

The McMinn County Board of Commissioners met in Regular Session on July 19, 2010, 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 Crews.

2. INVOCATION

The Invocation was given by Commissioner Bob Powers.

3. PLEDGE TO THE FLAG

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

4. ROLL CALL

Roll Call was taken by Evonne Hoback, McMinn County Clerk, as recorded:

Scott Curtis – Present
Dale Holbrook – Present
Jeannie King – Present
Roger Masingale – Present
Gary Mason – Present
Jerry Millsaps – Present
Bob Powers – Present
Jack Powers – Present
Tad Simpson – Present
Chairman David Crews – Present

5. APPROVAL OF MINUTES

Copies of the Minutes of the Regular Session on June 21, 2010 were provided to the McMinn County Commissioners.

MOTION made by Commissioner Holbrook, and seconded by Commissioner Millsaps, to approve the Minutes of June 21, 2010.

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

A. A Resolution to Approve Payment of Annual Hardware and Software Maintenance Support for the Register of Deeds.

Mr. Luallen presented the following resolution to approve payment of annual hardware and software maintenance support for the Register of Deeds office, along with a copy of the requisition.

RESOLUTION NO. 10-080

A RESOLUTION TO APPROVE PAYMENT OF ANNUAL HARDWARE AND SOFTWARE
MAINTENANCE SUPPORT

WHEREAS, McMinn County Register of Deeds request renewal of annual hardware and software maintenance support not to exceed \$22,000.00 for the period of July 1, 2010 to June 30, 2011; 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 19th DAY OF JULY, 2010, that the payment **for invoiced maintenance agreement to ProGResS, Inc. not to exceed \$22,000.00 be hereby approved.**

(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 Bob Powers, to approve this resolution.

Motion carried by voice vote.

B. A Resolution to Approve Payment of Annual Hardware and Software Maintenance Support for the Circuit Court Clerk's Office.

Mr. Luallen presented the following resolution to approve payment of annual hardware and software maintenance support for the Circuit Court Clerk's Office, along with a copy of the requisition.

RESOLUTION NO. 10-081

A RESOLUTION TO APPROVE PAYMENT OF ANNUAL HARDWARE AND SOFTWARE
MAINTENANCE SUPPORT

WHEREAS, McMinn County Circuit Court Clerk request renewal of annual hardware and software maintenance support invoiced at \$12,196.00 for the period of July 1, 2010 to June 30, 2011; and

(Cont'd)

Resolution No. 10-081 (Cont'd)

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 19th DAY OF JULY, 2010, that the payment for invoiced maintenance agreement to Local Government Corp. in the amount of \$12,196.00 be hereby approved.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

Motion carried by voice vote.

C. A Resolution to Approve Payment of Invoice for Annual FY 2010-11 Hardware and Software Maintenance Support for County Clerk's Office.

Mr. Luallen presented the following resolution to approve payment of invoice for annual FY 2010-11 hardware and software maintenance support for the County Clerk's Office, along with a copy of the requisition.

RESOLUTION NO. 10-082

**A RESOLUTION TO APPROVE PAYMENT OF INVOICE FOR ANNUAL FY 2010-11
HARDWARE AND SOFTWARE MAINTENANCE SUPPORT FOR COUNTY CLERK'S OFFICE**

WHEREAS, McMinn County Clerk, Evonne Hoback, requests payment of FY 2010-11 annual hardware and software maintenance invoiced from Business Information Systems for \$13,110.07; 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 19th DAY OF JULY, 2010, payment for invoiced maintenance to Business Information Systems of \$13,110.07 be hereby approved.

(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 Millsaps, to approve this resolution.

Motion carried by voice vote.

D. A Resolution to Approve Payment for Required Annual Pump Testing, Service and Maintenance for McMinn County Fire Trucks and Equipment.

Mr. Luallen presented the following resolution to approve payment for required annual pump testing, service and maintenance for McMinn County fire trucks and equipment, along with a copy of the blanket requisition.

RESOLUTION NO. 10-083

A RESOLUTION TO APPROVE PAYMENT FOR REQUIRED ANNUAL PUMP TESTING,
SERVICE AND MAINTENANCE FOR MCMINN COUNTY FIRE TRUCKS AND EQUIPMENT

WHEREAS, McMinn County Rural Fire Chief, Scott Thompson requests approval of a blanket requisition to Heritage Fire Equipment (the only source provider) for annual pump testing, service and maintenance to county fire trucks and equipment at \$55,000; 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 THIS THE 19th DAY OF JULY, 2010, the payment of invoice for pump testing, service and maintenance to county fire trucks and equipment to Heritage Fire Equipment of \$55,000 be hereby approved.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

Motion carried by voice vote.

