

The McMinn County Board of Commissioners met in Regular Session on May 19, 2014, 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 Matt Mason.

3. PLEDGE TO THE FLAG

The Pledge to the Flag was led by Commissioner Roger Masingale.

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
Matt 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 April 21, 2014 were provided to the McMinn County Commissioners.

MOTION made by Commissioner Holbrook, and seconded by Commissioner King, to approve the minutes of April 21, 2014.

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

None.

7. REVIEW AND APPROVAL OF CONTRACTS

A. A Resolution to Approve Grant for McMinn County Election Commission to Rent Voting Machines and Scanner.

Mr. Luallen presented resolution #14-043 with a copy of the Grant Contract attached.

RESOLUTION NO. 14-043

RESOLUTION TO APPROVE GRANT FOR MCMINN COUNTY ELECTION COMMISSION TO RENT VOTING MACHINES AND SCANNER

Resolution No. 14-043 (con't)

WHEREAS, State of Tennessee, Division of Elections has made available to McMinn County grant monies in the amount of \$9,375.00 for the rental of four voting machines and a scanner; 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 \$9,375.00.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19th DAY OF MAY 2014, that this Commission does hereby approve the grant in the amount of \$9,375.00.

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

Motion carried by voice vote.

B. A Resolution to Approve the DGA Grant Contract between McMinn County and State of Tennessee department of Health.

Mr. Luallen presented resolution #14-044 with a copy of the Grant Contract attached.

RESOLUTION NO. 14-044

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 \$539,400; and

WHEREAS, McMinn County Health Department does provide these services and both parties do hereby agree to these provisions in the contract for FY 2014-15.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19th DAY OF MAY, 2014, that this Commission does hereby approve this contract.

Resolution No. 14-044 (con't)

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.

8. APPROVAL OF BUDGET AMENDMENT

Fund: General Fund #101

Mr. Luallen presented the following budget amendments, a copy of which was provided to each Commissioner and did have School Board Approval.

Fund: General Fund #101,

Date: May 15, 2014

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
State of Tennessee	Vehicle Certificate of Title Fees	46835	5,500.00	
County Clerk	Office Equipment	52500-719		5,500.00
Explanation: To budget revenue and expenditures related to the issuance of certificates of title.				
Reserve	Unassigned Fund Balance	3900	4,500.00	
Chancery Court	Data Processing Equipment	53400-709		4,500.00
Explanation: To budget revenue and expenditures for computer replacement from Chancery Court Computer System Reserve. No affect on general budget.				
Reserve	Unassigned Fund Balance	39000	57,850.00	
Ambulance	Other Contracted Services	55130-399		57,850.00
Explanation: To budget expenditures related to EMS consulting Services. Commission Approved 617/13				

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

Scott Curtis - Aye
 Dale Holbrook - aye
 Tim King - Aye
 Roger Masingale - Aye
 Matt Mason - Aye
 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 General Purpose School budget amendments, a copy of which was provided to each Commissioner. This did have school board approval on May 8th, 2014.

(con't)

Fund: General Purpose School #141

Date: April 10th, 2014

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Pre-School	Travel	<u>73400-355</u>	<u>6,000.00</u>	
Pre-School	Instructional Supplies	<u>73400-429</u>		<u>4,500.00</u>
Pre-School	Other Equipment	<u>73400-790</u>	<u>350.00</u>	<u>1,500.00</u>
Explanation: To move funds from Travel to Suppliesnd Equipment per Melody Armstrongs request.				

MOTION made by Commissioner Simpson, and seconded by Commissioner Slack, 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
- Matt Mason - Aye
- J. W. McPhail - Aye
- Bob Powers - Aye
- Tad Simpson - Aye
- Charles Slack - Aye
- Chairman David Crews - Aye

9. COMMENTS FOR THE AUDIENCE

None.

