

The McMinn County Board of Commissioners met in Regular Session on Monday, April 19, 2004, at 7:30 pm, in the Blue Room of the McMinn County Courthouse.

1. CALL TO ORDER

The Invocation was called to order by Chairman David Crews.

2. INVOCATION

The Invocation was given by Commissioner Owen Vincent

3. PLEDGE TO THE FLAG

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

4. ROLL CALL

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

5. APPROVAL OF MINUTES

Copies of the Minutes of the Regular Session on March 15, 2004 were provided to the Commissioners.

MOTION made by Commissioner McPhail, and seconded by Commissioner Curtis, to approve the Minutes of March 15, 2004.

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

A. A Resolution to Approve and Award the Semi-Annual Pharmacy Bid.

Mr. Luallen presented the following resolution to approve and award the semi-annual pharmacy bid for the Sheriff's Department. Mr. Luallen said that this is actually an extension for six months and the Commissioners were provided letters from I.H.S. Pharmacy and the Sheriff's Department agreeing to renew the existing bid with no increase in price.

RESOLUTION NO. 04-042

A RESOLUTION TO APPROVE AND AWARD THE SEMI-ANNUAL PHARMACY BID

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

(Cont'd)

WHEREAS, the semi-annual pharmacy bid provides an option to be extended for an additional six (6) month period; and

WHEREAS, the Sheriff Department has requested to extend the contract for semi-annual requirements for medical supplies, non prescription items and prescription drugs to the current vendor, I.H.S. Pharmacy for the period of June 1,2004 through November 30,2004; and

WHEREAS, IHS Pharmacy has agreed to extend the current bid for the additional period with no increase in price; and

WHEREAS, Steve Frisbie McMinn County Sheriff, has recommended the bid be extended six (6) months to I.H.S. Pharmacy at the same bid of December 1,2003 through May31, 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19TH DAY OF APRIL, 2004, that this Commission does hereby approve the recommendation of the sheriff.

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

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

In response to a question from Chairman Crews, Mr. Luallen said that this always a semi-annual bid with the provision to extend for another six month period. In response to a question from Commissioner Jack Powers, Mr. Luallen said that the bid may be extended for only one six-month period.

Motion carried by voice vote.

B. A Resolution to Approve and Award the Annual Road Striping Bid.

Mr. Luallen presented the following resolution to approve and award the annual road striping bid along with the bid summary sheet and a letter of recommendation from the Highway Commissioner recommending two low bidders based on availability of the service.

RESOLUTION NO. 04-043

A RESOLUTION TO APPROVE AND AWARD THE ANNUAL ROAD STRIPING BID

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

(Cont'd)

WHEREAS, Randall Moss, the McMinn County Highway Commissioner, requests to bid road striping for the period of May 1,2004 through April 30,2005, in order to properly carry out the functions of this department and

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

WHEREAS, Randall Moss Commissioner of Highways has recommended the bid be awarded to low bidders, American Striping and Volunteer Highway Supply Co. Inc. based on the availability of service.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19TH DAY OF APRIL 2004, that this Commission does hereby approve the recommendation of the McMinn County Highway Commissioner.

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

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.

C. A Resolution to Approve and Award the Semi-Annual Liquid Asphalt Bid

Mr. Luallen presented the following resolution to approve and award the semi-annual liquid asphalt bid along with the bid summary sheet and a letter of recommendation from the Highway Commissioner recommending the low bidder:

RESOLUTION NO. 04-044

A RESOLUTION TO APPROVE AND AWARD THE SEMI-ANNUAL
LIQUID ASPHALT BID

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

WHEREAS, the Highway Department has requested the purchase of liquid asphalt from the low bidder Vulcan Construction Materials in order to properly carry out the functions of the department; and

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

WHEREAS, Randall Moss, McMinn County Highway Commissioner has recommended the bid be awarded to the low bidder for the period of May 1,2004 through October 31, 2004.

