson.

Resolution No. 12-152

A RESOLUTION REQUESTING THE RESIGNATION OF
McMINN COUNTY PROPERTY ASSESSOR JERRY ANDERSON

WHEREAS, McMinn County Property Assessor Jerry Anderson was cited by the Cleveland Police Department for shoplifting on October 26, 2012; and

WHEREAS, Mr. Anderson has publicly admitted his guilt in this incident; and

WHEREAS, these actions are below the standards expected of McMinn County elected officials; and

WHEREAS, as holders of the public trust, elected officials are and should be held to a high moral standard; and

WHEREAS, it is the responsibility of public officials to strive to avoid even the mere appearance of impropriety;
and

WHEREAS, the commission does appreciate Mr. Anderson's acknowledgement of his infraction and wishes him well in addressing this issue; and

WHEREAS, to protect the integrity of the office of the McMinn County Property Assessor and McMinn County Government as a whole, the McMinn County Commission requests Mr. Anderson resign his position as McMinn County Property Assessor; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE MEETING IN REGULAR SESSION THIS THE 26TH DAY OF NOVEMBER 2012 that this Commission after due consideration does hereby request Jerry Anderson resign his position as McMinn County Property Assessor.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

Note: Original resolution was also signed by County Commissioners David Crews, Chairman, Scott Curtis, Tad Simpson, Gary Mason, Roger Masingale, Tim King, Dale Holbrook, Charles Slack, and Bob Powers. Commissioner J. W. McPhail was absent.

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

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

The County Attorney said he has discussed this with District Attorney General Steve Bebb and Mr. Bebb said he intends to grant a pre-trial diversion because this does not constitute an oustable offense.

A gentleman in the audience asked about a petition that ten citizens signed but Mr. Gentry said that if there is no conviction, most likely a citizen ouster will not work. Mr. Gentry also explained the process for a citizens ouster if there were to be a conviction.

14. ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

None.

15. REPORTS FROM COMMITTEES, COUNTY OFFICIALS; COMMENTS FROM COMMISSIONERS

None.

16. COMMENTS FROM THE COUNTY MAYOR

A. McMinn County Commission's Annual Planning Session.

Mr. Gentry said that the Annual Planning Session is being planned for January 11-12, 2013, in the new Etowah Community Center. One of the topics will be the requirements involved in adopting the County Powers Act which Dr. Workman has discussed on several occasions.

B. Rhodes Scholar Recipient.

Mr. Gentry said Joseph Riley, a McMinn County native, has won the most prestigious academic fellowship in the world. Mr. Gentry said that he is a product of McMinn County public schools and a local family and Mr. Gentry added that he is very proud that he calls McMinn County home and he expects wonderful things for Mr. Joe Riley in the future. Mr. Gentry said excellence does occur here and it should be noted that you can be born, raised, and educated in McMinn County and compete with the best of the world. He said that a resolution will be presented at our December Commission meeting.

C. Woods Memorial Foundation Board/Woods Memorial Board.

Mr. Gentry said that the first meeting of the Woods Memorial Foundation will be held Thursday, November 29, 2012, at 6:00 pm, and at the same time will be the last meeting of the Woods Memorial Board as they close out business with final audit approval. Mr. Gentry said that the new Foundation board will be given a charge on what their responsibilities and duties are.

17. APPROVAL OF NOTARY APPLICATIONS

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

Notary Applications for November 2012

Melissa D. Armour
Amy B. Arnwine
Rachel N. Arroyo-Watson
Russell J. Blair
Marchie Cain
Joseph H. Crabtree Jr.
Kelly R. Dennis
Whitney Edwards

(list cont'd next page)

Notary Applications for November 2012 (Cont'd)

Janice Hall Gentry
Judy B. Guinn
Betsy Hazelwood
Alisha L. Johnson
Stephanie Johnson
Edna B. Kinard
Brian J. Miracle
Alejandro Mora
Lonnie A. Patton
Kathy G. Peterson
Jessica D. Soto
Rhonda C. Wilson

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

Motion carried by voice vote.

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

None.

19. ADJOURNMENT

There being no other business, Chairman Crews declared the Commission meeting adjourned at 9:00 pm.

EVONNE HOBACK
McMinn County Clerk

Attest;

Deputy Clerk (date)