

The McMinn County Board of Commissioners met in Regular Session on Monday, July 21, 2008, at 7:30pm, 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 Millsaps.

3. PLEDGE TO THE FLAG

The Pledge to the Flag was led by Commissioner Curtis.

4. ROLL CALL

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

Scott Curtis – Present
Dale Holbrook – Present
Jeannie King – Present
Roger Masingale – Present
Gary Mason – Present
Jerry Millsaps – Present
Bob Powers – Present
Jack Powers – Present
Tad Simpson – Present
Chairman David Crews – Present

5. APPROVAL OF MINUTES

Copies of the Minutes of the Regular Session on June 16, 2008 and the Special Called Session on July 10, 2008 were provided to the McMinn County Commissioners.

Commissioner Simpson referred to page 079 in the Minutes of June 16, 2008 and made a correction. The current minutes say “Motion carried by voice vote with two abstentions by Commissioner Curtis and Commissioner Masingale.” This is incorrect and should say “Motion carried by voice vote with two abstentions by Commissioner Simpson and Commissioner Masingale.”

MOTION made by Commissioner Simpson, and seconded by Commissioner Mason, to approve the minutes of June 16, 2008, with the correction made, as well as the minutes of July 10, 2008.

Motion carried by voice vote.

Mr. Luallen said that since he has some bids and purchases related to the 2008-2009 budget, he requested that the approval of the budget be moved from number 9 on the agenda to number 6.

6. FINAL APPROVAL OF THE FY 2008-2009 BUDGET

In response to a request for clarification by Chairman Crews, Mr. Luallen said that if a commissioner opposed the budgeted salary increase for the new Director of Schools, he would vote “Aye” or “Nay” on the whole budget.

Chairman Crews asked for a motion to approve the FY 2008-2009 Budget.

MOTION made by Commissioner Jack Powers, and seconded by Commissioner Bob Powers, to approve the FY 2008-2009 Budget.

Mr. Luallen reviewed his budget memorandum, dated July 21, 2008, subject: Final Approval of the FY 2008-2009 Budget, including the following resolution to approve final step in budgetary process for FY 2008-2009 (spread in the minutes below). He also submitted a corrected final page of the resolution making appropriations for the various functions, activities, departments, institutions, offices and agencies of McMinn County, Tennessee, for the Fiscal Year beginning July 1, 2008 and ending June 30, 2009 (replacing the existing page 46). Mr. Luallen also explained that throughout the budget process, the advertised estimated certified tax rate was a \$1.552; however, after going through the budget process, the State sent the Property Assessor a recalculation of the certified tax rate from \$1.552 to \$1.5553. Mr. Luallen said that to change everything throughout the budget process would have been a very time consuming and tedious process and he recommended that the Commission certify the \$1.5553 tax rate and not change any of the existing revenues that it would affect. Mr. Luallen added that it would go up very minimally – less than \$38,000 this year.

A RESOLUTION TO APPROVE FINAL STEP IN BUDGETARY PROCESS FOR FY 2008-2009

WHEREAS, as required by Tennessee Code Annotated, the final step in the budgetary process for FY 2008-2009 includes approval of July 10 Budget Committee meeting minutes, Summary of Proposed Operations, FY 2008-2009 Tax Summary, Resolution making appropriations and resolution fixing the tax levy of McMinn County, Tennessee for FY beginning July 1, 2008 and Legal Notice of Non-Profit Non-Charitable organizations; and

WHEREAS, in accordance to Tennessee Code Annotated, McMinn County Budget Committee recommends approval of the Proposed Budget Process for FY 2008-09.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN THIS REGULAR SESISON ON THIS THE 21ST DAY OF JULY 2008, that this Commission does hereby approve the final step in the budgetary process for FY 2008-09.

Motion failed by roll call vote, as recorded:

Scott Curtis – Nay
Dale Holbrook – Nay
Jeannie King – Nay
Roger Masingale – Nay
Gary Mason – Aye
Jerry Millsaps – Nay
Bob Powers – Aye
Jack Powers – Aye
Tad Simpson – Nay
Chairman David Crews – Nay

In response to a question from Commissioner Mason, Mr. Luallen said that this would delay the budget and the process would begin over again with the exception of the advertising because it is not required by law to re-advertise in the newspaper.

Commissioner Mason said he respected the “nay” votes, but he felt that this was a School Board decision.

