

The McMinn County Board of Commissioners met in Regular Session on September 15, 2014, 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 Roger Masingale.

3. PLEDGE TO THE FLAG

The Pledge to the Flag was led by Boy Scott Troup 315 from Mars Hill.

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  
Jerry Millsaps - Present  
J. W. McPhail - Present  
Brent Carter - Present  
Tad Simpson - Present  
Charles Slack - Present  
Chairman David Crews – Present

5. ELECTION OF COMMISSION CHAIRMAN AND VICE CHAIRMAN

Chairman Crews opened the floor for nominations for Chairman.

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

Motion carried by voice vote.

6. APPROVAL OF MINUTES

Copies of the Minutes of the Regular Session on August 18, 2014 were provided to the McMinn County Commissioners.

MOTION made by Commissioner Holbrook, and seconded by Commissioner King, to approve the minutes of August 18, 2014.

Motion carried by voice vote.

7. APPROVAL OF BIDS AND PURCHASES

A. A Resolution to Approve and Award the Bid for Miscellaneous Equipment for New Trucks for McMinn County Rural Fire Department.

Mr. Luallen presented resolution #14-098, along with a copy of the bid summary sheet and letter of recommendation from Scott R Thompson, Chief Coordinator for McMinn County Fire Department.

**RESOLUTION NO. 14-098**

**A RESOLUTION TO APPROVE AND AWARD THE BID  
FOR MISCELLANEOUS EQUIPMENT FOR NEW TRUCKS FOR  
MCMINN COUNTY RURAL FIRE DEPARTMENT**

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

**WHEREAS**, the McMinn County Rural Fire Chief has requested the purchase of miscellaneous equipment for the new trucks, in order to properly carry out the functions of the department; and

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

**WHEREAS**, Scott Thompson, McMinn County Rural Fire Chief has recommended the bid be awarded to the low bidder meeting specifications, NAFECO of Decatur, AL.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15<sup>th</sup> DAY OF SEPTEMBER 2014, that this Commission does hereby approve the recommendation of the Rural Fire Chief.**

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

**Attest:**

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

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

Mr. Luallen presented resolution #14-099, along with letter of recommendation from Dan Evans, McMinn County Highway Commissioner and bid summary sheet.

**RESOLUTION NO. 14-099**

**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

Resolution No. 14-099 (con't)

**WHEREAS**, the McMinn County Highway Department requests the purchase of crushed stone for the period of October 1, 2014 through September 30, 2015, 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**, Dan Evans, McMinn County Highway Commissioner has recommended the bid be awarded to Vulcan Materials and Bluegrass Materials, the low bidders meeting specifications of each grade plus a \$.20 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 15<sup>th</sup> DAY OF SEPTEMBER 2014, 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 Slack, and seconded by Commissioner King, to approve this resolution.

Motion carried by voice vote.

C. A Resolution to Approve and Award Bid for Jury Chairs for the New Circuit Court Clerk's Office at the McMinn County Justice Center.

Mr. Luallen presented resolution #14-100, along with letter of recommendation from John Gentry, McMinn County Mayor and bid summary sheet.

#### **RESOLUTION NO. 14-100**

#### **A RESOLUTION TO APPROVE AND AWARD BID FOR JURY CHAIRS FOR THE NEW CIRCUIT COURT CLERK'S OFFICE AT THE MCMINN COUNTY JUSTICE CENTER**

**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 Mayor John Gentry requests the purchase of jury chairs for the justice center expansion; and

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

**WHEREAS**, Mayor Gentry, recommends the bid be awarded to Theatre Solutions, Inc. of Quakertown, PA in the amount of \$11,622 the lowest bidder meeting specifications.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15<sup>th</sup> DAY OF SEPTEMBER, 2014, that this Commission does hereby approve the recommendation of Mayor Gentry.**

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

Resolution No. 14-100 (con't)

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

D. A Resolution to Approve Purchase over \$10,100 for a Remanufactured final Drive Assemble for the John Deere 850C to be used at the Landfill.

Mr. Luallen presented resolution #14-101, along with letter of request from Stan Moses, Solid Waste Manager and a copy of the requisition.

