

The McMinn County Board of Commissioners met in Regular Session on Monday, August 16,2004, 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 Commissioner Jack Powers.

3. PLEDGE TO THE FLAG

The Pledge to the Flag was led by Commissioner Holbrook.

4. ROLL CALL

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

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 July 19,2004 were provided to the Commissioners.

MOTION made by Commissioner King, and seconded by Commissioner Mason, to approve the Minutes of July 19, 2004.

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

A. A Resolution to Approve the Annual Waste Tire Processing Bid.

Mr. Luallen presented the following resolution to approve the annual waste tire processing bid, along with a letter of recommendation from the Landfill Supervisor as well as the bid summary sheet:

RESOLUTION NO. 04-122

A RESOLUTION TO APPROVE THE ANNUAL WASTE TIRE PROCESSING 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, Stan Moses, McMinn County Landfill Supervisor has requested to bid the annual requirements of waste tire processing for the period of September 1,2004 through August 31, 2005; and

WHEREAS, Stan Moses, McMinn County Landfill Supervisor recommends the bid be awarded to (Greenman Technologies the lowest and best bidder at \$70.00 per ton.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMLNN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION Tills THE 16~ DAY OF AUGUST, 2004, that this Commission does hereby approve the recommendation of the landfill supervisor.

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

Attest:  
(Orig signed by Evonne Jones)  
County Clerk

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

Motion carried by voice vote.

B. A Resolution to Approve and Award the Annual Bid of In-Place Asphalt.

Mr. Luallen presented and explained the following resolution to approve and award the annual bid of in-place asphalt, along with a letter of recommendation from the Highway Commissioner as well as the bid summary sheet.

RESOLUTION NO. 04-123

A RESOLUTION TO APPROVE AND AWARD THE ANNUAL BID OF IN-PLACE ASPHALT

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

WHEREAS, the McMinn County Highway Department requested the purchase of In-Place Asphalt from the three bidders meeting specifications for the period of September 1,2004 through August 31,2005, 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 bidder meeting specifications considering haul charges and severance tax per ton.

(Cont'd)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16TH DAY OF AUGUST 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 Bob Powers, to approve this resolution.

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In response to a question from Commissioner Jack Powers, the Highway Commissioner said this is based on the calculated haul~bill plus \$.15 cent per ton severance tax for out of county bidders. Mr. Moss added that there is a possibility that any or all these vendors would be used, but it also possible that only one vendor would be used.

Motion carried by voice vote.

C. A Resolution to Approve and Award the Bid of Police Pursuit Vehicles.

Mr. Luallen presented the following resolution to approve and award the bid of police pursuit vehicles, along with a letter of recommendation of Sheriff Steve Frisbie as well as the bid summary sheet awarding to Jackie Jones Ford:

RESOLUTION NO. 04-124

A RESOLUTION TO APPROVE AND AWARD THE BID OF POLICE PURSUIT VEHICLES

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

WHEREAS, the Sheriffs Department requests the purchase of Four (4) Four Door Sedan vehicles, 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, Steve Frisbie, McMinn County Sheriff has recommended the bid be awarded to Jackie Jones Ford of Cleveland, Ga. the low bidder meeting specifications in the amount of \$23,500 for each unit for a total of \$94,000.

(Cont'd)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN SPECIAL CALLED SESSION THIS THE 16TH DAY OF AUGUST, 2004, that this Commission does hereby approve awarding the bid of Police Pursuit Vehicles to Jackie Jones Ford.

(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 the Bid for Two Ambulances for McMinn County Ambulance Service.

Mr. Luallen presented the following resolution to approve the bid for two ambulances for McMinn County Ambulance Service along with a recommendation from the EMS Director Earl Ericsson, as well as the bid summary sheet. Mr. Luallen added that this was approved by the Ambulance Committee earlier this evening.

RESOLUTION NO. 04-125

A RESOLUTION TO APPROVE THE BID FOR TWO AMBULANCES FOR MCMINN COUNTY  
AMBULANCE SERVICE

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

WHEREAS, Earl Ericsson, Director, McMinn County Ambulance Service, has requested to bid a new 2004 F-350 Type I ambulance; and

WHEREAS, Earl Ericsson, Director, McMinn County Ambulance Service, recommends the bid be awarded to the best bidder meeting specifications Peach State Ambulance for two ambulances at \$66,763.00 each.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16<sup>th</sup> DAY OF AUGUST, 2004, that this Commission does hereby approve the recommendation of the ambulance director.

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

Attest:

(Orig signed by Evonne Jones)

County Clerk

MOTION made by Commissioner Masingale to approve the Committee's recommendation contingent upon receipt of letter from Medic Ambulance stating they do not remount.

In response to a question from Commissioner Vincent, Chairman Crews said that the price is less than last year and Mr. Ericsson explained that the ambulance went from a 450 chassis to a 350 chassis and he explained some of the differences.

Motion carried by voice vote.

E. A Resolution to Approve Requests for Emergency Purchase of Patrol Vehicle for McMinn County Sheriffs Department.

Mr. Luallen presented the following resolution to approve request for emergency purchase of patrol vehicle for McMinn County Sheriffs Department. Mr. Luallen also referred to a letter from the Sheriff explaining the nature of the emergency, as well as a copy of the requisition for payment of \$10,500.00 to Chattanooga Wrecker.

RESOLUTION NO. 04-126

A RESOLUTION TO APPROVE REQUESTS FOR EMERGENCY PURCHASE OF PATROL VEHICLE  
FOR MCMINN COUNTY SHERIFF'S DEPARTMENT

WHEREAS, the immediate need for a road vehicle has arisen due to a total loss from an accident on July 1, 2004; and

WHEREAS, McMinn County Sheriff Steve Frisbie requests an emergency purchase of a patrol vehicle from Chattanooga Wrecker in an amount not to exceed \$10,500; and

WHEREAS, an insurance settlement check has been received in the amount of \$5,618.34 and equipment funds from 2002 Block Grant will be used to purchase said vehicle, and

WHEREAS, in accordance with Financial Management Committee Policies and Procedures this expense is over \$ 5,000 requiring County Commission approval.

