

The McMinn County Board of Commissioners met in Regular Session on October 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 McPhail.

3. PLEDGE TO THE FLAG

The Pledge to the Flag was led by Commissioner Powers.

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 September 16th, 2013 were provided to the McMinn County Commissioners.

MOTION made by Commissioner Holbrook, and seconded by Commissioner King, to approve the minutes of September 16th, 2013.

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

A. A Resolution to Approve and Award and Approve the Semi-Annual Liquid Asphalt Bid.

Mr. Luallen presented resolution # 13-117 with bid summary sheet and letter of recommendation from the Commissioner of Highways.

RESOLUTION NO. 13-117

**A RESOLUTION TO APPROVE AND AWARD THE
SEMI-ANNUAL LIQUID ASPHALT BID**

Resolution No. 13-117 (con't)

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

WHEREAS, Randall Moss, McMinn County Highway Commissioner requests the purchase of liquid asphalt for the period of November 1, 2013 thru April 30, 2014, 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 recommends the bid be awarded to the low bidder, Hudson Materials Company, Chattanooga, TN.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21st DAY OF OCTOBER, 2013, 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 King, and seconded by Commissioner Powers, to approve this resolution.

Motion carried by voice vote.

B. A Resolution to Approve and J Holmes Architecture, PLLC to Provide Master Planning and Site Analysis For the Proposed Center for Advanced Manufacturing and Business Innovation.

Mr. Luallen presented resolution # 13-118 with Fee Proposal attached.

Resolution No.13-118

A RESOLUTION TO APPROVE J HOLMES ARCHITECTURE, PLLC TO PROVIDE MASTER PLANNING AND SITE ANALYSIS FOR THE PROPOSED CENTER FOR ADVANCED MANUFACTURING AND BUSINESS INNOVATION

WHEREAS, the McMinn County Commission selected the establishment of a Center for Advanced Manufacturing and Business Innovation, hereafter "Center," as their number one priority at their 2013 Annual Planning Session; and

WHEREAS, the proposed Center would be a collaborative effort of numerous organizations, local governments and educational institutions; and

WHEREAS, proper master planning is critical for the Center to achieve its highest and best use as a tool to develop our workforce talent, recruit new industry and incubate entrepreneurial small businesses; and

WHEREAS, McMinn County issued a request for qualifications to solicit professional master planning and site analysis services for the proposed center; and

Resolution No. 13-118 (con't)

WHEREAS, J Holmes Architecture, PLLC met the appropriate specifications and submitted a low bid of \$19,120; and

WHEREAS, McMinn County received \$20,000 from the United States Department of Agriculture—Rural Development for the purpose of hiring a consultant who would provide site analysis and planning services for the center; and

WHEREAS, J Holmes Architecture founder Jeff Holmes will personally provide all design services for the contract and has a 26 year history with similar project types including the Nissan Center for Applied technology, Clarksville Center for Applied Technology and Wilson County Industrial Vocational School.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21st DAY OF OCTOBER 2013, that this Commission does hereby approve J Holmes Architecture to provide professional master planning and site analysis for the proposed Center for Advanced Manufacturing and Business Innovation.

(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 the Bid for Phase II Sedimentation Basin Upgrade.

Mr. Luallen presented resolution # 13-119 with bid summary sheets and letters of recommendation from Landfill Supervisor Stan Moses and did have Landfill Committee Recommendation.

RESOLUTION NO. 13-119

A RESOLUTION TO THE BID FOR PHASE II SEDIMENTATION BASIN UPGRADE

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 Landfill requested to bid for Phase II sedimentation basin upgrade, 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, Ron Key, with CTI Engineers and Landfill Supervisor, Stan Moses, reviewed the bids submitted and recommend the bid be awarded to Erosion Solutions, the low bidder meeting specifications in the amount of \$258,500.00.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21st DAY OF OCTOBER, 2013, that this Commission does hereby approve the recommendation of items 1 and 3 totaling \$258,500.00.

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

Resolution No. 13-119 (con't)

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.

D. A Resolution to Purchase 2014 Dodge Charger From Tennessee State Contract.

Mr. Luallen presented resolution # 13-120.