E. A Resolution Approving the Sale of Surplus Ford E350 Taylor Made Ambulance.

Mr. Luallen presented the following resolution approving the sale of surplus Ford E350 Taylor Made Ambulance to iCARE EMS in the amount of \$6,000.00. Mr. Luallen added that this had the approval of the Emergency Services Committee.

Resolution No. 10-084

A RESOLUTION APPROVING THE SALE OF SURPLUS FORD E350 TAYLOR MADE AMBULANCE

WHEREAS, McMinn County declared the Ford E350 Taylor Made Ambulance as surplus property and instructed the Director of Finance to secure sealed bids for its purchase; and

WHEREAS, the Director of Finance advertised the sale of the surplus property according to McMinn County Financial Management Policy; and

WHEREAS, the County Mayor recommends the sale of the ambulance to the high bidder iCARE EMS in the amount of \$6,000.00, subject to said ambulance not being donated to the McMinn County Rescue Squad.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19TH DAY OF JULY 2010, that this Commission hereby approves the sale of the Ford E350 Taylor Made Ambulance to the high bidder, iCARE EMS, with said funds to be deposited in the Restricted Ambulance Reserve Account.

(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 Mason, to approve this resolution.

Motion carried by voice vote.

F. A Resolution Approving the Sale of Surplus Ford E-350 Medix Ambulance.

Mr. Luallen presented the following resolution approving the sale of surplus For E-350 Medix Ambulance to the high bidder, Rural/Metro for \$3,525.00.

Resolution No. 10-085

A RESOLUTION APPROVING THE SALE OF SURPLUS FORD E350 MEDIX AMBULANCE

WHEREAS, McMinn County declared the Ford E350 Medix Ambulance as surplus property and instructed the Director of Finance to secure sealed bids for its purchase; and

WHEREAS, the Director of Finance advertised the sale of the surplus property according to McMinn County Financial Management Policy; and

WHEREAS, the County Mayor recommends the sale of the ambulance to the high bidder Rural/Metro of Tennessee in the amount of \$3,500.00, subject to said ambulance not being donated to the McMinn County Rescue Squad.

Resolution No. 10-085 (Cont'd)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19TH DAY OF JULY 2010, that this Commission hereby approves the sale of the Ford E350 Medix Ambulance to the high bidder, Rural/Metro of Tennessee, with said funds to be deposited in the Restricted Ambulance Reserve Account.

(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 Masingale, to approve this resolution.

Motion carried by voice vote.

7. REVIEW AND APPROVAL OF CONTRACTS

A. A Resolution to Renew Airport Maintenance Contract with State of Tennessee Department of Transportation.

Mr. Luallen presented the following resolution to renew the airport maintenance contract with State of Tennessee Department of Transportation.

RESOLUTION NO. 10-086

A RESOLUTION TO RENEW AIRPORT MAINTENANCE CONTRACT WITH STATE OF
TENNESSEE DEPARTMENT OF TRANSPORTATION

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 renew their Airport Maintenance Contract # 99-555-1206-04 with the State of Tennessee, Department of Transportation; and

WHEREAS, the term of this grant is July 1, 2010 through June 30, 2011, with the state portion not exceeding \$13,000.

(Cont'd)

Resolution No. 10-086 (Cont'd)

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19TH DAY OF JULY, 2010, that this Commission does hereby agree to renew this Airport Maintenance Contract with the State of Tennessee,

AND FURTHERMORE RESOLVES to give authority to the County Mayor or his designee to execute and administer 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 Millsaps, and seconded by Commissioner Bob Powers, to approve this resolution.

Motion carried by voice vote.

8. APPROVAL OF BUDGET AMENDMENTS

Mr. Luallen presented two budget amendments for General Fund # 101, a copy of which was provided to each Commissioner.

Fund: General Fund # 101

Date: June 30, 2010

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
State of Tennessee	Other State Grants	46980	9,996.00	
Courtroom Security	Other Supplies & Materials	53920-499		9,996.00

EXPLANATION: To budget revenue & expenditures related to Byrne Grant administered by Administrative Office of the Courts. Commission approved: 9/21/2009.