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS of MCMINN COUNTY, TENNESSEE MEETING IN SPECIAL CALLED SESSION ON THIS THE 16TH DAY OF AUGUST, 2004 that this request be hereby approved.

(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 King, to approve this resolution.

In response to a question from Commissioner Jack Powers, the Sheriff said that this vehicle will be purchased from Chattanooga Wrecker and in response to a question from Chairman Crews, the Sheriff said that the 2002 Block Grant money will be exhausted with this.

Motion carried by voice vote.

F. A Resolution to Approve Payment of Invoice for Annual Hardware and Software Maintenance Support for County Clerk's Office.

Mr. Luallen presented the following resolution to approve payment of invoice for annual hardware and software maintenance support for the County Clerk's Office. This is an annual maintenance agreement that exceeds \$5,000.00 and requires County Commission approval.

RESOLUTION NO.04-127

A RESOLUTION TO APPROVE PAYMENT OF INVOICE FOR ANNUAL HARDWARE AND SOFTWARE MAINTENANCE SUPPORT FOR COUNTY CLERK OFFICE

WHEREAS, McMinn County Clerk, Evonne Jones requests payment of annual hardware and software maintenance invoiced from Business Information Systems at \$10,779.30; and

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

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE MEETING IN REGULAR SESSION THIS 16th DAY OF AUGUST 2004, the payment for invoiced maintenance to Business Information Systems of \$10,779.30 be hereby approved.

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

(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.

G. A Resolution to Approve Payment of Software and Hardware Computer Upgrade Trustee's Office.

Mr. Luallen presented the following resolution to approve payment of software and hardware computer upgrade for the Trustee's Office and added that Bridge Computer Systems, Inc. is the sole source software provider.

RESOLUTION NO. 04-128

A RESOLUTION TO APPROVE PAYMENT OF SOFTWARE AND HARDWARE COMPUTER  
UPGRADE TRUSTEE'S OFFICE

WHEREAS, McMinn County Trustee, Phillip Tuggle requests computer upgrade of software and hardware for his office; and

WHEREAS, Bridge Computer Systems, Inc. is the sole source software provider for the Trustee's Office; and

WHEREAS, Phillip Tuggle, Trustee requests approval of purchase in the amount of \$13,011; and

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

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 16TH DAY OF AUGUST, 2004, that the payment for invoiced upgrade of software and hardware for Trustee's office be hereby approved.

(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 Mason, to approve this resolution.

Motion carried by voice vote.

H. A Resolution to Disqualify Vendors and Award Janitorial Supplies to Second Lowest Bidder.

Mr. Luallen presented the following resolution to disqualify a vendor as well as award janitorial supplies to the second lowest bidder. Mr. Luallen referred to a letter from himself explaining the situation, as well as the current bid summary sheet and a letter from the second lowest bidder agreeing to honor their bid price.

RESOLUTION NO. 04-129

A RESOLUTION TO DISQUALIFY VENDORS AND AWARD JANITORIAL SUPPLIES TO SECOND  
LOWEST BIDDER

WHEREAS, the annual requirements bid on Janitorial Products for the bid period July 1,2004 through June 30, 2005, was awarded to the lowest and best bidder for each individual product; and

WHEREAS, a portion of the bid was awarded to Ray-Jon Industrial Supplies whose partnership has since been dissolved; and

WHEREAS, Kelsan and Peak Industrial, Inc. has agreed to honor their bid price for the duration of the bid period ending June 30,2004; and

WHEREAS, McMinn County Finance Director Jason Luallen recommends the disqualification of Reliable Industrial Solutions, Ray-Jon Industrial Supplies, Mr. Ray Ellison, Mr. Jon Whitt, or any company in which they are owners or partners from bidding in the future for McMinn County, and also recommends the items previously awarded to Ray-Jon Industrial Supplies be awarded to the next low bidder for each product for the remainder of the Janitorial Supply bid period ending June 30,2005.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16TH DAY OF AUGUST, 2004, that this Commission does hereby approve the recommendation of the Finance Director.

(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 King, to approve this resolution.

In response to questions from Commissioner Mason and Commissioner Jack Powers, Mr. Luallen referred to his letter concerning the disqualification of vendor and said that this disqualification is permanent unless their reinstatement is approved by the Financial Management Committee.

Motion carried by voice vote.

I. A Resolution to Approve the Appropriation of Funds to Nonprofit but Not Charitable Organization  
Community Action Group of Englewood.

Mr. Luallen presented the following resolution to approve the appropriation to the Community Action Group of Englewood (CAGE).

RESOLUTION NO. 04-130

A RESOLUTION TO APPROVE THE APPROPRIATION OF FUNDS TO NONPROFFIT BUT NOT CHARITABLE  
ORGANIZATION COMMUNITY ACTION GROUP OF ENGLEWOOD

WHEREAS, McMinn County appropriates funds to aid nonprofit but not charitable organizations; and

WHEREAS, McMinn County approved on July 19, 2004, advertising of its intent to appropriate \$5,000 to the Community Action Group of Englewood.

(Cont'd)

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMJNN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION 0 THIS THE 16TH DAY OF AUGUST, 2004, that the payment of \$5,000 be approved to Community Action Group of Englewood.

(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.

Motion carried by voice vote.

7. REVIEW AND APPROVAL OF CONTRACTS

A. A Resolution to Approve the Contract with ImageAmerica, Inc. for Digital Orthoimagery.

Mr. Luallen presented and explained the following resolution to approve the contract with ImageAmerica, Inc. for digital orthoimagery related our GIS System to digitize county property maps.

