

The McMinn County Board of Commissioners met in Regular Session on Monday, July 15, 2002, at 7:30 pm, in the Blue Room of the McMinn County Courthouse.

1. CALL TO ORDER

The meeting was called to order by Acting Chairman King.

2. INVOCATION

The Invocation was given by Commissioner Brown.

3. PLEDGE TO THE FLAG

The Pledge to the Flag was led by Commissioner Vincent.

4. ROLL CALL

Roll Call was taken by Clerk Evonne Jones, as recorded:

Rick Brown - Present
Joe Gaston - Absent
Acting Chairman Jack King - Present
Bob Lamb - Present
Gary Mason - Absent
J.W. McPhail - Present
Jack Powers - Present
Wayne Shell - Present
Owen Vincent - Present
Chairman Bobby Carter - Absent

5. APPROVAL OF MINUTES

Copies of the Minutes of the Regular Session on June 17,2002 were provided to the Commissioners.

MOTION made by Commissioner McPhail, and seconded by Commissioner Shell, to approve the Minutes of June 17,2002.

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

A. Ground Communications Outlet at the McMinn County Airport.

Mr. Luallen said this bid was opened on June 27, 2002 with two vendors bidding. In a letter of recommendation from Mr. L. Robert Beene, the County Engineer, recommending the contract be awarded to the low bidder, Avtech Marketing, in the amount of \$5,499.00, subject to the receipt of an executed contract from the State of Tennessee Department of Transportation.

/

MOTION made by Commissioner McPhail, and seconded by Commissioner Shell, to approve the County Engineer's recommendation.

Motion carried by voice vote.

In response to a question from Commissioner Lamb concerning this being capital outlay, Mr. Banks said this is a grant from the state.

B. Police Pursuit Vehicles - Sheriffs Department.

Mr. Luallen said this bid for up to one heavy duty police special four-wheel drive utility vehicle and up to three heavy duty police special four-door sedans, was opened on June 25, 2002 with four actual bids. In a letter of recommendation from Sheriff Frisbie, he recommends that we accept the bid from Jackie Jones Ford as they have the lowest cost with all equipment included. Mr. Luallen also referred to a draft letter of intent to this vendor which locks the vendor into the prices quoted.

MOTION made by Commissioner Shell, and seconded by Commissioner Powers, to approve the low bidder and letter of intent to be sent to the vendor.

Motion carried by voice vote.

C. Requisitions Relating to Computer Support Exceeding \$5000.00 Which Require County Commission

Approval:

Mr. Luallen presented the following three requisitions which are over \$5,000.00 and require County Commission approval:

- (1) Finance Office: Annual Software Support (\$5,282.72) and Hardware Support (\$1,289.00) for FY 2002-2003
- (2) Sheriffs Department: Software Support and Updates for 7/1/02 through 6/30/03 (\$6,840.00)
- (3) County Clerk's Office: Hardware maintenance (\$3,561.00) and Software maintenance (\$6,055.00)

MOTION made by Commissioner Vincent, and seconded by Commissioner Powers, to approve these requisitions.

In response to a comment by Commissioner Lamb that normally hardware maintenance is not a good purchase, Clerk Evonne Jones explained that Business Information Systems is a third party vendor for the State of Tennessee and she said that it has been her experience that this amount is worth the services she receives. Mr. Banks added that he has had problems in the past when the hardware and software support is not by the same vendor.

Motion carried by voice vote.

D. Requisition for Election Commission Publication Costs.

Mr. Luallen presented a requisition and a letter from the Election Commission concerning costs for publication of sample ballots and precinct location notices totaling \$5,854.40.

MOTION made by Commissioner Powers, and seconded by Commissioner Vincent, to approve these purchases.

Motion carried by voice vote.

