

The McMinn County Board of Commissioners met in Regular Session on Monday, January 20, 2003, 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 J. W. McPhail.

2. INVOCATION

The Invocation was given by Commissioner Crews.

3. PLEDGE TO THE FLAG

The Pledge to the Flag was led by Commissioner Holbrook.

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
Bob Powers Present
Jack Powers Present
Owen Vincent Present
Chairman J. W. McPhail Present

5. APPROVAL OF MINUTES

Copies of the Minutes of the Regular Session on December 16, 2002 were provided to the Commissioners.

MOTION made by Commissioner King, and seconded by Commissioner Vincent, to approve the Minutes of December 16, 2002.

Motion carried by voice vote.

6. MCMINN COUNTY MATCHING FUNDS FOR DECATUR WATER SYSTEM

Mr. Gentry introduced Mr. Hale Booth of the Southeast Development District, who presented the following resolution and explained that this resolution is necessary for a joint application with Meigs County and the Town of Decatur for water service to the southwest portion of McMinn County. Mr. Booth added that this will initially serve approximately thirty homes and will position us to look to bring service south from that connection in the future. He also said that they have been coordinating this carefully with the Riceville Utility District and their plans for expansion. Mr. Booth also distributed color-coded maps and explained some of the water line extensions currently in progress as well as plans that are being developed. Mr. Booth answered questions from Commissioners.

Resolution No. 03-001

MCMINN COUNTY MATCHING FUNDS FOR DECATUR WATER SYSTEM

WHEREAS, the Town of Decatur in planning the extension of water lines that will serve McMinn County residents along County Road 45,46 and a small portion of County Road 48; and

WHEREAS, Meigs County is sponsoring a Community Development Block Grant application to assist with the cost of extending this line and other lines in Meigs County; and

WHEREAS, the project engineer has estimated that the total project cost will be \$615,000 and the project investment in McMinn County will total \$147,600; and

WHEREAS, the Town of Decatur is requesting \$25,222 in matching funds from the McMinn County Water Fund in accordance with the policies of the fund.

BE IT HEREBY RESOLVED that the McMinn County Commission agrees to provide up to \$25,222 in matching funds to the Town of Decatur for the extension of water lines into McMinn County along County Roads 45,46 and 48, contingent upon approval of other funds necessary for the construction of this project.

BE IT FURTHER RESOLVED that the McMinn County Commission concurs in any necessary franchise or county level approval for the Decatur Water System to operate and serve customers along McMinn County Roads 45,46 and 48.

Duly passed by the McMinn County Commission in regular session on January 20, 2003.

(Orig signed by John Gentry)
County Executive

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

Motion carried by voice vote.

7. RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A RAILROAD AUTHORITY FOR THE CONTINUATION OF RAIL SERVICE WITHIN POLK COUNTY AND MCMINN COUNTY

Mr. Gentry presented the following resolution and referred to an earlier meeting this evening concerning the establishment of this railroad authority as discussed in detail by the Commission and representatives of the Southeast Tennessee Development District. Mr. Gentry said it was the consensus of the Commission to approve this resolution with one amendment, i.e. to change "shall" to "may" in the following paragraph:

Resolution No. 03-002

WHEREAS, it is the desire of the respective county governments of Polk County and McMinn County to establish and participate in a railroad authority for the continuation of rail service within Polk County and McMinn County; and

WHEREAS, pursuant to Tenn. Code Ann. 7-56-201, et. seq., such railroad authority may be established upon authorization by the governing bodies of each participating county.

NOW, THEREFORE BE IT RESOLVED BY THE COMMISSION OF MCMINN COUNTY AS FOLLOWS:

Pursuant to Tenn. Code Ann. 7-56-201, et. seq., the County Commission of McMinn County, Tennessee hereby authorizes the establishment of a railroad authority for the continuation of rail service within Polk County and McMinn County.

