

The McMinn County Board of Commissioners met in Regular Session on Monday, October 17, 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 Commissioner Jack Powers.

3. PLEDGE TO THE FLAG

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

4. ROLL CALL

Roll Call was taken by Deputy Clerk Ann Falls, as recorded:

Scott Curtis Present
Dale Holbrook 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 September 19, 2005 were provided to the Commissioners.

MOTION made by Commissioner McPhail, and seconded by Commissioner Bob Powers, to approve the Minutes of September 19, 2005.

Motion carried by voice vote.

Chairman Crews recognized Boy Scout Troop 118 and their leader, Michael Akins, from Keith Memorial United Methodist Church, who are working on their Citizenship Badge.

6. APPROVAL OF BIDS AND PURCHASES

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

Mr. Luallen presented the following resolution to approve and award the semi-annual pharmacy bid, along with the bid summary sheet and a letter of recommendation from Sheriff Frisbie recommending the sole bidder, IHS Pharmacy, because of their excellent service in the past.

RESOLUTION NO. 05-125

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

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

(Cont'd)

WHEREAS, the Sheriffs Department requests purchase of medical supplies, non prescription items and prescription drugs from I.H.S. Pharmacy for the period of December 1, 2005 through May 31, 2006; 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 I.H.S. Pharmacy the only bidder.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 17TH DAY OF OCTOBER 2005, that this Commission does hereby approve the recommendation of Sheriff Steve Frisbie.

(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 Holbrook, to approve this resolution.

In response to a question from Commissioner Mason, Mr. Luallen reiterated that there was only one bid although in the past there have been two or three bidders.

Motion carried by voice vote.

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 of annual hardware and software maintenance support for the Register of Deeds' office in the amount of \$14,861.18.

RESOLUTION NO. 05-126

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

WHEREAS, McMinn County Register of Deeds requests renewal of annual hardware and software maintenance support invoiced at \$ 14,861.18 for the period of July 1, 2005 to June 30, 2006; 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 17th DAY OF OCTOBER, 2005, that the payment for invoiced maintenance agreement to ProGResS, Inc. in the amount of\$ 14,861.18 be hereby approved.

(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 Bob Powers, to approve this resolution.

Motion carried by voice vote.

C. A Resolution to Approve the Purchase of a Side Rotary Mower from State of Tennessee Contract for the Highway Department.

Mr. Luallen presented the following resolution to approve the purchase of a side rotary mower from State of Tennessee contract in the amount of \$12,320.00 for the Highway Department.

RESOLUTION NO. 05-127

A RESOLUTION TO APPROVE THE PURCHASE OF A SIDE ROTARY MOWER FROM
STATE OF TENNESSEE CONTRACT

WHEREAS, the Highway Department has need to purchase a Diamond DSR-60C Side Rotary Mower from the State of Tennessee Contract; and

WHEREAS, the amount of the purchase is \$12,320.00; and

WHEREAS, according to Financial Management Committee Policies & Procedures, purchases over \$5,000 require the approval of the Commission.

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 17th day of OCTOBER, 2005, that the purchase of a side rotary mower for the Highway Department from the State Contract be approved at a cost of \$12,320.00.

(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.

In response to a question from Commissioner Jack Powers, the Highway Commissioner said that this is a new mower.

Motion carried by voice vote.

D. A Resolution to Authorize Painting the Courthouse.

Mr. Luallen presented the following resolution to authorize the painting of the Courthouse. He explained that they advertised for bid but no bids were submitted for this project. The Maintenance Supervisor then secured an estimate from Blassingame Painting in the amount of \$19,500.00 to prep and paint the Courthouse.

Resolution No. 05-128

A RESOLUTION TO AUTHORIZE PAINTING THE COURTHOUSE

WHEREAS, the McMinn County Courthouse exterior trim and shutters are in need of painting, and

WHEREAS, the McMinn County Finance Office advertised for bid the painting of the courthouse on September 13, 2005 in a paper of local circulation and mailed invitations to bid to fourteen vendors; and

WHEREAS, no bids were submitted for the project; and

WHEREAS, Benny Bivens, Maintenance Supervisor, secured an estimate of \$19,500.00 from Blassingame Painting to prep and paint the courthouse; and

WHEREAS, Maintenance Supervisor Benny Bivens is familiar with Blassingame Painting's work and recommends the project be awarded to them.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS 17TH DAY OF OCTOBER, 2005, that this Commission authorizes Blassingame Painting to prep and paint the courthouse in the amount of \$19,500.00 and authorizes the County Mayor to execute all documents necessary to carry out this project.