E. Emergency Fire Repeater Repair - McMinn County Fire Department.

Mr. Luallen presented a requisition from the Rural Fire Department for an emergency repair of a fire repeater that was knocked out by a storm. The total amount of the requisition is \$260.00 and in a memorandum from the Fire Coordinator, he explained that a new employee with Athens Communications did not realize that the Fire Coordinator needed to be notified so that a proper emergency requisition could be processed. Therefore, this requisition requires after-the-fact approval of the County Commission.

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

Motion carried by voice vote.

F. Invoice for Geographic Information System (GIS) Equipment.

Mr. Luallen presented an invoice from the State of Tennessee's Department of Finance and Administration for the Geographic Information System (015) Equipment. The total due the State is \$127,400.00.

MOTION made by Commissioner Lamb, and seconded by Commissioner Powers, to approve the payment of this invoice.

In response to a question from Commissioner Lamb, Mr. Luallen said this is an accounts payable for 2001-2002.

In response to a question from Commissioner Powers, Mr. Banks said this is our portion of a \$1 million system.

7. REVIEW AND APPROVAL OF CONTRACTS

A. Renewal Contract for Acquisition of Pa2in2 Services.

Mr. Luallen presented a renewal contract for acquisition for paging services with Business Cell Systems (BCS) and added that the County Executive has negotiated this renewal to keep the same terms as we had on our past contract. This renewal is for another period of five years.

MOTION made by Commissioner Shell, and seconded by Commissioner McPhail, to approve this renewal contract.

Motion carried by voice vote.

B. Request from District Attorney General that McMinn County Finance Office Administer Gun Violence Prosecutor Grant.

Mr. Luallen presented a letter from District Attorney General Jerry N. Estes requesting that the Finance Office administer their Gun Violence Prosecutor Grant. This involves the paying of their employees but is no cost or liability for the County.

MOTION made by Commissioner Lamb, and seconded by Commissioner Vincent, to approve this request.

Motion carried by voice vote.

C. Proposal for Engineering Services FY 2002-2003 Ground Water Monitoring - McMinn County Landfill.

Mr. Banks presented a proposal from Consolidated Technologies, Inc.-for the FY 2002-2003 ground water monitoring at the McMinn County Landfill as required by regulation. The proposal is for a total \$14,662.00.

MOTION made by Commissioner Shell, and seconded by Commissioner Powers, to approve this proposal.

Motion Carried by voice vote.

8. APPROVAL OF BUDGET AMENDMENTS

Mr. Luallen requested approval of seven budget amendments involving five different funds. Copies were provided to each Commissioner.

Fund: General Fund #101			Date: June 30,2002	
DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Employee Benefits	Employee & Dependent	58600-205	32,000.00	
	Ins.			
Other Charges	Liability Insurance	58400-506		15,500.00
Other Charges	Trustee's Commission	58400-5 10		15,500.00

EXPLANATION: To transfer expenditures necessary to avoid deficit in functional area. No affect on total

budget.

Fund: General Fund# 101			Date: June 30,2002	
DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Undesignated Fund	Undesignated Fund	39000	202,000.00	
Balance	Balance			
Jail	Maint & Repair - Building	542 10-335		6,000.00
Jail	Medical & Dental Services	54210-340		124,000.00
Jail	Food Supplies	54210-422		40,500.00
Jail	Utilities	54210-452		31,500.00

EXPLANATION: To adjust FY 2001-2002 Jail Budget for projected deficits in maintenance & repair -buildings, medical services, food supplies and utilities.

In response to a question from Commissioner Lamb concerning why some of these items are not budgeted more closely, there was a lengthy question and answer session with LT Coleman and Mr. Banks explained that the budget was an estimation; however, actual costs are dependent upon the number of prisoners held and there was a significant increase in prisoners this year.

MOTION made by Commissioner Shell, and seconded by Commissioner Vincent, to approve these budget amendments.

