

The McMinn County Board of Commissioners met in Regular Session on Monday, February 16,2004, at 7:30 pin, 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 J. W. McPhail.

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

Chairman Crews expressed his appreciation to the County Clerk's staff for the gavel which they presented him with.

5. APPROVAL OF MINUTES

Copies of the Minutes of the Regular Session on January 19,2004 were provided to the Commissioners.

MOTION made by Commissioner King, and seconded by Commissioner Bob Powers, to approve the Minutes of January 19,2004.

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

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

Mr. Luallen presented the following resolution to approve payment of the invoice for annual hardware and software maintenance support for the County Clerk's Office along with a copy of the requisition for payment of \$8,429.88 to Business Information Systems (BIS).

Resolution No.04-011

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 \$8,429.88;

WHEREAS, in accordance with Financial Management Committee Policies and Procedures, expenses over \$5,000.00 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 FEBRUARY 2004, the payment for invoiced maintenance to Business Information Systems of \$8,429.88 be hereby approved.

(Orig sianed 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.

In response to a question from Commissioner Jack Powers, Mr. Luallen said that this invoice is for one year.

Motion carried by voice vote.

7. REVIEW AND APPROVAL OF CONTRACTS None.

8. APPROVAL OF BUDGET AMENDMENTS

Mr. Luallen requested approval of the following budget amendments and provided copies to the Commissioners:

Fund: General Fund #101			Date: February 12,2004
DEPARTMENT	ACCOUNT	FOLIO	DEBIT CREDIT
Federal Through	Other Federal Through	47590	15,000.00

(Cont'd)

Fund: General Fund # 101 (Cont'd)

Date: February 12,2004

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Other Emergency Management	Other Contracted Services	54490-399		15,000.00

EXPLANATION:

To budget revenue and expenditures related to TVA/TEMA Maintenance/Equipment Grant for Federal FY 2003-04.

Fund: General Fund# 101

Date: February 12,2004

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Federal Through State	Other Federal Through State	47590	40,000.00	
Other Emergency Management	Other Contracted Services	54490-399		40,000.00

EXPLANATION:

To budget revenue and expenditures related to TEMA Homeland Security Grant Program. Commission approval 5-19-03.

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

Motion carried by roll call vote, ~s 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: General Purpose School # 141

Date: February 11,2004

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Student Body Ed. Program	Other Salaries & Wages	71400-189		18,770.00
	Social Security	71400-201		1,164.00
	Unemployment Compensation	71400-210		40.00

(Cont'd)

Fund: General Purpose School # 141

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Student Body Ed. Program	Employer Medicare	7 1400-212		272.00
	Other Fringe Benefits	71400-299		86.00
	Communication	7 1400-307		700.00
	Travel	71400-355		1,518.00
	Other Supplies & Materials	71400-499		4,000.00
	Other Charges	7 1400-599		9,345.00
Revenue	Other State Education Fund	46590	25,000.00	
Reserve	Undesignated Fund Balance	39000	10,895.00	

EXPLANATION:

To enter the budget for the Community Services for Suspended and Expelled Youth Program grant that was approved by the State on January 8,2004. School Board approval 02-12-04.

MOTION made by Commissioner King, and seconded by Commissioner Jack 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. McPbail - Aye
- Bob Powers - Aye
- Jack Powers- Aye
- Owen Vincent - Aye
- Chairman David Crews - Aye

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

Date: February 10,2004

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Special Education Teachers Program		71200-116		4,000.00
“	Social Security	71200-201		500.00

(Con't)

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Special Education Program	State Retirement	7 1200-204		400.00
	Employer Medicare	71200-212		100.00
“”	Contracts with Private Agencies	71200-312		15,000.00
“”	Other Contracted Services	71200-399		10,000.00
“”	Instruc. Supplies & Materials	71200-429		111,960.00
“”	Other Supplies & Materials	71200-499		44,879.57
“”	Equipment	71200-725		12,316.00
Special Ed. Program In-Serv/Staff Development Support		72220-524		2,500.00
Transportation	Transportation Equipment	72710-729		14,640.00
Reserve	Res. for Sp. Ed. Grants to State	34430	7,567.57	
Revenue	Special Ed. Grants to States	47143	208,728.00	

EXPLANATION:

To enter the IDEA-B 03.21 project budget that was approved by the state February 3,2004.

