

The McMinn County Board of Commissioners met in Regular Session on January 16, 2017, 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. ROLL CALL

Roll Call was taken by Evonne Hayes, 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

3. INVOCATION

The Invocation was given by Commissioner King.

4. PLEDGE TO THE FLAG

The Pledge to the Flag was led by Commissioner Curtis.

5. APPROVAL OF MINUTES

Copies of the Minutes of the Regular Session on November 28, 2016 were provided to the McMinn County Commissioners.

MOTION made by Commissioner King, and seconded by Commissioner McPhail, to approve the minutes of November 28, 2016.

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

A. A Resolution to Approve Invoice Without Requisition.

Mr. Luallen presented resolution #17-001. Mr. Luallen said that this resolution was an automobile repair that went from one shop to another without a requisition being prepared and that Sheriff Guy could answer any questions if needed.

Resolution No. 17-001 (con't)

RESOLUTION NO. 17-001

A RESOLUTION TO APPROVE INVOICE  
WITHOUT REQUISITION

WHEREAS, the McMinn County Sheriff, Joe Guy, requests payment of invoice made without a requisition to AutoTrans Transmission for repairs to a 2009 Ford Explorer in the amount of \$1,250.00; and

WHEREAS, in accordance with Financial Management Committee Policies and Procedures, after the fact approval is required by County Commission for expenses incurred without a requisition.

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16<sup>th</sup> DAY OF JANUARY, 2017, that this Commission does hereby approve the payment of above invoice.

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

Attest:

(Orig signed by Evonne Hayes)  
County Clerk

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

Motion carried by voice vote.

B. A Resolution to Declare items as surplus.

Mr. Luallen presented resolution #17-002 along with a list of items from Dan P. Evans, Chief Administrative Officer. (Leaf Blower, 2 Desk, Chain Saw, Ford Car, 2 Transints, 2 File Cabinets, Computer Desk, 2 Homemade Shelves,)

RESOLUTION NO. 17-002

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 it; 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 JANUARY 2017, 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 Hayes)  
County Clerk

Resolution No. 17-002 (con't)

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

Motion carried by voice vote.

7. REVIEW AND APPROVAL OF CONTRACTS

None.

8. APPROVAL OF BUDGET AMENDMENTS

None.

A Resolution to Approve FY 2015-2016 Audit Report.

Mr. Luallen presented resolution #17-003. Jason Martin with Henderson, Hutcherson, & McCullough, PLLC gave a brief report of the audit report. Mr. Martin stated that McMinn County did receive a clean opinion of the audit.

RESOLUTION NO. 17-003

A RESOLUTION TO APPROVE FY 2015 – 2016 AUDIT REPORT

WHEREAS, it is required that McMinn County Government be audited annually; and

WHEREAS, McMinn County has contracted with Henderson, Hutcherson, & McCullough, PLLC, to conduct its audit for fiscal year ending June 30, 2016; and

WHEREAS, said audit has been performed in accordance with applicable laws and standards; and

WHEREAS, McMinn County Audit Committee recommends approval.

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 JANUARY, 2017, that this Commission does hereby approve and accept the FY 2015 – 2016 audited financial statements.

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

Attest:

(Orig signed by Evonne Hayes)  
County Clerk

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

Motion carried by voice vote.

9. TRUSTEE ANNUAL REPORT – PHIL TUGGLE

Phil Tuggle McMinn County Trustee gave copies of his annual financial report to all the commissioners. This is the report handed out:

**MCMINN COUNTY TRUSTEE ANNUAL REPORT**

1. **EXCESS FEES:** Our total returned to General Fund for FY 2015-2016 is \$400,000.00. As you are aware, these are not fees charged to taxpayers, but consist of commissions on funds received and efficient operation of our office. Since 2002 the Trustee Office has returned \$5,235,000.00 in excess fees to the General Fund.
2. **INVESTEMENTS:** Return on investments reflecting positively.... FY 2014-2015-\$46,011.00; happy to report FY 2015-2016 is \$112,165.00. an increase of \$66,154.00 a 144% increase. I will continue to monitor our investments closely as opportunities occur.
3. **SALES TAX REVENUE:** Sales tax is basically flat as compared to FY 2014-2015. McMinn County Sales Tax revenue portion for FY 2015-2016 is \$1,128,805.00 compared to \$1,164,832.00 for FY 2014-2015, a decrease of \$36,027.00.
4. **PROPERTY TAXES:** Tax year 2015 consisted of 31,825 parcels taxed for \$17,875,697.00 real and personal property; \$789,735.00 public utilities for a total of \$18,665,432.00 and adjustments of \$88,506.00 total \$18,576,926.00. As of June 30, 2016, 2015 tax collections are: \$16,843,085.00 real and personal property or 94%. Public utilities collections total \$788,685.00 or 99.87%. The 2014 taxes were assigned to Chancery Court April 1, 2016, consisting of 1,719 parcels real and personal totaling \$424,265.00 base amount. Public Utilities assigned to court consist of 3 utilities totaling \$2,383.00 base amount value. Prior to assigning 2014 to Chancery Court, our office collected 96.5%.

10. APPOINTMENT OF 5<sup>TH</sup> DISTRICT SCHOOL BOARD MEMBER

Chairman Crews declared an opening in the 2<sup>nd</sup> District School Board. Dates for applications will be discussed in the Mayors Comments.

Chairman Crews ask all applicants for the 5<sup>th</sup> District School Board Vacancy to stand. He then instructed them all to leave the room and come in one at a time to speak to the commission. The applicants were:

Robert “Bob” Mahoney  
John Plemons  
Robert Shamblin  
James E. (Eddie) Geren

After each applicant addressed the commission Chairman Crews opened up the floor for nominations. Commissioner Curtis made a motion to appoint Robert Shamblin and seconded by Commissioner Masingale. Motion carried by voice vote.

11. COMMENTS FROM THE AUDIENCE

- None.

12. RESOLUTIONS

A. A Resolution to Approve the Lease Agreement Between McMinn County and Congressman Chuck Fleischman.

Mr. Gentry presented Resolution #17-004 along with a copy of the lease agreement.

RESOLUTION NO.17-004

A RESOLUTION TO APPROVE THE LEASE AGREEMENT BETWEEN McMINN COUNTY AND  
CONGRESSMAN CHUCK FLEISCHMANN

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 has entered into a lease agreement contract with Congressman Chuck Fleischmann for the rental of the congressman's office on the top floor of the Courthouse; and

WHEREAS, the lease amount shall be set at \$300 per month for a term of two years to last to the end of the constitutional term of the 115<sup>th</sup> Congress; and

WHEREAS, both parties wish to enter into this lease so that McMinn County citizens will have a local accessible venue to the services of their United States Congressman and staff; 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 JANUARY 2017, that this Commission does approve the lease agreement with United States Congressman Chuck Fleischmann and FURTHERMORE resolves to grant authority to the County Mayor to execute the documents and duties stated therein to satisfy the intent of this resolution.

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

Attest:

(Orig signed by Evonne Hayes)  
County Clerk

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

B. A Resolution to Approve use Agreement for Solar Panel Placement.

Mr. Gentry presented Resolution #17-005 along with a copy of the agreement.

Resolution No. 17-005 (con't)

RESOLUTION NO. 17-005

A RESOLUTION TO APPROVE USE AGREEMENT FOR SOLAR PANEL PLACEMENT

WHEREAS, Madison Park Properties desires to enter into an Use Agreement with McMinn County for the placement of solar panels on the building presently used for the administrative duties of the McMinn County Board of Education ; and

WHEREAS, Madison Park Properties currently has solar panels atop Madison Park Shopping Center which is marked for demolition for the new Food City store; and

WHEREAS, Madison Park Properties has power generating agreements with the Athens Utilities Board and TVA for the solar panel system; and

WHEREAS, the Use Agreement provides for McMinn County to receive forty percent of the revenue generated by the solar panel system, less a management fee, while Madison Park Properties assumes all costs and liabilities for system installation, maintenance and building roof repairs if needed..

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 16<sup>TH</sup> DAY OF JANUARY, 16<sup>TH</sup> 2017, that this Commission does hereby approve the Use Agreement between Madison Park Properties and McMinn County, and authorizes the County Mayor to execute the documents necessary to fulfill the intent of this resolution.