Motion carried by roll call vote, as recorded:

- Rick Brown - Aye
- Joe Gaston - Absent
- Acting Chairman Jack King - Aye
- Bob Lamb - Aye
- Gary Mason - Absent
- J. W. McPhail - Aye
- Jack Powers - Aye
- Wayne Shell - Aye
- Owen Vincent - Aye
- Chairman Bobby Carter - Absent

Fund: Road&Bridge Fund# 131			Date: June 30,2002	
<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Highway & Bridge Equipment Operators		63000-143	2,000.00	
Maint				
Administration	Secretary	61000-161		2,000.00

EXPLANATION: To transfer expenditures necessary to avoid deficit in functional area. No affect on total budget.

MOTION made by Commissioner Shell, and seconded by Commissioner Brown, to approve this budget amendment.

Motion carried by roll call vote, as recorded:

- Rick Brown - Aye
- Joe Gaston - Absent
- Acting Chairman Jack King - Aye

- Bob Lamb - Aye
- Gary Mason - Absent
- J. W. McPhail - Aye
- Jack Powers - Aye
- Wayne Shell - Aye
- Owen Vincent - Aye
- Chairman Bobby Carter - Absent

Fund: General Purpose School #141			Date: June 26,2002	
<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Regular Instruction Teachers		71100-116	207,000.00	
Program				
Alternative Instruc- Teachers		71150-116		40,000.00
Tion Program				
(Cont'd)	-	-		

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

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Special Education Medical Insurance Program		7 1200-207		10,000.00
Other Student Support	Contracts with Gov. Agencies	72 130-309		75,000.00
Voc. Ed. Program Support	Medical Insurance	72230-207		2,000.00
Board of Education Services	Legal Services	72310-331		80,000.00

EXPLANATION: To amend the budget to avoid deficits in functional categories at the close of the fiscal year. School Board Executive Committee Approval 6/27/02.

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

Motion carried by roll call vote, as recorded:

- Rick Brown - Aye
- Joe Gaston - Absent
- Acting Chairman Jack King - Aye
- Bob Lamb - Aye
- Gary Mason - Absent
- J. W. McPhail - Aye
- Jack Powers - Aye
- Wayne Shell - Aye
- Owen Vincent - Aye
- Chairman Bobby Carter - Absent

Fund: Federal Projects # 142-Drug-Free Schools-02.01 # 285

Date: June 17, 2002

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Regular Ed. Progtahi Spt	Other Salaries and Wages	722 10-189	5,082.10	
	Social Security	722 10-201	315.13	
	State Retirement	72210-189	227.85	
	Life Insurance	722 10-206	39.00	

(Cont'd)

Fund: Federal Projects # 142-Drug-Free Schools-02.01 # 285 (Cont'd)

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Regular Ed.	Unemployment Compensation	72210-210	3.70	
Program Spt	Medicare	72210-212	74.27	
	Other Fringe Benefits	72210-299	10.01	
	Maint. & Repair	72210-336	100.00	
	Svcs Equip.			
Regular Instruction Program - Materials	Instruc. Supplies & Materials	71100-429		5,852.06

EXPLANATION: To enter Budget Amendment No. 1 to the Drug Free Schools Project. This amendment was approved by the State on June 5, 2002. School Board Executive Committee approval 6/27/02.

Fund: Federal Projects # 142 IDEA-B 02.01 #291

Date: June 28, 2002

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Special Education Program	Instruc. Supplies & Materials	7 1200-429	10,765.00	
	Homebound Teachers	71200-12\$		10,000.00
	Social Security	71200-201		620.00
	Employer Medicare	71200-212		145.00

EXPLANATION: To enter Budget Amendment No. 2 for IDEA-B 02.01 that was approved by the State June 20,2002. School Board Approval 7/11/02.

MOTION made by Commissioner Powers, and seconded by Commissioner Brown, to approve these budget amendments.