RESOLUTION No. 04-131

A RESOLUTION TO APPROVE THE CONTRACT WITH JMAGEAMERICA, INC. FOR DIGITAL ORTHOIMAGERY

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 developed a GIS System to digitize county property maps; and

WHEREAS, it is necessary to update digital images via aerial photography every four years; and

WHEREAS, McMinn County Property Assessor, Don Cowart recommends approval of contract with ImageAmerica Inc. to provide new digital orthoimagery in the total amount of \$43,000; and

WHEREAS, commitments have been received from McMinn County E-91 I, City of Athens and Athens Utility Board in the amount of \$8,000 each for a total compensation of \$24,000; and

WHEREAS, a total net cost for McMinn County would be \$19,000.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16TH DAY OF AUGUST 2004, that this Commission does hereby approve contract for digital orthoimagety.

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

Attest:

(Evonne Jones)  
County Clerk

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

Motion carried by voice vote.

B. A Resolution to Approve the Dean Howard & Daughters Auction Company Contract.

Mr. Luallen presented the following resolution to approve the Dean Howard & Daughters Auction Company contract. Mr. Luallen explained that McMinn County advertised for "Request for Proposals for Professional Auctioneering Services," and received three proposals, but the County Mayor recommends remaining with Dean Howard & Daughters Auction Company for reasons explained in the following resolution.

Resolution No. 04-132

A RESOLUTION TO APPROVE THE DEAN HOWARD & DAUGHTERS AUCTION COMPANY CONTRACT

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 for services and/or goods; and

WHEREAS, McMinn County advertised for "Request for proposals for Professional Auctioneering Services," receiving proposals from three firms; Dean Howard & Daughters Action Company, Ronnie Colyer Auction and Realty and Danny E. Ratcliff Auction and Realty; and

WHEREAS, the proposals summarize as follows: A) Dean Howard & Daughters charges the premium to the buyer and the advertising expenses pro-rata to the participating entities, B) Danny Ratchff Auction & Realty assumes the advertising costs while charging the 10% premium to McMinn County, C) Ronnie Colyer Auction and Realty did not specify its fees or costs listing them as negotiable and stated its computerized record keeping program is incomplete at this time; and

WHEREAS, McMinn County Mayor John Gentry recommends remaining with Dean Howard & Daughters Auction Company for the professional services of the sale of surplus property at McMinn County's annual surplus sale according to the terms of the attached contract based on premium being paid by the buyers and not by McMinn County taxpayers, competent past performance and success of Sheriff's Department Drug Fund sales; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16TH DAY OF AUGUST, 2004 that this Commission does hereby agree to enter into contract with Dean Howard & Daughters Auction Company to sell at public auction personal property belonging to McMinn County and their entities properly declared as surplus items.

(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 carried by voice vote.

Mr. Gentry said that the City of Athens recently auctioned surplus items on the internet and has had good success and added that we may look at this in the future.

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

Mr. Luallen presented the following resolution to approve and amendment of contract in lieu of performance bond for proper operation and closure and/or post-closure of the landfill. Mr. Luallen added that this is changing the amount of financial assurance from \$2,586,246.22 to a new total of \$2,596,597.00.

Resolution No. 04-133

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, included in permits SNL 54-103-0003, SNL 54-103-0003 EXT, and 54-0098; and

WHEREAS, said contract included a provision allowing the Commissioner of Environment and Conservation to collect up to \$2,585,246.22 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; and

WHEREAS, the State and McMinn County desire to change the amount of said financial assurance from the previous total of \$2,586,246.22 to the new total of \$2,596,597; 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 16TH DAY OF AUGUST 2004, 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 Holbrook, and seconded by Commissioner Bob Powers, to approve this resolution.

Mr. Gentry said that every year this contract is adjusted to reflect the inflation ratio.

- Motion carried by voice vote.

D. A Resolution to Approve the Contract Between McMinn County and the State of Tennessee Departments of the Military and Tennessee Emergency Management Agency. for Funding of Emergency Management Assistance.

Mr. Luallen presented the following resolution to approve the contract between McMinn County and the State of Tennessee Department of the Military and Tennessee Emergency Management Agency for funding of emergency management assistance:

Resolution No. 04-134

A RESOLUTION TO APPROVE THE CONTRACT BETWEEN MCMINN COUNTY AND  
THE STATE OF TENNESSEE DEPARTMENT OF THE MILITARY AND TENNESSEE EMERGENCY  
MANAGEMENT AGENCY,  
FOR FUNDING OF EMERGENCY MANAGEMENT ASSISTANCE

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 desires to enter into contract with Tennessee Emergency Management Agency to acquire \$238,822.00 in grant funding applicable for the purchase of a fill station for air bottles, breathing masks for emergency personnel, law enforcement software, equipment for HazMat Team, and other miscellaneous equipment deemed necessary and meeting the guidelines of the Tennessee Emergency Management Agency; and

WHEREAS, the term of this contract is for the period commencing on April 1,2004 and ending on September 30, 2005.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16TH DAY OF August 2004 that this Commission does hereby agree to enter into contract with Tennessee Emergency Management Agency to receive this grant funding, the public welfare requiring it.

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

(Orig signed by John M. Gentry)

(Orig signed by John M. Gentry)  
County Clerk

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

Mr. Gentry said that this is Homeland Security money as well as Region money and explained there is a local committee of emergency responders who work with the EMA Director to create the list of requested items.

In response to a question from Chairman Crews, Mr. Gentry said our region is the same as the development district Southeast Tennessee.

Motion carried by voice vote.

E. A Resolution to Approve an Agreement Between McMinn County Juvenile Services and the McMinn County Sheriffs Department for Use of the McMinn Juvenile Center.