10. KATHY KNIGHT STATE INDUSTRIAL ACCESS REQUEST

A. Kathy Knight, McMinn County EDA Director addressed Resolution #14-046 that would be voted on by the County Commission. She answered any questions the commission had and the resolution was voted on.

RESOLUTION NO. 14-046

A RESOLUTION OF THE MCMINN COUNTY COMMISSION AUTHORIZING THE SUBMISSION OF A STATE INDUSTRIAL ACCESS ROAD APPLICATION FOR RESOLUTE FOREST PRODUCTS

WHEREAS, McMinn County, Tennessee is vitally interested in the economic welfare of its citizens and wishes to provide the necessary leadership to enhance this area’s capabilities for growth and development; and

WHEREAS, the provision of jobs to area citizens by local industry is both necessary and vital to the economic well-being of McMinn County; and

WHEREAS, the Industrial Highway Act of 1959 authorizes the Tennessee Department of Transportation to contract with cities and counties for the construction and maintenance of “Industrial Highways” to provide access to industrial areas and to facilitate the development and expansion of industry within the State of Tennessee; and

WHEREAS, Resolute Forest Productions recently announced plans to expand its existing paper mill operations in McMinn County, adjacent to the Town of Calhoun; and

Resolution No. 14-046 (con't)

WHEREAS, the construction of an industrial access road on State Route 163 within McMinn County to serve said proposed plant is necessary and vital to the successful completion of this project and the future economic well-being of this area; and

WHEREAS, McMinn County's local portion is fifty percent of utility relocation costs, which is projected not to exceed ten thousand dollars.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19th DAY OF MAY 2014, that this Commission does hereby approve submitting a joint application with the Town of Calhoun to enter into a contract with the Tennessee Department of Transportation for assistance in construction and completion of the herein proposed industrial access highway under the provisions of the Industrial Highway Act of 1959.

(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.

11. RESOLUTIONS

A. A Resolution Authorizing McMinn County's Participation in a Litter Control Grant for Fiscal Year 2013-14 From the Tennessee Department of Transportation, Highway Maintenance Division; and Authorizing the County Mayor to Administer Activities Associated with this Grant.

Mr. Gentry presented Resolution # 14-045.

RESOLUTION NO. 14-045

A RESOLUTION AUTHORIZING MCMINN COUNTY'S PARTICIPATION IN ALITTER CONTROL GRANT FOR FISCAL YEAR 2013-14 FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION, HIGHWAY MAINTENANCE DIVISION; AND AUTHORIZING THE COUNTY MAYOR TO ADMINISTER ACTIVITIES ASSOCIATED WITH THIS GRANT

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

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

WHEREAS, the allocation for FY 2014-15 is \$46,900; and

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

Resolution No. 14-045 (con't)

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19th DAY OF MAY 2014, that this Commission authorizes McMinn County's participation in a litter grant in FY 2014-15 with the Tennessee Department of Transportation, the public welfare requiring it, and **FURTHER** resolves to authorize the County Mayor to execute all necessary documents regarding this grant application.

(Orig signed by John M. Gentry)
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.

Note: Resolution 14-046 see item 10

B. A Resolution to Approve the Request for Hotel-Motel Funds By the Etowah Fourth of July Committee to Fund the Etowah Old Fashioned Fourth of July Celebration.

Mr. Gentry presented Resolution #14-047. This resolution did have Budget Committee Approval.

Resolution No.14-047

**A RESOLUTION TO APPROVE THE REQUEST FOR HOTEL-MOTEL FUNDS
BY THE ETOWAH FOURTH OF JULY COMMITTEE TO FUND THE
ETOWAH OLD FASHIONED FOURTH OF JULY CELEBRATION**

WHEREAS, Etowah's Old Fashioned Fourth of July festival is an important event that celebrates the birth of our nation while promoting the heritage of McMinn County; and

WHEREAS, this celebration is attended by thousands of visitors annually and brings in many from outside McMinn County; and

WHEREAS, to assist in the funding of this annual festival, the McMinn County Commission agrees to provide \$5000.00 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 19th DAY OF MAY that this Commission does hereby approve \$5,000.00 for the Etowah Fourth of July Committee to produce Etowah's Old Fashioned Fourth of July celebration.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

Motion carried by voice vote.

