

The McMinn County Board of Commissioners met in Regular Session on September 19, 2011, 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 Tim King.

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  
Tim King – Present  
Roger Masingale – Present  
Gary Mason – Present  
J. W. McPhail – Present  
Bob Powers – Present  
Tad Simpson – Present  
Charles Slack – Present  
Chairman David Crews – Present

5. APPROVAL OF MINUTES

Copies of the Minutes of the Regular Session on August 15, 2011 were provided to the McMinn County Commissioners.

Motion made by Commissioner Holbrook, and seconded by Commissioner Simpson, to approve the Minutes of August 15, 2011.

Motion carried by voice vote.

6. ELECTION OF CHAIRMAN AND VICE CHAIRMAN

Chairman Crews opened the floor for nominations.

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

Motion carried by voice vote.

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

Motion carried by voice vote.

7. APPROVAL OF BIDS AND PURCHASES

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

Mr. Luallen presented the following resolution to approve and award the semi-annual bid of motor oil, along with letters of recommendation from each of the department heads.

RESOLUTION NO. 11-105

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

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

WHEREAS, the McMinn County Purchasing Department requests the purchase of Motor Oil, fluids and grease for October 1, 2011 through March 31, 2012, in order to properly carry out the functions of each department; and

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

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

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19<sup>th</sup> DAY OF SEPTEMBER 2011, that this Commission does hereby approve the recommendation of the McMinn County Supervisors and Department Heads.

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

MOTION made by Commissioner Powers, and seconded by Commissioner King, 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 the following resolution to approve and award the annual bid for crushed stone, along with the bid summary sheet and a letter of recommendation from the Commissioner of Highways.

RESOLUTION NO. 11-106

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

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

WHEREAS, the McMinn County Highway Department requests the purchase of crushed stone for the period of October 1, 2011 through September 30, 2012, in order to properly carry out the functions of the department; and

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

WHEREAS, Randall Moss, McMinn County Highway Commissioner has recommended the bid be awarded to Vulcan Materials Company and East Tennessee 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 19<sup>th</sup> DAY OF SEPTEMBER 2011, that this Commission does hereby approve the recommendation of the Highway Commissioner.

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

In response to a question from Commissioner Mason, the Highway Commissioner said we saved \$.50 per ton on this bid.

Motion carried by voice vote.

C. A Resolution to Approve and Award the Bids for Two 60” Rotary Mowers and Two 50” Boom Mowers.

Mr. Luallen presented the following resolution to approve and award the bids for two 60” rotary mowers and two 50” boom mowers, along with a bid summary sheet and a letter of recommendation from the Highway Commissioner.

RESOLUTION NO. 11-107

A RESOLUTION TO APPROVE AND AWARD THE BIDS FOR  
TWO 60” ROTARY MOWERS AND TWO 50” BOOM MOWERS

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

(Cont’d)

Resolution No. 11-107 (Cont'd)

WHEREAS, Randall Moss, Highway Commissioner, requested the purchase of two 60" Rotary Mowers and two 50" Boom Mowers, for use by the McMinn County Highway Department 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, Highway Commissioner Randall Moss recommends the bid be awarded to the lowest bidder meeting specifications, Diamond Mowers, Sioux Falls, SD.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN CALLED SESSION THIS THE 19<sup>th</sup> DAY OF SEPTEMBER 2011, 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 Mason, and seconded by Commissioner Powers, to approve this resolution.

In response to a question from Commissioner Simpson, Mr. Roy Glass, Highway Department, said they don't know yet if they will get credit for deleting wheel weights. If they are able to use existing wheel weights, they will not purchase new ones and will receive credit for not purchasing new ones. If they are unable to use existing wheel weights, they will have to purchase new ones and that cost is included.

In response to a question from Chairman Crews, Mr. Luallen explained that typically, you can award bid items separately, but in this case, they have to be taken together because one is an attachment to the other. It was stated in the bid specifications that they would be awarded together.

Motion carried by voice vote.

D. A Resolution to Approve Additional Purchase from the Bid for Turn-out Gear for McMinn County Rural Fire Department.

Mr. Luallen presented the following resolution to approve additional purchase from the bid for turn-out gear for McMinn County Rural Fire Department. Mr. Luallen stated that the Emergency Services Committee met prior to this meeting and they recommend that we purchase 48 additional sets of turn-out gear for a total price of \$58,608.00.