(Orig signed by John M. Gent~)
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.

In response to a question from Commissioner Jack Powers, Mr. Luallen said that the cost four years ago to paint the Courthouse was approximately \$16,000.00.

Motion carried by voice vote.

7. REVIEW AND APPROVAL OF CONTRACTS

A. A Resolution Approving a Tn-Party Agreement Between McMinn County, City of Athens and the McMinn CounW Economic Development Authority (EDA).

Mr. Gentry presented the following resolution approving a tn-party agreement between McMinn County, the City of Athens, and the McMinn County Economic Development Authority relating to the development of the Mt. Verd Industrial Park. Mr. Gentry said that this has already been approved by the EDA and the City of Athens and added that this agreement is similar to the agreement we have with these two parties for the 1-75 Industrial Park where Denso is located as well as the City of Etowah regarding our investment with the North Etowah Industrial property. Mr. Gentry recommended approval.

Resolution No. 05-129

A RESOLUTION APPROVING A TRI-PARTY AGREEMENT BETWEEN
MCMINN COUNTY, CITY OF ATHENS AND THE MCMINN COUNTY ECONOMIC DEVELOPMENT
AUTHORITY

WHEREAS, McMinn County, City of Athens and the McMinn County Economic Development Authority (hereinafter referred to as "EDA") desire to enter into a written formal agreement relating to investments in and development of the Mt. Verd Industrial Park located on the western side of Interstate 75 near the intersection of State Route 305; and

WHEREAS, McMinn County, City of Athens and the EDA have a similar written tn-party agreement for the 1-75 Industrial Park, which has served the three parties well for nearly a decade; and

WHEREAS, McMinn County and the EDA also have a successful tn-party agreement with the City of Etowah governing the sale and development of the North Etowah Industrial Park; and

WHEREAS, McMinn County believes the industrial growth of the county is essential to maintaining our quality of life through quality employment and a stable tax base; and

WHEREAS, McMinn County understands a written agreement is necessary to effectively govern the investments in and development of the Mt. Verd Industrial Park.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 17TH DAY OF OCTOBER 2005, that this Commission does approve the TRI-PARTY AGREEMENT as presented between the City of Athens, the FDA and McMinn County, the public welfare requiring it.

(Orig signed by John M. Gentry)
County Mayor

Attest:

(Onig signed by Evonne Jones)
County Clerk

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

Motion carried by voice vote.

8. APPROVAL OF BUDGET AMENDMENTS.

Mr. Luallen requested approval of seven budget amendments involving three different funds and a copy of each was provided to the Commissioners:

Fund: General Purpose School # 141

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Other	Other Salaries and Wages	71900-189		59,252.00
	Social Security	71900-201		3,674.00
	State Retirement	71900-204		3,012.00
	Unemployment Compensation	71900-210		30.00
	Employer Medicare	71900-212		859.00
	Other Fringe Benefits	71900-299		720.00
	Communication	71900-307		500.00
	Travel	71900-355		4,500.00
	Other Contracted Services	71900-399		1,000.00
	Instruc. Supplies & Materials	71900-429		16,571.00
	Other Charges	71900-599		2,000.00
	Equipment	71900-790		5,000.00
Revenue	Other Federal Thru State	47590	97,118.00	

EXPLANATION: To enter the approved project budget for the 21st Century Community Learning Centers Program for FY 2005-06. School Board approval: 10/13/05.

Fund: General Purpose School #141

Date: October 10, 2005

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Community Services	Teachers	73300-116		33,959.00
	Educational Assistants	73300-163		12,970.00
	Social Security	73300-201		2,910.00
	State Retirement	73300-204		1,868.00
	Life Insurance	73300-206		101.00

(Cont'd)

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

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Community	Medical Insurance	73300-207		5,455.00
Services				
	Unemployment Compensation	73300-210		53.00
	Employer Medicare	73300-212		492.00
	Other Fringe Benefits	73300-299		17.00
	Communication	73300-307		100.00
	Travel	73300-355		500.00
	Instructional Supplies	73 300-429		6,075.00
	Other Charges	73300-599		500.00
Revenue	Other State Education Funds	46590	65,000.00	

EXPLANATION: To enter the approved budget for the Early Childhood Education-Pilot Grant for FY 2005-2006.
 School Board approval: 10/13/05.