Motion carried by roll call vote, as recorded:

- Rick Brown - Aye
- .Joe Gaston - Absent
- Acting Chairman Jack King - Aye
- Bob Lamb - Aye
- Gary Mason - Absent
- J.W. McPhail ~ Aye
- Jack Powers - Aye
- Wayne Shell - Aye
- Owen Vincent - Aye
- Chairman Bobby Carter - Absent

Fund: Other Capital Projects # 189

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
General Admin. Proj.	Data Proc. Equip.	91110-709		21,000.00
Undesig. Fund Bal	Undesig. Fund Bal	39000	21,000.00	

EXPLANATION: To budget funds necessary to purchase G.I.S. equipment.

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

Motion carried by roll call vote, as recorded:

Rick Brown - Aye
 Joe Gaston - Absent
 Acting Chairman Jack King - Aye
 Bob Lamb - Aye
 Gary Mason - Absent
 J. W. McPhail - Aye
 Jack Powers - Aye
 Wayne Shell - Aye
 Owen Vincent - Aye
 Chairman Bobby Carter - Absent

9. COMMENTS FROM THE AUDIENCE

A. Comments by Mr. Butch Terrell of the Rogers Creek Community.

Mr. Butch Terrell, a resident of the Rogers Creek Community, questioned the County Executive and the Commission concerning the way funds are budgeted and voiced his concern about the hiring of the former Finance Director as an assistant to the County Executive. Mr. Banks explained that Mr. Fiegle is his staff to aid the administration of the County's General Fund. Mr. Fiegle is the interim and part-time assistant and will serve until the new County Executive takes office in September.

B. Mt. Verd Road Subdivision Road - Mr. Joe Lenoir.

Mr. Joe Lenoir, who has requested the Commission on numerous occasions to take his subdivision road into the County Road System, said that they have done some work on the road and added that there are several small children on that road and for their safety, he again requested that the County take this road into the County Road System. Acting Chairman King again explained that Mr. Lenoir and others bought property in an illegal subdivision and that they will have to bring the road up to standard before the County Highway Commissioner will recommend that it be taken into the County Road System. Mr. Moss also explained that there is a plan in place to do this; however, Mr. Lenoir said that the residents cannot afford the costs to upgrade the road to County standards. Acting Chairman King thanked Mr. Lenoir for coming.

10. RESOLUTIONS

NONE

11. ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

None.

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

A. Budget Committee - Commissioner Powers.

- (1) Expenditure of Capital Outlay Funds for Road Resurfacin2.

Commissioner Powers said that the Budget Committee met just prior to this meeting. One of the topics was a contract for resurfacing County Road 422 and 110. At Commissioner Powers' request, Mr. Moss explained that he would like to get this obligated at the current prices because liquid asphalt prices as well as other prices have gone up. Mr. Moss said that the same thing applies to State Aid Projects on County Roads 439, 580, and 655, and requested approval to obligate Capital Outlay money for these projects.

In response to a question from Commissioner McPhail, the Highway Commissioner said that this does not affect the five-year plan.

MOTION made by Commissioner Powers, and seconded by Commissioner Vincent, to approve the Highway Commissioner's recommendation.

Motion carried by voice vote.

(2) Comments by Mr. Luallen Re2arding Budget Process.

Mr. Luallen said that he is trying to close out FY 200 1-2002 which will provide actual revenues and expenditures for use in the preparation of FY 2002-2003 budget and he hopes to have this accomplished by July 25,2002.

In response to a question from Acting Chairman King, Mr. Luallen said that the State's decision on how to increase revenues did not take anything away from McMinn County.

13. COMMENTS FROM THE COUNTY EXECUTIVE

A. Airport Emergencv and Security Plan.

Mr. Banks said that since the terrorist attacks of September 11,2001, the State is requiring that the airport owners adopt airport emergency and security plans as a prerequisite to applying for State grants. Mr. Banks has prepared an airport emergency and security plan for the McMinn County Airport based on the guidelines provided by the State, including procedures if there is an airline crash, bomb threats, and sabotage procedures etc. Mr. Banks added that this plan will probably be updated sometime after September.

MOTION made by Commissioner Shell, and seconded by Commissioner Powers, to accept the plan prepared by the County Executive.

