

The McMinn County Board of Commissioners met in Regular Session on Monday, July 16, 2007, at 7:30 pm, in the Blue Room of the McMinn County Courthouse.

1. CALL TO ORDER

The meeting was called to order by Chairman David Crews.

2. INVOCATION

The Invocation was given by Commissioner Gary Mason.

3. PLEDGE TO THE FLAG

The Pledge to the Flag was led by Commissioner Jeannie King.

4. ROLL CALL

Roll Call was taken by County Clerk Evonne Hoback, 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

The copies of the Minutes of the Regular Session on June 18, 2007 were provided to the McMinn County Commissioners.

MOTION made by Commissioner Holbrook, and seconded by Commissioner Millsaps, to approve the Minutes of June 18, 2007.

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

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

Mr. Luallen presented a resolution to approve the bid for required annual pump testing, service and maintenance for McMinn County fire trucks and equipment and added that this is a sole source provider.

RESOLUTION NO. 07-094

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 \$40,000; and

(Cont'd)

Resolution No. 07-094 (Cont'd)

WHEREAS, in accordance with Financial Management Committee Policies and Procedures, expenses over \$ 5,000 require County Commission approval.

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16TH DAY OF JULY, 2007, the payment of invoice for pump testing, service and maintenance to county fire trucks and equipment to Smokey Mountain Fire Apparatus of \$40,000 be hereby approved. /

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

B. A Resolution to Approve and Award (10) Ten T-Hangar Unit Bid at the McMinn County Airport.

Mr. Luallen presented the following resolution to approve and award ten T-hangar unit bid at the McMinn County Airport as approved by the Airport Committee earlier this evening.

RESOLUTION NO. 07-095

A RESOLUTION TO APPROVE AND AWARD (10) TEN T-HANGAR UNIT BID AT THE MCMINN COUNTY AIRPORT

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

WHEREAS, the McMinn County requested bids for 10 t-hangar units and associated site preparation and apron for the McMinn County Airport; and

WHEREAS, McMinn County has followed the proper procedures in securing the bids; and

WHEREAS, McMinn County has received bids for 10 t-hangar units and site preparation and apron; and

WHEREAS, Wilson Construction Group, LLP of Athens, TN is the apparent low bidder; and

WHEREAS, it is requested that the bid be awarded to Wilson Construction Group, LLP, in the amount of \$537,003.14, contingent upon award of State Grant and recommendation from HMB Professional Engineers and meeting DBE requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16TH DAY OF JULY, 2007, that this Commission does hereby approve the recommendation of the County Mayor.

(Cont'd)

Resolution No. 07-095 (Cont'd)

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 Jack Powers, and seconded by Commissioner Simpson, to approve this resolution.

Motion carried by voice vote.

C. A Resolution to Approve Payment to Local Government Data Processing Corporation for FY 2007-08 Hardware and Software Maintenance for Chancery Court.

Mr. Luallen presented the following resolution to approve payment to Local Government Data Processing Corporation for FY 2007-08 Hardware and Software Maintenance for Chancery Court.

RESOLUTION NO. 07-096

A RESOLUTION TO APPROVE PAYMENT TO LOCAL GOVERNMENT DATA PROCESSING CORPORATION FOR FY 2007-08 HARDWARE AND SOFTWARE MAINTENANCE FOR CHANCERY COURT

WHEREAS, McMinn County Clerk and Master, Patty S. Gaines requests approval of purchase to Local Government Data Processing for FY 2007-08 hardware and software maintenance for the Clerk & Master at a total cost of \$5,765.07; and

WHEREAS, in accordance with Financial Management Committee Policies and Procedures, expenses over \$ 5,000 require County Commission approval.

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16TH DAY OF JULY, 2007, the payment for invoiced maintenance to Local Government Data Processing Corporation of \$ 5,765.07 be hereby approved.

(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 Millsaps, to approve this resolution.

Motion carried by voice vote.

D. A Resolution to Approve Payment of Invoice for Annual FY 2007-08 Hardware and Software Maintenance Support for County Clerk's Office.

Mr. Luallen presented the following resolution to approve payment of invoice for annual FY 2007-08 hardware and software maintenance support for the County Clerk's Office.

RESOLUTION NO. 07-097

A RESOLUTION TO APPROVE PAYMENT OF INVOICE FOR ANNUAL FY 2007-08 HARDWARE AND SOFTWARE MAINTENANCE SUPPORT FOR COUNTY CLERK'S OFFICE

WHEREAS, McMinn County Clerk, Evonne Hoback, requests payment of FY 2007-08 annual hardware and software maintenance invoiced from Business Information Systems for \$11,125.00; and

WHEREAS, in accordance with Financial Management Committee Policies and Procedures expenses over \$ 5,000 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 16<sup>TH</sup> DAY OF JULY, 2007, payment for invoiced maintenance to Business Information Systems of \$11,125.09 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 Masingale, to approve this resolution.

Motion carried by voice vote.

E. A Resolution to Approve Payment to Local Government Data Processing Corporation for FY 2007-08 Hardware and Software Maintenance for the Office of Director of Finance.

Mr. Luallen presented the following resolution to approve payment to Local Government Data Processing Corporation for FY 2007-08 hardware and software maintenance for the Office of Director of Finance.