### RESOLUTION NO. 11-108

#### A RESOLUTION TO APPROVE ADDITIONAL PURCHASE FROM THE BID FOR TURN-OUT GEAR 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

(Cont'd)

Resolution No. 11-108 (Cont'd)

WHEREAS, the McMinn County Rural Fire Chief Scott Thompson has requested the purchase of turn-out gear, 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 Heritage Fire Equipment, of Knoxville, TN, the low bidder meeting specifications; and

WHEREAS, the bid allows for additional purchases within 180 days of the initial purchase order dated May 18, 2011; and

WHEREAS, it is recommended to purchase 48 additional sets of turn out gear for a total price of \$58,608.00; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19<sup>th</sup> DAY OF SEPTEMBER 2011, 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 Slack, and seconded by Commissioner Simpson, to approve this resolution.

Motion carried by voice vote.

E. A Resolution to Approve the Purchase of an Emergency Communications Tower.

Mr. Luallen presented the following resolution to approve the purchase of an emergency communications tower along with a letter of recommendation and backup documentation from the EMA Director, Betty Hamby. Mr. Luallen added that this was approved by the Emergency Services Committee.

#### RESOLUTION NO. 11-109

#### A RESOLUTION TO APPROVE THE PURCHASE OF AN EMERGENCY COMMUNICATIONS TOWER

WHEREAS, McMinn County has experienced occasional emergency communication problems on the west side of the county due to topographical issues and has leased commercial tower space to alleviate the problems with limited success; and

WHEREAS, McMinn County has the opportunity to purchase its own tower site on the west side of the county from Brewer Broadcasting that includes a 180 ft. radio tower, a 360 sq. ft. transmission building and approximately one acre of land; and

WHEREAS, the sales agreement price for the tower site is \$18,500, which is substantially less than both the cost of constructing a new tower and the cost of a long term lease; and

WHEREAS, the site has been reviewed by independent third party, Cartwright Communications and received a favorable recommendation; and

WHEREAS, upon the recommendation of McMinn County Emergency Management Director Betty Hamby, McMinn County desires to purchase this tower site to improve emergency communications while also saving taxpayer dollars; and

WHEREAS, the closing on the tower site property is contingent on the current property owner meeting all requirements of the title abstract; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19<sup>th</sup> DAY OF SEPTEMBER 2011, that this commission does approve the purchase of the communications tower site and FURTHER, approves the County Mayor to execute all necessary documentation regarding said purchase and to make necessary improvements to said property such as erecting fencing, installing repeaters and providing emergency backup power.

(Orig signed by John Gentry)  
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

F. 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, and added that this had Emergency Services Committee approval.

RESOLUTION NO. 11-110

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 BST Fire (the only source provider) for annual pump testing, service and maintenance to county fire trucks and equipment at \$35,000; and

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

(Cont'd)

Resolution No. 11-110 (Cont'd)

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19<sup>th</sup> DAY OF SEPTEMBER, 2011, the payment of invoice for pump testing, service and maintenance to county fire trucks and equipment to BST Fire of \$35,000 be hereby approved.

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

G. A Resolution to Approve and Award Bid for Fire Alarm System Replacement and Security Electronics Upgrade at the McMinn County Justice Center.

Mr. Luallen presented a resolution to approve and award bid for fire alarm system replacement and security electronics upgrade at the McMinn County Justice Center. Mr. Luallen said that the Properties Committee met prior to this meeting and some changes were made and they are reflected in the following resolution.

#### RESOLUTION NO. 11-111

#### A RESOLUTION TO APPROVE AND AWARD BID FOR FIRE ALARM SYSTEM REPLACEMENT AND SECURITY ELECTRONICS UPGRADE 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 has requested the fire alarm system replacement and security electronics upgrade at the McMinn County Justice Center 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, security consultants David E. Musacchio & Associates, Consulting Inc. recommends the bid be awarded to the low bidder meeting specifications, Gallaher & Associates, Inc. for Bid Item 1 to replace the fire alarm system in the amount of \$186,848 AND Southwestern Communications for Bid Items 2 through 2-2 not to exceed \$482,031 for a total project cost not to exceed \$668,879.00; and

WHEREAS, a \$10,000 contingency for Bid Item I and a \$15,000 contingency for Bid Item 2 are included.

(Cont'd)

Resolution 11-111 (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 SEPTEMBER 2011, that this Commission does hereby approve the recommendation of the security consultants, David E. Musacchio & Associates, Consulting Inc., and further authorizes the Properties Committee and County Mayor to approve scope of work changes within the contingency amounts and 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

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

Commissioner Mason said that the Properties Committee met for over an hour earlier this evening and he said that this was a good plan.