RESOLUTION NO. 13-120

A RESOLUTION TO PURCHASE 2014 DODGE CHARGER FROM TENNESSEE STATE CONTRACT

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 to purchase one unmarked 2014 Dodge Charger from Tennessee State Contract, in order to properly carry out the functions of the department; and

WHEREAS, Tennessee State Contract has followed the proper procedures in securing bids; and

WHEREAS, Sheriff Joe Guy requests to purchase one unmarked unit from Tennessee Fleet Sales through state contract in the amount of \$24,713.

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

(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.

Motion carried by voice vote.

E. A Resolution to Purchase 2013 Ford F-150 From Tennessee State Contract.

(con't)

Mr. Luallen presented resolution # 13-068 with a copy of Resolution from Commissioner of Highways Randall Moss.

RESOLUTION NO. 13-121

A RESOLUTION TO PURCHASE 2013 FORD F-150 FROM TENNESSEE STATE CONTRACT

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

WHEREAS, the Highway Department requests to purchase one Ford F-150 truck from Tennessee State Contract, in order to properly carry out the functions of the department; and

WHEREAS, Tennessee State Contract has followed the proper procedures in securing bids; and

WHEREAS, the Highway Department requests to purchase one Ford F-150 from Tennessee Fleet Sales through state contract in the amount of \$22,438.

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

(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 Commission Masingale, to approve this resolution.

Motion carried by voice vote.

F. A Resolution to Approve Advance Payment of 2013 In-service/Supplemental Pay to Eligible Officers of the McMinn County Sheriff's Department.

Mr. Luallen presented resolution # 13-122 with a letter of Recommendation from McMinn County Sheriff Joe Guy.

RESOLUTION NO. 13-122

A RESOLUTION TO APPROVE ADVANCE PAYMENT OF 2013 INSERVICE/SUPPLEMENTAL PAY TO ELIGIBLE OFFICERS OF THE MCMINN COUNTY SHERIFF'S DEPARTMENT

WHEREAS, McMinn County receives payment of in-service supplemental pay from the State of Tennessee Peace Officer Standards and Training Commission for eligible officers as defined in Tennessee Code Annotated Title 38 Chapter 8; and

WHEREAS, the amount of the supplemental pay is \$600.00 per officer, and is received in the month of June; and

WHEREAS, McMinn County Sheriff Joe Guy requests this money be paid in the month of December.

Resolution No. 13-122 (con't)

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

(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 Commission KIng, to approve this resolution.

Motion carried by voice vote.

G. A Resolution to Declare Equipment as Surplus Property.

Mr. Luallen presented resolution # 13-123 with two letters of Items Supporting the Documentation.

RESOLUTION NO. 13-123

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 requests approval to have the equipment listed on the attached letters declared as surplus property and sell them; and

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

(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 Simpson, to approve this resolution.

Motion carried by voice vote.

7. REVIEW AND APPROVAL OF CONTRACTS

A. A Resolution to Approve Grant Contract for Alcohol Countermeasures Highway Safety Project Between State of Tennessee and McMinn County.

Resolution No. 13-124 (con't)

Mr. Luallen presented resolution # 13-124 with Grant Summary Attached.

RESOLUTION NO. 13-124

**A RESOLUTION TO APPROVE GRANT CONTRACT FOR ALCOHOL
COUNTERMEASURES HIGHWAY SAFETY PROJECT BETWEEN STATE OF
TENNESSEE AND MCMINN COUNTY**

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 contracts with other entities; and

WHEREAS, McMinn County has received a grant from State of Tennessee Department of Transportation for Alcohol Countermeasures Highway Safety Project with contract dates from October 1, 2013, to September 30, 2014; and

WHEREAS, said Grant can and will be used toward various DUI related programs related to this campaign; and

WHEREAS, the amount of this grant amounts to \$39,999.60 with no required match for McMinn County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21st DAY OF OCTOBER, 2013 that this Commission does hereby agree to enter into this Grant Contract with the State of Tennessee.

(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.

B. A Resolution to Approve Computer Grant For McMinn County Election Commission.

Mr. Luallen presented resolution # 13-125 with a copy of the grant attached.

RESOLUTION NO. 13-125

**RESOLUTION TO APPROVE COMPUTER GRANT FOR MCMINN COUNTY ELECTION
COMMISSION**

WHEREAS, State of Tennessee Department of Elections has made available to McMinn County reimbursement monies up to a maximum of \$1,539.61 for purchase of computer, printer, and software; and

WHEREAS, the grant limits reimbursement to specific items listed in grant; and

WHEREAS, Kris Williams, McMinn County Administrator of Elections requests approval of said grant for items listed in grant in an amount not to exceed \$1,539.61; and

Resolution No. 13-125 (con't)

WHEREAS, the Department of Elections will order items from State Contract pricing.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21ST DAY OF OCTOBER 2013, that this Commission does hereby approve the grant for an amount up to \$1,539.61

AND FURTHERMORE, AUTHORIZES THE COUNTY MAYOR OR HIS DESIGNEE TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO EXECUTE SAID CONTRACT.

