

The McMinn County Board of Commissioners met in Regular Session on July 15, 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 Simpson.

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 June 17<sup>th</sup>, 2013 were provided to the McMinn County Commissioners.

MOTION made by Commissioner Holbrook, and seconded by Commissioner King, to approve the minutes of June 17<sup>th</sup>, 2013.

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

A. A Resolution to Approve Payment of Annual Hardware and Software Maintenance Support.

Mr. Luallen presented Resolution #13-088 with a copy of Requisition from Register of Deeds Cheryl Ingram attached.

**RESOLUTION NO. 13-088**

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

Resolution No. 13-088 (con't)

**WHEREAS**, McMinn County Register of Deeds request renewal of annual hardware and software maintenance support in the amount of \$22,178.03 for the period of July 1, 2013 to June 30, 2014; and

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

**NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 15<sup>th</sup> DAY OF JULY, 2013, that the payment for invoiced maintenance agreement to ProGResS, Inc. in the amount of \$22,178.03 be hereby approved.**

(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 Simpson, to approve this resolution.

Motion carried by voice vote.

**B. A Resolution to Approve Payment of Invoice for Annual FY 2013-14 Hardware and Software Maintenance Support for County Clerk.**

Mr. Luallen presented Resolution # 13-089 a copy of Requisition from County Clerk Evonne Hoback attached.

### **RESOLUTION NO. 13-089**

#### **A RESOLUTION TO APPROVE PAYMENT OF INVOICE FOR ANNUAL FY 2013-14 HARDWARE AND SOFTWARE MAINTENANCE SUPPORT FOR COUNTY CLERK'S OFFICE**

**WHEREAS**, McMinn County Clerk, Evonne Hoback, requests payment of FY 2013-14 annual hardware and software maintenance invoiced from Business Information Systems for \$12,474.25; and

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

**NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE MEETING IN REGULAR SESSION ON THIS THE 15<sup>th</sup> DAY OF JULY, 2013, payment for invoiced maintenance to Business Information Systems of \$12,474.25 be hereby approved.**

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

Attest:

Resolution No. 13-089 (con't)

(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 Payment of Annual Hardware and Software Maintenance Support.

Mr. Luallen presented Resolution # 13-090 with a copy of Requisition from Circuit Court Clerk Rhonda Cooley.

**RESOLUTION NO. 13-090**

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

WHEREAS, McMinn County Circuit Court Clerk request renewal of annual hardware and software maintenance support invoiced at \$13,993.60 for the period of July 1, 2013 to June 30, 2014; and

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

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 15<sup>th</sup> DAY OF JULY, 2013, that the payment for invoiced maintenance agreement to Local Government Corp. in the amount of \$13,993.60 be hereby approved.

(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.

7. REVIEW AND APPROVAL OF CONTRACTS

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

Mr. Luallen presented Resolution # 13-091 with copy of the Grant Contract attached.

Resolution No. 13-091 (con't)

**RESOLUTION NO. 13-091**

**A RESOLUTION TO APPROVE THE DGA GRANT 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 receive is \$469,800; and

**WHEREAS**, McMinn County Health Department does provide these services and both parties do hereby agree to these provisions in the contract for FY 2013-14.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15<sup>th</sup> DAY OF JULY, 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 Simpson, and seconded by Commissioner Slack, to approve this resolution.

Motion carried by voice vote.

B. A Resolution to Renew the Airport Maintenance Contract With State of Tennessee Department of Transportation.

Mr. Luallen presented Resolution # 13-092 with a copy of the Grant Contract attached.

