

The McMinn County Board of Commissioners met in Regular Session on January 21, 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 J. W. McPhail.

3. PLEDGE TO THE FLAG

The Pledge to the Flag was led by Commissioner Scott 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 - 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 December 17, 2012 were provided to the McMinn County Commissioners.

MOTION made by Commissioner Holbrook, and seconded by Commissioner Simpson, to approve the Minutes of December 17, 2012.

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

A. A Resolution to Approve and Award Annual Bid Extension for Installation of New or Used Guardrail.

Mr. Luallen presented the following resolution to approve and award annual bid extension for installation of new and used guardrail, along with letters of agreement from the Highway Department and Tennessee Guardrail, Inc.

RESOLUTION NO. 13-001

A RESOLUTION TO APPROVE AND AWARD ANNUAL BID EXTENSION FOR
INSTALLATION OF NEW OR USED GUARDRAIL

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. 13-001 (Cont'd)

WHEREAS, the annual bid for installation of new/used guardrail provides an option to be extended for an additional year; and

WHEREAS, the McMinn County Highway Department has requested to extend the contract for annual installation of new/used guardrail for the period of April 1, 2013 through March 31, 2014; and

WHEREAS, Tennessee Guardrail, Inc. has agreed to extend the current bid for the additional period with no increase in price; and

WHEREAS, Randall Moss, McMinn County Highway Commissioner, has recommended the bid be extended one year to Tennessee Guardrail, Inc. at the same bid of April 1, 2013 through March 31, 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21st DAY OF JANUARY, 2013, that this Commission does hereby approve the recommendation of the McMinn County Highway Commissioner.

(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 Bid of Full Size Extended Cab Pick up Truck to TN Fleet Sales.

Mr. Luallen presented the following resolution to approve and award the bid of full size extended cab pickup truck to TN Fleet Sales, along with a bid summary sheet and a letter of recommendation from the Landfill Supervisor.

RESOLUTION NO. 13-002

A RESOLUTION TO APPROVE AND AWARD THE BID OF FULL SIZE EXTENDED CAB PICK UP TRUCK TO TN FLEET SALES

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. 13-002 (Cont'd)

WHEREAS, the Landfill has requested the purchase of a full size extended cab pickup truck in the amount of \$22,260.24 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, Stan Moses, Landfill Supervisor has recommended the bid be awarded to the low bid meeting specifications, TN Fleet Sales.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21ST DAY OF JANUARY, 2013, that this Commission does hereby approve awarding the bid of the extended cab pickup truck in the amount of \$22,260.24 to TN Fleet Sales.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

In response to a question from Commissioner McPhail, Mr. Gentry said this was a replacement vehicle.

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

Motion carried by voice vote.

C. A Resolution to Approve and Award the Bid of Police Sedans for the McMinn County Sheriff's Department.

Mr. Luallen presented the following resolution to approve and award the bid of police sedans for the McMinn County Sheriff's Department, along with the bid summary sheet and a letter of recommendation from the Sheriff.

RESOLUTION NO. 13-003

A RESOLUTION TO APPROVE AND AWARD THE BID OF POLICE SEDANS FOR THE
MCMINN COUNTY SHERIFF'S DEPARTMENT

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

WHEREAS, the Sheriff's Department requests the purchase of three (3) four door sedan vehicles, 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, Joe Guy, McMinn County Sheriff has recommended the bid be awarded to the lowest bidder meeting specifications, TN Fleet Sales, Maryville, TN per letter of recommendation in the amount of \$31,353.95 for each unit.

(Cont'd)

Resolution No. 13-003 (Cont'd)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21ST DAY OF JANUARY, 2013, that this Commission does hereby approve awarding the bid of police sedans to TN Fleet Sales.

(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.

D. A Resolution to Reject the Bid for Glock Firearms.

Mr. Luallen presented the following resolution to reject the bid for Glock Firearms, along with a bid summary sheet and a letter of recommendation from Sheriff Guy explaining the reasons.