Motion carried by voice vote.

8. REVIEW AND APPROVAL OF CONTRACTS

A. A Resolution to Approve a Proposal Contract Between Tennessee Department of Transportation and McMinn County Regarding a Project at Piney Grove Road from SR-30 to SR-163.

Mr. Luallen presented the following resolution to approve a proposal contract between Tennessee Department of Transportation and McMinn County regarding a project at Piney Grove Road from SR-30 to SR-163, and added that McMinn County has no obligation.

RESOLUTION NO. 11-112

A RESOLUTION TO APPROVE A PROPOSAL CONTRACT BETWEEN TENNESSEE  
DEPARTMENT OF TRANSPORTATION AND  
MCMINN COUNTY REGARDING A PROJECT AT  
PINEY GROVE ROAD FROM SR-30 TO SR-163

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 a contract with Tennessee Department of Transportation (TDOT); and

WHEREAS, TDOT desires to undertake a project at Piney Grove Road from SR-30 to SR-163 in the City of Athens in McMinn County; and

WHEREAS, the Department desires to assist the Agency by installing various signs, snowplowable markers, reflectors, chevrons, thermoplastic white and yellow lines, guardrails, and other safety improvements within the jurisdiction of the Agency in furtherance of this program; and

WHEREAS, McMinn County has no initial financial obligation in the project, it is responsible for future maintenance of the improvements.

(Cont'd)

Resolution No. 11-112 (Cont'd)

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19<sup>th</sup> DAY OF SEPTEMBER 2011, that this Commission does hereby approve this proposal contract between TDOT and McMinn County regarding the project at Piney Grove Road from SR-30 to SR-163.

AND FURTHERMORE RESOLVES to grant authority to the County Mayor or his designee to carry out the duties of said contract.

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

In response to a question from Commissioner Simpson, the Highway Commissioner said McMinn County is responsible for maintaining the safety improvements, and it would be part of our normal maintenance schedule.

Motion carried by voice vote.

B. A Resolution to Approve a Proposal Contract Between Tennessee Department of Transportation and McMinn County Regarding a Project at Riceville Decatur Road from SR-30 to I-75.

Mr. Luallen presented the following resolution to approve a proposal contract between Tennessee Department of Transportation and McMinn County regarding a project at Riceville Decatur Road from SR-30 to I-75.

#### RESOLUTION NO. 11-113

#### A RESOLUTION TO APPROVE A PROPOSAL CONTRACT BETWEEN TENNESSEE DEPARTMENT OF TRANSPORTATION AND MCMINN COUNTY REGARDING A PROJECT AT RICEVILLE DECATUR ROAD FROM SR-30 TO I-75

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 a contract with Tennessee Department of Transportation (TDOT); and

WHEREAS, TDOT desires to undertake a project at Riceville Decatur Road from SR-30 to I-75 in the City of Athens in McMinn County; and

WHEREAS, the Department desires to assist the Agency by installing various signs, snowplowable markers, reflectors, chevrons, thermoplastic white and yellow lines, guardrails, and other safety improvements within the jurisdiction of the Agency in furtherance of this program; and

WHEREAS, McMinn County has no initial financial obligation in the project, it is responsible for future maintenance of the improvements.

(Cont'd)

Resolution No. 11-113 (Cont'd)

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19<sup>th</sup> DAY OF SEPTEMBER 2011, that this Commission does hereby approve this proposal contract between TDOT and McMinn County regarding the project at Riceville Decatur Road from SR-30 to I-75.

AND FURTHERMORE RESOLVES to grant authority to the County Mayor or his designee to carry out the duties of said contract.

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

C. A Resolution to Approve a Contract with Fleetcor Technologies to Provide Fuel Services for McMinn County.

Mr. Luallen presented the following resolution to approve a contract with FleetCor Technologies to provide fuel services for McMinn County and added that this has the approval of the Emergency Services Committee.

