

The McMinn County Board of Commissioners met in Regular Session on Monday, June 17, 2002, 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 Bobby Carter.

2. INVOCATION

The Invocation was given by Commissioner Powers.

3. PLEDGE TO THE FLAG

The Pledge to the Flag was led by Commissioner Mason.

4. ROLL CALL

Roll Call was taken by Clerk Evonne Jones, as recorded:

Rick Brown Present  
Joe Gaston Present  
Jack King Present  
Bob Lamb Absent  
Gary Mason Present  
J. W. McPhail Present  
Jack Powers Present  
Wayne Shell Present  
Owen Vincent Present  
Chairman Bobby Carter Present

5. APPROVAL OF MINUTES

Copies of the Minutes of the Regular Session on May 20, 2002 were provided to the Commissioners.

MOTION made by Commissioner McPhail, and seconded by Commissioner Shell, to approve the Minutes of May 20, 2002.

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

A. Semi-Annual Requirements for Paper Plastics Products for the Period of July 1, 2002 through December 31, 2002

If

There were five vendors bidding at the Bid Opening on June 6, 2002 and Mr. Luallen furnished the Commissioners with a bid summary showing the recommendations from the various departments for the low bid on each time meeting specifications.

MOTION made by Commissioner King, and seconded by Commissioner Mason, to approve these

In response to a question from Commissioner Gaston concerning a price comparison with last year, there was some discussion concerning this bid in light of the continuing budget resolution. Since the items within the bid are purchased on an as-needed basis and not all at once for the entire year, purchases can be made at prior year's level in the event bid price on an item is greater than that of last year's bid.

Motion carried by voice vote.

B. Janitorial Supplies Annual Requirements Bid for the Period of July 1, 2002 through June 30, 2003.

Bids were opened on June 6, 2002 with six vendors bidding on forty-four different products. Mr. Luallen presented recommendations from the various departments as indicated on the bid summary which was provided to the Commissioners.

MOTION made by Commissioner Shell, and seconded by Commissioner McPhail, to approve these recommendations.

Motion carried by voice vote.

C. Annual Metal, Polyethylene, Concrete Pipe for the Period of June 23, 2002 through June 22, 2003.

Bids were opened on June 7, 2002 with four vendors bidding and Mr. Luallen said the Highway Commissioner recommends the low bidder for each of the three types of drain pipes:

metal pipe	Tellico Culvert
polyethylene pipe	Advanced Drainage
concrete pipe	Sherman Dixie

MOTION made by Commissioner King, and seconded by Commissioner Vincent, to approve these recommendations.

Motion carried by voice vote.

D. Requisitions for Upgrade of Register of Deeds Computer System and Soil Ware.

Mr. Luallen presented two requisitions for the upgrade of the existing Register of Deeds computer system and software totaling \$7,222.00 which requires Commission approval.

MOTION made by Commissioner King, and seconded by Commissioner Gaston, to approve these requisitions.

In response to a question from Chairman Carter, Mr. Luallen said that budget amendment will be presented later in the meeting requesting money from her reserve fund.

E. Requisition for Repair of Truck for Litter Pickup.

Mr. Luallen presented a requisition for the repair of the truck for litter pickup. Because the \$311.00 repair was over the \$200.00 maximum allowed on monthly requisition, Commission approval is required.

F. Update by Mr. Brian Cantrell of Jim Miller Excavating Co., Inc. Regarding Notice of Violation from TN Department of Environment and Conservation Relating to Cleanup of Underground Storage Tank.

Mr. Luallen introduced Mr. Brian Cantrell of Jim Miller Excavating Co., Inc. and referred to an update from him concerning the cleanup/remediation of the petroleum from the underground storage tank at the old jail site, and a copy of this update was furnished to each Commissioner. Mr. Cantrell explained that the parameters were revised by the State and added that he doesn't see an immediate end to the cleanup effort. Mr. Cantrell said that he has the most recent results from May 2002 and there are some that are above limits and he has suggested that Mr. Luallen file a site specific standard request, in hopes that this can be closed, although this is a slow process.