**RESOLUTION NO. 13-092**

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

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

Resolution No. 13-092 (con't)

**WHEREAS**, McMinn County desires to renew their Airport Maintenance Contract # 99-555-1239-04 with the State of Tennessee, Department of Transportation; and

**WHEREAS**, the term of this grant is July 1, 2013 through June 30, 2014, with the state portion not exceeding \$14,300.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15<sup>th</sup> DAY OF JULY, 2013, that this Commission does hereby agree to renew this Airport Maintenance Contract with the State of Tennessee,**

**AND FURTHERMORE RESOLVES to give authority to the County Mayor or his designee to execute and administer the duties of said contract.**

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

C. A Resolution to Approve an Interlocal Agreement Between McMinn County and the City of Athens Regarding a United States Department of Justice Grant.

Mr. Luallen presented Resolution # 13-093 with a copy of the Interlocal Agreement Attached.

### **RESOLUTION NO. 13-093**

#### **A RESOLUTION TO APPROVE AN INTERLOCAL AGREEMENT BETWEEN MCMINN COUNTY AND THE CITY OF ATHENS REGARDING A UNITED STATES DEPARTMENT OF JUSTICE ASSISTANCE GRANT**

**WHEREAS**, the United States Department of Justice has made available a Justice Assistance Grant to assist governmental entities to obtain funds for law enforcement purposes; and

**WHEREAS**, Athens and McMinn County have qualified for an award, which requires an interlocal agreement between the City and the County to receive their joint allocations; and

**WHEREAS**, the total award is \$13,838.00, with \$8,303.00 designated for the city and \$5,535.00 designated for the county; and

**WHEREAS**, McMinn County agrees to participate in this interlocal agreement in order to receive its allocated funds and authorizes the McMinn County Sheriff to apply for and receive said funds for the enhancement of the department.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15<sup>th</sup> DAY OF JULY, 2013 that this Commission does**

Resolution No. 13-093 (con't)

authorize McMinn County to enter into an interlocal agreement with the City of Athens as stipulated by the terms of the DOJ Justice Assistance Grant; and

**FURTHER RESOLVES that the County Mayor is authorized to execute all documents involved in this interlocal agreement, 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 Curtis, and seconded by Commission Masingale, to approve this resolution.

Motion carried by voice vote.

D. A Resolution to Approving a Clean Tennessee Energy Grant Contract Between McMinn County and Tennessee Department of Environment and Conservation.

Mr. Luallen presented Resolution #13-094 with a copy of the Energy Grant Award from the Department of Environment and Conservation attached.

#### **RESOLUTION NO. 13-094**

#### **A RESOLUTION APPROVING A CLEAN TENNESSEE ENERGY GRANT CONTRACT BETWEEN McMINN COUNTY AND TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

WHEREAS, Tennessee Department of Environment and Conservation offers Clean Tennessee Energy Grants in community energy strategies, energy efficiency building retrofits and renewable energy technologies; and

WHEREAS, McMinn County has been selected to receive the grant due to the utilization of a geothermal HVAC system for the Justice Center expansion project; and

WHEREAS, the grant amount is \$200,000 with existing expansion project costs serving as match.

**NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15<sup>th</sup> DAY OF JULY 2013**, that this Commission does hereby authorize the McMinn County Mayor to accept the Clean Tennessee Energy Grant in the amount of \$200,000 to install a geothermal HVAC system in the McMinn County Justice Center, and **FURTHER** authorizes the County Mayor to execute all documents and duties necessary for the proper acceptance and administration of this grant, the public welfare requiring it.

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

Attest:

Resolution No. 13-094 (con't)

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

E. A Resolution to Approve A Proposal Contract Between Tennessee Department of Transportation and McMinn County Regarding a Project at SR 30 From Near Park Street to East of Knight Road in Athens.

Mr. Luallen presented Resolution # 13-095 with a copy of the Proposal from the Department of Transportation of the State of Tennessee attached.