(Cont'd)

NOW, THEREFORE, BE if RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19TH DAY OF APRIL 2004, that this Commission does hereby approve the recommendation of the Highway Commissioner.

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

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.

D. A Resolution to Approve and Award the Annual Bid of Hot Mix

Mr. Luallen presented the following resolution to approve and award the annual bid of hot mix along with the bid summary sheet and a letter of recommendation from the Highway Commissioner recommending three different companies based on the haul bill and the severance tax for out-of-county bidders.

RESOLUTION NO. 04-045

A RESOLUTION TO APPROVE AND AWARD THE ANNUAL BID OF HOT MIX

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 Highway Department requested to purchase hot mix for the period of May 1, 2004 through April 30,2005, in order to properly carry out the functions of the department; and

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

WHEREAS, Randall Moss, McMinn County Highway Commissioner has recommended the bid be awarded to the low bidders meeting specifications, 3. S. Haren Company, Renfro Construction Co. Inc. and Rogers Group, Inc. per location of plant and job site.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19TH DAY OF APRIL 2004, that this Commission does hereby approve the recommendation of the Highway Commissioner.

(Orig signed by John M. Gentry)

McMinn County Mayor

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 a voice vote

E. A Resolution to Approve and Award the ADA Compliant Sidewalks and Ramps Bid at William G. Cooke Park.

Mr. Luallen presented the following resolution to approve and award the ADA Compliant Sidewalks and Ramps Bid at William G. Cooke Park, along with the bid summary sheet as well as the letter of recommendation from Mr. Stan Moses, Parks and Recreation Supervisor, recommending the low and only bidder.

RESOLUTION NO. 04-046

A RESOLUTION TO APPROVE AND AWARD THE ADA COMPLIANT SIDEWALKS AND RAMPS BID AT WILLIAM G. COOKE PARK

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

WHEREAS, the McMinn County Parks and Recreation Supervisor has requested to build ADA compliant sidewalks and ramps in the amount of \$11,900.00, in order to properly carry out the functions of the department; and

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

WHEREAS, Stan Moses, the McMinn County Parks and Recreation Supervisor, has recommended the bid be awarded to 3. S. Harm Company the only bidder.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19th DAY OF APRIL 2004, that this Commission does hereby approve the recommendation of the Parks and Recreation Supervisor.

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

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

In response to Commissioner Jack Powers, Mr. GenUy explained that this is part of the LPRF Grant and there was further discussion as to~y there was just one bid, bonding requirements of the County and the financial condition of the bidder. Mr. Luallen added that fifteen letters went out inviting bids, but Mr. Stan Moses was pleased with the bid price.

Motion carried by voice vote.

7. REVIEW AND APPROVAL OF CONTRACTS

A. A Resolution to Approve the Amendment to the Contract Between McMinn County and State of Tennessee Department of Health

Mr. Luallen presented the following resolution to approve the second amendment to the contract between McMinn County and State of Tennessee Department of Health to increase the amount of money the State's giving to fund payment of employees and travel for the Health Department.

RESOLUTION NO. 04-047

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

WHEREAS, it is the conviction of McMinn County, that every individual in the County has good health care readily available; and

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 Department of Health to protect and improve the physical health of the county citizens through the prevention of conditions that may threaten good health; and

WHEREAS, the total appropriation for which the county shall receive is increased from \$215,900 to \$229,200; and

WHEREAS, it is the purpose of the local health department to protect and improve the physical health of the county citizens through the prevention of conditions that may threaten good health; and

WHEREAS, McMinn County Health Department does provide those services and both parties do hereby agree to these provisions in the contract for FY 2003-04.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19TH DAY OP APRIL, 2004, that this Commission does hereby approve this contract.

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

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

Motion carried by voice vote.