(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 Powers, to approve this resolution.

Motion carried by voice vote.

C. A Resolution to Approve the Contract Between McMinn County and the State of Tennessee Department of the Military and Tennessee Emergency Management Agency, For Funding of Emergency Preparedness.

Mr. Luallen presented resolution #13-126 with Summary Sheet of the Grant Attached.

Resolution No.13-126

**A RESOLUTION TO APPROVE THE CONTRACT BETWEEN
McMINN COUNTY AND THE STATE OF TENNESSEE DEPARTMENT OF THE MILITARY AND
TENNESSEE EMERGENCY MANAGEMENT AGENCY,
FOR FUNDING OF EMERGENCY PREPAREDNESS**

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

WHEREAS, McMinn County desires to enter into contract with Tennessee Emergency Management Agency to acquire \$34,000.00 in grant funding applicable to the administrative duties of the McMinn County Director of Emergency Management; and

WHEREAS, the term of this contract is for the period commencing on October 1, 2012 and ending on June 30, 2014.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21st DAY OF OCTOBER, 2013 that this Commission does hereby agree to enter into contract with Tennessee Emergency Management Agency to receive grant funding of \$34,000.00 for Emergency Management Assistance.

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

Resolution No. 13-126 (con't)

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

Motion carried by voice vote.

D. A Resolution to Approve State Reimbursement Contract With State of Tennessee Commission on Children and Youth for 2013-2014.

Mr. Luallen presented resolution #13- 127 with a copy of the Grant Contract attached.

RESOLUTION NO. 13-127

A RESOLUTION TO APPROVE STATE REIMBURSEMENT CONTRACT WITH STATE OF TENNESSEE COMMISSION ON CHILDREN AND YOUTH FOR FY 2013-2014

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 Commission on Children and Youth to receive funds not to exceed the amount of \$1440 per year for a one year period to be disbursed for developing and improving juvenile court and community alternative to detention; and

WHEREAS, it is necessary to renew the contract with McMinn County for the period July 1, 2013 through June 30, 2014.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21st DAY OF October, 2013, that this Commission does hereby agree to enter into this contract with State of Tennessee, Tennessee Commission on Children and Youth for period July 1, 2013 through June 30, 2014.

(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 King, to approve this resolution.

Motion carried by voice

(con't)

E. A Resolution to Approve the Contract Between McMinn County and the State of Tennessee Department of the Military and Tennessee Emergency Management Agency, for a Homeland Security Grant.

Mr. Luallen presented Resolution#13-128.

Resolution No.13-128

A RESOLUTION TO APPROVE THE CONTRACT BETWEEN McMINN COUNTY AND THE STATE OF TENNESSEE DEPARTMENT OF THE MILITARY AND TENNESSEE EMERGENCY MANAGEMENT AGENCY, FOR A HOMELAND SECURITY GRANT

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

WHEREAS, McMinn County desires to enter into contract with Tennessee Emergency Management Agency to acquire \$23,077.76 in grant funding applicable to the maintenance of 800/700Mhz radios as well as to sustain hazmat and law enforcement Perimeter Team equipment; and

WHEREAS, this grant is 100% funding with no match by McMinn County.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21st DAY OF OCTOBER 2013 that this Commission does hereby agree to enter into contract with Tennessee Emergency Management Agency to receive grant funding of \$23,077.76, the public welfare requiring it, 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 Powers, and seconded by Commission Masingale, to approve this resolution.

Motion carried by voice vote.

F. A Resolution to Approve an Amendment of the Contract Between McMinn County and the State of Tennessee Regarding Mental Health Treatment Services for Misdemeanor Criminal Defendants.

Mr. Luallen presented Resolution #13-129 with a copy of the Amendment attached.