RESOLUTION NO. 07-098

A RESOLUTION TO APPROVE PAYMENT TO LOCAL GOVERNMENT DATA PROCESSING CORPORATION FOR FY 2007-08 HARDWARE AND SOFTWARE MAINTENANCE FOR THE OFFICE OF DIRECTOR OF FINANCE

WHEREAS, McMinn County Finance Director, Jason Luallen requests approval of payment to Local Government Data Processing for FY 2007-08 hardware and software maintenance for the finance office at a total cost of \$7,441.69; and

(Cont'd)

Resolution No. 07-098 (Cont'd)

WHEREAS, in accordance with Financial Management Committee Policies and Procedures, expenses over \$ 5,000 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 16TH DAY OF JULY, 2007, that this Commission does hereby approve the payment of \$7,441.69 to Local Government Data Processing Corporation for FY 2007-08 hardware and software maintenance for the office of Finance.

(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 Payment to Pitney Bowes for FY 2007-08 Service Level Agreement for Postal Machine in Finance Office.

Mr. Luallen presented the following resolution to approve payment to Pitney Bowes for FY 2007-08 service level agreement for postal machine in the Finance Office.

RESOLUTION NO. 07-099

A RESOLUTION TO APROVE PAYMENT TO PITNEY BOWES FOR  
FY 2007-08 SERVICE LEVEL AGREEMENT FOR POSTAL MACHINE IN FINANCE OFFICE

WHEREAS, periodically the United States Postal Service makes changes to their equipment which requires the purchase of new equipment for their vendors; and

WHEREAS, McMinn County Finance Office provides this postal service for each of the county departments; and

WHEREAS, a one-year warranty was provided with the purchase of the postage machine in June of 2006. Jason Luallen requests approval to enter into an annual maintenance agreement that includes postage machine, feeder and scale for the amount of \$934.08.

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY TENNESSEE, MEETING IN REGULAR SESSON ON THIS THE 16<sup>TH</sup> DAY OF JULY 2007, the payment for invoiced \$934.08 maintenance to Pitney Bowes be hereby approved.

(Orig signed by John Gentry)  
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

Motion carried by voice vote.

B. A Resolution to Renew Airport Maintenance Contract with State of Tennessee Department of Transportation.

Mr. Luallen presented the following resolution to renew airport maintenance contract with the State of Tennessee for FY 2007-2008 and added that we are spending \$20,000 to receive \$10,000 in return.

RESOLUTION NO. 07-100

A RESOLUTION TO RENEW AIRPORT MAINTENANCE CONTRACT WITH STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION

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 renew their Airport Maintenance Contract # Z-08-02-1561-00 with the State of Tennessee, Department of Transportation; and

WHEREAS, the term of this grant is July 1, 2007 through June 30, 2008, with the state portion not exceeding \$10,000.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16TH DAY OF JULY, 2007, that this Commission does hereby agree to renew this Airport Maintenance Contract with the State of Tennessee,

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 Bob Powers, and seconded by Commissioner Simpson, to approve this resolution.

Motion carried by voice vote.

8. APPROVAL OF BUDGET AMENDMENTS

Mr. Luallen requested approval of six budget amendments involving three different funds, a copy of which was provided to each Commissioner. Mr. Luallen added that the School Board related budget amendments were approved by the School Board on July 12, 2007.

Fund: General # 101

Date: June 22, 2007

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
State of Tennessee	Other General Govern. (Grants)	46190	4,950.00	
Agriculture Extension Serv.	Maint. & Repair Services (S. Barn)	55710-336		4,950.00

EXPLANATION: To budget revenue & expenditures related to Tennessee Department of Agriculture TCAP Agricultural Producer Association Grant for bathroom renovations at the showbarn. (County Commission approved 12/18/06)

Fund: General # 101

Date: June 22, 2007

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Tennessee	Airport Maintenance Program	46120	7,500.00	
	Maintenance & Repair Services – Equip.	58220-336		7,500.00

EXPLANATION: To budget revenue & expenditures related to State of Tennessee Department of Aeronautics Aviation fuel tank repair grant for fuel tank at Airport.

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: # 189 Other Capital Projects

Date: June 22, 2007

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Other Local Revenue	Lease/Rentals	44120	20,250.00	
General Administration Proj.	Building Purchases (Courthouse Improvements)	91110-732		20,250.00

EXPLANATION: To budget revenue & expenditures related to BB&T lease of courthouse annex.

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

In response to a question from Commissioner Mason, Mr. Gentry said that this is not a new lease but just budgets the revenue and expenditures related to the BB&T lease that has already expired.

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 29, 2007

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Special Education Program	Teachers	71200-116	18,195.00	
“	Educational Assistants	71200-163	22,661.00	
Special Ed. Program Support	Other Salaries & Wages	72220-189		10,820.00
“	Travel	72220-355		30,036.00
Attendance	Maint. & Repair Svcs-Equipment	72110-336	20,377.00	
Vocational Education Program	Medical Insurance	71300-207	20,000.00	
Reg. Instruc. Program Support	Secretaries	72210-161		20,402.00
“	Other Charges	72210-599		19,975.00

(Cont'd)

Fund: General Purpose School # 141 (Cont'd)

Date: June 29, 2007

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Maintenance	Repair Services Building	72620-335	158,000.00	
Board of Education Services	Other Fringe Benefits	72310-299		59,000.00
“	Workman’s Comp. Insurance	72310-513		25,264.00
“	Other Charges	72310-599		11,736.00
Office of the Superintendent	Communication	72320-307		2,000.00
Plant Operation	Electricity	72610-415		60,000.00

EXPLANATION: To avoid deficits in functional categories at the end of the fiscal year.

