

The McMinn County Board of Commissioners met in Regular Session on Monday, April 18, 2005, 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 David Crews.

2. INVOCATION

The Invocation was given by the County Mayor with a special update and prayer for Commissioner Jack King.

3. PLEDGE TO THE FLAG

The Pledge to the Flag was led by Commissioner Jack Powers.

4. ROLL CALL

Scott Curtis Present  
Dale Holbrook Present  
Jack King Absent  
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 21, 2005 were provided to the Commissioners.

MOTION made by Commissioner Mason, and seconded by Commissioner Bob Powers, to approve the Minutes of March 21, 2005.

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

A. A Resolution to Approve Compressor Purchase.

Mr. Luallen presented and explained the following resolution, as well as the invoice, to approve a compressor purchase:

RESOLUTION NO. 05-028

A RESOLUTION TO APPROVE COMPRESSOR PURCHASE

WHEREAS, McMinn County has been designated by the Regional Homeland Security Council to provide air support for this region: and

WHEREAS, The Local Homeland Security Council was approved to purchase a fill station; and WHEREAS, Englewood Fire Department took bids and ordered the fill station; and

WHEREAS, it was determined that McMinn County could purchase the compressor through the Homeland Security Grant; and

WHEREAS, Betty Hamby requests approval for the purchase of a compressor from Sub-Aquatics, Inc. totaling \$14,407; and

WHEREAS, in accordance with Financial Management Committee Policies and Procedures after the fact approval is required by County Commission.

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY TENNESSEE, MEETING IN REGULAR SESSION THIS 18TH DAY OF APRIL 2005, does approve the request of the  
EMA Director.

(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 Bob Powers, to approve this resolution.

The County Mayor added that this was approved through the Ambulance Committee earlier this month. In response to a question from Commissioner Mason, Mr. Gentry said they don't know at what level Homeland Security money will be sustained in the future, but added that we've heard it will be lowered to a level considered sufficient to maintain equipment purchased with Homeland Security funds.

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

Mr. Luallen presented the following resolution to approve payment for the annual hardware and software maintenance support for the Register of Deeds Office:

RESOLUTION NO. 05-029

A RESOLUTION TO APPROVE PAYMENT OF ANNUAL HARDWARE AND SOFTWARE MAINTENANCE  
SUPPORT

WHEREAS, McMinn County Register of Deeds request renewal of annual hardware and software maintenance support invoiced at \$ 15,376.69 for the period of July 1,2004 to June 30, 2005; and

WHEREAS, in accordance with Financial Management Committee Policies and Procedures, expenses over \$5,000  
require County Commission approval.

(Cont'd)

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 18~ DAY OF APRIL, 2005, that the payment for invoiced maintenance agreement to ProGResS, Inc. in the amount of \$ 15,376.69 be hereby approved.

(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 Vincent, to approve this resolution. Motion carried by voice vote.

C. A Resolution to Approve Payment of Invoice Without a Requisition for Computer Hardware and Installation in the McMinn County Clerk's Office.

Mr. Luallen presented the following resolution to approve payment of invoice without a requisition for computer hardware and installation in the McMinn County Clerk's Office.

RESOLUTION NO. 05-030

A RESOLUTION TO APPROVE PAYMENT OF INVOICE WITHOUT A REQUISITION

WHEREAS, the McMinn County Clerk's Office requests payment of purchase made without a requisition to BIS for a total of \$10,302.75 for computer hardware and installation; 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

WHEREAS, in accordance with Financial Management Committee Policies and Procedures, purchases over \$5,000 require Commission approval.

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 18TH DAY OF APRIL, 2005, that this Commission does hereby approve this payment.

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

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

In response to a question from Chairman Crews, Mr. Luallen explained that when the budget was approved, it was understood by the County Clerk that this was the approval and a requisition was overlooked.

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, as well as the bid summary sheet and a letter of recommendation from the Highway Commissioner.

RESOLUTION NO. 05-031

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, 2005 through April 30, 2006, 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, J. S. Haren Company, Renfro Construction Co. Inc. Rogers Group, Inc. and Harrison Construction Company upon availability of open plant as the need for Plant Mix arises.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 18TH DAY OF APRIL 2005, 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 Bob Powers, and seconded by Commissioner Vincent, to approve this resolution.

In response to a question from Commissioner Jack Powers, there was a discussion concerning the timing of this bid being too close to the expiration of the current bid. It was suggested that annual and semi-annual bids be opened a month earlier than in the past.

Motion carried by voice vote.