Mr. Luallen presented the following resolution to approve and agreement between McMinn County Juvenile Services and the McMinn County Sheriffs Department for use of the McMinn Juvenile Center:

Resolution No. 04-135

A RESOLUTION TO APPROVE  
AN AGREEMENT BETWEEN MCMINN COUNTY JUVENILE SERVICES AND THE MCMINN  
COUNTY SHERIFF'S DEPARTMENT FOR USE OF THE MCMINN JUVENILE CENTER

WHEREAS, a Juvenile Center/temporary holding facility currently sits on the property of the McMinn County Justice Center; and

WHEREAS, the McMinn County Sheriffs Department has requested the use of the Juvenile Center as office space; and

WHEREAS, McMinn County Juvenile Services has agreed to allow such use under the provisions outlined in the Joint Agreement document; and

WHEREAS, this joint Agreement shall remain in effect until such time the building is needed to be returned to its original purpose of a Juvenile Center as determined by the Director of Juvenile Services; and

WHEREAS, the Annex Committee, after having reviewed this agreement, has recommended it be presented to the McMinn County Commission for approval.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN CALLED SESSION THIS THE 6th DAY OF AUGUST 2004, that this Commission does hereby approve this Joint Agreement between McMinn County Juvenile Services and the McMinn County Sheriff's Department for use of the McMinn County Juvenile Center, 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 King, and seconded by Commissioner McPhail, to approve this resolution.

Motion carried by voice vote.

8. APPROVAL OF BUDGET AMENDMENTS

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

August 16,2004

Fund: General Fund # 101

Date: August 12,2004

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Reserve	Undesignated Fund Balance	39000	250,000.00	
Industrial Develop- merit	Other Contracted Services	58 120-399		250,000.00

JOURNAL ENTRY REQUIRED

Reserve	Hotel/Motel Tax Reserve	35140	250,000.00	
	Undesignated Fund Balance	39000		250,000.00

EXPLANATION: To budget funds from Economic Development portion of Hotel/Motel Tax for McMinn County portion of purchase of additional land for Interstate Industrial Park. County Commission approval 07/19/04.

Fund: General # 101

Date: August 12,2004

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Federal Through State	Other Federal Through State	47590	32,450.00	
Other Emergency Management	Other Contracted Services	54490-399		32,450.00

EXPLANATION: To budget revenue and expenditures related to Homeland Security Grant approved by County Commission on 5-19-03.

Fund: General #101

Date: August 12,2004

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Reserve	Undesignated Fund Balance	39000	9,186.00	
Special Patrols	Overtime Pay (Block Grant 2002)	54120-187		9,136.00
Special Patrols	Law Enforcement Equipment (Block Grant 2002)	54120-716		50.00

EXPLANATION: To budget balance of U.S. Department of Justice Block Grant (2002 for McMinn County Sheriff Department carryover from FY 2003-04.

Fund: General Fund# 101

Date: August 12,2004

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Reserve	Undesignated Fund Balance	39000	18,140.00	
Special Patrols	Overtime Pay (Block Grant 2003)	54120-1 87		9,070.00
	Law Enforcement Equipment (Block Grant 2003)	54120-716		9,070.00

EXPLANATION: To budget funds from U. S. Department of Justice Block Grant (2003) for McMinn County Sheriff Department.

Fund: General # 101 .

Date: August 12,2004

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Reserve	Undesignated Fund Balance	39000	22,151.00	
County Mayor	Other Equipment	5 1300-790		19,500.00
	Printing, Stationery, Forms	5 1300-349		279.00
Office of County Trustee	Printing, Stationery, Forms	52400-349		629.00
Chancery Court	Printing, Stationery, Forms	53400-349		424.00
Accounting & Budgeting	Printing, Stationery, Forms	52100-349		119.00
Other Emergency Management Travel		54490-355		1,200.00

EXPLANATION: To budget funds for items entered in reserve for encumbrance prior year. Items ordered in FY 2003-04 but not received and paid until FY 2004-05.

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

Motion carried by roll call vote, as recorded:

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

Fund: Drug Control # 122

Date: August 12,2004

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Revenue	Undesignated Fund Balance	39000	26,995.00	
Drug Enforcement	Law Enforcement Equipment	54150-7 16		26,995.00

EXPLANATION: To budget funds for item entered in reserve for encumbrance prior year. Item ordered in FY 2003-04 but not received and paid until FY 2004-05.

Mr. Luallen said that this is for a van that has not been received yet and the Sheriff added that it is due this week.

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

Motion carried by roll call vote, as recorded:

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

Fund: General Purpose School #141

Date: August 12,2004

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Reserve	Undesignated Fund Balance	39000	210,775.00	
Regular Instruc- tiori Program	Other Supplies & Materials	71100-499		9,128.00

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

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Special Educa- tion Program	Instruc. Supplies & Materials	71200429		554.00
Vocational Education Program	Instruc. Supplies & Materials	71300429		324.00
	Other Charges	71300-599		275.00
Reg. Instruction Program Support	Other Supplies & Materials	72210499		18.00
Other Prog. (Voc Rehab)	Instruc. Supplies & Materials	72290429		1,300.00
Transportation	Equipment			6,500.00
Capital Outlay	Building Improve- ments	727 10-72~ 76 100-707		192,676.00

EXPLANATION: To budget fimds for items entered in reserve for encumbrances prior year. These were Purchase Orders issued in FY 03-04 that will be completed in FY 04-05. School Board Approval Aug 12,2004.

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

Motion carried by roll call vote, as recorded:

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

Fund: Correctional Capital Project Fund # 174

Date: August 12,2004

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Reserve	Undesignated Fund Balance	39000	64,446.00	
Public Safety Project	Building Construction	91130-706		53,243.00
	Furniture&Fixtures	91130-711		11,203.00

EXPLANATION: To budget Correctional Capital Project Fund Carry-over balances from FY 2003-04

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

Motion carried by roll call vote, as recorded:

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

Fund: Education Capital Project Fund #177

Date: August 11,2004

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Other Sources	Operating Transfers	49800	1,212,986.00	
Education Capital Projects	Building Construction	91300-706	3,652.00	
	Building Imp. (CTRL)	91300-707		150,632.00
	Site Develop. (EGWD)	91300-724		1,057,948.00
	Other Construction (MCVS)	91300-791	3,870.00	
	Other Capital Outlay (CALH)	91300-799		7,898.00
Reserve	Undesignated Fund Balance	39000		4,030.00

EXPLANATION: To enter Educational Capital Projects carry-over balances from FY 2003-04. School Board approval August 12,2004.