Fund: General Purpose School # 141

Date: June 29, 2007

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Other	Other Salaries & Wages	71900-189	1,724.00	
“	Social Security	71900-201	151.00	
“	State Retirement	71900-204	351.00	
“	Employer Medicare	71900-212	23.00	
“	Communication	71900-307	600.00	
“	Travel	71900-355	500.00	
“	Other Contracted Services	71900-399	1,000.00	
“	Other Charges	71900-599	500.00	
“	Other Equipment	71900-790	100.00	
“	Instructional Supplies	71900-429		5,949.00

EXPLANATION: To enter approved Budget Amendments # 1 and # 2 to the 21<sup>st</sup> CCLC Grant.

Fund: General Purpose School # 141

Date: June 29, 2007

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Student Body Ed. Program	Teachers	71400-116		500.00
“	State Retirement	71400-204		500.00
“	Travel	71400-355	750.00	
“	Other Contracted Services	71400-399	1,000.00	
“	Other Supplies & Materials	71400-499		400.00
“	Other Charges	71400-599		350.00

EXPLANATION: To enter Budget Amendment # 2 to the L.E.A.P.S Grant.

MOTION made by Commissioner Curtis, 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

#### 9. FINAL APPROVAL OF THE FY 2007-2008 BUDGET

In light of the Code of Ethics adopted on 16 April 2007 and the requirement to disclose personal interest in voting matters, Chairman Crews asked if any Commissioners had any disclosures relating to this budget. There were none.

Mr. Luallen presented and explained a memorandum to the County Commissioners and the County Mayor, dated July 16, 2007, which included a detailed listing of revenue and expenditures by fund, FY 2007-08 budget analysis as of July 16, 2007, Minutes of the Budget Committee Meeting on July 13, 2007, and the draft advertisement of budget information and notice of time and date for final approval (scheduled later in this meeting for Monday, July 30, 2007, at noon).

MOTION by Commissioner Jack Powers, and seconded by Commissioner Bob Powers, to approve the FY 2007-2008 Budget.

Commissioner Jack Powers added his personal appreciation to the Finance Director and his staff and the County Mayor and his staff for their hard work to produce another balanced budget, including a salary increase, without a tax increase.

Mr. Luallen also said that they received a letter from the Director of Schools, Dr. John Forgety, expressing his appreciation to the Finance Department as well as the Budget Committee and the County Commission.

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

After a lengthy discussion concerning the proposed scheduling of the Special Called Session to approve the budget, as well as the County Commission's Planning Session, it was decided that the Special Called session would be scheduled Monday, July 30, 2007 at noon, in spite of conflicts for three Commissioners. It was proposed that the Planning Session be scheduled August 25<sup>th</sup>, but Commissioner Mason suggested that the Planning Session not be scheduled in the summer in the future. Mr. Gentry stated the Planning Session was postponed due to change of staff at the Southeast Tenn Development District who provides the moderator for the session and Mr. Gentry added that we will resume the normal meeting time next year.

10. COMMENTS FROM THE AUDIENCE

None.

11. RESOLUTIONS

A. A Resolution to Approve McMinn County's Participation in a Joint Project to Upgrade a Portion of the Access Road Into the North Etowah Industrial Park.

Mr. Gentry presented and explained the following resolution to approve a joint project between McMinn County and the City of Etowah to upgrade a portion of the access road into the North Etowah Industrial Park, owned by the Economic Development Authority.

Resolution No. 07-101

A RESOLUTION TO APPROVE MCMINN COUNTY'S PARTICIPATION IN A JOINT PROJECT TO UPGRADE A PORTION OF THE ACCESS ROAD INTO THE NORTH ETOWAH INDUSTRIAL PARK

WHEREAS, the McMinn County Economic Development Authority owns an temporary access road in the North Etowah Industrial Park; and

WHEREAS, a road was constructed with the McMinn County Economic Development Authority's permission for the dual purpose in allowing Waupaca to access its sandfill as well as to allow access to the entire length of the park property for industrial prospects; and

WHEREAS, the road has not yet been paved, which allows for a large amount of dust which is a nuisance to nearby residents; and

WHEREAS, discussion has been undertaken with McMinn Highway Commissioner Randall Moss to oversee the paving 600 feet of the road, with a cost estimate of \$8,000.00; and

WHEREAS, this project is to be funded through a cooperative agreement between McMinn County, Waupaca, Etowah and the EDA to each fund \$2,000.00 to complete this project; and

(Cont'd)

Resolution No. 07-101 (Cont'd)

WHEREAS, McMinn County's portion of the project shall be drawn from the two-thirds of the hotel/motel fund dedicated to industrial development.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN SESSION ON THIS 16th DAY OF JULY 2007, THAT THE MCMINN COUNTY COMMISSION APPROVES \$2,000.00 FOR A COOPERATIVE FUNDING OF THE PROJECT TO PAVE A PORTION OF THE ACCESS ROAD IN THE NORTH ETOWAH INDUSTRIAL PARK, 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 Holbrook, and seconded by Commissioner King, to approve this resolution.

Motion carried by voice vote.