Resolution No. 11-114

A RESOLUTION TO APPROVE A CONTRACT WITH FLEETCOR TECHNOLOGIES TO PROVIDE FUEL SERVICES FOR MCMINN COUNTY

WHEREAS, McMinn County currently pays for the diesel fuel to operate its fire pumpers and haz-mat trucks; and

WHEREAS, currently the eleven volunteer rural fire departments purchase fuel at local stations, pay for the diesel out of their department's funds and are then reimbursed by the county; and

WHEREAS, the utilization of FleetCor's fuel cards should reduce fuel costs by allowing the county to purchase diesel at FleetCor's negotiated reduced rates, in addition to being tax free; and

WHEREAS, the services offered by FleetCor will also allow the county to more effectively track and monitor fuel purchases which should increase efficiency; and

WHEREAS, FleetCor's services are approved for purchase on the Tennessee State Contract List.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19<sup>th</sup> DAY OF SEPTEMBER 2011, that this commission does approve entering a contract with FleetCor Technologies Operating Company, LLC, and FURTHER approves the County Mayor to execute all necessary documentation regarding said contract.

(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 Simpson, to approve this resolution.

Mr. Luallen added that this is for fire trucks at this time.

Motion carried by voice vote.

D. A Resolution Authorizing McMinn County's Participation in a Litter Control Grant for Fiscal Year 2011-12 from the Tennessee Department of Transportation, Highway Maintenance Division; and Authorizing the County Mayor to Administer Activities Associated with this Grant.

Mr. Luallen presented the following resolution authorizing McMinn County's participation in a litter control grant for FY 2011-12 from the Tennessee Department of Transportation, Highway Maintenance Division; and authorizing the County Mayor to administer activities associated with this grant.

RESOLUTION NO. 11-115

A RESOLUTION AUTHORIZING MCMINN COUNTY'S PARTICIPATION IN A  
LITTER CONTROL GRANT FOR FISCAL YEAR 2011-12  
FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION, HIGHWAY MAINTENANCE DIVISION; AND  
AUTHORIZING THE COUNTY MAYOR TO ADMINISTER ACTIVITIES ASSOCIATED WITH THIS GRANT

WHEREAS, McMinn County has received grant assistance from the Tennessee Department of Transportation for litter control activities in McMinn County, known as the "Litter Grant" since 1986; and

WHEREAS, the award of such a grant requires the authorization and consent of the McMinn County Commission for grant application and contract execution, subject to award by the Tennessee Department of Transportation; and

WHEREAS, this body deems the continued administration of litter grant activities as in the best interest of the citizens of McMinn County.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19th DAY OF SEPTEMBER 2011, that this Commission authorizes McMinn County's participation in a litter grant in FY 2011-12 with the Tennessee Department of Transportation, the public welfare requiring it, and FURTHER resolves to authorize the County Mayor to execute all necessary documents regarding this grant application.

(Orig signed by John M. Gentry)  
County Mayor

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Mr. Gentry stated that this year's Litter Grant increased over \$10,000 from last year's.

Motion carried by voice vote.

9. APPROVAL OF BUDGET AMENDMENTS

Mr. Luallen said that there are no budget amendments, but he presented the following resolutions that are related to the budget.

Resolution to Rescind Resolution No. 11-089 Fixing Tax Levy, Summary of Proposed Operations, Tax Summary and Affected Budget Revenue Pages for McMinn County, Tennessee for Fiscal Year Beginning July 1, 2011 and to Approve Revised Resolution for Same and Ancillary Budget Documents Affected by the Reallocation.

RESOLUTION NO. 11-116

RESOLUTION TO RESCIND RESOLUTION No. 11-089 FIXING TAX LEVY, SUMMARY OF PROPOSED OPERATIONS, TAX SUMMARY AND AFFECTED BUDGET REVENUE PAGES FOR MCMINN COUNTY, TENNESSEE FOR FISCAL YEAR BEGINNING JULY 1, 2011 AND TO APPROVE REVISED RESOLUTION FOR SAME AND ANCILLARY BUDGET DOCUMENTS AFFECTED BY THE REALLOCATION

WHEREAS, the McMinn County Budget Committee recommends rescinding Resolution No. 11-089 fixing the Tax Levy, Summary of Proposed Operations, Tax Summary and affected budget revenue pages for the fiscal year beginning July 1, 2011; and

WHEREAS, the McMinn County Budget Committee recommends allocating one hundred percent of the revenue received from Tennessee Valley Authority to its General Purpose School Fund #141 and adjusting the allocation of the property tax levy accordingly to replace the TVA revenue taken from its General Fund #101 and its Road & Bridge Fund #131.

WHEREAS, it is necessary to approve a resolution fixing the Tax Levy, Summary of Proposed Operations, Tax Summary and affected budget revenue pages for the fiscal year beginning July 1, 2011 to reflect the reallocation of property tax levy and TVA revenue.