B. A Resolution to Approve a Change Order for Best Development and Construction Regarding the Aa-Expo Addition Project.

Mr. Luallen presented the following resolution to approve a change order for Best Development and Construction regarding the Ag.Expo Addition Project which results in an increase of \$8,637.00:

Resolution No. 04-048

A RESOLUTION TO APPROVE A CHANGE ORDER FOR BEST DEVELOPMENT AND CONSTRUCTION REGARDING THE AG-EXPO ADDITION PROJECT

WHEREAS, McMinn County entered into a contract with Best Development and Construction in 2003 to construct the McMinn Ag-Expo Center Addition; and

WHEREAS, a change in the following have resulted in a net increase of \$8637.00:

1. a total of \$400 for materials and labor for the forming and pouring of access pockets to the structural frame base plates
 2. a total of \$5172 for wall panels and purlins to enclose area above the height of existing skirt on the rear elevation, including materials and installation
 3. a total of \$1 800 for insulation materials and installation
 4. a total of \$1265 for work associated with the correction of soft soils found at the sight
- and;

WHEREAS, upon approval by the McMinn County Board of Commissioners, the change order issued to Best Development and Construction will increase the contract amount from \$173,250 to \$181,887, which is a total increase in cost of \$8637.00.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING REGULAR SESSION ON THIS 17TH DAY OF APRIL 2004, THAT THE COMMISSION DOES APPROVE THE CHANGE ORDER AND INCREASE OF CONTRACT AMOUNT WITH BEST DEVELOPMENT AND CONSTRUCTION RESULTING IN A TOTAL INCREASE OF \$8637.00.

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

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

Motion carried by voice vote.

C. A Resolution to Approve a Change Order for RBC Construction Regarding the Cooke Park Restroom Project

Mr. Luallen presented the following resolution to approve a change order for RBC Construction regarding the Cooke Park Restroom project:

Resolution No. 24.TQ4.2

A RESOLUTION TO APPROVE A CHANGE ORDER FOR RBC CONSTRUCTION REGARDING THE
COOKE PARK RESTROOM PROJECT

WHEREAS, McMinn County entered into a contract with RBC Construction in 2004 to build the exterior and plumbing rough-In for restrooms at Cooke Park at the McMinn County Landfill; and

WHEREAS, a change in the following have resulted in a net decrease of \$1500.00:

5. a total of \$1300 for alternate roof deck materials
 6. a total of \$200 for alternate ceiling materials
- and;

WHEREAS, upon approval by the McMinn County Board of Commissioners, the change order issued to RBC Construction will decrease the contract amount from \$49,829 to \$48,329, which is a total decrease in cost of \$1500.00.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 17TH DAY OF APRIL 2004, THAT THE COMMISSION DOES APPROVE THE CHANGE ORDER AND DECREASE OF CONTRACT AMOUNT WITH RBC CONSTRUCTION RESULTING IN A TOTAL DECREASE OF \$1500.00.

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

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

Motion carried by voice vote.

8. APPROVAL OF BUDGET AMENDMENTS

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

Fund: General Fund# 101

Date: April 15,2004

DIPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
State of Tenn.	Health Department Progams	46310	13,300.00	
Local Health Center	Temporary Personnel	55110-168		13,300.00

EXPLANATION: To budget additional revenue and expenditures related to the Health Department DGA Grant with State of Tennessee for FY 2003-04.

Fund: General Fund# 101

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Other Local Revenues	Other Local Revenue	44990	500.00	
Local Health Center	Other Charges	55110-599		500.00

EXPLANATION: To budget funds donated to the McMinn County Health Department by Athens Kiwanis Club,

MOTION made by Commissioner Mason, and seconded by Commissioner McPhail, to approve these budget amendments.

Commissioner Mason and others expressed their appreciation for this generous donation.