B. A Resolution to Approve the Removal of Roads from the McMinn County Highway Department Road System.

Mr. Gentry presented, on behalf of the Highway Commissioner, the following resolution to approve the removal of a 110-foot portion of the alley way between parcels 15 and 16 on map 80I in Riceville.

Resolution No. 07-102

A RESOLUTION TO APPROVE THE REMOVAL OF ROADS FROM THE MCMINN COUNTY HIGHWAY DEPARTMENT ROAD SYSTEM

WHEREAS, a Road System has been adopted by the McMinn County Highway Department to continue the efficient maintenance of McMinn County roads; and

WHEREAS, certain alley ways or county roads which have not been maintained to the required specifications over a certain period of time or upon proper petition by affected property owners may be removed from the McMinn County Highway Department's Road System; and

WHEREAS, it is the recommendation of the Commissioner of Highways that the following road be removed from the Road Maintenance System: a 110-foot portion of the alley way between parcels 15 and 16 on map 80I in Riceville; and

WHEREAS, it also the recommendation of the Road Commissioner to quitclaim said alleyway to the owner of parcels 15 and 16, Josh Guthrie, all affected property owners being properly notified.

(Cont'd)

Resolution No. 07-102 (Cont'd)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN SESSION ON THIS 16th DAY OF JULY 2007, THAT THE MCMINN COUNTY COMMISSION APPROVES THE RECOMMENDATION OF THE COMMISSIONER OF HIGHWAYS TO REMOVE THE ABOVE ROAD FROM THE ROADWAY SYSTEM, 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 Mason, and seconded by Commissioner Curtis, to approve this resolution.

Motion carried by voice vote.

C. A Resolution to Approve the Removal of Roads from the McMinn County Highway Department Road Maintenance System.

Mr. Gentry presented the following resolution to remove County Road 614 from the Highway Department Road Maintenance System, as well as a memorandum from the Commissioner of Highways requesting this.

Resolution No. 07-103

A RESOLUTION TO APPROVE THE REMOVAL OF ROADS FROM THE MCMINN COUNTY HIGHWAY DEPARTMENT ROAD MAINTENANCE SYSTEM

WHEREAS, a Road Maintenance System has been adopted by the McMinn County Highway Department to continue the efficient maintenance of McMinn County roads; and

WHEREAS, county roads which have not been maintained to the required specifications over a certain period of time or upon proper petition by affected property owners may be removed from the McMinn County Highway Department's Road Maintenance System; and

WHEREAS, it is the recommendation of the Commissioner of Highways that the County Road 614, be removed from the Road Maintenance System with all affected property owners being properly notified.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN SESSION ON THIS 16th DAY OF JULY 2007, THAT THE MCMINN COUNTY COMMISSION APPROVES THE REMOVAL OF THE ABOVE ROAD FROM THE ROADWAY MAINTENANCE SYSTEM, the public welfare requiring it.

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

In response to a question from Commissioner Mason, the Highway Commissioner said the affected road was in the Fourth District.

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

Motion carried by voice vote.

D. A Resolution to Approve the Application Regarding Funding and Placement of a Rural Fire Hydrant.

Mr. Gentry presented the following resolution regarding the placement of a fire hydrant on County Road 613, and added that this was approved by the Emergency Services Committee earlier this evening.

Resolution No. 07-104

A RESOLUTION TO APPROVE THE APPLICATION REGARDING FUNDING  
AND PLACEMENT OF A RURAL FIRE HYDRANT

WHEREAS, in order to properly perform the essential means of fighting fires in McMinn County, it is necessary to provide fire hydrants to rural areas; and

WHEREAS, it is the policy of McMinn County to aid in the funding of the placement of 2 rural fire hydrants per year in each fire district; and

WHEREAS, the following application has been recommended for approval by the Rural Fire Committee:

As a service to the citizens of McMinn County, the McMinn County Commission approves a grant for payment toward the installation of two fire hydrants per fire district per fiscal year. The grant amount is \$1500, based on available funds and approval of the Budget Committee.

I, Brandon Frost, as the Chief of Etowah Rural Fire District, wish to request the placement of a fire hydrant at the following location:

County Road 613, 1300' northwest of County Road 616

This form stands as a Hold Harmless agreement whereas McMinn County Rural Fire is not responsible for any fees relating to maintenance of said fire hydrant. The undersigned applicant understands that this hydrant, should its funding be approved by the McMinn County Commission, will be installed by the local utility provider, and may or may not be maintained by the utility. The person/group making the request accepts the responsibility of maintaining this hydrant, which could include, but not be limited to: painting, mowing, arranging hydrant testing, keeping maintenance records, etc.

Signature: (Orig signed by Dennis Cooper)

Address: 121 County Road 613, Athens, TN 37303

Telephone: 423-263-9111

Date of Request: 6-19-07

(Cont'd)

Approved by Rural Fire District Chief, District 4

As Utility Provider, it is agreed that the installation of this hydrant must be completed and billed to McMinn County within the fiscal year following the year in which the application is approved. If the installation is not completed and billed to McMinn County within that time, this utility provider will assume all costs incurred for the installation of the approved hydrant, including costs involving installation, materials, etc.

(Orig signed by Utility Provider Authorized Signature)

This hydrant was approved by the McMinn County Commission on 7-16-2007.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16<sup>TH</sup> DAY OF JULY 2007, that this Commission does hereby approve this Fire Hydrant request.

(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 Holbrook, to approve this resolution.

Motion carried by voice vote.