Fund: General Fund # 101

Date: July 15, 2010

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Revenues Other Govt & Citizens Groups	Other Donations	48990	86.00	
Local Health Center	Other Supplies & Materials	55110-499		86.00

EXPLANATION: To budget donations to Health Department.

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

Motion carried by roll call vote, as recorded:

Scott Curtis – Aye
Dale Holbrook – Aye
Jeannie King – Aye
Roger Masingale – Aye
Gary Mason – Aye
Jerry Millsaps – Aye
Bob Powers – Aye
Jack Powers – Aye
Tad Simpson – Aye
Chairman David Crews – Aye

9. COMMENTS FROM THE AUDIENCE

A. Comments by Ms. Sheree Calloway Regarding Flood Insurance.

Mrs. Sheree Calloway referred to a sample resolution from State planners to County officials to show them what a flood permitting system would involve, and she asked Commissioners why they would consider getting into a federal program that would allow building in a flood zone. Mrs. Calloway said that this would also mean that people who are not in a flood zone, but are in low or moderate areas, might have to have flood insurance. Participation in the flood insurance program means the county would be required to issue permits with all that involves. Chairman Crews said that this is not being considered at the present time, but added that her comments were very enlightening.

10. RESOLUTIONS

A. A Resolution to Approve and License Rural/Metro as a Non-Emergency Ambulance Service Provider in McMinn County.

Mr. Gentry presented the following resolution to approve and license Rural/Metro as a non-emergency ambulance service provider in McMinn County. Mr. Gentry said they have met the requirements and the Emergency Services Committee recommends approval.

RESOLUTION No. 10-087

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

WHEREAS, McMinn County adopted County Ambulance Service Regulations in 2006, as provide by TCA 7-61-103, to ensure professional and responsible EMS service for the citizens of McMinn County; and

WHEREAS, such regulations affect both emergency 911 ambulance services as well as non-emergency ambulance services, and stipulates operation, financial, and management issues that are required for an ambulance serve to operate in McMinn County; and

WHEREAS Rural Metro Ambulance has requested licensure to operate as a convalescent non-emergency ambulance service in McMinn County, and has provided documentation as to its fulfillment of all requirements stipulated in McMinn County's Ambulance Service Regulations; and

(Cont'd)

Resolution No. 10-087 (Cont'd)

WHEREAS, having met such requirements and qualifications, McMinn County approves Rural Metro Ambulance as a non-emergency ambulance service provider in McMinn County; and

WHEREAS, the term of this McMinn County EMS license shall be one year, and coincide with the same date terms as Rural/Metro's Tennessee License for McMinn County, at such time Rural Metro may request license renewal and re-submit its affidavit it meets the qualifications of the McMinn County Ambulance Service Regulations.

THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING THIS 19TH DAY OF JULY 2010, that this Commission does hereby approve Rural/Metro Ambulance as a non-emergency ambulance service provider and by passage of this resolution does license Rural/Metro Ambulance to provide said service within the corporate limits of McMinn County in accordance to the terms of McMinn County's Emergency Services Regulations, 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 Holbrook, and seconded by Commissioner Simpson, to approve this resolution.

Motion carried by voice vote.

B. Withdrawal of Resolution to Approve the Donation of a Surplus Ambulance to the McMinn County Rescue Squad.

Mr. Gentry said that Chief Harold Eaton, McMinn County Rescue Squad, has withdrawn his request from consideration.

C. A Resolution to Approve Constable Bond for McMinn County – for 3rd District Constable Amos Brock.

Mr. Gentry presented the following resolution to approve Constable Amos Brock's bond, along with a copy of the bond.

Resolution No. 10-088

A RESOLUTION TO APPROVE CONSTABLE BOND FOR MCMINN COUNTY

WHEREAS, the state of Tennessee requires that certain elected officials, including Constables, obtain official bonds; and

(Cont'd)

Resolution No. 10-088 (Cont'd)

WHEREAS, 3rd District Constable Amos Brock was recently appointed to fill the office left vacant by the death of W.J. Harris; and

WHEREAS, the forms and the amounts of the bonds are set by T.C.A. 8-10-106, and certain bond forms are to be approved by the county legislative body and include the following:

Bond Amount

Constable	\$8,000
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NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19TH DAY OF JULY, 2010, that this Commission does hereby approve the this bond to form, the public welfare requiring it.