Motion carried by roll call vote, as recorded:

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

Fund: Federal Projects # 142, Title II, Part D, 04-01 # 480

Date: March 19,2004

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Revenue	Eisen. Prog. Dev. St. Grants	47189	6,952.00	
Reg. Instruc.	Clerical Personnel	72210-162		140.00
Program Spt	Staff Development Equipment	722 10-524		6,950.00

EXPLANATION: To amend the Title II, Part D, 04.01 budget to the actual amount approved by the state on January 12, 2004. School Board Approval: 4/6/04.

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

Motion carried by roll call vote, as recorded:

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

9. WOODS MEMORIAL HOSPITAL FINANCIAL REPORT - MR. SOUTHERLAND

Mr. David Southerland, Administrator, Woods Memorial Hospital District, introduced Mr. Earl Erickson, new Director, Emergency Medical Service (EMS), and said that he has a good background and experience and is doing a good job of identifying issues and is beginning to make some changes. Mr. Southerland said they are in the process of evaluating compensation district-wide but especially as it relates to staffing and EMS services for paramedics and EMTs. Mr. Southerland also presented two checks to the Finance Director from the EMS service.

Mr. Southerland updated the Commissioners on the monthly financial report as of February 29,2004 and provided to each Commissioner a written summary. He touched on the highlights of the report and said that their surgical volume is slowly recovering from the impact of the Athens Surgery Center opening. He also said that the laboratory volume continues to be strong but added that out patient volume was down for the month.

Mr. Southerland also reviewed the highlights of the Revenue and Expense Statements of the Hospital District, the Hospital, and the Nursing Home, and added that they have not received critical access (TennCare) money from the State yet, but they are hoping to receive this essential money by the end of the year. In response to a question from Mr. Gentry, Mr. Southerland said that it is his understanding that the Governor has discretion concerning when these funds are allocated and Mr. Southerland said that there is also some federal money involved.

Relating to the considerable increase in "Purchased/Professional," as questioned by Chairman Crews, Mr. Southerland said that this was because they had to hire anesthesia services and he explained the details of this situation.

Mr. Southerland concluded by citing profits generated by the health services building (leased property to physicians), home health services, and their regional dialysis center.

Chairman Crews thanked Mr. Southerland for his report.

10. COMMENTS FROM THE AUDIENCE

None.

11. COMMENTS FROM THE AUDIENCE

A. A Resolution Honoring and Commending the 2003-04 Central High School of McMinn County Charger Basketball Team as the TSSAA Class AA State Runner-up.

Mr. Gentry presented the following resolution honoring and commending the 2003-04 Central High School of McMinn County Chargers Basketball Team as the TSSAA Class AA State Runner-up:

Resolution No. 04-050

A RESOLUTION HONORING AND COMMENDING THE 200304 CENTRAL
HIGH SCHOOL OF McMINN COUNTY CHARGERS BASKETBALL TEAM AS
THE TSSAA CLASS AA STATE RUNNER-UP

WHEREAS, the Chargers of Central High School of McMinn County have appeared in the TSSAA Class AA State Basketball Tournament; and

WHEREAS, the Chargers are the 2003-04 District 5 AA and Region 3 AA Champions, TSSAA Sub-state Champions, and ended season with an exceptional record of 22 wins and 14 losses; and

WHEREAS, the Chargers' season was built upon sound coaching by Head Coach Doug Armstrong, and Assistant Coaches Josh Martin and Mark Mobley, as well as the assistance of managers Trey Ivins and Ryan Triplett; and

WHEREAS, the Chargers' success was based on a tenacious defense, and outstanding individual and team play by teammates Ryan Armstrong, Rob Bledsoe, Daniel Nicolo, Dustin Heam, Mikey Price, Beau Brown, Julian Boyd, Cody Browder, Blake Derrick, Andrew Underwood, Avery Gallaher, and Wes Adams; and

WHEREAS, the Central High School of McMinn County Chargers, coaches, cheerleaders, band members, students and fans represented their school and county with dignity and pride in both victory and defeat.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION, THIS THE 19~" DAY OF APRIL, 2004, that this Commission does hereby congratulate and commend the TSSAA Sub-state Champions, the Chargers of Central High School of McMinn County, on a terrific season and wishes them continued success both on and off the court.