**Resolution No.13-095**

**A RESOLUTION TO APPROVE A PROPOSAL CONTRACT BETWEEN TENNESSEE DEPARTMENT OF TRANSPORTATION AND MCMINN COUNTY REGARDING A PROJECT AT SR 30 FROM NEAR PARK STREET TO EAST OF KNIGHT ROAD IN ATHENS**

**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 SR 30 from near Park Street to East of Knight Road in Athens; and

**WHEREAS**, certain stipulations of the contract do not apply to McMinn County, to wit:

1. No county roads will be involved in the project
2. No county owned land or rights-of-way will be involved in the project
3. No county owned utilities are involved
4. No public way owned by the county is involved
5. No county owned road frontage is involved

**WHEREAS**, although the contract stipulations do not apply to McMinn County, it is the general practice of TDOT to require such proposal contracts be executed within the counties where such a project is undertaken.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15<sup>th</sup> DAY OF JULY 2013**, that this Commission does hereby approve this proposal contract between TDOT and McMinn County regarding the project at SR 30 from near Park Street to East of Knight Road in Athens, and **FURTHER** authorizes the County Mayor to execute the documents necessary to fulfill the intent of this resolution.

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

Resolution No. 13-095 (con't)

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

Motion carried by voice vote.

F. A Resolution to Approve Change order with Wilson Construction for Phase Three Partial Renovation fo McMinn County High School.

Mr. Luallen presented Resolution # 13-096 with a copy of letter of recommendation from Director of Schools Mickey Blevins.

### **RESOLUTION NO. 13-096**

#### **A RESOLUTION TO APPROVE CHANGE ORDER WITH WILSON CONSTRUCTION FOR PHASE THREE PARTIAL RENOVATION OF MCMINN COUNTY HIGH SCHOOL**

**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 Board of Education has requested partial renovation and partial re-roofing at McMinn County High School in order to properly carry out the functions of the school; and

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

**WHEREAS**, unforeseen repairs have been encountered resulting in the use of contingency fund; and

**WHEREAS**, additional roofing damage has been discovered and in need of replacement and will exhaust the original contingency fund; and

**WHEREAS**, Mickey Blevins, Director of Schools has recommended that a change order to provide the roof repairs and to address any other potential issue that could arise be approved; and

**WHEREAS**, the cost of said change order is \$30,000.00; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15<sup>th</sup> DAY OF JULY 2013, that this Commission does hereby approve the recommendation of the Director of Schools 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 Holbrook, and seconded by Commission Slack, to approve this resolution.

Resolution No. 13-096 (con't)

**Discussion:** Commissioner Simpson wanted to know if the school board looked at these change orders before they got to the commission. Director of Finance Jason Luallen said that they do if they come in on time.

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 and did have school board approval.

Fund: General Purpose School # 141, 21<sup>st</sup> Century CLC Grant  
 2013

Date: June 21,

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Other	Other Fringe Benefits	71900-299	1,385.00	
Other	Travel	71900-355	675.00	
Other	Other Charges	71900-599	1,100.00	
Other	Instructional Supplies	71900-429		3,160.00

Fund: General Purpose School #141

Date: June 27, 2013

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
LEAPS-Riceville School	Teachers	71410-116	120.50	
LEAPS-Riceville School	Secretary (s)	71410-161		486.00
LEAPS-Riceville School	Social Security	71410-201	139.42	
LEAPS-Riceville School	State Retirement	71410-204	270.98	
LEAPS-Riceville School	Employer Medicare	71410-212		45.63
LEAPS-Riceville School	Travel	71410-355	906.38	
LEAPS-Riceville School	Other Contracted Services	71410-399	700.00	
LEAPS-Riceville School	Instructional Supplies	71410-429		1,605.65

MOTION made by Commissioner Simpson , and seconded by Commissioner Powers, 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: Central Cafeteria-Fund#143

Date: June 20, 2013

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Current Services	Lunch Payments-Child	43521	171,000.00	
Current Services	Income from Breakfast	43523		79,000.00
Current Services	Special Milk Sales	43523		16,000.00
Current Services	Ala Carte Sales	43525		215,000.00
Federal through State	USDA Lunch Program	47111	75,000.00	
Federal through State	USDA Commodities	47112	14,508.00	

