

The McMinn County Board of Commissioners met in Regular Session on Monday, November 15, 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 Gary Mason.

3. PLEDGE TO THE FLAG

The Pledge to the Flag was led by Commissioner Roger Masingale.

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 October 18, 2004 were provided to the Commissioners.

MOTION made by Commissioner King, and seconded by Commissioner Vincent, to approve the Minutes of October 18, 2004.

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

A. A Resolution to Approve and Award the Computer Bid for Register of Deeds.

Mr. Luallen presented the following resolution to approve and award the computer bid for the Register of Deeds, as well as the bid summary sheet and the recommendation from Ms. Nadean Cunningham, Register of Deeds.

RESOLUTION NO. 04-168

A RESOLUTION TO APPROVE AND AWARD COMPUTER BID FOR REGISTER OF DEEDS

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

WHEREAS, the McMinn County Register of Deeds, Nadean Cunningham has requested the purchase of Computer Equipment in order to properly carry out the functions of the office; and

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

WHEREAS, Ms. Cunningham recommends the Dell Optiplex GX280 computer and the Fujitsu FI-4120C scanner be awarded to Progress, Inc. at the total cost of \$13,308.00, the best bidder meeting specifications; and

WHEREAS, Ms. Cunningham recommends rejecting the laser printer bid since there have been recent repeated mechanical problems with the printer specified; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15~ DAY OF NOVEMBER 2004, that this Commission does hereby approve the recommendation of the Register of Deeds.

(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.

Motion carried by voice vote.

B. 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 as well as the recommendation from the Sheriff.

RESOLUTION NO. 04-169

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

WHEREAS, the Sheriff Department has requested purchase of medical supplies, non prescription items and prescription drugs from I.H.S. Pharmacy for the period of December 1, 2004 through May 31, 2005; 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 bid received.

(Cont'd)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15TH DAY OF NOVEMBER, 2004, 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 Vincent, and seconded by Commissioner Holbrook, to approve this resolution.

Motion carried by voice vote.

C. A Resolution to Approve Advance Payment of 2004 Inservice/Supplemental Pay to Eligible Officers of the McMinn County Sheriffs Department.

Mr. Luallen presented the following resolution to approve advance payment of 2004 inservice/supplemental pay to eligible officers of the Sheriffs Department, along with a copy of the Sheriffs letter of request and a list of eligible employees.

RESOLUTION NO. 04-170

A RESOLUTION TO APPROVE ADVANCE PAYMENT OF 2004 INSERVICE/SUPPLEMENTAL PAY TO ELIGIBLE OFFICERS OF THE MCMINN COUNTY SHERIFF'S DEPARTMENT

WHEREAS, McMinn County receives payment of in-service supplemental pay from the State of Tennessee Peace Officer Standards and Training Commission for eligible officers as defined in Tennessee Code Annotated Title 38 Chapter 8; and

WHEREAS, the amount of the supplemental pay is \$518.00 per officer, and is received in the month of June; and WHEREAS, McMinn County Sheriff Steve Frisbie requests this money be paid in the month of December.

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE MEETING IN REGULAR SESSION ON THIS THE 15TH DAY OF NOVEMBER 2004, that this Commission does hereby approve the request of Sheriff Frisbie.

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

7. REVIEW AND APPROVAL OF CONTRACTS

None.

8. APPROVAL OF BUDGET AMENDMENTS

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

Fund: General Purpose School # 141			Date: September 28, 2004	
<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
State Education	Other State Education	46590	209,367.00	
Funds				
Regular Instruction	Other Salaries & Wages	71100-189		185,035.00
Program				
	Social Security	71100-201		11,472.00
	State Retirement	71100-204		10,177.00
	Employer Medicare	71100-212		2,683.00

EXPLANATION: To budget revenue received from the state for the one-time non-recurring bonus. School Board approval: 10/14/04.

Fund: General Purpose School #141			Date: October 8,2004	
<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Revenue	Special Ed. Grants to States	47143	29,655.60	
Special Education Program	Special Education Equipment	7 1200-725		29,655.60

EXPLANATION: To budget additional funds received from the state for excess cost students with disabilities. School Board approval: 10/14/04

Fund: General Purpose School # 141			Date: October 8, 2004	
<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Community Services Teachers		73300-116		34,920.00
	Educational Assistants	73300-163		5,000.00
	Social Security	73300-201		2,330.00
	State Retirement	73300-204		1,921.00
	Life Insurance	73300-206		88.00
	Medical Insurance	73300-207		4,542.00

(Cont'd)

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

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Community Services	Unemployment Compensation	73300-2 10		39.00
	Employer Medicare	73300-212		560.00
	Other Fringe Benefits	73300-299		20.00
	Communication	73300-307		1,400.00
	Travel/Conference & Meetings	73300-355		1,000.00
	Instructional Supplies	73300-429		12,680.00
	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 Grant for FY 2004-05. School Board approval: 10/14/04.