Fund: General Purpose School #141

Date: October 12, 2005

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Early Childhood Education	Teachers	73400-116		73,659.00
	Educational Asistants	73400-163		25,458.00
	Social Security	73400-201		5,882.00
	State Retirement	73400-204		4,789.00
	Life Insurance	73400-206		343.00
	Medical Insurance	73400-207		18,722.00
	Unemployment Compensation	73400-210		106.00
	Employer Medicare	73400-212		1,377.00
	Other Fringe Benefits	73400-299		1,936.00
	Instructional Supplies	73400-429		17,000.00
	Other Equipment	73400-790		11,344.00

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

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Revenue	Early Childhood Education	46515	160,616.00	

EXPLANATION: To enter the Voluntary Pre-K for Tennessee grant budget for FY 2005-2006. School Board approval: 10/13/05.

Fund: General Purpose School # 141

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Special Education Program Revenue	Instruc. Supplies & Materials Special Ed. Grants To States	7 1200-429 47143	30,482.00 30,482.00	30,482.00

Date: October 13, 2005

EXPLANATION: To budget additional funds received from the state for special education students. School Board approval: 10/13/05.

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

Motion carried by roll call vote, as recorded:

- Scott Curtis .Aye
- Dale Holbrook .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: Federal Projects, # 142-IDEA-B, 04.21 # 593

Date: October 12, 2005

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Special Education Teachers Program		71200-116		21,000.00
	Education Assistants	71200-163		2,657.96
	Other Salaries & Wages	71200-189		8,500.00
(Cont'd)	Social Security	71200-201		1,447.79

Fund: Federal Projects, # 142-IDEA-B, 04.21 # 593 (Cont'd)

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Special Education Program	State Retirement	7 1200-204		1,200.00
	Employer Medicare	71200-212		287.79
	Contracts with Private Ag.	71200-312		26,456.19
	Other Contracted Services	71200-399		21,724.27
	Instruc. Supplies & Materials	71200-429		42,720.77
	Other Supplies & Materials	71200-499		35,942.40
	Special Ed. Equipment	71200-725		54,948.00
	In-Service/Staff Development	72220-524		7,400.00
Transportation Revenue	Equipment	72710-729		44,787.00
	Special Ed-Grants to States	47143	269,072.17	

EXPLANATION: To enter IDEA-B 04.21 carry over balances including Amendment No. 2 that was approved by the State September 27, 2005. School Board approval: 10/13/05

Fund: Federal Projects # 142-IDEA-B, 05.01 # 591

Date: October 12, 2005

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Special Education Teachers Program		71200-116		8,560.63
	Educational Assistants	71200-163		25,945.54
	Other Salaries & Wages	71200-189		3,750.80
	Social Security	71200-201		1,367.93
	State Retirement	71200-204		1,670.22
	Life Insurance	71200-206		282.26
	Medical Insurance	7 1200-207		22,112.43
	Unemployment Compensation	71200-210		16.87

Fund: Federal Projects # 142-IDEA-B, 05.01 # 591 (Cont'd)

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Special Education Program	Employer Medicare	71200-212		319.94
	Other Fringe Benefits	71200-299		100.30
	Contract with Private	71200-312		98,671.54
	Instructional Supplies	71200-429		174,363.68
	Other Supplies & Materials	7 1200-499		98,065.25
	Special Ed.Equipment	71200-725		22,360.00
Special Ed. Program Spt	Psychological Personnel	72220-124		11,247.28
	Other Salaries & Wages	72220-189	284.13	
	Social Security	72220-201		567.90
	State Retirement	72220-204		806.86
	Life Insurance	72220-206		46.10
	Medical Insurance	72220-207		3,520.59
	Unemployment Compensation	72220-210		28.84
	Employer Medicare	72220-212		209.44
	Other Fringe Benefits	72220-299		10.03
	Maint/Repair Equipment	72220-336		9,941.00
	Travel	72220-355		2,102.82
	Other Contracted Services	72220-3 99		49,750.00
	In-Service/Staff Development	72220-524		15,000.00
	Other Charges	72220-599		796.22
Transportation	Bus Drivers	72710-146		16,937.00
	Social Security	72710-201		1,128.90