**RESOLUTION NO. 14-101**

**A RESOLUTION TO APPROVE PURCHASE OVER \$10,000 FOR A REMANUFACTURED FINAL DRIVE ASSEMBLY FOR THE JOHN DEERE 850C TO BE USED AT THE LANDFILL**

**WHEREAS**, the McMinn County Landfill Supervisor Stan Moses requests to purchase a remanufactured final drive assembly for the John Deere 850C in order to replace a complete final drive failure on the left side with approximately 18,800 hours of operation time; and

**WHEREAS**, the remanufactured final drive assembly to be purchased is a John Deere valued at \$11,900 plus freight with 100 – 150 hours of operation; and

**WHEREAS**, according to Financial Management Committee Policies & Procedures, purchases over \$10,000 require the approval of the Commission.

**NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 15<sup>th</sup> DAY OF SEPTEMBER, 2014, that this Commission does hereby approve the purchase of a final drive assembly for the McMinn County Landfill.**

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

E. A Resolution to Approve to Approve the Appropriation of Funds to Nonprofit Organization-  
Tennessee Public Safety Network.

Mr. Luallen presented resolution #14-102, along with a copy of the requisition signed by Joe Guy McMinn County Sheriff.

**RESOLUTION NO. 14-102**

**A RESOLUTION TO APPROVE THE APPROPRIATION OF FUNDS  
TO NONPROFIT ORGANIZATION –  
TENNESSEE PUBLIC SAFETY NETWORK**

**WHEREAS**, McMinn County appropriates funds to aid nonprofit organizations; and

**WHEREAS**, McMinn County Sheriff Joe Guy has requested to make a contribution from the drug fund in the amount of \$500.00 to Tennessee Public Safety Network; and

**WHEREAS**, in accordance with T.C.A. 5-9-109 it is necessary to advertise the intent to appropriate funds to nonprofit, organizations.

**NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 15<sup>th</sup> DAY OF SEPTEMBER, 2014, that the advertisement and payment of \$500.00 be approved to Tennessee Public Safety Network.**

(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 Simpson, to approve this resolution.

Motion carried by voice vote.

F. A Resolution to Declare Items as Surplus Property.

Mr. Luallen presented resolution #14-103, along with the list of items from Dan Evans, McMinn County Highway Commissioner.

**RESOLUTION NO. 14-103**

**A RESOLUTION TO DECLARE ITEMS 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

Resolution No. 14-103(con't)

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15<sup>th</sup> DAY OF SEPTEMBER 2014, that this Commission does hereby declare these items as surplus property.**

(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 McPhail, to approve this resolution.

Motion carried by voice vote.

G. A Resolution to Approve Purchase over \$10,000 for High Density Filing System for the New Circuit Court Clerk's Office at the McMinn County Justice Center Through GSA Contracting.

Mr. Luallen presented resolution #14-104, along with a copy of the quote.

#### **RESOLUTION NO. 14-104**

#### **A RESOLUTION TO APPROVE PURCHASE OVER \$10,000 FOR HIGH DENSITY FILING SYSTEM FOR THE NEW CIRCUIT COURT CLERK'S OFFICE AT THE MCMINN COUNTY JUSTICE CENTER THROUGH GSA CONTRACT PRICING**

**WHEREAS**, McMinn County Mayor request high density filing system for the new Circuit Court Clerk's office at the McMinn County Justice Center through the GSA purchasing system in the amount of \$34,185.11; and

**WHEREAS**, in accordance with Financial Management Committee Policies and Procedures expenses over \$10,000 require County Commission approval.

**NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 15<sup>th</sup> DAY OF SEPTEMBER, 2014, that the purchase over \$10,000 for high density filing system for the new Circuit Court Clerk's office at the McMinn County Justice Center through the GSA purchasing system in the amount of \$34,185.11 be approved.**

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

Resolution No. 14-104 (con't)

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

Motion carried by voice vote.

H. A Resolution to Approve Purchase from the Bids to Address Phase 1 of the Structured Cable networking and Camera/Intercom Portion of the Security Upgrades to Niota, Riceville, and Calhoun Schools.

Mr. Luallen presented resolution #14-105, this did have Board of Education approval.