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Other	Other Salaries & Wages	71900-189		54,680.00
	Social Security	71900-201		3,390.00
	State Retirement	71900-204		3,154.00
	Employer Medicare	71900-212		793.00
	Other Fringe Benefits	71900-299		1,250.00
	Communication	71900-307		500.00
	Travel	71900-355		2,400.00
	Other Contracted Services	71900-399		2,000.00
	Instruc. Supplies & Materials	71900-429		18,633.00
	Equipment	71900-790		2,600.00
	Other Charges	71900-599		600.00
Revenue	Other State Education Funds	46590	90,000.00	

EXPLANATION: To enter the project budget for the approved 21st Century Community Learning Centers Program. This grant was approved by the state September 13, 2004. School Board approval: 10/14/04

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

Date:

September 17, 2004

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Alternative Instruction Program	Teachers	71150-116		22,204.00
	Social Security	71150-201		1,389.00
	State Retirement	71150-204		1,232.00
	Life Insurance	71150-206		44.00
	Medical Insurance	71150-207		2,271.00
	Employer Medicare	71150-212		325.00
	Other Fringe Benefits	71150-299		10.00
Special Education Program	Teachers	71200-116		37,071.00
	Educational Assistants	71200-163		17,652.00
	Other Salaries & Wages	71200-189	1,141.00	
	Social Security	71200-201	3,464.00	
	State Retirement	71200-204	6,573.00	
	Life Insurance	71200-206	175.00	
	Medical Insurance	71200-207	18,000.00	
	Unemployment Compensation	71200-210		28.00
	Employer Medicare	71200-212	810.00	
	Other Fringe Benefits	71200-299		40.00
Contracts with Private Agencies	71200-312		30,000.00	

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

Special Education Program	Instruc. Supplies & Materials	71200-429	78,588.00	
	Other Supplies & Materials	71200-499	29,742.00	
	Special- Education Equipment	71200-725	13,360.00	
Special Ed.	Psychological Personnel	72220-124	4,992.00	
Program Support				
	Other Salaries & Wages	72220-189	1,247.00	
	Social Security	72220-201	347.00	
	State Retirement	72220-204	1,251.00	
	Life Insurance	72220-206	25.00	
	Medical Insurance	72220-207	1,000.00	
	Unemployment Comp.	72220-2 10	1.00	
	Employer Medicare	72220-212	258.00	
	Other Fringe Benefits	72220-299	10.00	
	Maint. & Repair Svcs- Equip.	72220-336		3,000.00
	Other Contracted Services	72220-399		15,000.00
	In Service/Staff Development	72220-524		5,000.00
	Other Charges	72220-599	1,000.00	
Transportation	Bus Drivers	72710-146		21,740.00
	Social Security	727 10-201		1,038.00
	State Retirement	72710-204		1,577.00
	Life Insurance	727 10-206		22.00
	Medical Insurance	727 10-207		9,000.00
	Unemployment Compensation	72710-210	53.00	
	Employer Medicare	72710-212		243.00
	Other Fringe Benefits	72710-299		30.00
	Contracts with Parents	72710-313		3,005.00
Revenue	Spec.Ed.-Grantsto	47143	322,568.00	

Fund: Federal Projects # 142 Pre School, 05.01, #590

Date: September 17, 2004

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Special Education Program	Instruct. Supplies & Materials	71200-429	555.00	
Special Ed. Program Support	Other Salaries & Wages	72220-189		1,247.00
	Social Security	72220-201	39.00	
	State Retirement	72220-204		499.00
	Life Insurance	72220-206	54.00	
	Employer Medicare	72220-212	93.00	
	Other Fringe Benefits	72220-299	10.00	
Revenue	Special Ed. PreSchool	47145	995.00	

EXPLANATION: To enter the PreSchool 05.01 budget that was approved by the state August 30, 2004. The original budget was based on estimates. School Board approval: 10/14/04.

Fund: Federal Projects # 142-Title V, Part A, 03.21 # 377

Date: September 27, 2004

DEPARTMENT	ACCCOUNT	FOLIO	DEBIT	CREDIT
Reserve	Res. for Innov. Ed. Prog. Strat.	34420	2,726.95	
Regular Instruction Teachers Program		71100-116		2,463.95
	Social Security	71100-201		124.00
	State Retirement	71100-204		110.00
	Employer Medicare	71100-212		29.00

EXPLANATION: To enter Title V, Part A, 03.21 carryover balances into the FY 04-05 budget. School Board approval: 10/14/04.