There was also a discussion concerning what the Notice of Violation means and in response to a question from Commissioner Powers, Mr. Cantrell said that the County pays in advance, but the State reimburses the County and added that Jim Miller Excavating Co., Inc. does have an arrangement with McMinn County that if the State doesn't approve, they do not get paid. Mr. Cantrell answered several questions for Commissioners concerning this cleanup effort.

MOTION made by Commissioner Gaston, and seconded by Commissioner Powers, to approve the payment of the invoice totaling \$6,353.39, contingent upon reimbursement from the State.

Motion carried by voice vote.

7. REVIEW AND APPROVAL OF CONTRACTS

A. Grant Between the State of Tennessee, Department of Health and McMinn County (for the Operation of the Health Department).

Mr. Luallen presented the Agreement Between the State of Tennessee, Department of Health and McMinn County for the operation of the Health Department for the period July 1, 2002 and ending June 30, 2003 in the amount of \$130,600. Mr. Luallen said they added two positions this year, but this is no expense to McMinn County.

MOTION made by Commissioner McPhail, and seconded by Commissioner Vincent, to approve this contract.

Motion carried by voice vote.

8. APPROVAL OF BUDGET AMENDMENTS

Mr. Luallen requested approval of four budget amendments involving two different funds. Copies were provided to each Commissioner.

Fund: General Fund #101

Date: May 28, 2002

DEPARTMENT	IF ACCOUNT	FOLIO	DEBIT	CREDIT
State of Tennessee Other State Grants	46980	1,725.00		
Election Commission Office Supplies	1500-435		1,725.00	

Explanation: To budget revenue and expenditures related to the State of Tennessee Grant for computer, printer and software needed to continue operations of the automated electoral system per approval of contract by County Commission on 5/20/02.

2002

Fund: General Fund #101

Date: June 5, 2002

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
County Executive	Supervisor/Director (Projects)	51300-105	1,500.00	
County Executive	Travel	5 1300-355	1,000.00	
Veterans' Services	Part-Time Personnel	58300-169		1,500.00
Veterans' Services	Travel	58300-355		1,000.00

EXPLANATION: To transfer funds from County Executive's budget to cover shortage in Veterans' Services budget for FY 2001-2002.

General Fund # 101

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Reserve	Undesignated Fund Balance	39000	7,222.00	
Register of Deeds	Data Processing Equipment	51600-709		7,222.00

JOURNAL ENTRY REQUIRED

Reserve	Register of Deeds Computer System		7,222.00	
Reserve	Undesignated Fund Balance	39000		7,222.00

EXPLANATION: To budget funds from Register of Deeds Computer System Reserve for computer necessary upgrade.

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

Motion carried by roll call vote, as recorded:

Rick Brown Aye  
 Joe Gaston Aye  
 Jack King Aye  
 Bob Lamb Absent  
 Gary Mason Aye  
 J.W. McPhail Aye  
 Jack Powers Aye  
 Wayne Shell Aye  
 Owen Vincent Aye  
 Chairman Bobby Carter Aye

Fund: Federal Projects # 142-Voc. Ed. 02.01 #252

Date: May 23, 2002

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Vocational Ed.	Travel	7 1300-355		15,000.00
Program				
	Instruc. Supplies & Other Charges	7 1300-429 71300-599	30,000.00	15,000.00

EXPLANATION: To revise the Voc. Ed. 02.01 budget to agree with the budget approved by the State of Tennessee.

MOTION made by Commissioner King, and seconded by Commissioner Powers, to approve this budget amendment.

Motion carried by roll call vote, as recorded:

Rick Brown Aye  
 Joe Gaston Aye  
 Jack King Aye  
 Bob Lamb Absent  
 Gary Mason Aye  
 J.W. McPhail Aye  
 Jack Powers Aye  
 Wayne Shell Aye  
 Owen Vincent Aye  
 Chairman Bobby Carter Aye

9. ANIMAL SHELTER FOR COUNTY RESIDENTS MS. JANE GATES

Ms. Jane Gates, a resident of Riceville for the past eight years, addressed the Commission concerning the problem with packs of stray dogs in McMinn County and the lack of animal control here. She assembled and presented a booklet containing information on grants available to small counties for animal control programs. Mr. Banks said he is aware that there are grants available, but that there would still be a great deal of maintenance and operation costs and it would be up to the taxpayers to pay for it. A copy of the information compiled by Ms. Gates was provided to the County Executive and to each Commissioner for their review.