NOW THEREFORE, BE IT RESOLVED, by the County Commission of McMinn County, Tennessee to rescind Resolution No. 11-089 fixing its Tax Levy, Summary of Proposed Operations, Tax Summary and affected budget revenue pages for fiscal year beginning July 1, 2011 and to approve revised resolution for same and ancillary budget documents affected by the reallocation.

PASSED THIS 19<sup>th</sup> DAY OF SEPTEMBER, 2011.

(Orig signed by John Gentry)  
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

Resolution No. 11-116A

RESOLUTION FIXING THE TAX LEVY FOR MCMINN COUNTY, TENNESSEE  
FOR THE FISCAL YEAR BEGINNING JULY 1, 2011

Section I. BE IT RESOLVED, by the McMinn County Commission of McMinn County, Tennessee, assembled in regular session on this the 19<sup>th</sup> day of September, 2011, that the combined property tax for McMinn County, Tennessee, for the fiscal year beginning July 1, 2011, shall be \$1.5553 on each hundred dollars of assessed taxable property within said County.

The total tax rate of \$1.5553 on each one hundred dollars of assessed taxable property herein fixed is to provide revenue for each of the following funds and otherwise conform to the following levies:

General Fund	\$ .3756
Road & Bridge Fund	.1291
McMinn School Fund	.5578
Athens School Fund	.1466
Etowah School Fund	.0278
Other Capital Projects Fund	<u>.3184</u>
 TOTAL	 \$ <u>1.5553</u>

Section II. BE IT FURTHER RESOLVED that the McMinn County Trustee is hereby authorized to prepare tax statements for Fiscal Year 2011-2012 "rounded off" to the nearest full dollar amount as authorized by TCA 67-5-102.

Section III. BE IT FURTHER RESOLVED, that the assessment was based on the Property Assessment and Classification Act of 1973 as follows:

Farm & Residential Property	25%
Personal Property	30%
Industrial & Commercial Property	40%
Public Utilities	55%

Section IV. BE IT FURTHER RESOLVED, that there is hereby levied by and for the use of McMinn County, Tennessee, a Business Tax upon merchants and other vocations, occupations and businesses, doing a business, or exercising a taxable business in McMinn County, Tennessee, under the Business Tax Act of 1971, State of Tennessee. In accordance with said Act, the business taxes hereby levied shall be in the same amount as are levied by the State of Tennessee, and proceeds of said tax herein levied shall accrue to the various funds as designated by the County Commission, except where otherwise provided by statute.

Section V. BE IT FURTHER RESOLVED, that this resolution shall take effect from and after its passage and its provisions shall be in force from and after July 1, 2011. This resolution shall be spread upon the minutes of the County Commission.

(Orig signed by John Gentry)  
County Mayor

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Mr. Luallen stated that this was a follow-up to the consensus of the Budget Committee last month, and in response to a question from Commissioners Mason, Mr. Luallen said that CTAS approved this. Commissioner Curtis added that this doesn't affect the tax rate.

Motion carried by roll call vote, as recorded:

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

A Resolution to Approve the Appropriation of Funds to Non-Profit Organizations Listed in FY 2011-12 Budget.

RESOLUTION NO. 11-117

A RESOLUTION TO APPROVE THE APPROPRIATION OF FUNDS TO NON-PROFIT ORGANIZATIONS LISTED IN FY 2011-12 BUDGET

WHEREAS, requests have been made by various non-profit but non-charitable organizations for appropriation of funds during FY 2011-12, and

WHEREAS, approval of advertisement of appropriation of funds occurred on July 29, 2011, and advertisement has occurred.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION, THIS THE 19<sup>th</sup> DAY OF SEPTEMBER, 2011, that this Commission does hereby approve this appropriation of funds to these non-profit but non-charitable organizations.

(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 McPhail, to approve this resolution.