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

Motion carried by roll call vote, as recorded:

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

Fund: # 189 Other Capital Projects

Date: August 12,2004

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Reserve	Undesignated Fund	39000	4,555,610.00	
	Balance			
State of Tennessee	Airport Maintenance	46120	117,034.00	
	Program			
	Other State Grants	46980	140,399.00	
Federal Through	Community Development	47180	488,600.00	
State				
General Admin- istration Projec.	Airport Improvement	91110-702		300,413.00
		/1		
	Build. Const. (Expo	911		104,617.00
		10-70~		
	Center/Rec)			
	Build. Improve.	91110-707		100,000.00
	(Juv Cntr Upgrade)			
	Communication	91110-708		85,907.00
	Equipment			
	Land (Economic	91110-715		851,250.00
	Development)			
	Build. Purchases	91110-732		73,834.00
	(Courth. Imp.)			
	Other Const. Senior	91110-791		100,000.00
	Center			
	Other Cap. Outlay	91110-799		250,000.00
	(Old Jail Ren)			
Administration of Just. Projects	Building Improvements	91120-707		419,145.00
Public Health Projects	Other Capital Outlay	91140-799		1,213,591.00
	(Water)			
Highway Capital Projects	Highway Construction	91200-713		335,165.00
Education Capital Projects	Building Construction	91300-706		1,467,721.00

EXPLANATION: To budget Other Capital Projects Fund carryover balances from FY 2003 -04.

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

Motion carried by roll call vote, as recorded:

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

Fund: Solid Waste Enterprise Fund # 207

Date: August 12,2004

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Reserve	Met Assets-Unrestricted	39900	28,495.00	
Landfill Operation & Maint.	Contracts w/private agencies	55754-312		3,097.00
Landfill Post Closure Care Cost	Contracts w/private agencies	55770-312		3,097.00
Landfill Operation & Maint. (including Closure)	Engineering Services	55754-321		1,304.00
Other Waste Disposal (Landfill Development)	Engineering Services	55759-321		997.00
Landfill Post Closure Care Cost	Engineering Services	55770-32 1		2,500.00
Landfill Operation & Maint. (including Closure)	Other Equipment	55754-790		12,500.00
Landfill Post Closure Care Cost	Other Contracted Services	55770-399		5,000.00

EXPLANATION:

To budget funds for items entered in reserve for encumbrance prior year. Items ordered in FY 2003-04 but not received and paid until FY 2004-05.

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

Motion carried by roll call vote, as recorded:

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

9. MCMINN COUNTY EDUCATION FOUNDATION MS. NANCY PERDUE

Ms. Nancy Perdue, Executive Director of the McMinn County Education Foundation, said that this organization was chartered in 1997 by the McMinn County Economic Development Authority and the Athens and Etowah Chambers of Commerce in order for those two cities obtain the three-star designation. Ms. Perdue presented each Commissioner with a Fact Sheet describing the Dollywood Foundation Dolly Parton's Imagination Library. This fact sheet said that educators have identified preschool reading and parent involvement as among the most important steps toward a child's success in school. In support of this proactive approach to help children achieve success in education and in life, Dolly Parton created her Imagination Library. Ms. Perdue said that McMinn County will participate in Dollywood Foundation's Imagination Library program beginning in September and Ms. Perdue said that children from birth to age five will receive a book a month at no cost to their family. She explained that this will improve the literacy rate in McMinn County and it is believed that it will assist the EDA in attracting industry.

Ms. Perdue said that there are approximately 3,000 children in this category and the cost per child is \$30.00 per year. Ms. Perdue added that they have fundraising plans and a major kick-off event planned.

10. WOODS MEMORIAL HOSPITAL ANNUAL FINANCIAL REPORT MR. DAVID SOUTHERLAND.

Mr. David Southerland, Administrator at Woods Memorial Hospital, presented the Finance Director with three checks. The first one was the monthly repayment of \$16,732.00 representing 18% of collections for July as per their contract. Mr. Southerland added that in FY 2003, after restructuring their EMS services, they were able to repay the County \$160,000.00 and in FY 2004, they repaid \$194,000.00. They are also in the process of paying the County back for previous unpaid months due and presented the Finance Director with a check for \$6,089 for May of 2001. In addition, Mr. Southerland presented the County with a check which is the interest payment (\$17,385.00) in payment on the current bond issue and he added they are working hard to make a payment of \$347,000.00 in bond issue which will be due in February.

Mr. Southerland updated the Commission on the financial report as of June 30, 2004 and provided to each Commissioner a written summary. He touched on the highlights of the Statistical Report for the month of June 2004 as well as for the twelve month period ended June 30, 2004 including admissions, average length of stay, inpatient average daily census, emergency room visits, hospital outpatient visits, nursing home patient days, home health visits, surgery volume, respiratory therapy, total rehabilitation services, diagnostic imaging and sleep studies. Mr. Southerland said that they have operated the facility at 300.12 full-time equivalents in June and they are making some changes to see if they can pick up some volume. Year-to-date, they are about three full-time equivalents over budget but added they will be getting this back in line.

(Cont'd)

Mr. Southerland also reviewed the highlights of the Revenue and Expense Statements of the Hospital District and the Hospital for the month of June as well as for the year to date, and copies were provided to each Commissioner. Mr. Southerland said that something that is not reflected in this report is that earlier in the year, the Hospital Board made a decision to repay the foundation \$195,000 due to some funds that were used previously and if that were added to the excess revenues over expenses figure of \$608,236, the excess revenues over expenses would be over \$800,000. Another thing that is not reflected in this report is income generated from EMS operations for this year, but they are projecting a profit of \$160,000. This is the second year in a row that hospital has been able to generate a positive bottom line after having a negative bottom line for five years, however, he said that they have a cash flow management challenge every day.

Mr. Southerland closed by saying that he thinks Woods Hospital has a very bright future as long as the citizens of McMinn County will continue to support the organization.