BE IT FURTHER RESOLVED, that the railroad authority shall be known as the Hiwassee Railroad Authority;

BE IT FURTHER RESOLVED, that the initial membership of the Hiwassee Railroad Authority shall consist of Polk County and McMinn County;

BE IT FURTHER RESOLVED, that the Hiwassee Railroad Authority shall have all powers and perform all duties conferred by Tenn. Code Ann. 7-56-201, et. seq., as the same may hereafter be amended;

BE IT FURTHER RESOLVED, that the County Executive of McMinn County is hereby authorized and directed to proclaim and countersign evidence of the establishment of the Hiwassee Railroad Authority provided by this Resolution, and to certify such establishment to the Secretary of State of the State of Tennessee, and to take such further action as necessary in connection with establishing the Hiwassee Railroad Authority;

BE IT FURTHER RESOLVED, that the County Executive of McMinn County is hereby authorized to serve as the agent for service of process for the Hiwassee Railroad Authority;

BE IT FURTHER RESOLVED, that the County Commission of McMinn County may appropriate sufficient funds if necessary to provide for the initial administration of the Hiwassee Railroad Authority as part of the authorization process;

BE IT FURTHER RESOLVED, that the County Executive of McMinn County, who is at least twenty-five (25) years of age and a resident of McMinn County for at least one (1) year immediately preceding selection, be selected a member of the Board of Directors of the Hiwassee Railroad Authority. The term of the County Executive of McMinn County on the Board of Directors of the Hiwassee Railroad Authority shall correspond with his elected term of office as County Executive of McMinn County.

BE IT FURTHER RESOLVED, that Dale Holbrook, who is at least twenty-five (25) years of age and a resident of McMinn County for at least one (1) year immediately preceding selection, be selected a member of the Board of Directors of the Hiwassee Railroad Authority. The term of office on the Board of Directors of the Hiwassee Railroad Authority shall be for a period of two (2) years, or until he resigns or becomes unable to serve for any reason;

(Cont'd

BE IT FURTHER RESOLVED, that before entering upon their duties, the members of the Board of Directors of the Hiwassee Railroad Authority selected hereunder, and their successors shall take and subscribe to an oath of office as provided by the constitution and law for county officers. Copies of the oath for each such director shall be filed with the County Clerk of McMinn County; and

BE IT FURTHER RESOLVED, that if any notifications are to be made to effectuate this Resolution, then the County Clerk of McMinn County is hereby requested to forward a copy of this Resolution to the proper authority.

BE IT FURTHER RESOLVED, that this Resolution is to take effect from and after its passage, the public welfare requiring it.

ADOPTED this 20th day of January 2003.

(Orig signed by John Gentry)
County Executive

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

Motion carried by voice vote.

8. APPROVAL OF BIDS AND PURCHASES

A. A Resolution to Approve Renewal of Law Enforcement Liability Insurance for the Sheriff's Department.

Mr. Luallen presented the following resolution and backup information concerning the renewal of law enforcement liability insurance for the Sheriffs Department:

Resolution No. 03-003

A RESOLUTION TO APPROVE RENEWAL OF LAW ENFORCEMENT
LIABILITY INSURANCE

WHEREAS, McMinn County Sheriff Steve Frisbie recommends renewal of Law Enforcement Liability Insurance through JWF Specialty invoiced at \$78,554.98 for the period of January 11, 2003 to January 11, 2004; and

WHEREAS in accordance with Financial Management Committee Policies and Procedures, expenses

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS of McMinn County, Tennessee, meeting in regular session on this the 20th day of January, 2003, that this Commission does hereby approve the recommendation of Sheriff Steve Frisbie to renew Law Enforcement Liability Insurance through JWF Specialty presented by Athens Insurance for \$78,554.98 be hereby approved.

(signed by John M. Gentry)

McMinn County Executive

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

In response to a question from Chairman McPhail, Mr. Luallen said it is an increase of \$11,000.00 but after doing comparisons, it was found that this is the going rate.

In response to a question from Commissioner Crews, Mr. Luallen said that the deductible amount is per incident and he said that there were five last year but added that not all incidents go up to \$5,000.00.

Motion carried by voice vote.

B. A Resolution to Approve Payment of Hardware and Software Maintenance Support for the Register of Deeds.

Mr. Luallen presented the following resolution and backup documentation for payment of hardware and software maintenance support for the Register of Deeds:

Resolution No. 03-004

A RESOLUTION TO APPROVE PAYMENT OF HARDWARE AND SOFTWARE
MAINTENANCE SUPPORT

WHEREAS, McMinn County Register of Deeds request renewal of hardware and software maintenance support invoiced at \$11,595.80 for the period of September 1, 2002 to June 30, 2003; 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 20th day of January 2003, that the payment for invoiced maintenance agreement to ProGResS, Inc. in the amount of \$1 1,595.80 be hereby approved.

(Ori2 signed by John M. Gentry)
McMinn County Executive

Attest:

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

In response to a question from Commissioner Jack Powers, Mr. Luallen said that this is an increased amount due to upgrade and said that the actual period is for three quarters of a year and this amount is prorated but added that renewals will be on a fiscal year cycle.

Motion carried by voice vote.

C. A Resolution to Approve Invoices Without Requisition for the Veterans Service Office.

Mr. Luallen presented the following resolution to approve two invoices for service performed in the Veterans Service Office. Because the work was done prior to a requisition being submitted, Commission approval is required.

Resolution No. 03-005

A RESOLUTION TO APPROVE INVOICES WITHOUT REQUISITION

WHEREAS, the Veterans Service Office requests payment of invoices made without a requisition to Computer Works on September 10 and September 19, 2002 for the total of \$100.00; and

WHEREAS, in accordance with Financial Management Committee Policies and Procedures, after the fact approval is required by County Commission for expenses incurred without a requisition; and

NOW, BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 20TH DAY OF JANUARY 2003,
that this Commission does hereby approve this payment of above invoices.

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

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

Motion carried by voice vote.

9. REVIEW AND APPROVAL OF CONTRACTS

A. A resolution to Approve the Contract Between McMinn County and Tennessee State Department of Correction.

Resolution No. 03-006

A RESOLUTION TO APPROVE
THE CONTRACT BETWEEN MCMINN COUNTY AND TENNESSEE STATE
DEPARTMENT OF CORRECTION

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 entered into contract with Tennessee Department of Correction to house state felons within the McMinn County Justice Center; and

WHEREAS, the state of Tennessee wishes to amend and renew the present contract to set the maximum liability of the Tennessee Department of Corrections not to exceed one million one hundred forty four thousand dollars (\$1,144,000.00), all other terms of the contract remaining in full force and effect; and

WHEREAS, the term of this contract is extended until December 31, 2003.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 20TH DAY OF JANUARY 2003 that the Commission does approve this contract amendment with Tennessee Department of Corrections, and furthermore resolves to grant authority to the County Executive or his designee to carry out the duties of said contract, the public welfare demanding it.

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

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

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

B. A Resolution to Approve Change Order to Contract with ISI General Contractor for Courthouse Renovation Project.

Mr. Luallen presented the following resolution to approve a Change Order in the amount of \$1,051.46 with ISI General Contractor for the Courthouse renovation project. Mr. Luallen also provided a copy of the Change Order 02 which detailed the proposals involved.

Resolution No. 03-007

A RESOLUTION TO APPROVE CHANGE ORDER

WHEREAS, McMinn County entered into a contract with ISI General Contractor to perform construction duties for the courthouse renovation; and

WHEREAS, due to the change in scope of the project, a change order in the amount of \$1,051.46 has been recommended by project architect Goodstein Architects, Inc. to be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 20TH DAY OF JANUARY 2003, that the Commission does approved this change order in the amount of \$1,051.46, and does authorize the County Executive to execute all necessary documents related to this change order, the public welfare requiring it.

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

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

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
Bob Powers Aye
Jack Powers Aye
Owen Vincent Aye
Chairman J. W. McPhail

10. APPROVAL OF BUDGET AMENDMENTS

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

Fund: General Fund # 101			Date: January 14,2003	
DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
State of Tennessee	Juvenile Services Program	46110	14,392.00	
Juvenile Services	Other Equipment	54240-790		14,392.00

EXPLANATION: To budget revenue and expenditures related to the Juvenile Accountability Incentive Block Grant approved by the County Commission on May 20, 2002. County match of \$1,650.00 is in the Juvenile Service's FY 2002-03 Budget.

Fund: General Fund #101			Date: January 14,2003	
DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
State of Tennessee	Health Department Programs	46310	100,000.00	
Local Health Center	Building Improvements	55110-707		100,000.00

EXPLANATION: To budget funds received from State to be used for the renovation or expansion of the McMinn County Health Department.

Fund: General Fund # 101			Date: January 16,2003	
DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Revenue	Other Direct Federal Revenue	47990	16,993.00	
Revenue	Other Local Revenue	44990	1,888.00	
Special Patrols	Overtime Pay (Block	54120-187		9,440.00
	Law Enforcement Equipment (Block Grant 2001)	54120-716		9,441.00

EXPLANATION: To budget revenue and expenditures related to U.S. Department of Justice 2001 Local Law Enforcement Block Grant - \$16,993.00 Federal Funds. \$1,888.00 local match (Drug Fund).
 TOTAL \$18,881.00

MOTION made by Commissioner Mason, and seconded by Commissioner Holbrook, 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
- Bob Powers .Aye
- Jack Powers .Aye
- Owen Vincent .Aye
- Chairman J. W. McPhail .Aye

Fund: General Purpose School # 141

Date: January 14, 2003

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Revenue	Special Ed. Grants to States	47143	19,492.20	
Special Education Homebound Teachers Program		71200-128		6,000.00
	Substitute Teachers	71200-195		3,000.00
	Travel	7 1200-355		4,492.20
	Instruc. Supplies & Materials	71200-429		3,000.00
Special Ed. Program Support	Travel	72220-355		3,000.00

EXPLANATION: To budget additional funds received from the State for excess cost students with disabilities.

Mr. Luallen said that this is contingent upon approval of School Board at their scheduled meeting tonight.

MOTION made by Commissioner King, and seconded by Commissioner Holbrook, 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
- Bob Powers - Aye
- Jack Powers - Aye
- Owen Vincent - Aye
- Chairman J. W. McPhail - Aye

Fund: #189 Miscellaneous Capital Project Fund

Date: January 14, 2003

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Reserve	Undesignated Fund Balance	39000	23,000.00	
General Admin. Project	Building Purchases Courthouse Improve- ments	911 10-732		23,000.00

EXPLANATION: To advance funds per the Other Capital Projects Fund "Pay As You Go" 5-year budget plan for Courthouse improvements.

Fund: # 189 Miscellaneous Capital Project Fund

Date: January 14, 2003

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
State of Tennessee	Other State Grants	46980	207,675.00	
General Adminis- tration Projects	Airport Improvement	91110-702		207,675.00

EXPLANATION: To budget revenue and expenditures pertaining to Phase I (Upgrade of County Roads) of Airport Improvement Project approved by County Commission on 4/15/02. 10% County match of \$23,075 also budgeted in account 91110-702.

MOTION made by Commissioner King, and seconded by Commissioner Bob Powers, to approve these resolutions.

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
- Bob Powers Aye
- Jack Powers Aye
- Owen Vincent Aye
- Chairman J. W. McPhail Aye

11. REVIEW AND ACCEPTANCE OF THE INDEPENDENT AUDITOR'S REPORT FOR THE YEAR ENDED JUNE 30, 2002 MR. TIM ROYSTER

Copies of this audit were provided to the Commissioners for review and Mr. Luallen introduced Mr. Tim Royster, the auditor with HG&A Associates, who explained the audit procedures for the benefit of the new County Commissioners.

Mr. Royster said that there were only two funds that spent more than they brought in. One was the Debt

Mr. Royster said that there were no findings of improvements other than the importance of doing the inventory of general fixed assets by 2008. As he has referred to for the past three years, there will be a significant change in the presentation of accounting next year and he suggested that a workshop might be a good idea before this takes place. Mr. Royster recommended that the County adopt these changes to avoid any adverse findings.

In response to a question from Commissioner Vincent, there was some discussion of the Woods Hospital report involving the Ambulance Service.

MOTION made by Commissioner Jack Powers, and seconded by Commissioner Mason, to approve this financial report and audit.

Motion carried by voice vote.

Chairman McPhail said that this audit speaks well for each office in our County government.

12. WOODS MEMORIAL DISTRICT MONTHLY FINANCIAL REPORT MR. SOUTHERLAND

Mr. David Southerland, CEO of Woods Memorial Hospital District, updated the Commissioners on the current financial condition of the hospital and provided to each Commissioner a written summary. Mr. Southerland, referring to their audit, pointed out that in June of 2001, the hospital posted from day-to-day operations a loss of \$3.3 million and one year later, the hospital posted a loss of \$48,000. This is a tremendous improvement and he credited his staff, under the management of Baptist Health Care Systems, with this turn-around, principally due to a decrease in expenses. However, Mr. Southerland said the hospital is still being carried financially by the nursing home.

Mr. Southerland reviewed each line of the report and said that they did 135 surgeries for the month of November compared to 253 that month in 2001. Year to date, data showed 892 surgeries were performed by Woods Memorial Hospital while 1,201 were performed in 2001 which he attributed to the competition with the Athens Surgery Center. Mr. Southerland said their MRI services are picking up and they are encouraging local doctors to use the hospital's lab instead of out-sourcing this service. Speaking of November 2002, Mr. Southerland said that this is the first month of legitimate profit, although they have lost money in the month of December because of doctor recruitment relocation fees. Mr. Southerland stressed that if they had the patient and surgical volume that we had last year, these financial numbers would be even stronger.

Mr. Southerland said they are very excited about successfully recruiting three physicians and the potential for generating income for the hospital. He also said that the Joint Commission on Accreditation of Healthcare Organizations conducted a three-day survey to assure Woods Memorial met their rigorous standards. Woods scored 92 in the hospital and 94 in home health. According to the surveyors who visited the facility, the scores reflect patient care at the hospital is excellent.

Mr. Southerland opened the floor for comments and answered several questions from Commissioners concerning use by physicians of the hospital's lab, bills being current to suppliers and vendors as well as obligations to the State of Tennessee, challenges concerning competition with outside rehab facilities, and the difficulty of adding beds in the nursing facility. Commissioner Crews and Chairman McPhail commended Mr. Southerland and his staff for their success.

Mr. Southerland concluded by inviting the Commission to come to the hospital for a dinner and possibly a joint meeting with the hospital board and said he would be coordinating with the County Executive's Office.

13. COMMENTS FROM THE AUDIENCE

A. Comments by Dr. Charles Cox. Staff Surgeon at Woods Memorial Hospital. Athens Regional Medical Center and the Surgery Center of Athens.

As a representative of the Athens Surgery Center and a member of the medical staff at Woods Memorial Hospital for the past fourteen years, Dr. Cox commended Mr. Southerland for the turnaround at Woods Hospital, but he doesn't feel the financial situation at the hospital is dependent on the total number of surgical cases. He also said that the large number of cases that have left the hospital were cases that they were losing money on. Dr. Cox said that the State Certificate of Need (CON) Board in Nashville reaffirmed the CON of the Athens Surgery Center in December 2002 and asked that the Commission to consider making the recommendation that all legal action against the Surgery Center be dropped. Dr. Cox said that he feels that the Surgery Center is a provider of great health care in the county, along with both hospitals.

B. Comments by Mr. David Southerland. Woods Memorial Hospital CEO.

Mr. Southerland thanked Dr. Cox for his participation in the Joint Commission survey and said he was very instrumental in helping the hospital get re-accredited. In reference to Dr. Cox' comments regarding the Certificate of Need for the Athens Surgical Center, Mr. Southerland said that there is no current pending legal action, but added that there is a 60-day window. The Hospital Board has not made any decisions so there is no reason for the Commission to take action at this time.

14. RESOLUTIONS

A. A Resolution to Request Tennessee Department of Transportation to Install Signal Lights and Cross Bar on All Railroad Crossings on County Roads in McMinn County.

Mr. Gentry presented the following resolution, as proposed by Commissioner Jack Powers, to request the Tennessee Department of Transportation to install signal lights and cross bar on all railroad crossings on County Roads in McMinn County:

Resolution No. 03-008

A RESOLUTION TO REQUEST
TENNESSEE DEPARTMENT OF TRANSPORTATION TO INSTALL SIGNAL
LIGHTS AND CROSS BAR ON ALL RAILROAD CROSSINGS ON COUNTY
ROADS IN MCMINN COUNTY

WHEREAS, McMinn County is served by two railroads, Norfolk Southern and CSX Transportation, allowing railroad crossings to exist at several county roads in McMinn County; and

WHEREAS, over the course of history, McMinn County railroad crossings are locations where train-automobile accidents have occurred with significant property damage, injury, and loss of life; and

WHEREAS, in an effort to prevent accidents and loss of life, the Board of Commissioners of McMinn County requests that Tennessee Department of Transportation work with Norfolk Southern and CSX Transportation to place cross bars and signal lights at all railroad crossings in McMinn County.

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN SESSION ON THIS 20TH DAY OF JANUARY 2003, that the McMinn County Commission approves the request for Tennessee Department of Transportation to install signal lights and cross bars at railroad crossings over County Roads in McMinn County, the public welfare requiring

it.

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

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

Motion carried by voice vote.

B. A Resolution to Accept the Dedication of a Permanent Right of Way for Access to the County Road 319 Water Pumping Station.

Mr. Gentry presented the following resolution and backup information concerning approving the dedication of a permanent right of way for access to the County Road 319 water pumping station. Mr. Gentry said this has to do with the CDBG grant application from last year and brings this to a final phase.

Resolution No. 03-009

**A RESOLUTION TO ACCEPT THE DEDICATION OF A PERMANENT RIGHT OF WAY
FOR ACCESS TO THE COUNTY ROAD 319 WATER PUMPING STATION**

WHEREAS, Ms. Emma Mason and Ms. Pat Webb have granted and conveyed to McMinn County and the City of Niota a permanent right-of-way on County Road 391; and

WHEREAS, the right-of-way is granted and conveyed with an easement for ingress and egress in, around, and to the water tank located at this location of County Road 319, for the purpose of maintaining said tank; and

WHEREAS, upon approval by the McMinn County Board of Commissioners, the water tank right-of-way dedication on County Road 319 is accepted.

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 20TH DAY OF JANUARY 2003, that the Commission does approve the dedication of right-of-way to the County Road 319 Water Tank, the public welfare demanding it.

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

Attest:

(Orin signed by Evonne Jones)
County Clerk

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

Motion carried by voice vote.

15. ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

A. Resolution Appointing a Representative to the Southeast Tennessee Municipal Solid Waste Region Planning Board.

Mr. Gentry presented the following resolution appointing the County Executive to the Southeast Tennessee Municipal Solid Waste Region Planning Board:

Resolution No. 03-0 10

A RESOLUTION APPOINTING A REPRESENTATIVE TO THE SOUTHEAST TENNESSEE MUNICIPAL SOLID WASTE REGIONAL PLANNING BOARD

WHEREAS, the 97th Tennessee Assembly enacted T.C.A. Section 68-211-801 et. seq. titled "Solid Waste Management Act of 1991;" and

WHEREAS, per T.C.A. Section 68-211-801, McMinn County's Board of Commissioners joined by resolution with Bledsoe, Bradley, Grundy, Hamilton, Marion, Meigs, Polk, Rhea and Sequatchie County in forming the Southeast Tennessee Municipal Solid Waste Planning Region; and

WHEREAS, per T.C.A. Section 68-211-801, each municipal solid waste planning region is required to maintain a board consisting of no less than five (5) members nor more than fifteen (15); and

WHEREAS, per T.C.A. Section 68-211-801, the County Executive has the authority to appoint a member of the Solid Waste Planning Board; and

(Cont'd)

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNTY COMMISSION OF MCMINN COUNTY, TENNESSEE, that the County Executive is approved for appointment to the Municipal Solid Waste Planning Board and that this appointment represents the best interests and welfare of the citizens of McMinn County.

(Orig signed by John M. Gentry)
County Executive

(Orig signed by Evonne Jones)
County Clerk

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

Motion carried by voice vote.

B. A Resolution to Confirm the Appointment of Butch Carman to the McMinn County Regional Planning Commission.

Mr. Gentry presented the following resolution appointing Butch Carman to the McMinn County Regional Planning Commission and Mr. Gentry added the Planning Commission is now at full staff and feels the County is equally represented.

Resolution No. 03-011

A RESOLUTION TO CONFIRM THE APPOINTMENT OF BUTCH CARMAN TO THE MCMINN COUNTY REGIONAL PLANNING COMMISSION

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

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

WHEREAS, John M. Gentry, as McMinn County Executive, nominates Butch Carman to serve 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 20TH DAY OF JANUARY 2003, 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 Jack Powers, to approve this resolution.

Motion carried by voice vote.

C. Appointment of Commissioner Scott Curtis to Agricultural Extension Committee.

Chairman McPhail requested approval of his appointment of Commissioner Scott Curtis to replace Wayne Shell on the Agricultural Extension Committee. Commissioner Curtis' appointment will expire 9/1/03.

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

A. Recreation Committee Commissioner Crews.

Commissioner Crews said the Recreation Committee met prior to this meeting and approved two grants as detailed in the following resolutions. Commissioner Crews recommends Commission approval.

Resolution No. 03-012

A RESOLUTION TO APPROVE THE GRANT OF \$500.00 TO ATHENS YOUTH "TRIBE BASEBALL"

WHEREAS, it is the intent of the McMinn County Recreation Committee to assist in providing support for youth athletics in McMinn County; and

WHEREAS, Athens Youth "Tribe Baseball" is currently renovating the old McMinn High School Baseball Field for use as a youth baseball field; and

WHEREAS, Athens Youth "Tribe Baseball" has requested a grant of \$500.00 to assist in the construction of a backstop as part of the renovations to the old McMinn High Baseball Field.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 20TH DAY OF JANUARY 2003, that this Commission does hereby approve the grant amount of \$500.00 be provided to Athens Youth "Tribe Baseball," the public welfare demanding it.

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

Attest:

(Orig signed by Evonne Jones)
County Clerk

Resolution No. 03-0 13

A RESOLUTION TO APPROVE THE GRANT OF \$500.00 TO ROGERS CREEK YOUTH
BASEBALL

WHEREAS, it is the intent of the McMinn County Recreation Committee to assist in providing support for youth athletics in McMinn County; and

WHEREAS, Rogers Creek Youth Baseball is currently renovating their baseball fields; and

WHEREAS, Rogers Creek Youth Baseball has requested a grant of \$500.00 to assist in the repairs and renovations to the Rogers Creek Baseball Fields.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 20TH DAY OF JANUARY 2003, that this Commission does hereby approve the grant amount of \$500.00 be provided to Rogers Creek Youth Baseball the public welfare demanding it.

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

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

Motion carried by voice vote.

B. Budget Committee Commissioner Jack Powers.

Commissioner Jack Powers said the Budget Committee met prior to this meeting to begin our budget process of the 2003-2004 and approved their agenda which was provided to the Commission.

C. Update on Agriculture Exposition Building.

In response to a question from Commissioner Vincent, Commissioner Mason said the Agriculture and Community Expo Center Development and Oversight Committee met on January 9, 2003 and it was the consensus of the committee that a building with restrooms, an office and a conference room was needed most. Commissioner Mason said that the County Engineer was drawing up proposed floor plans and added this should go out for bid in February or March.

D. Financial Management Committee Commissioner Vincent.

In response to a request from Commissioner Vincent, Mr. Luallen explained that the Financial Management Committee made the decision to raise the limit from \$50.00 to \$200.00 before requiring

Commissioner Vincent added that the Financial Management Committee reviewed the formal bids of the Board of Education as well as the fuel purchases.

Mr. Luallen also said that the State of Tennessee Local Government Insurance Plan, which we participate in, does not require an employee to take the insurance as we have in the past. The Financial Management Committee has decided to offer a \$1,000.00 incentive to not participate in the plan because of the high premium costs. Commissioner Vincent said that this would be effective July 1, 2002.

E. Comments by the County Attorney.

Mr. Baker said that the Landfill ease has been continued and he does not have a new date yet, but added that Judge Watson's case is scheduled for February 12, 2003, at 9:30 am in the Court of Appeals in Knoxville. He invited interested Commissioners to attend.

F. Approval of McMinn County Road Map and List.

The Highway Commissioner presented and requested approval of the updated McMinn County Road Map and List. Mr. Moss explained that this is an annual requirement of the State. The road list will be signed by the Chairman of the County Commission and filed in the Office of the County Clerk

MOTION made by Commissioner King, and seconded by Commissioner Mason, to approve the updated County Road Map.

Motion carried by voice vote.

17. COMMENTS FROM COUNTY EXECUTIVE

A. Expression of Condolences.

On behalf of McMinn County, Mr. Gentry expressed his condolences to Janie Queen, an employee of the County Clerk, at the loss of her husband, Tracey, in the tragic accident.

B. County Planning Session with Southeast Tennessee Development District. February 21-22, 2003.

Mr. Gentry reminded the Commissioners to mark their calendars for February 21-22, 2003 for the annual County Planning Session to be held at the Offices of the Southeast Tennessee Development District.

C. McMinn County Small Pox Meeting.

Mr. Gentry said that there would be another small pox meeting at the McMinn County High School, at 2:00pm, on January 24, 2003. Because the population of McMinn County is approximately 50,000, we will be allowed to have a clinic of our own. All Commissioners are invited to attend.

D. Luncheon at the McMinn County Living Heritage Museum.

Mr. Gentry reminded Commissioners that they are invited to attend a luncheon at the McMinn County Living Heritage Museum tomorrow.

E. Comments Regarding Use of the Agricultural Exposition Building

Mr. Gentry, referring to the earlier comments about the Agricultural Extension building, said that it was decided that the only parties that would be allowed to use this building at no charge will be those affiliated with FFA and 4H.

F. Appointment of Comm. Dale Holbrook as Member of the Board of Directors of the Hiwassee Railroad Authority.

Referring to Resolution No. 03-002, approved earlier this evening, to establish and participate in a railroad authority for the continuation of rail service within Polk County and McMinn County, Mr. Gentry requested approval to select Commissioner Dale Holbrook as a member of the Board of Directors of the Hiwassee Railroad Authority for a period of two years.

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

Motion carried by voice vote.

18. 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 January 2003

Randy Moss
Larry D. Cantrell
Gary Womac
Vance L. Baker, Jr.
Jane White

MOTION made by Commissioner King, and seconded by Commissioner Holbrook, to approve these notary applications and bonds as listed.

Motion carried by voice vote.

19. ANY OTHER BUSINESS THAT MAY LEGALLY COME BEFORE THE COMMISSION None.

20. ADJOURNMENT

There being no other business, Chairman McPhail declared the meeting adjourned at 9:00 pm.

McMinn County Clerk

ATTEST:
Deputy Clerk

Date