

The McMinn County Board of Commissioners met in Regular Session on July 20, 2009, 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 Crews.

2. INVOCATION

The Invocation was given by Commissioner Gary Mason.

3. PLEDGE TO THE FLAG

The Pledge to the Flag was led by Commissioner Scott Curtis.

4. ROLL CALL

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

Scott Curtis – Present  
Dale Holbrook – Present  
Jeannie King – Present  
Roger Masingale – Present (arrived 7:40 pm)  
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 15, 2009 were provided to the McMinn County Commissioners.

MOTION made by Commissioner Holbrook, and seconded by Commissioner Bob Powers, to approve the minutes of June 15, 2009.

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

A. A Resolution to Approve Repair of Transmission of JD 250D Truck.

Mr. Luallen presented the following resolution to approve the repair of transmission of the articulated dump truck at the Landfill. Mr. Luallen added that this was approved by the Solid Waste Committee earlier this evening.

RESOLUTION NO. 09-060

A RESOLUTION TO APPROVE REPAIR OF TRANSMISSION OF  
JD 250D TRUCK

WHEREAS, the McMinn County Landfill Supervisor, Stan Moses has requested the repair of a transmission in their JD 250D truck in order to properly carry out the functions of the department; and

(Cont'd)

Resolution No. 09-060 (Cont'd)

WHEREAS, Stan Moses, McMinn County Landfill Supervisor has recommended the low quote meeting specifications of Waters Eq. for \$25,200.00; 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 20<sup>th</sup> DAY OF JULY, 2009, that the request for repair of transmission to Waters Eq. in the amount of \$ 25,200.00 be hereby approved.

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

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

Mr. Luallen presented the following resolution to approve payment for all required annual pump testing, service and maintenance for McMinn County fire trucks and equipment.

**RESOLUTION NO. 09-061**

**A RESOLUTION TO APPROVE PAYMENT 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 \$55,000; 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 20<sup>th</sup> DAY OF JULY, 2009, the payment of invoice for pump testing, service and maintenance to county fire trucks and equipment to Heritage Fire Equipment of \$55,000 be hereby approved.

(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 Millsaps, to approve this resolution.

Motion carried by voice vote.

C. A Resolution to Approve Payment of Annual Hardware and Software Maintenance Support for the McMinn County Register of Deeds.

Mr. Luallen presented the following resolution to approve payment of annual hardware and software maintenance for the Register of Deeds.

RESOLUTION NO. 09-062

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

**WHEREAS**, McMinn County Register of Deeds request renewal of annual hardware and software maintenance support invoiced at \$20,183.88 for the period of July 1, 2009 to June 30, 2010; 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 20<sup>th</sup> DAY OF JULY, 2009, that the payment for invoiced maintenance agreement to ProGRess, Inc. in the amount of \$20,183.88 be hereby approved.

(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 Bob Powers, to approve this resolution.

Motion carried by voice vote.

D. A Resolution to Approve Payment of Invoice for Annual FY 2009-10 Hardware and Software Maintenance Support for County Clerk's Office.

Mr. Luallen presented the following resolution to approve payment of invoice for annual hardware and software maintenance support for the County Clerk's Office for FY 2009-10.

RESOLUTION NO. 09-063

A RESOLUTION TO APPROVE PAYMENT OF INVOICE FOR ANNUAL FY 2009-10 HARDWARE AND SOFTWARE MAINTENANCE SUPPORT FOR COUNTY CLERK'S OFFICE

WHEREAS, McMinn County Clerk, Evonne Hoback, requests payment of FY 2009-10 annual hardware and software maintenance invoiced from Business Information Systems for \$12,809.04; and

(Cont'd)

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 20<sup>th</sup> DAY OF JULY, 2009, payment for invoiced maintenance to Business Information Systems of \$12,809.04 be hereby approved.

(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.

Motion carried by voice vote.

7. REVIEW AND APPROVAL OF CONTRACTS

A. A Resolution to Approve the Renewal of the Contract with Mac's Tire Recyclers Regarding Disposal of Recycled Tires.

Mr. Luallen presented the following resolution to approve the renewal of the contract with Mac's Tire Recyclers regarding disposal of recycled tires, and added that this was approved by the Solid Waste Committee.