E. A Resolution to Approve Design Plan for the Back-up 911 Dispatch Center/East Side Ambulance Station.

Mr. Gentry presented the following resolution to approve the design plan for the Back-up 911 Dispatch Center/East Side Ambulance Station and added that this was approved earlier this evening by the Emergency Services Committee.

Resolution No. 07-105

A RESOLUTION TO APPROVE DESIGN PLAN FOR THE BACK-UP 911 DISPATCH CENTER/EAST SIDE AMBULANCE STATION

WHEREAS, McMinn County has entered into a cooperative agreement with McMinn County E-911 to construct a Back-up 911 Dispatch Center/Eastside Ambulance Station on Hwy 411 near Central High School; and

WHEREAS, McMinn County has previously approved cooperative funding of \$200,000 for said building, based upon approval of plans and design; and

WHEREAS, McMinn County E-911 has presented a design plan that has met the approval of the Emergency Services Committee, which has recommended these plans be approved by the Commission in order for construction to begin.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16<sup>TH</sup> DAY OF JULY 2007, that this Commission does hereby approve the design plans for the Back-up 911 Center/East Side Ambulance Station as presented by the E-911 Board, 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 Holbrook, and seconded by Commissioner King, to approve this resolution.

Motion carried by voice vote.

F. Resolution to Authorize Recovery of Costs Related to the Clean up of Hazardous Substance Discharges from Responsible Parties.

Mr. Gentry presented the following resolution to authorize recovery of costs related to the clean up of hazardous substance discharges from responsible parties. Mr. Gentry said that this is allowed by Tennessee Code and brought to our attention by the Hazardous Materials Team and added that this was approved by the Emergency Services Committee earlier this evening.

RESOLUTION NO. 07-106

RESOLUTION TO AUTHORIZE RECOVERY OF COSTS RELATED TO THE CLEAN UP OF HAZARDOUS SUBSTANCE DISCHARGES FROM RESPONSIBLE PARTIES

WHEREAS, the Board of Commissioners of McMinn County finds and declares that “hazardous substances,” as defined herein, when discharged from their designated containment or transport systems into the environment under uncontrolled conditions can threaten the health, safety, and welfare of the people, damage or destroy property, and degrade the quality of the environment; and,

WHEREAS, the Board of Commissioners has determined that prompt response to and abatement of uncontrolled hazardous substances discharges is vital to the protection of people, property and the environment; and,

WHEREAS, the Board of Commissioners has determined that response to hazardous substances emergencies requires:

- (1) the use of proper equipment and supplies;
- (2) the repair or replacement of such equipment and supplies;
- (3) extensive decontamination of reusable equipment or supplies;
- (4) disposal of wastes generated during the discharge; and
- (5) trained and certified personnel that are qualified to respond safely to such discharges; and,

WHEREAS, the Board of Commissioners has determined, subject to the provisions contained herein, that it is in the best interest of the citizens of McMinn County for local government entities that expend resources in responding to, containing, and abating uncontrolled discharges of hazardous substances to pursue and receive reimbursement for the expenses of such services from the producer, manufacturer, transporter, warehouse, wholesaler, retailer, disposer, and/or consumer of hazardous substances that was responsible for the discharge; and

WHEREAS, the Board of Commissioners or the county emergency management agency or another body authorized by the Board of Commissioners is given authority pursuant to *Tennessee Code Annotated*, Section 58-2-604, to recover costs from any person or persons responsible for causing a discharge of hazardous substances that requires emergency action, including that which requires the response of the McMinn County Hazardous Materials Team.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of McMinn County, Tennessee, meeting in regular session on this 16th day of July 2007, that the following procedures shall be established in McMinn County;

(Cont'd)

Resolution No. 07-106 (Cont'd)

SECTION 1. - Title

This resolution shall be known as and may be cited as the “Hazardous Substances Clean-up Cost Recovery Resolution.”

SECTION 2. - Authority

The McMinn County has the authority to implement this program pursuant to *Tennessee Code Annotated*, Section 58-2-604.

SECTION 3. - Application

The provisions of this resolution shall apply to any discharge of hazardous substances associated with a transportation incident or an emergency spill within the territory of McMinn County for which the county expends resources in response to such discharge. To the extent provided pursuant to any mutual aid or interlocal agreement with another local government, the provisions of this resolution shall also apply to any discharge of hazardous substances associated with a transportation incident or an emergency spill outside the territory of McMinn County for which the county expends resources in response to such discharge, provided that the discharge occurs within the jurisdiction of a government that is a party to the mutual aid agreement.

SECTION 4. - Exemptions

As provided in *Tennessee Code Annotated*, Section 58-2-604, this resolution shall not apply to a person, as defined in *Tennessee Code Annotated*, Section 68-212-104, or a liable party, as defined in *Tennessee Code Annotated*, Section 68-212-202, operating under a permit or an order issued by the Tennessee Department of Environment and Conservation (TDEC). These statutes refer to persons that have permits from TDEC to own or operate a hazardous waste treatment, storage, or disposal facility or site and persons that are authorized to treat, store or dispose of hazardous waste, as well as generators and transporters of hazardous wastes that have permission from TDEC to dispose of a hazardous substance at a hazardous substance site.

SECTION 5. - Intent and Purpose

This resolution is intended to provide for recovery by the County, from a responsible person or persons, of any costs incurred by the County or any agency of the County, by any other local government that has entered into a mutual aid or interlocal agreement to cooperate with McMinn County in responding to hazardous substance discharges, or by any private entity with whom the County contracts, in taking emergency action to respond to a discharge of hazardous substances.