E. 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 as well as the bid summary sheet and the letter of recommendation from the Highway Commissioner:

RESOLUTION NO. 05-032

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

(Cont'd)

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, 2005 through October 31, 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 18TH DAY OF APRIL 2005, 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 Vincent, and seconded by Commissioner Masingale, to approve this resolution.

Motion carried by voice vote.

F. 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:

RESOLUTION NO. 05-033

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

WHEREAS, Randall Moss, the McMinn County Highway Commissioner, requests to bid road striping for the period of May 1, 2005 through April 30, 2006, 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 bidder, Volunteer Highway Supply Co. Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 18TH DAY OF APRIL 2005, 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 Mason, and seconded by Commissioner Bob Powers, to approve this resolution.

Motion carded by voice vote.

G. Resolution to Approve Sole Source Purchase for Automated Emergency Notification System.

Mr. Luallen presented the following resolution to approve sole source purchase for automated emergency notification system as recommended by the McMinn County Emergency Services Committee and the Emergency Management Director.

RESOLUTION NO. 05-034

RESOLUTION TO APPROVE SOLE SOURCE PURCHASE FOR AUTOMATED EMERGENCY  
NOTIFICATION SYSTEM

WHEREAS, McMinn County currently relies on law enforcement and rural fire personnel to notify citizens of emergency evacuation by going house to house, which requires a significant amount of time and manpower; and

WHEREAS, McMinn County is in need of a more efficient emergency notification system; and

WHEREAS, State of Tennessee Department of Military Homeland Security has approved grant funding for a new Automated Emergency Notification System that contacts citizens by telephone with emergency information; and

WHEREAS, Betty Hamby McMinn County Emergency Management Director and McMinn County Emergency Services Committee recommend a Sole Source Purchase from Dialogic Communications Corporation and GeoConex in order to be compatible with existing E-911 Communication System; and

WHEREAS, the cost of said purchase is \$54,000 to Dialogic Communications and \$6,531 to GeoConex for a total of \$60,531; and

WHEREAS, Financial Management Policy & Procedures require commission approval for purchases over \$5,000.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE MEETING IN REGULAR SESSION THIS THE 18~ DAY OF APRIL, 2005, that this Commission does hereby approve the recommendation of Betty Hamby and Emergency Services Committee.

FURTHERMORE, authorizes the County Mayor to execute all documents necessary to complete this transaction.

(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 Curtis, to approve this resolution.

In response to a question from Commissioner Jack Powers, Mr. Gentry explained that this system uses the GIS system to notify residents by phone of emergencies, e.g. industrial accidents, chemical spills on the interstate or railways etc. In response to a question from Chairman Crews, Mr. Gentry said the details would need to be worked out but that cell phones could also be programmed into the system. There was also some discussion of where the manpower would come from.

Motion carried by voice vote.

H. A Resolution to Reject the Bid for Air Purifying Respirators.

Mr. Luallen presented the following resolution to reject the bid for air purifying respirators as well as the bid summary sheet and the letter of recommendation from Betty Hamby, EMA Director. Mr. Luallen explained that the total price exceeded the amount budgeted in the Homeland Security Grant.

RESOLUTION NO. 05-035

A RESOLUTION TO REJECT THE BID FOR AIR PURIFYING RESPIRATORS

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

WHEREAS, McMinn County Emergency Management Director has requested the purchase of Air Purifying Respirators, in order to properly carry out the functions of the County; and

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

WHEREAS, Betty Hamby, the McMinn County Emergency Management Director, upon reviewing said bid, has recommended to reject the bid and re-bid at a later date since the total price exceeded the amount budgeted in the Homeland Security Grant.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 18TH DAY OF APRIL, 2005, that this Commission does hereby approve the recommendation of Betty Hamby to reject bid and authorize the re-bid at a later date.

(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 Bob Powers, to approve this resolution.

Motion carried by voice vote.

7. REVIEW AND APPROVAL OF CONTRACTS None.

8. APPROVAL OF BUDGET AMENDMENTS None.

9. AUTISM SUPPORT GROUP OF MCMINN COUNTY MR ALF HACKER

Mr. Alf Hacker, spokesperson for the Autism Support Group of McMinn County, said that he and his wife formed this group in 2000 and he explained that April, across our nation, is recognized as Autism Awareness Month. Mr. Hacker said that Autism is a complex development disability that is reaching epidemic proportions. He reviewed statistics and information on both the disability and the support group and he presented to each Commissioner handouts concerning both. He urged Commissioners to take time this month to become educated about Autism, support legislation outlawing thimerosal in children's vaccinations, and promote early intervention.