Resolution No. 09-064

A RESOLUTION TO APPROVE THE RENEWAL OF THE CONTRACT WITH MAC'S TIRE RECYCLERS REGARDING DISPOSAL OF RECYCLED TIRES

WHEREAS, the Tennessee Department of Conservation provides a waste tire grant to encourage the recycling and proper disposal of waste tires; and

WHEREAS, Mac's Tire Recycling is currently the contracted vendor for pickup, transportation and disposal of recycled tires; and

WHEREAS, it is the recommendation of the Solid Waste Director that the contract with Mac's Tire Recycling be renewed at the current rates; and

WHEREAS, this contract shall be renewed for 1 year, terminating on July 1, 2010.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 20<sup>th</sup> DAY OF JULY 2009, that this Commission does approve the contract renewal with Mac's Tire Recycling at the current rates and FURTHER, resolves to authorize the County Mayor to execute the necessary documents to fulfill the intent of this resolution, the public welfare demanding it.

(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 Simpson, to approve this resolution.

In response to a question from Commissioner Curtis, Mr. Gentry said the current rate was \$78.00 per ton.+

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 the following resolution to approve the DGA grant contract between McMinn County and the State of Tennessee Department of Health for FY 2009-10.

**RESOLUTION NO. 09-065**

**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 \$523,800; and

WHEREAS, McMinn County Health Department does provide these services and both parties do hereby agree to these provisions in the contract for FY 2009-10.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 20<sup>th</sup> DAY OF JULY, 2009, that this Commission does hereby approve this contract.

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

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

C. A Resolution to Approve the Contract Between McMinn County and AT&T for Long Distance Telephone Service for McMinn County.

Mr. Luallen presented the following resolution to approve a three-year contract between McMinn County and AT&T for long distance telephone service, and he added that this is long distance only as they are looking possibly into redoing local service.

RESOLUTION NO. 09-066

A RESOLUTION TO APPROVE THE CONTRACT BETWEEN MCMINN COUNTY AND AT&T FOR LONG DISTANCE TELEPHONE SERVICE FOR 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 into contracts with other entities; and

WHEREAS, AT&T is the current provider for McMinn County's LONG distance telephone service; and

WHEREAS, McMinn County desires to enter into contract with AT&T for an additional three (3) years for long distance telephone service; and

WHEREAS, the term of this contract is for the period of July 1, 2009 through June 30, 2012; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 20<sup>TH</sup> DAY OF JULY 2009 THAT THIS commission does hereby agree to enter into the attached contract with AT&T.

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

In response to a question from Commissioner Mason, Mr. Luallen said that the rates are slightly lower than our current rates with the contract.

D. A Resolution to Approve Change Order # 1 for the Hazmat Vehicle Storage Building Project.

Mr. Luallen presented and explained the following resolution to approve Change Order # 1 for the Hazmat vehicle storage building project.

Resolution No. 09-067

A RESOLUTION TO APPROVE CHANGE ORDER #1 FOR THE HAZMAT VEHICLE STORAGE  
BUILDING PROJECT

WHEREAS, McMinn County has secured East Tennessee Construction as contractor for the construction of a HazMat vehicle storage building at the former Drivers License Testing Center property on Hwy 30E; and

WHEREAS, due to poor bid credits for standing timber on the one plus acre tract, McMinn County initially decided to clear only the portion of property for the building placement and later sale the timber when lumber market conditions improved; and

WHEREAS, certain issues of safety and construction operations have arisen, as well as depressed market conditions for such timber, indicating the best and safest option is the total removal of the timber to be completed prior to construction of the building; and

WHEREAS, East Tennessee Construction has requested a change order approval so that the timber may be removed as part of this construction project at no cost to McMinn County.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 20<sup>TH</sup> DAY OF JULY 2009, THAT THIS CHANGE ORDER FOR THE ABOVE NAMED PROJECT IS APPROVED, the public welfare requiring it.

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

Note: Chairman Crews noted that Commissioner Masingale arrived at 7:40 pm and asked that this be reflected in the Minutes.