10. COMMENTS FROM THE AUDIENCE

A. Reuuest for Budget Amendment McMinn Coun~ Election Commission.

Ms. Loretta Sliger, Administrator of Elections, McMinn County Election Commission, presented a letter from the Chairperson of the McMinn County Election Commission requesting a budget amendment in the amouht of \$2,070.00 for the 2001-2002 fiscal year. Ms. Sliger also presented a detailed explanation of this budket amendment. Mr. Luallen will work with ivis. Sliger upon reporting actual expenditures to present actual omobflis that may be needed.

B. Comments by Mr. Larry McKenzie. Resident on County Road 188. Concerning Fire Hydrants.

Mr. Larry McKenzie, resident on County Road 188, requested that fire hydrants be installed at the time that waterlines are being run to his area. He said that there are sixty-eight residents. Chairman Carter said that the Commission does approve two fire hydrants per year per Commission district upon agreement between the fire district and the utilities and Mr. Banks added that there is a maintenance fee that must be paid. Following a lengthy discussion regarding this request, it was suggested that Mr. McKenzie talk with the appropriate utility to get their agreement for the request.

C. Request for Assistance from County Resident. Jean Pierce. of Clavhill Area.

Mrs. Jean Pierce, a resident of 508 County Road 675, addressed the Commission again regarding the drainage problems on her and her neighbors' property, as explained in a letter from Mr. and Mrs. Pierce which as provided to the Commissioners. Mrs. Pierce requested that the County grade down the old county road so that the water can get off of her property. Randall Moss, the Highway Commissioner was not able to attend this meeting because of a death in his family, but Commissioner King, Chairman of the Public Safety Committee, explained that Mr. Moss has talked to the State Environment and Conservation representatives and they told him that the County could change the flow of the water, but he did not say he should change the flow. Commissioner King also added that doing so would infringe on her neighbor's property on the other side of the road. Mrs. Pierces s neighbor, Mr. Joe Drake, also appeared before the Commission and stated that he felt this would impact negatively on his property, but Mrs. Pierce said she was advised differently. After a lengthy discussion, Chairman Carter advised Mrs. Pierce that this issue is in the jurisdiction of the Highway Department.

D. Comments by Mr. Bill Bennett Concerning the Meadow Branch Landfill.

Mr. Bennett addressed the Commission regarding his understanding of a possible expansion of the Mine Road Landfill and he requested the Commission to pass a resolution opposing any expansion of this landfill.

Mr. Banks said that according to the terms of the Jackson law, the County cannot prevent expanded landfill permits but a resolution will voice our opinion.

MOTION made by Commissioner Vincent, and seconded by Commissioner McPhail, to draw up a resolution opposing expansion of the Mine Road Landfill.

Motion carried by voice vote.

Chairman Carter added that this resolution will be drawn up by the County Executive and brought back to the County Commission for approval next month.

## 11. RESOLUTIONS

A. Resolution to AdoDt a Continuin2 Budget and Tax Rate for the Fiscal Year Beginnin2 July 1, 2002 and to Authorize the Expenditure of Funds by the Various County Offices and DepartmentS.

Commissioner Pow~s, Chairman of the Budget Committee, presented the following resolution and recommended approval on behalf of the Budget Committee.

Resolution No. 02-20

RESOLUTION TO ADOPT A CONTINUING BUDGET AND TAX RATE  
FOR THE FISCAL YEAR BEGINNING JULY 1, 2002 AND TO AUTHORIZE  
THE EXPENDITURE OF FUNDS BY THE VARIOUS COUNTY OFFICES  
AND DEPARTMENTS

WHEREAS, it now appears that the fiscal year 2002-2003 budget of McMinn County, Tennessee will not be approved by July 1, 2002;

NOW, THEREFORE, BE IT RESOLVED by the County legislative body of McMinn County, Tennessee, meeting in regular session this 17th day of June 2002, that:

SECTION 1. The amount set out in the fiscal year 2001-2002 Appropriations Resolution are continued and the various departments, offices and agencies are authorized to expend funds at the same level as the previous fiscal year.