Fund: Federal Projects # 142-Title II, Part D, 05.01 #580

Date: September 27, 2004

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Revenue	Eisen. Prof. Dev. State Grants	47189	3,075.00	
Regular Instruction Program	Instruc. Supplies & Materials	71100-429	22,821.00	
Reg. Instruc. Program Support	Clerical Personnel	72210-162		518.00
Materials	Other Supplies &	72210-499		1,000.00

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EXPLANATION: To enter the approved Title II, Part D, 05.01 budget. The original budget entered was based on estimates. School Board approval: 10/14/04

Fund: Federal Projects # 142-Title I, Part A, 05.01, # 571

Date: September 29, 2004

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Regular Instruction Teachers Program		71100-116	25,870.00	
	Educational Assistants	71100-163		3,258.00
	Social Security	71100-201	2,227.00	
	State Retirement	71100-204		9,125.00
	Life Insurance	71100-206	285.00	
	Medical Insurance	71100-207		5,000.00
	Unemployment Compen-	71100-210		42.00
	Employer Medicare	71100-212	521.00	
	Other Fringe Benefits	71100-299	20.00	
	Instruc. Supplies & Materials	71100-429		27,236.00
	Instructional Equipment	71100-722	5,389.00	
Other Student Support	Other Charges	72130-599		1,483.00
Reg. Instruc. Program Support	Supervisor/Director	72210-105	4,819.00	
	Secretary	72210-161		17,749.00
	Social Security	72210-201		1,719.00
	State Retirement	72210-204		2,806.00
	Life Insurance	72210-206		50.00
	Medical Insurance	72210-207		5,615.00
	Unemployment Compen-	72210-210		29.00
	Employer Medicare	72210-212		402.00
	Other Fringe Benefits	72210-299		20.00
	Travel	72210-355		1,000.00
	Other Supplies & Materials	72210-499	5,307.00	
	Staff Development	722 10-524		46,343.00
Revenue	Title I Grants to States	47141	87,077.00	

Fund: Federal Projects # 142, Title IV, Part A, 05.01, #585

Date: October 8, 2004

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Revenue	Other Federal Through State	47590		3,318.00
Other Student Support	Clencal Personnel	72130-162		600.00
	Other Salaries & Wages	72130-189		5,000.00
	Contracts with Gov. Agencies	72 130-309	27,324.00	
	Other Supplies & Materials	72130-499		2,406.00
	Staff Development	72130-524		10,000.00
	Other Equipment	72130-790		6,000.00

EXPLANATION: To enter the approved Title IV, Part A, 05.01 budget. The original budget was based on estimates. School Board approval: 10/14/04

Fund: Federal Projects # 142 IDEA-B, 03.21 #493

Date: October 8, 2004

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Special Education	Teachers	71200-116		8,000.00
	Social Security	71200-201		500.00
	State Retirement	7 1200-204		440.00
	Employer Medicare	71200-212		116.00
	Contracts with Private Agencies	71200-312		12,289.85
	Other Contracted Services	71200-399		10,700.01
	Instruc. Supplies & Materials	7 1200-429		83,249.46
	Other Supplies & Materials	71200-499		36,547.41
	Equipment	71200-725		2,075.00
Special Ed. Program Spt	In-Service/Staff Development	72220-524		8,022.94
Reserve	Res. for Sp. Ed. Grants to States	34430	28,212.67	
Revenue	Special Ed. Grants To States	47143	133,728.00	

Fund: Federal Projects # 142, Voc. Ed., 05.01, #552

Date: October 8, 2004

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Revenue	Voc. Ed. Basic Grants to States	47131	8,897.00	
Vocational Education Program	Travel	71300-355		16,000.00
	Instruc. Supplies & Materials	71300-429		16,779.00
	Equipment	71300-7-30	9,882.00	
Other Student Support	Travel	72 130-355	14,000.00	

EXPLANATION: To enter the approved Voc. Ed. 05.01 project budget. The original budget was based on estimates. School Board approved: 10/14/04

Fund: Federal Projects # 142-Title I, Part A, 04.01 # 471

Date: October 26, 2004

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Regular Instruction Teachers Program		71100-116		39,709.31
	Educational Assistants	71100-163		4,269.30
	Social Security	71100-201		2,445.44
	State Retirement	71100-204		2,419.81
	Life Insurance	71100-206		279.74
	Medical Insurance	71100-207		22,238.54
	Employer Medicare 71100-212			571.90
	Other Fringe Benefits	71100-299		66.60
Reg. Instruc. Program Spt	Supervisor/Director	72210-105		12,927.40
	Secretary	72210-161		3,789.66
	Social Security	72210-201		873.65
	State Retirement	72210-204		787.51
"	Life Insurance	72210-206		38.28
	Medical Insurance	72210-207		2,142.30
	Employer Medicare	72210-212		204.32
	Other Fringe Benefits	72210-299		9.99
Reserve	Res. for Title Grants	34410	28,187.75	

EXPLANATION: To enter FY 04-05 Title I, Part A, 04.01 balances into the budget.

Fund: Federal Projects # 142 Smaller Learning Communities

Date: November 4, 2004

Program Planning Grant, 05.01, #501

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Other Student	Other Salaries & Wages	72130-189		5,000.00
Support				
	Social Security	72130-201		310.00
	State Retirement	72130-204		275.00
	Employer Medicare	72130-212		73.00
	Other Fringe Benefits	72130-299		42.00
	Travel	72130-355		20,000.00
	Other Contracted Services	72130-399		12,000.00
	Other Supplies & Materials	72130-499		1,500.00
	In-Service/Staff Development	72130-524		10,800.00
Direct Federal Revenues	Other Direct Federal Revenue	47990	50,000.00	

EXPLANATION: To enter the budget for the Smaller Learning Communities Program Planning Grant that was awarded to the McMinn County School System by the US Department of Education on 9/30/04.