12. DECLARE VACANCY FOR GENERAL SESSIONS JUDGE EFFECTIVE JUNE 30, 2014

Judge James F. Watson submitted a letter to the County Mayor informing him that he will not seek re-election and will retire before his term is up. The County Commission accepted his resignation and declared the office vacant. The County Commission will fill the vacancy in the June meeting. (June 16th, 2014)

Commissioner King made a motion to declare vacancy for the General Sessions Judge on June 30th, 2014, seconded by Commissioner McPhail.

Motion carried by voice vote.

13. ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

None.

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

A. Commissioner Curtis.

Commissioner Curtis said he met with the budget committee earlier and they sent Resolution #14-047 to the County Commission to be voted on. Commissioner Curtis also said that the Budget Committee had the first presentation of the budget which is still a work in progress.

15. COMMENTS FROM THE COUNTY MAYOR

A. Airport.

Mr. Gentry said the work the Highway Department is doing on the sink holes at the airport is great.

B. Delinquent Tax Sale.

Mr. Cochran said that they have sold 7 of the 9 properties that they have. The County made about \$50,000.00 and about \$30,000.00 went to the general fund and put about \$217,000.00 back on the tax rolls. Mr. Cochran said that the final 2 properties he thinks he can still sell them.

16. APPROVAL OF NOTARY APPLICATIONS

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

Notary Applications for May 2014

1. Andrew J. Bell
2. Mary M. Coffman
3. Sondra J. Denton
4. Lanette B. Guyton
5. Stephen N. Long
6. Amy R. Maynor
7. Freida Rich
8. Brenda S. Stone
9. Jeffrey A. Withrow
10. Carlos Hammonds

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

Motion carried by voice vote.

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

- Attorney Client Session.

Mayor Gentry handed out Resolution #14-048 after the Attorney/Client Session. Mr. Gentry said that in order for the McMinn County Board of Education to legally take action against the Cities of Athens, Etowah and Niota for Liquor-By-The-Drink Tax Revenues the County Commission must authorize suit to be filed on and in behalf of McMinn County.

Resolution No. 14-048

A RESOLUTION TO ALLOW THE MCMINN COUNTY BOARD OF EDUCATION TO FILE A COMPLAINT FOR DECLARATORY JUDGMENT AGAINST THE CITIES OF ATHENS, ETOWAH AND NIOTA FOR LIQUOR-BY-THE-DRINK TAX REVENUES

WHEREAS, pursuant to Tennessee Code Annotated 57-4-301(c), the Tennessee Department of Revenue collects a 15% state-imposed tax on the sale of alcoholic beverages intended to be consumed on the premises; and

WHEREAS, the Department of Revenue distributes a portion of the liquor-by-the-drink tax revenues to local municipalities that have authorized liquor-by-the-drink sales within their corporate limits; and

WHEREAS, municipalities are then required to remit a portion of these revenues to the county school fund; and

WHEREAS, the cities of Athens, Etowah and Niota have failed to remit funds to the county school fund; and

WHEREAS, McMinn County feels that the McMinn County Board of Education has proper legal standing to pursue judgment against the cities of Athens, Etowah and Niota; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19TH DAY OF May 2014, that this Commission does hereby approve the McMinn County Board of Education's request to file complaint for declaratory judgment against the cities of Athens, Etowah and Niota on behalf of and in the name of McMinn County.

(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. (Commissioner Slack Abstained)

18. ADJOURNMENT

There being no other business, Chairman Crews declared the Commission meeting adjourned at 7:58 pm.

EVONNE HOBACK
McMinn County Clerk

Attest:

Deputy (date)