

The McMinn County Board of Commissioners met in Regular Session on Thursday, September 19, 2002, at 5:30 pm, in the Blue Room of the McMinn County Courthouse.

1. CALL TO ORDER

The meeting was called to order by Clerk Evonne Jones.

2. INVOCATION

The Invocation was given by Commissioner Vincent.

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:

David Crews - Present
Scott Curtis - Present
Dale Holbrook - Present
Jack King - Present
Roger Masingale - Present
Gary Mason - Present
J. W. McPhail - Present
Bob Powers - Present
Jack Powers - Present
Owen Vincent - Present

5. ELECTION OF CHAIRMAN AND CHAIRMAN PRO TEMPORE

Clerk Evonne Jones opened the floor for nominations for Chairman:

MOTION made by Commissioner Mason, and seconded by Commissioner Vincent, to nominate J. W. McPhail as Chairman of the McMinn County Commission.

MOTION made by Commissioner Masingale, and seconded by Commissioner Jack Powers, for nominations to cease.

Motions carried by roll call vote, as recorded:

David Crews - Aye
Scott Curtis - Aye
Dale Holbrook - Aye
Jack King Aye
Roger Masingale - Aye
Gary Mason - Aye
J. W. McPhail - Pass
Bob Powers - Aye
Jack Powers - Aye
Owen Vincent - Aye

Chairman McPhail assumed his role as Chairman with a call for nominations for Chairman Pro Tempore:

MOTION made by Commissioner Mason, and seconded by Commissioner Jack Powers, to nominate Jack King as Chairman Pro Tempore.

There being no further nominations, the motion carried by acclamation.

Chairman McPhail thanked the Commission for electing him as chairman and he promised to serve to the best of his ability in this position. He welcomed the newly elected commissioners and congratulated the commissioners who are returning. Chairman McPhail also congratulated Mr. John Gentry, the new County Executive, and he welcomed Mr. Joe Guy, Mr. Gentry's assistant. He recognized Mr. Phil Tuggle, the new Trustee, and offered congratulations to all the other new and returning county officials.

6. APPROVAL OF MINUTES

Copies of the Minutes of the Regular Session on August 19,2002 and the Special Called Session on August 29,2002 were provided to the Commissioners.

MOTION made by Commissioner King, and seconded by Commissioner Mason, to approve the Minutes of August 19,2002 and August 29,2002.

Commissioner Powers made note of one needed correction on page 478 of the Minutes of the Regular Session on August 19,2002. Commissioner Powers was not present at that meeting and he is shown as voting on a motion. This error will be corrected by the County Clerk.

Commissioner Vincent also pointed out a correction on page 476. He said he gave the Invocation, but not the Pledge to the Flag. This error has already been corrected by the County Clerk.

Motion carried to approve the Minutes as corrected.

7. APPROVAL OF BIDS AND PURCHASES

A. Crushed Stone Bid for the period October 1,2002 through September 30 2003.

Mr. Luallen said that bids were opened on September 5,2002 with three vendors bidding. In a letter of recommendation from the Highway Commissioner, he recommends that the bid be awarded to the low bidder based on the price per ton and a \$.15 per haul mile charge from the plant to the center of the job site.

MOTION made by Commissioner King, and seconded by Commissioner Jack Powers, to approve the Highway Commissioner's recommendation.

Motion carried by voice vote.

B. Semi-Annual Requirements Bid for Motor Oil for the Period October 1,2002 through March 31,2003-Various Departments.

Mr. Luallen said bids were opened on September 5,2002 with four vendors bidding. In letters of recommendation from the various departments, they recommend award to the low bidder of each item as shown on the bid summary which was provided to each Commissioner.

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

Motion carried by voice vote.

C. Chancery Court Software and Hardware Support.

Mr. Luallen presented a requisition for software and hardware support for Chancery Court for one year at a total cost of \$5,132.60. Because this purchase exceeds \$5,000.00, Commission approval is required.

MOTION made by Commissioner King, and seconded by Commissioner Bob Powers, to approve this requisition.

Motion carried by voice vote.