8. APPROVAL OF BUDGET AMENDMENTS

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

Fund: General Fund # 101

Date: June 30, 2009

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
State of Tennessee	Other Grants (Farmers Market)	46190	2,560.00	
Agricultural Extension Service	Other Supplies & Materials	57100-499		2,560.00

EXPLANATION: To enter revenue & expenditures related to State of Tennessee Department of Agriculture Grant for Farmers Market advertising.

Fund: General Fund # 101

Date: June 30, 2009

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Reserve	Undesignated Fund Balance	39000	20,000.00	
Other Local Revenues	Damages Recovered from Individuals	44560	5,568.00	
Fire Prevention & Control	Other Construction	54310-791		25,568.00

EXPLANATION: To enter revenues related to State of Tennessee Community Enhancement Grant and Hazardous Materials damages recovered from individuals and expenditures related to hazmat storage facility construction.

Fund: General Fund # 101

Date: June 30, 2009

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Fines, Forfeitures & Penalties	Drug Court Fees (Circuit)	42141	1,530.00	
“	Drug Court Fees (General	42341	7,606.00	
Drug Court	Other Contracted Services	53330-399		9,136.00

EXPLANATION: To budget additional revenues and expenditures related Drug Court Fees for FY 08-09.

Fund: General # 101

Date: June 30, 2009

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Reserve	Undesignated Fund Balance	39000	6,000.00	
Industrial Development	Other Contracted Services	58120-399		6,000.00

(Cont'd)

Budget Amendment for Fund # 101 (Cont'd)

Journal Entry Required

Reserve	Hotel Motel Tax Reserve	35140	6,000.00	
Reserve	Undesignated Fund Balance	39000		6,000.00

EXPLANATION: To budget expenditures related to web-based map viewing system in the Property Assessor's Office.

Fund: General Fund # 101

Date: June 30, 2009

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Reserve	Undesignated Fund Balance	39000	244,200.00	
Sheriff's Department	Overtime & Holiday Pay	54110-187		5,000.00
"	Gasoline	54110-425		5,000.00
Jail	Medical & Dental Services	54210-340		35,000.00
Jail	Food	54210-422		80,000.00
Jail	Utilities	54210-452		59,000.00
Fire Prevention & Control	Maint. & Repair Services - Vehicles	54310-338		4,500.00
County Medical Examiner	Medical Personnel	54610-131		18,000.00
"	Transportation & Autopsies	54610-354		11,000.00
Parks	Gasoline	56700-425		1,000.00
Parks	Utilities	56700-452		1,000.00
Parks	Other Supplies & Materials	56700-499		4,000.00
Parks	Other Equipment	56700-790		500.00
Parks	Other Constructions	56700-791		2,000.00
Airport	Utilities	58220-452		6,200.00
Employee Benefits	Employee Insurance	58600-205		12,000.00

EXPLANATION: To avoid functional category deficit at end of FY 08-09.

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

Motion carried by roll call vote, as recorded:

Scott Curtis – Aye  
 Dale Holbrook – Aye  
 Jeannie 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: Drug Control # 122

Date: June 30, 2009

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Reserve	Undesignated Fund Balance	39000	8,000.00	
Drug Enforcement	Maint. & Repair Services – Vehicles	54150-338		8,000.00

EXPLANATION: To avoid functional category deficits at the end of FY 08-09.

MOTION made by Commissioner Holbrook, and seconded by Commissioner Millsaps, to approve this budget amendment.

Motion carried by roll call vote, as recorded:

Scott Curtis – Aye  
 Dale Holbrook – Aye  
 Jeannie 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 24, 2009

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
LEAPS – Niota School	Teachers	71600-116		1,060.00
“	Social Security	71600-201		72.00
“	Other Fringe Benefits	71600-299	68.00	
“	Postal Charges	71600-348	106.00	
“	Travel	71600-355	923.00	
“	Instructional Supplies	71600-429	35.00	

EXPLANATION: To enter Amendment No. 1 to the Niota Elementary School LEAPS grant for FY 08-09. This amendment was approved by the state June 16, 2009. School Board approved 6/30/09.