RESOLUTION NO. 13-004

A RESOLUTION TO REJECT THE BID FOR GLOCK FIREARMS

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

WHEREAS, the Sheriff's Department requested to bid on Glock firearms, 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, Sheriff Joe Guy has recommended rejecting all bids for reasons stated on the attached recommendation letter and to rebid.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21ST DAY OF JANUARY 2013, that this Commission does hereby approve the recommendation of Sheriff Guy.

(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.

E. A Resolution to Declare Equipment as Surplus Property.

Mr. Luallen presented the following resolution to declare equipment as surplus property, along with a memorandum from the Highway Commissioner.

RESOLUTION NO. 13-005

A RESOLUTION TO DECLARE EQUIPMENT AS SURPLUS PROPERTY

WHEREAS, McMinn County has authority to declare items as surplus that are no longer deemed necessary or adequate to properly perform the duties of county government as prescribed by law; and

WHEREAS, the McMinn County Highway Department desires to declare a 1983 Gradall, model G3W, SN NP 351137 as surplus property; and

WHEREAS, Highway Commissioner Randall Moss requests approval to declare this item as surplus and sell it; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21ST DAY OF JANUARY 2013, that this Commission does hereby declare this item as surplus property.

(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 McPhail, to approve this resolution.

Motion carried by voice vote.

7. REVIEW AND APPROVAL OF CONTRACTS

A. A Resolution to Approve the Contract Between McMinn County and State of Tennessee Department of Health.

Mr. Luallen presented the following resolution to approve the contract between McMinn County and State of Tennessee Department of Health, along with a copy of the agreement.

RESOLUTION NO. 13-006

A RESOLUTION TO APPROVE THE CONTRACT BETWEEN MCMINN COUNTY AND STATE
OF TENNESSEE DEPARTMENT OF HEALTH

WHEREAS, it is the conviction of McMinn County, that every individual in the County has good health care readily available; and

WHEREAS, in order to properly perform the duties of county government as prescribed by law, it is often in McMinn County's interest to enter into contracts with other entities; and

WHEREAS, McMinn County has previously entered into a contract with the State of Tennessee Department of Health to protect and improve the physical health of the county citizens through the prevention of conditions that may threaten good health; and

WHEREAS, the total appropriation for which the County shall be billed is \$62,125; and

WHEREAS, McMinn County Health Department does provide these services and both parties do hereby agree to these provisions in the contract for FY 2012-13.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21ST DAY OF JANUARY, 2013, that this Commission does hereby approve this contract.

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

Motion carried by voice vote.

8. APPROVAL OF BUDGET AMENDMENTS

Mr. Luallen presented seven Federal Projects budget amendments, a copy of which was provided to each Commissioner.

Fund: Federal Projects # 142, Title II, Part A, # 203

Date: December 4, 2012

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Revenue	Eisenhower Prof. Dev.	47189	228,165.00	
Support Services	Other Salaries & Wages	72210-189		155,608.00
"	Social Security	72210-201		9,424.00
"	State Retirement	72210-204		13,818.00
"	Life Insurance	72210-206		336.00
"	Medical Insurance	72210-207		21,462.00
"	Employer Medicare	72210-212		2,204.00
"	Other Fringe Benefits	72210-299		60.00
"	Travel	72210-355		10,459.00
"	Staff Development	72210-524		10,642.00
Other Uses	Transfers Out	99100-590		4,152.00

EXPLANATION: To correct estimated budget to actual budget and to correct subfunds from 202 to 203. School Board approved 1/10/13.