### **RESOLUTION NO. 14-105**

#### **A RESOLUTION TO APPROVE PURCHASE FROM THE BIDS TO ADDRESS PHASE I OF THE STRUCTURED CABLE NETWORKING AND CAMERA/INTERCOM PORTION OF THE SECURITY UPGRADES TO NIOTA, RICEVILLE, AND CALHOUN SCHOOLS**

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

**WHEREAS**, McMinn County Board of Education has requested security upgrades at McMinn County Schools in order to properly carry out the functions of the school; and

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

**WHEREAS**, it is the desire of the McMinn County Board of Education to invest in capital safety improvements for its schools; and

**WHEREAS**, these safety improvements will be addressed in three phases; and

**WHEREAS**, phase one will address structured cable networking and cameras and intercom at Niota, Riceville, and Calhoun Schools; and

**WHEREAS**, structured cable networking will be purchased from a McMinn County bid opened on March 14, 2013, in the amount of \$346,139.04 from Digital Group, LLC, low bidder meeting specifications; and

**WHEREAS**, the camera and intercom system will be purchased from an existing Sevier County bid in the amount of \$110,334.96 from Central Knox dba Central Technologies Inc., low bidder meeting specifications; and

**WHEREAS**, the McMinn County School Board of Education has approved & recommends the safety project.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15<sup>th</sup> DAY OF SEPTEMBER 2014, that this Commission does hereby approve the purchase from the bids to address security upgrades at Niota, Riceville, and Calhoun schools and further authorize the County Mayor to execute all documents essential to fulfilling said project.**

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

Resolution No. 14-105 (con't)

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

Motion carried by voice vote.

8. REVIEW AND APPROVAL OF CONTRACTS

A. A Resolution to Approve the Emergency Repair of Taxiway/Ramp Area at the McMinn County Airport.

Mr. Luallen presented resolution #14-106.

**RESOLUTION NO. 14-106**

**A RESOLUTION TO APPROVE THE EMERGENCY REPAIR OF TAXIWAY/RAMP AREA AT THE MCMINN COUNTY AIRPORT**

**WHEREAS**, an area of pavement failure has developed at the McMinn County Airport on the south taxiway and ramp area; and

**WHEREAS**, pavement failure on this area of the ramp and taxiway poses a FOD or foreign object debris risk to jet engines and can also cause extra stress on front landing gear mechanisms if the aircraft must turn in the broken area of the pavement; and

**WHEREAS**, McMinn County has preliminary approval to apply for a fifty thousand dollar (\$50,000) emergency repair grant at a ninety-five: five (95:5) match from the Tennessee Department of Transportation, Division of Aeronautics to repair the pavement; and

**WHEREAS**, McMinn County Mayor John Gentry requests approval to both apply for said grant and permission to award the work should quotes be acquired from contractors in excess of \$10,000 to perform the emergency pavement repairs.

**NOW, THEREFORE, BE IT RESOLVED BY THE MCMINN COUNTY BOARD OF COMMISSIONERS MEETING IN REGULAR SESSION THIS THE 15th DAY OF SEPTEMBER, 2014**, that the McMinn County Mayor be granted authority to apply for an Emergency Repair Grant and also to award and execute such contract should the emergency repairs to the airport sinkholes be in excess of \$10,000.00, the public welfare requiring it.

(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.

Discussion: County Mayor John Gentry said that Dan Evans, Highway Commissioner will try to repair the ramp. This grant will be there if the County has to contract out some of the work.

Motion carried by voice vote.

9. APPROVAL OF BUDGET AMENDMENTS

None.

10. TRUSTEE'S ANNUAL REPORT – PHIL TUGGEL

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. JUVENILE SERVICES ANNUAL REPORT

Mr. Larry Rhodes, Director of Juvenile Services, thanked the Commission for the opportunity to present their Annual Report for 2013 - 2014 which was provided to each Commissioner. This report is filed with the County Mayor and County Clerk.