In response to a question from Chairman Crews, Mr. Hacker said it has not been proven that thimerosal is responsible for Autism, but the Institute of Medicine encourages that thimerosal be avoided. In response to a question from the County Mayor, Mr. Hacker said that parents can request vaccines without thimerosal.

10. COMMENTS FROM THE AUDIENCE

None.

11. RESOLUTIONS

A. Resolution to Approve the Use of Credit/Debit Cards for Paving Fees to the County Clerk.

Mr. Gentry presented the following resolution to approve the use of credit/debit cards for paying fees to the County Clerk and the County Clerk explained that this was a much requested service.

In response to a question from Commissioners, Ms. Jones explained that the customer pays the service charge and they are told this beforehand.

Resolution No. 05-036

RESOLUTION TO APPROVE THE USE OF CREDIT/DEBIT CARDS

FOR PAYING FEES TO THE COUNTY CLERK

WHEREAS, Tennessee Code Annotated 8-21-107 allows County Clerks to accept payment by credit/debit card for fees or other charges; and

WHEREAS, the McMinn County Clerk has determined that collecting fees in this manner would be a beneficial convenience to the citizens of McMinn County; and

WHEREAS, the McMinn County Board of Commissioners does support the McMinn County Clerk in allowing the citizens of McMinn County the convenience of using credit/debit cards when making payments to the McMinn County Clerk.

(Cont'd)

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of McMinn County, Tennessee, meeting regular session on this 18th day of April 2005, that this Commission does hereby approve the use of credit cards for fees or other charges by the McMinn County Clerk.

BE IT FURTHER RESOLVED that the McMinn County Clerk is hereby authorized to enter into agreement with credit card companies to provide the aforementioned service for the benefit of McMinn County citizens.

(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 Mason, to approve this resolution.

Motion carded by voice vote.

B. A Resolution to Approve In-Kind Labor and Ancillary Costs Supplied by the McMinn County Landfill to Construct a Midway and Motor Sports Venue at the Athens Regional Park.

Mr. Gentry presented the following resolution to approve in-kind labor and ancillary costs supplied by the McMinn County Landfill to construct a midway and motor sports venue at the Athens Regional Park:

Resolution No. 05-037

A RESOLUTION TO APPROVE IN-KIND LABOR AND ANCILLARY COSTS SUPPLIED BY THE  
MCMINN COUNTY LANDFILL TO CONSTRUCT A MIDWAY AND MOTOR SPORTS VENUE AT THE  
ATHENS REGIONAL PARK

WHEREAS, the Mid-East Tennessee Regional Fair has expressed a concern for several years over the decreasing amount of space available at the Athens Regional Park for a Fair Midway and Motor Sports Venue; and

WHEREAS, the City of Athens has recently approved a site for such a Midway and Motor Sports Venue at the Athens Regional Park, conditional upon the associated engineering studies and other pre-construction requirements; and

WHEREAS, upon final approval by the City of Athens, McMinn County authorizes the Landfill Director to perform the site construction for the Midway and Motor Sports Venue, and to utilize Landfill employees and equipment to do so; and

WHEREAS, this in-kind labor and ancillary costs shall resolve the space problems experienced by the Fair Board; and

(Cont'd)

WHEREAS, any ancillary costs associated with this project may be reimbursed to the Landfill from Hotel-Motel/Tourism Funds.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 18<sup>TH</sup> DAY OF APRIL 2005, THAT THE COMMISSION DOES AUTHORIZE THE MCMINN COUNTY LANDFILL TO PROVIDE IN-KIND WORK AND FURTHER APPROVES ANY ASSOCIATED ANCILLARY COSTS REGARDING MCMINN COUNTY'S INVOLVEMENT IN THE SITE CONSTRUCTION FOR THE MID-EAST TENNESSEE REGIONAL FAIR SITE AT THE ATHENS REGIONAL PARK, the public welfare demanding it.

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

Attest:

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

In response to a question from Commissioner Jack Powers regarding action by the City of Athens, Mr. Gentry said the engineering reports would go back to the City of Athens for approval.

Motion carried by voice vote.

C. A Resolution to Approve an Amendment of Contract in Lieu of Performance Bond.

Mr. Gentry presented the following resolution to approve an amendment of contract in lieu of performance bond for proper operation and closure and/or post-closure of the Landfill. Mr. Gentry explained that this is an annual contract, adjusted each year for inflation.