MOTION made by Commissioner King, and seconded by Commissioner Mason, 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: Education Capital Project Fund #177

September 28, 2004

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Reserve	Undesignated Fund Balance	39000	250,000.00	
State Education Funds	Other State Revenues	46990	235,000.00	
Capital Projects	Education Capital Projects	9 1300-729 (MCVS)		485,000.00

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MOTION made by Commissioner Mason, and seconded by Commissioner McPbail, 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. WOODS MEMORIAL HOSPITAL FINANCIAL REPORT MR. SOUTHERLAND

Mr. David Southerland, CEO and Administrator of Woods Memorial Hospital District, began by saying that September was a very slow month and he reviewed in detail the statistical report which was provided to the Commissioners. Mr. Southerland also reviewed the highlights of Revenue and Expense Statement of the Hospital District and he explained that the reason the expenses were up on "Purchased/Professional" is that they have had to go out to the marketplace and hire agency nursing, typically running \$65.00 per hour. Mr. Southerland said that they were under budget by about \$35,000.00 on our total operating expenses. However, with the reductions in the total operating revenue due primarily to the contractual allowances, we showed a loss of \$135,628.00 compared to a budget of \$67,047.00 for the district. And with the extra areas in investment income and contributions, it balanced out to a total loss of \$133,503.00 for the month, and year to date a loss of \$246,857.00. Mr. Southerland said the hospital by itself lost \$157,047.00 compared to a scheduled budgeted loss of \$25,291.00 and added that year to date, the hospital, as a stand alone, has \$391,384.000 compared to a budgeted loss of \$75,875.00. Mr. Southerland said that the nursing home had a positive bottom line of \$16,955.00 compared to a budget of \$85,453.00 and year-to-date, the nursing home showed a positive bottom line of \$125,770 compared to a budget of \$256,398.00. Mr. Southerland explained that the nursing home revenue is down because their census has been down for the past two months and added that the Medicaid reimbursement has also dropped.

Mr. Southerland answered several questions of Commissioners and in response to a question from Chairman Crews regarding the effect of TennCare cuts, Mr. Southerland said that a number of their nursing home residents are on TennCare and this will be a direct hit to the organization. He also said that he believes that more utilization of the emergency room for primary care because more and more physicians will not accept TennCare patients with no reimbursement.

Mr. Southerland did say that October was better and we are ahead of the game right now but it is very hard to predict. In response to a question from Commissioner Bob Powers, Mr. Southerland discussed the surgical volume of some of the local physicians.

10. MR. BILL PAUL REGARDING COUNTY ROAD 775

Mr. Bill Paul addressed the Commission to complain about a substandard trailer park moving in on County Road 775. Mr. Paul said that he believes that they were brought in illegally and added that one was literally dragged in which damaged the road. He said that he has health and safety reasons as well as property value concerns. He asked the Commission what they can do about this. In response to a question from Commissioner King, Mr. Paul said that the trailer park is six acres. Mr. Paul mentioned one resident who lives alone and she is fearful because it is trouble waiting to happen. Commissioner Vincent explained the trailer park regulations when there are four or more trailers, and after some discussion, Mr. Gentry said that the Planning Commission is aware of this and they' are monitoring it and added that the Planning Commission has a legal budget.

11. SHERIFF FRISBIE/TENNESSEE CORRECTION INSTITUTE

Sheriff Steve Frisbie introduced Mr. Barry Suttles, an inspector with the Tennessee Corrections Institute. Mr. Suttles told the Commissioners about his concerns about understaffing at the jail and gave specific examples. An unofficial staffing analysis indicated that there should be 94.4 staff employed at the jail. If an official staffing analysis were done and the recommended staff was not hired, it could cause decertification of the jail. In response to a question

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from Mr. Gentry concerning this high number of staff for 150 to 200 inmates, Mr. Suttles explained the number of staff needed is based on manhours worked a year taking into consideration the staffs military service, training hours, holidays, sick leave, vacation and funeral leave, as well as the various posts that must be covered for three shifts. Commissioner Vincent said that when this jail was built, it was designed for good visibility from a few posts, but Mr. Suttles said that the jail population has increased considerably. Commissioner Vincent said that he feels the staffing should be figured on reality rather than statistics. Mr. Suttles recommends that the Sheriff hire a minimum of ten corrections officers prior to December 9th when he will make a report to the Tennessee Corrections Institute. In response to a question from Commissioner McPhail, Mr. Suttles said that if the Commission does not address the staffing needs, Mr. Suttles said the County could have increased insurance premiums, lose out on future grants and face grave liability issues.