Fund: Federal Projects # 142, IDEA-B 05.01, # 591 (Cont'd)

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Transportation	State Retirement	72710-204		1,167.11
	Life Insurance	72710-206		131.68
	Medical Insurance	72710-207		11,789.74
	Unemployment Compensation	72710-210		39.39
	Employer Medicare	72710-212		264.00
	Other Fringe Benefits	72710-299		50.12
	Contracts with Parents	72710-313		5,005.00
	Equipment	72710-729		1,603.00
Reserve	Res. for Sp. Ed. Grants to State	34430	15,898.28	
Revenue	Sp. Ed. Grants to State	47143	573,548.00	

EXPLANATION: To enter reserve, revenue, and expenditure amounts to be carried forward in the FY 05.06 budget. School Board approval: 10/13/05.

MOTION made by Commissioner Holbrook, and seconded by Commissioner Curtis, to approve these budget amendments.

Motion carried by roll call vote, as recorded:

- Scott Curtis .Aye
- Dale Holbrook .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: Educational Capital Project Fund #177

Date: October 13, 2005

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Other Services	Operating Transfers	49800	851,980.00	
Education Capital Projects	Building Construction (RGCK)	91300-706		791,159.00

Fund: Educational Capital Project Fund # 177 (Cont'd)

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Education Capital Projects	Building Improvements (CTRL)	91300-707		7,558.00
	Site Development (EGWD)	91300-724	25,779.00	
	Other Construction (MCVS)	91300-791		69,452.00
	Other Capital Outlay (CALH)	91300-799		3,898.00
Reserve	Undesignated Fund Balance	39000		5,692.00

EXPLANATION: To enter Education Capital Projects carry-over balances from FY 2004-05. School Board approval: 10/13/05.

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

Motion carried by roll call vote, as recorded:

Scott Curtis Aye
 Dale Holbrook 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 DEPARTMENT OF JUVENILE SERVICES UPDATE MR. LARRY RHODES

Mr. Larry Rhodes, Director of Juvenile Services, reviewed the highlights of their Annual Report for 2004-2005 which was provided to each Commissioner. Mr. Rhodes encouraged the Commissioners to review the report because most of the numbers represent McMinn County families. Mr. Rhodes said that last year they had 847 referrals and he referred to the composition of these referrals. Although McMinn County's youth have some serious problems, the numbers are not as high as the serious problems in larger metropolitan areas. This department is a proactive department and they try to identify the high risk kids in school and intervene before they come to court. Mr. Rhodes referred to the program they have for the youth to pay restitution, court costs, and community service for a total benefit to the community of \$52,101.25. Mr. Rhodes also said that they had a total of 3,547 sessions individually with kids or kids and their parents and he added that this year they were shore. staffed. In response to a question from Mr. Gentry, the County Mayor, Mr. Rhodes said that the number of times they meet with a child depends on the individual situation. In response to a question from Commissioner Jack Powers, Mr. Rhodes said that the most common referral is a 16 year old male, but they have boys and girls in their program less than 10 years of age through age 18. Mr. Rhodes reviewed several statistics and patterns and added that their goal, with the help of some State programs, is to help families solve their own problems in their own home environments because that is a much longer fix.

(Cont'd)

Mr. Rhodes concluded by telling the Commission some of their needs. He said that it is getting harder to find qualified employees and harder to keep them because of financial reasons. He requires a degree, basically the same degree as they do in education, yet they are starting out at \$6,000-7,000 less. He also said that federal funds are decreasing and this trickles down to us, and other State grants are extremely difficult to get. He also said that the counselors' case loads are heavier than they should be and their services will be even more needed because of TennCare cuts, and added that they need a replacement van.

In response to a questions from Mr. Gentry and other Commissioners, there was a discussion concerning contracting with other communities for overnight stays and he specifically mentioned Bradley County's new facility.

