

The McMinn County Board of Commissioners met in Regular Session on August 19, 2013, 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 Masingale.

**3. PLEDGE TO THE FLAG**

The Pledge to the Flag was led by Commissioner Powers.

**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 - Absent  
J. W. McPhail - Absent  
Bob Powers - Present  
Tad Simpson - Present  
Charles Slack - Present  
Chairman David Crews - Present

**5. ELECTION OF COMMISSIONER CHAIRMAN AND VICE CHAIRMAN**

Chairman Crews opened the floor for nominations for Chairman.

MOTION made by Commissioner Masingale, and seconded by Commissioner Slack, to nominate David Crews as Chairman.

Motion carried by voice vote.

Chairman Crews opened the floor for nominations for Vice Chairman.

MOTION made by Commissioner Masingale, and seconded by Commissioner Slack, to nominate Commissioner J. W. McPhail as Vice Chairman.

Motion carried by voice vote.

**6. APPROVAL OF MINUTES**

(con't)

Copies of the Minutes of the Regular Session on August 19, 2013, were provided to the McMinn County Commissioners.

MOTION made by Commissioner Holbrook, and seconded by Commissioner Simpson, to approve the Minutes of August 19, 2013.

Motion carried by voice vote.

## **7. APPROVAL OF BIDS AND PURCHASES**

### **A. A Resolution to Approve and Award the Semi-Annual Bid of Motor Oil.**

Mr. Luallen presented resolution # 13-109 with a copy of letters of recommendation from Stan Moses Landfill Supervisor and Commissioner of Highways Randall Moss and bid summary sheet.

### **RESOLUTION NO. 13-109**

#### **A RESOLUTION TO APPROVE AND AWARD THE SEMI-ANNUAL BID OF MOTOR OIL**

**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 Purchasing Department requests the purchase of Motor Oil, fluids and grease for October 1, 2013 through March 31, 2014, in order to properly carry out the functions of each department; and

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

**WHEREAS**, the Department Heads from the departments involved, recommends the bid be awarded to the low bidder per item meeting specifications as indicated on letters of recommendation (see attached).

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16<sup>th</sup> DAY OF SEPTEMBER 2013, that this Commission does hereby approve the recommendation of the McMinn County Supervisors and Department Heads.**

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

**Attest:**

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

### **B. A Resolution to Approve and Award the Annual Bid for Crushed Stone.**

Resolution No.13-110 (con't)

Mr. Luallen presented resolution # 13-110 with a copy of letter of recommendation from Commissioner of Highways Randall Moss and bid summary sheet.

**RESOLUTION NO. 13-110**

**A RESOLUTION TO APPROVE AND AWARD THE ANNUAL  
BID FOR CRUSHED STONE**

**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 Highway Department requests the purchase of crushed stone for the period of October 1, 2013 through September 30, 2014, in order to properly carry out the functions of the department; and

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

**WHEREAS**, Randall Moss, McMinn County Highway Commissioner has recommended the bid be awarded to Vulcan Materials Company and Bluegrass Materials, the low bidders meeting specifications of each grade plus a \$.15 haul charge to the center of each job site based on location of plant considering a \$ .15 severance tax to be charged to out of county quarries.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16<sup>th</sup> DAY OF SEPTEMBER 2013, 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 Simpson, and seconded by Commissioner Curtis, to approve this resolution.

Motion carried by voice vote.

C. A Resolution for the Bid for Sedimentation Basin Upgrade.

Mr. Luallen presented resolution # 13-111 with bid summary sheet and letter of recommendation from CTI Engineers, Inc and did have Landfill Committee approval.

**RESOLUTION NO. 13-111**

**A RESOLUTION TO THE BID FOR  
SEDIMENTATION BASIN UPGRADE**

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

Resolution No.13-111 (con't)

**WHEREAS**, the McMinn County Landfill requested to bid for sedimentation basin upgrade, 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**, Ron Key, with CTI Engineers, reviewed the only bid submitted and indicated that the overall amount exceeds the available funds, however, a portion of the work is within our estimate. Therefore, Mr. Key recommends the award of items number 1 and 3 in the bid schedule at a total contract amount of \$95,000. The scope of the remaining work will be modified and the project will be rebid at a later date.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16<sup>th</sup> DAY OF SEPTEMBER, 2013, that this Commission does hereby approve the recommendation of items 1 and 3 totaling \$95,000.00.**

(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 Declare Equipment as Surplus Property.

Mr. Luallen presented resolution # 13-112.

#### **RESOLUTION NO. 13-112**

#### ***A RESOLUTION TO DECLARE EQUIPMENT 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 requests approval to have the equipment listed on the attached letter declared as surplus property and sell them; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16<sup>th</sup> DAY OF SEPTEMBER 2013, that this Commission does hereby declare these items as surplus property.**

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

Attest:

Resolution No.13-112 (con't)

(Orig signed by Evonne Hoback)  
 County Clerk

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

Motion carried by voice vote.