RESOLUTION NO. 13-129

A RESOLUTION TO APPROVE AN AMENDMENT OF THE CONTRACT BETWEEN MCMINN COUNTY AND THE STATE OF TENNESSEE REGARDING MENTAL HEALTH TREATMENT SERVICES FOR MISDEMEANOR CRIMINAL DEFENDANTS

Resolution No. 13-129 (con't)

WHEREAS, McMinn County is currently in a non-exclusive contractual agreement between the Department of Mental Health which allows for reduced billing rates for counties; and

WHEREAS, McMinn County wishes to amend this current contract by extending the date to end June 30, 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMIN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21ST DAY OF OCTOBER 2013, that this contract amendment with the DMH for mental health and treatment for misdemeanor criminal defendants is approved, 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 Holbrook, and seconded by Commissioner McPhail, to approve this resolution.

Motion carried by voice vote.

G. A Resolution to Approve Application By McMinn County Ag Extension for a Farmers Market Promotion and Retail Grant.

Mr. Luallen presented Resolution #13-130 with a copy of the Grant attached.

Resolution No. 13-130

A RESOLUTION TO APPROVE APPLICATION BY MCMINN COUNTY AG EXTENSION FOR A FARMERS MARKET PROMOTION AND RETAIL GRANT

WHEREAS, the Tennessee Agricultural Enhancement Program has offered up to \$1,000 in individual grant funds to qualified Farmers Market Programs for promotion and development; and

WHEREAS, such funds may be used in the promotion, advertising, and retail improvements; and

WHEREAS, McMinn County Ag-Extension requests approval to apply for said grant funds for the McMinn County Farmers Market; and

WHEREAS, grants are available in amounts up to \$1,000; and

WHEREAS, such grants are non-matching and require no funding responsibility on the part of McMinn County; and

THEREFORE, BE IT RESOLVED BY THE MCMINN COUNTY BOARD OF COMMISSIONERS MEETING IN REGULAR SESSION THIS THE 21ST DAY OF OCTOBER 2013, THAT THE COMMISSION APPROVES the application for farmers market promotion grant by McMinn County Ag-Extension.

Resolution No. 13-130 (con't)

(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 King, 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 and did have school board approval.

Fund: General #101,

Date: October 17, 2013

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Reserve	Unassigned Fund Balance	39000	64,635.00	
Sheriff's Department	Law Enforcement Equipment	54100-716		64,635.00

MOTION made by Commissioner Curtis, 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:

Fund: Other Capital Projects #189

Date: October 17, 2013

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
State of Tennessee	Airport Maintenance Program	46120	1,734,402.00	
General Administration Projects	Airport Improvement	9110-702		1,734,402.00
Reserve	Unassigned Fund Balance	39000	12,603,559.00	
General Administration Projects	Airport Improvement	91110-702		113,087.00
General Administration Projects	Building Const. (Expo Enter/Rec)	91110-706		471,353.00
General Administration Projects	Communication Equipment	91110-708		149,001.00
General Administration Projects	Data Processing Equip. (GIS)	91110-709		2,245.00
General Administration Projects	Land (Economic Development)	91110-715		1,129,786.00
General Administration Projects	Building Purchase (Courthouse Imp.)	91110-732		406,908.00
General Administration Projects	Other Equipment (Fire Engines)	91110-790		1,592,517.00
General Administration Projects	Other Construction (Senior Center)	91110-791		100,000.00
Administration of Justice Projects	Building Improvement (Justice Cen)	91110-707		6,221,970.00
Administration of Justice Projects	Law Enforcement Equipment	91120-716		24,821.00
Public Health Projects	Other Capital Outlay (Water)	91140-799		1,292,316.00
Highway & Str. Capital Projects	Highway Construction	91200-713		10,772.00
Highway & Str. Capital Projects	Other Construction (Safe-Tea-Lu)	91200-791		5,700.00
Education Capital Projects	Building Construction	91300-706		1,083,083.00

(con't)

MOTION made by Commissioner Powers, 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:

9. COMMENTS FROM THE AUDIENCE

- Stewart Smith addressed the commission on the Rails to Trail issue. Mr. Smith thinks it would be a big asset to the county.
- Sheree Callaway addressed the commission on the Rails to Trail issue. Ms. Callaway would like for the commission to think of the cost this trail would cost the county and anyone who the grant moneys come from. Ms. Callaway expressed other concerns also.
- Mary White the Environmental Health and Safety Manager at Mayfield's addressed the commission on the Rails to Trail issue. Ms. White thinks the trails would enhance the outdoor activities in the county.
- Joanne Mitchell a resident of Monroe County and a representative of Greenways & Trails which is a part of the Tennessee Department of Environment and Conservation addressed the commission on the Rails to Trail issue. Ms. Mitchell wanted to let the County Commission know that the Southern Appalachian Back Country Horseman stated in a letter April 15, 2010 that they would be willing to maintain the section of the trail in McMinn County.