SECTION 2. The property tax rate of \$2.23 per each \$100 of taxable property for the fiscal year beginning July 1, 2001, will remain in effect until a new property tax rate is adopted.

SECTION 3. No local funds can be expended or obligated that exceed the previous year's budget appropriation until a new budget is adopted. Expenditures mandated by the State or rules and regulations adopted by the State are incorporated into this continuing budget. Fiscal year 2002-2003 equipment purchases and salary increases will be delayed until after final approval of the budget.

SECTION 4. This resolution will take effect from and after its passage and its provisions will be in force from July 1, 2002, until the budget and tax rate for fiscal year 2002-2003 is finally adopted and approved. The County Clerk shall include this Resolution in the minutes of the McMinn County legislative body.

Adopted this 17th day of June 2002.

APPROVED:

(Orig siwied by Ronald L. Banks)  
County Executive

ATTEST:

(Ori2 sinned by Evonne Jones)  
County Clerk

MOTION made by ~ommissioner Powers, and seconded by Commissioner Mason, to approve resolution.

In response to a request from Commissioner Shell, Mr. Luallen read the resolution aloud.

Motion carried by voice vote.

12. QUESTION TO COUNTY ATTORNEY REGARDING SENATE BILL 2844/HOUSE BILL 2361

Referring to information distributed to the County Commission concerning Public Acts of interest to County Governments, Chairman Carter asked the County Attorney to explain the provisions of Senate Bill 2844/House Bill 2361 as the County may have authority by "ordinance" to limit certain activities liable to be detrimental to the County. Chairman Carter said we need to look into this as this might apply to comments made earlier by Mr. Bennett regarding the Mine Road Landfill expansion. The County Attorney said that this would need to be done uniformly and added that it would take 2/3 vote of the County Commission.

13. ELECTIONS. APPOINTMENTS AND CONFIRMATIONS None.

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

A. Recreation Committee Commissioner Brown.

Commissioner Brown said that a Recreation Committee meeting was held just prior to this meeting and they have requests from District 2 and District 5. E. K. Baker School is asking for \$1,000.00 matching funds for playground equipment and Commissioner Brown said the campus is open and the community can use it. Riceville Youth Football is asking for \$2,000.00 matching funds to repair their chainlink fence and to redo their concession stand.

MOTION made by Commissioner Vincent, and seconded by Commissioner McPhail, to approve these requests.

Motion carried by voice vote.

B. City County Picnic Planned for Saturday, June 29,2002.

Chairman Carter referred to a letter from the City of Athens reminding us of the planned City County Picnic on Saturday, June 29,2002, beginning at 11:00 am and lasting until 1:00 or 2:00 pm, at the Regional Park. Chairman Carter said that the picnic will be served by the Athens City Council and the County Commission. Chairman Carter took a roll call of helpers and asked Mr. Banks to contact the City. Commissioner Vincent and Chairman Carter agreed that the County fire equipment should be on display with the City of Athens' fire equipment. Also, Mr. Banks said that there would be an ambulance as well as highway equipment on display.

C. Public Acts of Interest to County Governments.

Chairman Carter referred to information in the Commissioners' packets concerning new bills passed by the Tennessee General Assembly concerning changes in the law regarding beer permits and new "ordinance" powers to regulate activities that are detrimental to the county, as discussed earlier in this meeting.

D. Letter of Appreciation from Vocational Industrial Clubs of America (VICA).

Chairman Carter read a letter of appreciation for the \$1,000.00 donation to the Skills USA VICA Club on behalf of the VICA national delegation.

E. Rural Fire Committee Commissioner Vincent. Commissioner Vincent said the Rural Fire Committee met prior to this meeting and they are looking at the first step of a Hazardous Materials (HAZMAT) Team. Commissioner Vincent said they will be taking applications from our local fire people but added that this will be a slow process to get the team together with the proper equipment.

