

The McMinn County Board of Commissioners met in Regular Session on August 19, 2013, at 7:30 pm, in the Blue Room of the McMinn County Courthouse.

**1. CALL TO ORDER**

The meeting was called to order by Chairman David Crews.

**2. INVOCATION**

The Invocation was given by Commissioner Slack.

**3. PLEDGE TO THE FLAG**

The Pledge to the Flag was led by Commissioner Curtis.

**4. ROLL CALL**

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

Scott Curtis - Present  
Dale Holbrook - Present  
Tim King - Present  
Roger Masingale - Present  
Gary Mason - Absent  
J. W. McPhail - 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 July 15, 2013, and the Special Called Session on July 29, 2013, were provided to the McMinn County Commissioners.

MOTION made by Commissioner Holbrook, and seconded by Commissioner King, to approve the Minutes of July 15, 2013 and July 29, 2013.

Motion carried by voice vote.

**6. APPROVAL OF BIDS AND PURCHASES**

A. A Resolution to Approve Purchase over \$10,000.00 for a Dozer to be used at the Landfill.

Mr. Luallen presented resolution # 13-102 with a copy of invoice and requisition from Stan Moses Landfill Director.

**RESOLUTION NO. 13-102**

**A RESOLUTION TO APPROVE PURCHASE OVER \$10,000 FOR A DOZER TO BE USED  
AT THE LANDFILL**

Resolution No. 13-102 (con't)

**WHEREAS**, the McMinn County Landfill Supervisor, Stan Moses, requests to purchase a bulldozer from Nortrax; and

**WHEREAS**, the bulldozer to be purchased is a 2012 John Deere valued at \$75,000; and

**WHEREAS**, according to TCA 12-3-1003 and McMinn County Financial Management Policy and Procedures, the purchase of used items or equipment valued over \$10,000 may be purchased without public advertisement or competitive bidding provided the price falls within 5% of a documented price range from a nationally recognized publication or a licensed appraiser; and

**WHEREAS**, purchase will be made using dedicated Waste Connection settlement revenue in an amount not to exceed \$75,000.

**NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 19<sup>TH</sup> DAY OF AUGUST, 2013, that this Commission does hereby approve the purchase of a 2012 John Deere Dozer for the McMinn County Landfill.**

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

**Attest:**

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

B. A Resolution to Approve and Purchase Over \$10,000.00 from State of Tennessee Contract for a 2013 F-150 Ford Truck to be used at the McMinn County Highway Department.

Mr. Luallen presented resolution # 13-103 with a copy of Requisition attached.

### **RESOLUTION NO. 13-103**

#### **A RESOLUTION TO APPROVE PURCHASE OVER \$10,000 FROM STATE OF TENNESSEE CONTRACT FOR A 2013 F-150 FORD TRUCK TO BE USED AT THE MCMINN COUNTY HIGHWAY DEPARTMENT**

**WHEREAS**, the McMinn County Highway Commissioner, Randall Moss, requests to purchase a F-150 truck from the State of Tennessee contract; and

**WHEREAS**, the truck to be purchased is a 2013 F-150 2WD Extended Cab valued at \$20,125; and

**WHEREAS**, according to Financial Management Committee Policies & Procedures, purchases over \$10,000 requires County Commission approval; and

Resolution No. 13-103 (con't)

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 19<sup>TH</sup> DAY OF AUGUST, 2013, that this Commission does hereby approve the purchase of a 2013 F-150 2WD Extended Cab truck from the State of Tennessee contract for the McMinn County Highway Department.

(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 Slack, to approve this resolution.

Motion carried by voice vote.

C. A Resolution to Approve and Award the McMinn County Justice Center HVAC Unit Replacements Bid.

Mr. Luallen presented resolution # 13-104 with bid summary sheet and letter of recommendation from Scott McDowell supervisor for the maintenance department and had Properties Committee Approval.

***RESOLUTION NO. 13-104***

**A RESOLUTION TO APPROVE AND AWARD THE  
MCMINN COUNTY JUSTICE CENTER HVAC UNIT REPLACEMENTS BID**

**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 Maintenance Supervisor, Scott McDowell, has requested the replacement of HVAC unit 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**, Scott McDowell recommends the bid be awarded to the low bidder meeting specifications, Webb Plumbing, Heating, & Electric of Athens, TN for \$31,596.00.