SECTION 6. - Rules of Construction

The provisions of this resolution shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare of the citizens and residents of the County.

SECTION 7. - Definitions

- a.) “Costs” means those necessary and reasonable costs incurred by the county legislative body or emergency management agency or its authorized agents in connection with removing or abating hazardous substance discharges; provided, that to the extent criteria and methods for response actions prescribed under 40 CFR § 300, as amended, may be applied to the type of material involved and the conditions of the spill, release or discharge, such costs shall only apply if those criteria were employed in the county’s response. “Costs” also include reasonable attorneys’ fees if the county legislative body, the county emergency management agency, or other body authorized by the county legislative body prevails in an action to recover its expenses from any person or persons responsible for causing a discharge of hazardous substances that requires emergency action.

Resolution No. 07-106 (cont'd)

- b.) “Emergency management agency” means the McMinn County Emergency Management Agency.
- c.) “Hazardous substance” means any substance defined as such in *Tennessee Code Annotated*, Section 68-131-102(9) whether in gaseous, liquid or solid form.
- d.) “Hazardous substance discharge” means the discharge of one or more hazardous substances resulting from a transportation incident, emergency spill or other uncontrolled discharge that necessitates an emergency response from an agency of the county, the county emergency management agency or a public or private entity with whom the county contracts for the purpose of abating, containing and removing a hazardous substance. “Hazardous substance discharge” includes discharges from fixed facilities as well as discharges from any sort of container used to store or transport the substance, including pipelines.
- e.) “Personnel costs” shall mean the wages, compensation or salary paid to employees or agents of the county or any of its departments or agencies as well as any costs for necessary training of personnel related to responding to hazardous substance discharges.
- f.) “Responsible party” shall mean the person(s) whose negligent or intentional act or omission caused a hazardous substance discharge; or, the person(s) who owned or had custody or control of the hazardous substance or waste at the time of such discharge without regard to fault or proximate cause; or, the person(s) who owned or had custody or control of the container which held the hazardous substance at the time of or immediately prior to such discharge without regard to fault or proximate cause. “Responsible party” may include corporations, partnerships, or any other type of business entity. “Responsible party” may also include insurers or sureties that have assumed the risks related to damages caused by a hazardous substance discharge. “Responsible party” does not include those parties exempted under Section 4 of this resolution.

SECTION 8. - Response to Discharges

The Director of the County Emergency Management Agency and the McMinn County Hazardous Materials Team is hereby duly authorized to take all measures to respond to, stabilize and re-remediate a hazardous substance discharge. This authority includes the ability to contract with private parties, where appropriate, to provide those services. Such contracts shall conform to all applicable purchasing standards, regulations or procedures of the county. This authority also includes the ability to coordinate a response with other local governments which have a mutual aid or other interlocal agreement with the county which provides for cooperation in response to such discharges. Any responsible party, as defined above, shall be liable for the payment of all costs incurred in response to and remediation of such a discharge.

SECTION 9. - Collection Procedures

The Emergency Management Agency and Chief of the Hazardous Materials Team or, subject to approval of the County Mayor, a designated agent of either department, shall serve as the agent for providing proper information to prepare invoices to bill the responsible party or parties for the cost of a response to a hazardous substances discharge. If the county has entered into a mutual aid or other interlocal agreement to provide for the cooperation or coordination of a response to a hazardous substance discharge by multiple local governments, and if such contract allows, the billing and collection procedure instituted by the county may also be used to bill or collect costs incurred by other local governments that are a party to the agreement.

(Cont'd)

Resolution No. 07-106 (Cont'd)

During or immediately following a discharge, the Director of the Emergency Management Agency, with the cooperation of the Chief of the Hazardous Materials Team or his designee, shall make a reasonable effort to identify potentially responsible parties for any hazardous substance discharge that results in a significant expenditure of county resources. The Director of the Emergency Management Agency and Haz-Mat Chief, upon consultation with the Director of Finance shall implement a procedure for billing and collection of costs from any responsible parties, as well as insurers that may be liable for costs associated with the discharge. If the retention of legal services is necessary to pursue collection of a delinquent charge, the County Mayor shall designate an attorney or attorneys to perform those services.

Costs to be recovered shall be in accordance with an authorized chart of charges, compiled by the Director of the Emergency Management Agency and approved by the county legislative body. Such costs may include, but are not limited to, the following:

- § a base response rate to cover personnel costs, as defined above, calculated based on an hourly rate for the number of employees required to respond to the discharge and the amount of time such employees were involved in the response, including, but not limited to, emergency management, fire prevention, emergency medical, law enforcement, public works, and highway department or transportation personnel;
- § a base response rate for transportation costs calculated based on the mileage traveled by responders to the discharge and the number of vehicles involved in the response;
- § an itemized re-stocking fee for materials used or equipment lost, damaged or destroyed in response to the hazardous substance discharge; and
- § a fee for the costs of necessary decontamination of equipment and materials as a result of responding to the discharge; and
- § during incidents of long duration, sustainment costs such as meals, drinks, etc.

As provided in Section 7 above, the costs recovered shall also include reasonable attorneys' fees if the county prevails in an action to recover its expenses from any person or persons responsible for a discharge of hazardous substances that requires emergency action.