There was some discussion concerning why the Sheriff didn't come before the Budget Committee at Budget time. Mr. Suttles also told the Commissioners that if the jail is decertified, 75% of the money received for state inmates must be set aside for jail expenses and Mr. Gentry said that it is being spent at the jail. Mr. Suttles also said that the Sheriffs staff does a wonderful job with the staff they have.

Commissioner Mason said that this topic has caught him off-guard because he was expecting the Sheriff to need help in fighting the methamphetamine epidemic. He said that is another subject and this causes the staff to be really stretched. Sheriff Frisbie said he needs resources on all fronts and there was some discussion concerning the possible need for a tax increase.

Mr. Suttles reminded the Commission again that he will be back for another inspection on December 9, 2004 and he will need something in writing concerning the Commission's plans to hire additional staff. Commissioner Jack Powers said that the Commission will take this under "deep consideration."

Commissioner Crews suggested that this might be a good time to consider privatizing our jail.

12. COMMENTS FROM THE AUDIENCE

A. Comments by Mr. David Hutson.

Mr. Hutson said he appreciated the new fence around the Justice Center because he said that law enforcement is one of the main reasons why we have governments. In reference to the 3-Star Program, he commented that the concept Of Metro Government could possibly have some merit in consolidating school systems and better service at lower cost. In reference to Comcast's Channel 95 which has been set aside for government and education, Mr. Hutson asked the Commissioners to consider broadcasting Commission meetings.

B. Comments by Mr. Ron Clayton. Reporter with the Times Free Press.

Mr. Ron Clayton, in referring to an earlier comment that Sheriff Frisbie brought the television stations to this meeting, said that they were probably present tonight because of an article that he had published in the Times Free Press today concerning the issues on the agenda.

C. Comments by a Resident on County Road 350 Concerning Methamphetamine Problems in Her Community.

The resident, who asked not to be identified, said that there were about 10 or 12 meth labs in her community and sometimes she wakes up choking. The resident said that they are sometimes arrested but they are back out doing the same thing in a short while. The resident said that she has been to the District Attorney's Office, the Sheriffs Department and has even talked to a Judge. There was a lengthy discussion concerning the health problems that this is causing as well as what is being done in the County. This resident requested help from the Commission. Commissioner Holbrook suggested that a Jail and Juvenile Services Committee meeting be called to try to figure out something to do about this.

13. RESOLUTIONS

A. Resolution to Participate in the Three-Star Program and Resolution to Affirm Compliance with Federal Title VI Regulations.

Mr. Gentry presented the following resolutions to participate in the Three Star Program any to affirm compliance with Federal Title VI Regulations:

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Resolution No. 04-17 1

RESOLUTION TO PARTICIPATE IN THE THREE-STAR PROGRAM

WHEREAS, the Tennessee Department of Economic and Community Development is committed to assist the communities it serves in creating opportunities for sustained economic growth through the Three-Star Program; and

WHEREAS, participation in the Three-Star Program affords certified communities the opportunity to develop and implement programs affecting the economic appeal and viability considered by business and industry in making investment decisions; and

WHEREAS, certification as a Three-Star community in the Three-Star Program involves a cooperative effort by numerous local entities;

WHEREAS, McMinn County Economic Development Authority is the designated contact for the Three-Star Program.

NOW, THEREFORE, BE IT RESOLVED by the County legislative body of McMinn County, Tennessee, meeting in regular session on the 15th day of November 2004 in Athens, Tennessee, that McMinn County will participate in the Three-Star Program.

Adopted this 15th day of November 2004.

(Orig signed by John Gentry)
McMinn County Mayor

Attest:

(Orig signed by Evonne Jones)
County Clerk

Resolution No. 04-172

RESOLUTION TO AFFIRM COMPLIANCE WITH FEDERAL TITLE VI REGULATIONS

WHEREAS, both Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 provide that no person in the United States shall, on the ground of race, color or national origin be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving federal financial assistance; and

WHEREAS, the Tennessee Attorney General opined in Opinion No. 92-47 that state and local governments are required to comply with Title VI of the Civil Rights Act in administering federally-funded programs; and

WHEREAS, the Community Development Division of the Tennessee Department of Economic and Community Development administers the Three-Star Program and awards financial incentives for communities designated as Three-Star communities; and

WHEREAS, by virtue of the Tennessee Department of Economic and Community Development receiving federal financial assistance, all communities designated as Three-Star communities must confirm that the community is in compliance with the regulations of Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987;

NOW, THEREFORE, BE IT RESOLVED by the county legislative body of McMinn County, Tennessee, meeting in regular session at Athens, Tennessee, that:

Section 1. The legislative body of McMinn county declares that the county is in compliance with the federal title VI regulations.

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Section 2. The Department of Economic and Community Development may from time to time monitor the county's compliance with federal Title VI regulations.

Section 3. This Resolution shall take effect upon adoption, the public welfare requiring it. Adopted this 15th day of November 2004.