MOTION made by Commissioner King, and seconded by Commissioner Masingale, 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. COMMUNITY ACTION GROUP OF ENGLE WOOD (CAGE)

At the July 21,2003 Regular Session of the McMinn County Commission, the Community Action Group of Englewood requested \$10,000 for renovation of the "Little White House" in Englewood. The Commission appropriated \$5,000 from hotel/motel tax and suggested that they request the other \$5,000 during the budget process next year. Ms. Gail Anderson addressed the Commission tonight as a reminder of this and requested to be included in this year's budget. She also referred to the media package that has been prepared and added that repairs to the house are coming along.

In response to a question from Chairman Crews, Ms. Anderson said that they have spent about \$75,000 with monies from a grant, the county, and fundraising.

10. WOODS MEMORIAL HOSPITAL FINANCIAL REPORT - MR. SOUTHERLAND

Mr. David Southerland, Chief Executive Officer of Woods Memorial Hospital District, referred to two Monthly Financial Reports which were provided to the Commissioners in their packet. One of the reports is as of November 30, 2003 and the other one is as of December 31,2003. Mr. Southerland said that in November 2003, the hospital district had an exceedingly strong month and in December, the hospital district had an off month, but added that January was a very favorable month, although this has not been presented to the Hospital Board yet. Mr. Southerland said that they are kind of riding a rollercoaster, but said the bottom line year to date we are running approximately \$200,000 better than last year.

Mr. Southerland said that next Monday, the Hospital Board of Trustees will receive an official audit report for 2003 which ended June 30,2003 shows a profit of around \$607,000. He reminded the Commission that in 2001, the hospital district lost \$3.3 million dollars, the following year, 2002, they almost broke even, and in 2003, we had a profit of \$607,000. This is over a \$4 million swing. However, Mr. Southerland said that even though they are making money on our revenue and expense statement, they are still in a very challenging time from a cash flow standpoint Mr. Southerland said they still have some large commitments over the next three years and he explained the details of these commitments which add up to payments of approximately \$50,000.00 per month.

The key to success of Woods Memorial Hospital is for county residents to use the hospital and he appealed to the media to let the public know this. He added that the staff has commitment and passion to provide good service and they just need a little more support from the county. Mr. Southerland also said that the hospital will soon be forty years old and we will need to start investing into the infrastructure.

In response to a question from Commissioner Mason, Mr. Southerland said they can break even with 17 or 18 patients a day, but added they need to have 26 patients per day. There was a lengthy discussion between Mr. Southerland and the Commissioners regarding the Sleep Center, the new wound care services, cooperation of vendors, debts and repayment plans and accounts receivable. There was also a discussion concerning the usage of Athens Regional Medical Center vs Woods Memorial Hospital, and Mr. Southerland said that several surgeons have dual privileges. Mr. Southerland said that many people seek health services outside the County, especially specialty services, but added that he feels that they are growing and suggested that a more aggressive PR program might be helpful.

Chairman Crews thanked Mr. Southerland for his report.

11. COMMENTS FROM THE AUDIENCE

A. Comments by Mr. Bill Bennett.

Mr. Bill Bennett referred to his request in June 2002 that a resolution be adopted opposing any expansion of the Mine Road Landfill. Since litigation has now been resolved, Mr. Bennett asked if it was still appropriate for the County Commission to adopt a resolution voicing our opinion. Mr. Gentry explained that before the County Commission approved the settlement, the County thoroughly researched its options to halt the expansion. The Division of Solid Waste told the County that this expansion does not qualify for “Jackson Law” review and they, not the county, were responsible for regulating landfills in Tennessee.