(Orig signed by John M. Gentry)
County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

MOTION made by Commissioner Jack Powers, and seconded by Commissioner Mason, to approve this bond.

Motion carried by voice vote.

D. A Resolution to Approve an Amendment to the McMinn County Sanitary Landfill's "Contract in Lieu of Performance Bond."

Mr. Gentry presented the following resolution to approve an amendment to the McMinn County Sanitary Landfill's "contract in lieu of performance bond" and added that this is the annual contract that has to be sent to the State. Mr. Gentry explained that this is for post closure costs, i.e. when we close one of the cells that we will take care of it. Mr. Gentry said that each year they do an inflation adjustment so on one permit, it was reduced but it increased on the other. Mr. Gentry further explained that these figures are not real dollars, but if it closed today, that is what they project the post closure costs would be and added that these costs are built into our Landfill budget.

Resolution No. 10-089

A RESOLUTION TO APPROVE AN AMENDMENT TO THE McMINN COUNTY SANITARY
LANDFILL'S "CONTRACT IN LIEU OF PERFORMANCE BOND"

WHEREAS, McMinn County and the Tennessee Department of Environment and Conservation (TDEC) have a Contract in Lieu of Performance Bond for financial assurances for the solid waste permits held by McMinn County; and

(Cont'd)

Resolution No. 10-089 (Cont'd)

WHEREAS, these contracts must be amended annually to accurately reflect annual inflation adjustments; and

WHEREAS, the State of Tennessee and McMinn County desire to amend contracts for the following solid waste permits:

- | | | | | | |
|----|-----|-------------|----------------|----|----------------|
| 1. | SNL | 54-0003 | \$ 511,863.00 | to | \$ 483,472.00 |
| 2. | SNL | 54-0003-ext | \$2,165,632.00 | to | \$2,191,620.00 |

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19TH DAY OF JULY, 2010, that this Commission does hereby approve the amendments for inflation adjustments to the financial assurances for solid waste permits held by McMinn County and FURTHERMORE, authorizes the County Mayor to execute the necessary documents to fulfill the intentions of this resolution.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

Motion carried by voice vote.

E. A Resolution to Adopt the Strategic Economic Development Plan.

Mr. Gentry presented and explained the annual resolution to adopt the Strategic Economic Development Plan.

Resolution No. 10-090

A RESOLUTION TO ADOPT THE STRATEGIC ECONOMIC DEVELOPMENT PLAN

WHEREAS, the Three-Star Program was developed to meet the needs and challenges of the evolving economic environment in urban and rural communities and to partner with communities to create opportunities for sustained economic growth; and

WHEREAS, communities seeking certification as a Three-Star community must meet certain criteria, including the adoption of a five-year strategic economic development plan; and

WHEREAS, in achieving the mission of the Three-Star Program, the Department of Economic and Community Development commits to assist communities in developing and implementing a strategic economic plan.

(Cont'd)

Resolution No. 10-090 (Cont'd)

NOW, THEREFORE; BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19th DAY OF JULY 2010, that this Commission does declare that McMinn County has adopted a five-year strategic economic development plan to be updated annually and the strategic economic development plan includes McMinn County's economic goals in promoting economic growth, a plan to accomplish those goals and a projected timeline in achieving those goals, and the strategic economic development plan addresses McMinn County's goals pertaining to existing industry, manufacturing recruitment, workforce development, retail/service, tourism, agriculture, infrastructure assessment and educational assessment, the public welfare requiring it.

(Orig signed by John M. Gentry)
County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

Motion carried by voice vote.

F. A Resolution to Affirm Compliance with Federal Title VI Regulations.

Mr. Gentry presented the following resolution to affirm compliance with federal Title VI regulations as required for administration of federally funded programs.

Resolution No. 10-091

A RESOLUTION TO AFFIRM COMPLIANCE WITH
FEDERAL TITLE VI REGULATIONS

WHEREAS, Both Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 provide that no person in the United States shall, on the ground of race, color or national origin be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving federal financial assistance; and

WHEREAS, the Tennessee Attorney General opined in Opinion No. 92.47 that state and local governments are required to comply with Title VI of the Civil Rights Act in administering federally funded programs; and

WHEREAS, the Community Development Division of the Tennessee Department of Economic and Community Development administers the Three-Star Program and awards financial incentives for communities designated as Three-Star communities; and

(Cont'd)

WHEREAS, by virtue of the Tennessee Department of Economic and Community Development receiving federal financial assistance all communities designated as Three-Star communities must confirm that the community is in compliance with the regulations of Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987.