12. COMMENTS FROM THE AUDIENCE

- Bill Freeman-Mr. Freeman addressed the County Commission on Resolution #14-114 concerning Amendment 1. Mr. Freeman asks the County Commission not to support the Resolution.
- Charles Pope-Mr. Pope addressed the County Commission on Resolution #14-114 concerning Amendment 1. Mr. Pope let the County Commission know that he supports the Resolution.
- Anna Grabowski-Ms. Grabowski Addressed the County Commission on Resolution # 14-114 concerning Amendment 1. Ms. Grabowski asks the County Commission not to support the Resolution.
- Janice Fiegle-Ms. Fiegle Addressed the County Commission on Resolution # 14-114 concerning Amendment 1. Ms. Fiegle asks the County Commission not to support the Resolution.
- Ginger Malloy- Ms. Malloy addressed the County Commission on Resolution #14-114 concerning Amendment 1. Ms. Malloy let the County Commission know that she supports the Resolution.
- Sheree Calloway-Ms. Calloway addressed the County Commission on Resolution #14-114 concerning Amendment 1. Ms. Calloway asks the County Commission not to support the Resolution.

13. RESOLUTIONS

A. A Resolution to Honor and Commend the First United Presbyterian Church on its 125<sup>th</sup> Anniversary.

Mr. Gentry presented Resolution #14-107 and read the resolution to be presented to the County Commission.

**RESOLUTION NO. 14-107**

**A RESOLUTION TO HONOR AND COMMEND THE FIRST UNITED PRESBYTERIAN CHURCH ON ITS 125<sup>TH</sup> ANNIVERSARY**

**WHEREAS**, the First United Presbyterian Church has been a beacon of hope to the lost and hurting in our community since 1889; and

**WHEREAS**, the First United Presbyterian Church has impacted the lives of thousands of McMinn County citizens through its worship, discipleship and educational ministries; and

**WHEREAS**, during the time of segregation, the membership of First United Presbyterian Church stepped up to ensure young African Americans received a quality education by organizing a school for black students known as Athens Academy; and

**WHEREAS**, for over a century, First United Presbyterian has proven that it is a body of believers willing to take action to make a difference; and

Resolution No. 14-107 (con't)

**WHEREAS**, McMinn County is a better place to live and raise a family because of the positive influence of the First United Presbyterian Church and its members have had on our local community; and

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15<sup>th</sup> DAY OF SEPTEMBER 2014**, that this Commission does hereby approve this resolution to honor First United Presbyterian on its 125<sup>th</sup> Anniversary.

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

B. A Resolution to Honor Larry Rhodes for his 29 Years of Distinguished Service as Director of McMinn County Juvenile Services .

Mr. Gentry presented Resolution #14-107 and read the resolution to be presented to the County Commission.

#### **RESOLUTION NO. 14-108**

#### **A RESOLUTION TO HONOR LARRY RHODES FOR HIS 29 YEARS OF DISTINGUISHED SERVICE AS DIRECTOR OF MCMINN COUNTY JUVENILE SERVICES**

**WHEREAS**, Larry Rhodes served for 29 years as Director of McMinn County Juvenile Services and left his mark on countless projects that benefited the citizens of McMinn County; and

**WHEREAS**, Larry Rhodes has consistently displayed a passion for serving the youth of McMinn County and for making the community around him a better place; and

**WHEREAS**, Larry Rhodes designed and established the McMinn County Juvenile Center in 1986 and maintained certification and a 100% rating while it was in operation; and

**WHEREAS**, Larry Rhodes has been a positive influence for countless young people in our community and has helped place their lives on the correct course; and

**WHEREAS**, Larry Rhodes managed the Department of Juvenile Services with integrity and honor; and

**WHEREAS**, Larry Rhodes has also been a servant to his community by devoting his time and energy to the United Way of McMinn County, the Tennessee Wesleyan Alumni Board of Directors and the Athens Optimist Club where he served as President; and

**WHEREAS**, Larry Rhodes' numerous accomplishments include being named the 1985 Outstanding Young Man of the Year by the Athens Chamber of Commerce, 1992 Juvenile Court Worker of the Year and the 2003 J. Neal Ensminger Man of the Year ; and

Resolution No. 14-108 (con't)

**WHEREAS**, the citizens of McMinn County would like to thank Larry Rhodes for his numerous contributions to the community and wish him many years of happy retirement and good health; and

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15<sup>th</sup> DAY OF SEPTEMBER, 2014**, that this Commission does hereby approve this resolution to honor Larry Rhodes for his career contributions with McMinn County Juvenile Services.

(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 Slack, to approve this resolution.

Motion carried by voice vote.

C. A Resolution to Relieve the McMinn County Trustee of Property Tax Reporting and Collection Liability Regarding 2012 Delinquent Taxes .