(con't)

Federal through State	Breakfast	47113	291,560.00	
Federal through State	USDA Other	47114		20,000.00
Food Service	Food Supplies	73100-421		152,330.00
Food Service	USDA Commodities	73100-469		14,508.00
Food Service	Other Supplies	73100-499		11,000.00
Food Service	Other Charges	73100-599		25,000.00
Food Service	Equipment	73100-710		19,230.00

MOTION made by Commissioner Powers , 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:

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

Fund: Drug Control Fund #122

June 28, 2013

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
State of Tennessee	Other State Grants	46980	19,035.00	
Drug Enforcement	Other Equipment	54150-790		19,065.00

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

Motion carried by roll call vote, as recorded:

9. PRESENTATION TO PUBLISH PROPOSED FY 2013-2014 BUDGET

Mr. Luallen presented copies of the Balanced Budget for FY 2013-2014 which was submitted by the Budget Committee to the Full Commission. Mr. Luallen explained to the County Commission that what they would be approving tonight would be the publication in the paper of the proposed budget to be approved on Monday July 29, 2013 at a special called meeting at 12:00.

Scott Curtis - Aye  
 Dale Holbrook - aye  
 Tim King - Aye  
 Roger Masingale - Aye  
 Gary Mason - Absent  
 J. W. McPhail - Aye

(con't)

Bob Powers - Aye  
Tad Simpson - Aye  
Charles Slack - Aye  
Chairman David Crews - Aye

MOTION made by Commissioner King, and seconded by Commissioner Simpson, to approve publication for the FY 2013-2014 Budget Proposal.

Motion carried by roll call vote, as recorded:

11. COMMENTS FROM THE AUDIENCE

**None at this time.**

12. RESOLUTIONS

A. A Resolution to Approve a Grant Contract with the State of Tennessee Department of Economic and Community Development.

Mr. Gentry presented Resolution # 13-097 with a copy of the Grant Budget attached.

**Resolution No. 13-097**

**A RESOLUTION TO APPROVE A GRANT CONTRACT WITH  
THE STATE OF TENNESSEE  
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT**

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

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

**WHEREAS**, in achieving the criteria of the Three-Star Program, McMinn County has become eligible for a grant from the State of Tennessee, Department of Economic Development to update the McMinn County Economic Development website to enable it to better promote the county's industrial parks, business and employment opportunities, as well as make county services easier to access online; and

**WHEREAS**, the McMinn County Economic Development Authority has accepted the responsibility of managing McMinn County's Three-Star program and has requested the funds to help meet the requirements of the program; and

**WHEREAS**, the grant requires no matching funds and is in the amount of \$7,500; and

**NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15<sup>th</sup> DAY OF JULY 2013**, that this Commission does approve the grant contract with the State of Tennessee, Department of Economic and Community Development for use by the McMinn County Economic Development Authority, AND FURTHERMORE authorizes the County Mayor to execute any and all documents related to the grant contract.

Resolution No. 13-097 (con't)

(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 King, to approve this resolution.

Motion carried by voice vote.

B. A Resolution to Grant Approval for Proposed New Waste Tire Processing Facility.

Mr. Gentry presented Resolution # 13-098. Mr. Gentry asked Russ Seaton to come and address any questions the commission may have about this resolution. Mr. Seaton handed out copies of the procedures for the "Jackson Law" and pamphlets from Seaton Enterprises, LLC to all the commissioners.