(Orig signed by John Gentry)

McMinn County Mayor

Attest:

(Orig signed by Evonne Jones)
County Clerk

As Mr. Gentry explained at the last Commission meeting, the Governor's Three-Star Award program is being revamped and instead of one point being allowed on grant applications, that designation is worth a possible five points. Although Etowah has been a 3-star community for seventeen years, this is now a county-wide program and if we attain 3-star status, every municipality in McMinn County would be able to claim 3-star status. Mr. Gentry also said that if we have 3-star status, this will decrease our match on grants. Mr. Gentry recommends that this resolution be approved to authorize us to participate, but Mr. Gentry added that the County can pull out of this program at any time.

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

Motion carried by voice vote.

B. Resolution to Approve an Extension to the Lease Agreement Between McMinn County and Congressman John J. Duncan Jr.

Mr. Gentry presented the following resolution to approve an extension to the lease agreement between McMinn County and Congressman John J. Duncan, Jr. to provide office space in the courthouse.

Resolution No. 04-173

A RESOLUTION TO APPROVE
AN EXTENSION TO THE LEASE AGREEMENT BETWEEN McMINN COUNTY AND CONGRESSMAN
JOHN J. DUNCAN, JR

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 entered into a lease agreement contract with Congressman John J. Duncan, Jr. for the rental of the Congressman's Office on the top floor of the Courthouse; and

WHEREAS, the lease amount shall remain at \$200 per month, the term of which shall be extended through January 2, 2007, which is the end of the constitutional term of the 109th Congress; and

WHEREAS, both parties wish to extend the present lease to increase so that McMinn County citizens will have an accessible venue with their congressman.

(Cont'd)

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE IS~ DAY OF NOVEMBER 2004 THAT THE COMMISSION DOES APPROVE THIS EXTENSION TO THE LEASE AGREEMENT WITH CONGRESSMAN JOHN J. DUNCAN, JR., AND FURTHERMORE RESOLVES TO GRANT AUTHORITY TO THE COUNTY MAYOR OR HIS DESIGNEE TO CARRY OUT THE DUTIES OF SAID CONTRACT, the public welfare demanding it.

(Orig signed by John 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.

C. A Resolution to Urge the General Assembly to Amend the General Law to Prohibit Same-Sex Marriage and Civil Unions.

Mr. Gentry presented the following resolution to urge the General Assembly to amend the General Law to prohibit same-sex marriage and civil unions:

Resolution No. 04-174

A RESOLUTION TO URGE THE GENERAL ASSEMBLY TO AMEND THE GENERAL LAW TO PROHIBIT
SAME-SEX MARRIAGE AND CIVIL UNIONS

WHEREAS, McMinn County and its citizens believe in the sanctity of the marriage bonds between one man and one woman and wishes to declare and reaffirm the State of Tennessee's historical commitment to the institution of marriage as a union between a man and a woman as husband and wife; and

WHEREAS, McMinn County believes that same—sex marriages and civil unions erode the strong foundation of Tennessee's public policy, and should be reflected as such by the laws of Tennessee; and

WHEREAS, in prohibiting same-sex marriage and civil unions, such laws should also prohibit the specific statutory benefits of legal marriage to non-marital relationships; and

WHEREAS, McMinn County requests that the General Assembly enact such legislation to read as follows:

1. That a marriage may only be entered into by one man and one woman
2. That any marriage between persons of the same sex is against the strong public policy of the State of Tennessee
3. That any marriage between persons of the same sex shall have no legal force or effect in this state, and if any attempted to be entered into in this state, is void ab initio, and shall not be recognized by this state
4. The recognition or extension by the state of the specific statutory benefits, of a legal marriage to non-marital relationships between persons of the same sex or different sexes is against the strong public policy of the State of Tennessee

5. The extension of benefits otherwise enjoyed by all persons, married or unmarried, to non-marital relationships between persons of the same sex or different sexes, including the benefits conferred by any statute that is not expressly limited to married persons is prohibited
6. Any public act, record, or judicial proceeding of any other state, country, or other jurisdiction outside this state that extends the specific benefits of legal marriage to non-marital relationships between persons of the, same sex or different sexes shall be considered and treated in all respects as having no legal force or effect in this state and shall not be recognized by this state

WHEREAS, McMinn County supports such legislation and believes that such legislation by the General Assembly reaffirms the State of Tennessee's historical commitment to the institution of marriage as a union between one man and one woman as husband and wife.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 15th DAY OF NOVEMBER 2004, THAT THIS COMMISSION DOES SUPPORT AND URGE THE TENNESSEE GENERAL ASSEMBLY TO AMEND THE TENNESSEE CODE ANNOTATED TO REFLECT THE STRONG PUBLIC POLICY OF THE STATE OF TENNESSEE IN DEFINING MARRIAGE AS A UNION BETWEEN ONE MAN AND ONE WOMAN AND TO PROHIBIT THE RECOGNITION AND LEGAL BENEFITS OF SAME-SEX MARRIAGES AND CIVIL UNIONS, the public welfare requiring it.