Motion carried by roll call vote, as recorded:

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

10. Trustee's Annual Report – Mr. Phil Tuggle.

Mr. Phil Tuggle, McMinn County Trustee, presented the Commission with his Annual Report, a copy of which was provided to each Commissioner. He said that they returned to the General Fund for FY 2010-2011 a total of \$385,000.00 and added that these are not fees charged to taxpayers, but consist of commissions on funds received and efficient operation of their office. Since 2002, the Trustee's Office has returned \$3,295,000.00 in excess fees to the General Fund. Concerning investments, he said it's terrible with their return on 2010-2011 investments being \$100,348.00. He said these are tough economic times and it is very difficult for everyone involved and he added that he appreciates the banks that are willing to work with him. Mr. Tuggle said that sales tax is reflecting a slight upturn in consumer spending and he went over the sales tax revenue figures with the Commissioners. He also reviewed the property tax figures. As of June 30, 2011, 2010 tax collections are \$16,020,854.00 real and personal property or 90%. Public utilities collections total \$600,722.00 or 99%. Mr. Tuggle said that they plan to stress the payment plan for taxpayers and added that they offer debit credit payment as well as on-line payment. Mr. Tuggle also said that thanks to the Mayor and the Commission, they installing a 24-hour dropbox for the convenience of taxpayers. Mr. Tuggle said they are also changing their notices which he said he would discuss with the Commission another time. Mr. Tuggle offered to answer any questions and thanked the Commission for allowing him to present this report.

11. COMMENTS FROM THE AUDIENCE

None.

12. RESOLUTIONS

A. Resolutions to Adopt a Reapportionment/Redistricting Plan for McMinn County and for McMinn County Board of Education.

Mr. Gentry presented the following resolutions to adopt a reapportionment/redistricting plan for McMinn County and for McMinn County Board of Education. He thanked the Commissioners for coming out for the reapportionment meeting. Mr. Gentry said that Districts 1, 4, and 5 were unchanged, and he reviewed the map with the changes in Districts 2 and 3. Mr. Gentry added that the following resolution has the recommendation of the Reapportionment Committee and said that by law, the Commission needs to approve the reapportionment.

RESOLUTION NO. 11-118

TO ADOPT A REAPPORTIONMENT/REDISTRICTING PLAN  
FOR MCMINN COUNTY

WHEREAS, *Tennessee Code Annotated*, Section 5-1-111, requires that, at least every ten (10) years, county legislative bodies shall change the boundaries of districts or redistrict a county entirely if necessary to apportion the county legislative body so that the members represent substantially equal populations; and

WHEREAS, McMinn County has prepared a plan consistent with the provisions of *Tennessee Code Annotated*, Section 5-1-111, which provides for a county legislative body composed of 10 members and which creates 5 districts as depicted on the official redistricting map for McMinn County prepared pursuant to *Tennessee Code Annotated*, Section 5-1-110.

(Cont'd)

Resolution No. 11-118 (Cont'd)

NOW, THEREFORE, BE IT RESOLVED by the McMinn County Legislative Body meeting in regular session at Athens, Tennessee, on this 19th day of September, 2011, that:

SECTION 1. There is hereby adopted a reapportionment plan for McMinn County which provides for 2 commissioner(s) in each of the 5 districts for a total county legislative body of 10 members. The districts for members of the county legislative body are depicted on the official redistricting map for McMinn County prepared pursuant to *Tennessee Code Annotated*, Section 5-1-110. A copy of the redistricting map is attached as Exhibit A to this resolution and is incorporated herein by reference.

SECTION 2. All members of the county legislative body shall be elected at large within the district wherein the candidate seeks election. The 2 candidates receiving the greatest number of votes in each district shall be elected;

SECTION 3. This plan shall take effect upon passage, the public welfare requiring it, provided that vacancies shall be filed in accordance with *Tennessee Code Annotated*, Section 5-1-104.

ADOPTED this 19<sup>th</sup> day of September, 2011

(Orig signed by John Gentry)  
County Mayor

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

RESOLUTION NO. 11-119

TO ADOPT A REDISTRICTING PLAN  
FOR MCMINN COUNTY BOARD OF EDUCATION

WHEREAS, *Tennessee Code Annotated*, Section 5-1-111, requires that, at least every ten (10) years, county legislative bodies change the boundaries of districts or redistrict a county entirely if necessary to apportion the county legislative body so that the members represent substantially equal populations; and

WHEREAS, McMinn County has prepared a plan consistent with the provisions of *Tennessee Code Annotated*, Section 5-1-111, as depicted on the official redistricting map for McMinn County prepared pursuant to *Tennessee Code Annotated*, Section 5-1-110.