12. RESOLUTIONS

A. A Resolution to Approve the Revised Mobile Home Park Regulation for McMinn County.

Mr. Gentry presented and explained the following resolution to approve the revised Mobile Home Park Regulation for McMinn County:

Resolution No. 04-012

04-012

A RESOLUTION TO APPROVE THE  
REVISED MOBILE HOME PARK REGULATION FOR MCMINN COUNTY

WHEREAS, the McMinn County Regional Planning Commission has requested to revise the McMinn County Mobile Home Park Regulations which guide the development of mobile home parks within the incotporated limits of McMinn County; and

WHEREAS, Tennessee Code Annotated, Title 13, Chapter 7, 13-7-101 through 13-7-410, allows for the regulation of mobile home parks and travel trailer parks; and

WHEREAS, the McMinn County Regional Planning Commission has prepared such revised regulations for the McMinn County Commission, to wit,

1. Replace “Assessor of Property” with “McMinn County Planner” to enforce said regulations.
2. Delete the annual permit fee requirement.
3. Change the fire hydrant requirement froiii ~no more than 700 feet apart~ to “no more than 500 feet apart.”
4. Reduce from 75 to 25 the number of mobile home spaces requiring a fire hydrant.
5. Replace one general certificate to individual certificates signed by each of the authorities involved.

(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 FEBRUARY 2004,  
THAT THE COMMISSION DOES APPROVE THE REVISED MOBILE HOME PARK REGULATIONS FOR MCMINN COUNTY AS RECOMMENDED BY THE MCMINN COUNTY REGIONAL PLANNING COMMISSION, 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 Vincent, to approve this resolution.

Motion carried with one dissenting vote by Commissioner Holbrook.

B. A Resolution to Urge the General Assembly to Amend the General Law to Allow Counties and Municipalities the Option to Operate Hot Mix Asphalt Plants.

Mr. Gentry presented the following resolution to urge the General Assembly to amend the general law to allow counties and municipalities the option to operate hot mix asphalt plants, along with a letter to the County Executive from the Tennessee County Highway Officials Association requesting this action.

Resolution No. 04-013

A RESOLUTION TO URGE THE GENERAL ASSEMBLY TO AMEN) THE  
GENERAL LAW TO ALLOW COUNTIES ANI) MUNICIPALITIES THE  
OPTION TO OPERATH HOT MIX ASPHALT PLANTS

WHEREAS, counties across Tennessee annually expend large sums of money purchasing asphalt for the improvement and repair of county roads and city streets; and

WHEREAS, counties and municipalities are ofte~n una\$le to obtain hot mix asphalt at reasonable prices from private companies due to the lack of competition in the industry dominated by only a few companies; and

WHEREAS, under current law at TCA 12-8-101, most local governments are prohibited from operating hot mix asphalt plants; and

WHEREAS, this uncompetitive and restrictive situation causes substantial waste of public funds earmarked for the improvement and repair of city streets and county roads; and

WHEREAS, if given an option of whether or not to operate a hot mix asphalt plant, counties and municipalities would have new leverage to negotiate better püces even without operating a plant, but if such leverage is insufficient to lower prices to the level needed, the local governments could produce hot mix asphalt

WHEREAS, the statutory prohibition on county and municipal choice is an unreasonable infringement on the ability of local governments to provide paved roads and streets at a reasonable cost.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 16TH DAY OF FEBRUARY 2004, THAT THIS COMMISSION DOES SUPPORT AND URGE THE TENNESSEE GENERAL ASSEMBLY TO AMEND THE TENNESSEE CODE ANNOTATED, SECTION 12-8-101, AND OTHER SUCH STATUTES AS MAY BE NECESSARY, AS TO ALLOW COUNTY AND MUNICIPAL GOVERNMENTS TO HAVE THE OPTION TO OPERATE HOT MIX ASPHALT PLANTS FOR THE USE AND BENEFIT OF THEIR CITIZENS.

(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.

Mr. Gentry said that, for the record, McMinn County has no plans to build a hot mix asphalt plant, but this is to allow counties the option, and Chairman Crews added that hopefully this will help us negotiate better prices.

Motion carried by voice vote.

C. Proposed Resolution in Support of Workers' Compensation Reform.

Mr. Gentry presented the following resolution to support workers' compensation reform as recommended by the Obion County Legislative Body.