**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 AUGUST 2013, that this Commission does hereby approve the recommendation of the Maintenance Supervisor and further authorize the County Mayor to execute all documents essential to fulfilling said project.**

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

Attest:

Resolution No. 13-104 (con't)

(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.

D. A Resolution to Approve and Award the Bid for Roof Repairs for McMinn County Courthouse.

Mr. Luallen presented resolution # 13-105 with bid summary sheet and letter of recommendation from County Planner Russell Thress attached. This had approval from the Properties Committee.

### ***RESOLUTION NO. 13-105***

#### **A RESOLUTION TO APPROVE AND AWARD THE BID FOR ROOF REPAIRS FOR THE MCMINN COUNTY COURTHOUSE**

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

**WHEREAS**, McMinn County Mayor, John Gentry, has requested roof repairs at the McMinn County Courthouse in order to properly carry out the functions of county government; and

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

**WHEREAS**, it has been recommended that the roof repair bid be awarded to the low bidder meeting specifications, Urethane of Kentuckian, of New Albany, IN; 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 AUGUST 2013, that this Commission does hereby award the base bid with alternate two (2) in the amount of \$239,387.00 to Urethane of Kentuckian and further authorize the County Mayor to execute all documents essential to fulfilling said project.**

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

**7. REVIEW AND APPROVAL OF CONTRACTS**

A. A Resolution to Approve the Application for an Airport Safety Grant from Tennessee Department of Transportation—Division of Aeronautics.

Mr. Luallen presented Resolution # 13-106. Resolution did have Airport Committee Approval.

**Resolution No.13-106**

**A RESOLUTION TO APPROVE THE APPLICATION FOR AN AIRPORT SAFETY GRANT FROM TENNESSEE DEPARTMENT OF TRANSPORTATION—DIVISION OF AERONAUTICS**

**WHEREAS**, the Federal Aviation Administration has conducted aerial surveys of rural airports across the nation to check for possible obstructions in runway approaches; and

**WHEREAS**, the FAA's aerial survey identified various 20:1 penetrations at the McMinn County Airport; and

**WHEREAS**, TDOT's Division of Aeronautics requests that McMinn County apply for a grant from the State of Tennessee to pay for a ground survey of the area to confirm identification of obstructions in the approach area and assist in the cost of removing said obstructions; and

**WHEREAS, TDOT Safety Grants require a 5% match; and**

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19th DAY OF August 2013**, that the commission does grant authorization to apply for a TDOT Safety Grant for the identification and removal of obstructions from the runway approach area of the McMinn County Airport, and **FURTHER RESOLVES** to authorize the County Mayor to execute the necessary documents regarding this contract, the public welfare demanding it.

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

**8. APPROVAL OF BUDGET AMENDMENTS**

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

(con't)

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Charges for Current Services	Sexual Offender Registry Fee	43395	580.00	
Sexual Offender Registry	Law Enforcement Supplies	54160-431		580.00
State of Tennessee	Contracted Prison Board	46915	252,000.00	
Jail	Medical & Dental Services	54210-340		65,000.00
Jail	Food Supplies	54210-422		170,000.00
Jail	Utilities	54210-452		17,000.00
Fines, Forfeitures, & Pen	Drug Court Fees (Circuit Court)	42141	2,500.00	
Fines, Forfeitures, & Pen	Drug Court Fees (General Court)	42341	10,926.00	
Drug Court	Other Contracted Services	53330-399		13,426.00
Reserve	Unassigned Fund Balance	39000	8,461.00	
Ambulance	Building Improvements	55130-707		8,461.00
Reserve	Unassigned Fund Balance	39000	5,000.00	
Industrial Development	Other Contracted Services	58120-399		5,000.00
Reserve	Hotel/Motel Tax Reserve	39128	5,000.00	
Reserve	Unassigned Fund Balance	39000		5000.00
Reserve	Unassigned Fund Balance	39000	87,186.00	
County Attorney	Attorney Fees	51400-331		36,056.00
County Clerk	Unemployment Compensation	52500-210		802.00
Courtroom Security	Other Salaries & Wages	53920-189		4,648.00
Sheriff's Department	Gasoline	54110-425		17,600.00
Fire Prevention & Control	Maint. & Repair Sev. Vehicle	54310-338		22,065.00
Parks	Gasoline	56700-425		6,015.00

MOTION made by Commissioner McPhail, and seconded by Commissioner Simpson, to approve these budget amendments.

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

Motion carried by roll call vote, as recorded:

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

Fund: General Purpose School # 141

Date: June 28, 2013

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Attendance	Other Contracted Services	72210-399		20,000.00
Special Ed. Program Support	Other Contracted Services	72210-399		15,000.00
Vocational Ed Program Support	Travel	72230-355		2,500.00
Vocational Ed Program Support	Other Supplies & Materials	72230-499		2,500.00
Board of Ed Services	Other Fringe Benefits	72110-299		20,000.00
Board of Ed Services	Trustee's Commission	72310-510		30,000.00
Office of the Superintendent	Administration Equipment	72320-701		30,000.00
Regular Instruction Program	Regular Instruction Equipment	71100-722	50,000.00	
Special Ed Program	Teachers	71200-116	15,000.00	
Vocational Ed Program	Teachers	71300-116	5,000.00	
Operation of Plant	Electricity	72610-415	50,000.00	

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

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

Motion carried by roll call vote, as recorded:

(con't)

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

Fund: Federal Project Fund # 142, IDEA Part 13.01, #903

Date: June 28, 2013

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Special Ed Program	Contracts with Private Agencies	71200-312		18,263.23
Special Ed. Program Support	Other Contracted Services	72220-399		18,263.00
Transfers Out	Early Intervening Services	99100-590	36,526.23	

MOTION made by Commissioner Curtis, and seconded by Commissioner Simpson, to approve these budget amendments.

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

Motion carried by roll call vote, as recorded:

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

Fund: Solid Waste Disposal #207

Date: June 28, 2013

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Reserve	Net Assets – Unrestricted	39900	42,415.00	
Employee Benefits	Social Security	58600-201	14,282.00	
Employee Benefits	State Retirement	58600-204	10,742.00	
Employee Benefits	Medical Insurance	58600-205	34,351.00	
Employee Benefits	Unemployment Compensation	58600-210	1,996.00	
Landfill Operations Maint.	Social Security	55754-204		24,282.00
Landfill Operations Maint.	State Retirement	55754-204		10,742.00
Landfill Operations Maint.	Medical Insurance	55754-205		34,351.00
Landfill Operations Maint.	Unemployment Compensation	55757-210		1,996.00
Landfill Operations Maint.	Maint. & Repair Svcs-Equip	55754-336		42,415.00

MOTION made by Commissioner McPhail, and seconded by Commissioner Masingale, to approve these budget amendments.

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

Motion carried by roll call vote, as recorded:

**9. COMMENTS FROM THE AUDIENCE**

- Wayne Williams thanked the County Mayor and his assistant Mark Cochran for attending “Calling all Men” at TWC
- Dr. Mark Workman addressed the County Commission on electing a new Chairman.
- Butch Carmen addressed the County Commission on the new formula for the libraries.
- Charlie Senn answered questions about the new formula for the libraries.
- John Walker also addressed the County Commission about the formula for the libraries.

**10. LIBRARY BOARD FORMULA PRESENTATION BY CHARLIE SENN**

A. A resolution Authorizing the McMinn County Library Board to Amend its Funding Formula for the Five Public Libraries in McMinn County.

Mr. Charlie Senn presented Resolution # 13-107. It did have Library Board Approval.

- The Resolution will take effect immediately.

**Resolution No. 13-107**

**A RESOLUTION AUTHORIZING THE McMINN COUNTY LIBRARY BOARD TO AMEND ITS FUNDING FORMULA FOR THE FIVE PUBLIC LIBRARIES IN McMINN COUNTY**

**WHEREAS**, the McMinn County Library Board dispenses the annual allocation provided by McMinn County to the five public libraries in McMinn County; and

**WHEREAS**, the Library Board, by authorization of the McMinn County Commission in 1997, developed a funding formula to more equitably distribute the funds among the libraries; and

**WHEREAS**, in November 2010 the McMinn County Library Board recommended a new formula which maintained the current level of funding for each library at that time and divided any future increases in county funding to be distributed equally among the five libraries; and

**WHEREAS**, the Library Board now recommends a revised formula that awards a base amount of \$2,000 to each of the county’s five libraries and distributes the remainder of funds based on the population of each library’s service area; and

**WHEREAS**, the revised formula results in the following percentage funding allocation:

City	Total Allocation
Athens	\$ 90,503.22 (62%)
Calhoun	\$ 9,503.51 (6.6%)
Englewood	\$ 12,074.82 (8.4%)
Etowah	\$ 24,951.13 (17.4%)
Niota	\$ 6,728.33 (4.7%)
total:	\$ 143,761.00

**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 AUGUST 2013, that this Commission does approve the recommendation of the McMinn County Library Board to revise its funding formula.**

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

Resolution No. 13-107 (con't)

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

## 11. RESOLUTIONS

### A. A Resolution Supporting the Funding of the Renovations to the Chickamauga Lock.

Mr. Gentry presented resolution #13-108.

### **Resolution No. 13-108**

#### **RESOLUTION SUPPORTING THE FUNDING OF THE RENOVATIONS TO THE CHICKAMAUGA LOCK**

**WHEREAS**, the completion of the renovation of the Federal Government's Chickamauga Lock on the Tennessee River at Chattanooga is vital to the continuation of interstate commerce in Tennessee and essential to current and future industry in East Tennessee, and

**WHEREAS**, during 2012 almost a million tons of goods passed through the Chickamauga Lock and it would take over 100,000 additional trucks on I-75 to carry this tonnage if the lock were to close; and

**WHEREAS**, the availability of the lock is also critical to maintaining competitive bulk freight rates for industries in East Tennessee, even if they do not use the lock for shipping; and

**WHEREAS**, companies engaged in river transport and shipping have asked that the Federal portion of their fuel expenses be raised to generate needed revenue to assist with completing improvements to the Chickamauga Lock and other critical inland waterway structures in the country; and

**WHEREAS**, through the leadership of Tennessee's US Senators Lamar Alexander and Bob Corker, the US Senate has passed Senate Bill 601, the Water Resources Development Act which will create the new Federal funding structure partnership needed to complete the Chickamauga Lock improvements and other nationally important waterworks improvements.

**WHEREAS**, the McMinn County Economic Development Authority has recently passed a resolution to encourage the United States House of Representatives to follow the Senate's lead in providing funding for the Chickamauga Lock's renovation;

**WHEREAS**, the McMinn County Commission joins McMinn EDA in this request to ensure the viability of industry in the Tennessee Valley dependent upon river barge transportation; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING ON THIS 19<sup>th</sup> DAY OF AUGUST 2013**, that this Commission does hereby encourage and assist in passing similar funding and policy legislation in the House of Representatives as the renovation of this lock is vital to the existing and future economic well-being of not only Tennessee, but the entire inland waterway system of the United States.

Resolution No. 13-108 (con't)

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

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

- None at this time.

## **13. REPORTS FROM COMMITTEES, COUNTY OFFICIALS, COMMENTS FROM COMMISSIONERS**

- Commissioner Curtis—Properties Committee met and sent two resolutions to the County Commission.

## **14. COMMENTS FROM THE COUNTY MAYOR**

- VA Clinic Location next to the former Food Lion facility. Looking at October or November 2013 start date.
- Airport Project running about 2 weeks behind because of rain.
- Justice Center project on schedule.
- Ambulance Consultant has had some delays. Process should get started on the 26<sup>th</sup>.

## **15. APPROVAL OF NOTARY APPLICATIONS**

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

### Notary Applications for August 2013

- |                         |                         |
|-------------------------|-------------------------|
| 1. Lynda H. Dyson       | 10. Roberta Provonsha   |
| 2. Brittany E. Freeman  | 11. Amy Totherow        |
| 3. Judith A. Hamilton   | 12. Joni Belle Walker   |
| 4. Timothy L. Hill      | 13. Kathy P. Strickland |
| 5. Patricia A. Horne    | 14. Tammy S. Shaw       |
| 6. Jennifer L. King-Ray | 15. Rachael A. Burger   |
| 7. Kathryn E. Krauss    | 16. Diane F. McKenzie   |
| 8. Stephanie C. Miller  |                         |
| 9. Tammie L. Murphy     |                         |

MOTION made by Commissioner McPhail, and seconded by Commissioner King,

(con't)

to approve these notary applications.

Motion carried by voice vote.

**16. ANY OTHER BUSINESS THAT MAY LEGALLY COME BEFORE THE COMMISSION**

- County Attorney Vance Baker informed the County Commission that the School lawsuit with the City of Athens and McMinn County has been scheduled for a judgment on Monday September 16<sup>th</sup> 2013 with Judge Puckett at 9:00 am.

**17. ADJOURNMENT**

There being no other business, Chairman Crews declared the Commission meeting adjourned at 8:09 pm.

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EVONNE HOBACK  
McMinn County Clerk

Attest:

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Deputy (date)