WHEREAS, *Tennessee Code Annotated*, Section 49-2-201, requires that members of county boards of education be elected from districts of substantially equal population; and

WHEREAS, Chapter 61 of the Private Acts of 1999, requires that the districts from which the members of the county board of education are elected be coextensive with the districts from which the members of the county legislative body are elected;

(Cont'd)

Resolution No. 11-119 (Cont'd)

NOW, THEREFORE, BE IT RESOLVED by the McMinn County Legislative Body meeting in regular session at Athens, Tennessee, on this 19<sup>th</sup> day of September, 2011, that:

SECTION 1. The boundaries of the districts from which the members of the county board of education are elected are hereby changed to correspond to the new boundaries created for the county legislative body as depicted on the official redistricting map for McMinn County prepared pursuant to *Tennessee Code Annotated*, Section 5-1-110. A copy of the redistricting map is attached as Exhibit A to this resolution and is incorporated herein by reference.

SECTION 2. The present members shall serve the remainder of the term for which they were elected.

SECTION 3. This plan shall take effect upon passage, the public welfare requiring it, provided that vacancies shall be filled in accordance with *Tennessee Code Annotated*, Section 5-1-104.

ADOPTED this 19<sup>th</sup> day of September 2011

(Orig signed by John Gentry)  
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

B. A Resolution to Amend McMinn County's Ambulance Service Regulations

Mr. Gentry presented the following resolution to amend McMinn County's Ambulance Service Regulations as recommended by the Emergency Services Committee. Mr. Gentry said basically it adds a provision for non-emergency service providers to clear their run status with E-911 if they find it necessary to go into emergency mode due to the declining state of patient's health. Mr. Gentry added that this will become effective immediately upon Commission passage.

Resolution No. 11-120

A RESOLUTION TO AMEND McMINN COUNTY'S AMBULANCE SERVICE REGULATIONS

WHEREAS, per the provision of T.C.A. 7-61-103, McMinn County adopted regulations in June 2006 to govern ambulance services wishing to operate in McMinn County; and

WHEREAS, McMinn County recognizes that these regulations may need to be amended as technologies and best practices change in the emergency services industry; and

(Cont'd)

Resolution No. 11-120 (Cont'd)

WHEREAS, non-emergency ambulance service providers may find it necessary to occasionally run 33 traffic (emergency lights and sirens status) due to declining state of patient's health, inter-facility emergency transfer or as E-911 back up; and

WHEREAS, McMinn County believes it is in the public's best interest to require said providers to clear their emergency run status with E-911 Communications at the soonest available time with said clearance to include run purpose with caution to not jeopardizing patient's privacy rights; and

WHEREAS, E-911 dispatch staff have recommended this amendment; and

WHEREAS, this amendment shall become effective immediately following its adoption.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 19<sup>th</sup> DAY OF SEPTEMBER 2011, that the current McMinn County Ambulance Service Regulations be amended as stated herein and the County Mayor shall provide such to each licensed Ambulance Service.

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

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

Mr. Gentry presented the following resolution to renew and license Rural/Metro as a non-emergency ambulance service provider in McMinn County. Mr. Gentry said that this will take them through June 30, 2012 and he explained a couple of issues regarding inter-facility transfers and medicare billing that the Emergency Services Committee did address with them and added they are in compliance.

#### RESOLUTION No. 11-121

#### A RESOLUTION TO RENEW 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 provided by TCA 7-61-103, to ensure professional and responsible EMS service for the citizens of McMinn County; and

(Cont'd)

Resolution No. 11-121 (Cont'd)

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 service to operate in McMinn County; and

WHEREAS, Rural Metro Ambulance has requested licensure renewal 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

WHEREAS, having met such requirements and qualifications, McMinn County approves renewal for 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; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING THIS 19<sup>th</sup> DAY OF SEPTEMBER 2011, that this Commission does hereby approve Rural/Metro Ambulance as a non-emergency ambulance service provider and by passage of this resolution does renew licensure for 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 Slack, to approve this resolution.

Motion carried by voice vote.

D. Resolution to Approve McMinn County Water Project Matching Funds Watts Bar Utility District Water Line Rural Development Application.

Mr. Gentry presented and explained the following resolution to approve a water line extension on County Roads 226, 228, 286, and 288 with the Watts Bar Utility District and added that these funds are in our capital fund.

RESOLUTION NO. 11-122

TO APPROVE MCMINN COUNTY WATER PROJECT MATCHING FUNDS  
WATTS BAR UTILITY DISTRICT WATER LINE RURAL DEVELOPMENT APPLICATION

WHEREAS, there are many residents of McMinn County who are experiencing problems with unsafe and inadequate wells and have requested assistance with public water service; and

(Cont'd)

Resolution No. 11-122 (Cont'd)

WHEREAS, the Watts Bar Utility District is requesting USDA Rural Development loan and grant funds to assist with the cost of extending water lines to the following County Roads:

- CR 226 – 7,100 LF to serve 9 homes
- CR 228 – 1,200 LF to serve 3 homes
- CR 286 – 9,000 LF to serve 21 homes
- CR 288 – 3,500 LF to serve 15 homes

WHEREAS, project engineers have estimated the construction cost of lines in McMinn County to be \$393,470; and

WHEREAS, the Watts Bar Utility District is requesting a financial commitment from the McMinn County Water Fund to provide the twenty percent matching funds; and

WHEREAS, McMinn County encourages these utility district partnerships that provide public water service to unserved homes.

NOW, THEREFORE, BE IT RESOLVED that the McMinn County Commission agrees to provide the necessary 20 percent matching funds for construction expenses ( $\$393,470 \times 20\% = \$78,694$ ) in the amount of \$78,694.

BE IT FURTHER RESOLVED that the McMinn County Commission, meeting in regular session on the 19<sup>th</sup> day of September 2011, authorizes the County Mayor to enter into agreements and execute documents necessary to carry out the intent of this resolution.

(Orig signed by John M. Gentry)  
County Mayor

Attest:

(Orig signed Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

13. ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

None.

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

A. Flood Insurance Committee – Commissioner McPhail.

Commissioner McPhail announced that the first meeting of the Flood Insurance Committee will be held on Tuesday, September 27, 2011, at 6:00 pm., in the Blue Room of the Courthouse.

B. Properties Committee – Commissioner Mason.

Commissioner Mason said that the Properties Committee will be meeting to follow up on the jail renovations and in response to a question to the County Mayor, Mr. Gentry said that he hoped to have negotiated schedule of values next week and that the Properties Committee could meet within two weeks.

C. Emergency Services Committee – Commissioner Simpson.

Commissioner Simpson said that the Emergency Services Committee met prior to this meeting and sent several recommendations to the Commission which were all approved earlier in this meeting.

D. Comments by the County Attorney Regarding the School Board Lawsuit.

Mr. Vance Baker, County Attorney, said that he and Mr. Owings finalized McMinn County's answer to the School Board lawsuit and they emphatically denied any liability to those school systems.

Mr. Baker expressed his thanks to the County Mayor and the Finance Director for their help, and added that he will keep the Commission informed.

15. COMMENTS FROM THE COUNTY MAYOR

A. Update on VA Clinic.

Mayor Gentry said that on Friday, October 14, 2011, from 1000-1200 in the Blue Room, state and federal officials from the Veterans Administration will be back in McMinn County for a public meeting. They are going to talk about some new eligibility requirements for veterans as well as other issues that female veterans and caretakers are dealing with. Mr. Gentry said that they will be giving a clinic update and added that he understands that the State Commissioner will be attending.

B. County Road 100 Upgrade.

Mr. Gentry explained that the grant to upgrade County Road 100 mentioned earlier by Highway Commissioner Moss is leftover federal transportation grant money from several years ago.

C. Paving of State Aid Roads.

Mayor Gentry said that the Highway Commissioner asked him to announce that the State Aid roads that will be paved this year will be County Road 188 (Possum Creek Road), and County Road 616 (New Zion Road).

D. Retirement of Beth Mercer, Librarian at E.G. Fisher Library.

Mr. Gentry said that Beth Mercer will be retiring after over 30 years as Librarian at E. G. Fisher Library. Her last day will be September 29, 2011, and Mr. Gentry said that he wished her well and added that he will be preparing a proclamation for her. Mr. Gentry said if you knew where the Library started and what it has ended up being, it is a shining star in McMinn County.

16. APPROVAL OF NOTARY APPLICATIONS

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

Notary Applications for September 2011

Carolyn K. Allison  
Georgia E. Anderson  
S. Renee Bentley  
Kasey G. Bridge  
Joyce S. Cagle  
Melissa L. Edgmon  
Cheryl P. Ingram  
Linda W. Johnson  
Sharon Kennedy  
Cynthia L. Kyle  
Kristie McNutt  
Linda S. Smith  
Robert Calvin Smith  
Bridget J. Willhite  
Stephanie M. Wilson

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

Motion carried by voice vote.

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

None.

18. ADJOURNMENT

There being no other business, Chairman Crews declared the Commission meeting adjourned at 8:08 pm.

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EVONNE HOBACK  
McMinn County Clerk

Attest:

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Deputy Clerk (date)