Fund: Federal Projects # 142 - Title II, Part A, # 202

Date: December 4, 2012

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Revenue	Eisenhower Prof. Dev	47189		218,014.00
Support Services	Other Salaries & Wages	72210-189	109,871.00	
"	Social Security	72210-201	7,000.00	
"	State Retirement	72210-204	9,758.00	
"	Life Insurance	72210-206	178.00	
"	Medical Insurance	72210-207	15,455.00	
"	Employer Medicare	72210-212	1,638.00	
"	Other Fringe Benefits	72210-299	35.00	
"	Travel	72210-355	35,881.00	
"	Staff Development	72210-524	34,250.00	
Other Uses	Transfers Out	99100-590	3,948.00	

EXPLANATION: To correct estimated budget to actual budget and to correct subfund from 202 to 203. School Board approved 1/10/13.

Fund: Federal Projects # 142, Title VI, Part B, # 603

Date: December 11, 2012

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Revenue	Rural Education	47148		9,059.00
Regular Instruction Program	Medical Insurance	71100-207	1,506.00	
"	Other Fringe Benefits	71100-299	439.00	
"	Instructional Supplies	71100-429	17,295.00	
"	Regular Instruction Equipment	71100-722		10,271.00
Other Uses	Transfers to Other Funds	99100-590	90.00	

EXPLANATION: To adjust estimated budget to actual budget for Title VI, Part B, FY 2012-2013. School Board approved: 1/10/13.

Fund: # 142 Federal Projects, First to the Top # 581

Date: December 11, 2012

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Revenue	Race to the Top	47311	11,613.00	
Support Services	Social Security	72210-201	3,781.00	
"	State Retirement	72210-204	4,449.00	
"	Employer Medicare	72210-212	157.00	
"	Staff Development	72210-524		20,000.00

EXPLANATION: To correct estimated budget to actual budget for First to the Top, FY 2012-2013. School Board approved: 1/10/13.

Fund: Federal Projects # 142, Title I, Part A, # 102

Date: December 12, 2012

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Revenue	Title I Grants	47141		1,400,382.00
Regular Instructional Program	Teachers	71100-116	353,709.00	
"	Educational Assistants	71100-163	186,636.00	
"	Social Security	71100-201	33,720.00	
"	State Retirement	71100-204	44,256.00	
"	Life Insurance	71100-206	1,852.00	
"	Medical Insurance	71100-207	94,373.00	

(Cont'd)

Fund: Federal Projects # 142, Title I, Part A, # 102 (Cont'd)

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Regular Instruc- tional Program	Employer Medicare	71100-212	7,936.00	
"	Other Fringe Benefits	71100-299	328.00	
"	Instructional Supplies	71100-429	36,139.00	
"	Regular Instruction Equip- ment	71100-722	2,404.00	
Other Student Support	Evaluation & Testing	72130-322	7,852.00	
"	Other Supplies & Materials	72130-499	78,174.00	
"	Other Charges	72130-599	13,980.00	
Support Services	Other Salaries & Wages	72210-189	257,193.00	
"	Social Security	72210-201	15,948.00	
"	State Retirement	72210-204	19,128.00	
"	Life Insurance	72210-206	540.00	
"	Medical Insurance	72210-207	53,416.00	
"	Employer Medicare	72210-212	3,730.00	
"	Other Fringe Benefits	72210-299	100.00	
"	Travel	72210-355-CALH		2,376.00
Other Uses	Transfers to Other Funds	99100-590	191,344.00	

EXPLANATION: To correct estimated budget to actual budget and to change subfund from 102 to 103 for Title I-A, FY 2012-2013. School Board approved: 1/10/13

Fund: Federal Projects # 142, Title I - A, Part A; # 103

Date: December 12, 2012

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Revenue		47141	1,484,152.00	
Regular Instruction Program	Teachers	71100-116-CALH		43,249.00
"	Teachers	71100-116-EGWD		50,801.00

(Cont'd)

Fund: Federal Projects # 142, Title I - A, Part A; # 103 (Cont'd)