**8. REVIEW AND APPROVAL OF CONTRACTS**

None

**9. APPROVAL OF BUDGET AMENDMENTS**

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

Fund: General Fund # 101

Date: September 12, 2013

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Federal Through State	Community Development	47180	750,000.00	
Industrial Development	Other Contracted Services	58190-399		750,000.00
Reserve	Unassigned Fund Balance	39000	8,000.00	
Employee Benefits	Life Insurance	58600-206		8,000.00
Reserve	Self-Insurance Reserve	34715	7,159.94	
Reserve	Unassigned Fund Balance	39000		7,159.94

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

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

Motion carried by roll call vote, as recorded:

Mr. Luallen presented the following budget amendments, a copy of which was provided to each Commissioner and did have school board approval.

Fund: General Purpose School # 141

Date: September 9, 2013

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
State Education Funds	Other State Education Funds	46590-TECH	351,864.00	
Fund Balance	Unassigned Fund Balance	39000	74,742.00	
Regular Instruction Pro. Support	Other Contracted Services	72210-399-TECH		426,606.00
Reserve	BEP	34555	74,742.00	
Reserve	Unassigned Fund Balance	39000		74,742.00

(con't)

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

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

Motion carried by roll call vote, as recorded:

Mr. Luallen said that there was a correction that needed to be made on the Purchases in Excess of \$500.00. Repair on the Athens Fire truck should be 19,350.49.

#### **10. TRUSTEE ANNUAL REPORT**

Phil Tuggle McMinn County Trustee gave copies of his annual financial report to all the commissioners. This report is filed with the County Mayor and County Clerk.

#### **11. COMMENTS FROM THE AUDIENCE**

None.

#### **12. RESOLUTIONS**

A. A Resolution to Relieve the McMinn County Trustee of Property Tax Reporting and Collection Liability Regarding 2011 Delinquent Taxes.

Mr. Gentry presented resolution #13-113. This is an annual resolution.

#### **Resolution No. 13-113**

#### **A RESOLUTION TO RELIEVE THE MCMINN COUNTY TRUSTEE OF PROPERTY TAX REPORTING AND COLLECTION LIABILITY REGARDING 2011 DELINQUENT TAXES**

**WHEREAS**, it appears that Phil Tuggle, Trustee of McMinn County, Tennessee, has complied with the statutes of the State of Tennessee, relative to requirements as to the filing of reports of delinquent and insolvent taxpayers for the 2011 real property taxes and 2011 personal property taxes and further, it appears that proper suit has been instituted in the Chancery Court for McMinn County, Tennessee, for collection of said taxes; and

**WHEREAS**, it further appears that Phil Tuggle, Trustee of McMinn County, Tennessee, has filed a list of delinquent taxpayers and double assessments as provided by law, and should be properly relieved from any further liability for the reporting and collection of delinquent 2011 real property and 2011 personal property taxes as properly certified and turned over to the Clerk & Master for McMinn County, Tennessee.

**NOW, THEREFORE; BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16<sup>th</sup> DAY OF SEPTEMBER, 2013** that this Commission does hereby relieve the McMinn County Trustee of Property Tax Reporting and

Resolution No.13-113 (con't)

Collection liability regarding the 2011 delinquent property taxes and personal property taxes as properly certified and turned over to the Clerk and Master of 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 Slack, to approve this resolution.

Motion carried by voice vote.

B. A Resolution Declaring Airport Scrap Metal Materials as Surplus Property.

Mr. Gentry presented resolution #13-114.

**Resolution No. 13-114**

**A RESOLUTION DECLARING AIRPORT SCRAP METAL MATERIALS  
AS SURPLUS PROPERTY**

**WHEREAS**, McMinn County is currently in the process of erecting a set of ten new t-hangars and one new storage hangar at the McMinn County Airport; and

**WHEREAS**, the old set of ten t-hangars and former terminal/maintenance hangar are scheduled for demolition once the new facilities are erected and occupied; and

**WHEREAS**, due to the potential value of the scrap metal in the demolished hangars McMinn County believes it is in the best interest to declare the scrap metal as surplus property and sell it to the highest bidder.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE MEETING IN REGULAR SESSION THIS THE 16<sup>TH</sup> DAY OF SEPTEMBER 2013**, that this Commission does hereby declare the scrap metals resulting from the eventual demolition of the old set of ten t-hangars and former terminal/maintenance hangar as surplus property and directs them to be sold to the highest and best bidder subject to all applicable local and state purchasing procedures.

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

Resolution No.13-114 (con't)

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

Motion carried by voice vote.

C. A Resolution Creating a McMinn County Wildlife and Fisheries Committee.

Mr. Gentry presented resolution #13-115.