Chairman Crews stated that since the Commission does not have the authority to change line items, the only recourse they have is to approve or disapprove the entire budget.

Commissioner Jack Powers said that we told the School Board to bring us a balanced budget and that is what they have done. He said we can cut their whole budget by \$10,000.00 but they can put it where they want to, and a lengthy discussion continued regarding this situation. Chairman Crews said that the School Board is well aware of the issue causing this action and Commissioner Simpson added that Mr. Pierce himself stated that money was not an issue for him.

7. APPROVAL OF BIDS AND PURCHASES

Mr. Luallen explained that the resolution to approve and award the bid of marked police sedan vehicles, as well as the resolution to reject bids for 4x4 SUV vehicle for Sheriff’s Department were contingent upon the approval of the 2008-2009 budget and therefore were not considered this month. In response to a question from Chairman Crews, there was some discussion concerning approving these contingent upon approval of the budget, but it was decided that they were delay consideration of these resolutions.

A. A Resolution to Approve Bid for Required Annual Pump Testing, Service and Maintenance for McMinn County Fire Trucks and Equipment.

Mr. Luallen presented the following resolution to approve the bid for required annual pump testing, service and maintenance for McMinn County Fire Trucks and Equipment. Mr. Luallen explained that although this was in the 2008-2009 budget, it is not an equipment purchase and can be approved under a continuing budget resolution.

RESOLUTION NO. 08-063

A RESOLUTION TO APPROVE BID FOR REQUIRED ANNUAL PUMP TESTING, SERVICE AND MAINTENANCE FOR MCMINN COUNTY FIRE TRUCKS AND EQUIPMENT

WHEREAS, McMinn County Rural Fire Chief, Scott Thompson requests approval of a blanket requisition to Heritage Fire Equipment (the only source provider) for annual pump testing, service and maintenance to county fire trucks and equipment at \$60,000; 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 THIS THE 21st DAY OF JULY, 2008, the payment of invoice for pump testing, service and maintenance to county fire trucks and equipment to Heritage Fire Equipment of \$60,000 be hereby approved.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

In response to a question from Commissioner Masingale, Mr. Luallen said that the amount of this actual requisition is not the same as last year but the line item in the budget did not change.

Mr. Gentry, commenting on this being sole source, said that the other provider that used to be in Chattanooga, has moved to south Georgia.

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

Motion carried by voice vote.

B. A Resolution to Approve Payment of Invoice for Annual for FY 2008-09 Hardware and Software Maintenance Support for County Clerk's Office.

Mr. Luallen presented the following resolution to approve payment of invoice for annual FY 2008-09 Hardware and Software Maintenance Support for County Clerk's Office and added that this is also part of the 08-09 budget, however, not an equipment purchase.

RESOLUTION NO. 08-064

A RESOLUTION TO APPROVE PAYMENT OF INVOICE FOR ANNUAL FY 2008-09
HARDWARE AND SOFTWARE MAINTENANCE SUPPORT FOR COUNTY CLERK'S OFFICE

WHEREAS, McMinn County Clerk, Evonne Hoback, requests payment of FY 2008-09 annual hardware and software maintenance invoiced from Business Information Systems for \$11,523.79; 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 21st DAY OF JULY, 2008, payment for invoiced maintenance to Business Information Systems of \$11,523.79 be hereby approved.

(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 Commissioner Millsaps, to approve this resolution.

Motion carried by voice vote.

8. REVIEW AND APPROVAL OF CONTRACTS

A. A Resolution to Renew the Contract Between McMinn County and the McMinn County Emergency Communications District for Emergency Dispatch Services.

Mr. Luallen presented the following resolution to renew the contract between McMinn County and the McMinn County Emergency Communications District for Emergency Dispatch Services. Mr. Luallen added that this has the approval of the Emergency Services Committee.