Motion carried by voice vote.

B. Addendum to Lease Agreement Between McMinn County and The Swift Museum Foundation, Inc.

Mr. Banks presented the following Addendum to the Lease Agreement between The Swift Museum Foundation, Inc. which extends the term of the present lease from April 2004 until December 2009 to allow them time to raise money and construct their new facilities. This agreement also has a hold harmless clause regarding the two buildings they are presently in.

ADDENDUM TO LEASE AGREEMENT

THIS AGREEMENT, made and entered into this 29th day of July, 2002, by and between McMinn County, Tennessee, a political subdivision of the State of Tennessee, hereinafter referred to as Lessor, and THE SWIFT MUSEUM FOUNDATION, INC., a Tennessee Corporation, hereinafter referred to as Lessee.

WITNESSETH

WHEREAS, the parties to this agreement have herein before entered into three earlier lease agreements pertaining to properties at the McMinn County Airport the last of which is dated 19th day of July, 1996; and

WHEREAS, the parties desire to extend the term of said lease agreements and limit the liability of McMinn County concerning the terms of this lease; and

NOW WHEREAS, it is agreed between the parties that paragraph (2) of the aforementioned lease agreements shall be amended as follows:

2. The term of this lease shall end December 31, 2009, and the rental shall be the sum of One (\$1.00) Dollar per year;

Should any event occur that would require either or both of these buildings to be partially or totally razed, demolished or changed, there will be no liability to the County or State and The Swift Foundation shall have no recourse against the County or State under the terms of this agreement.

All other terms of this agreement shall remain the same as contained in previous agreements and addendums thereto.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum to Lease Agreement in duplicate this the day and date first above written.

MCMINN COUNTY, TENNESSEE

By: (Orig signed by Ronald L. Banks)
McMinn County Executive

ATTEST:
(Orig signed by Evonne Jones)
McMinn County Clerk
(Cont'd)

/

ADDENDUM TO LEASE AGREEMENT (Cont'd)

THE SWIFT MUSEUM FOUNDATION, INC.

By: _____

ATTEST:

Title:

MOTION made by Commissioner Lamb, and seconded by Commissioner Shell, to approve this addendum.

Motion carried by voice vote.

C. McMinn County Trustee Annual Report.

Mr. Banks referred to the annual McMinn County Trustee's Annual Report which was provided to the Commissioners for their information.

D. McMinn County Highway Department's Inventory of Machinery and Equipment.

Mr. Banks referred to the Highway Department's Equipment Inventory which was provided to the Commissioners for their information.

14. 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 July 2002

Janet Geer
Wanda S. Lingerfelt
Laura Armstrong
Janice R. Rosberry
Susan Poulakis
Ashlie Mason
Lisa C. Moore
Janice Marie Hysell
Peggy A. Dover
Olen L. McRae

I,

MOTION made by Commissioner Powers, and seconded by Commissioner Shell, to approve these Notary applications and bonds as listed.

Motion carried by voice vote.

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

A. Question by Mr. Bill Bennett Concerning the Meadow Branch Landfill.

At last month's County Commission meeting, Mr. Bennett addressed the Commission regarding his understanding of a possible expansion of the Mine Road Landfill. Mr. Bennett requested the Commission to draw up a resolution opposing any expansion of this landfill which the Commission approved. In response to a question tonight from Bennett as to why a resolution was not drawn up, the County Attorney said that this issue is involved in pending litigation and it would not be prudent to take any action at this time. This will be looked at later on. Mr. Bennett expressed his understanding of the situation.

B. Question of Commissioner McPhail.

In response to a question from Commissioner McPhail regarding a resident filling in a sink hole, the Highway Commissioner said that the problem has been solved.

16. ADJOURNMENT

There being no other business, Acting Chairman King declared the meeting adjourned at 8:45 pm.

McMinn County Clerk

ATTEST:

Deputy Clerk

Date