Resolution No.05-038

A RESOLUTION TO APPROVE AN AMENDMENT OF CONTRACT  
IN LIEU OF PERFORMANCE BOND

WHEREAS, McMinn County and the State of Tennessee Department of Environment and Conservation (TDEC) entered into a Contract in lieu of a Performance Bond for proper operation and closure and/or post-closure of the McMinn County Landfill, registration numbers DML 54-0098, SNL 54-103-0003 EXT, and SNL 54-103-0003; and

WHEREAS, said contract included a provision allowing the Commissioner of Environment and Conservation to collect up to \$2,596,597 from any funds being disbursed or to be disbursed from the State to the McMinn County Landfill as financial assurance for said proper operation, closure, and post-closure, as reflected in the following chart:

Contract:	Previous Total	New Total
DML 540098	\$ 91,475	\$ 93,488
SNL 54-103-0003 EXT	\$1,904,828	\$1,946,734
SNL 54-103-0003	\$ 600,294	\$ 582,825

and

(Cont'd)

WHEREAS, the State and McMinn County desire to change the amount of said financial assurance from the previous total of \$2,596,597 to the new total of \$2,623,047; and

WHEREAS, paragraph 3 of the Agreements in Lieu of Performance Bond are amended to reflect the new figures.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 18TH DAY OF APRIL 2005, THAT THE COMMISSION DOES APPROVE THIS AMENDMENT OF CONTRACT IN LIEU OF PERFORMANCE BOND, 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 Mason, to approve this resolution.

Motion carded by voice vote.

D. A Resolution to Approve New Tonnage Rates at the McMinn County Landfill for Polk County Class 1 Waste.

As recommended by the Landfill Committee, Mr. Gentry presented the following resolution to approve new tonnage rates at the McMinn County Landfill for Polk County Class 1 Waste:

Resolution No. 05-03 9

A RESOLUTION TO APPROVE NEW TONNAGE RATES AT THE  
MCMINN COUNTY LANDFILL FOR POLK COUNTY CLASS 1 WASTE

WHEREAS, the McMinn County Board of Commissioners has the authority to set tonnage rates at the McMinn County Landfill; and

WHEREAS, an opportunity has arisen for the McMinn County Landfill to be a competitor for Polk County Class 1 waste through the Polk County Convenience Center Contract, which McMinn County Landfill handled prior to 2001; and

WHEREAS, the Director of Solid Waste has recommended and the McMinn County the tonnage rates for Polk County Class I Waste be lowered from \$34 to \$20 per ton; and

WHEREAS, the Director of Solid Waste advised that if the rate change should attract the Polk County Class 1 Waste projected at 7,000 tons per year, the available air space at the landfill would still far exceed the time limit on the permit of 2030; and

(Cont'd)

WHEREAS, rates for out-of-county waste may be handled on a contract by contract basis while the posted rate for out-of-county waste shall remain at \$34 per ton.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 18<sup>TH</sup> DAY OF APRIL 2005, THAT THE COMMISSION DOES APPROVE THIS CLASS 1 TONNAGE RATE CHANGE FOR POLK COUNTYCOUNTY WASTE AND FOR THE POSTED RATE OF \$34 REMAIN IN EFFECT FOR ALL OUT OF COUNTY WASTE SUBJECT TO CONTRACTUAL AGREEMENTS, BASED UPON THE RECOMMENDATION OF THE SOLID WASTE COMMITTEE, the public welfare demanding it.

(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 Bob Powers, to approve this resolution.

Motion carried by voice vote.

E. A Resolution to Declare Waste Tires at the McMinn County Landfill as Surplus Property.

Mr. Gentry presented and explained the following resolution to declare waste tires at the Landfill as surplus property and to give him authority to dispose of them according financial management policies, regulations and the law, based upon the recommendation of the Solid Waste Committee.

Resolution No. 05-040

A RESOLUTION TO DECLARE WASTE TIRES AT THE MCMINN COUNTY  
LANDFILL AS SURPLUS PROPERTY

WHEREAS, McMinn County has authority to declare items as surplus that are no longer deemed necessary or adequate to properly perform the duties of county government as prescribed by law; and

WHEREAS, McMinn County desires to declare 600 tons of waste tires at the McMinn County Landfill as surplus property; and

WHEREAS, further authorizes the County Mayor to dispose of said waste tires according to the proper financial management policies and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN SPECIAL SESSION THIS THE 18<sup>TH</sup> DAY OF APRIL 2005, that this Commission hereby declares the above property as surplus, and further authorizes the County Mayor to dispose of the surplus property according to law, based upon the recommendation of the Solid Waste Committee, 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 Mason, and seconded by Commissioner Holbrook, to approve this resolution declaring the tires surplus and giving the County Mayor authority to implement a plan to get rid of the surplus tires.