D. Requisition for Vehicle Purchased by Highway Department from State Surplus.

Mr. Luallen presented a requisition for the purchase of a pickup truck by the Highway Department from State Surplus for a not to exceed total of \$25,000.00. Mr. Luallen said that per the Financial Management 'Committee Policies and Procedures, "after-the-fact" approval by the County Commission is required for purchases from State Surplus.

MOTION made by Commissioner Jack Powers, and seconded by Commissioner King, to approve this requisition.

In response to a question from chairman McPhail, Mr. Luallen said that the actual cost of this truck was \$23,800.00 and this is the amount that is being approved.

Motion carried by voice vote.

E. Invoice from Ford & Harrison Law Offices for Professional Services.

Mr. Luallen presented a bill totaling \$5,154.11 from the Law Offices of Ford & Harrison in connection with services rendered on behalf of our Landfill lawsuit McMinn County - Ocoee Environmental Services, Inc. Although these services were authorized earlier by the County Commission, Commission approval is required to pay this invoice because it exceeds \$5,000.00.

MOTION made by Commissioner Jack Powers, and seconded by Commissioner Mason, to approve the payment of this invoice.

Motion carried by voice vote.

F. Legal Notice - McMinn County. Tennessee Intent to Make Appropriations to Non-Profit But Not Charitable Organizations.

Mr. Luallen presented the following Legal Notice for appropriations in our FY 2002-2003 Budget and added that these appropriations must be published in the newspaper and have final approval by the County Commission:

September 6,2002

LEGAL NOTICE

MCMINN COUNTY, TENNESSEE INTENT TO MAKE APPROPRIATIONS TO NON-PROFIT BUT NOT CHARITABLE ORGANIZATIONS

Per the requirements of T.C.A. 5-9-109, notice is hereby given that McMinn County intends to appropriate funds during FY 2002-2003 to the following non-profit but not charitable organizations for the purpose listed:

- ORGANIZATION: McMinn County Economic Development Authority
AMOUNT: \$60,000.00
PURPOSE: Increase employment by promoting and recruiting industry to locate in or remain in County.
- ORGANIZATION: Etowah Arts Council
AMOUNT: \$2,500.00
PURPOSE: To provide artistic and cultural resources to the students and residents of McMinn County.
- ORGANIZATION: Athens Area Council for the Arts
AMOUNT: \$2,500.00
PURPOSE: To provide artistic and cultural resources to the students and residents of McMinn County.
- ORGANIZATION: McMinn Regional Humane Society
AMOUNT: \$ 750.00
PURPOSE: Support of County-Wide Spay/Neuter Program.
- ORGANIZATION: Tennessee Overhill Heritage Tourism Project
AMOUNT: \$ 12,000.00
PURPOSE: Heritage Tourism Development and its relationship to Rural Economic\ Development Issues
- ORGANIZATION: Sweetwater Creek Watershed District
AMOUNT: \$ 600.00
PURPOSE: To improve Water Management within the District
- ORGANIZATION: Mouse Creek/Spring Creek Watershed District
AMOUNT: \$ 1,000.00
PURPOSE: To improve Water Management within the District
- ORGANIZATION: Junior Achievement of McMinn and Bradley County
AMOUNT: \$ 300.00
PURPOSE: To provide Business Related Experiences and Education in McMinn County Schools
- ORGANIZATION: Contact of McMinn, Meigs and Monroe Counties
AMOUNT: \$ 1,200.00
PURPOSE: To provide a 24-hour Help-Line for the Troubled, Lonely and Suicidal Citizens of the County
- ORGANIZATION: McMinn Historical Society
AMOUNT: \$ 1,073.00
PURPOSE: Partial Support of Telephone and Internet Services

As required by TCA 5-9-109, this appropriation will be considered by the McMinn County Commission at their regular meeting on September 19th, 2002.

MOTION made Commissioner Vincent, and seconded by Commissioner Curtis, to approve these appropriations.

Motion carried by- voice vote.

8. REVIEW AND APPROVAL OF CONTRACTS

A. Waste Tire Grant.

Mr. Luallen said this is a “one time only” grant to dispose of waste tires collected but not shredded by the State, i.e., those tires accumulated before the new State-mandated system of finding an end user began. The total of this grant is \$15,249.00.

MOTION made by Commissioner Mason, and seconded by Commissioner King, to approve this grant.