(Orig signed by John 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.

D. A Resolution to Honor Burkett Witt for His Service on the Athens City Council.

Mr. Gentry presented the following resolution to honor Burkett Witt for his service on the Athens City Council:

Resolution No. 04-1 75

A RESOLUTION TO HONOR BURKETT WITT FOR HIS SERVICE ON THE ATHENS CITY COUNCIL

WHEREAS, Burkett Witt has served as a member of the Athens City Council for 33 years, from 1971 to 2004, serving as Mayor from 1983 to 1985 and as Vice Mayor from 1991 to 1993; and

WHEREAS, Burkett Witt is a noted citizen and business owner of McMinn County, and as an Athens City Council member has worked diligently to promote the welfare and public trust for Athens and McMinn County; and

WHEREAS, as a member of the Athens City Council, Burkett Witt has worked diligently in the guidance and direction of Athens and the improvement of the quality of life of its citizens; and

WHEREAS, as a councilman and mayor, Burkett Witt has been an example of public service to the citizens of Athens and to McMinn county, and is a shining example of what a public servant

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 15TH DAY OF NOVEMBER 2004, THT THIS COMMISSION DOES HONOR ND COMMEND BURKETT WITT FOR HIS SERVICE TO ATHENS AND MCMINN COUNTY.

(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.

Motion carried by voice vote.

14. ELECTIONS. APPOINTMENTS AND CONFIRMATIONS

Mr. Gentry presented the following resolution to confirm the appointment of Mark Lowry to the McMinn County 911 Board of Directors:

Resolution No. 04-176

A RESOLUTION TO CONFIRM THE APPOINTMENT OF MARK LOWRY 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 Mark Lowry to serve as a member of the McMinn County 911 Board of Directors for a four year term, which will expire 2008.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 15TH DAY OF NOVEMBER 2004, that this commission does hereby confirm this appointment.

(Orig singed by John Gentry)

McMinn County Mayor

Attest:

(Orig signed by Evonne Jones)
County Clerk

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

Motion carried by voice vote.

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

A. Agricultural Extension Committee Commissioner Mason.

Commissioner Mason said that one of the two vacancies was filled at the UT Extension Office by Melanie Spurgeon and today was her first day.

B. Airport Committee Commissioner Vincent.

(1) A Resolution to Declare a Double-Wide Mobile Home at the McMinn County Airport as Surplus Property.

Commissioner Vincent said that the Airport Committee met prior to this meeting and he explained that in the course of the current expansion project at the McMinn County Airport, McMinn County has come into possession of a double-wide mobile home. The Airport Committee recommends that this mobile home be declared surplus in order to sell and he presented the following resolution for approval:

Resolution No. 04-177

A RESOLUTION TO DECLARE A DOUBLE-WIDE MOBILE HOME AT THE

MCMINN COUNTY AIRPORT AS SURPLUS PROPERTY

WHEREAS, in the course of the current expansion project at the McMinn County Airport, McMinn County has come into possession of a double-wide mobile home which was formerly the property of Bobby Womac, at 185 County Road 560; and

WHEREAS, McMinn County desires to declare this mobile home as surplus property in order for it to be properly disposed of according to law; and

WHEREAS, the McMinn County Board of Commissioners, upon the recommendation of the Airport Committee, approves this double-wide mobile home as surplus property, and further authorizes the County Mayor to properly dispose of this property in a lawful sale.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN SESSION ON THIS 15TH DAY OF NOVEMBER 2004, THAT THE MCMINN COUNTY COMMISSION APPROVES THIS DECLARATION OF SURPLUS PROPERTY AND SUBSEQUENT LAWFUL SALE OF SUCH PROPERTY BY THE COUNTY MAYOR, the public welfare requiring it.

(Orig signed by John 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.

(2) Meeting with Swift Museum Representatives.

Commissioner Vincent said that they have met with the Swift Museum representatives and they are in the process of putting plans together for their museum to be located on the airport property. Commissioner Vincent said they have offered -them a choice of two different sites and added that the lease agreements would be presented to the Commission.

C. Question by Commissioner King Regarding Charge for Transporting Prisoner from Texas.

Commissioner King, referring to the list of Purchases in Excess of \$500.00 for October 2004, asked if the charge of \$1,047.62 for transport of prisoner from Texas was reimbursable from the State. A representative from the Sheriffs Department said that extradition costs are reimbursable on State prisoners.

D. McMinn County Committee Appointed by Chairman David Crews.

Chairman Crews presented the following revised list of Commission Committee appointments and added that they have tried to combine some of the committees, i.e. the Finance Committee will include Cable, Insurance and Budget Committees; the Properties Committee will include the Annex, Animal Shelter, Expo, and Jail Committees; and the Emergency Services Committee will include the Ambulance and Rural Fire Committees.