In response to a question from Commissioner Jack Powers, Mr. Gentry said that the tires are already shredded and added that the current contractor wants only whole tires.

Motion carried by voice vote.

F. A Resolution to Support the Designation of the Cherokee Overhill Territory as a National Heritage Area.

Mr. Gentry presented the following resolution and explained that this is for promotion of cultural heritage only and would not possess the powers of eminent domain or mandate specific or general land use policies.

Resolution No. 05-04 1

A RESOLUTION TO SUPPORT THE DESIGNATION OF THE CHEROKEE  
~QV~JUIILL TERRITORY AS A NATIONAL HERITAGE AREA

WHEREAS, the National Park Service has defined a National Heritage Area as “a place designated by the United States Congress where natural, cultural, historic, and recreational resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography;” and

WHEREAS, to date twenty-four National Heritage Areas (NHA) have been designated by Congress to commemorate, conserve, and promote such irreplaceable cultural landscapes; and

WHEREAS, National Heritage Areas are a strategy that encourages residents, government agencies, non-profit groups, and private partners to collaboratively plan and implement programs and projects that recognize, preserve, and celebrate many of America’s defining landscapes, without compromising traditional local control over and use of such landscapes; and

WHEREAS, National Heritage Areas designation includes limited technical assistance and financial assistance from the National Park Service, which primarily provides planning and interpretive assistance and expertise, but also connects the management entity of a NHA with other federal agencies; federal financial assistance provides valuable seed money that covers basic expenses, such as staffing, and leverages other money from state, local and private sources by means of a dollar-for-dollar match requirement; and

WHEREAS, Polk, McMinn, Monroe, and Meigs Counties (which collectively comprise an area known as the Cherokee Overhill Territory) definitely qualify as a distinctive landscape that is rich in cultural, natural, and historic sites and resources that reflect the state and nation’s Native American peoples and heritage, early frontier settlement by the British, and the Industrial Revolution in the Southern Mountains; and

WHEREAS, the Overhill region’s fascinating heritage is revealed by unique sites and resources, including Fort Loudoun (built in 1756 as one of the earliest British fortifications on the western frontier and played a significant role in helping Great Britain secure the trans-Appalachian region from France during the Seven Years War before surrendering to Cherokee attack in 1760; Fort Armistead (founded in 1832 to stop intrusion by gold prospectors on Cherokee land and finally serving as a camp for more than 3,000 Cherokee deportees on the Trail of Tears); the Unicoi Turnpike (a National Millennium Flagship Trail that was used as a artery of trade before written history, was later improved to become the first direct wagon road connection across the Southern Appalachians in 1813, and served as the first leg of the journey for deported Cherokees on the Trail of Teams in 1838); Sequoyah Birthplace Museum (the only tribally owned museum in Tennessee, and

(Cont’d)

the site of the birthplace of Sequoyah, creator of the Cherokee Syllabary), the Old Line Railroad (an historic railroad built in 1890 to serve the copper mines in Polk County, with historic structures on the line that include the Hiwassee Loop, the third longest rail loop in the world), Blythe Ferry (the site of a major encampment on the Trail of Tears, where over 9,000 Cherokee people camped before crossing the Tennessee River on the way to Oklahoma), the restored Burra Burra copper mine (a state owned historic industrial site and museum), the Niota Depot, the oldest railroad depot in Tennessee, the Ocoee Powerhouses and Flume line, and the awe inspiring natural resources that include the Tellico, Hiwassee, Ocoee, Conasauga, and Tennessee rivers, several TVA lakes, the spectacular Cherohala Skyway, the Ocoee Scenic Byway (providing fishing, whitewater rafting, kayaking, birding, nature photography, boating, hiking and more), and numerous historic downtowns; and

WHEREAS, the designation of the Cherokee Overhill Territory (Tennessee Overhill) as a National Heritage Areas would enable local governments and non-profits to access federal and other funding to maintain, develop, interpret, and promote the distinct qualities that integrate the area and make it special; and

WHEREAS, such National Heritage Area designation would also greatly enhance cultural and educational opportunities and promote tourism in the region; and

WHEREAS, because it is imperative that future generations understand and appreciate the complex and ever evolving interrelationships between people and land, it is imperative that the Cherokee Overhill (Tennessee Overhill) region be designated a National Heritage Area by Congress; now, therefore,

BE IT RESOLVED BY THE MCMINN COUNTY COMMISSION, that this Body hereby most fervently urges and encourages the Tennessee Congressional delegation to utilize their respective powers and influence to the fullest extent possible (including securing the passage of the necessary legislation) to obtain National Heritage Area designation for Polk, McMinn, Monroe and Meigs counties, in as much as the designation shall not possess the powers of eminent domain or mandate specific or general land use policies.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to each member of the Tennessee Congressional delegation and to the National Park Service.