Mr. Rhodes expressed his appreciation for the opportunity to talk to the Commission and Chairman Crews thanked him for the update.

10. COMMENTS FROM THE AUDIENCE

A. Comments by Mr. Jimmy Bull.

Mr. Jimmy Bull, an Etowah resident, presented a petition with signatures of 116 registered voters that live in District 4 requesting that he be appointed to the seat left vacant by the death of Commissioner King. Mr. Bull said he has a desire to serve and would consider it an honor and a privilege to serve. Mr. Bull told the Commission of his past experience and he feels this experience would be an asset. However, he said he doesn't feel the issue is about him the issue is about whether or not the citizens are going to be denied the right to have equal and fair representation on this Commission. By the time the next election is held, the seat would have been vacant one year, and asked if the Commission is toying with destroying the makeup of this Commission which was designed to have two representatives from each district. Mr. Bull added that there have been many vacancies on this Commission, citing the most recent vacancy caused by the death of Mr. Sam Houston. Mr. Bull said he was quickly replaced by Commissioner Rick Brown and this precedent worked well. Mr. Bull concluded by asking the Commission not to re-write history and to do the will of the people by filling this vacancy.

Chairman Crews acknowledged the petition and requested comments from the Commission.

Commissioner McPhail said that there is a legal procedure involving public notice and acceptance of applications that must be followed and he suggested that the County Attorney look into this and give them guidance.

Commissioner Mason said he looks to Commissioner Holbrook to take the lead on this issue since this is his District and Commissioner McPhail added that when Mr. Houston's seat became vacant, they deferred to the recommendation of the other Commissioner in that district.

Mr. Johnny Lipps, an Etowah resident in District 4, declared his desire to serve as a Commissioner from District 4. He discussed his past experience and added that he plans to run in the next election.

Commissioner Holbrook said that he believes that there is a majority consensus in the 4th District that would like to elect their own Commissioner, but he acknowledged that there are some residents who want someone appointed in the interim. Mr. Holbrook suggested that applications be accepted so that an appointment can be made at the next Commission meeting.

MOTION made by Commissioner McPhail, and seconded by Commissioner Bob Powers, to request the County Attorney to research the statutes and come back to the Commission with instructions on what has to be done if the Commission decides to fill the vacancy.

(Cont'd)

Mr. Bull asked if it would be possible to have a called meeting in order for someone to take the seat by next month's meeting. Chairman Crews explained that there is not enough time to make proper public notice and accept applications for a called meeting. In response to a question from Mr. Bull, Chairman Crews said that another petition would not be necessary for Mr. Bull.

Commissioner Curtis and Commissioner Bob Powers said that they feel the Commission should solicit Mr. Holbrook's recommendation if applications are accepted.

Motion carried by voice vote.

11. RESOLUTIONS

A. Resolution to Authorize Payment of Additional Compensation to Certain Court Clerks.

Mr. Gentry presented and explained the following resolution to authorize payment of additional compensation to certain court clerks who serve more than one court. Mr. Gentry added that the Clerk and Master's salary may also be subject to this increase, but is awaiting an Attorney General's opinion on whether Probate Court is a separate court or a division of Chancery Court.

RESOLUTION NO. 05-130

RESOLUTION TO AUTHORIZE PAYMENT OF ADDITIONAL COMPENSATION TO CERTAIN COURT CLERKS

WHEREAS, the Tennessee General Assembly, in passing Chapter 195 of the Public Acts of 2005, provided that clerks of court who serve more than one court may be paid additional compensation for the additional duties and time required in serving multiple courts; and

WHEREAS, *Tennessee Code Annotated, Section 8-24-1 02*, as amended by Chapter 195 of the Public Acts of 2005, now provides that the county legislative body may pay such a clerk an additional ten percent (10%) of the clerk's base salary, provided that such additional compensation is authorized by a resolution of the county legislative body; and

WHEREAS, the Board of Commissioners of McMinn County has determined that the base salary of the court clerks in McMinn County is \$57,256.00; and

WHEREAS, the Board of Commissioners of McMinn County has determined that the Circuit Court Clerk in McMinn County is currently serving as clerk for the following courts:

General Sessions
Circuit
Juvenile,

and that, in the opinion of the Board of County Commissioners, it is appropriate to provide additional compensation to the clerk serving these courts.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of McMinn County, Tennessee, meeting in regular session on this 17th day of October, 2005, at Athens, Tennessee, that:

SECTION 1. The Board of Commissioners of McMinn County, Tennessee, authorizes the clerk serving the courts listed above to receive additional compensation beginning July 1, 2005, equivalent to ten percent (10%) of the base salary paid the clerk as a general officer of the county.