Fund: General Purpose School # 141

Date: June 24, 2009

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Special Ed. Program	Teachers	71200-116 NITA	9,823.00	
“	Social Security	71200-201 NITA		941.00
“	Retirement	71200-204 NITA		327.00
“	Medicare	71200-212 NITA		220.00
“	Instructional Materials	71200-429 NITA		8,335.00

EXPLANATION: To enter Amendment No. 2 to the 2008-2009 AYP Grant. This amendment was approved by the state June 23, 2009. School Board approved 6-30-09.

Fund: General Purpose School # 141

Date: June 24, 2009

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Other	Other Salaries & Wages	71900-189	5,034.00	
Other	Social Security	71900-201	1,232.00	
Other	State Retirement	71900-204	1,875.00	
Other	Employer Medicare	71900-212	74.00	
Other	Travel	71900-355	714.00	
Other	Instructional Supplies	71900-429		8,929.00

EXPLANATION: To enter Budget Amendment No. 1 to the 21<sup>st</sup> Century Community Learning Centers Grant for FY 08-09. This was approved by the state on June 16, 2009. School Board approved 6/30/09.

Fund: General Purpose School # 141

Date: July 8, 2009

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Other Student Support	Evaluation & Testing	72130-322		42,000.00
Special Ed. Program Support	Other Salaries & Wages	72220-189		15,000.00
“	Other Contracted Services	72220-399		60,000.00

(Cont'd)

Fund: General Purpose School # 141

Date: July 8, 2009

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Board of Ed. Services	Other Fringe Benefits	72310-299		40,000.00
“	Legal Services	72310-355		10,000.00
“	Travel	72310-355		10,000.00
Office of the Superintendent	Communication	72320-320		12,000.00
“	Dues & Memberships	72320-320		7,000.00
Special Ed Program	Teachers	71200-116	75,000.00	
Maintenance of Plant	Maint. & Repair Serv. – Bldgs	72620-335	121,000.00	

EXPLANATION: To amend the budget in order to avoid end of year deficits in functional categories. School Board approved: 7/9/09.

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

Motion carried by roll call vote, as recorded:

- Scott Curtis – Aye
- Dale Holbrook – Aye
- Jeannie 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: Federal Projects # 142

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Special Ed. Program	Inst. Supplies & Materials	71200-429	6,009.00	
“	Special Education Equip	71200-725		6,009.00

EXPLANATION: To enter Amendment No. 1 to the IDEA Part B Grant (09-01). This amendment was approved by the state on June 12, 2009. School Board approved 6/30/09.

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

Motion carried by roll call vote, as recorded:

- Scott Curtis – Aye
- Dale Holbrook – Aye
- Jeannie 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: Central Cafeteria # 143

Date: June 24, 2009

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Revenue	USDA – Other	47114-RGCK-FFV	20,444.73	
Food Service	Other Salaries & Wages	73100-189-RGCK-FFV		3,593.40
“	Food Supplies	73100-422-RGCK-FFV		13,919.55
“	Other Supplies	73100-499-RGCK-FFV		489.78
“	Equipment	73100-710-RGCK-FFV		2,442.00

EXPLANATION: To enter the budget for the Fresh Fruit and Vegetable Grant that was awarded to Rogers Creek School in FY 08-09. School Board approved 6/30/09.

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

Motion carried by roll call vote, as recorded:

- Scott Curtis – Aye
- Dale Holbrook – Aye
- Jeannie 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: Correctional Capital Projects Fund # 174

Date: June 30, 2009

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Reserve	Undesignated Fund Balance	39000	400.00	
Public Safety Projects	Building Construction	91130-706		400.00

EXPLANATION: To avoid functional category deficit at end of FY 08-09

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

Motion carried by roll call vote, as recorded:

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

#### 9. APPROVAL OF THE FY 2009-2010 BUDGET

Mr. Luallen referred to a memorandum, dated July 20, 2009, which gives a summary of what is being considered tonight: a detailed listing of revenue and expenditures by fund, FY 2009-2010 budget analysis as of today, July 20, 2009, which indicates a balanced budget, minutes of the budget committee on July 13, 2009, and a draft of advertisement of budget information and notice of time and date for final approval.