In response to a question from Commissioner Vincent, Mr. Gentry explained that this grant will take care of the costs of disposing of the tires accumulated before the new system began. There was also some discussion concerning the costs involved in the new system.

Motion carried by voice vote.

9. APPROVAL OF BUDGET AMENDMENTS

Mr. Luallen requested approval of five budget amendments involving three different funds. Copies were provided to the Commissioners.

Fund: General Fund # 101			Date: September 13, 2002	
DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Reserve	Undesignated Fund	39000	79,660.00	
	Balance			
County Buildings	Other Supplies & Materials	51800-499		24,399.00
“	Other Equipment	51800-790		10,000.00
Election Comm.	Office Supplies	51500-435		1,691.00
Register of	Data Processing	51600-709		605.00
Deads	Equipment			
Accounting & Budgeting	Printing, Stationery, Forms	52100-349		147.00
“	Other Equipment	52100-790		1,142.00
Fire Prevention & Control	Maint. & Repair	54310-338		4,034.00
	Serv. -Equip			
“	Other Equipment	54310-790		24,925.00

(Cont'd)

Fund: General Fund #101 (Cont'd)

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Local Health Center	Other Charges	55110-599		9,447.00
Other Local Health Services	Veterinary Service-Spaying Prog.	55190-357		3,045.00
Waste Removal (Litter Grant)	Other Supplies & Materials	55710499		225.00

EXPLANATION: To budget funds for items entered in reserve for encumbrance prior year. Items ordered in FY 2001-2002 but not received and paid until FY 2002-2003.

Fund: General Fund #101

Date: September 13,2002

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Reserve	Undesignated Fund	39000	70,846.00	
	Balance			
Industrial Development	Other Contracted Service	58120-390		70,846.00
JOURNAL ENTRY REQUIRED				
Reserve	Hotel/Motel Tax Reserve	35140	70,845.50	
Reserve	Undesignated Fund	39000		70,845.50
	Balance			

EXPLANATION: To budget funds from Economic Development portion of the Hotel/Motel Tax to fund purchase of additional property for Interstate Industrial Park (Final Commission Approval August 29,2002)

Fund: General Fund #101

Date: September 13,2002

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Reserve	Undesignated Fund	39000	33,690.00	
	Balance			
Industrial Development	Other Contracted Service	58120-399		33,690.00
Reserve	Undesignated Fund	39000	33,690.00	
	Balance			
Industrial Development	Other Contracted Service	58120-399		33,690.00

(Cont'd)

Fund: General Fund # 101 (Cont'd)

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
JOURNAL ENTRY REQUIRED				
Reserve	Hotel/Motel Tax Reserve	35140	33,689.26	
Reserve	Undesignated Fund Balance	39000		33,689.26

EXPLANATION: To budget balance of funds in 1999-2000 from Economic Development portion of the Hotel/Motel Tax to fund land purchase, incentives, and additional costs for the North Etowah Industrial Park (Total cost budgeted \$354,475.00, expended FY 1999-2000 \$266,185.16, expended FY 2001-2001 \$45,528.38, expended FY 2001-2002 \$9,072.20, balance \$33,689.26)

MOTION made by Commissioner King, and seconded by Commissioner Jack Powers, to approve these budget amendments.

Motion carried by roll call vote, as recorded:

- David Crews - Aye
- Scott Curtis - Aye
- Dale Holbrook - Aye
- Jack King - Aye
- Roger Masingale - Aye
- Gary Mason - Aye
- Owen Vincent - Aye
- Bob Powers - Aye
- Jack Powers - Aye
- Chairman J. W. McPhail - Aye

Fund: Drug Control #122

Date: September 17,2002

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Revenue	Drug Control Fines	42140	27,821.00	
Drug Enforcement	Deputies	54150-106		20,600.00
“	Social Security	54150-201		1,576.00
“	State Retirement	54150-204		1,030.00
“	Employee Insurance	54150-205		3,874.00
“	Life Insurance	54150-206		108.00
“	Unemployment Comp	54150-210		70.00
“	Workers Compensation	54150-513		563.00

EXPLANATION: To budget revenue and expenditures related to adding a position for FY 2002-03.