(Cont'd)

SECTION 2. This Resolution shall be effective upon its passage and approval, the public welfare requiring it.

Adopted this 17th day of October, 2005.

(Orig signed by John M. Gentry)
County Mayor

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

Motion carried by voice vote.

B. A Resolution to Approve the Closing of County Road 318.

Mr. Gentry presented the following resolution to approve the closing of County Road 318, along with a memorandum from the Highway Commissioner and a letter from the Rarity Meadows developer. Mr. Gentry explained that Rarity Meadows wishes to become a gated community by closing County Road 318 as a public road and maintaining the road as a private development street.

Resolution No. 05-131

A RESOLUTION TO APPROVE THE CLOSING OF COUNTY ROAD 318

WHEREAS, County Road 318 is the main road through Rarity Meadows housing development; and

WHEREAS, the only property serviced by County Road 318 is the Rarity Meadows development, and Rarity Meadows agent Rex Ball has filed formal request with the Commissioner of Highways to close County Road 318 and remove it from the county road system; and

WHEREAS, if closed, the ownership of said County Road 318 will be transferred to the developer until it is transferred to the property owner's association; and

WHEREAS, the McMinn County Commissioner of Highways gives his recommendation that this request be honored and that County Road 318 be closed as a County Road and taken off of the McMinn County Highway Department's road maintenance listing.

(Cont'd)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN SESSION ON THIS 17th DAY OF OCTOBER 2005, THAT THE MCMINN COUNTY COMMISSION APPROVES THE CLOSING OF COUNTY ROAD 318, the public welfare requiring it.

(Orig signed by John M. Gent~)
McMinn County Mayor

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

In response to a question from Commissioner Jack Powers, Mr. Gentry said that this road was built by the developer.

The Highway Commissioner stated that this is not just being taken off the road maintenance system, it is being closed and he asked that this be stated in the minutes.

Motion carried by voice vote.

12. ELECTIONS. APPOINTMENTS AND CONFIRMATIONS

A. A Resolution to Confirm the Appointment of Katherine Abbott to the Board of Directors of Woods Memorial Hospital.

Mr. Gentry presented the following resolution to reappoint Katherine Abbott to the Board of Directors of Woods Memorial Hospital.

Resolution No. 05-132

A RESOLUTION TO CONFIRM THE APPOINTMENT OF KATHERINE ABBOTT 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, Katherine Abbott is a current member of the Woods hospital Board of Directors; and

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

(Cont'd)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 17th DAY OF October 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 Holbrook, and seconded by Commissioner Bob Powers, to approve this resolution.

Motion carried by voice vote.

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

A. Emergency Services Committee Commissioner Curtis.

Commissioner Curtis said that the Emergency Services Committee met prior to this meeting and he presented the following resolutions concerning applications for two fire hydrants:

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

Resolution No. 05-133

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:

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 \$1,500.00, based on available funds and approval of the Budget Committee.

I, Brent Carter as the Chief of Hillsview Volunteer Fire District, wish to request the placement of a fire hydrant at the following location:

Intersection of County Road 59 and County Road 38

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

Resolution No. 05-134

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:

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 \$1,500.00, based on available funds and approval of the Budget Committee.

I, Brent Carter, as the Chief of Hillsview Volunteer Fire District, wish to request the placement of a fire hydrant at the following location:

On County Road 50 in front of Fire Hall

(sketch of location attached to original 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: (Orig signed by Brent Carter)

Address: 385 County Road 59, Riceville, TN 37370

Telephone: 336-2117

Date of Request: 10-05-05

As Rural Fire District Chief, I approve this recommendation:

(Orig signed by Brent Carter) District: # 8. Hillsview

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: (Orig signed by Haail H. Nunlev. Jr.)

This hydrant was approved by the McMinn County Commission on October 17, 2005.