(Orig signed by John M. Gentry)  
County Major

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

Motion carried by voice vote.

## 12. ELECTIONS. APPOINTMENTS AND CONFIRMATIONS

### A. A Resolution to Confirm the Appointment of Ed Fiegle to the Board of Directors of Woods Memorial Hospital.

Mr. Gentry presented the following resolution to reappoint Mr. Ed Fiegle to the Woods Memorial Hospital Board:

Resolution No. 05-042

A RESOLUTION TO CONFIRM THE APPOINTMENT OF ED FIEGLE TO THE BOARD OF DIRECTORS OF

WOODS MEMORIAL HOSPITAL

WHEREAS, McMinn County has the Woods Memorial Hospital District which provides a necessary healthcare resource to Southeast Tennessee; and

WHEREAS, state law grants authority to the County Mayor to appoint members to the Board of Directors of Woods Memorial Hospital upon confirmation by the county legislative body; and

WHEREAS, Ed Fiegle is a resident of Niota and a current member of the Woods hospital Board of Directors; and

WHEREAS, John M. Gentry as McMinn County Mayor, nominates Ed Fiegle to be re-appointed to serve as a board member of the Woods Memorial Hospital District for a six-year term which will expire March 31, 2011.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 18th DAY OF April 2005, 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 Bob Powers, and seconded by Commissioner Holbrook, to approve this resolution.

Motion carried by voice vote.

B. A Resolution to Confirm the Appointment of Don Higdon to the Board of Directors of Woods Memorial Hospital.

Mr. Gentry presented the following resolution to reappoint Mr. Don Higdon to the Woods Memorial Hospital Board:

Resolution No. 05-043

A RESOLUTION TO CONFIRM THE APPOINTMENT OF DON HIGDON TO THE BOARD OF DIRECTORS OF WOODS MEMORIAL HOSPITAL

WHEREAS, McMinn County has the Woods Memorial Hospital District which provides a necessary healthcare resource to Southeast Tennessee; and

(Cont'd)

WHEREAS, state law grants authority to the County Mayor to appoint members to the Board of Directors of Woods Memorial Hospital upon confirmation by the county legislative body; and

WHEREAS, Don Higdon is a resident of Englewood and a current member of the Woods Hospital Board of Directors; and

WHEREAS, John M. Gentry as McMinn County Mayor, nominates Don Hicidon to be re-appointed to serve as a board member of the Woods Memorial Hospital District for a six-year term which will expire March 31, 2011.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McM INN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 18th DAY OF April 2005, 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 Vincent, and seconded by Commissioner Masingale, to approve this resolution.

Motion carded by voice vote.

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

A. Emergency Services Committee. Commissioner Curtis. Co-Chairman.

(1) A Resolution to Approve the Application Regarding Funding and Placement of a Rural Fire Hydrant.

Commissioner Curtis presented the following resolution to approve the application for two fire hydrants pending new construction on County Road 316:

Resolution No. 03-044

A RESOLUTION TO APPROVE THE APPLICATION REGARDING  
FUNDING AND PLACEMENT OF A RURAL FIRE HYDRANT

WHEREAS, in order to properly perform the essential means of fighting fires in McMinn County, it is necessary to provide fire hydrants to rural areas; and

WHEREAS, it is the policy of McMinn County to aid in the funding of the placement of 2 rural fire hydrants per year in each fire district; and

WHEREAS, the following application has been recommended for approval by the Rural Fire Committee:

(Con't)

As a service to the citizens of McMinn County, the McMinn County Commission approves a grant for payment toward the installation of two fire hydrants per fire district per fiscal year. The grant amount is \$1500, based on available funds and approval of the Budget Committee.