After some discussion, they agreed with the proposed date of Thursday, July 30, 2009, at noon for a Special Called Session to approve the final budget.

MOTION made by Commissioner Jack Powers, and seconded by Commissioner Holbrook, to approve Mr. Luallen's recommendation.

Since this is actually the first reading of the budget, Mr. Luallen requested a roll call vote.

Motion carried by roll call vote, as recorded:

Scott Curtis – Aye  
Dale Holbrook – Aye  
Jeannie 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 – PHIL TUGGLE

Mr. Phil Tuggle, McMinn County Trustee, referred to his Annual Report for the year ended June 30, 2009, a copy of which was provided to all the Commissioners. He summarized four areas: Property taxes, return on investments, sales taxes, and excess fees. Mr. Tuggle said this has been a tough year. Mr. Tuggle said that this is another record year for excess fees and said they will be able to turn in \$390,000, beating last year's record of \$380,000. Mr. Tuggle said he would be presenting a check to Mr. Gentry tonight. Mr. Tuggle said that they had a tough time on return on investments because there is no demand for money and added that you can't compete with the federal government who is loaning banks money at 0% and sometimes giving them

(Cont'd)

a quarter point to take it. He said he doesn't see this improving anytime soon. Mr. Tuggle said they have had a pretty good year with sales tax revenue – we're down about \$85,000.00 – not too bad but not real good. Regarding property tax collections, our total property tax bill for this year is \$18,181,215.00 and added that our collections are down about \$175,000.00 from last year. Mr. Tuggle reviewed some other statistics and he thanked his staff for the good job they have done this year and he thanked the Commission for their cooperation.

In response to a question from Commissioner Simpson, Mr. Tuggle said that there are about 8 or 9 banks in the County in the collateral pool and he explained the lack of risk using this.

Commissioner Bob Powers thanked Mr. Tuggle for the wonderful job he's done.

#### 11. COMMENTS FROM THE AUDIENCE

##### A. Comments by Sheree Calloway Regarding Building Codes.

Regarding Senate Bill 2300/House Bill 2318 dealing with residential building codes, Mrs. Calloway asked if the Commission would be discussing this since this appears to be taking some authority away from the Commission to set building codes. Mr. Gentry said he is very well aware of this and he has asked Senator Bunch and Representative Bell to keep him informed as rules are promulgated. Mr. Gentry said that this goes into effect in September 2010 and if they take no action, we are part of the program. He asked for the rules as soon as they are available so the Commission can take appropriate action, and stressed that it was important to have all of the rules and guidelines that are available before action is taken. Among some of the points of interest, the State Fire Marshal is to be the enforcement mechanism in this building code process introduced in this bill.

##### B. Comments by David Pierce, Director of Schools.

Mr. David Pierce thanked the Commission for approving the School Board budget. As has already been said, this has been a very difficult time economically for our County and for the school system. Mr. Pierce said that we've made it through the year and we will make it through next year as well. But it has taken everyone tightening the cinches because of a reduction of \$400,000 in the budget. Mr. Pierce added that they haven't had to cut personnel this year but next year may be another situation. Mr. Pierce said they are looking forward to a great year and Chairman Crews thanked Mr. Pierce for his efforts.

#### 12. RESOLUTIONS

##### A. A Resolution to Relieve the McMinn County Trustee of Property Tax Reporting and Collection Liability Regarding 2007 Delinquent Property Taxes.

Mr. Gentry presented the following annual resolution to relieve the McMinn County Trustee of Property Tax Reporting and Collection Liability regarding 2007 delinquent property taxes.

#### RESOLUTION NO. 09-068

### **A RESOLUTION TO RELIEVE THE MCMINN COUNTY TRUSTEE OF PROPERTY TAX REPORTING AND COLLECTION LIABILITY REGARDING 2007 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 2007 real property taxes and 2007 personal property taxes; and

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

Resolution No. 09-068 (Cont'd)

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 2007 real property and 2007 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 20TH DAY OF JULY 2009**, that the Commission does hereby relieve the McMinn County Trustee of Property Tax Reporting and Collection liability regarding the 2007 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 Bob Powers, and seconded by Commissioner Mason, to approve this resolution.