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

Attest:

(Orig signed by Evonne Hayes)  
County Clerk

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

C. A Resolution to Relieve the McMinn County Trustee of Property Tax Reporting and Collection Liability Regarding 2014 Delinquent Taxes.

Mr. Gentry presented Resolution #17-006.

RESOLUTION NO. 17-006

A RESOLUTION TO RELIEVE THE MCMINN COUNTY TRUSTEE OF PROPERTY TAX REPORTING AND COLLECTION LIABILITY REGARDING 2014 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 2014 real property taxes and 2014 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 2014 real property and 2014 personal property taxes as properly certified and turned over to the Clerk & Master for McMinn County, Tennessee.

Resolution No. 17-006 (con't)

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 JANUARY, 2017 that this Commission does hereby relieve the McMinn County Trustee of Property Tax Reporting and Collection liability regarding the 2014 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 Hayes)  
County Clerk

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

D. A Resolution to Approve Woods Foundation Board Funding Recommendation.

Mr. Gentry presented Resolution #17-007 and did have Budget Committee Approval.

RESOLUTION NO. 17-007

A RESOLUTION TO APPROVE WOODS FOUNDATION BOARD FUNDING RECOMMENDATION

WHEREAS, Woods Foundation was created to make recommendations to the McMinn County Commission on projects and organizations eligible for proceeds from the funds available from the sale of the Woods Memorial Hospital; and

WHEREAS, the McMinn County Commission is charged with approving the recommendations of the Foundation Board; and

WHEREAS, the Foundation Board has recommended the eligible funds be granted to Tornado Relief efforts related to healthcare, resulting from the November 30 tornado that devastated parts of McMinn County, resulting in millions of dollars of damages and left dozens of citizens without a permanent home; and

WHEREAS, the amount of the funding is thirty-five percent (35%) of the prior year's interest, which was \$7,022.00 for 2016.

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 JANUARY 2017 that this Commission does hereby approve the recommendation of the Woods Foundation Board to grant \$7,022.00 to the Tornado Relief Fund, AND FURTHERMORE, grants authority to the County Mayor to execute the necessary documents to fulfill the intent of this resolution.

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

Attest:

(Orig signed by Evonne Hayes)  
County Clerk

Resolution No. 17-007 (con't)

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

- E. A Resolution to Approve the Request by the Niota Depot Preservation Committee to Provide Matching Funds for the TDOT Enhancement Grant.

Mr. Gentry presented Resolution #17-008 and this did have Budget Committee Approval.

RESOLUTION NO.17-008

A RESOLUTION TO APPROVE THE REQUEST BY THE NIOTA DEPOT PRESERVATION COMMITTEE TO PROVIDE MATCHING FUNDS FOR A TDOT ENHANCEMENT GRANT

WHEREAS, the historic Niota Depot has been a part of McMinn County since 1854; and

WHEREAS, the Niota Depot is the oldest standing train depot in Tennessee and draws visitors to McMinn County with its rich history; and

WHEREAS, the building and grounds are often used for community meetings, celebrations houses the Niota City Hall and is on the Tennessee Civil War Trail and National Registry of Historic Places; and

WHEREAS, the Tennessee Department of Transportation awarded the City of Niota with a \$196,000 grant requiring a match of \$39,200; and

WHEREAS, McMinn County provided the required match from the Hotel/Motel Tax Fund; and

WHEREAS, the State of Tennessee increased their grant amount by \$14,800 requiring an additional \$2,960 match; and

WHEREAS, the Niota Depot Preservation Committee has requested McMinn County assist in providing the additional grant match funding; 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 JANUARY 2017, that this Commission does hereby approve this appropriation of Tourism funds to the City of Niota for renovations to the historic Niota Depot and FURTHERMORE resolves to grant authority to the County Mayor to execute the documents and duties stated therein to satisfy the intent of this resolution.

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

Attest:

(Orig signed by Evonne Hayes)  
County Clerk

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

- 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 #17-009 and this did have Budget Committee Approval

Resolution No. 17-009 (con't)

RESOLUTION NO.17-009

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 \$7500.00 to assist in funding the Big Time/Small Town 2016-17 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

WHEREAS, this request shall be funded from Tourism/Hotel-Motel Tax funds in the amount of \$7500.00, 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 16<sup>th</sup> DAY OF JANUARY, 2017, 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 Hayes)  
County Clerk

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

G. McMinn County Water Line Extension 2017 CDBG Application.

Mr. Gentry presented Resolution #17-010. Sam Cates addressed the commission to explain the areas this would affect.