A RESOLUTION IN SUPPORT OF WORKERS' COMPENSATION REFORM

WHEREAS, a healthy and viable business economy in McMinn County and in Tennessee is critical to the quality of life in our county and state; and

WHEREAS, a strong and competitive business climate is the key to job creation in McMinn County and Tennessee; and

WHEREAS, we support the safety, health, and well-being of all McMinn County employees, and we support workers' compensation as a system to assure medical treatment and income continuation to employees with work-related injuries; and

WHEREAS, the cost of the insurance and system that supports workers compensation impacts the growth of all businesses; and

(Con't)

WHEREAS, we also recognize that due to these costs and associated legislation now in place, an unfavorable condition exists in the Tennessee workers' compensation system with respect to economic growth and stability.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 16TH DAY OF FEBRUARY 2004, THAT THIS COMMISSION DOES SUPPORT WORKERS COMPENSATION REFORM DURING THE 2004 SESSION OF THE TENNESSEE GENERAL ASSEMBLY.

AND FURTHER RESOLVE, THAT WE ENCOURAGE THE MEMBERS OF THE GENERAL ASSEMBLY AND THE GOVERNOR TO WORK TOGETHER TO ENACT MEANINGFUL WORKERS' COMPENSATION REFORM THAT IS FAIR AND EQUITABLE TO BOTH THE BUSINESS COMMUNITY AND WORKERS IN MCMINN COUNTY AND TENNESSEE.

John M. Gentry  
McMinn County Mayor

Attest:

Evonne Jones, County Clerk

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

In response to a question from Commissioner Jack Powers concerning whether they are trying to make it better for the employee or industry, Mr. Gentry said he thinks they are trying to make it better for industry. Mr. Gentry explained that Tennessee's workers' compensation rates are double and sometimes triple the rates of others states and this affects recruitment of industry.

Following discussion concerning workers' compensation and the legal aspects involved, Commissioner Mason suggested that this resolution be tabled until they can look at this issue closer, but Chairman Crews reminded the Commission that a motion and second was on the floor.

Motion failed by voice vote.

D. A Resolution to Approve a Prorsal Contract Between Tennessee Department of Transportation and McMinn County Regarding a Project at US Highway 11 and Tellieo Avenue.

Mr. Gentry presented the following resolution to approve a proposal contract between Tennessee Department of Transportation and McMnin County regarding a project at US Hwy 11 and Tellico Avenue. Mr. Gentry explained that this is a City of Athens project to put a turning lane at the intersection of Highway 11 and Tellico Avenue but because this property is within McMinn County, TDOT requires McMimi County to sign a proposal contract.

Resolution No. 04-0 14

A RESOLUTION TO APPROVE A PROPOSAL CONTRACT BETWEEN  
TENNESSEE DEPARTMENT OF TRANSPORTATION AND MCMINN  
COUNTY REGARDING A PROJECT AT US HIGHWAY 11 AND TELLICO AVENUE

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 a contract with Tennessee Department of Transportation (TDOT); and

WHEREAS, TDOT desires to undertake a project at the intersection of US Highway 11 and Tellico Avenue in the City of Athens in McMinn County; and

WHEREAS, certain stipulations of the contract do not apply to McMinn County, to wit:

1. No county roads will be involved in the project.
2. No county-owned land or rights-of-way will be involved in the project.
3. No county-owned utilities are involved.
4. No public way owned by the county is involved.
5. NO county-owned road frontage is involved.

WHEREAS, although the contract stipulations do not apply to McMinn County, it is the general practice of TDOT to require such proposal contracts be executed within the counties where such a project is undertaken.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16TH DAY OF FEBRUARY 2004 that this Commission does hereby approve this proposal contract between TDOT and McMinn County regarding the project at the intersection of US Highway 11 and Tellico Avenue.

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)  
McMinn County Mayor

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

E. A Resolution to Approve the Closing of An Alleyway Adjacent to Riceville First Baptist Church.

Mr. Gentry presented the following resolution to approve the closing of an alleyway adjacent to Riceville First Baptist Church and Mr. Gentry read a letter from the Highway Commissioner requesting this action.