In response to a question from Commissioner Bob Powers, Mr. Southerland said that the MRI machine is leased. Mr. Southerland also said, in response to another question from Commissioner Bob Powers, that their advertisement concerning their Emergency Room services has not increased the usage. There was also a discussion of monies received from the State for providing indigent level care.

11. COMMENTS FROM THE AUDIENCE

None.

12. RESOLUTIONS

A. A Resolution in Support of a Local Parks and Recreation Grant Application by the City of Etowah Regarding the Construction of a New Community Recreation Center.

Mr. Gentry presented the following resolution in support of a local parks and recreation grant application by the City of Etowah regarding the construction of a new community recreation center.

Resolution No.04-136

A RESOLUTION IN SUPPORT OF  
OF A LOCAL PARKS AND RECREATION GRANT APPLICATION BY THE CITY OF ETOWAH  
REGARDING THE CONSTRUCTION OF A NEW COMMUNITY RECREATION CENTER

WHEREAS, the City of Etowah has applied for LPRG funds to assist on the construction of a new community center to expand the recreational opportunities for the residents of the city; and

WHEREAS, such a community center is needed in Etowah for the betterment of the city and the surrounding communities; and

WHEREAS; the McMinn County Board of Commissioners expresses its support for this LPRG application, as it supports the positive growth and development of the City of Etowah in regard to the new community center and park complex.

(Cont'd)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 16th DAY OF AUGUST 2004, THAT THIS COMMISSION DOES SUPPORT THE LPRG APPLICATION MADE BY THE CITY OF ETOWAH REGARDING THE CONSTRUCTION OF A NEW COMMUNITY CENTER, 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 Holbrook, and seconded by Commissioner King, to approve this resolution.

Mr. Gentry also noted that this does not obligate us to financial contributions.

Motion carried by voice vote.

B. A Resolution In Support of the Passage of Federal Legislation Allowing Sales Tax to be Deductible from the Federal Income Tax and to Allow for a Buyout of Tobacco Farmers.

Mr. Gentry presented the following resolution in support of the passage of federal legislation allowing sales tax to be deductible from the federal income tax and to allow for a buyout of tobacco farmers and end federal subsidies. Mr. Gentry said that this resolution was sent to him by a representative of Citizen Outreach, a public policy organization, and he added that time was of the essence as this Senate bill will be considered within the next thirty days.

Resolution No. 04-137

A RESOLUTION IN SUPPORT OF THE PASSAGE OF FEDERAL LEGISLATION  
ALLOWING SALES TAX TO BE DEDUCTIBLE FROM THE FEDERAL INCOME TAX AND  
TO ALLOW FOR A BUYOUT OF TOBACCO FARMERS

WHEREAS, legislation is pending in the United States House of Representatives that is of great importance to the quality of life in our county and state; and

WHEREAS, Tennesseans pay one of the highest sales taxes in the United States; and

WHEREAS, passage of federal legislation in 1986 eliminated the ability of Tennesseans to deduct sales tax from Federal Income Tax; and

WHEREAS, pending legislation will restore the ability of Tennesseans to deduct sales tax from Federal Income Tax, and provides for a Federal buyout of farmers choosing to exit the quota system presently controlling growth and production of tobacco; and

WHEREAS, while tobacco has traditionally been one of Tennessee's top commodities, the present quota system distresses the free market system, and

(Cont'd

WHEREAS, the passage of this legislation will return tobacco production to a free market system without burdening it with additional regulation, and is critical to the state's economy.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 16TH DAY OF AUGUST 2004, THAT THIS COMMISSION DOES SUPPORT THIS PENDING LEGISLATION, AND DOES URGE THE MEMBERS OF THE TENNESSEE CONGRESSIONAL DELEGATION TO IMMEDIATELY PASS THE PENDING FEDERAL LEGISLATION DESCRIBED IN THIS RESOLUTION, 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 McPhail, and seconded by Commissioner Mason, to approve this resolution.

Motion carried by voice vote.

C. A Resolution to Honor Mary Grace Ramey for Her Service as an Educator and Coach in the School System of McMinn County.

Mr. Gentry presented the following resolution to honor Mary (Grace Ramey for her service as an educator and coach in the school system of McMinn County.

Resolution No. 04-1 38

A RESOLUTION TO HONOR MARY GRACE RAMEY  
FOR HER SERVICE AS AN EDUCATOR AND COACH IN THE SCHOOL SYSTEM OF  
MCMINN COUNTY

WHEREAS, Mary Grace Ramey was a long time teacher and coach in McMinn County, serving at McMinn Central High School since its opening in 1966; and

WHEREAS, Mary Grace Ramey was beloved by all those who worked with her, as well as by the thousands of students who passed through her classes; and

WHEREAS, Mary Grace Ramey was known for her character and charm by all those who knew her; and

WHEREAS, Mary Grace Ramey passed from this life on July 23, 2004, leaving behind a family, countless friends, and innumerable persons who were affected by her positive example as a citizen and human being; and

WHEREAS, it is resolved that Mary Grace Ramey is praised for her faithful service to the students of McMinn County, for her wisdom, dedication, and compassion throughout her long career as a public servant, and as a guiding member of the McMinn County Education system, she will be sorely missed.

(Cont'd)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 16th DAY OF AUGUST 2004, THAT THIS COMMISSION DOES HONOR AND COMMEND MARY GRACE RAMEY FOR HER LIFE-LONG SERVICE AS A TEACHER, COACH, AND FRIEND TO THE STUDENTS OF MCMINN COUNTY.

(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.

Motion carried by voice vote.

Mr. Gentry said that this resolution would be presented to her husband.

D. A Resolution to Honor Rex Moses for his Life-Long Service to McMinn County.

Mr. Gentry presented the following resolution to honor Rex Moses for his life-long service to McMinn County. Mr. Moses has suffered health problems and recently announced his resignation as President of the McMinn County Historical Society. Mr. Gentry said that it is amazing what he has done in his lifetime and added that he will be missed.