RESOLUTION 17-010

MCMINN COUNTY WATER LINE EXTENSION 2017 CDBG APPLICATION

WHEREAS, McMinn County has identified the need for public water to be extended to all areas of the county with unsafe water; and

WHEREAS, Many residents in the county have requested assistance in receiving public water; and

WHEREAS, The State of Tennessee Community Development Block Grant program has grant funds grant funds available to assist with extending water lines to unserved households; and

WHEREAS, The Riceville Utility District has existing water lines that could be extended to serve homes on County Road 61 and County Road 102, where the existing wells have previously tested positive for bacterial contamination; and

WHEREAS, since McMinn County is a member of the Tennessee Department of Economic and Community Development's Three-Star Economic & Community Development Program, McMinn County is eligible to apply for up to \$525,000 in CDBG funds and is eligible for a 4% discount towards the required local match of \$270,000; and

Resolution No. 17-010 (con't)

WHEREAS, the McMinn County Mayor is authorized to submit an application for \$525,000 in CDBG funds, with a local match of \$270,000 in county funds, in order to extend water lines to unserved areas of the county; 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 JANUARY 2017 that this Commission does hereby authorize the County Mayor to accept on behalf of McMinn County said Community Development Block Grant, execute any and all documents and enter into agreements necessary for the successful application and award of the grant and to enter into a project administration agreement with the Southeast Tennessee Development District, subject to ECD approval.

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

Attest:

(Orig signed by Evonne Hayes)  
County Clerk

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

13. ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

None.

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

- Commissioner McPhail—thanked everyone for the kind words when his mother passed. Ag Extension hired a new 4 H agent.
- Commissioner Curtis—Budget Committee met and approved the budget calendar for the year and sent three resolutions to the county commission board.

15. COMMENTS FROM THE COUNTY MAYOR

- Mayor Gentry thanked all the applicants that applied for the 5<sup>th</sup> District School Board vacancy.
- Mayor Gentry informed everyone they plan to have a meeting with the 911 center with the entire EMS and will have dates for that later.
- Mayor Gentry talked about the out pouring response from everyone during the November tornados. Mr. Gentry said that as of today, there has been around 3.5 million tons of debris taken to the landfill. He also said that TODT will resume work on 307 soon. Mr. Gentry praise the volunteer work that Mary Brown has been doing since the tornados came through the area.
- **Mayor Gentry said that the budget Committee addressed the 3 Star requirements and copies of the requirements were handed out in the packets for tonight's meeting.**
- Mayor Gentry said he wished it was daylight so that everyone could see the improvements being made to the old Cherokee Hardware building that is being renovated for the new McMinn County Annex.
- Mayor Gentry thanked Jason Luallen and his staff for all the hard work for the clean audit.
- Planning Session will be March 10<sup>th</sup> 2017 at the McMinn County Airport at 5:00 pm. It was also decided that February and March commission meeting would be combined on February 27, 2017.
- All applications for the 2<sup>nd</sup> District School Board vacancy should be turned in by February 20<sup>th</sup> 2017 and this will be published in the newspaper.
- Mayor Gentry sent his condolences to the family of Johanna Hampton.

16. APPROVAL OF NOTARY APPLICATIONS

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

Notaries to be elected January 16,2017

JESSICA L. BAKER	KELSEY KOERBER
MARCHIE CAIN	LONNIE A. PATTON
MELISSA C. CULBERSON	KAREN D. RABY
PRESTON M. FOGLEMAN	KIMBERLY J. SKEEN
KEVIN N. HAMMOND	STEPHEN J. SONGER
SUSAN HAMPTON	LACEY A WEESE
FRANCES B. JACKSON	BARBARA K. WILSON
EDNA B. KINARD	

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

Motion carried by voice vote.

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

None.

There being no other business, Chairman Crews declared the Commission meeting adjourned at 8:18 pm.

\_\_\_\_\_  
EVONNE HAYES  
McMinn County Clerk

Attest:

\_\_\_\_\_  
Deputy (date)