10. RESOLUTIONS

- A. A Resolution to Approve an Interlocal Agreement Between McMinn County, The City of Athens and the Town of Englewood for the Operation of a Rails to Trail Project.

Mr. Gentry presented Resolution # 13-131 did a copy of the agreement attached.

RESOLUTION NO. 13-131

A RESOLUTION TO APPROVE AN INTERLOCAL AGREEMENT BETWEEN MCMINN COUNTY, THE CITY OF ATHENS AND THE TOWN OF ENGLEWOOD FOR THE OPERATION OF A RAILS TO TRAIL PROJECT

WHEREAS, McMinn County, City of Athens and the Town of Englewood have a unique opportunity to establish six mile long recreational trail project between Athens and Englewood due to the proposed abandonment of the "Old Dusty" CSX rail line between the two communities; and

WHEREAS, a joint Rails to Trails Committee consisting of members from McMinn County Government, the City of Athens and the Town of Englewood was formed to study the benefits and risks of opening the trail for public recreational use; and

WHEREAS, after more than a year of research and consultation, the committee voted unanimously to recommend that the project go forward in two development phases; and

WHEREAS, the committee also recommended that both phases of the trail be owned by McMinn County and that maintenance and operation of the trail be handled through an interlocal agreement between McMinn County, the City of Athens and the Town of Englewood; and

Resolution No. 13-131 (con't)

WHEREAS, McMinn County wishes to enter into an interlocal agreement, attached to this resolution, with the City of Athens and the Town of Englewood for the operation of the trail; and

WHEREAS, Phase I of the project stretches from Hwy 307 to Hwy 39, is approximately 4.3 miles in length and will cost \$270,000 to acquire from CSX; and

WHEREAS, McMinn County has a State of Tennessee Recreational Trails Program grant in the amount \$300,000 requiring a \$60,000 match.

WHEREAS, \$30,000 in matching funds will be provided from the County's Hotel/Motel Tax Fund and \$30,000 from the City of Athens; and

WHEREAS, up to \$30,000 in matching funds will be provided from the County's Hotel/Motel Tax Fund for Phase II of the project in cooperation with the Town of Englewood contingent upon a successful grant application to acquire and develop the approximate 1.5 mile remaining of the trail.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21ST DAY OF OCTOBER 2013, hereby approves the interlocal agreement between McMinn County, the City of Athens and the Town of Englewood for the purchase and operation of a trail and **FURTHERMORE RESOLVES** to accept and authorize use of the full amount of the State of Tennessee RTP grant funds for the purchase and improvement of the trail and approves the \$30,000 required for the grant match for Phase I and **FURTHERMORE** authorizes the County Mayor to execute all necessary documentation regarding said agreement including purchase sale agreements, contracts and deeds.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

MOTION made by Commissioner Simpson, and seconded by Commissioner Masingale, to approve this resolution. Commissioners Holbrook, McPhail and Powers voted no on this resolution.

Motion carried by voice vote.

B. A Resolution to Establish an Updated Occupational Safety and Health Program Plan, Devise Rules and Regulations, and to Provide for a Safety Director and the Implementation of Such Program Plan.

Mr. Gentry presented resolution #13-132.

RESOLUTION NUMBER 13-132

**RESOLUTION TO ESTABLISH AN UPDATED OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN,
DEVISE RULES AND REGULATIONS, AND TO PROVIDE FOR A SAFETY DIRECTOR AND THE
IMPLEMENTATION OF SUCH PROGRAM PLAN**

WHEREAS, in compliance with Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, the McMinn County hereby updates the Occupational Safety and Health Program Plan for our employees.

WHEREAS, due to various changes in subsequent years, it has become necessary to amend the program plan to comply with more recent state requirements.

NOW, THEREFORE,

SECTION 1. BE IT RESOLVED BY THE McMinn County Commission, that there be and is hereby amended as follows

Resolution No. 13-132 (con't)

TITLE:

This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of McMinn County.