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

There was some discussion concerning the September 16, 2002 letter from Sheriff Frisbie concerning this position. In response to a question from Commissioner Mason, Mr. Luallen said a budget amendment is required even though the funds are coming from the Drug Fund. Sheriff Frisbie said this money has been set aside for this position, but Chairman McPhail stressed that the position was dependent on the availability of funds in the Drug Fund and General Fund monies would not be obligated to fund the position in the event of insufficient funds in the Drug Fund.

Motion carried by roll call vote, as recorded:

- David Crews—Aye
- Scott Curtis - Aye
- Dale Holbrook - Aye
- Jack King - Aye
- Roger Masingale - Aye
- Gary Mason - Aye
- Owen Vincent - Aye
- Bob Powers - Aye
- Jack Powers - Aye
- Chairman J. W. McPhail - Aye

Fund: Road & Bridge Fund #131

			Date: September 17,2002	
DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Revenue	Sale of Equipment	44530	13,238.00	
Capital Outlay	Motor Vehicles	68000-718		13,238.00

EXPLANATION: To recognize additional revenue from the surplus sale and budget funds for purchase of motor vehicles per memo from Highway Commissioner.

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

Motion carried by roll call vote, as recorded:

- David Crews - Aye
- Scott Curtis - Aye
- Dale Holbrook - Aye
- Jack King - Aye
- Roger Masingale - Aye
- Gary Mason - Aye
- Owen Vincent - Aye
- Bob Powers - Aye
- Jack Powers - Aye
- Chairman J. W. McPhail - Aye

10. APPROVAL OF SURPLUS PROPERTY

Mr. Luallen presented a list of surplus property of McMinn County's various departments, which was sold at the sale on September 7, 2002. A copy of this list was provided to each Commissioner.

MOTION made by Commissioner Jack Powers, and seconded by Commissioner Mason, to approve this surplus property list.

Motion carried by voice vote.

11. COMMENTS FROM THE AUDIENCE

None.

12. RESOLUTIONS

A. A Resolution to Confirm the Appointment of Rick Brown to the McMinn County Regional Planning Commission.

Mr. Gentry presented the following resolution appointing Rick Brown to the McMinn County Regional Planning Commission to replace himself who had been appointed to serve the rest of Lewis Curtis' term from the Riceville area. Mr. Gentry said that he would make additional appointments in the near future in order to fill all vacancies in the nine member board. He added appointments would be made to ensure all areas of the County are represented on the Planning Commission.

Resolution No. 02-27

A RESOLUTION TO CONFIRM THE APPOINTMENT OF RICK BROWN TO
THE MCMINN COUNTY REGIONAL PLANNING COMMISSION

WHEREAS, McMinn County has a regional planning commission to provide for the review of the proposed development of property in McMinn County subject to the rules and regulations of said regional planning commission; and

WHEREAS, state law grants authority to the County Executive to appoint members to the regional planning commission upon confirmation by the county legislative body; and

WHEREAS, John M. Gentry as McMinn County Executive, nominates Rick Brown to serve the designated term as a member of the McMinn County Regional Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 19TH DAY OF SEPTEMBER, 2002, that this commission does hereby confirm this appointment.

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

MOTION made by Commissioner King, and seconded by Commissioner Mason, to approve this appointment

Motion carried by voice vote.

13. ELECTIONS. APPOINTMENTS AND CONFIRMATIONS See Resolution 02-27.

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

A. Authorization to Destroy Temporary Value Records.

Mr. Luallen presented a listing of temporary value records for various fiscal years which he requests permission to destroy. This listing was provided to each Commissioner. All record~listed have been retained the required number of years and are legally available for disposition.

MOTION made by Commissioner Jack Powers, and seconded by Commissioner Crews, to approve the Finance Director's request.

Motion carried by voice vote.

B. McMinn County Board of Education Proposed Capital improvement Plan.

Mr. Robert Beene, County Engineer, referred to a letter from Dr. Forgety, Director of School, to the Commission and enclosing the McMinn County Board of Education's Proposed five-year Capital Improvement Plan. Mr. Beene said this does not require any action tonight but the Commission will be asked to approve this plan in the future after they have had an opportunity to study it.