NOW, THEREFORE; BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19th DAY OF JULY, 2010 that this Commission declares that the county is in compliance with the federal Title VI regulations and that the Department of Economic and Community Development may from time to time monitor the county's compliance with federal Title VI regulations.

(Orig signed by John M. Gentry)
County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

Motion carried by voice vote.

G. A Resolution to Advance Fiscal Year Budget 2010-11 Capital Fund 189 Expenditures Funding to Fiscal Year 2010-11 Continuation Budget for Highway Construction.

Mr. Gentry presented the following resolution to advance FY budget 2010-11 Capital Fund 189 expenditures funding to FY 2010-11 continuation budget for highway construction. Mr. Gentry said that this was requested by the Highway Commission in order to take advantage of current contract pricing and not lose their paving season, and he added that this was approved by the Budget Committee earlier this evening.

Resolution No. 10-092

A RESOLUTION TO ADVANCE FISCAL YEAR BUDGET 2010-11 CAPITAL
FUND 189 EXPENDITURE FUNDING TO FISCAL YEAR 2010-11
CONTINUATION BUDGET FOR HIGHWAY CONSTRUCTION

WHEREAS, McMinn County is currently operating under a continuation budget from the fiscal year 2009-10; and

WHEREAS, the continuation budget does not provide for expenditures from the 189 Capital Fund Highway Construction category; and

WHEREAS, McMinn County will not have a new budget until late August 2010, at the earliest; and

(Cont'd)

Resolution No. 10-092 (Cont'd)

WHEREAS, the McMinn County Highway Department requests 189 Capital Funds for highway construction be advanced to the current continuation budget in an effort not to lose the current contract price for paving and critical time in the paving season; and

WHEREAS, McMinn County desires not to risk the current contract pricing and critical paving season time; and

WHEREAS, the proposed 2010-11 budget includes \$480,000 for highway construction.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE MEETING IN REGULAR SESSION THIS THE 19TH DAY OF JULY 2010, that this Commission believes it is prudent to advance FY 2010-11 Capital Funding to the current continuation budget to utilize the current paving contract price and not to lose time in the paving season.

(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 Jack Powers, to approve this resolution.

Motion carried by voice vote.

H. Resolutions to Approve the Applications Regarding Funding and Placement of Rural Fire Hydrants.

Mr. Gentry presented the following two resolutions to approve the applications regarding funding and placement of rural fire hydrants and he requested that they be approved contingent on the approval of the utility provider. He also added that the preference is for the Forrest Heights location, but if they can both be done within the \$3,000.00 limit, both are recommended.

Resolution No. 10-093

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 1 rural fire hydrant per year in each civil district; and

(Cont'd)

Resolution No. 10-093 (Cont'd)

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 hydrants per civil district per fiscal year. The grant amount is \$3000 per hydrant, based on available funds and approval of the Budget Committee.

I, Harold Eaton, as the Chief of Athens Fire District, wish to request the placement of 1 fire hydrant(s) at the following location:
In Forrest Heights subdivision Highway 30 East. Hydrant location needs to be at back of horseshoe, corner of County Road 556 and 557.
(provide map)

This form stands as a Hold Harmless agreement whereas McMinn County 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 21, 2010

As Rural Fire District Chief, I approve this recommendation: Chief Harold Eaton

District: I (Athens Rural)

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 is 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: _____

This hydrant was approved by the McMinn County Commission on July 19, 2010.

Commissioner Signature: (Orig signed by Roger Masingale)

Commissioner Signature: (Orig signed by Jack Powers)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19th DAY OF JULY 2010, 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

Resolution No. 10-094

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 1 rural fire hydrant per year in each civil 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 hydrants per civil district per fiscal year. The grant amount is \$3000 per hydrant, based on available funds and approval of the Budget Committee.

I, Harold Eaton, as the Chief of Athens Fire District, wish to
request the placement of 1 fire hydrant(s) at the following location:
Hydrant needs to be placed at entrance to the National Guard Armory on County Road 554.
(provide map)

This form stands as a Hold Harmless agreement whereas McMinn County 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: July 7, 2010

As Rural Fire District Chief, I approve this recommendation: Chief Harold Eaton

District: I (Athens Rural)

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 is 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: _____

This hydrant was approved by the McMinn County Commission on July 19, 2010.