### **Resolution No. 13-098**

#### **A RESOLUTION TO GRANT APPROVAL FOR PROPOSED NEW WASTE TIRE PROCESSING FACILITY**

**WHEREAS**, McMinn County has adopted the provisions of T.C.A. 68-211-701, also known as the "Jackson Law," which grants county legislative bodies approval authority over proposed new landfills, landfill expansions and/or solid waste processing facilities; and

**WHEREAS**, Seaton Enterprises, LLC has requested permission to develop a waste tire recycling and processing facility at their current facility located at 157 County Road 323; and

**WHEREAS**, provisions of the Jackson Law require a public notice to be circulated by the county commission informing the public of the proposed waste tire processing facility; and

**WHEREAS**, McMinn County issued the required public notice June 12, 2013, at least 30 days prior to formal action of the County Commission, and has not received any verbal or written comments requesting a public hearing; and

**WHEREAS**, upon reviewing the proposal, McMinn County finds no sufficient deficiencies with the processing plan, or hears significant public outcry as to deny approval of the proposed waste tire processing facility; and

**WHEREAS**, the waste tire processing facility must meet all requirements of the Tennessee Department of Environment and Conservation for tire recycling, storm water containment, erosion control, fee collection and any other state and/or federal regulations pertaining to solid waste processing.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING ON THIS 15<sup>th</sup> DAY OF JULY 2013**, that this Commission does hereby approve the request by Seaton Enterprises, LLC, to develop a waste tire processing facility as a result of seeing no apparent deficiencies in the company's application and receiving no requests for a public hearing.

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

Resolution No. 13-098 (con't)

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 Remove the Unincorporated areas of the County from the Application of T.C.A § 57-2-103(d)

Mr. Gentry presented Resolution 13-099. Mr. Gentry and Attorney Vance Baker explained this resolution to the commissioners.

### **Resolution No. 13-099**

#### **A RESOLUTION TO REMOVE THE UNINCORPORATED AREAS OF THE COUNTY FROM THE APPLICATION OF T.C.A. § 57-2-103(d)**

**WHEREAS**, Tennessee Code Annotated, Section 57-2-103(d)(2)(A), authorizes the County Legislative Body to adopt a resolution to remove the unincorporated areas of the county from the application of T.C.A. § 57-2-103(d) relative to manufacturing of alcoholic beverages; and

**WHEREAS**, removing the unincorporated areas of the county from the application of T.C.A. § 57-2-103(d), does not prevent the County Commission or the citizenry from taking future action to allow distilleries in the unincorporated areas of the county; and

**WHEREAS**, by action of the County Legislative Body, the unincorporated areas of McMinn County, in accordance with T.C.A. § 57-2-103(d)(2)(A), are hereby removed from the application of T.C.A. §57-2-103(d); and

**WHEREAS**, the County Mayor shall notify the Alcohol Beverage Commission that this action has been taken and approved; and

**WHEREAS**, this resolution shall take effect upon passage, the public welfare requiring it; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING ON THIS 15<sup>th</sup> DAY OF JULY 2013**, that this Commission does hereby approve removal of the unincorporated areas of McMinn County from the application of T.C.A. § 57-2-103(d).

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

Resolution No. 13-099 (con't)

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

Motion carried by voice vote.

13. ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

**None at this time.**

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

- Commissioner Curtis—Budget Committee met and recommended the budget to the full commission tonight. Mr. Curtis commended Mr. Luallen and his staff and the County Mayor for all their hard work on the budget.

15. COMMENTS FROM THE COUNTY MAYOR

- Va Clinic
- Justice Center
- Airport Project
- Budget

16. APPROVAL OF NOTARY APPLICATIONS

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

Notary Applications for July 2013

ANGELA BENTON  
JEANNIE M BURTON  
JOSHUA D CANTRELL  
SHARON E COVINGTON  
HELEN H. JAMES  
VALERIE M. LEAMON  
VICKI ANDERSON MOORE  
STACY RAY RODERICK  
JESSICA A. WEBB

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

Motion carried by voice vote.

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

**None at this time.**

18. ADJOURNMENT

There being no other business, Chairman Crews declared the Commission meeting adjourned at 7:59 pm.

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EVONNE HOBACK  
McMinn County Clerk

Attest:

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Deputy (date)