

The McMinn County Board of Commissioners met in Regular Session on September 20, 2010, at 7:30 pm, in the Blue Room of the McMinn County Courthouse.

1. CALL TO ORDER

The meeting was called to order by Chairman Crews.

2. INVOCATION

The Invocation was given by Commissioner Mason.

3. PLEDGE TO THE FLAG

The Pledge to the Flag was led by Commissioner Masingale.

4. ROLL CALL

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

Scott Curtis – Present
Dale Holbrook – Present
Tim King – Present
Roger Masingale – Present
Gary Mason – Present
J. W. McPhail – Present
Bob Powers – Present
Tad Simpson – Present
Charles Slack – Present
Chairman David Crews – Present

5. APPROVAL OF MINUTES

Copies of the Minutes of the Regular Session on August 16, 2010 and the Special Called Session on September 9, 2010 were provided to the McMinn County Commissioners.

MOTION made by Commissioner Holbrook, and seconded by Commissioner Powers, to approve the Minutes of August 16, 2010 and September 9, 2010.

Motion carried by voice vote.

Chairman Crews announced to the assembled crowd that the Commission would not be voting on zoning issues as stated in the radio advertisements. He stated that they would be voting on the possible adoption of building codes.

6. APPROVAL OF BIDS AND PURCHASES

A. A Resolution to Approve and Award the Semi-Annual Bid of Motor Oil.

Mr. Luallen presented the following resolution to approve and award the semi-annual bid of motor oil, along with the bid summary sheet and letters of recommendation from the Solid Waste Manager, and the Highway Department.

RESOLUTION NO. 10-110

A RESOLUTION TO APPROVE AND AWARD THE
SEMI-ANNUAL BID OF MOTOR OIL

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 Purchasing Department requests the purchase of Motor Oil, fluids and grease for October 1, 2010 through March 31, 2011, in order to properly carry out the functions of each department; and

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

WHEREAS, the Department Heads from the departments involved, recommends the bid be awarded to the low bidder per item meeting specifications as indicated on letters of recommendation.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 20th DAY OF SEPTEMBER 2010, that this Commission does hereby approve the recommendation of the McMinn County Supervisors and Department Heads.

(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 Powers, to approve this resolution.

Motion carried by voice vote.

B. A Resolution to Approve the Purchase of Vehicle from State Government Surplus.

Mr. Luallen presented the following resolution to approve the purchase of vehicle from State Government Surplus for the Highway Department. A copy of the requisition was also provided to the County Commission.

RESOLUTION NO. 10-111

A RESOLUTION TO APPROVE THE PURCHASE OF VEHICLE FROM STATE GOVERNMENT SURPLUS

WHEREAS, the McMinn County Highway Department wishes to purchase one (1) Pick Up Truck – a 2003 1500 Chevrolet Silverado, from the State Government Surplus; and

WHEREAS, the amount of the purchase for this truck is \$10,500.00; and

WHEREAS, in accordance with Financial Management Committee Policies and Procedures, any expense over \$ 10,000 requires Commission approval.

(Cont'd)

Resolution No. 10-112 (Cont'd)

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 20TH DAY OF SEPTEMBER 2010, that the above purchase for the Highway Department in the amount of \$10,500.00 be hereby approved.

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

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

In response to a question from Commissioner King, Mr. Luallen said that the money is budgeted money from FY 2010-2011.

In response to a question from Commissioner McPhail, the Highway Commissioner said that this is a replacement vehicle.

Motion carried by voice vote.

C. A Resolution to Approve the Dean Howard & Daughters Auction Company Contract.

Mr. Luallen presented the following resolution to approve the Dean Howard & Daughters Auction Company Contract. Mr. Luallen explained that this was a Request for Proposal (RFP) and is actually a contract when approved. He also said they sent out four RFPs but received only one response and added that Sheriff and Director of Finance both recommend that professional auction services be awarded to Dean Howard & Daughters Auction Co.

RESOLUTION NO. 10-112

A RESOLUTION TO APPROVE THE DEAN HOWARD & DAUGHTERS
AUCTION COMPANY CONTRACT

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 for services and/or goods; and

WHEREAS, McMinn County advertised for "Request for Proposals for Professional Auctioneering Services," receiving one proposal from Dean Howard & Daughters Auction Company; and

WHEREAS, McMinn County Sheriff Joe Guy and Finance Director Jason Luallen recommends to contract with Dean Howard & Daughters Auction Company for the professional services to conduct the McMinn County Drug Fund sale and McMinn County's annual surplus sale; and

(Cont'd)

Resolution No. 10-112 (Cont'd)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 20TH DAY OF SEPTEMBER, 2010 that this Commission does hereby approve the proposal of Dean Howard & Daughters Auction Company to sell at public auction personal property belonging to McMinn County and their entities properly declared as surplus items and furthermore resolves to grant authority to the County Mayor or his designee to carry out the duties of said contract, the public welfare demanding it.

(Orig signed by John M. Gentry)
County Clerk

Attest:

(Orig signed by Evonne Hoback)
County Clerk

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

Motion carried by voice vote.

7. REVIEW AND APPROVAL OF CONTRACTS

A. A Resolution to Approve State Reimbursement Contract with State of Tennessee Commission on Children and Youth for FY 2010-2011.

Mr. Luallen presented the following resolution to approve state reimbursement contract with State of Tennessee Commission on Children and Youth for FY 2010-2011.

RESOLUTION NO. 10-113

A RESOLUTION TO APPROVE STATE REIMBURSEMENT CONTRACT WITH STATE OF TENNESSEE COMMISSION ON CHILDREN AND YOUTH FOR FY 2010-2011

WHEREAS, in order to properly perform the duties of county government as prescribed by law, it is often in McMinn County's interest to enter into contracts with other entities; and

WHEREAS, McMinn County has previously entered into a contract with the State of Tennessee Commission on Children and Youth to receive funds not to exceed the amount of \$2,500 per year for a one year period to be disbursed for developing and improving juvenile court and community alternative to detention; and

WHEREAS, it is necessary to renew the contract with McMinn County for the period July 1, 2010 through June 30, 2011.

(Cont'd)

Resolution No. 10-113 (Cont'd)

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 20TH DAY OF SEPTEMBER, 2011, that this Commission does hereby agree to enter into this contract with State of Tennessee, Tennessee Commission on Children and Youth for period July 1, 2010 through June 30, 2011.

(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, Mr. Luallen said that this is State money received each year.

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

Motion carried by voice vote.

8. APPROVAL OF BUDGET AMENDMENTS

Mr. Luallen presented two budget amendments in two different funds, a copy of which was provided to each Commissioner. One budget amendment for Other Capital Projects # 189 was withdrawn and Mr. Luallen said that this will be addressed next month.

Fund: Drug Control Fund # 122

Date: June 30, 2010

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Reserve	Undesignated Fund Balance	39000	45,000.00	
Drug Enforcement	Other Supplies & Materials	54150-499		45,000.00

EXPLANATION: To avoid functional category deficit at close of FY 09-10.

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

Motion carried by roll call vote, as recorded:

Scott Curtis – Aye
 Dale Holbrook – Aye
 Tim King – Aye
 Roger Masingale – Aye
 Gary Mason – Aye
 J. W. McPhail – Aye
 Bob Powers – Aye
 Tad Simpson – Aye
 Charles Slack – Aye
 Chairman David Crews – Aye

Fund: Economic Development Capital Project Fund # 171

Date: June 30, 2010

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Reserve	Undesignated Fund Balance	39000	223,648.36	
Transfers Out	Transfers to Other Funds	99100-590		223,648.36

EXPLANATION: To close out fund # 171 to be compliant with GASB54 requirements.

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

Motion carried by roll call vote, as recorded:

Scott Curtis – Aye
 Dale Holbrook – Aye
 Tim King – Aye
 Roger Masingale – Aye
 Gary Mason – Aye
 J. W. McPhail – Aye
 Bob Powers – Aye
 Tad Simpson – Aye
 Charles Slack – Aye
 Chairman David Crews – Aye

9. FINAL APPROVAL OF FY 2010-2011 BUDGET

Mr. Luallen referred to his memorandum dated September 20, 2010, with seven enclosures which he reviewed with the Commissioners.

The first enclosure is a Resolution to Approve the Final Step in the Budgetary Process for 2010-2011 as follows, which Mr. Luallen read aloud:

RESOLUTION NO. 10-114

A RESOLUTION TO APPROVE FINAL STEP IN BUDGETARY PROCESS
FOR FY 2010-2011

WHEREAS, as required by Tennessee Code Annotated, the final step in the budgetary process for FY 2010-11 includes approval of Summary of Proposed Operations, FY 2010-2011 Tax Summary, Resolution Making Appropriations, and Resolution Fixing the Tax Levy of McMinn County, Tennessee for FY beginning July 1, 2010 and Legal Notice of Non-Profit Non-Charitable Organizations, Minutes of September 9, 2010 Budget Committee Meeting; and

WHEREAS, in accordance with Tennessee Code Annotated, McMinn County Budget Committee recommends approval of the proposed budget process for FY 2010-11.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN THIS REGULAR SESSION ON THIS THE 20TH DAY OF SEPTEMBER 2010, that this Commission does hereby approve the final step in the budgetary process for FY 2010-11.

(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 Mason, to approve this resolution.

Motion carried by roll call vote, as recorded:

Scott Curtis – Aye
Dale Holbrook – Aye
Tim King – Aye
Roger Masingale – Aye
Gary Mason – Aye
J. W. McPhail – Aye
Bob Powers – Aye
Tad Simpson – Aye
Charles Slack – Aye
Chairman David Crews – Aye

The above resolution approves the following two budget resolutions which are spread in the minutes as follows:

RESOLUTION NO. 10-115

**RESOLUTION MAKING APPROPRIATIONS FOR THE VARIOUS FUNCTIONS,
ACTIVITIES, DEPARTMENTS, INSTITUTIONS, OFFICES AND AGENCIES
OF MCMINN COUNTY, TENNESSEE, FOR THE FISCAL YEAR BEGINNING
JULY 1, 2010 AND ENDING JUNE 30, 2011**

Section 1. BE IT RESOLVED by the County Commission of McMinn County duly authorized, established and functioning in accordance with Chapter 325 of the Public Acts of 1981 of the State of Tennessee, assembled in called session on this 20TH day of September, 2010, that the amounts hereinafter set out are hereby appropriated for the purposes of meeting the expense of the various functions, activities, departments, institutions, offices and agencies of McMinn County, Tennessee, for capital outlay and for meeting the payment of principal and interest on the County's debt maturing during the fiscal year beginning July 1, 2010, and ending June 30, 2011, according to the following schedule.

FROM THE GENERAL FUND # 101

GENERAL GOVERNMENT

County Commission	\$ 66,595
County Mayor	177,018
County Attorney	24,580
Election Commission	202,683
Register of Deeds	47,709
Planning Commission	39,890
County Buildings	<u>328,926</u>
TOTAL GENERAL GOVERNMENT	<u>\$ 887,401</u>

FINANCE

Accounting and Budgeting	\$ 403,413
Purchasing (Fuel)	10,000
Property Assessor's Office	327,327
Office of County Trustee	44,917
Office of County Clerk	410,957
Other Finance (Auditing)	<u>35,000</u>
TOTAL FINANCE	<u>\$ 1,231,614</u>

ADMINISTRATION OF JUSTICE

Circuit Court	\$ 71,673
General Sessions Court	195,873
Drug Court	13,000
Chancery Court	<u>196,672</u>
TOTAL ADMINISTRATION OF JUSTICE	<u>\$ 477,218</u>

PUBLIC SAFETY

Courtroom Security	\$ 5,000	
Sheriff's Department	1,307,393	
Special Patrols (SRO)	113,000	
Sexual Offender Registry	3,000	
Jail	1,561,300	
Juvenile Services	302,022	
Work Release Program (Community Service)	37,647	
Fire Prevention and Control	89,584	
Civil Defense	347,783	
Other Emergency Management	325,750	
County Medical Examiner	<u>47,100</u>	
TOTAL PUBLIC SAFETY		<u>\$ 4,139,579</u>

PUBLIC HEALTH AND WELFARE

Local Health Center	\$ 537,467	
Ambulance Service	272,600	
Other Local Health Services	70,457	
General Welfare Assistance	10,341	
Waste Removal (Litter Grant)	39,298	
Keep McMinn Beautiful	<u>36,282</u>	
TOTAL PUBLIC HEALTH AND WELFARE		<u>\$ 966,445</u>

SOCIAL CULTURAL AND RECREATIONAL SERVICES:

Libraries	\$ 144,761	
Parks	73,068	
Other Social, Cultural & Recreational	<u>1,073</u>	
TOTAL SOCIAL CULTURAL AND RECREATIONAL SERVICES:		<u>\$ 218,902</u>

AGRICULTURE AND NATURAL RESOURCES:

Agricultural Extension Service	\$ 134,098	
Soil Conservation	<u>17,140</u>	
TOTAL AGRICULTURE AND NATURAL RESOURCES		<u>\$ 151,238</u>

OTHER GENERAL GOVERNMENT:

Tourism	\$ 59,500	
Industrial Development	94,683	
Airport	48,000	
Veterans' Services	62,224	
Other Charges	280,000	
Employee Benefits	<u>1,445,500</u>	
TOTAL OTHER GENERAL GOVERNMENT		<u>\$ 1,989,907</u>

TOTAL GENERAL FUND \$ 10,062,304

FROM THE DRUG CONTROL FUND # 122

Drug Enforcement \$ 146,602

TOTAL DRUG CONTROL FUND \$ 146,602

FROM THE ROAD AND BRIDGE FUND # 131

Administration	\$ 175,605
Highway & Bridge Maintenance	1,961,774
Operation & Maintenance	614,642
Other Charges	186,368
Employee Benefits	569,231
Capital Outlay	642,097
Debt Service	<u>1,000</u>

TOTAL ROAD AND BRIDGE FUND \$ 4,150,717

FROM THE GENERAL PURPOSE SCHOOL FUND # 141

Regular Education Program	\$ 18,124,460
Alternate Instruction Program	173,877
Special Education Program	2,209,712
Vocational Education Program	1,940,857
Other	85,000
Attendance	160,374
Health Services	172,000
Other Student Support	1,014,987
Regular Education Program Support	1,815,740
Special Education Program Support	287,580
Vocational Education Support	149,180
Other Programs (Vocational Rehab)	65,809
Board of Education Services	716,635
Office of the Superintendent	309,508
Office of the Principal	2,180,830
Operation of Plant	2,979,011
Maintenance of Plant	1,131,659
Transportation	2,239,608
Pre-School	987,119
Regular Capital Outlay	<u>872,241</u>

TOTAL GENERAL PURPOSE SCHOOL FUND \$37,616,187

Resolution 10-115 (Cont'd)

FROM THE SCHOOL FEDERAL PROJECTS FUND # 142

Regular Education Program	\$ 2,081,445
Alternative Instruction Program	31,263
Special Education Program	1,722,071
Vocational Education Program	98,404
Other Student Support	81,906
Regular Education Program Support	492,703
Special Education Program Support	358,594
Vocational Education Program	3,500
Transportation	325,783
Transfers Out	<u>396,343</u>
 TOTAL SCHOOL FEDERAL PROJECTS FUND	 <u>\$ 5,592,013</u>

FROM THE SCHOOLS CENTRAL CAFETERIA FUND # 143

Food Services	\$ <u>2,804,335</u>
 TOTAL SCHOOLS CENTRAL CAFETERIA FUND	 <u>\$ 2,804,335</u>

FROM THE OTHER CAPITAL PROJECTS FUND # 189

General Administration Projects	\$ 842,933
Administration of Justice Projects	165,000
Public Health Projects	250,000
Other General Government Projects	450,000
Highway Capital Projects	480,000
Education Capital Projects	460,925
Transfers Out	<u>1,641,142</u>
 TOTAL OTHER CAPITAL PROJECTS FUND	 <u>\$ 4,290,000</u>

FROM THE SOLID WASTE ENTERPRISE FUND # 207

Landfill Operation & Maintenance	\$ 1,323,975
Other Waste Disposal (Landfill Development)	200,000
Landfill Post Closure Care Costs	76,000
Other Charges	37,800
Employee Benefits	<u>123,980</u>
 TOTAL SOLID WASTE ENTERPRISE FUND	 <u>\$ 1,761,755</u>

Section 2. BE IT FURTHER RESOLVED, that the appropriations from each fund are made contingent on the available revenues and surplus. If the revenues actually received for the year 2010-2011, together with any existing surplus in such fund, or less any existing deficit in such fund, shall be less than the aggregate amount herein appropriated from such fund, then the expenditures herein authorized shall be reduced so as not to exceed such amount.

Resolution No. 10-115 (Cont'd)

Section 3. BE IT FURTHER RESOLVED, that the appropriation for the School Department from local sources is in the amount of \$11,123,283 which will be paid by McMinn County from the tax levy, sales tax and other revenues. The remaining balance of \$25,194,751 which is shown in the budget is an estimated amount which is to be received from the State and Federal Governments provided our Local School System meets certain qualifying standards as set up by said State and Federal Governments, and is not an appropriation from McMinn County. If the revenues actually received from the State and Federal Governments are less than the estimated amounts shown then the expenditures herein authorized to be paid from such sources shall be reduced so as not to exceed the amount actually received.

Section 4. BE IT FURTHER RESOLVED, that there are also hereby appropriated certain portions of the commissions and fees for collecting taxes and licenses and for administering other funds which the County Trustee, County Clerk, Circuit Court Clerk, County Register, Sheriff and the Clerk and Master and their officially authorized deputies and assistants may severally be entitled to receive under state laws heretofore and hereafter enacted. Expenditures out of commissions, and/or fees collected by the County Trustee, County Clerk, Clerk and Master, County Register and the Sheriff may be made for such purposes and in such amounts as may be authorized by existing law or by valid order of any court having power to make such authorizations. Any excess commissions and/or fees collected over and above the expenditure duly and conclusively authorized to be paid there-from shall be paid over to the County Trustee to the credit of the County General Fund as provided by law.

Section 5. BE IT FURTHER RESOLVED, that the School Funds which are received by the County and which are to be apportioned to City Schools within the County shall be paid over to the Cities by the County Trustee in accordance with existing law.

Section 6. BE IT FURTHER RESOLVED, that the County Mayor is hereby authorized to borrow money on tax anticipation notes provided such notes are first approved by the Director of Local Finance, to pay the expenses herein authorized until the taxes and other revenues for the fiscal year 2010-2011 have been collected, not to exceed 60% of the appropriations. The proceeds of loans for each of the individual funds shall be used only to pay the expenses and other requirements of the fund for which the loan is made and the loan shall be paid out of revenues of the fund for which money is borrowed. The notes evidencing the loans authorized under this section shall be issued under the authority of TCA-9-21-801 et. seq. Said notes shall be signed by the County Mayor and countersigned by the County Clerk with the seal of the County attached thereto, and shall mature and be paid in full without renewal not later than June 30, 2011.

Section 7. BE IT FURTHER RESOLVED, that any appropriation made by this resolution which covers the same purpose for which a specific appropriation is made by statute is made in lieu of, but not in addition to, said statutory appropriation. The salary, wages or other remuneration of each officer, employee or agent of the County shall not be in excess of the amount authorized by existing law or as provision for such salaries wages or other remuneration hereby authorized shall in no case be construed as permitting expenditures for any Department, Agency, Office, or Division of the County in excess of that appropriated herein for such Department Agency, Office or Division of the County. Such appropriation shall constitute the limit to the expenditures of any Department, Agency, Office or Division of the County for the fiscal year beginning July 1, 2010, and ending June 30, 2011. All purchases, expenditures and obligation, against the amounts herein appropriated shall be made in accordance with existing laws governing same.

(Cont'd)

Resolution No. 10-115 (Cont'd)

Section 8. BE IT FURTHER RESOLVED, that the delinquent county property taxes for the year 2009 and prior years and the interest and penalty hereon collected during the year ending June 30, 2011, shall be apportioned to the various county funds according to the subdivision of the tax levy for the year 2009. The Clerk and Master, the County Trustee, and the Director of Finance are hereby authorized and directed to make such apportionment accordingly.

Section 9. BE IT FURTHER RESOLVED, that all unencumbered balances of appropriations remaining at the end of the fiscal year shall lapse, and be of no further force and effect at the end of the fiscal year at June 30, 2011.

Section 10. BE IT FURTHER RESOLVED, that the following non-profit organizations are included in the appropriations from the General Fund # 101. The funding amounts are detailed below per the requirement of the State of Tennessee, Comptroller of the Treasury. Payments to these non-profit organizations may not exceed the amount appropriated.