15. COMMENTS FROM THE COUNTY ATTORNEY

A. Request to Recess for Attorney-Client Discussion Regarding Two Legal Cases.

The County Attorney requested a recess for attorney-client discussion regarding the Case of McMinn County vs Environmental Trust Company and Judge Watson's Lawsuit regarding salary issues.

The Commission recessed at 6:03 pm and reconvened at 6:37 pm.

16. COMMENTS FROM THE COUNTY EXECUTIVE

A. Comments by New County Executive John Gentry.

Mr. Gentry expressed his appreciation for the honor of serving as County Executive and added that this County had always had a heritage of the County Executive and the County Commission working well together. Mr. Gentry looks forward to continuing that good relationship.

B. Economic Development Authority Report.

Mr. Gentry referred to the monthly report from the Economic Development Authority which was provided to each Commissioner.

C. Official Statutory Bonds for County Officials to be Approved by the County Commission.

Mr. Gentry requested approval of statutory bonds for the following officials, and requested that the Constables for the five districts be added:

John M. Gentry, County Executive
Randall R. Moss, Commissioner of Highways
Phillip A. Tuggle, Trustee
Norma C. White, Circuit Court Clerk
Nadean Cunningham, Register of Deeds
Evonne Jones, County Clerk
Steve Frisbie, Sheriff
Patty S. Gaines, Clerk and Master
Glenn A. Dockins, Constable, District 1
David Millsaps, Constable, District 2
W. J. Harris, Constable, District 3
Carl Davis, Constable, District 4
Freddie Coleman, Constable District 5

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

Motion carried by voice vote.

D. Annual Tennessee County Services Association Fall Conference.

Mr. Gentry asked the Commissioners to put the Tennessee County Services Association's annual fall conference on their calendar. This conference will be held in Knoxville, Oct 30th through Nov 1st. He asked the Commissioners to call his secretary for reservations.

17. 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 September 2002

Michelle McKinney
Donna Lynn Lamb
Deborah Raper
Delores Jan Carter
Richard A. Boyd
Laurie J. Kerr
Tracy Casteel
Jennifer Stiles
Connie White Boyd
Melissa Ann Parsons
Mishea Wilson
Christy D. Martin
W. Jean Churchill

MOTION made by Commissioner Mason, and seconded by Commissioner Jack Powers, to approve these notary applications and bonds as listed.

Motion carried by voice vote.

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

A. Explanation of List of Purchases in Excess of \$100.00 and the Financial Statement.

In response to a request of Commissioner Jack Powers, Mr. Luallen explained the list of purchases in excess of \$100.00, as well as the Financial Statement which reports on the budgetary operations of McMinn County, both of which are provided to the Commissioners each month.

B. McMinn County Commission Committee Assignments.

Chairman McPhail said he would try to have the committee assignments by the next Commission meeting.

C. McMinn County Beer Board Commission Assignment.

Chairman McPhail also appointed all the Commissioners to the Beer Board although he said that there has been some discussion of appointing a separate Beer Board, made up of citizens not on the County Commission.

D. Comments by Commissioner King Regarding Surplus Property Auctions.

Commissioner King said that he thinks we need to go out for bids on auctioning surplus property or at least rotate the auction company. Mr. Gentry said he will look into this, but believes it is considered a professional service and does not require bidding.

E. McMinn County Highway Department Policy on Bringing Unapproved Roads up to County Standards.

Chairman McPhail referred to a handout on the Highway Department's policy on bringing unapproved roads up to the County standards. This was provided to the Commission for information.

F. Discussion of Proposed Resolution System of Presenting Topics for Action by the County Commission.

Commissioner Vincent suggested that there are different opinions concerning this system but Mr. Gentry suggested that this system is the way the legislature intended it to be done. Mr. Gentry said that this method should enhance the decision process since Commissioners would have in writing what they are voting for. Mr. Gentry added the system should be of some organizational benefit and is not intended to delay Commission action or limit openness of the meetings.

19. ADJOURNMENT

There being no other business, Chairman McPhail declared the meeting adjourned at 6:50 pm.

EVONNE JONES
McMinn County Clerk

ATTEST:
Deputy Clerk date:10-17-02