Subject to approval of the county legislative body, the Emergency Management Agency Director and Haz-Mat Chief are authorized to establish a waiver of cost recovery for discharges that require limited response by the county and result in only nominal expenditures in response to the discharge. Such waiver shall be applied uniformly and shall not be used to discriminate on the basis of race, gender, color, religion, ethnic or national origin, age, disability, or veteran status. Such waiver shall also not be used to discriminate on the basis of residency.

Revenues collected pursuant to this resolution, minus any authorized administrative costs charged by a collection service or attorney for costs of collection shall be transmitted to the County Trustee for deposit into the County General Fund for the re-supply of spent materials, maintenance of equipment and training of personnel.

SECTION 10. - Coordination with Federal Statutes and Rules

The provisions of this hazardous substances clean-up cost recovery program shall be implemented in coordination with and in compliance with the rules and regulations for the Federal Environmental Protection Agency's (EPA) program for reimbursement to local governments for emergency response to hazardous substance releases, as found in 40 C.F.R. § 310, as authorized under section 123 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), (Pub. L. 96-510, 42 U.S.C. 9601-9675), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) (Pub. L. 99-499, 42 U.S.C. 9601). Proceedings under this resolution shall serve as the county's cost recovery efforts from potentially responsible parties as required by 40 C.F.R. § 310.14. Further, in accordance with the provisions of § 310.14, if the county recovers any portion of the costs from a potentially responsible party after receiving reimbursement for those same costs from the EPA pursuant to § 310, the county shall return the recovered amount to the EPA.

Resolution No. 07-106 (Cont'd)

SECTION 11. - Severability Clause

If any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the resolution which can be given effect without the invalid provision or application, and to that end the provisions of this resolution are declared to be severable.

SECTION 12. - Effective Date

This Resolution and attached billing schedule as recommended by the County Haz-Mat Chief shall take effect immediately upon passage, the public welfare requiring it.

Adopted this 16th day of July, 2007

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

**BILLING RATE**

**Hazardous Materials Team**

Initial Response per unit	\$600.00
Per hour rate per unit	\$250.00
Consumables and Rehab	Cost plus 10%

Other responders required due to a hazardous materials spill may be billed at Federal Emergency Management Agency approved rates. These responders include but are not limited to emergency medical services, fire prevention and control, law enforcement, public works, and road department.

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

Motion carried by voice vote.

G. A Resolution to Approve a Recreation Grant to Etowah Youth Football.

Mr. Gentry presented the following resolution to approve a recreation grant to Etowah Youth Football as approved by the Recreation Committee earlier this evening.

Resolution No. 07-107

A RESOLUTION TO APPROVE A RECREATION GRANT TO ETOWAH YOUTH FOOTBALL

WHEREAS, in the absence of a county-wide organized recreation department, it is the intent of the McMinn County Commission to offer limited support to assist athletic and recreational organizations in McMinn County with approved capital expenses; and

WHEREAS; ETOWAH YOUTH FOOTBALL is currently in need of funds to assist in the PURCHASE OF SHOULDER PAD AND HELMET RACKS, AND FIELD WATERING EQUIPMENT; and

WHEREAS, Etowah Youth Football has requested a FY 2006-07 recreation grant of \$1,000.00 to assist in the funding of the above project.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16th DAY OF JULY 2007, that this Commission does hereby approve this request for a McMinn County Recreation Grant, 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 Holbrook, to approve this resolution.

Motion carried by voice vote.

H. A Resolution to Approve a Recreation Grant to Englewood Youth Football.

Mr. Gentry presented the following resolution to approve a recreation grant to Englewood Youth Football as approved earlier this evening by the Recreation Committee.

Resolution No. 07-108

A RESOLUTION TO APPROVE A RECREATION GRANT TO ENGLEWOOD YOUTH FOOTBALL

WHEREAS, in the absence of a county-wide organized recreation department, it is the intent of the McMinn County Commission to offer limited support to assist athletic and recreational organizations in McMinn County with approved capital expenses; and

(Cont'd)

Resolution No. 07-108 (Cont'd)

WHEREAS; ENGLEWOOD YOUTH FOOTBALL is currently in need of funds to assist in the repair of urinals and toilets in restrooms, repair of pressbox, and repair of damaged bleachers; and

WHEREAS, ENGLEWOOD YOUTH FOOTBALL has requested a FY 2007-08 recreation grant of \$1,000.00 to assist in the funding of the above project.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16th DAY OF JULY 2007, that this Commission does hereby approve this request for a McMinn County Recreation Grant, 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 Mason, and seconded by Commissioner Bob Powers, to approve this resolution.

Motion carried by voice vote.

I. A Resolution to Approve a Recreation Grant to Riceville Youth Football.

Mr. Gentry presented the following resolution to approve a recreation grant to Riceville Youth Football as approved earlier this evening by the Recreation Committee.

Resolution No. 07-109

A RESOLUTION TO APPROVE A RECREATION GRANT TO RICEVILLE YOUTH FOOTBALL

WHEREAS, in the absence of a county-wide organized recreation department, it is the intent of the McMinn County Commission to offer limited support to assist athletic and recreational organizations in McMinn County with approved capital expenses; and

WHEREAS; RICEVILLE YOUTH FOOTBALL is currently in need of funds to assist in the CONSTRUCTION OF NEW RESTROOM FACILITIES; and

WHEREAS, RICEVILLE YOUTH FOOTBALL has requested a FY 2007-08 recreation grant of \$1,000.00 to assist in the funding of the above project.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16th DAY OF JULY 2007, that this Commission does hereby approve this request for a McMinn County Recreation Grant, 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 Holbrook, and seconded by Commissioner Curtis, to approve this resolution.