Resolution No. 04-015

A RESOLUTION TO APPROVE THE CLOSING OF AN ALLEYWAY  
ADJACENT TO RICEVILLE FIRST BAPTIST CHURCH

WHEREAS, an alleyway exists that is surrounded by the property owned and operated by the Riceville First Baptist Church; and

WHEREAS, Riceville First Baptist Church has requested that the alleyway be closed to public traffic; and

WHEREAS, the McMinn County Commissioner of Highways has approved this request.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16TH DAY OF FEBRUARY 2004 that this Commission does hereby agree to this request to close the alleyway through the property owned and operated by First Baptist Church of Riceville to public traffic, 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 Bob Powers, to approve this resolution.

Motion carried by voice vote.

13. RESOLUTIONS None.

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

A. Cable TV Committee - Commissioner Holbrook.

(1) A Resolution to Approve Guidelines Necessary The Administration of Education and Government (EG) Cable Channel 95.

Commissioner Holbrook presented the following resolution to approve guidelines necessary for the administration of Education and Government (EG) Cable Channel 95:

Resolution No. 04-0 16

A RESOLUTION TO APPROVE GUIDELINES NECESSARY FOR THE ADMINISTRATION OF EDUCATION AND GOVERNMENT (EG) CABLE CHANNEL 95

WHEREAS, city and county governments in McMinn County hold a franchise agreement within Comcast Cable Communications, mc; and

WHEREAS, Comcast Cable has offered Cable Channel 95 as the Education and Government Channel, a focal point for encouraging and facilitating television programming access for and by the local governments and educators of McMinn County; and

WHEREAS, guidelines are necessary for the day to day operations of Channel 95, with said guidelines attached [to the original copy]; and

WHEREAS, the McMinn County Cable Committee recommends entering into this agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16TH DAY OF FEBRUARY 2004

that this Commission does hereby agree to this administration agreement with the municipalities of Athens, Etowah, and Englewood for the orderly operation of Cable Channel 95.

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

Attest:

(Orig signed by Evonne Jones)

County Clerk

Mr. Gentry said that the City of Athens will serve as administrator of the channel since they possess additional staff

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

(2) Cable TV Rate Increase.

Commissioner Holbrook said the Committee objected to a \$3.95 rate increase for the addition of four new channels, and offered several options to alleviate or minimize this increase, but Commissioner Holbrook said it was to no avail.

B. Jail and Juvenile Services Committee - Commissioner Jack Powers.

Commissioner Jack Powers said that the Jail and Juvenile Services Committee prior to this meeting and he presented the following:

(1) A Resolution to Approve and Award the Bid for Security Fencing for McMinn County Justice Center.

Resolution No. 04-017

A RESOLUTION TO APPROVE AND AWARD THE BID FOR SECURITY FENCING  
FOR MCMINN COUNTY JUSTICE CENTER

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 Sheriff requests the purchase of security fencing around the McMinn County Justice Center from Rio Grande Fence Company, Inc. of Nashville, TN in the amount of \$75,774.00, 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, Robert Beene, McMinn County Engineer and Steve Frisbie, McMinn County Sheriff has recommended the bid be awarded to the low bidder meeting specifications.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 16TH DAY OF FEBRUARY 2004, that this Commission does hereby approve the recommendation of the County Engineer and McMinn County Sheriff.

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

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

(2) Resolution to Increase Litigation Taxes for General Sessions Court in McMinn County.

At Commissioner King's request, Mr. Gentry explained that State law provides for up to a \$6.00 to help fund increases in compensation for General Sessions Judges. Mr. Gentry said that our current litigation tax pays for about 55% of our General Sessions Judges salaries. The following resolution will increase that by \$5.70, a figure provided by the State looking at our court cases, and requires a 2/3 vote of the County Commission. Mr. Gentry added that it is intended by the State for General Sessions Court to pay for itself.

Resolution No. 04-018

RESOLUTION TO INCREASE LITIGATION TAXES FOR  
GENERAL SESSIONS COURT IN MCMINN COUNTY

WHEREAS, Tennessee Code Annotated 16-15-5006 authorizes counties to levy an additional litigation tax of up to six dollars (\$6.00) in general sessions court to help fund increases in compensation for general sessions judges required by 1988 Public Chapter 698; and

WHEREAS, Tennessee Code Annotated 16-15-5006(a) provides further that, if during any fiscal year the amount of revenue generated by the local tax authorized by that section does not sufficiently fund the increase in general session judge's compensation mandated by Tennessee Code Annotated, Title 16, Chapter 15, Part 50, the local litigation tax may be raised to an amount more than six dollars (\$6.00) if necessary to fund the mandated increase; provided that such increase be adjusted annually; and

WHEREAS, prior resolutions of the McMinn County Legislative Body imposed the additional litigation tax authorized by Tennessee Code Annotated 16-15-5006 at the six dollar (\$6.00) level; and

WHEREAS, McMinn County has determined that the six dollar (\$6.00) litigation tax no longer generates sufficient revenue to fund the increases in the general sessions judge's compensation mandated by Tennessee Code Annotated, Title 16, Chapter 15, Part 50;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of McMinn County, Tennessee, meeting in regular session on this 16th day of February 2004 in Athens, Tennessee, that:

Section 1. On the effective date provided in Section 3, below, the local litigation tax in effect in general sessions court in McMinn County shall be increased by five dollars and seventy cents (\$5.70) in excess of the six dollars (\$6.00), as authorized by Tennessee Code Annotated 16-15-5006.

Section 2. Taxes levied pursuant to this resolution shall be collected in addition to all state and other county litigation taxes in general sessions court and shall be chargeable upon filing in a civil case and upon conviction in a criminal case in general sessions court. The increase authorized by this resolution shall remain in effect in McMinn County until the end of the fiscal year during which this increase is enacted and shall be reenacted, repeated or adjusted annually to ensure that the venue generated by this resolution does not exceed the increases in general sessions judge's compensation mandated by Tennessee Code Annotated, Title 16, Chapter 15, Part 50.

Section 3. This resolution shall be effective and the taxes imposed by this resolution shall take effect on the first day of April 2004. the public welfare requiring it.

Section 4. The local litigation taxes collected pursuant to this Resolution shall be paid over to the County Trustee monthly and deposited in the county general fund.

(Con't)

Section 5. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provisions or application and to that end the provisions of this resolution are declared to be severable.

Section 6. The presiding officer of this legislative body shall certify the passage of this resolution to the Secretary of State as provided in Tennessee Code Annotated 16-15-5006.

Adopted by a 10-0 (two thirds) vote of the McMinn County legislative body, this 16th day of February 2004.

(Orig signed by John M. Gentry)  
County Mayor

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

Motion carried by voice vote.

(3) Resolution to Establish Local Litigation Taxes for McMinn County.

Commissioner Jack Powers presented the following resolution to establish local litigation taxes for McMinn County and Mr. Gentry explained the increases as determined by the State of Tennessee, and added that these go to the General Fund.

Resolution No. 04-0 19

RESOLUTION TO ESTABLISH LOCAL LITIGATION TAXES FOR MCMINN COUNTY

WHEREAS, Chapter 488 of the Public Acts of 1981, which imposed a state litigation tax, has been interpreted by opinions of the State Attorney General dated November 9,1981, and Attorney General Opinion U88-109 dated September 28, 1988, as allowing counties to levy a local litigation tax in the same manner as the state litigation tax now levied by Tennessee Code Annotated' '67-4-602 et seq., 16-15-5007, and 16-15-5008 in an amount not to exceed the amount of such state litigation tax; and whereas Tennessee Code Annotated' 16-15-5006 authorizes an additional local litigation tax of up to six dollars (\$6.00) in general sessions court; and

WHEREAS, prior resolutions of the McMinn County Legislative Body imposed litigation taxes at a level less than currently allowable under state law; and

WHEREAS, McMinn County is now in need of additional revenues and wishes to increase the litigation taxes in McMinn County;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of McMinn County, Tennessee, meeting in regular session on this 16th day of February 2004, in McMinn County, Tennessee, that:

Section 1. On the effective date provided in Section 4, below, the local litigation taxes in effect in McMinn County shall be as provided in this resolution and all litigation taxes which may have been levied by earlier resolutions of the county legislative body shall be repealed, including but not limited to the resolution dated May 21, 1990, of record at Book 2, Page 514.

Section 2. There is hereby levied a local tax on litigation in McMinn County as follows:

a) On civil cases in courts of record, such as chancery and circuit court, there is hereby levied a local litigation tax of twenty-three dollars and seventy-five cents (\$23.75).

b) On criminal charges in courts of record, there is hereby levied a tax of twenty-nine dollars and fifty cents (\$29.50).

c) On civil cases in general sessions courts, except juvenile cases, there is hereby levied a tax of twenty-three dollars and seventy-five cents (\$23.75). Six dollars (\$6.00) of this tax is levied pursuant to T.C.A.' 16-15-5006 and must be approved by a 2/3 vote of the county legislative body.

d) On criminal charges in general sessions courts, there is hereby levied a tax of thirty-five dollars and fifty cents (\$35.50). Six dollars (\$6.00) of this tax is levied pursuant to T.C.A.' 16-15-5006 and must be approved by a 2/3 vote of the county legislative body.

Section 3. Taxes levied pursuant to this resolution shall be collected in addition to all state litigation taxes and shall be chargeable upon filing in a civil case and upon conviction in a criminal case.

Section 4. This resolution shall be effective and the taxes imposed by this resolution shall take effect on the first day of April 2004, the public welfare requiring it.

Section 5. The local litigation taxes collected pursuant to this Resolution shall be paid over to the County Trustee monthly and deposited in the county general fund.

Section 6. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of this resolution which can be given effect without the invalid provision or application and to that end the provisions of this resolution are declared to be severable.

Section 7. The presiding officer of this legislative body shall certify the passage of this resolution to the Secretary of State as provided in Tennessee Code Annotated' 16-15-5006.

Passed by a 9-1 vote of the McMinn County legislative body, this 16th day of February 2004.

(Orig signed by John M. Gentry)

County Mayor

Attest:

(Orig signed by Evonne Jones)

County Clerk

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

Motion carried with one dissenting vote by Commissioner Holbrook, who later explained that he voted against this because it also includes civil cases.

(4) A Resolution to Levy an Additional Litigation Tax in McMinn County (for Jail/Courthouse Construction).

Commissioner Jack Powers presented the following resolution to levy an additional litigation tax in McMinn County and said that the proceeds of the tax will be used for purposes of the Jail, upgrade or other expenses. Mr. Gentry said that this tax cannot be spent for anything but jail or courthouse expenses, and added that they are still looking at the idea of a juvenile referee and judicial commissioners.

Resolution No.04-020

RESOLUTION TO LEVY AN ADDITIONAL LITIGATION TAX IN MCMINN COUNTY

WHEREAS, Chapter 886 of the Public Acts of 2000 amends Tennessee Code Annotated, Section 67-4-601, to authorize counties, by a two-thirds majority vote of the legislative body of the county, to levy a local privilege tax on litigation in all civil and criminal cases instituted in the county, other than those instituted in municipal courts, such tax to be in addition to all other such privilege taxes on litigation authorized by law; and

WHEREAS, Chapter 886 of the Public Acts of 2000, as amended by Chapter 225 of the Public Acts of 2001, requires that such tax levy shall not be in excess of ten dollars (\$10.00) per case and that the proceeds of the tax shall be used exclusively for purposes of jail or workhouse construction, reconstruction or upgrading, or to retire debt, including principal and interest and related expenses, on such construction, reconstruction or upgrading, or for courthouse renovation; and

WHEREAS, the Board of County Commissioners of McMinn County has determined that McMinn County is in need of additional revenues for these authorized purposes and therefore desires to increase the litigation taxes for all civil and criminal cases in McMinn County as authorized by Tennessee Code Annotated, Section 67-4-601; and

WHEREAS, pursuant to Tennessee Code Annotated, Section 67-4-601, such tax levy shall only be effective until such time as the costs of the construction, reconstruction, upgrading or renovation project have been paid or until the debt for such project has been retired:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of McMinn County, Tennessee, meeting in regular session on this 16th day of February 2004, that

Section 1. Effective on the first day of April 2004, the local litigation taxes on civil and criminal cases in McMinn County shall be increased by ten dollars (\$10.00).

Section 2. The clerks of court of McMinn County are instructed to collect this litigation tax on civil and criminal cases in the same manner as all other litigation taxes.

Section 3. Such revenues shall be used exclusively for the purpose of jail or workhouse construction, reconstruction or upgrading, or to retire debt, including principal and interest and related expenses, on such construction, reconstruction or upgrading or for courthouse renovation.

Section 4. The taxes imposed by this resolution shall take effect on the first day of the month following the effective date of this resolution, the public welfare requiring it, and shall be effective until such time as all expenses of the construction, reconstruction, upgrading or renovation project have been paid or until such time as the debt for such project has been retired.

Section 5. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application and to that end the provisions of this resolution are declared to be severable.

Passed by a two-thirds majority vote of the Board of County Commissioners of McMinn County, this 16th day of February, 2004.

APPROVED:

(Orig signed by John Gentry)

County Mayor

Attest:

(Orig signed by Evonne Jones)

County Clerk

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

Motion carried by voice vote.

C. Recreation Committee - Commissioner Bob Powers.

Commissioner Bob Powers said that the Recreation Committee, which was scheduled just prior to this meeting, was cancelled because the one request from Rogers Creek School could not be considered because their district has already used their money for this year.

D. Agricultural Extension Committee Commissioner Mason.

Commissioner Mason announced that the new Family & Consumer Science (FCS) Extension Agent is Mr. Chris Sneed and referred to a recent article in the *Daily Post Athenian* concerning this appointment.

E. Comments by Commissioner Masingale Concerning the Community Action Group of Englewood's Renovation of the "Little White House".

Commissioner Masingale encouraged all the Commissioners to look at the progress at the "Little White House and tour the museum.

F. Comments by Commissioner King Concerning Latest Health Insurance Increase.

Commissioner King led a discussion concerning the latest health insurance increases and the various ways that this affects the County and their employees.

0. Comments by Concerning Blue Room Renovations.

Commissioner Masingale and others complimented the renovation, and Chairman Crews said that they are looking for a clock for this room.

H. Comments from County Finance Director Concerning Audit.

Copies of the audit for year ending June 30, 2003 were provided to the Commission for their review. Mr. Luallen said Tim Royster with HG&A will be at the planning session to explain the audit and its difference from prior years as well as to be available for any questions there may be.

15. COMMENTS FROM THE COUNTY MAYOR

A. Letter from McMinn County Libertarian Party Regarding Election of Superintendent of Schools.

Mr. Gentry referred to the letter from McMinn County Libertarian Party regarding the election of Superintendent of Schools which was included in their packets.

B. Letter from Sheriff Frisbie Regarding Purchase of Vehicles.

Chairman Crews also reminded the Commissioners of a letter in their packet from Sheriff Frisbie regarding the purchase of two vehicles for the Sheriff's Department from the drug fund.

16. APPROVAL OF NOTARY APPLICATIONS AND BONDS

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

Notary Applications and Bonds for February 2004

Julie A. Breaux  
Sharon L. Brogan  
Gigi Chandler  
Trade A. Davis  
Susan Robinson Frame  
Sarah M. Gilhiam  
Brigitte Lynne Miller  
James E. Randolph Jr.  
Connie Womac  
Jennifer Lee Womac

MOTION made by Commissioner King, and seconded by Commissioner Holbrook, to approve these notary applications and bonds as listed.

Motion carried by voice vote.

17. ANY OTHER BUSINESS THAT MAY LEGALLY COME BEFORE THE COMMISSION None.

18. ADJOURNMENT

There being no other business, Chairman Crews declared the meeting adjourned at 8:40 pm.

Evonne Jones  
McMinn County Clerk

Attest  
Deputy Clerk                      (date)