#### Resolution No. 04-139

#### A RESOLUTION TO HONOR REX MOSES FOR HIS LIFE-LONG SERVICE TO MCMINN COUNTY

WHEREAS, Rex Moses has recently announced his resignation as president of the McMinn County Historical and Heritage Society; and

WHEREAS, Rex Moses is a noted citizen of McMinn County, being a farmer, farm tractor dealer, 4-H Leader, Chairman of the McMinn County Soil Conservation District, Chairman of the County and State Farmers Home Administration Committees, assisted in the organization of Southeast Tennessee Resource Conservation and Development, members of local and state Counsels on Aging, Director of the McMinn Dairy Festival for 7 years, Director of both the Athens and Etowah Chamber of Commerce, assisted in the organization of Tennessee and McMinn Farmers Cooperative, Director and President of the Knoxville Dairy Council, Director of Knoxville Milk Producers Association and Tennessee Valley Milk Producers Association, Present and active member of the McMinn County Historical Society, and past McMinn County Commissioner; and

(Cont'd)

WHEREAS, Rex Moses has been honored in many ways, including *Progressive Fanner's* "Master Farm Family of Tennessee" (1957), McMinn County Farmer of the Year, TVA Superior Service Award (1964), Goodyear Conservation Award (1973), Soil Conservation Service Award (1980), Gulf Oil Conservation Award (1984), and was nominated for McMinn County Man of the Year (2001); and

WHEREAS, Rex Moses has tirelessly worked for the betterment of his community, and is known by his integrity and courage to be a model citizen of McMinn County, having always had the welfare of his fellow citizens at heart; and

WHEREAS, it is resolved that Rex Moses 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 a guiding member of the innumerable organizations, is hereby praised and honored for his service.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 16th DAY OF AUGUST 2004, THAT THIS COMMISSION DOES HONOR AND COM~4~ND REX MOSES FOR HIS SERVICE TO MCMINN COUNTY.

(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 Approve an Emergency Purchase of Two Gas Vent Wells for the McMinn County Landfill.

Mr. Gentry presented the following resolution to approve an emergency purchase of two gas vent wells for the McMinn County Landfill. Mr. Gentry said that the Division of Solid Waste has adopted what amounts to a no tolerance policy for contaminants in the monitoring wells and added that the Landfill Supervisor was here to answer any questions.

Resolution No. 04-140

A RESOLUTION TO APPROVE AN EMERGENCY PURCHASE OF TWO GAS VENT WELLS FOR THE MCMINN COUNTY LANDFILL

WHEREAS, in April 2004, the Tennessee Division of Solid Waste Management adopted a new policy which does not allow any levels of contaminant to be present on gas monitoring wells; and

(Cont'd)

WHEREAS, a small amount of contaminant has been detected in three monitoring wells located in the closed section of the McMinn County Landfill; and

WHEREAS, in order to provide improved water assessments, McMinn County's contracted engineering firm, CTI, has recommended the construction of two thirty-foot gas vent wells and two piezometers; and

WHEREAS, these wells and piezometers should bring this closed section into post-closure compliance; and

WHEREAS, McMinn County Landfill Supervisor Stan Moses requests authorization to expend up to \$25,000 for the purchase and installation of the wells and piezometers, waiving the bid requirements.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16<sup>th</sup> DAY OF AUGUST 2004, THAT THE COMMISSION DOES APPROVE THIS EMERGENCY PURCHASE OF TWO GAS VENT WELLS AND PIEZOMETERS FOR THE MCMINN COUNTY LANDFILL, 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 Bob Powers, and seconded by Commissioner Mason, to approve this resolution.

Motion carried by voice vote.

### 13. ELECTIONS APPOINTMENTS AND CONFIRMATIONS

#### A. Appointment of Chris Webb to the McMinn County 911 Board of Directors.

Mr. Gentry presented the following resolution to confirm the appointment of Chris Webb to replace Jerry Smith on the McMinn County 911 Board of Directors:

Resolution No. 04-14 1

A RESOLUTION TO CONFIRM THE APPOINTMENT OF CHRIS WEBB 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 Mayor, nominates Chris Webb to serve as a member of the McMinn County 911 Board of Directors for a four year term, which will expire December 2008.

(Cont'd)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 16th DAY OF AUGUST 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 Vincent, and seconded by Commissioner King, to approve this resolution.

Motion carried by voice vote.

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

A. Annex Committee Commissioner McPhail.

Commissioner McPhail said that the Annex Committee met at the Annex Building to discuss the possibility of the School Board using the portion of the building that the bank is vacating. Dr. Pierce and the School Board attended and Mr. Gentry explained that this would involve moving the present lease for the Federal Building presently with the Department of Education, to the General Services Administration. This would hopefully allow the county to maintain ownership of the building and still use it for new needs.

B. USDA Water Grant Commissioner McPhail.

Commissioner McPhail said that he and Commissioner Mason attended a USDA water grant presentation, a portion of which is for Highway 68 water project involved in the Rarity Meadows Development. This water grant would involve Meigs and Roane Counties as well.

C. Agriculture and Community Exhibition Center Development and Oversight Committee Commissioner Mason.

Commissioner Mason said that the Ag-Expo Committee met on site and inspected the building which is 99% complete, and Commissioner Mason added that Mr. Beane, the County Engineer, is taking care of the few items that remain.

D. Ambulance Committee Commissioner Masingale.

Commissioner Masingale said that the Ambulance Committee met and he referred to the bid for two ambulances which were voted on earlier this evening. Commissioner Masingale also said that they discussed the need to define proper housing for ambulances.

E. Comments by Commissioner Masingale Concerning State Highway 307.

Commissioner Masingale said that State Highway 307 needs to be widened because it is a dangerous road. Commissioner Masingale said that Representative Bob McKee has agreed to help if we write a resolution in support of this.