Resolution No. 08-065

A RESOLUTION TO RENEW THE CONTRACT BETWEEN McMINN COUNTY AND THE McMINN COUNTY EMERGENCY COMMUNICATIONS DISTRICT FOR EMERGENCY DISPATCH SERVICES

WHEREAS, in February, 2003, the McMinn County Board of Commissioners approved the consolidation of McMinn County Emergency dispatch to be placed under the management of the McMinn County E-911 Center; and

WHEREAS, the original five year contract expires in September, 2008; and

WHEREAS, McMinn County and the McMinn County Emergency Communications District desire to renew the contract for an additional five year term under the same financial terms as the original contract; and

WHEREAS, the McMinn County Emergency Communications District has stated it is their ultimate goal to save the taxpayers money by providing quality, consolidated dispatch services; and

WHEREAS, McMinn County's cost shall be renegotiated in the event that either the City of Etowah and/or the City of Athens join the consolidation; and

WHEREAS, the McMinn County Emergency Communications District has successfully endeavored to maintain licensed dispatchers and modern equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21ST DAY OF JULY 2008, that this Commission does hereby approve the contract renewal between McMinn County and the McMinn County Emergency Communications Board for a five year term and FURTHER, authorizes the County Mayor to execute any documents necessary to fulfill the intentions of this resolution.

(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 Simpson, to approve this resolution.

Motion carried by voice vote.

B. 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 the following 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 added that this had approval of the Emergency Services Committee approval.

Resolution No. 08-066

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 \$23,000.00 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, 2007 and ending on September 30, 2008.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21th DAY OF JULY 2008 that this Commission does hereby agree to enter into contract with Tennessee Emergency Management Agency to receive grant funding of \$23,000.00 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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

Motion carried by voice vote.

9. APPROVAL OF BUDGET AMENDMENTS

Mr. Luallen requested approval of nine budget amendments in three different funds, a copy of which was provided to each Commissioner:

Fund: General # 101

Date: June 30, 2008

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Fines, Forfeitures, & Penalties	Drug Court Fees (Circuit)	42141	1,285.00	
“	Drug Court Fees (General Sessions)	42341	8,542.00	
Drug Court	Other Contracted Services	53330-399		9,827.00

EXPLANATION: To budget additional revenues and expenditures related to Drug Court Fees for FY 07 – 08.

Fund: General # 101

Date: June 30, 2008

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Reserve	Undesignated Fund Balance	39000	9,000.00	
Industrial Development	Other Contracted Services	58120-399		9,000.00

Explanation: To budget from Industrial Development portion of Hotel/Motel tax reserve expenditures related to Geo-powered website and McMinn County share of road paving costs at North Etowah Industrial Park.

General # 101

Date: June 30, 2008

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Reserve	Undesignated Fund Balance	39000	205,000.00	
Sheriff's Dept	Gasoline	54110-425		3,000.00
Jail	Medical & Dental Services	54210-340		25,000.00
Jail	Food	54210-422		69,500.00
Jail	Utilities	54210-452		49,500.00
Medical Examiner	Medical Personnel	54610-131		25,000.00
Ambulance	Gasoline	55130-425		25,500.00
Parks	Gasoline	56700-425		3,000.00
Airport	Utilities	58220-452		4,500.00

EXPLANATION: To avoid deficit in Functional Category at year end for FY 2007-2008.

MOTION made by Commissioner Bob Powers, and seconded by Commissioner Holbrook, to approve these budget amendments.

Motion carried by roll call vote, as recorded:

- Scott Curtis – Aye
- Dale Holbrook – Aye
- Jeanie King – Aye
- Roger Masingale – Aye
- Gary Mason – Aye
- Jerry Millsaps – Aye
- Bob Powers – Aye
- Jack Powers – Aye
- Tad Simpson – Aye
- Chairman David Crews – Aye

Fund: General Purpose School # 141

Date: June 30, 2008

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Other Programs	Assistant	72290-103	2,259.00	
“	Secretary	72290-161		800.00
“	Medical Insurance	72290-207		93.05
“	Communication	72290-307	3,700.00	
“	Other Charges	72290-599	1,990.00	
“	Instructional Supplies	72290-429		7,055.95

EXPLANATION: To enter Budget Amendment No. 1 to the 2007-2008 Vocational Rehabilitation Transition School-to-Work Grant. School Board approval: July 7, 2008.

Fund: General Purpose School # 141

Date: June 30, 2008

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Other	Other Salaries & Wages	71900-189	4,500.00	
“	Social Security	71900-201	279.00	
“	State Retirement	71900-204	155.00	
“	Employer Medicare	71900-212	66.00	
“	Communication	71900-307	800.00	
“	Other Contracted Services	71900-399	1,000.00	
“	Instructional Supplies & Materials	71900-429	6,800.00	

EXPLANATION: To enter Budget Amendments number one and two to the 21st Century Community Learning Centers Grant for FY 2007 – 2008. School Board approval: Jul 7, 2008.