Motion carried by voice vote.

J. A Resolution to Approve a Recreation Grant to Rogers Creek Youth Football.

Mr. Gentry presented the following resolution to approve a recreation grant to Rogers Creek Youth Football, as approved earlier in the Recreation Committee meeting.

Resolution No. 07-110

A RESOLUTION TO APPROVE A RECREATION GRANT TO ROGERS CREEK YOUTH FOOTBALL

WHEREAS, in the absence of a county-wide organized recreation department, it is the intent of the McMinn County Commission to offer limited support to assist athletic and recreational organizations in McMinn County with approved capital expenses; and

WHEREAS; ROGERS CREEK YOUTH FOOTBALL is currently in need of funds to assist in the REPAIR OF FIELD WATER LINES; and

WHEREAS, ROGERS CREEK YOUTH FOOTBALL has requested a FY 2007-08 recreation grant of \$500.00 to assist in the funding of the above project.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16th DAY OF JULY 2007, that this Commission does hereby approve this request for a McMinn County Recreation Grant, 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 Millsaps, and seconded by Commissioner Bob Powers, to approve this resolution.

Motion carried by voice vote.

K. A Resolution to Relieve the McMinn County Trustee of Property Tax Reporting and Collection Liability Regarding 2005 Delinquent Property Taxes.

Mr. Gentry presented the following resolution to relieve the McMinn County Trustee of property tax reporting and collection liability regarding 2005 delinquent property taxes. Mr. Gentry said Mr. Tuggle was in the audience to answer any questions as well as to present his annual report.

RESOLUTION NO. 07-111

A RESOLUTION TO RELIEVE THE MCMINN COUNTY TRUSTEE OF PROPERTY TAX REPORTING AND COLLECTION LIABILITY REGARDING 2005 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 2005 real property taxes and 2005 personal property taxes and further, it appears that proper suit has been instituted in the Chancery Court for McMinn County, Tennessee, for collection of said taxes; and

WHEREAS, it further appears that 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 2005 real property and 2005 personal property taxes as properly certified and turned over to the Clerk & Master for McMinn County, Tennessee.

THEREFORE, BE IT RESOLVED BY THE MCMINN COUNTY BOARD OF COMMISSIONERS MEETING IN SESSION THIS THE 16<sup>TH</sup> DAY OF JULY, 2007, THAT THE COMMISSION DOES RELIEVE THE MCMINN COUNTY TRUSTEE OF PROPERTY TAX REPORTING AND COLLECTION LIABILITY REGARDING 2005 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 Mason, and seconded by Commissioner Bob Powers, to approve this resolution.

Motion carried by voice vote.

Mr. Tuggle presented and explained his annual report for the Office of the Trustee, covering excess fees, investments, sales tax revenue and property taxes, a copy of which was provided to each Commissioner.

12. ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

None.

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

A. Emergency Services Committee – Commissioner Curtis.

Commissioner Curtis said that the Emergency Services Committee met before this Commission meeting and Commissioner Curtis said that everything has been covered by resolution earlier in this Commission meeting.

B. Recreation Committee – Commissioner Bob Powers.

Commissioner Bob Powers said that the Recreation Committee met earlier this evening and approved four recreation grants as approved earlier in this meeting by the County Commission.

14. COMMENTS FROM THE COUNTY MAYOR

A. Planning Session.

Mr. Gentry said that any Commissioners that have a conflict with the scheduled date for the Planning Session should let him know as soon as possible because everyone's input is needed.

B. Meeting Concerning Overcrowding in the Jail.

Mr. Gentry said that the local judicial community as well as law enforcement have been invited to participate in a brainstorming session regarding the causes for overcrowding in the jail. Mr. Gentry invited all Commissioners to attend.

C. City of Athens Sales Tax Referendum.

Mr. Gentry said that tomorrow night, the Athens City Council will take action on a second reading for a sales tax referendum. If this is approved, the County Commission will have several options available to them. One option is to vote, within 40 days of the Athens City Council vote, to preempt the City of Athens and take the referendum county-wide. The County also has the option to wait on the Athens' referendum vote and if it is successful, preempt at a later date. Or, the County could do nothing.

15. APPROVAL OF NOTARY APPLICATIONS

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

Notary Applications for July 2007

Sherry L. Anderson  
Curtis M. Burns  
Janice Derreberry  
Connie Fain-Woodcock  
Misty Harmon  
John E. Linn  
Crystal M. McCabe  
Kristie R. Nipper  
Lorene Poe  
Connie J. Triplett  
Yuliya Webb

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

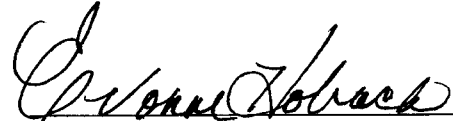
Motion carried by voice vote.

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

None.

17. ADJOURNMENT

There being no other business, Chairman Crews declared the meeting adjourned at 8:05 pm, but Mr. Gentry invited the Commission to stay for an attorney-client closed session.

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

Attest:

jb                      8-13-07  
Deputy Clerk                      (date)