PURPOSE:

McMinn County Government in electing to update the established Program Plan will maintain an effective and comprehensive Occupational Safety and Health Program Plan for its employees and shall:

- 1) Provide a safe and healthful place and condition of employment that includes:
 - a) Top Management Commitment and Employee Involvement;
 - b) Continually analyze the worksite to identify all hazards and potential hazards;
 - c) Develop and maintain methods for preventing or controlling the existing or potential hazards; and
 - d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- 2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- 3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- 4) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
- 5) Consult with the Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the State.
- 6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this Program Plan, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.
- 7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this Program Plan.

COVERAGE:

The provisions of the Occupational Safety and Health Program Plan for the employees of McMinn County shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent.

STANDARDS AUTHORIZED:

The Occupational Safety and Health standards adopted by McMinn County are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (T.C.A. Title 50, Chapter 3).

VARIANCES FROM STANDARDS AUTHORIZED:

Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized by T.C.A., Title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees.

ADMINISTRATION:

For the purposes of this resolution, Mark Cochran, the Assistant to the County Mayor is designated as the Safety Director of Occupational Safety and Health to perform duties and to exercise powers assigned to plan, develop, and administer this Program Plan. The Safety Director shall develop a plan of operation for the Program Plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by T.C.A., Title 50.

Resolution No. 13-132 (con't)

FUNDING THE PROGRAM PLAN:

Sufficient funds for administering and staffing the Program Plan pursuant to this resolution shall be made available as authorized by the McMinn County Commission.

SEVERABILITY:

SECTION 2. BE IT FURTHER RESOLVED that if any section, sub-section, sentence, clause, phrase, or portion of this resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

AMENDMENTS, ETC:

SECTION 3. BE IT FURTHER RESOLVED that this resolution shall take effect from and after the date it shall have been passed, properly signed, certified, and has met all other legal requirements, and as otherwise provided by law, the general welfare of the County requiring it.

(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 McPhail, to approve this resolution.

Motion carried by voice vote.

11. ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

- None at this time.

Mr. Gentry reminded the commissioners to get their appointments in for the Wild Life Committee as soon as they can. Mr. Gentry said once the committee is formed we can get together with Polk and Monroe Counties and TWRA about changing some rules on dealing with the Farrell Hog issue.

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

- Commissioner Masingale: Financial Management Committee met before the commission meeting to look at part time employee policies, direct deposit and other matters.

13. COMMENTS FROM THE COUNTY MAYOR

- Mr. Gentry said there will be a meeting for pre-bid on fire trucks for the county in the Blue Room on October 22, 2013 at 9:00. Mr. Gentry said all the specifications have been reviewed and will have a mandatory pre-bid at this meeting to go over those specifications with the various venders and then will be put out to bid. Mr. Gentry said there are five of eleven Fire Departments that have waited patiently since the last order. This will finish the last supply of new Fire Engines to each of the eleven volunteer fire departments.
- Mr. Gentry reminded everyone that the Jail expansion meeting is still on the first and third Wednesday of the month if anyone would like to come. Mr. Gentry said that the Jail expansion is on schedule.
- Mr. Gentry said the Airport project is almost complete.

(con't)

- Mr. Gentry said that there will be a Wild Life Committee meeting to discuss the Wild Hog issue when the county gets its membership.
- Mr. Gentry addressed the sales tax issue the City of Athens is proposing. Mr. Gentry said this would impact the county if the City Council votes to put this on the May ballot. The County Commission will have a 40 day window to preempt and place it on the ballot to see if that sales tax rate would be applicable county wide. Mr. Gentry said the County will have the option to do nothing and wait to see if the referendum is successful in the city limits and then the County can preempt at a later date.

14. APPROVAL OF NOTARY APPLICATIONS

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

Notary Applications for October 2013

- | | |
|--------------------------|------------------------|
| 1. Melissa J. Bryson | 8. Jennifer P. Green |
| 2. Debbie J. Coleman | 9. Vanessa Lewis |
| 3. Tiffany April Edgemon | 10. Patricia A. Newman |
| 4. Carol Elliot | 11. Jana L. Pryor |
| 5. Darla D. Fetzer | 12. Rhonda Joy Smith |
| 6. Rachel Renee Frye | 13. Johnny A. Witt |
| 7. Michelle Lee Ghorley | 14. Jody L. Worthy |

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

Motion carried by voice vote.

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

- None

16. ADJOURNMENT

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

EVONNE HOBACK
McMinn County Clerk

Attest:

Deputy (date)