TEAM Evaluation Center	\$ 4,598.00
Hiwassee Mental Health	3,500.00
Tri-County Center	5,250.00
McMinn Senior Citizens	7,500.00
Etowah Senior Citizens	2,500.00
Contact of McMinn, Monroe, & Meigs County	600.00
Behavioral Research Institute	1,260.00
Southeast Tennessee Human Resource Agency	5,881.00
McMinn County Library Board	144,761.00
McMinn Historical Society	1,073.00
Tennessee Overhill Heritage	17,000.00
McMinn County Economic Development Authority	<u>60,000.00</u>
<u>TOTAL NON-PROFIT FUNDING</u>	<u>\$253,923.00</u>

Section 11. BE IT FURTHER RESOLVED, that this resolution shall take effect from and after its passage and its provisions shall be in force from and after July 1, 2010. This resolution shall be spread upon the minutes of the County Commission.

PASSED THIS 20th DAY OF SEPTEMBER, 2010

(Orig signed by John Gentry)
County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

RESOLUTION NO. 10-116

**RESOLUTION FIXING THE TAX LEVY FOR MCMINN COUNTY, TENNESSEE
FOR THE FISCAL YEAR BEGINNING JULY 1, 2010**

Section I. BE IT RESOLVED, by the McMinn County Commission of McMinn County, Tennessee, assembled in called session on this the 20th day of September, 2010, that the combined property tax for McMinn County, Tennessee, for the fiscal year beginning July 1, 2010, shall be \$1.5553 on each hundred dollars of assessed taxable property within said County.

The total tax rate of \$1.5553 on each one hundred dollars of assessed taxable property herein fixed is to provide revenue for each of the following funds and otherwise conform to the following levies:

General Fund	\$.3291
Road & Bridge Fund	.1217
McMinn School Fund	.5930
Athens School Fund	.1591
Etowah School Fund	.0340
Other Capital Projects Fund	<u>.3184</u>
TOTAL	<u>\$ 1.5553</u>

Section II. BE IT FURTHER RESOLVED that the McMinn County Trustee is hereby authorized to prepare tax statements for Fiscal Year 2010-2011 "rounded off" to the nearest full dollar amount as authorized by TCA 67-5-102.

Section III. BE IT FURTHER RESOLVED, that the assessment was based on the Property Assessment and Classification Act of 1973 as follows:

Farm & Residential Property	25%
Personal Property	30%
Industrial & Commercial Property	40%
Public Utilities	55%

Section IV. BE IT FURTHER RESOLVED, that there is hereby levied by and for the use of McMinn County, Tennessee, a Business Tax upon merchants and other vocations, occupations and businesses, doing a business, or exercising a taxable business in McMinn County, Tennessee, under the Business Tax Act of 1971, State of Tennessee. In accordance with said Act, the business taxes hereby levied shall be in the same amount as are levied by the State of Tennessee, and proceeds of said tax herein levied shall accrue to the various funds as designated by the County Commission, except where otherwise provided by statute.

Section V. BE IT FURTHER RESOLVED, that this resolution shall take effect from and after its passage and its provisions shall be in force from and after July 1, 2010. This resolution shall be spread upon the minutes of the County Commission.

PASSED THIS 20th DAY OF SEPTEMBER, 2010.

(Orig signed by John Gentry)
County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

10. ANNUAL REPORT ON JUVENILE SERVICES – MR. LARRY RHODES

Mr. Larry Rhodes, Director of Juvenile Services, thanked the Commission for the opportunity to present their Annual Report for 2009-2010 which was provided to each Commissioner. Mr. Rhodes said he brings good news – the referrals to juvenile services and juvenile court have been decreasing and that is a positive thing. From 2007-2008 year, we are down 17.3% and from 2003-2004 year, we are down 27.83 % and this is a goal we have been working toward. Mr. Rhodes said that prevention has always been a priority and this attitude is being reflected in this year's report. This department's preventative efforts are shown in activities/programs such as Truancy Board, Unruly Assessments, Informal Adjustments for Disorderly Conduct, Pre-Trial Diversions, Summer Academy, non-court referrals, and by the efforts of our school based Youth Services Officers. Many of our programs have been duplicated across the state, but Mr. Rhodes said that he believes the biggest factor of why they're going down is the collaborative efforts between our department, the school systems, and law enforcement – this is a community effort. In referring to the annual report, Mr. Rhodes encouraged the Commissioners to read about the continuing challenges faced by their department and our McMinn County kids. Mr. Rhodes reviewed highlights of the report with the Commission and answered questions. Mr. Rhodes also expressed his appreciation to outgoing Sheriff Steve Frisbee for his cooperation and support of the Juvenile Services department. He said he has been an advocate of youth and Mr. Rhodes wishes him well. In the same manner, he said they look forward to working closely with incoming Sheriff Joe Guy and they feel confident they will find the same cooperative working atmosphere with his department in the future.

11. GEM THEATER PLAYERS – MS. LAMONE ROSE

Ms. Rose, Executive Director of the Gem Players, thanked the Commission on behalf of the Etowah Arts Commission and the Gem Players for granting the Gem Players donation to install a sound system at the historic Gem Theater. She said she knows it wasn't an easy decision to make when there are so many economic challenges in our community. The Commission's wisdom and commitment to the arts helped to pave the way for the Etowah Arts Commission to finalize their plans to install a state-of-the-arts movie projector and screen. The Gem Theater will be becoming a movie theater again and this time around it will be nostalgic movies that welcome the movie-goers to the stately old Gem. Beginning Saturday, September 25th, the Gem will open its doors to movie patrons for the first time in forty years. Ms. Rose also said that they are hosting business and town meetings. Since the sound system was installed, over 2800 people have come to the Gem. They have eaten in our restaurants, shopped in our stores, and bought gas in our town. Ms. Rose provided the Commissioners with a list of upcoming events through Christmas and added that she feels there is a new excitement and energy taking place in our community; volunteers and organizations are gathering strength and taking the initiative to implement improvements to the Gem's exterior, and added that it looks beautiful. Ms. Rose added that the Gem Theater is a priceless and historical landmark in Etowah and McMinn County that we plan to nurture, protect and utilize for the future of our citizens, our children and heritage. Ms. Rose said that the Commission's action ignited a spark and she invited the Commission, the County Mayor and staff to the Gem Theater's Open House tomorrow night at 7:00 pm. She said they will be honored guests.

12. COMMENTS FROM THE AUDIENCE

A. Comments by Mr. Carl Mashburn, McMinn County Resident.

Mr. Carl Mashburn asked the Commission what they will be voting on. Chairman Crews told him that the Commission would be voting on residential building permits that the State is forcing the Commission to opt out of. Mr. Mashburn also questioned the fees and he recommended that the County Commission vote to opt out of this program.

B. Comments by Mr. O'Neal Gray, McMinn County Landowner.

Mr. Gray said he has been here since 1979 when he retired from the US Marine Corps. He said he does not want building permits in McMinn County. He said it is another tax that the people cannot afford to pay. He added that it is time for the people to say "no" to anymore taxes. He was applauded.

C. Comments by Mr. Fred Packet.

Mr. Packet said that if this residential building permit is passed, he is afraid it will kill the building in the County.

D. Comments by Terry Johnston, Landowner.

Mr. Johnston said he bought and paid for his land, he pays county taxes, and he doesn't feel it is right for the County to pass a permit system. He said that the people don't want to be told what they can build. He was applauded.

E. Comments by Ms. Sheree Calloway.

Ms. Calloway said that what the State is trying to force the County's to pass is an international building code. It is several volumes and would cost several hundred dollars to purchase a copy. It is not clear to her whether they're trying to do this for fire safety or energy consumption, but because it is an international building code, the rules seem silly, e.g., it discusses the mesh of the window screen, to prevent malaria. She said it isn't just the cost of the permit, but people will be forced to pay for things they don't need. Ms. Calloway said she thinks it is even more frightening than you realize. She added that the flood insurance is going to be forced upon the county and that will also result in a building inspection program and essentially zoning if we don't do something about it. He said the only thing the County can do is a Private Act, but Chairman Crews said that a Private Act has to be passed by the Legislature and they are the ones who passed this. She suggested that people talk to their Legislators before the 2012 Flood Insurance deadline. She was applauded.

F. Comments by Tim Burch, Landowner.

Mr. Burch said he is from Orlando, FL and they have people who measure your grass. He said it all started like this. It is the incremental losses of freedom that happen over and over again. It comes down to taxes. In our economy, he asked if this is the smartest thing to do. He was applauded.

G. Comments by Scott Barker, McMinn County Resident.

Mr. Barker said that he and his wife are from McMinn County but have lived and worked for several years in California. In California, it started out as a building permit, but now if you want to build a 10 x 10 foot shed, you are required to have a licensed contractor, a licensed electrician, a county building permit, and approval a structural engineer. This is just one example of the regulations that are now in California. Mr. Barker said that there is now a tremendous exodus in California and he doesn't want that for McMinn County. He was applauded.

H. Terry Underdown, Lifelong Resident.

Mr. Underdown says he pays all sorts of taxes but there are a lot of people who don't pay taxes. He said he will never be able to give his son what his father gave him. It is time for the Commission to say no to this and if they don't, he will vote against them next election. He was applauded.

I. Comments by a Resident of McMinn County.

This resident said he moved here forty years ago and pays about \$1,200.00 in taxes. He said when he moved here, he inquired about building permits. He was told to use new lumber but there were no other regulations. He said this is the way it should be. He was applauded.

J. Comments by Clancy Inman, Property Owner.

Mr. Inman said his property is half in the city and half in the county. He found out about this a 4:00 pm today and he wants to know why.

(Later in the meeting, Mr. Gentry explained that there was a special-called commission meeting that lasted several hours that dealt with this issue and added that this meeting was advertised in the newspaper.)

K. More Comments by Carl Mashburn.

Mr. Mashburn said someone has to stand up and say no.

L. Comments by Someone in the Audience Regarding Flood Insurance.

The gentleman said flood insurance should not be forced on anyone.

M. Comments by Ann Roberts Manders.

Ms. Manders said her farm has been in the family for over 100 years and added that they don't need any more taxes or regulations on what they can do with their own property. She was applauded.

13. RESOLUTIONS

A. A Resolution to Allow McMinn County Trustee to Accept Partial Payment of Property Taxes.

Mr. Gentry presented the following resolution to allow McMinn County Trustee to accept partial payment of property taxes. Until now, only 100% payment was authorized. Mr. Gentry introduced Mr. Phillip Tuggle, the McMinn County Trustee, who explained to the Commission how this would work and he asked the Commission to approve this. Mr. Tuggle said that this would help our seniors and should help our revenue collection. This will not result in any additional expense to the county or his office as he has the technology in place to do this. Mr. Tuggle said that this was approved by the State Comptroller and he is ready to implement this pending Commission approval, and added that he feels this is a good plan and will help some people. Mr. Tuggle offered to answer any questions or listen to any comments.

RESOLUTION NO. 10-117

TO ALLOW MCMINN COUNTY TRUSTEE TO ACCEPT PARTIAL PAYMENT OF PROPERTY TAXES

WHEREAS, Tennessee Code Annotated, section 67-5-1801(E)(1) authorizes the County Trustees to accept partial payment of property taxes; and

WHEREAS, Tennessee Code Annotated, Section 67-5-1801(E)(2) directs the McMinn County Trustee to file a plan with the Comptroller of the Treasury indicating the McMinn County Trustee's Office has the accounting system technology to implement a program for partial payment of property taxes; and

WHEREAS, Tennessee Code Annotated, Section 67-5-1801(E)(2) directs the McMinn County Trustee to file a plan with the Comptroller of the Treasury indicating a property tax partial payment program can be implemented within the existing operating resources provided; and

WHEREAS, all Tennessee Code Annotated requirements listed under 67-5-1801 and 67-5-1808 concerning the collection of property taxes and partial payment of property taxes will remain in effect with the passage of this Resolution; and

WHEREAS, the acceptance of partial payment of property taxes will not impact the revenues of McMinn County, Tennessee; and

WHEREAS, the acceptance of partial payment of property taxes will be a convenience to County taxpayers; and

WHEREAS, partial payments will be accepted only October 1 through February 28 of each tax year; and

(Cont'd)

Resolution No. 10-117 (Cont'd)

WHEREAS, the McMinn County Legislative Body desires to authorize the office of the McMinn County Trustee to accept partial payment;

NOW THEREFORE, BE IT RESOLVED, the McMinn County Commission, meeting in Regular Session on the 20th day of September, 2010, that the office of the McMinn County Trustee is hereby authorized to accept partial payment of County property taxes as defined in Tennessee Code Annotated 67-5-1801.

This Resolution shall be effective for the 2010 tax year and subsequent tax years, 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 Powers, and seconded by Commissioner King, to approve this resolution.

In response to a question from Chairman Crews, Mr. Tuggle explained that partial payments will only be accepted October 1 through February 28th of each year and interest and penalties will only be due on the outstanding balance.

Motion carried by voice vote.

B. Resolution to Opt Out of Statewide Building Code Standards for One-Family and Two-Family Dwellings in McMinn County, Tennessee.

Mr. Gentry said that this issue has not been hidden from anyone and was discussed for several hours with the Assistant Commissioner of Insurance and Commerce from Nashville at a special called session, which was advertised in the newspaper. He said that this issue has also been dealt with by the Commission at their Annual Planning Session.

Mr. Gentry said some communities have not addressed this issue and will automatically be in the program. Mr. Gentry said that this Commission did not take that approach. The only resolution being presented tonight is one to opt out of the program. Mr. Gentry also said he has never seen a law written this way and if we opt out by a super majority, we will have to opt out again after every new election unless something changes at the state level. Mr. Gentry said that McMinn County requested to be exempt from this law, but no counties were allowed to be exempt. However, the "opt out" provision was put in.

Mr. Gentry presented the following resolution to opt out of statewide building code standards for one-family and two-family dwellings in McMinn County. Mr. Gentry said that if the County wants to be in the statewide building code program, they do nothing, but if they want to opt out, they must approve the following resolution with a two-thirds majority, and he requested a roll call vote.

RESOLUTION NO. 10-118

RESOLUTION TO OPT OUT OF STATEWIDE BUILDING CODE STANDARDS FOR
ONE-FAMILY AND TWO-FAMILY DWELLINGS IN MCMINN COUNTY, TENNESSEE

WHEREAS, Public Chapter 529 of the Public Acts of 2009, known as the “Tennessee Clean Energy Future Act of 2009,” amends T.C.A. 68-120-101 to apply statewide building code standards to one-family and two-family dwellings; and

WHEREAS, Public Chapter 529 authorizes counties to opt out of these standards for one-family and two-family dwellings within the county’s jurisdiction outside any municipality located within the county; and

WHEREAS, the Board of County Commissioners of McMinn County has determined that it is in the best interest of the citizens of the county for these standards not to apply to one-family and two-family dwellings within the county’s jurisdiction outside any municipality located within the county;

NOW THEREFORE, BE IT RESOLVED by a two-thirds (2/3) vote of the Board of County Commissioners of McMinn County, meeting in regular session on this 20th day of September, 2010, that statewide building code standards, adopted pursuant to Title 68, chapter 120, shall not apply to one-family and two-family dwellings located within the jurisdictional boundaries of McMinn County outside any municipality located within the county.

BE IT FURTHER RESOLVED, that this resolution shall take effect on the first day of October, 2010.

BE IT FURTHER RESOLVED, that the county clerk shall mail a certified copy of this resolution to the state fire marshal.

(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 to opt out of the statewide building code standards.

Chairman Crews opened the floor to comments and questions before the roll call vote.

In response to a question from Commissioner Curtis regarding the possibility of our being penalized in the grant application process, Mr. Gentry explained that most of our water projects are funded through community development block grants. This grant money is very competitive and we must apply for grants. Mr. Gentry said that they didn’t say we would be penalized, but they were going to give bonus points to communities who were in the building code program. In essence, we will be penalized. However, Mr. Gentry explained that the issue is “Are they only going to penalize us for community development block grants?” If so, we aren’t eligible for more of those grants for about two years. Mr. Gentry added that every city in this county is under the same deadline. If they don’t take action to opt out, they will have a building code program on October 1st. Mr. Gentry added that the City of Athens and the City of Etowah already have building code programs and they meet the state’s law.

In response to a question from Commissioner Curtis, Mr. Gentry said that a simple majority is needed to opt back in.

Commissioner Mason asked if this would affect road and bridge money, Mr. Gentry said this should not affect road, school funds, justice, or juvenile service grants. It affects those grants that have to do with livability issues, i.e. water, sewage, possibly industrial access roads. Mr. Gentry said we also have the unknown of a new governor. These are administration-driven issues and our new governor in January may have a different take on this.

In response to a request from Commissioner Mason, Mr. Gentry discussed what this statewide building code covers. If the county does not opt out, this will cover standards for one-family and two-family dwellings. It doesn't cover commercial buildings or agricultural buildings. In response to a question from Commissioner Mason, Mr. Gentry said renovations are not included, but if you add on more than 150 sq feet, that is included.

In response to a question from Chairman Crews, Mr Gentry said we probably have received \$6-7 million dollars in waterline grants over the past decade. Mr. Gentry reminded the Commissioners that while we make application to the State, these funds are really federal funds. In response to a question from Commissioner McPhail, Mr. Gentry discussed the timing on grant applications. Commissioner Mason added that whatever the Commission's decision, there are risks, but Mr. Gentry stated that based on Commissioners' fears, he feels that the safest thing is to opt out for now. Mr. Gentry doesn't know how building codes will be enforced unless the State has an agreement with the utilities.

In response to a question from Commissioner Masingale, Mr. Gentry said that the flood insurance issue and the building codes are completely separate. He said that the building permit was part of the larger energy act as referred to in the resolution. Tennessee is the highest user of electricity per capita in the nation and building permits is supposed to bring about a more energy efficient structure as well as a safer structure since we are also one of the leading states in fire deaths in homes. The flood insurance issue was probably a reactionary bill to the flood in Nashville and was an amendment on bill that addressed computer call centers. Mr. Gentry said they are totally separate issues.

Motion carried by voice vote.

Scott Curtis – Aye
Dale Holbrook – Aye
Tim King – Aye
Roger Masingale – Aye
Gary Mason – Aye
J. W. McPhail – Aye
Bob Powers – Aye
Tad Simpson – Aye
Charles Slack – Aye
Chairman David Crews - Aye

Chairman Crews said we have opted out. This action was applauded.

14. ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

None.

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

None.

16. COMMENTS FROM THE COUNTY MAYOR

A. Constable Vacancy in Fourth District.

Mr. Gentry said that this vacancy was declared during the September 9, 2010 Special Called Session and he discussed that it was up to the Commission to decide what guidelines to follow. Mr. Gentry said that this vacancy will be advertised in *The Daily Post Athenian* and resumes will be accepted by the County Mayor's Office for the Commission to consider. The Commissioners in the Fourth District will recommend someone at the October 18, 2010 Regular Session.

B. Fiber Optic Broadband Technology Grant.

Mr. Gentry said that we did get this \$750,000 grant to provide fiber optic broadband technology into our industrial parks. Mr. Gentry said we are on a favorable list of limited sites to handle prospects that deal with heavy data transfers. This should help us in that endeavor and hopefully this will position us very well for a diversified future economy.

C. Condolence Thank You Note from Former Commissioner Jeannie King.

Mr. Gentry said he has a card from former Commissioner Jeannie King thanking the Commission for the flowers sent at the time of her mother's passing.

D. Appreciation for Efforts to Pass a Responsible Budget.

Mr. Gentry thanked Mr. Luallen and his staff for working hard with all the department heads to turn in a responsible budget, but said that this was a tough budget with many revenue losses. Mr. Gentry said that too many budgets like this will jeopardize our debt-free status, but added they are already working on items to cut from next year's budget, anticipating lower revenues.

17. APPROVAL OF NOTARY APPLICATIONS

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

Notary Applications for September 2010

Vance L. Baker Jr.
Jacqueline Lim Bowers
Martina C. Bechanan
James C. Dake
Joy I. Early
Sharon Angelia Gibson
Joseph A. Hooper
Donna S. Housley
Cheryl M. Knight
Randy Moss
Nicole A. Samples
Rebecca M. Wright

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

Motion carried by voice vote.

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

None.

19. ADJOURNMENT

There being no other business, Chairman Crews declared the Commission meeting adjourned at 8:55 pm.



EVONNE HOBACK
McMinn County Clerk

Attest:

jb
Deputy Clerk

10 - 14 - 10
(date)