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

Attest

(Orig signed by Evonne Jones)
County Clerk

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

Motion carried by voice vote.

B. A Resolution to Honor Bill Akins for His Service as McMinn County Historian

Mr. Gentry presented the following resolution to honor Mr. Bill Akins for his 20 years of outstanding service as McMinn County Historian:

Resolution No. ~.4:P.il

A RESOLUTION TO HONOR BILL AKINS
FOR HIS SERVICE AS MCMINN COUNTY HISTORIAN

WHEREAS, Bill Akins has served as McMinn County Historian for 20 years, from 1984 to 2004; and

WHEREAS, Bill Akins is a noted citizen of McMinn County, and as County Historian has worked

diligently to promote McMinn County's history through education and preservation; and

WHEREAS, as a member of the McMinn County Historical Society, Bill Aldus has worked diligently in the guidance and direction of this organization to conserve and archive documents, both public and private; and

WHEREAS, as a writer and storyteller, Bill Akins has enlivened and educated audiences with stories and anecdotes from McMinn County's past, so that future generations may know the history of their communities; and

WHEREAS, it is resolved that Bill Aldus is praised for his faithful service to the citizens of McMinn County, his wisdom, dedication, and compassion throughout his career as a public servant, and as McMinn County Historian, will be sorely missed.

NOW~ THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 19th DAY OF April 2004, THAT THIS COMMISSION DOES HONOR AND COMMEND BILL AKINS FOR HIS SERVICE AS HISTORIAN OF MCMINN COUNTY.

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

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

Motion carried by voice vote.

C. A Resolution to Confirm the Appointment of Joe Guy as McMinn County Historian.

Mr. Gentry said that as a result of Mr. Akins' resignation, Mr. Aldus recommended that Mr. Joe Guy be named to succeed him. Mr. Gentry presented the following resolution to confirm the appointment:

Resolution No. 04-052

A RESOLUTION TO CONFIRM THE APPOINTMENT OF JOE GUY AS MCMINN COUNTY HISTORIAN

WHEREAS, McMinn County has a County Historian entrusted with the preservation of McMinn County history; and

WHEREAS, the McMinn County Historian is charged with the education of the citizens of McMinn County regarding the history of McMinn County, as well as to provide advisement regarding the archiving of public and private documents in the county archives ; and

WHEREAS, state law grants authority to the County Mayor to appoint a historian for his respective county; and

WHEREAS, John M. Gentry as McMinn County Mayor, upon the recommendation of retiring County Historian Bill Aldus, nominates J.gentry to serve as Historian of McMinn County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 19th DAY OF APRIL 2004, that this commission does hereby confirm this appointment.

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

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

Motion carried by voice vote.

D. A Resolution to Approve the Closing of County Road 466.

Mr. Gentry presented the following resolution to approve the closing of County Road 466 as recommended by the Highway Commissioner in his April 15,2004:

Resolution No.04-053

A RESOLUTION TO APPROVE

THE CLOSING OF COUNTY ROAD 466

WHEREAS, County Road 466 is a 1/10 mile road connecting County Road 470 and Hwy 39E in the Liberty Hill Community; and

(Cont'd)

WHEREAS, only three residences have had frontage on County Road 466, and within its short distance the road contains two dangerously sharp curves and connects with Hwy 39E at a sharp 45 degree angle; and

WHEREAS, due to these safety concerns, the property owners on County Road 466 have made a request in writing that County Road 466 be closed as a County Road, and as such the property owners will assume all repairs and maintenance associated with the present County Road 466; and

WHEREAS, the McMinn County Commissioner of Highways gives his recommendation that this request be honored and that County Road 466 be closed as a County Road and taken off of the McMinn County Highway Department's road maintenance listing.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN SESSION ON THIS 19th DAY OF April 2004, THAT THE MCMINN COUNTY COMMISSION APPROVES THE CLOSING OF COUNTY ROAD 466, the public welfare requiring it.