I, LS Lee, as the Chief of Niota Fire District, wish to request the placement of 2 fire hydrant at the following location:

Pending-new Construction on County Road 316. Will be at intersections of 316/274 and 316/309  
(\*\*\*\* Aftach sketch of location to this form)

This form stands as a Hold Harmless agreement whereas McMinn County Rural Fire is not responsible for any fees relating to maintenance of said fire hydrant. The undersigned applicant understands that this hydrant, should its funding be approved by the McMinn County Commission, will be installed by the local utility provider, and may or may not be maintained by the utility. The person/group making this request accepts the responsibility of maintaining this hydrant, which could include, but not be limited to: painting, mowing, arranging hydrant testing, keeping maintenance records, etc.

Signature: Harrison Slack Address: Niota, TN Telephone: \_\_\_\_\_ Date of Request: Jan.  
2005

As Rural Fire District Chief, I approve this recommendation: L.S. Lee District: Niota

As Utility Provider, it is agreed that the installation of this hydrant must be completed and billed to McMinn County within the fiscal year following the year in which the application is approved. If the installation is not completed and billed to McMinn County within that time, this utility provider will assume all costs incurred for the installation of the approved hydrant, including costs involving installation, materials, etc.

Utility Provider Authorizing Signature: Eva Brakebill, Niota Utilities

This hydrant was approved by the McMinn County Commission on April 18, 2005. Approving

Signature: \_\_\_\_\_

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 18th DAY OF April 2005, that this Commission does hereby approve this Fire Hydrant Requests.

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

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

Motion carded by 'voIce vote.

(2) A Resolution to Approve the Application Regarding Funding and Placement of a Rural Fire Hydrant.

Commissioner Curtis presented the following resolution to approve the application for one fire hydrant at the intersection of County Road 813 and 609:

Resolution No. 05-045

A RESOLUTION TO APPROVE THE APPLICATION REGARDING  
FUNDING AND PLACEMENT OF A RURAL FIRE HYDRANT

WHEREAS, in order to properly perform the essential means of fighting fires in McMinn County, it is necessary to provide fire hydrants to rural areas; and

(Con't)

WHEREAS, it is the policy of McMinn County to aid in the funding of the placement of 2 rural fire hydrants per year in each fire district; and

WHEREAS, the following application has been recommended for approval by the Rural Fire Committee:

As a service to the citizens of McMinn County, the McMinn County Commission approves a grant for payment toward the installation of two fire hydrants per fire district per fiscal year. The grant amount is \$1500, based on available funds and approval of the Budget Committee.

I, David Moses as the Chief of Etowah Rural Fire District, wish to request th~ placement of 1 fire hydrant at the following location:

Intersection of County Road 813 and 609  
(\*\*\*\*Aftach sketch of location to this form)

This form stands as a Hold Harmless agreement whereas McMinn County Rural Fire is not responsible for any fees relating to maintenance of said fire hydrant. The undersigned applicant understands that this hydrant, should its funding be approved by the McMinn County Commission, will be installed by the local utility provider, and may or may not be maintained by the utility. The person/group making this request accepts the responsibility of maintaining this hydrant, which could include, but not be limited to: painting, mowing, arranging hydrant testing, keeping maintenance records, etc.

Signature: Martha Rayburn Address: Co Rd 795, Etowah, TN Telephone:263-31 31 Date of Request:..Apr. 2005

As Rural Fire District Chief, I approve this recommendation: David Moses District: Etowah Rural

As Utility Provider, it is agreed that the installation of this hydrant must be completed and billed to McMinn County within the fiscal year following the year in which the application is approved. If the installation is not completed and billed to McMinn County within that time, this utility provider will assume all costs incurred for the installation of the approved hydrant, including costs involving installation, materials, etc.

Utility Provider Authorizing Signature: John Goins, Etowah Utilities

This hydrant was approved by the McMinn County Commission on April 18, 2005. Approving Signature:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 18th DAY OF April 2005, that this Commission does hereby approve this Fire Hydrant Requests.

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

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

Motion carried by voice vote.

(3) Report on Ambulances and Fire Trucks.

Commissioner Curtis said that Mr. Earl Ericsson, EMS Director, reported that bids have been put out for cardiac monitors for the ambulances. The original requests only specified refurbished, but we also requested alternate bids for new ones because the State EMS Board may not allow refurbished units in the future.

Commissioner Curtis also said that Mr. Ericsson said that they had to retire one ambulance but the Committee recommends that they wait until they know if they are satisfied with the most recently purchased ambulances before buying another.

Commissioner Curtis said that the Rural Fire Chief Scott Thompson said that all the fire trucks passed their vacuum test, but added that it will be time to replace the trucks soon.