Fund: General Purpose School # 141

Date: June 30, 2008

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Student Body Education Program	Other Fringe Benefits	71400-299	470.00	
“	Communication	71400-307	800.00	
“	Other Charges	71400-599	950.00	
“	Other Supplies & Materials	71400-499		2,220.00

EXPLANATION: To enter Budget Amendment No. 1 to the 2007 – 2008 LEAPS Grant awarded to Mt. View

Fund: General Purpose School - # 141

Date: June 30, 2008

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Special Ed Program	Teachers	71200-116	15,000.00	
Special Ed Program Support	Travel	72220-355		15,000.00
Attendance	Attendance Equipment	72110-704		3,000.00
“	Travel	72110-355		1,500.00
Board of Ed. Services	Other Fringe Benefits	72310-299		80,000.00
“	Trustee’s Commission	72310-510		10,000.00
“	Other Charges	72310-599		10,000.00
Office of the Superintendent	Communication	72320-307		20,000.00
Plant Operation	Electricity	72610-415		50,000.00
Transportation	Gasoline	72710-425		90,000.00
Plant Maintenance	Maintenance & Repair Buildings	72620-335	132,250.00	
Regular Instruction Program	Teachers	71100-116	132,250.00	

EXPLANATION: To avoid deficits in functional categories at the end of the Fiscal Year. School Board approved 7-7-08.

Fund: General Purpose School - # 141

Date: June 30, 2008

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Regular Instruction Program	Teachers	71100-116-IDEA	12,585.00	
“	Social Security	71100-201-IDEA	4,317.00	
“	Employer Medicare	71100-212-IDEA		78.00
“	Instructional Supplies & Materials	71100-429-IDEA		11,274.00
Other Student Support	Evaluation & Testing	72130-322-IDEA		5,550.00

EXPLANATION: To enter Budget Amendment # 1 to the funds transferred into the General Purpose School Fund from the IDEA-B, 08.01 Grant Budget for Early Intervening Services due to disproportionality. Approved by the state June 25, 2008. School Board approved 7-7-08.

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

Motion carried by roll call vote, as recorded:

- Scott Curtis – Aye
- Dale Holbrook – Aye
- Jeanie King – Aye
- Roger Masingale – Aye
- Gary Mason – Aye
- Jerry Millsaps – Aye
- Bob Powers – Aye
- Jack Powers – Aye
- Tad Simpson – Aye
- Chairman David Crews – Aye

Fund: Cafeteria – Fund # 143

Date: June 30, 2008

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Food Service	Food Supplies	73100-421		102,500.00
Reserve	Undesignated Fund	34230	102,500.00	

EXPLANATION: To avoid a deficit balance at the end of FY 2007-2008. School Board approval Jul 7, 2008.

MOTION made by Commissioner Mason, and seconded by Commissioner Masingale, to approve this budget amendment.

Motion carried by roll call vote, as recorded:

- Scott Curtis – Aye
- Dale Holbrook – Aye
- Jeanie King – Aye
- Roger Masingale – Aye
- Gary Mason – Aye
- Jerry Millsaps – Aye
- Bob Powers – Aye
- Jack Powers – Aye
- Tad Simpson – Aye
- Chairman David Crews – Aye

10. COUNTY TRUSTEE ANNUAL REPORT

Mr. Phil Tuggle, McMinn County Trustee, referred to his Annual Report, dated July 15, 2008, a copy of which was provided to all the Commissioners. He summarized four areas: Excess fees, investments, sales tax revenue and property taxes. Mr. Tuggle reported another record year of excess fees in the amount of \$385,000.00 and added since 2002, they have returned \$2,135,000.00 in excess fees to the General Fund. Mr. Tuggle said this was a tough year for return on investments. Our 2007-2008 return on investment is \$1,237,593.00 which is a 7% decrease from last year, but added that we may feel the real effect of this next year. Mr. Tuttle also mentioned they had a \$6 million CD that came due but it has since been reinvested. He also said that sales tax revenue is flat with total sales tax revenue for FY 2007-2008 is \$10,236,943.00. Mr. Tuggle also reviewed the property tax totals.