Mr. Gentry presented Resolution #14-109.

#### **RESOLUTION NO. 14-109**

#### **A RESOLUTION TO RELIEVE THE MCMINN COUNTY TRUSTEE OF PROPERTY TAX REPORTING AND COLLECTION LIABILITY REGARDING 2012 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 2012 real property taxes and 2012 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 2012 real property and 2012 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 15<sup>th</sup> DAY OF SEPTEMBER, 2014** that this Commission does hereby relieve the McMinn County Trustee of Property Tax Reporting and Collection liability regarding the 2012 delinquent property taxes and personal property taxes as properly certified and turned over to the Clerk and Master of McMinn County.

Resolution No. 14-109 (con't)

(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 Millsaps, to approve this resolution.

Motion carried by voice vote.

D. A Resolution to Authorize the Purchase of the Old Federal Building from the United States of America Department of Education .

Mr. Gentry presented Resolution #14-110. Mr. Gentry said that this property will be declared surplus and will be auctioned off.

#### **RESOLUTION NO. 14-110**

#### **A RESOLUTION TO AUTHORIZE THE PURCHASE OF THE OLD FEDERAL BUILDING FROM THE UNITED STATES OF AMERICA DEPARTMENT OF EDUCATION**

**WHEREAS**, McMinn County currently has a 30 year lease with the United States Department of Education pursuant to the Federal Property and Administrative Services Act of 1949 for the use of Old Federal Building; and

**WHEREAS**, the lease allows for McMinn County to seek abrogation and purchase the facility based on a fair market value with credit provided for years of lease compliant use of the facility; and

**WHEREAS**, on the 16<sup>th</sup> day of June, 2014 this Commission voted to seek abrogation in the amount of forty-four thousand, five hundred dollars (\$44,500) based on the fair market appraisal of \$135,000 and credit granted for years of compliant use; and

**WHEREAS**, the United States Department of Education has asked for the appraiser to reconsider the value based on the historical preservation covenant in the deed; and

**WHEREAS**, the new fair market value appraisal actually lowered the abrogation amount to thirty-one thousand, one hundred and thirty-seven dollars and eighty-four cents (\$31,137.84); and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15<sup>th</sup> DAY OF SEPTEMBER, 2014** that this Commission does hereby approve abrogating the lease and purchasing the Old Federal Building for thirty-one thousand, one hundred and thirty-seven dollars and eighty-four cents (\$31,137.84); plus appropriate closing costs for the expressed purpose of promptly offering the building for sale, and **FURTHER RESOLVES** to authorize the County Mayor to execute any and all documents necessary to fulfill the intent of this resolution.

Resolution No. 14-110 (con't)

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

E. A Resolution to Approve a Digital Sign at Athens Regional Park .

Mr. Gentry presented Resolution #14-111. This resolution was approved by the Budget Committee.

#### **RESOLUTION NO. 14-111**

#### **A RESOLUTION TO APPROVE A DIGITAL SIGN AT ATHENS REGIONAL PARK**

**WHEREAS**, McMinn County levies a five percent hotel/motel occupancy tax to fund tourism and economic development initiatives; and

**WHEREAS**, the City of Athens is installing a new digital sign at Athens Regional Park; and

**WHEREAS**, this sign will be used for the promotion of local events and can be used by both the City of Athens and by McMinn County; and

**WHEREAS**, this sign will be especially valuable to the county in promoting events at the McMinn County Layman Expo Center; and

**WHEREAS**, the City of Athens has requested McMinn County pay \$15,000, which is half of the cost for the \$30,000 sign; and

**WHEREAS**, the sign will display the names of Athens Regional Park and the McMinn County Layman Expo Center; and

**WHEREAS**, these funds will be taken from the Hotel/Motel Tax Fund which may only be used on items related to tourism and industrial development; and

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15<sup>th</sup> DAY OF SEPTEMBER 2014, that this Commission does hereby approve funding half the cost of the sign installation which will not exceed \$15,000.**

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

Attest:

(Orig signed by Evonne Hoback)

Resolution No. 14-111 (con't)

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

Motion carried by voice vote.

F. A Resolution to Approve the Request of Funds by the Athens Area Council for the Arts to assist in Funding the AACA Performance Guide .