F. Coun~ Clerk's Move to McMinn County Courthouse Annex.

Clerk Evonne Jones said that she has received many positive comments concerning the move of her office to the Courthouse Annex. Mr. Banks added that he too hears many positive comments, especially concerning the improved parking.

15. COMMENTS FROM THE COUNTY EXECUTIVE

A. A2reement Between the City of Athens and McMinn County to Grant Access to the Athens Regional Park for Ingress and Egress.

At last month's County Commission meeting, Mr. Banks was authorized to sign the Agreement between the City of Athens and McMinn County to grant access to the Athens Regional Park for ingress and egress and the Commission requested Mr. Banks to report back to them when this agreement was signed by the City. Mr. Banks said that the City of Athens' meeting is scheduled for tomorrow and this agreement is on the agenda.

B. Contract Between Woods Memorial Hospital District and McMinn County Ambulance Service, Inc.

Mr. Banks presented a contract between Woods Memorial Hospital District and McMinn County Ambulance Service, Inc. which is an amendment to the present contract to allow for the change in how the service will be reimbursed by Medicare.

MOTION made by Commissioner Gaston, and seconded by Commissioner Vincent, to approve this contract.

Motion carried by voice vote.

C. Right of Entry Agreement for TN National Guard Counterdrug Division to Use McMinn County Airport.

Mr. Banks presented a right of entry agreement for the Tennessee National Guard Counterdrug Division to use our airport from time to time for refueling and as a base of operation in connection with the Governor's Task Force on Marijuana Eradication. Mr. Banks said that this does not grant the right to use any buildings unless specifically requested, and added that this must be agreed to by the FBO as well.

MOTION made by Commissioner McPhail, and seconded by Commissioner Shell, to approve this agreement.

Motion carried by voice vote.

D. Addendum 11 to Communications Agreement with the City of Athens.

Mr. Banks presented a contract with the City of Athens for communications. Although we will eventually be operating our communications through the E91 1 Board, to date this has not happened and it will be another year before that takes place. Mr. Banks said that this is a \$40,000.00 increase over last year, but added that this is based on a percentage of calls and the cost of hiring of a communications supervisor as well as a portion of the costs for increased equipment. Mr. Banks said he has asked the City of Athens for a breakout of capital vs. operational increases. There was also a discussion concerning being charged for all calls, including each call concerning emergency personnel's location. Commissioner Gaston feels that the operations portion needs to be separated from capital improvements. Chairman Carter asked that this be studied further before it is brought to the Commission for approval.

16. APPROVAL OF NOTARY APPLICATIONS AND BONDS

Copies of the following notary applications and bonds were furnished to the Commissioners as recorded:

Notary Applications and Bonds for June 2002

Michelle Lee McHone  
Tracy L. Brumfiel  
Michael B. Wilburn  
Alisha M. Clark  
Lisa H. Kincaid  
Libby T. Davis  
Kathy S. Cobble  
Daniel A. Eaton  
Reba K. McKinney  
Rita C. Quarles  
Bridgette D. Ray!  
William D. Peeler  
Teresa A. Rhodes  
William P. Biddle III

MOTION made by Commissioner McPhail, and seconded by Commissioner Shell, to approve these Notary applications and bonds as listed.

Motion carried by voice vote.

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

A. Comments by Mr. Banks Regarding Grant Application from Tennessee Aeronautics Commission.

Mr. Banks indicated that the County was successful in the first application for Aeronautics funds which will allow us to upgrade County Roads 580, 571, and 559 around the airport. Mr. Moss is ready to work on them. We will be going back to the Tennessee Aeronautics Commission for the next phase is July.

B. Question from Commissioner King Regarding CDBG Grants.

Commissioner King asked the County Executive if the current CDBG projects had to be finished before we made application for another and if so, were we through. Mr. Banks said that before we can make application for another project, all current CDBG projects must be closed and by the time that the next CDBG applications come up, our current projects will be complete and, therefore, we would be eligible.

18. ADJOURNMENT

There being no other business, Chairman Carter declared the meeting adjourned at 9:10 pm.

ATTEST:

Deputy Clerk                      Date

McMinn County Clerk