(Cont'd)

Mr. Tuggle presented a Woods Hospital District Proceeds Report, dated July 15, 2008, a copy of which was provided to all the Commissioners. He said on January 3, 2008, the initial one million dollars was immediately deposited in an interest bearing account prior to bids being returned to their office. During this period, \$2,055.00 interest accrued from that account. The bid in the amount of \$1,002,055.00 was awarded on January 23, 2008, to a local bank with a maturity date of January 23, 2009. As of June 30, 2008, \$17,896.98 has accrued in this account.

In response to a question from Commissioner Mason, Mr. Tuggle said all their bids go out to local banks.

Chairman Crews thanked Mr. Tuggle for his update.

11. HIWASSEE UTILITIES COMMISSION EXPANSION UPDATE

In response to a request from Commissioner Mason at the recent special called session of the McMinn County Commission, Mr. Doug Harrod, with the Hiwassee Utilities Commission, presented an update on their expansion in progress. Mr. Harrod said they are within two months of completing the project and they are on budget. He reviewed some of the history and added that when the bids came in, they had several surprises. Bids came in 5-10% higher than estimated. They took another look at the scope of work and as a result the main transmission line through Athens to feed Niota had to be eliminated. However, they were able to maintain the emergency power backup in the bid.

Mr. Harrod said Niota was consulted early in the process and they are happy with the arrangements made with the Athens Utilities Board and Hiwassee Utilities Commission.

Commissioner Mason thanked him for his update and Mr. Harrod invited all the Commissioners to come and see the plant.

12. COMMENTS FROM THE AUDIENCE

A. Comments from Mr. William Brakebill, Hiwassee Utilities Commission.

Mr. Brakebill, former Mayor of Athens and now on the Hiwassee Utilities Commission, thanked the Commission for their many years of support to Hiwassee Utilities Commission, and he mentioned that McMinn County gets the benefit while Cleveland carries the load of paying for the improvements.

13. RESOLUTIONS

A. A Resolution to Relieve the McMinn County Trustee of Property Tax Reporting and Collection Liability Regarding 2006 Delinquent Property Taxes.

Mr. Gentry presented the following resolution to relieve the McMinn County Trustee of Property Tax Reporting and collection liability regarding 2006 delinquent property taxes.

RESOLUTION NO. 08-067

A RESOLUTION TO RELIEVE THE MCMINN COUNTY TRUSTEE OF PROPERTY TAX REPORTING AND COLLECTION LIABILITY REGARDING 2006 DELINQUENT PROPERTY TAXES

WHEREAS, it appears that Phil Tuggle, Trustee of McMinn County, Tennessee, has complied with the statutes of the State of Tennessee, relative to requirements as to the filing of reports of delinquent and insolvent taxpayers for the 2006 real property taxes and 2006 personal property taxes; and

(Cont'd)

Resolution No. 08-067 (Cont'd)

WHEREAS, it further appears that proper suit has been instituted in the Chancery Court for McMinn County, Tennessee, for collection of said taxes; and

WHEREAS, Phil Tuggle, Trustee of McMinn County, Tennessee, has filed a list of delinquent taxpayers and double assessments as provided by law, and should be properly relieved from any further liability for the reporting and collection of delinquent 2006 real property and 2006 personal property taxes as properly certified and turned over to the Clerk & Master for McMinn County, Tennessee.

NOW, THEREFORE, BE IT RESOLVED BY THE MCMINN COUNTY BOARD OF COMMISSIONERS MEETING IN REGULAR SESSION THIS THE 21st DAY OF JULY, 2008, that the Commission does hereby relieve the McMinn County Trustee of Property Tax Reporting and Collection liability regarding the 2006 delinquent property taxes and personal property taxes as properly certified and turned over to the Clerk and Master 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 Millsaps, to approve this resolution.

Motion carried by voice vote.

B. A Resolution Authorizing McMinn County's Participation in a Litter Control Grant for Fiscal Year 2008-09 from the Tennessee Department of Transportation, Highway Maintenance Division; and Authorizing the County Mayor to Administer Activities Associated with this Grant.

Mr. Gentry presented the following annual resolution authorizing McMinn County's participation in a litter control grant.

RESOLUTION NO. 08-068

A RESOLUTION AUTHORIZING MCMINN COUNTY'S PARTICIPATION IN A
LITTER CONTROL GRANT FOR FISCAL YEAR 2008-09
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

(Cont'd)

Resolution No. 08-068 (Cont'd)

WHEREAS, this body deems the continued administration of litter grant activities as in the best interest of the citizens of 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 July 2008, that this Commission authorizes McMinn County's participation in a litter grant in FY 2008-09 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 Bob Powers, and seconded by Commissioner Masingale, to approve this resolution.

Motion carried by voice vote.

NOTE: The proposed resolution to approve the Capital Improvement Project for the FY 2008-09 Repaving Program was not presented for approval since it is contingent upon the approval of the 2008-2009 budget.

C. A Resolution Authorizing the Bidding of New Pumper Trucks for McMinn County's Rural Volunteer Fire Departments.

Mr. Gentry presented the following resolution authorizing the bidding of new pumper trucks for McMinn County's Rural Volunteer Fire Departments. Mr. Gentry said that this bid will be a lengthy process and has already been in the works for about two years. Mr. Gentry added that this does have the approval of the Emergency Services Committee.

Resolution No. 08-069

A RESOLUTION AUTHORIZING THE BIDDING OF NEW PUMPER TRUCKS FOR MCMINN COUNTY'S RURAL VOLUNTEER FIRE DEPARTMENTS

WHEREAS, McMinn County appreciates the dedication, service and sacrifice of its rural volunteer firefighters, currently numbering over three hundred men and women; and

WHEREAS, in recognition of the important role the fire departments play in protecting the life and property of McMinn County citizens, McMinn County has traditionally helped in providing fire-fighting equipment for the departments as funding permitted; and

(Cont'd)

Resolution No. 08-069 (Cont'd)

WHEREAS, McMinn County purchased pumper trucks for its eleven rural fire stations in the early 1990's, and many are beginning to incur major maintenance costs associated with increased age and wear; and

WHEREAS, McMinn County desires to provide reliable pumper trucks for its volunteer fire departments as funds allow; and

WHEREAS, the McMinn County Fire Coordinator appointed a committee of chiefs and assistants, representing various departments, to develop a set of bid specifications for two types of pumper trucks, a four door custom truck for the four largest and busiest departments, and a two door commercial truck for the smaller departments; and

WHEREAS, the McMinn County Emergency Services Committee recommended holding a pre-bid conference and bidding out the two separate types of trucks, ultimately making a recommendation on the number of trucks to purchase based on the bid day costs and maintenance log.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21ST DAY OF JULY, 2008, that this Commission does hereby approve the recommendation of the Emergency Services Committee to hold a pre-bid conference and put to bid pumper trucks for McMinn County's Rural Volunteer Fire Departments.

(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 Curtis, to approve this resolution.

Motion carried by voice vote.

D. A Resolution to Approve Lease Agreements for Renting New T-Hangars at the McMinn County Airport.

Mr. Gentry said the Airport Committee met earlier this evening and said they are nearing the completion of the latest set of ten hangars and he presented the following resolution to approve the lease agreements for renting the new T-hangars. Mr. Gentry said that this is very similar to the leases they have in place except that these leases are for a term of one year, automatically renewing, subject to the satisfaction of both parties. This gives us more flexibility in the future with market changes.

Resolution No. 08-070

A RESOLUTION TO APPROVE LEASE AGREEMENTS FOR RENTING
NEW T-HANGARS AT THE McMINN COUNTY AIRPORT

WHEREAS, McMinn County is currently constructing one set of 10 unit replacement t-hangars at the McMinn County Airport; and

(Cont'd)

Resolution No. 08-070 (Cont'd)

WHEREAS, subject to the t-hangars passing final inspection and punch list items being successfully completed, the t-hangars should be ready for occupancy by September 1, 2008; and

WHEREAS, McMinn County desires to lease the hangars to aircraft owners utilizing the McMinn County Airport; and

WHEREAS, the leases shall be for a term of one year, automatically renewing, subject to the satisfaction of both parties meeting the terms and conditions of the lease; and

WHEREAS, the lease rate shall be one hundred and seventy-five dollars per month (\$175.00), with McMinn County possessing the right to increase or decrease the amount on an annual basis, if so determined to be in the best interest of McMinn County and the airport; and

WHEREAS, the current occupants of the “old” set of county t-hangars, located at the south end of the airport, shall have first priority of leasing the new t-hangars; and

WHEREAS, in the event the “old” t-hangars are removed, those occupants shall have first right of refusal on any open t-hangar units leased by McMinn County, with the order of preference determined by seniority of the rental arrangements in force at that time by the Fixed Base Operator, all other lessees shall be determined by their ranking on a list of interested renters to be maintained and publicly posted by the Fixed Base Operator in the terminal facility.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THE 21ST DAY OF JULY, 2008, that this Commission does hereby approve the lease agreements for renting the ten new t-hangars at the McMinn County Airport and FURTHER RESOLVES to authorize the County Mayor to execute the said leases to ensure occupancy of the hangars as well as monitor and enforce compliance.

(Orig signed by John M. Gentry
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

In response to a question from Commissioner Masingale, Mr. Gentry explained that the lease agreements give us the authority to change it on a yearly basis.

Motion carried by voice vote.

E. A Resolution to Honor and Remember Joe Leslie for His Public Service to McMinn County.

Mr. Gentry presented the following resolution to honor and remember Joe Leslie, a former School Board member and teacher, for his dedicated service to McMinn County.

Resolution No. 08-071

A RESOLUTION TO HONOR AND REMEMBER JOE LESLIE
FOR HIS PUBLIC SERVICE TO MCMINN COUNTY

WHEREAS, Joe Leslie was a life-long McMinn County resident, and former McMinn County teacher and twenty-year member of the McMinn County Board of Education, who passed away June 18, 2008; and

WHEREAS, Joe Leslie was a veteran of the US Army, having served in World War II, and specifically was involved in action during the Battle of the Bulge; and

WHEREAS, Joe Leslie was known for his character and charm by all those who knew him, and was beloved by those who worked with him; and

WHEREAS, Joe Leslie's passing leaves behind a family, countless friends, and innumerable persons who were affected by his positive example as a citizen and human being; and

WHEREAS, it is resolved that Joe Leslie shall be remembered for his faithful service to the students and citizens of McMinn County, for his wisdom, dedication, and compassion throughout his career, and as a guiding member of the McMinn County Education System, he will be sorely missed.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 21st DAY OF JULY 2008, THAT THIS COMMISSION DOES HONOR AND REMEMBER JOE LESLIE FOR HIS UNSELFISH SERVICE TO THE CITIZENS AND STUDENTS OF MCMINN COUNTY.

(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 Masingale, to approve this resolution.

Motion carried by voice vote.

14. ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

A. A Resolution to Confirm the Re-Appointment of Judicial Commissioners for McMinn County.

Mr. Gentry presented and explained the following resolution to confirm the re-appointment of Judicial Commissioners for McMinn County.

Resolution No. 08-072

A RESOLUTION TO CONFIRM THE RE-APPOINTMENT OF JUDICIAL COMMISSIONERS
FOR MCMINN COUNTY

WHEREAS, Tennessee Code Annotated 40-5-201 authorizes the legislative body of counties to appoint judicial commissioners; and

(Cont'd)

Resolution No. 08-072 (Cont'd)

WHEREAS, the duties of judicial commissioners are to issue arrest warrants upon a finding of probable cause, to set bonds and recognizances included in a “first appearance” before a magistrate, and to issue mittimus for persons to be held at the county jail; and

WHEREAS, the utilization of judicial commissioners is essential to provide due process to the citizens of McMinn County, as well as to strengthen criminal cases prepared by law enforcement officers; and

WHEREAS, in 2004, McMinn County E-911 dispatchers were appointed to the office of judicial commissioners as they are accessible, centrally located, and readily available on evenings, nights, and weekends; and

WHEREAS, the staff of the Circuit Court Clerk currently perform a portion of these duties during regularly scheduled work hours; and

WHEREAS, the McMinn County Board of Commissioners appoints the licensed emergency dispatch staff and director of the McMinn E-911 Center to serve as judicial commissioners, subject to proper training by the general sessions judge and circuit court clerk for four year terms; and

WHEREAS, judicial commissioners shall only be compensated for such duties so long as they are duly employed as licensed dispatchers by the McMinn County Emergency Communications Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 21st DAY OF JULY 2008 that this commission does hereby confirm the re-appointment of McMinn County E-911 licensed communication dispatchers as judicial commissioners for four year terms.

(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 Simpson, to approve this resolution.