Mr. Gentry presented Resolution #14-112. This resolution was approved by the Budget Committee.

**RESOLUTION NO. 14-112**

**A RESOLUTION TO APPROVE THE REQUEST OF FUNDS BY THE  
ATHENS AREA COUNCIL FOR THE ARTS TO ASSIST IN FUNDING  
THE AACA PERFORMANCE GUIDE**

**WHEREAS**, the Athens Area Council for the Arts has requested \$6,500 to assist in funding the Big Time/Small Town 2014-15 Performance Guide; and

**WHEREAS**, the Performance Guide details all of the major performance offerings which are on the Arts Center calendar for the year and is mailed to 2,500 patrons, prospects and local businesses; and

**WHEREAS**, this request shall be funded from Tourism/Hotel-Motel Tax funds in the amount of \$6,500, with appropriate advertisement of this donation to a non-profit as prescribed by law.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15<sup>th</sup> DAY OF SEPTEMBER 2014, that this Commission does hereby approve this appropriation of Tourism funds to the Athens Area Council for the Arts.**

(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 Slack, to approve this resolution.

Motion carried by voice vote.

G. A Resolution to Approve the Application Regarding Funding and Placement of a Rural Fire Hydrant.

Mr. Gentry presented Resolution #14-113. This Resolution was recommended by the Emergency Service Committee.

**RESOLUTION NO. 14-113**

**A RESOLUTION TO APPROVE THE APPLICATION REGARDING  
FUNDING AND PLACEMENT OF A RURAL FIRE HYDRANT**

**WHEREAS**, in order to properly perform the essential means of fighting fires in McMinn County, it is necessary to provide fire hydrants to rural areas; and

**WHEREAS**, it is the policy of McMinn County to aid in the funding of the placement of one rural fire hydrant per year in each fire district; and

**WHEREAS**, the following application has been recommended for approval by the Rural Fire Committee:

As a service to the citizens of McMinn County, the McMinn County Commission approves a grant for payment toward the installation of ONE fire hydrant per fire district per fiscal year. The grant amount is \$3,000.00 per hydrant, based on available funds and approval of the Budget Committee.

I, Harold Eaton, as the Chief of McMinn County Rescue, wish to request the placement of one fire hydrant at the following location:

**County Road 601 App 20-30 feet east of box 295. This will allow us to lay a line to the adjacent houses.**

This form stands as a Hold Harmless agreement whereas McMinn County Rural Fire is not responsible for any fees relating to maintenance of said fire hydrant. The undersigned applicant understands that this hydrant, should its funding be approved by the McMinn County Commission, will be installed by the local utility provider, and may or may not be maintained by the utility. The person/group making this request accepts the responsibility of maintaining this hydrant, which could include, but not be limited to: painting, mowing, arranging hydrant testing, keeping maintenance records, etc.

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Date of Request: June 10, 2014

As Rural Fire District Chief, I approve this recommendation: Harold Eaton (Original On file)

Fire District: 1

Commission District: 3

Utility Provider Agreement:

As Utility Provider, it is agreed that the installation of this hydrant must be completed and billed to McMinn County within the fiscal year following the year in which the application was approved. If the installation is not completed and billed to McMinn County within that time, this utility provider will assume all costs incurred for the installation of the approved hydrant, including costs involving installation, materials, etc.

Utility Provider Authorizing Signature: Ray Ingram Athens Utilities Board (Original on file)

Resolution No. 14-113 (con't)

This hydrant was approved by the McMinn County Commission on September 15, 2014

Commissioner Signature: Commissioner Masingale (Original on file)

Commissioner Signature: Commissioner King (Original on file)

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15<sup>th</sup> DAY OF SEPTEMBER 2014, that this Commission does hereby approve this Fire Hydrant Request.**

(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 in Support of Amendment 1 on the November 4, 2014 General Election Ballot and Encouraging Support of the Same .

Mr. Gentry presented Resolution #14-114.