**Resolution No. 13-115**

**A RESOLUTION CREATING A McMINN COUNTY  
WILDLIFE AND FISHERIES COMMITTEE**

**WHEREAS**, the McMinn County Board of Commissioners is aware of its need to work with other groups and agencies at the local, state and federal level to improve and maintain opportunities for its citizens to utilize private and public lands and waters for appropriate hunting, trapping and fishing; and

**WHEREAS**, hunting and fishing are among the county's most popular recreational outlets that contributes significantly to the local economy and the quality of life of its citizens; and

**WHEREAS**, hunting and trapping is often needed to control nuisance animals in order to protect the property, domestic animals and health of our citizens; and

**WHEREAS**, in an effort to enhance the hunting, trapping and fishing opportunities in McMinn County for its citizens this Commission desires to establish a Wildlife and Fisheries Committee to work with county residents, hunting and fishing clubs and other interested entities to monitor regulation and policy changes of the Tennessee Wildlife Resource Agency; and

**WHEREAS**, this committee may also make any recommendations on such changes or recommend new regulations to the County Commission to pursue with the Tennessee Fish and Wildlife Commission, Tennessee Wildlife Resource Agency and the Tennessee General Assembly; and

**WHEREAS**, this committee shall not impugn or overshadow the speech of any individual citizen who desires to be heard by this body or other appropriate agencies; and

**WHEREAS**, the membership of this committee shall be composed of the County Mayor or his designee, two members of the County Commission appointed by the Commission Chairman, and one resident of each of the county's five civil districts to be appointed by the commissioners representing said district.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE MEETING IN REGULAR SESSION THIS THE 16<sup>TH</sup> DAY OF SEPTEMBER 2013**, that this Commission does hereby establish the McMinn County Wildlife and Fisheries Committee to work with its citizens and appropriate state and federal agencies to improve hunting, trapping and fishing opportunities in McMinn County.

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

Resolution No. 13-115 (con't)

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

Motion carried by voice vote.

### **13. ELECTIONS, APPOINTMENTS AND CONFIRMATIONS**

#### **A. A Resolution to Confirm the Appointment of Carmen Fugate to the McMinn County Regional Planning Commission.**

Mr. Gentry presented resolution #13-116.

#### **Resolution No. 13-116**

#### **A RESOLUTION TO CONFIRM THE APPOINTMENT OF CARMEN FUGATE TO THE McMINN COUNTY REGIONAL PLANNING COMMISSION**

**WHEREAS**, McMinn County has a regional planning commission to provide for the review of the proposed development of property in McMinn County subject to the rules and regulations of said regional planning commission; and

**WHEREAS**, state law grants authority to the County Mayor to appoint members to the regional planning commission upon confirmation by the county legislative body; and

**WHEREAS**, John M. Gentry as McMinn County Mayor, nominates Carmen Fugate to fill the unexpired four year term of Butch Carman to the McMinn County Regional Planning Commission due to expire January 1, 2015.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 16<sup>th</sup> DAY OF SEPTEMBER 2013**, that this commission does hereby confirm the appointment of Carmen Fugate to the McMinn County Regional Planning Commission.

(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.

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

- County Attorney Vance Baker—Judge Pucket requested both parties to submit additional briefs on an issue that had not been addressed yet.
- Sheriff Joe Guy—commended two of his correction officers Jason Baush and Lanette Rubush for the work they did on the properties room. Sheriff Guy said the work they did will accommodate the new construction. The design will accommodate well over 400 inmates property. He also believes that this will save the county some money in the future.

Sheriff Guy also said that an informant told him that people are bypassing McMinn County when they make meth. They are going to other counties because they can't get Pseudoephedrine in McMinn County because of the work that the officers are doing and the partnership with local pharmacies. He also wanted to let the commission know that the Jail expansion is still on schedule.

**15. COMMENTS FROM THE COUNTY MAYOR**

- Jail expansion on schedule.
- Airport Project is moving well.
- Rails to trails to go with a phased approach. Phase I would go out to Hwy 39 at a cost of about \$270,000.00. Phase II would go into Englewood. The three local governments would work out an agreement on maintenance.
- Recreation Advisory Committee elected a chairman, Scott Edgemon from the Riceville area.

**16. APPROVAL OF NOTARY APPLICATIONS**

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

Notary Applications for September 2013

- |                     |                        |
|---------------------|------------------------|
| 1. Lisa M. Raby     | 8. Stephanie L. McCall |
| 2. Susan A. Martin  | 9. Angela S. Croft     |
| 3. Patsy k. Gentry  | 10. Marilyn L. Miller  |
| 4. Teresa L. Bishop | 11. Courtney D. Long   |
| 5. Robert A. Watson | 12. Evonne Hoback      |
| 6. Loy E. Watson    | 13. Ralph W. Fenton    |
| 7. Robin Rollins    | 14. Jermon Garner      |

MOTION made by Commissioner Holbrook, 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 8:00 pm.

(con't)

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EVONNE HOBACK  
McMinn County Clerk

Attest:

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Deputy (date)