Motion carried by voice vote.

B. Resolutions to Approve the Application for the Edward Byrne Memorial Justice Assistance Grant Program and to Approve the Application for the United States Department of Justice Office of Juvenile Justice and Delinquency Grant Program.

Mr. Gentry presented the following two resolutions and added that a Sheriff's Department representatives are here to answer any questions.

**RESOLUTION NO. 09-069**

**A RESOLUTION TO APPROVE THE APPLICATION FO THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM**

WHEREAS, in order to properly perform the duties of county government as prescribed by law, it is often in McMinn County's interest to apply for state and federal grant assistance and enter into contractual agreements with the respective funding agencies; and

WHEREAS, McMinn County Sheriff Steve Frisbie desires to apply for a U.S. Department of Justice Edward Byrne Memorial Grant for a Community Policing Website to better serve citizens and the department; and

WHEREAS, the term of this grant is July 1, 2009 through June 30, 2009 in the award amount of \$14,420; and

WHEREAS, there shall be no financial obligation to McMinn County involved in this grant.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 20<sup>TH</sup> DAY OF JULY 2009**, that this Commission does hereby agree to enter into contract with the U.S. Department of Justice and the Edward Byrne Memorial Grant Program in the amount of \$14,420 and FURTHER, authorizes the County Mayor to execute the documents necessary to fulfill the intent of this resolution.

(Orig signed by John M. Gentry)

Attest:

(Orig signed by Evonne Hoback)

County Clerk

RESOLUTION NO. 09-070

**A RESOLUTION TO APPROVE THE APPLICATION FOR THE UNITED STATES  
DEPARTMENT OF JUSTICE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY  
GRANT PROGRAM**

WHEREAS, in order to properly perform the duties of county government as prescribed by law, it is often in McMinn County's interest to apply for state and federal grants and to enter into contracts with the respective funding agencies; and

WHEREAS, McMinn County Sheriff Steve Frisbie desires to apply for a grant to create a satellite office of the Knoxville, Tennessee Police Department's Internet Crime Against Children unit at the McMinn County Sheriff's Department.; and

WHEREAS, Sheriff Frisbie also requests to enter into a memorandum of understanding with Knoxville Police Department stating his department will meet the requirements as stated in the attached letter from the Knoxville Police Department; and

WHEREAS, the term of this grant is 3 years, and would fund computer equipment, training, and one full-time deputy sheriff position to work Internet Crimes Against Children; and

WHEREAS, for the initial three years there shall be no financial obligation to McMinn County, and if determined to be successful Sheriff Frisbie has committed to seek other funding for program continuation.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 20<sup>TH</sup> DAY OF JULY 2009, that this Commission does hereby authorize the McMinn County Sheriff's Department to apply for the Office of Juvenile Justice and Delinquency Grant Program and FURTHER authorizes the County Mayor to execute all documents necessary to fulfill the intent of this resolution.**

(Orig signed by John M. Gentry)

McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)

County Clerk

MOTION made by Commissioner Holbrook, and seconded by Commissioner Millsaps, to approve these two resolutions.

Concerning Resolution 09-070, Mr. Billy Farmer of the Sheriff's Department gave the Commission a handout explaining how the website would work and in response to a question from Mayor Gentry, Mr. Farmer said they would be seeking other funding for program continuation. Mr. Farmer said that this program is working very well in other locations. In response to a question from Chairman Crews concerning how sex offenders are tracked, Mr. Farmer said that this done through the State and he explained some of the details.

Motion carried by voice vote.

C. A Resolution to Set New Minimum Gate Rates for Fay at the McMinn County Sanitary Landfill.

Mr. Gentry presented the following resolution to set new minimum gate rates for Fay Inc. at the McMinn County Sanitary Landfill, as approved by the Solid Waste Committee earlier this evening, with the stipulation that we secure a 24-month contract.