Approving Signature: _____

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 17th DAY OF OCTOBER, 2005, that this Commission does hereby approve this Fire Hydrant Request.

(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 Bob Powers, to approve this resolution.

Motion carried by voice vote.

Commissioner Curtis also thanked everyone for their participation at the picnic that was held for emergency services personnel on October 7, 2005. Commissioner Curtis and Chairman Crews said it was a nice event.

B. Announcement of Agricultural Extension Committee Meeting Commissioner Mason.

Commissioner Mason announced that there would be an Agricultural Extension Committee Meeting the first week in November and he said a letter would be sent with details.

C. Comments by Commissioner Masingale.

Commissioner Masingale said that he is elected in the 3rd District as is Commissioner Jack Powers, but he feels he speaks for entire Commission that each Commissioner does his best for the whole County, including his own district.

D. Comments by Highway Commissioner.

The Highway Commissioner asked the Commission to mark their calendar for November 23rd for a fish fry at the County Highway Department at 11:00 am.

E. Financial Management Committee Commissioner Vincent.

Commissioner Vincent said that there was a Financial Management Committee meeting to discuss the \$1,000.00 deferred for insurance. This amount was increased to take into account the taxes that have to be paid.

F. Status of Improvements at the McMinn County Airport Mr. Robert Beene.

Mr. Beene said that the road relocation project is complete except for a few punch list items and the excavation for the runway, taxiway and widening is essentially complete. The crack repair is complete and Mr. Beene added that this was a pretty good size project. The subcontractor will be installing the trench drains on Wednesday and the electrical contractor will be pretty close behind. Mr. Beene said that they may be putting down the black binder by the end of this week and he reported that they have a progress meeting in the morning.

In response to a question from Commissioner Jack Powers, Mr. Beene said that the airport will hopefully reopen by the middle of November. In response to a question from a member of the audience, Mr. Beene said that there may be a project in the future that could involve more hangars.

14. COMMENTS FROM THE COUNTY MAYOR

A. Update on the Joint Animal Shelter Project.

Mr. Gentry said that he has received notification that all five cities have approved the Joint Resolution for Use of City of Athens Animal Shelter by Citizens of McMinn County, Etowah, Englewood, Niota and Calhoun which the Commission approved last month. This is the beginning of the third week of the project and it is a long haul for the trustees from Brushy Mountain and they are putting in a long day but it is moving along well.

B. "First Responders" Picnic on October 7, 2005.

Mr. Gentry echoed what Commissioner Curtis said about the picnic for emergency services personnel. He said the rural fire fighters truly appreciated the gesture.

C. Breakout Session at the Tennessee County Services Meeting.

Mr. Gentry referred to a breakout session on health insurance cards through the National Association of Counties. By virtue of being a member of NACO, our county is eligible to have a drug card for the uninsured and under-insured. Mr. Gentry said that he and Mr. Luallen attended this meeting and they are looking into this program for our citizens. Mr. Gentry said they will bring back a report and added that there is no obligation to county governments and may benefit our citizens especially in light of TennCare cuts. It is a perk for belonging to NACO through a company called Care Marx. He asked the Commission to keep their ears open to news because Knoxville is looking at adopting this program.

D. Woods Memorial Hospital Monthly Financial Report as of August 31 2005.

Mr. Gentry referred to the Woods Memorial Hospital Monthly Financial Report as of August 31, 2005 which was provided to each Commissioner. He pointed out some improving numbers and added they have had a strong summer.

15. APPROVAL OF NOTARY APPLICATIONS

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

Notary Applications for October 2005

Tina C. Barber
Johnny F. Black
Tanja Breedlove
Robert W. Case
Patricia A. Home

Notary Applications for October 2005 (Cont'd)

Vicki Anderson Moore
Martina C. Riden
Tonya R. Sperry
Robert A. Watson
Jessica A. Webb

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

Motion carried by voice vote.

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

Chairman Crews referred to the updated list of the McMinn County Commission's Committees he appointed and which was provided to each Commissioner.

17. ADJOURNMENT

There being no other business, Chairman Crews declared the meeting adjourned at 8:30 pm.

McMinn County Clerk

Attest:

Deputy Clerk

1/7—dC
(date)