

The McMinn County Board of Commissioners met in Regular Session on December 19, 2011, at 7:30pm, 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 J. W. McPhail.

3. PLEDGE TO THE FLAG

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

4. ROLL CALL

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

Scott Curtis – Present  
Dale Holbrook – Present  
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 November 21, 2011 were provided to the McMinn County Commissioners.

MOTION made by Commissioner Holbrook, and seconded by Commissioner Powers, to approve the Minutes of November 21, 2011.

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

A. A Resolution to Approve and Award Semi-Annual Requirements Bid for Paper-Plastics Products.

Mr. Luallen presented the following resolution to approve and award semi-annual requirements bid for paper-plastic products, along with the bid summary sheet and letters of recommendation.

RESOLUTION NO. 11-138

A RESOLUTION TO APPROVE AND AWARD SEMI-ANNUAL  
REQUIREMENTS BID FOR PAPER-PLASTICS PRODUCTS

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

(Cont'd)

Resolution No. 11-138 (Cont'd)

WHEREAS, the Courthouse Maintenance Department and Sheriff's Department requests the purchase of Paper and Plastic Products from January 1, 2012, to June 30, 2012, to properly carry out the functions of the department; and

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

WHEREAS, Scott McDowell, Courthouse Maintenance Supervisor, and Sheriff Joe Guy, both recommend the bid be awarded to the vendors with the lowest bid price per item meeting specifications.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19<sup>th</sup> DAY OF DECEMBER 2011, that this Commission does hereby approve the recommendation of the Maintenance Supervisor and the Sheriff.

(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 McPhail, to approve this resolution.

Motion carried by voice vote.

**B. A Resolution to Approve Payment for Bulldozer Repair – Landfill.**

Mr. Luallen presented the following resolution to approve payment for bulldozer repair because Financial Management Committee Policies and Procedures require Commission approval for expenses over \$10,000.00.

**RESOLUTION NO. 11-139**

**A RESOLUTION TO APPROVE PAYMENT FOR EMERGENCY PURCHASE – LANDFILL**

WHEREAS, McMinn County Landfill has had a need for emergency repairs to Komatsu D65EX Bulldozer in the amount of \$11,237.75; and

WHEREAS, in accordance with Financial Management Committee Policies and Procedures expenses over \$10,000 require County Commission approval; and

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 19<sup>th</sup> DAY OF DECEMBER, 2011, that this Commission does hereby approve payment for this emergency purchase at the McMinn County Landfill in the amount of \$11,237.75.

(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 Holbrook, to approve this resolution.

Motion carried by voice vote.

7. REVIEW AND APPROVAL OF CONTRACTS

A. A Resolution to Approve Amendment to the Kiosk Site Agreement Contract Between McMinn County and Swanson Services Corporation for Inmate Commissary Funds Management at the McMinn County Justice Center.

Mr. Luallen presented the following resolution to approve amendment to the Kiosk Site Agreement Contract between McMinn County and Swanson Services Corporation for inmate commissary funds management at the McMinn County Justice Center, along with a copy of the contract addendum. Mr. Luallen added that this addendum is no cost to the County.

RESOLUTION NO. 11-140

A RESOLUTION TO APPROVE AMENDMENT TO THE KIOSK SITE AGREEMENT CONTRACT BETWEEN MCMINN COUNTY AND SWANSON SERVICES CORPORATION FOR INMATE COMMISSARY FUNDS MANAGEMENT AT THE MCMINN COUNTY JUSTICE CENTER

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 currently contracts with Swanson Services Corporation to provide inmates with the option to purchase personal care items or snacks; and

WHEREAS, McMinn County also contracts with Swanson Services Corporation to supply a kiosk site for the collection, disbursement, and account management for the funds used by inmates for commissary services to the McMinn County Justice Center; and

WHEREAS, McMinn County desires to add thirteen (13) additional kiosks at no charge; and

WHEREAS, Swanson Services is responsible for the placement, maintenance, and support for the kiosks; and

WHEREAS, the kiosks will be funded from a surcharge per transaction to the depositor; and

WHEREAS, the terms of this contract include yearly automatic renewal unless terminated by either party in writing; and

WHEREAS, Sheriff Joe Guy recommends this contract be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 19<sup>th</sup> DAY OF DECEMBER 2011 THAT THIS commission does hereby agree to this Kiosk Site Agreement contract with Swanson Services Corporation.

AND FURTHERMORE RESOLVES to grant authority to the County Mayor or his designee to carry out the duties of said contract.

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

Attest:

(Orig signed by Evonne Hoback)  
County Clerk

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

In response to a question from Commissioner Simpson, there was some discussion of the county's responsibility for any construction alterations that might be needed to place the kiosks, but Mr. Gentry said he understood that none is needed.

Motion carried by voice vote.

B. A Resolution to Allow the McMinn County Sheriff's Office to Apply for a Grant for 5 Automatic External Defibrilators.

Mr. Luallen presented the following resolution to allow the McMinn County Sheriff's Office to apply for a grant for 5 automatic external defibrillators, along with information regarding that application. Mr. Luallen added that this is a 100% grant with no match.

Resolution No. 11-141

A RESOLUTION TO ALLOW THE MCMINN COUNTY SHERIFF'S OFFICE TO APPLY FOR A GRANT FOR 5 AUTOMATIC EXTERNAL DEFIBRILATORS

WHEREAS, the McMinn County Sheriff's Office provides patrol, first response, jail, court security, criminal investigation, and school resource services to over 52,000 citizens in McMinn County; and

WHEREAS, Sheriff's officers are in daily contact with the public in various and sundry ways, often when a health-related problem arises in the public; and

WHEREAS, Automatic External Defibrilators placed at the Justice Center and on the patrol shifts would provide an added level of service to be able to respond to the needs of the public, and a grant is available through AEDgrant.com that will fund certain agencies to be able to acquire such AED's; and

WHEREAS, the McMinn County Sheriff's Office requests permission to apply for a grant for 5 AED's; and

WHEREAS, this grant covers the costs of said AED's up to 100%, with any remaining portion of the cost to be on the part of McMinn County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19<sup>th</sup> DAY OF DECEMBER 2011, THAT THIS COMMISSION DOES APPROVE THE MCMINN COUNTY SHERIFF'S OFFICE APPLICATION FOR AN AED GRANT.

(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 Slack, to approve this resolution.

Motion carried by voice vote.

8. APPROVAL OF BUDGET AMENDMENTS

Mr. Luallen presented three budget amendments in three different funds, a copy of which was provided to each Commissioner.

Fund: General # 101

Date: December 15, 2011

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Local Taxes	Hotel/Motel Tax	40220	14,000.00	
Reserve	Unassigned Fund Balance	39000	1,111,000.00	
Industrial Development	Other Contracted Services	58120-399		1,125,000.00

JOURNAL ENTRY REQUIRED

Reserve	Hotel/Motel Tax Reserve	39128	1,111,000.00	
Reserve	Unassigned Fund Balance	39000		1,111,000.00

EXPLANATION: To budget expenditures related to AUB wastewater extension project to Mount Verd Rd. Industrial Park from Industrial Development portion of Hotel/Motel Tax reserve.

MOTION made by Commissioner Mason, and seconded by Commissioner McPhail, 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: General Purpose School # 141

Date: November 30, 2011

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Federal Funds Rec'd Thru State	Ed. Of the Handicapped Act	47143	89,824.23	

(Cont'd)

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

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Special Education Program	Tuition	71200-356		2,000.00
“	Other Supplies & Materials	71200-499		7,000.00
“	Fee Waivers	71200-535		3,000.00
“	Special Education Equipment	71200-725		47,824.23
Special Ed. Program Support	Travel	72220-355		10,000.00
“	Other Supplies & Materials	72220-499		15,000.00
“	In-Service/Staff Development	72220-524		5,000.00

EXPLANATION: To budget additional funds received from the state for special education high cost students. School Board approval: 12/8/11.

MOTION made by Commissioner Simpson, and seconded by Commissioner King, 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: Federal Projects # 142 – IDEA – Part B 11.21, # 91R

Date: November 17, 2011

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Federal Revenue	Special Ed. – Grants to States	47143	352,717.11	
Special Education Program	Contracts with Private Agencies	71200-312		300,000.00
“	Other Contracted Services	71200-399		10,000.00
“	Instructional Supplies & Materials	71200-429		7,500.00
“	Other Supplies & Materials	71200-499		7,500.00
“	Special Education Equipment	71200-725		2,717.11

(Cont'd)

Fund: Federal Projects # 142 – IDEA – Part B 11.21, # 91R (Cont'd)

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Special Ed. Program Support	Other Equipment	72220-790		25,000.00

EXPLANATION: To enter the IDEA Part B 11.21 carryover budget that was approved by the State November 7, 2011.  
School Board approval: 12/8/11.

MOTION made by Commissioner Powers, and seconded by Commissioner King, 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. COMMENTS FROM THE AUDIENCE

None.

10. RESOLUTIONS

A. A Resolution to Approve Recommendation to Amend WMHD Mutual Plan for Excess Proceeds.

Mr. Gentry explained in detail the recommendations of the Woods Memorial Hospital District Board of Directors and presented the following resolution to approve recommendation to amend WMHD Mutual Plan for Excess Proceeds, along with a copy of the letter from the attorney for Woods Memorial Hospital District. Mr. Gentry said that if the Commission wishes to have more detail, he can make arrangements for an attorney client session. In response to a question from Commissioner Mason, Mr. Gentry said that there is no additional liability and added that this is the same pot of money and basically we are just voting on who holds it. Commissioner Holbrook said that since this was provided to them this evening, he wondered if this could be put off until next month after having an attorney client session. The County Attorney said that he feels the County Commission can take action tonight because he agrees with the recommendations of the Hospital District. A lengthy discussion followed between the Commissioners, the County Mayor and the County Attorney.

Resolution No. 11-142

A RESOLUTION TO APPROVE RECOMMENDATION TO AMEND WMHD MUTUAL PLAN FOR EXCESS PROCEEDS

WHEREAS, the current Plan for Excess Proceeds resulting from the sale of the Woods Memorial Hospital District (WMHD) provided for the establishment of an escrow account to ensure payment of any WMHD post-closure liabilities; and

(Cont'd)

Resolution No. 11-142 (Cont'd)

WHEREAS, the escrow account's termination date was December 7, 2010, with all unused funds to be delivered to McMinn County; and

WHEREAS, WMHD has two (2) remaining liabilities, one in the form of a workers compensation case involving lifetime future medical expenses, and the second being the completion of a final audit; and

WHEREAS, the WMHD Board of Directors, through its legal counsel, has requested McMinn County accept these liabilities in the form of a proposed Plan for Excess Proceeds Amendment in so much that it may deliver the remaining escrow funds to McMinn County and therefore terminate its mission; and

WHEREAS, it is WMHD and McMinn County's legal counsels' opinion that based on the facts of the case a buyout would not be prudent and the most judicious use of the excess proceeds would be to continue the current course of paying periodic medical expenses from a fund established out of the excess proceeds to do same; and

WHEREAS, the projected cost to conduct a final audit will not exceed \$10,000.00.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19<sup>TH</sup> DAY OF DECEMBER 2011, that this Commission does hereby accept legal counsel's recommendation to amend the MUTUAL PLAN FOR EXCESS PROCEEDS so the final escrow funds may be delivered to McMinn County and the WHMD Board of Directors' mission completed, and FURTHERMORE grants authority to the County Mayor to execute said amendment.

(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 Slack, to approve this resolution.

Motion carried with two dissenting votes by Commissioner Holbrook and Commissioner Mason.

11. ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

None.

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

A. Comments by Commissioner McPhail.

Commissioner McPhail wished everyone a Merry Christmas and a safe and prosperous 2012.

B. Comments by Commissioner Mason Regarding the New Sound System.

Commissioner complimented the new sound system in the Blue Room.

C. Financial Management Committee – Commissioner Masingale.

Commissioner Masingale said that the Financial Management Committee met prior to this meeting and approved a medical insurance policy revision and a debt management policy.

D. Comments by Commissioner Slack.

Commissioner Slack wished everyone a Merry Christmas and a Happy New Year.

E. Comments by County Clerk.

Evonne Hoback wished everyone a Merry Christmas and a Happy New Year and she thanked the Commissioners for the bonus that was approved for eligible County employees.

13. COMMENTS FROM THE COUNTY MAYOR

A. VA Clinic Update.

Mr. Gentry said that he made his monthly call to the VA, especially since it was supposed to be out of central committee and go to bid in December. However, he said as of today it has not and Mr. Gentry asked the State VA Office to call the Federal VA Office on our behalf. Mr. Gentry said the State VA Office is monitoring McMinn County and the other two counties and they will let us know as soon as it came to them.

B. Justice Center Update.

Mr. Gentry said that they have met with the general architect as well as the Sheriff and the Corrections Lieutenant going over the change of scope since we have done a lot of the internal work. They are going to give us some sketches of the female holding area and the recreation yard at the first of the year and the architect said it should be a similar bid.

C. Small Business Incubator.

Mr. Gentry said things are moving along and a formal committee is being organized to help establish the small business incubator and added that the county will be involved.

D. Prospect Hill.

Mr. Gentry said that the City of Athens is doing a formal TIF application policy and Mr. Gentry said he would be sharing that with the Commission.

E. Planning Session.

Mr. Gentry expressed his appreciation for the attendance and the involvement in the recent Planning Session. He felt it was one of the better planning retreats. He expressed his appreciation to Jason Luallen and his staff for all their work and he appreciated the dedication of the Commission.

F. Recent One-Time Bonus for Eligible County Employees.

Mr. Gentry said the bonus was a real morale booster and the employees especially appreciated the timing. Mr. Gentry said several employees asked him to pass along their appreciation to the Commission and he referred to letters of appreciation from the County Clerk's office and the Sheriff's Department.

14. APPROVAL OF NOTARY APPLICATIONS

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

Notary Applications for December 2011

Jocelyn Blevins  
Pamela K. Davis  
Sandra M. Farrar  
Tammie J. Landreth  
Jennifer L. Raper  
Mary Ruth Rogers

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

Motion carried by voice vote.

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

None.

16. ADJOURNMENT

There being no other business, Chairman Crews declared the Commission meeting adjourned at 7:55 pm.



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EVONNE HOBACK  
McMinn County Clerk

Attest:

jb                      1-12-12  
Deputy Clerk                      (date)