Resolution No. 09-071

**A RESOLUTION TO SET NEW MINIMUM GATE RATES FOR FAY  
AT THE McMINN COUNTY SANITARY LANDFILL**

WHEREAS, the McMinn County Sanitary Landfill once enjoyed Fay as a customer, but has since lost Fay waste to another landfill due to our higher tipping fee rates for out-of-county generated waste; and

WHEREAS, Landfill Supervisor Stan Moses has advised that an adjustment to standardize all of Fay's waste at the same in-county tipping fee rate would provide additional revenue to the McMinn County Sanitary Landfill and help address the recent significant revenue losses ; and

WHEREAS, the Landfill Supervisor advises that accepting Fay's waste will not significantly impact Tons Per Day projections that are related to Landfill Permit Closure date of 2037; and

WHEREAS, according to the Landfill Supervisor, accepting all Fay waste at the current in-county gate rate will increase revenues without a significant impact on air space; and

WHEREAS, standardizing the tipping fee rate for all Fay's waste should generate an additional \$35,000.00 to \$40,000.00 in monthly revenue; and

WHEREAS, the McMinn County Sanitary Landfill Committee recommends implementing the Landfill Supervisor's recommendation contingent upon FAY's agreement to a two –year contract for at the above rate; and

WHEREAS, and further authorizes the County Mayor to enter in to this 2-year contract.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 20<sup>TH</sup> DAY OF JULY 2009, that this Commission accepts and approves the recommendation to standardize the tipping fee rate for all Fay's waste at the McMinn County Sanitary Landfill, effective August 1, 2009, and to enter into a 2-year contract with FAY regarding this rate agreement.

(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.

D. A Resolution Authorizing the McMinn County Library Board to Amend Its Funding Formula for the Five Public Libraries in McMinn County

Mr. Gentry presented the following resolution authorizing the McMinn County Library Board to amend its funding formula for the five public libraries in McMinn County, as approved by the Budget Committee after a presentation by the County's Library Board.

Resolution No. 09-072

**A RESOLUTION AUTHORIZING THE McMINN COUNTY LIBRARY BOARD TO AMEND ITS FUNDING FORMULA FOR THE FIVE PUBLIC LIBRARIES IN McMINN COUNTY**

WHEREAS, the McMinn County Library Board disperses the annual allocation provided by McMinn County to the five public libraries in McMinn County; and

WHEREAS, the Library Board, by authorization of the McMinn County Commission in 1997, developed a funding formula to more equitably distribute the funds among the libraries; and

WHEREAS, it has become apparent to the McMinn County Library Board and the communities they serve that the current funding formula, while correcting some inequities has also created others; and

WHEREAS, the Library Board has elected to petition the McMinn County Commission for authorization to suspend the current funding formula for the next three fiscal years to stabilize funding at the five library branches until a new funding formula to correct the inequities can be established and presented to the Commission for approval; and

WHEREAS, at a minimum, the amended funding formula shall hold harmless all libraries at their current funding percentages of the County's annual allocation to the McMinn County Library Board, with those percentages established as follows:

E.G. Fisher	58.94%
Etowah Carnegie	17.29%
Englewood	6.52%
Calhoun	15.65%
Niota	1.60%

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 20<sup>TH</sup> DAY OF JULY, 2009, that this Commission does authorize the McMinn County Library Board to suspend utilization of the current funding formula at the current percentage rates for FY 09-10, FY 10-11 and FY 11-12, until a more equitable formula can be developed and approved by this Commission.

(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 King, to approve this resolution.

Motion carried by voice vote.

E. Resolution to Allow the County Mayor to Allocate Funds for the Construction, Posting and Maintenance of a Website for McMinn County.

Mr. Gentry presented the following resolution to allow the County Mayor to allocate funds for the construction, posting and maintenance of a website for McMinn County. Mr. Gentry said that the hosting company changed ownership and our ability to make in-house changes has been severely hampered. Mr. Gentry added that it's time to move forward with a more up-to-date website and hopefully work with some of our local departments to move some more on-line services to make virtual 24-hour courthouse where the law and policy allows which will also be more secure and stronger.