#### **RESOLUTION 14-114**

#### **A RESOLUTION IN SUPPORT OF AMENDMENT 1 ON THE NOVEMBER 4, 2014 GENERAL ELECTION BALLOT AND ENCOURAGING SUPPORT OF THE SAME**

**WHEREAS**, McMinn County supports the sovereignty of the People through their elected representatives to direct public policy in matters of public interest at all levels of government; and

**WHEREAS**, in 2000 the Supreme Court of Tennessee in its decision in *Planned Parenthood v. Sundquist* removed from the people of Tennessee the power to enforce common-sense regulations and laws concerning the practice of abortion in this State; and

**WHEREAS**, other states, including states surrounding Tennessee, have passed laws concerning abortions and abortion facilities such as laws requiring informed consent, licensing of facilities, health inspections of facilities, and short waiting periods. These laws have not been overturned by the Federal courts, and

**WHEREAS**, Tennessee has been rendered unable to enforce such laws and regulations because of the case cited above and subsequent cases, Tennessee has become an abortion destination ranking third in the nation in the percentage of abortions performed for women who have traveled here from other states for that purpose; and

**WHEREAS**, Tennessee Constitutional Law is currently such that overturning *Roe v. Wade* at the Federal level would not change anything about the practice of abortion in Tennessee and is such that pro-

Resolution No. 14-114 (con't)

abortion rights organizations refer to Tennessee's Constitutional Law as more favorable to their point of view than Federal Constitutional Law; and

**WHEREAS**, there will appear on to the November 4, 2014 General Election Ballot an amendment to the Constitution of the State of Tennessee which, if approved by the voters of Tennessee, will nullify the effect of the ruling in Planned Parenthood v. Sundquist and return the power to the people of this state, acting through their elected representatives, to regulate the abortion industry in this state within the limits set forth by Federal Constitutional Law. Amendment 1 as it will appear on the November 4th General Election Ballot reads as follows:

Nothing in this Constitution secures or protects a right to abortion or requires the funding of an abortion. The people retain the right through their elected state representatives and state senators to enact, amend, or repeal statutes regarding abortion, including, but not limited to, circumstances or pregnancy resulting from rape or incest or when necessary to save the life of the mother.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15<sup>th</sup> DAY OF SEPTEMBER 2014**, that this Commission does express its support for the proposed Constitutional Amendment 1, as appearing on the November 4, 2014, General Election Ballot and as recited herein, and encourages its passage.

(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.

I. A Resolution to Approve FY 14-15 Payment for Eligible McMinn County Employees.

Mr. Gentry presented Resolution #14-115.

#### **RESOLUTION NO. 14-115**

#### **A RESOLUTION TO APPROVE FY 14-15 PAYMENT FOR ELIGIBLE McMINN COUNTY EMPLOYEES**

**WHEREAS**, the McMinn County Commission, realizing that the various Funds of county government have distinct revenue sources which may result in the respective Funds having the opportunity to provide fiscal increases to its employees while others may not; and

**WHEREAS**, acting within its means and ability, this Commission desires to maintain a competent county workforce with appropriate levels of pay equity among the departments; and

**WHEREAS**, the Commission authorizes a one-time payment of seven hundred and fifty dollars \$750.00 to those McMinn County General Fund and Landfill full time employees who did not receive a cost of living increase in Fiscal Year 2014-15; and

Resolution No. 14-115 (con't)

**WHEREAS**, the Director of Finance and County Mayor recommend this one-time payment be paid from the respective funds' undesignated reserve accounts.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15th DAY OF SEPTEMBER, 2014**, that this Commission does hereby approve a one-time payment for eligible McMinn County General Fund and Landfill full time employees.

(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 Curtis, to approve this resolution.

Note: Commissioner Millsaps abstained from voting.

Motion carried by voice vote.

#### 14. ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

##### A. A Resolution to Confirm the Reappointment of Ron Banks to the Riceville Utility District Board of Directors.

Mr. Gentry presented Resolution #14-116.

#### **RESOLUTION NO. 14-116**

#### **A RESOLUTION TO CONFIRM THE REAPPOINTMENT OF RON BANKS TO THE RICEVILLE UTILITY DISTRICT BOARD OF DIRECTORS**

**WHEREAS**, Mr. Ron Bank's four-year term on the Riceville Utility District Board of Directors has expired; and

**WHEREAS**, Tennessee Code Annotated 7-82-307 empowers utility districts to submit the names of prospective board members to the County Mayor for appointment; and

**WHEREAS**, based upon the recommendation of the Riceville Utility District Board of Directors, and finding no sound reason to reject the recommendation, County Mayor John Gentry does recommend Mr. Ron Banks of the Riceville community to be reappointed as a member of the Riceville Utility District Board of Directors for a four year term subject to County Commission confirmation.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE MEETING IN REGULAR SESSION THIS THE 15th DAY OF SEPTEMBER 2014**, that this Commission does hereby confirm the reappointment of Mr. Ron Banks to the Riceville Utility District Board of Directors.