MCMINN COUNTY COMMITTEE

Appointed by Chairman David Crews

COMMITTEE	Appointed	Expires
<u>Accident Review Board</u>		
Joe Guy Safety Officer Chairman		
John Gentry County Mayor		
David Pierce Interim School Superintendent		
Steve Frisbee Sheriff		
Roy Glass Highway Department		
Phil Tuggle Trustee		
Bob Powers Commission appointed	9/04	9/05

Agricultural Extension

(Odd years elect 3: 1 commissioner, 1 man farmer, and 1 woman farmer;
 even years elect 4: 2 commissioners, 1 man farmer, 1 woman farmer;
 can serve 6 years, appointed every 2 years)

- Lena Beth Carmichael
- Frank Farmer
- Gary Mason
- Rose Fair
- J. W. McPhail
- Bobby Carter

McMinn County Committees (Cont'd)

Properties Committee (Annex. Animal Shelter. Expo. Jail)

J. W. McPhail, Chairman	9/04	9/05
Scott Curtis	9/04	9/05
Bob Powers	9/04	9/05
Jack King	9/04	9/05
Roger Masingale	9/04	9/05

Airport Committee

Owen Vincent, Chairman	9/04	9/05
Jack Powers	9/04	9/05
Gary Mason	9/04	9/05
Dale Holbrook	9/04	9/05
David Crews	9/04	9/05

Emergency Services Committee (Ambulance. Rural Fire)

Scott Curtis, Co-chairman	9/04	9/05
Owen Vincent, Co-chairman	9/04	9/05
Roger Masingale	9/04	9/05
Dale Holbrook	9/04	9/05
J. W. McPhail	9/04	9/05

Finance Committee (Cable. Insurance. Budget)

Jack Powers, Chairman	9/04	9/05
Owen Vincent	9/04	9/05
Gary Mason	9/04	9/05
Dale Holbrook	9/04	9/05
Scott Curtis	9/04	9/05

Board of Education Properties Committee

Commission Rep: J. W. McPhail	9/04	9/05
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Delinquent Land Tax Committee

Dale Holbrook, Chairman	9/04	9/05
Roger Masingale	9/04	9/05
Bob Powers	9/04	9/05

Economic Development Authority

Commission Rep: David Crews	9/04	9/05
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Financial Management COmmittee

Owen Vincent, Chairman	9/04	9/05
Jack Powers	9/04	9/05
J. W. McPhail	9/04	9/05
David Crews	9/04	9/05

McMinn County Committees (Cont'd)

Public Records

Joe Guy, Historian		
Judge Carroll Ross		
Evonne Jones, County Clerk		
Nadean Cunningham, Register of Deeds		
Bill Akins, Genealogist		
Norma White, Circuit Court Clerk		
Bob Powers, Commission Appointed	9/04	9/05

Public SafeW

Jack King, Chairman	9/04	9/05
Owen Vincent	9/04	9/05
J. W. McPhail	9/04	9/05
Roger Masingale	9/04	9/05
Scott Curtis	9/04	9/05

Recreation Committee

Bob Powers, Chairman	9/04	9/05
Scott Curtis	9/04	9/05
J. W. McPhail	9/04	9/05
Roger Masingale	9/04	9/05
Dale Holbrook	9/04	9/05

Solid Waste Disposal Committee

Gary Mason, Chairman	9/04	9/05
Owen Vincent	9/04	9/05
Jack Powers	9/04	9/05
Dale Holbrook	9/04	9/05
David Crews	9/04	9/05

16. COMMENTS FROM THE COUNTY MAYOR

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

Mr. Gentry said that Wednesday, November 17, 2004, is the day EPA makes their final designation concerning the non-attainment air quality list.

B. McMinn County's 185th Birthday.

Mr. Gentry said that this week the County will celebrate its 185th birthday and added that they are planning a trivia contest in the *Daily Post Athenian*. He also said that there will be a reception hosted by the McMinn County Historical Society on November 18, 2004 at 2:00 pm in the Blue Room.

C. Welcome to McMinn County's New Resident Jeannie Luallen.

Mrs. Jeannie Luellan, bride of Finaner Director Jason Luellan, was in the audience and Mr. Gentry welcomed her to McMinn County.

17. APPROVAL OF NOTARY APPLICATIONS

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

Notary Applications for November 2004

Ginger Lee Buckner
Robert L. Cass
Margaret A. Cheek
Bonnie Graves
Joan Lynn Gregory
Bridgette Adriel Kennedy
Edna B. Kinard
J. Evelyn McMillan
James Moore
June Mosier
Allison F. Partin
Christine A. Robbins
Melanie Kay Taylor
Angela A. Torbett

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

Motion carried by voice vote.

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

A. Comments by Mr. Wally Watson. Resident of Etowah.

Mr. Wally Watson commended the Commission because he said he has seen more wisdom displayed tonight than he has seen anywhere in years and he added that he was proud to be in this County.

19. ADJOURNMENT

There being no other business, Chairman Crews declared the meeting adjourned at 9:10 pm.

EVONNE JONES
McMinn County Clerk

Attest:
I. _____ -/C. —ad
Deputy Clerk (date)