Commissioner Signature: (Orig signed by Roger Masingale)

Commissioner Signature: (Orig signed by Jack Powers)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19th DAY OF JULY 2010, 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 Jack Powers, to approve these resolutions contingent upon the approval of the utility provider with preference being given to the Forrest Heights location if the \$3,000.00 limit cannot fund both hydrants.

Motion carried by voice vote.

11. ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

None.

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

A. Emergency Services Committee – Commissioner Curtis.

Commissioner Curtis said that the Emergency Services Committee met earlier this evening and approved resolutions presented and approved in this meeting. He also said that they gave Betty Hamby permission to apply for a Homeland Security Grant in the approximate amount of \$63,000.00 with no county match.

B. Budget Committee – Commissioner Jack Powers.

Commissioner Jack Powers said that the Budget Committee met prior to this meeting and they are continuing to work on the budget.

C. Comments by County Clerk Evonne Hoback Regarding the County Clerk’s Budget.

County Clerk Evonne Hoback said she usually puts her annual report in the Commissioners’ packets, but she said she wanted to come before the Commission to clear up misconceptions about her budget. She stated that there is no operational deficit in the County Clerk’s Office and explained that her office has complied with the operative statutes for the ten years she has been County Clerk. Evonne explained that the fee offices in Tennessee are allowed to operate in one of two ways – the fee system or the budget system. From 2000-2009, the County Clerk’s Office operated under the fee system and she presented the excess fee totals for that period, as follows:

<u>2000-01</u>	<u>2001-02</u>	<u>2002-03</u>	<u>2003-04</u>	<u>2004-05</u>	<u>2005-06</u>	<u>2006-07</u>	<u>2007-08</u>	<u>2008-09</u>
\$73,731	\$75,000	\$60,000	\$63,200	\$75,000	\$91,000	\$54,500	\$20,000	\$20,741

In FY 2009-10, the County Clerk’s Office went from the fee system to the budgetary system. Under this system, the County Clerk turns over monthly the fees generated by the office to the County Trustee. The County Commission must, in return, budget for expenses, authorizing the trustee to pay the official’s salary, salaries of deputies and assistants, and authorized expenses of the office. The main advantage to this system is the county general fund receives monies monthly and does not have to wait until the end of each quarter for the excess fees. Evonne said that during FY 2009-10, the County Clerk’s office generated \$438,980 in fees. The amount turned over to the county general fund was \$433,980 (less \$5,000.00 for bad checks). Evonne added that if her office had remained on the fee system, the county would have received approximately \$76,690 in excess fees. However, the County had the benefit of receiving approximately \$36,576 each month from the County Clerk that assisted with the general fund’s cash flow needs. Evonne said she is proud of this accomplishment and more importantly her staff for putting forth the effort to bring additional revenues to McMinn County in these difficult economic times. Evonne added one final point that her Letters of Agreement have been approved by the County Mayor and her operational budgets have been approved by the County’s budget committee and adopted by the Commission. She offered to answer any questions.

In response to a question from Chairman Crews, Evonne said it is not required that she cover health insurance premiums. Evonne said that her office has been run very conservatively and she added that she is proud of that and stands on that. Commissioner Mason offered a “Good job.” Evonne thanked the Commissioners for their time.

13. COMMENTS FROM THE COUNTY MAYOR

A. North Ambulance Station Bid.

Mr. Gentry said they are negotiating with the low bidder before bringing it to the Commission, and added that they are looking at what items may be omitted and performed by County forces. If they cannot reach an agreement, they may bring the Commission a recommendation to reject all bids.

14. APPROVAL OF NOTARY APPLICATIONS

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

Notary Applications for July 2010

Andrew J. Bell
Kimberly D. Culberson
Terry L. Elliott
Natasha R. Holmes
Michelle B. Hoppe
Tracy L. Howell
Harold L. Hutsell
Paige Layman
Tanya Leonard
Jonathan D. Rayburn
Brenda S. Stone

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

Motion carried by voice vote.

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

None.

16. ADJOURNMENT

There being no other regular business, Chairman Crews declared the Commission meeting adjourned at 8:00 pm.

EVONNE HOBACK
McMinn County Clerk

Attest:

Deputy Clerk (date)