Resolution No. 14-116 (con't)

(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 Simpson, to approve this resolution.

Motion carried by voice vote.

B. A Resolution to Confirm the Reappointment of Rick Brown to the Riceville Utility District Board of Directors.

Mr. Gentry presented Resolution #14-117.

**RESOLUTION NO. 14-117**

**A RESOLUTION TO CONFIRM THE REAPPOINTMENT OF RICK BROWN  
TO THE RICEVILLE UTILITY DISTRICT BOARD OF DIRECTORS**

**WHEREAS**, Mr. Rick Brown's four-year term on the Riceville Utility District Board of Directors has expired; and

**WHEREAS**, Tennessee Code Annotated 7-82-307 empowers utility districts to submit the names of prospective board members to the County Mayor for appointment; and

**WHEREAS**, based upon the recommendation of the Riceville Utility District Board of Directors, and finding no sound reason to reject the recommendation, County Mayor John Gentry does recommend Mr. Rick Brown of the Riceville community to be reappointed as a member of the Riceville Utility District Board of Directors for a four year term subject to County Commission confirmation.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE MEETING IN REGULAR SESSION THIS THE 15<sup>th</sup> DAY OF SEPTEMBER 2014**, that this Commission does hereby confirm the reappointment of Mr. Rick Brown to the Riceville Utility District Board of Directors.

(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 Simpson, to approve this resolution.

Motion carried by voice vote.

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

- Commissioner Simpson—Emergency Services Committee met tonight and sent two resolutions to the County Commission.
- Commissioner Curtis—Budget Committee met tonight and recommended three budget amendments that were approved tonight.
- County Attorney—Law suit filed against Dan Evans and McMinn County Election Commission by Randy Moss. Vance Baker said that when this law suit got filed several things happened at one time. Every Judge in the district that was going to hear it recused themselves so we have to get a special Judge appointed. Mr. Baker said he had to make a decision as County Attorney who he was going to represent and that decision was up to the Election Administrator and the members of the Election Commission. Mr. Baker said he would be representing the Election Commission and Mr. Evans would have to get his own attorney because there are different issues in this case. Mr. Baker said that he has filed a motion to have the Court dismiss the Election Commission. He said there are several reasons and he feels sure it will be granted as soon as he can get a Judge appointed to hear it.

16. COMMENTS FROM THE COUNTY MAYOR

- Justice Center—Mr. Gentry said they are projecting to open the new court on October 13, 2014. Mr. Gentry said that they are hoping to do an opening ceremony on October 10, 2014 or the morning of October 13, 2014.
- Emergency Services—Mr. Gentry said the fire chief gave a report earlier in Emergency Services Meeting on the 5 new fire trucks for each department. They will be going down in a couple of weeks to do a final inspection of the trucks.
- Cooke Park—Mr. Gentry said they have seen two presentations from Barge Waggoner. Mr. Gentry said they have the presentations in electronic format and will send them out electronically.
- Manufacturing Appreciation Week—September 29-October 3, 2014.
- Ambulance Report—Mr. Gentry said this report was handed out.
- Welcome—Mr. Gentry welcomed the new commissioners, Jerry Millsaps & Brent Carter.

17. APPROVAL OF NOTARY APPLICATIONS

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

Notary Applications for September 2014

1. Cathy B. Beddingfield
2. Felicia Paige Cantrell
3. Lynne M. Clute
4. Sonya D. Harper
5. Carrie F. Johnson
6. Rebecca G. Keller
7. Cheryl M. Knight
8. Sandy C. Lambert
9. Calvin Dwight Letner
10. Gina M. Suits
11. Brittney Brenne Zwierzynski

MOTION made by Commissioner McPhail, and seconded by Commissioner Millsaps, 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 8:33 pm.

---

EVONNE HOBACK  
McMinn County Clerk

Attest:

---

Deputy (date)