Resolution No. 09-073

A RESOLUTION TO ALLOW THE COUNTY MAYOR TO ALLOCATE FUNDS FOR THE CONSTRUCTION, POSTING, AND MAINTENANCE OF A WEBSITE FOR MCMINN COUNTY

WHEREAS, it is imperative for county government to possess a comprehensive, effective and dependable presence on the world wide web for both its citizens' needs and those of others desiring to visit or engage in commerce with McMinn County; and

WHEREAS, McMinn County's current website is no longer fully functional due to software and service issues related to vendor operation changes and a change in the host site, thus making in-house service to the website difficult; and

WHEREAS, McMinn County Government desires to contract for a new updated website capable of providing additional county information and services; and

WHEREAS, McMinn County desires to move toward a 24 hour virtual courthouse, as more and more services should be made available online in the future as technologies and policies allow; and

WHEREAS, to construct, post, and maintain this website, the County Mayor requests that \$5,000 be taken from the Hotel/Motel Tax Fund to present McMinn County to the world via a new website.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 20<sup>th</sup> DAY OF JULY 2009 that this Commission does hereby approve \$ 5,000.00 from the Hotel/Motel Tax Fund to construct, post, and maintain a new website for McMinn County, the public welfare requiring it.

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

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

A. Solid Waste (Landfill) Committee – Commissioner Millsaps.

Commissioner Millsaps that the Solid Waste Committee met earlier this evening and approved three of the resolutions that were presented to the full Commission during this meeting.

B. Budget Committee – Commissioner Jack Powers.

The Budget Committee met a few days ago and approved the School Board budget and the amended library formula.

C. The New County Clerk’s Website is Up and Running.

County Clerk Evonne Hoback said that her website EvonneHoback.com is up and running for on-line renewals, marriage licenses, and business taxes.

15. COMMENTS FROM THE COUNTY MAYOR

A. Bid Opening for Justice Center Expansion Project.

Mr. Gentry said that there will be a bid opening for the Justice Center Expansion Project this Wednesday, July 22, 2009, at 2:00 pm and added there are nine qualified bidders.

B. McMinn County Recertified as 3-Star Community.

Mr. Gentry said that we have been recertified as a 3-Star Community. This will probably be formerly announced in early fall at the Governor’s Conference.

C. Community Development Block Grant for the City of Niota.

Mr. Gentry said that the 2008 grant application, that was originally rejected, was funded with stimulus dollars through the State. The 2009 grant application had changed our match from \$95,000 to \$120,000. Fortunately the 2008 grant application was funded which saved us \$25,000.

D. TDEC Grant Opportunities.

Mr. Gentry said they met with some TDEC officials regarding grant opportunities should we pursue rails to trails further. They were very excited about the possibility of the 6.4 mile trail and offered us all the assistance we need. Mr. Gentry said that we have competition and there are many details to be worked out.

E. Chamber of Commerce Representation at County Commission Meetings.

Mr. Gentry said that the Chamber of Commerce has been faithfully sending representation to the McMinn County Commission meetings and tonight he said Stuart Smith is attending.

F. Research Done by Mark Cochran.

Mr. Gentry said he asked his summer intern, Mark Cockran, to do a survey and he said that there are only five counties with a lower property tax rate and two of those have a wheel tax. Mr. Gentry thanked the department heads for their cooperation and attempts to keep their costs of operation low and also the citizens for handling many issues themselves.

16. APPROVAL OF NOTARY APPLICATIONS

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

Notary Applications for July 2009

- Joshua D. Cantrell
- Joele A. Cardwell
- Sharon E. Covington
- Nadean K. Cunningham
- Evonne M. Hoback
- Charlotte M. Hyde
- Valerie M. Leamon
- Amber Moore
- Stephanie C. Walker
- Jennifer L. William

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

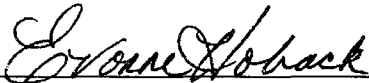
Motion carried by voice vote.

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

None.

18. ADJOURNMENT

There being no other business, Chairman Crews declared the meeting adjourned at 8:20 pm.

  
 \_\_\_\_\_  
 EVONNE HOBACK  
 McMinn County Clerk

Attest:

jb                      8-13-09  
 Deputy Clerk              (date)