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

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

Motion carried with one abstention by Commissioner Masingale.

E. A Resolution Authorizing McMinn County to Participate in the Water Line Extension Project on State Route 305

Mr. Gentry presented the following resolution authorizing McMinn County to participate in the water line extension that would connect County Roads 218 and 220 (via State Route 305) with water. Mr. Gentry added that he did coordinate with the Development District and they said that this project meets the criteria of the county program.

RESOLUTION NO.04-054

A RESOLUTION AUTHORIZING McMINN COUNTY TO PARTICIPATE IN TILE WATER LINE EXTENSION PROJECT ON STATE ROUTE 305

WHEREAS, McMinn County desires for all of its citizens to have access to safe and potable water and

WHEREAS, Athens Utilities board desires to participate in McMinn County's program for the installation of 6" water line on State Route 305; and

WHEREAS, the total cost of this project is \$28,557.60, the 20% portion to be funded by McMinn County being \$5,711.52; and

WHEREAS, the SE TN Development District, as administrator of the McMinn County Water Program, has reviewed the project and has recommended McMinn County participate in funding the project
(Cont'd)

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19th DAY OF APRIL 2004, that this board does authorize McMinn County to participate in the water line extension project at 20% of construction costs on State Route 305, and authorizes the County Mayor to execute all documents and duties necessary for the proper completion of said project, the public welfare requiring it

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

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

In response to a request from Commissioner Vincent, Mr. Gentry said this project is sponsored by private citizens and does not involve a grant.

Motion carried by voice vote.

12.

A. A Resolution to Confirm the Appointment of Joe Garren to the Board of Directors of Riceville

Mr. Gentry presented the following resolution to confirm the appointment of Joe Garren to the Board of Directors of Riceville Utilities District as recommended by the Riceville Utilities District. Mr. Gentry said that this appointment is a replacement for Mr. Roy Leamon who is coming off the board due to health reasons, Mr. Gentry concurs with the appointment and added that Mr. Garren's 30 years of experience with Athens Utilities Board should be a help in this position.

Resolution No. 04-055.

A RESOLUTION TO CONFIRM THE APPOINTMENT OF JOE GARREN TO THE BOARD OF DIRECTORS OF RICE VILLE UTILITIES DISTRICT

WHEREAS, Riceville Utilities District has Board of Directors that oversees the management and operation of the utilities district; and

WHEREAS, the county mayor is authorized to appoint McMinn County representation to the Board of Directors of the Riceville Utilities District, and

WHEREAS, John M. Gentry as McMinn County Mayor, nominates J~Q~ to serve as the McMinn County representative on the Board of Directors of the Riceville Utilities District, to fulfill the remainder of the term left vacant by retiring board member Roy Leamon.

j
(Cont~d)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 19Th DAY OF APRIL 2004, that this commission does hereby confirm this appointment

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

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

Motion carried by voice vote.

B. A Resolution to Confirm the Appointment of Wayne Scarbrough to the McMinn County 911 Board of Directors.

Mr. Gentry requested approval of the following resolution to confirm the appointment of Mr. Wayne Scarbrough to the McMimi County 911 Board of Directors to replace Mr. Bill Brakebill.

Resolution No. 04-056

A RESOLUTION TO CONFIRM THE APPOINTMENT OF WAYNE SCARBROUGH TO THE MCMINN COUNTY 911 BOARD OF DIRECTORS

WHEREAS, the McMinn County 911 has a Board of Directors to oversee the direction and management of its operations and service; and

WHEREAS, John M. Gentry as McMinn County Executive, nominates WAYNE SCARBROUGH to serve as a member of the McMinn County 911 Board of Directors for a four year term, which will expire December 2007.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 19th DAY OF APRIL 2004, that this commission does hereby confirm this appointment.