B. Proposal to Establish a School Zone at Central High School on Highway 411 .Commissioner Holbrook.

Commissioner Holbrook said that he met last week with Mr. David Pierce, School Superintendent, and representatives of the McMinn County Highway Department and the Tennessee Department of Transportation concerning establishing a school zone at Central High School on Highway 411. The request has gone to Nashville and Commissioner Holbrook will report the results when they are notified.

C. Monthly Financial Report for Woods Memorial Hospital as of February 28, 2005.

Commissioner Jack Powers referred to the Woods Memorial Hospital Monthly Financial Report as of February 28, 2005 and offered to answer any questions. Commissioner Powers said the surgery volume keeps going down even though the census went up in February.

D. Keep McMinn Beautiful .Commissioner Vincent.

Commissioner Vincent reminded everyone that this is Great American Cleanup Week and he encouraged Commissions to participate in the many activities taking place.

E. Comments Regarding Fire Prevention Week Scheduled in the Fall.

Commissioner Vincent suggested that the County Commissioners cook for our fire people for a special celebration during Fire Prevention Week.

14. COMMENTS FROM THE COUNTY MAYOR

A. Interstate Exchange Lighting.

Mr. Gentry referred to the contract between McMinn County and the Department of Transportation for the funding of interstate exchange lighting and added that they received word from the State that they hope to have those lights up by December 2005.

B. Environmental Protection Agency's (EPA) Potential Non-Attainment Air Quality List.

Mr. Gentry said we were successful in being designated as full attainment and people can't believe that we were designated as full attainment. Mr. Gentry said the numbers were in our favor and he thanked the EPA for taking these numbers into account, and Mr. Gentry said that area industry has expressed their appreciation for the County's efforts.

In response to a question from Commissioner Jack Powers, Mr. Gentry said this should come up again in 3-5 years and will probably be even more strict.

C. Growth Plan Law.

Mr. Gentry said that there was a 3-year moratorium on any changes to that growth plan and this moratorium has passed a year ago. Mr. Gentry said that the City of Niota wishes to revisit the growth plan and added that they have some annexation issues at their interchange; however, they have been notified that they must formerly adopt the recommended changes before this committee can be reconvened.

D. Relay for Life May 6-7, 2005.

Mr. Gentry said that a team has been formed to walk in the Relay for Life on May 6th and 7th at the Regional Park for the American Cancer Society. This is a really good event and Mr. Gentry encouraged participation by everyone.

E. Comments by Commissioner McPhail Concerning EPA Attainment Air Quality List and GASB

34. Commissioner McPhail said he feels a lot of the credit for the EPA attainment goes to Mr. Gentry and his staff. Mr. Gentry said it was self-preservation because he didn't want to lose industry.

Commissioner McPhail also said that out of the 95 counties in Tennessee, 42 counties have completed the requirements of GASB 34 (new audit requirements that added \$50 million of assets to our financial statements). McMinn County is one of the 42 counties and Commissioner McPhail praised the special efforts of the Finance Director, Mr. Jason Luallen, and his staff.

15. APPROVAL OF NOTARY APPLICATIONS

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

Notary Applications for April 2005

Debra G. Axley  
Sharon Brown  
Veronica J. Clark  
Mary Jo Edwards  
Anita F. Feezell  
Patrinka E. Fernandez  
Wes Foster  
Donna B. Gihliam  
Frances B. Jackson  
Lisa Maxwell  
Stephanie K. Myers  
Judy L. Shambhin  
Dana Snell  
Stephen J. Songer  
Evetta Tallent  
Debbie Wilson  
Tracey R. Womac

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

Motion carried by voice vote.

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

A. Comments by Mr. Smith. Resident in Mt Verd Community.

Mr. Smith complimented the Commission for their spirit of cooperation and harmony. Concerning Exit 52 (Mt. Verd Exit), Mr. Smith said it is a matter of first impressions. He said he thinks right now we are making a very bad impression when people come off on Exit 52. He said we need to act proactively and form some kind of beautification committee. He suggested that the Commission pass some kind of spot zoning resolution to insure that we have the kind of businesses that we would like there. Mr. Smith added that they are opposed to annexing the homes, but not the businesses. Discussion continued concerning attracting tourists and Commission McPhail reminded attendees that zoning has to start with the Planning Commission and he invited all interested parties to attend the Planning Commission on Thursday at 5:30 pm.

17. ADJOURNMENT

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

McMinn County Clerk

Attest:

*Jlo*  
Deputy Clerk

(date)