Motion carried by voice vote.

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

A. Budget Committee – Commissioner Jack Powers.

Commissioner Jack Powers, Chairman of the Budget Committee, announced that a Budget Committee would be scheduled next Monday, July 28, 2008, at 6:00 pm, to meet with the School Board.

16. COMMENTS FROM THE COUNTY MAYOR

A. Update on Jail Project.

Mr. Gentry said that they are undergoing geothermal studies in order to create more energy efficiency in a new building. Mr. Gentry explained that geothermal has a greater up-front cost but savings are realized with lower power costs and lower maintenance.

Mr. Gentry also explained that they have increased bed space internally and we have been doing that with inmate labor and in-house staff. Mr. Gentry said that some beds are being recycled but added that they will have a net gain of about 50 beds with less than \$10,000.00 of cost. Mr. Gentry said that the County's Maintenance Staff and the Jail Staff have worked well together to make this happen. Mr. Gentry passed around some photos taken of progress made.

B. Update on Veterans Administration (VA) Clinic.

Mr. Gentry spoke with the VA Public Affairs Office today and he was informed that the clinic to be opened in McMinn County will be a Contract Office which means it will be staffed with non-VA personnel, but they stressed they will be held to the same standards as the VA staff. The VA will take bids for service providers and will be an inclusive bid package, i.e. if a physicians' group provides the staff, they would also provide the facility. The clinic will provide primary care, limited mental healthcare, emergency pharmaceutical, and limited lab – routine pharmaceuticals will be handled by mail. They will organize and structure the clinic to serve 1,500 to 2,000 eligible veterans in McMinn County.

In response to a question from Commissioner Masingale, Mr. Gentry didn't know where they got the projected figure of eligible veterans. Mr. Gentry said, in response to a question from Commissioner Mason, that the clinic should be operational in 15 months. Mr. Gentry said that this is long overdue well deserved and added that he has a telephone number if anyone is interested in contract information.

C. Application by AT&T for Franchise Authority for Cable and Video Services.

Mr. Gentry said that AT&T has sent us notice that they have applied for franchise authority for cable and video services in the City of Athens and portions of McMinn County. Mr. Gentry also asked that McMinn County be extended the same benefits – free service in public facilities, public access channels – that we have under Comcast.

D. Litigation Taxes.

The State passed legislation this year allowing counties to increase their litigation taxes, subject to two-thirds approval of the Commission. A tax of \$25.00 per all cases may be used for Courthouse/Jail expansion and \$25.00 may be used to enhance Courthouse security.

There was an engrossing error made during the codification process which has delayed the effective date of the legislation.

The Budget Committee had mentioned possibly using this revenue source as a means to address the Sheriff's request for additional manpower.

17. APPROVAL OF NOTARY APPLICATIONS

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

Notary Applications for July 2008

Kenneth R. Abney, Jr.
Denise E. Barnes
Bonnie Dee Clark
Dana D. Cornett
Sara M. Goodrich
David E. McKeehan
Ross A. Millsaps
Stacey R. Norfolk
Mary Lynne Thompson
Barbara J. Ward
Matthew T. Watson

MOTION made by Commissioner Mason, and seconded by Commissioner Millsaps, to approve these notary applications.

Motion carried by voice vote.

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

A. Proposed Energy Conservation Program for County Buildings.

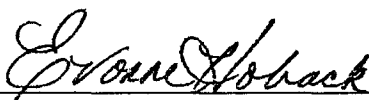
Chairman Crews scheduled a Properties Committee meeting on Monday, July 28, 2008, at 7:00 pm, following the Budget Committee, to take on the role of developing an energy conservation program for County buildings.

B. Highway Commissioner Letter Regarding Womac Subdivision, J. S. Haren, Developer

Chairman Crews referred to the letter from the Highway Commissioner, dated July 16, 2007, regarding Womac Subdivision, J. S. Haren, Developer, which was provided to the Commission, and he asked Mr. Roy Glass of the Highway Commission for an explanation. Mr. Glass went over the details in the letter and the reasons that the Highway Commissioner has requested that he be excused from further inspection of this sub-division.

19. ADJOURNMENT

There being no other business, Chairman Crews declared the meeting adjourned at 8:30 pm.



EVONNE HOBACK
McMinn County Clerk

Attest:

jb 8-12-08
Deputy Clerk (date)