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

Attest:

(Ong signed by Evonne Jones)
County Clerk

MOTION made by Commissioner Mason, and seconded by Commissioner Kin& to approve this resolution,

Motion carried by voice vote.

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

A. Planning Commission - Commissioner McPhail.

Commissioner McPhail said the Planning Commission met on April 15, 2004 to hold a public hearing pertaining to building permits and flood insurance and Commissioner McPhail said we would hear more at a later date.

B. Jail and Juvenile Services Committee - Commissioner Jack Powers.

Commissioner Jack Powers said that the Jail and Juvenile Services Committee met on April 15, 2004 and he asked the County Mayor to comment on the following resolutions:

(1) A resolution to Confirm the Appointment of Judicial Commissioners for McMinn County.

Mr. Gentry presented the following resolution to confirm the appointment of Judicial Commissioners for McMinn County. Judge Watson feels the County is at risk for liability in the area of proper due process, especially on arrest warrants being properly signed off in a timely manner. Mr. Gentry explained the background of this resolution, including the finding, and added that the E-91 1 board unanimously agreed

Resolution No. 04-057

A RESOLUTION TO CONFIRM THE APPOINTMENT OF JUDICIAL COMMISSIONERS FOR MCMINN COUNTY

WHEREAS, Tennessee Code Annotated 40.5-201 authorizes the legislative body of counties to appoint judicial commissioners; and

WHEREAS, the duties of judicial commissioners are to issue arrest warrants upon a finding of probable cause, to set bonds and recognizances included in a "first appearance" before a magistrate, and to issue mittimus for persons to be held at the county jail; and

WHEREAS, the utilization of judicial commissioners is essential to provide due process to the citizens of McMinn County, as well as to strengthen criminal cases prepared by law enforcement officers; and

WHEREAS, to properly serve the judicial system in McMinn County, judicial commissioners should be accessible, centrally located, and readily available; and

WHEREAS, staff of the Circuit Court Clerk currently perform a portion of these duties during regularly scheduled work hours; and

WHEREAS, licensed communication dispatchers are available in the evenings and weekends and by virtue of their profession possess experience working with both the citizens and the law enforcement and court communities; and

WHEREAS, the McMinn County Board of Commissioners appoints the licensed emergency dispatch staff of the McMinn E-91 1 Center to work as judicial commissioners upon the unanimous recommendation of the McMinn County E-91 1 Board and the Jail and Juvenile Services Committee, subject to proper training by the general sessions judge and circuit court clerk.

(Cont'd)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 19th DAY OF APRIL 2004, that this commission does hereby confirm the appointment of licensed communication dispatchers as judicial commissioners and authorizes a yearly stipend of \$1,500.00 per year per judicial commissioner to be funded from the previously approved increased litigation taxes.

(Orig signed by John M. Gentry)

McMinn County Mayor

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

Motion carried by voice vote.

(2) A Resolution Authorizing the Utilization of the Courtroom at the McMinn county Justice Center.

Commissioner Powers presented the following resolution authorizing the utilization of the courtroom at the McMinn County Justice Center and added that although the court is not being moved to the Justice Center yet, the Committee recommends that the needed renovations be done to permit the move in the future.

Resolution No. 04-058

A RESOLUTION AUTHORIZING THE UTILIZATION OF THE COURTROOM AT THE McMINN COUNTY JUSTICE CENTER

WHEREAS, the McMinn County Justice Center was constructed with a multipurpose room to be utilized as a future courtroom for criminal proceedings; and

WHEREAS, utilizing the courtroom would ease the burden of transporting inmates to the McMinn County Courthouse, thus creating a safer environment at the courthouse and reducing the risk of flight and introduction of contraband to the justice center; and

WHEREAS, the McMinn County Jail and Juvenile Services Committee recommends the renovation of the multipurpose room to a courtroom with the accompanying offices to be suitable for clerking and other court related duties in preparation of this eventual move; and

WHEREAS, such renovations and design of a judge's bench, clerk workspaces, and public seating will be undertaken with the input of the General Sessions Judge, Sheriff and Circuit Court Clerk to ensure an efficient site to conduct court and

WHEREAS, the costs (approximately \$15,000.00) associated with the renovations may be taken from Capital Fund 189 with said fund being reimbursed from proceeds of the \$10.00 Jail Renovations Litigation Tax.