F. Public Safety Committee Commissioner King.

Commissioner King presented the following resolutions approved by the Public Safety Committee:

(1)

A Resolution to Approve the Closing of the Railroad Crossing at Milepost 193.7-A DOT #731595B.

Resolution No. 04-142

A RESOLUTION TO APPROVE THE CLOSING OF THE RAILROAD CROSSING AT MILEPOST 193.7-A, DOT #731595B

WHEREAS, the McMinn County Commissioner of Highways has been contacted by Norfolk Southern regarding the closure of the railroad crossing at milepost 193.7~A, DOT #731595B in McMinn County; and

WHEREAS, the Commissioner of Highways has contacted the sole resident on the road affected by the crossing, who has indicated to the Commissioner that there is no objection to the proposed closure; and

WHEREAS, the McMinn County Commissioner of Highways has recommended that this railroad crossing closure be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMLNN COUNTY, TENNESSEE, MEETING IN SESSION ON THIS 16th DAY OF AUGUST 2004, THAT THE MCMINN COUNTY COMMISSION APPROVES THE CLOSING OF THIS RAILROAD CROSSING BY NORFOLK SOUTHERN, 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.

In response to a questions from Commissioner Jack Powers and Chairman Crews, the Highway Commissioner explained that the location of this crossing is in the lower end of Riceville and he referred to a letter from Norfolk Southern Corporation which was provided to each Commissioner. The Highway Commissioner also explained how this might affect the problem of flooding at that location.

Motion carried by voice vote.

(2) A Resolution to Approve the Removal of Roads from the McMinn County Highway Department Road Maintenance System.

REMOVAL OF ROADS FROM THE MCMINN COUNTY HIGHWAY DEPARTMENT ROAD  
Resolution No. 04-143

A RESOLUTION TO APPROVE  
THE MAINTENANCE SYSTEM

WHEREAS, a Road Maintenance System has been adopted by the McMinn County Highway Department to continue the efficient maintenance of McMinn County roads; and

WHEREAS, county roads which have not been maintained to the required specifications over a certain period of time may be removed from the McMinn County Highway Department's Road Maintenance System; and

WHEREAS, it is the recommendation of the Commissioner of Highways that the following portions of roads be removed from the Road Maintenance System: County Road 58 (remove .35 mile section of the road not maintained in 20 years, leave .3~' mile), County Road 206 (remove .10 mile section of the road not maintained in 20 years) County Road 107 (remove I mile section of the road not maintained in 20 years).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN SESSION ON THIS 16th DAY OF AUGUST 2004, THAT THE MCMINN COUNTY COMMISSION APPROVES THE REMOVAL OF ROADS FROM THE ROADWAY MAINTENANCE SYSTEM, 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 Masingale, to approve this resolution.

Motion carried with one dissenting vote by Commissioner Holbrook.

G. McMinn County Trustee Annual Report Mr. Phil Tuggle.

Mr. Tuggle referred to his annual report which was provided to the Commissioners and offered to answer any questions. He noted in particular that they returned a record amount of excess fees to the general fund and added that sales tax revenues are up, but they are continuing to fight the battle on interest rates. Mr. Tuggle also said bankers feel that is on the way up.

H. Comments by Commissioner Masingale Concerning Mr. Don Cowart's Election.

Commissioner Masingale, on behalf of the County Cornniission, congratulated Mr. Don Cowart on his election for another term as Tax Assessor.

15. COMMENTS FROM THE COUNTY MAYOR

A. Letter from the Commissioner of the Department of Transportation Regarding the Intersection of Highway 411 and County Road 461.

Mr. Gentry referred to Commissioner Nicely's letter in response to our earlier resolution concerning the need for safety improvements at the intersection of Highway 411 and County Road 461. The Regional Traffic Engineer personnel will be studying this intersection.

B. Letter from Mt. View Science Club Representative.

Mr. Gentry referred to a letter of appreciation from Joseph Riley, representing the Mt. View Science Club after their trip to Washington, DC which several Commissioners and others personally contributed toward. This letter was provided to each Commissioner.

C. Hiwassee Utilities Commission 2003 Progress Report.

Mr. Gentry referred to the 2003 Progress Report from the Hiwassee Utilities Commission which was provided to each Commissioner.

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D. Environmental Protection Agency's Potential Non-Attainment Air Quality List.

Mr. Gentry referred to his update last month concerning the particulate 2.5 issue that we are facing. Mr. Gentry said that Commissioner Crews, City of Athens, City of Etowah, EDA and local industry representatives, along with himself had a chance to meet with Department of Environment and Conservation. Mr. Gentry said that what we thought was a November 1,2004 deadline is really September 1,2004. Mr. Gentry said if we make the final EPA list for non-attainment, it would be a serious blow to McMinn County because we are not economically as diversified as Knox County.

E. McMinn County Clerk's Annual Financial Report.

Chairman Crews referred to the McMinn County Clerk's Fiscal Year 2004 Financial Report for period ending June 30, 2004 which was provided to each Commissioner.

16. APPROVAL OF NOTARY APPLICATIONS

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

Notary Applications for August 2004

Kelly Nicole Blassingame  
Eva Mae Brakebill  
Carla Jo Carr  
Dana Diane Cornett  
Jason Debusk  
Amy C. Goodin  
Allison Nicole Herd  
Kimberly Ann Million  
Helen Moon  
David Edward McKeehan  
TeAnna B. McKinney

(Cont'd)

Notary Applications for August

(Cont'd):

T. Christy Plemons  
Teresa K. Read  
Joseph Ronald Ring  
Mary Lynne Thurman  
Debbie K. Trotter  
Rhonda C. Wilson  
Jeffrey A. Withrow

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

Motion carried by voice vote.

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

A. Comments by Highway Commissioner Regarding State Highway 307.

The Highway Commissioner, referring to Commissioner Masingale's earlier comments about the widening of State Highway 307, indicated that this is his second priority, his first priority being the Bypass and he explained his long range thinking.

18. ADJOURNMENT

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

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McMinn County Clerk

Attest:

Deputy Clerk            (date)