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Regular Instruction Program	Teachers	71100-116-EKBA		43,024.00
"	Teachers	71100-116-MTVW		50,801.00
"	Teachers	71100-116-NITA		53,577.00
"	Teachers	71100-116-RCVL		44,122.00
"	Teachers	71100-116-RGCK		54,391.00
"	Educational Assistants	71100-163-CALH		15,553.00
"	Educational Assistants	71100-163-EGWD		31,106.00
"	Educational Assistants	71100-163-EKBA		31,106.00
"	Educational Assistants	71100-163-MTVW		31,106.00
"	Educational Assistants	71100-163-NITA		31,106.00
"	Educational Assistants	71100-163-RCVL		31,106.00
"	Educational Assistants	71100-163-RGCK		31,106.00
"	Social Security	71100-201		33,614.00
"	State Retirement	71100-204		42,462.00
"	Life Insurance	71100-206		1,825.00
"	Medical Insurance	71100-207		104,738.00
"	Employer Medicare	71100-212		7,862.00
"	Other Fringe Benefits	71100-299		338.00
"	Instructional Supplies	71100-429-CALH		832.00
"	Instructional Supplies	71100-429-EKBA		715.00
"	Instructional Supplies	71100-429-MTVW		1,500.00
"	Instructional Supplies	71100-429-NITA		10,121.00
"	Instructional Supplies	71100-429-RCVL		4,392.00
"	Instructional Supplies	71100-429-RGCK		263.00

(Cont'd)

Fund: Federal Projects # 142, Title I - A, Part A; # 103 (Cont'd)

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
"	Regular Instruction Equipment	71100-722		360.00
"	Regular Instruction Equipment	71100-722-CALH		832.00
"	Regular Instruction Equipment	71100-722-EGWD		170.00
"	Regular Instruction Equipment	71100-722-RCVL		6,320.00
"	Regular Instruction Equipment	71100-722-RGCK		131.00
Other Student Support	Evaluation & Testing	72130-322		7,852.00
"	Other Supplies & Materials	72130-499		106,362.00
"	Other Charges	72130-599		15,905.00
"	Other Charges	72130-599-CALH		469.00
"	Other Charges	72130-599-EGWD		918.00
"	Other Charges	72130-599-EKBA		415.00
"	Other Charges	72130-599-MTVW		717.00
"	Other Charges	72130-599-NITA		2,046.00
"	Other Charges	72130-599-RCVL		719.00
"	Other Charges	72130-599-RGCK		437.00
Regular Instruc- tion Program	Other Salaries & Wages	72210-189		294,668.00
"	Social Security	72210-201		18,269.00
"	State Retirement	72210-204		26,167.00
"	Life Insurance	72210-206		540.00
"	Medical Insurance	72210-207		34,453.00
"	Employer Medicare	72210-212		4,273.00

(Cont'd)

Fund: Federal Projects # 142, Title I - A, Part A; # 103 (Cont'd)

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
"	Other Fringe Benefits	72210-299		100.00
"	Travel	72210-355		2,671.00
"	Travel	72210-355-CALH		1,500.00
"	Travel	72210-355-EGWD		850.00
"	Travel	72210-355-MTVW		1,556.00
"	Travel	72210-355-RCVL		1,550.00
"	Travel	72210-355-RGCK		65.00
"	Staff Development	72210-524		4,025.00
"	Staff Development	72210-524-CALH		1,500.00
"	Staff Development	72210-524-EGWD		850.00
"	Staff Development	72210-524-MTVW		1,556.00
"	Staff Development	72210-524-RCVL		1,550.00
"	Staff Development	72210-524-RGCK		66.00
Transfers Out	Transfers to Other Funds	99100-590		193,474.00

EXPLANATION: To correct estimated budget to actual budget and to change subfund from 102 to 103 for Title I-A, FY 2012-2013. School Board approved: 1/10/13.

Fund: # 142, Federal Projects, Consolidated Administration, # 013 Date: December 13, 2012

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Transfers In		49800	2,244.00	
Support Services	Supervisor	72210-105		118.00
"	Secretary	72210-161		234.00
"	Social Security	72210-201	699.00	
"	State Retirement	72210-204	1,145.00	
"	Life Insurance	72210-206	70.00	
"	Medical Insurance	72210-207		3,797.00
"	Employer Medicare	72210-212	151.00	

(Cont'd)

Fund: # 142, Federal Projects, Consolidated Administration, # 013

Date: December 13, 2012

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
"	Other Fringe Benefits	72210-299	15.00	
"	Other Supplies & Materials	72210-499		2,033.00
"	Staff Development	72210-524	2,058.00	
"	Other Equipment	72210-790		200.00

EXPLANATION: To adjust estimated budget to actual budget for Consolidated Administration, # 013, FY 2012-2013. School Board approved 1/10/13.

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

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

9. FY 2011-12 INDEPENDENT AUDIT PRESENTATION AND ACCEPTANCE

Ms. Ladell McCullough, CPA, with Henderson, Hutcherson & McCullough, PLLC, referred to the auditor's report which was provided to the Commissioners prior to this meeting. She said that the Auditor's opinion was an unqualified/clean opinion and she reviewed all of the items that are required to be covered with the County Commission, a summary of which was also provided to the Commissioners.

Mr. Gentry asked if there was anything with GASB in the future that we need to know. In response, Ms. McCullough responded that more requirements may be coming for us in regards to the preparation of the financial statement in order for auditors to maintain their "independent" status.

10. APPOINTMENT OF 5TH DISTRICT CONSTABLE

Mr. Gentry said that there were three applicants for the position of 5th District Constable, two of which were present (Mr. Larry Kuka and Mr. Mitch Boyd) and each gave a short presentation to the Commission. The third applicant, Mr. Kaimuddin K. Jatoi, was not present but the Commission had resumes for each of the applicants.

Chairman Crews reiterated his comments at the last Commission meeting that Constables need to do the work they are appointed to do.

(Cont'd)

MOTION made by Commissioner Curtis, and seconded by Commissioner Simpson, to appoint Mr. Mitch Boyd as 5th District Constable, as the following resolution states.

Resolution No. 13-007

A RESOLUTION TO APPOINT MITCHELL BOYD
AS FIFTH DISTRICT CONSTABLE FOR MCMINN COUNTY

WHEREAS, Tennessee State Law authorizes county legislative bodies to fill vacant county offices; and

WHEREAS, the office of Fifth District Constable was declared vacant at the December 2012 meeting of the McMinn County Commission; and

WHEREAS, the vacancy was advertised for ten days in the local paper as required by state law; and

WHEREAS, the McMinn County Board of Commissioners appoints Mitchell Boyd to fill the vacant office of Fifth District Constable until the next county general election in two years; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 21ST DAY OF JANUARY 2013 that this commission does hereby confirm the appointment of Mitchell Boyd as Fifth District Constable for a two-year term.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

Motion carried by voice vote.

11. COMMENTS FROM THE AUDIENCE

A. Noise Complaint by Dr. Workman.

Dr. Mark Workman, a resident on a county road near Lambcon Readymix concrete plant, came before the Commission for the fifth month concerning noise caused by this plant, especially at night. Dr. Workman said the problem continues. He said he appreciated the opportunity to attend the Commission's annual planning session, but said "expert opinion" given by Mr. Chad Reese, former State Planner with the Tennessee Office of Local Planning, was not an expert opinion in his view. Dr. Workman again discussed the County Powers Act and other counties' adoption of this act that he reiterated again that the Act did not result in additional expenses for these counties. He also said that he now has 370 names on his petition and will keep adding voters to his petition, and he asked the County Commission to give it more serious thought.

B. Comments by Mr. Darrel Gibson, Director of Accounts for Tennessee, AMR.

Mr. Gibson introduced himself and said he is happy to have moved to this great community. He explained the nature of his job and although he spends most of his time in his vehicle, he said that McMinn County is their flagship location.

12. RESOLUTIONS

A. A Resolution to Authorize the Request for Property Jointly Owned by the County of McMinn and the City of Athens to be Released from the Notification of Limitation of Use Deed Restriction.

Mr. Gentry presented and explained the following resolution to authorize the request for property inside the Athens Regional Park owned jointly by McMinn County and the City of Athens to be released from the Notification of Limitation of Use Deed Restriction, along with a memorandum from the Athens Parks and Recreation Department explaining the Regional Park property conversion request. Mr. Gentry added that this was approved by the Properties Committee.

RESOLUTION NO. 13-008

A RESOLUTION TO AUTHORIZE THE REQUEST FOR PROPERTY JOINTLY OWNED BY THE COUNTY OF MCMINN AND THE CITY OF ATHENS TO BE RELEASED FROM THE NOTIFICATION OF LIMITATION OF USE DEED RESTRICTION

WHEREAS, McMinn County and the City of Athens jointly own a 10.27 acre parcel of property inside the Athens Regional Park on which the Layman Ag/Expo Center and portion of the Athens Conference Center Phase I are placed; and

WHEREAS, due to grant funds being utilized on the construction of the Athens Conference Center, the land has a deed restriction limiting the use of the land to public recreation use only; and

WHEREAS, the Athens Regional Park master plan calls for a completed conference center on said property; and

WHEREAS, interest has been expressed by a private developer to construct and operate a hotel and conference center on the identified site and the City of Athens would like to accept official proposals for public/private partnership for this purpose; and

WHEREAS, in order to request and accept private development proposals the said property must be released from the Notification of Limitation of Use deed restriction and a request for conversion must be filed and approved by the Tennessee Department of Environment and Conservation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21ST DAY OF JANUARY 2013 that this Commission does hereby authorize the County Mayor or his designee to join the City of Athens in both requesting release of the property from the Notification of Limitation of Use deed restriction and filing the conversion request.

BE IT FURTHER RESOLVED that approval of this resolution does not grant approval of any specific proposal and this Commission retains its right to review and approve proposals so long as McMinn County is joint owner of said property.

(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 Holbrook, to approve this resolution.

Motion carried by voice vote.

B. A Resolution to Approve the Request for Hotel-Motel Funds by the Athens Area Chamber of Commerce to Fund National Moofest.

Mr. Gentry presented the following resolution to approve the request for hotel-motel funds by the Athens Area Chamber of Commerce to fund National Moofest, as approved by the Budget Committee earlier this evening.

Resolution No. 13-009

A RESOLUTION TO APPROVE THE REQUEST FOR HOTEL-MOTEL FUNDS BY THE ATHENS AREA CHAMBER OF COMMERCE TO FUND NATIONAL MOOFEST

WHEREAS, the National MooFest provides an important event to promote McMinn County's proud agrarian heritage on a grand scale; and

WHEREAS, the MooFest Committee has requested funding from McMinn County to assist in marketing the 2013 National MooFest; and

WHEREAS, to assist in the funding of this annual festival, the Athens Chamber of Commerce requests \$5,000.00 from the Hotel/Motel Tax Fund; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21ST DAY OF JANUARY 2013 that this Commission does hereby approve \$5,000.00 for the Athens Chamber to produce the 6th Annual National MooFest.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

Motion carried by voice vote.

C. Resolution to Approve the Request of Funds by the Athens Area Council for the Arts to Assist in Funding the AACA Performance Guide.

Mr. Gentry presented the following resolution to approve the request of funds by the Athens Area Council for the Arts to Assist in Funding the AACA Performance Guide, along with a letter from the Executive Director of the Arts Center. Mr. Gentry said that this was approved by the Budget Committee earlier this evening.

Resolution No. 13-010

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

WHEREAS, the Athens Area Council for the Arts has requested \$5000.00 to assist in funding the Big Time/Small Town 2012-13 Performance Guide; and

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

WHEREAS, this request shall be funded from Tourism/Hotel-Motel Tax funds in the amount of \$5,000, with appropriate advertisement of this donation to a non-profit as prescribed by law.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21st DAY OF January 2013, that this Commission does hereby approve this appropriation of Tourism funds to the Athens Area Council for the Arts.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

Motion carried by voice vote.

D. A Resolution to Approve a Non-Profit Donation to the American Legion Flag Memorial.

Mr. Gentry presented the following resolution to approve a non-profit donation to the American Legion Flag Memorial as approved earlier this evening by the Budget Committee.

Resolution No. 13-011

A RESOLUTION TO APPROVE A NON-PROFIT DONATION TO THE AMERICAN LEGION FLAG
MEMORIAL

WHEREAS, the McMinn County Chapter of the American Legion is a non-profit organization; and

WHEREAS, the McMinn County American Legion has made a request for McMinn County to assist in funding for maintenance issues at the American Legion Flag Memorial near I-75; and

WHEREAS, McMinn County has formerly made contributions to this project; and

(Cont'd)

Resolution No. 13-011 (Cont'd)

WHEREAS, McMinn County shall approve such funding to be taken from Tourism Funds in the amount of \$5,000.00 for FY 12-13 and \$5,000.00 for FY 13-14, subject to proper advertisement in the local media regarding McMinn County's donation to a non-profit.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21st DAY OF JANUARY 2013 that this Commission does hereby approve this donation to a non-profit agency.

(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 Masingale, 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. Budget Committee - Commissioner Curtis.

Commissioner Curtis said that the Budget Committee approved their calendar for next year and approved three resolution which the Commission approved earlier in this meeting.

B. Approval of McMinn County Road List/Map - Highway Commissioner.

Highway Commissioner Randall Moss presented an updated McMinn County Road List and Map for approval.

MOTION made by Commissioner Mason, and seconded by Commissioner King, to approve the road list/map.

Motion carried by voice vote.

15. COMMENTS FROM THE COUNTY MAYOR

A. Comments on Audit Findings.

Mr. Gentry said we are very fortunate to continue having good audit findings that were presented earlier. Very few counties have audits with no findings year after year. He complimented the Finance Office staff and the Constitutional Fee Offices for their good work.

B. Comments Regarding Dr. Workman's Comments Concerning Chad Reese.

Mr. Gentry informed the Commission that Mr. Chad Reese was invited because he was a former State planner with the Tennessee Office of Local Planning. There hasn't been a lot of activity with the County Powers Act across Tennessee and therefore not much is known. Each County that adopted it did so for their specific reason and enforces it in a way that meets their needs.

C. Rails to Trails Meeting.

Mr. Gentry said that the Rails to Trails Meeting would reconvene on Thursday, January 24, 2013, at 6:00 pm. He added that they have the environmental report as well as an asking price from CSX.

D. VA Clinic.

Mr. Gentry said that VA reps have been in the community looking at various locations for the new clinic.

E. Justice Center Renovation.

Mr. Gentry said that this has gone to bid and added there will be a pre-bid meeting on January 29th.

F. Update on County Attorney.

Mr. Gentry said that the County Attorney is recovering from recent surgery and will be attending the meetings as soon as he fully recovers.

G. Denso Announcement of Additional Investment in their Athens Plant.

Mr. Gentry said he is proud of the recent announcement of Denso to invest \$50 million in their Athens plant and hire an additional 130 employees. The local manufacturing sector continues to show signs of recovery.

16. APPROVAL OF NOTARY APPLICATIONS

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

Notary Applications for January 2013

Alice L. Decker
Steven R. Grubb
Susan Hampton
Johnny C. Jenkins
Tina Jensen
Cristy L. King
Carl E. McNeely, Jr.
Jamie Moses
Marie Myers
Karen D. Raby
Judy L. Shamblin
Kristi R. Swafford

MOTION made by Commissioner Mason, and seconded by Commissioner McPhail, 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 8:15 pm.

EVONNE HOBACK
McMinn County Clerk

Attest:

Deputy Clerk (date)