NOW, THEREFORE, THE MCMINN COUNTY BOARD OF COMMISSIONERS, MEETING IN REGULAR SESSION THIS 19th DAY OF APRIL 2004, DOES HEREBY APPROVE THE RENOVATIONS TO THE MCMINN COUNTY JUSTICE CENTER COURTROOM~ the public welfare demanding it.

(Orig signed by John M. Gentry)
County Mayor

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

Commissioner Vincent mentioned a proposal that the Court system become State employees and possibly combined districts, and this is something we may need to look at in the future.

In response to a question from Commissioner King, Mr. Gentry said that the courtroom is there, but they have not prepared the room for court or put the benches in.

Motion carried with one dissenting vote by Commissioner King.

C. Recreation Committee Commissioner Bob Powers.

Commissioner Bob Powers said that they did not have a quorum at their last meeting~ but they discussed the renewal of the lease for the Athens Youth Football League at the old McMinn High School football field. Commissioner Powers also said that they have a baseball organization interested in part of this field and added that hopefully they can work this out together and come back to the Committee at their next meeting.

D.

Commissioner Mason invited everyone to visit our Ag-Expo building with an estimated completion date of early June. Mr. Gentry said that there is a rodeo scheduled in May, and added that they are looking into ways to market the availability of this building.

E. Airport Committee - Commissioner Vincent

Commissioner Vincent said he and Mr. Gentry attended an airport conference in Ooltewah and he said that Mr. Robert Beene's Airport Safety Manual is being used as a model for the State. In connection with this, Mr. Gentry added that Tennessee has somehow become a leader in airport safety and people from across the country are calling for guidance.

Commissioner Vincent said that the Department of Transportation held a land acquisition hearing last week and it went well.

F. Comments by Chairman Crews Regarding Next Year's Budget

Chairman Crews said that he has asked Mr. Luallen prepare a memorandum to the Commission if there are any departments who appear to be going over budget.

14. COMMENTS FROM THE COUNTY MAYOR

A. Comments Regarding Private First Class Brian Carroll

Mr. Gentry, on behalf of McMinn County, expressed his appreciation to PFC Brian Carroll for his service in Iraq. Mr. Gentry said that today's *Daily Post Athenian* indicated that PFC Carroll was wounded and has been flown to Germany for treatment. Mr. Gentry said he wanted it to be a matter of record that PFC Carroll is being held up in prayer.

B. Comments concerning Board of Directors' of the Association of Tennessee Valley Governments.

Mr. Gentry said he is on the Board of Directors of the Association of Tennessee Valley Governments, a 7-state board, and he said that WA has raised their rates 7% and cut industry 82% break. A resolution is being prepared asking for that a similar break be granted for school buildings.

15. APPROVAL OF NOTARY APPLICATIONS AND BONDS

The following notary applications and bonds were submitted to the County Clerk's Office:
Notary Applications and Bonds for April 2004

Kimberly M. Bernard
Brenda Breccilove
Lisa M. Buekner
Tina A. Clark
Shetlan Dlamatanfield
Gail J. Guinn
Judy H. Hammonds
Larry W. Holland
Ima Jean Hughes
Ginger Jitles
Richard B. Lay
Shirley A. Moates
Linda C. Tharp
Donette Watkins

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

Motion carried by voice vote.

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

None.

17. ADJOURNMENT

There being no other business, Chairman Crews declared the meeting adjourned at 8:25 pm.

McMinn County Clerk

Attest: