

The McMinn County Board of Commissioners met in Regular Session on Monday, July 19,2004, 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 Owen Vincent.

3. PLEDGE TO THE FLAG

The Pledge to the Flag was led by Commissioner Scott Curtis.

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 June 21,2004 were provided to the Commissioners.

MOTION made by Commissioner King, and seconded by Commissioner Vincent, to approve the Minutes of June 21,2004.

Motion carried by voice vote.

Copies of the Minutes of the Special Called Session on July 1,2004 were provided to the Commissioners.

MOTION made by Commissioner McPhail, and seconded by Commissioner Mason, to approve the Minutes of July 1,2004.

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

A. A Resolution to Approve and Award Mid Size 2004 Quad Cab Pickup Truck Bid.

Mr. Luallen presented the following resolution to approve and award the mid-size 2004 quad cab pickup truck bid, along with a letter of recommendation from the Highway Commissioner and the bid summary sheet.

RESOLUTION NO. 04-102

A RESOLUTION TO APPROVE AND AWARD MID SIZE 2004 QUAD CAB PICK UP TRUCK 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 Highway Department has requested the purchase of a 2004 mid size 4 x 4 quad cab pick up truck from L & M Motors, the best and lowest bidder meeting specification for \$23,999, in order to properly carry out the functions of the department; and

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

WHEREAS, Randall Moss, McMinn County Highway Commissioner has recommended the bid be awarded to the best and lowest bidder meeting specifications.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD] OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19TH DAY OF JULY 2004, that this Commission does hereby approve the recommendation of the Highway Commissioner.

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

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

Motion carried by voice vote.

B. A Resolution to Approve Required Annual Pump Testing, Service and Maintenance for McMinn County Trucks and Equipment.

Mr. Luallen presented the following resolution to approve required annual pump testing, service and maintenance for McMinn County fire trucks and equipment for F'Z 2004-05. Mr. Luallen added that this is an only source provider.

RESOLUTION NO. 04-103

A RESOLUTION TO APPROVE REQUIRED ANNUAL PUMP TESTING, SERVICE AND MAINTENANCE FOR

MCMINN COUNTY FIRE TRUCKS AND EQUIPMENT

WHEREAS, McMinn County Rural Fire Chief, Scott Thompson requests approval of a blanket requisition for FY 2004-05 to (the only source provider) Rural Metro Fleet Service for annual pump testing, service and maintenance to county fire trucks and equipment at \$25,000; and

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

(Cont'd)

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY TENNESSEE, MEETING IN REGULAR SESSION THIS 19th DAY OF JULY, 2004, the payment of invoices for pump testing, service and maintenance to county fire trucks and equipment to Rural Metro Fleet Service of \$25,000 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 Masingale, to approve this resolution.

Motion carried by voice vote.

C. A Resolution to Approve the Payment of Purchase for Hydro-Scopic Excavator from Jackson County Commission of Scottsboro, AL.

Mr. Luallen presented the following resolution to approve the payment of purchase for hydro-sopic excavator from Jackson County Commission of Scottsboro, Alabama. Mr. Luallen explained that this was a public auction requiring after-the-fact approval by the Commission.

RESOLUTION NO. 04-104

A RESOLUTION TO APPROVE THE PAYMENT OF PURCHASE FOR HYDRO-SCOPIC EXCAVATOR FROM

JACKSON COUNTY COMMISSION OF SCOTTSBORO, AL.

WHEREAS, the purchase of a Badger model 670 truck mounted hydro-sopic excavator was made by the McMinn County Highway Department from public auction via the internet from Jackson County, Alabama; and

WHEREAS, as provided by Financial Management Policies & Procedures Randall Moss, Highway Commissioner requests after the fact approval for this purchase at public auction in the amount of \$5,610.00; and

WHEREAS, according to Financial Management Committee Policies & Procedures, purchases from public auction requires approval of County Legislative Body at their next scheduled meeting.

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS of McMinn County, Tennessee, meeting in regular session on this the 19' day of July, 2004 that the payment of the purchase of Badger model 670 truck mounted hydro-sopic excavator in the amount of \$5,610.00 be hereby approved.

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

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

In response to a question from Commissioner Mason, the Highway Commissioner said that this is a gradeall which he found on the internet. Mr. Moss said that the truck has 16,000 miles on it and the unit has just 1,022 hours and added if this were purchased from a dealer, it would cost at least \$50,000.00.

Motion carried by voice vote.

D. A Resolution to Approve Payment of Invoice for Annual Hardware and Software Maintenance Support for Chancery Court.

Mr. Luallen presented the following resolution to approve payment of invoice for annual hardware and software maintenance support for Chancery Court. Mr. Luallen explained that because this invoice exceeds \$5,000.00, Commission approval is required.

RESOLUTION NO. 04-105

A RESOLUTION TO APPROVE PAYMENT OF INVOICE FOR ANNUAL HARDWARE AND SOFTWARE MAINTENANCE SUPPORT FOR CHANCERY COURT

WHEREAS, McMinn County Clerk and Master, Patty S. Gaines, requests payment of annual hardware and software maintenance invoiced from Local Government Data Processing Corporation at \$5,916.50; and

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

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY TENNESSEE, MEETING IN REGULAR SESSION THIS 19th DAY OF JULY, 2004, the payment for invoiced maintenance to Local Government Data Processing Corporation of \$ 5,916.50 be hereby approved.

(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.

E. A Resolution to Approve the Aut)ropriation of Funds to Non-Profit Organizations Listed in FY 2004-05 Budget.

Mr. Luallen presented the following resolution to approve the appropriation of funds to non-profit organizations listed in the FY 2004-05 Budget:

RESOLUTION NO. 04-106

A RESOLUTION TO APPROVE THE APPROPRIATION OF FUNDS TO NON-PROFIT  
ORGANIZATIONS LISTED  
IN FY 2004-05 BUDGET

WHEREAS, requests have been made by various non-profit but non-charitable organizations for appropriation of funds during FY 2004-05, and

WHEREAS, approval of advertisement of appropriation of funds occurred on July 1,2004.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMJNN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION, THIS 19TH DAY OF JULY 2004, that this Commission does hereby approve this appropriation of funds to these non-profit but non-charitable organizations.

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

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

Motion carried by voice vote.

F. A Resolution to Approve the Appropriation of Funds from McMinn County to McMinn County Living Heritage Museum, a Non-Profit Private Agency.

Mr. Luallen presented the following resolution to approve the appropriation of \$1,500.00 from McMinn County to McMinn County Living Heritage Museum, a non-profit private agency. Mr. Luallen reminded the Commission that this was approved last month and published in the *Daily Post Athenian*.

Resolution No. 04-107

A RESOLUTION TO APPROVE THE APPROPRIATION OF FUNDS FROM MCMINN COUNTY TO  
MCMINN COUNTY LIVING HERITAGE MUSEUM, A NON-PROFIT PRIVATE AGENCY

WHEREAS, a request has been made by the McMinn County Living Heritage Museum, a non-profit but non-charitable organization, for an appropriation of funds during FY 2003-2004; and

WHEREAS, the funds will be used to enhance and promote a permanent exhibit celebrating the USS Ware, a warship commissioned in the honor of McMinn County Native and World War II hero Charles Ware; and

WHEREAS, the McMinn County Board of Commissioners approves this appropriation of funds, a total of \$1500 to be paid from hotel/motel tax funds, the proper notice having been published in the *Daily Post-Athenian*.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19<sup>TH</sup> DAY OF JULY 2004 that this Commission does hereby approve this appropriation of funds to the McMinn County Living Heritage Museum, the public welfare requiring it.

John M. Gentry  
McMinn County Mayor

Attest:

Evonne Jones, County Clerk

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

Motion carried by voice vote.

7. REVIEW AND APPROVAL OF CONTRACTS

A. A Resolution to Approve a Contract Between Athens City Schools and McMinn County Department of Juvenile Services.

Mr. Luallen presented the following resolution to approve a contract between Athens City Schools and McMinn County Department of Juvenile Services, along with a copy of the contract stipulating the services to Athens City School System for \$5,000.00.

RESOLUTION No. 04-108

A RESOLUTION TO APPROVE A CONTRACT BETWEEN ATHENS CITY SCHOOLS AND MCMINN COUNTY

DEPARTMENT OF JUVENILE SERVICES

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 Juvenile Services has agreed to provide for the school year of 2004-05 one youth services officer at Athens Junior High School two days a week and one youth services officer at Westside and North City Elementary School 1/2/ day a week, referrals will be seen that are of high risk; and

WHEREAS, individual and group counseling will be provided by professional mental health agencies and paid for by McMinn County Department of Juvenile Services; and

WHEREAS, the charge to Athens City School System is \$5,000.00.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19TH DAY OF JULY, 2004, that this Commission does hereby agree to enter into this contract with the Athens City School System and McMinn County Department of Juvenile Services for the 2004-05 school year.

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

(Cont'd)

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 Mason, Mr. Gentry said this is a yearly contract.

Motion carried by voice vote.

8. APPROVAL OF BUDGET AMENDMENTS

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

Fund: General Fund# 101

Date: June 30,2004

<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>FOLIO</u>	<u>DEBIT</u>	<u>CREDIT</u>
Reserve	Undesignated Fund Balance	39000	108,650.00	
County Commission	Board&Committee Members Fee	51100-191		9,100.00
Jail	Maint. & Repair Services Building	54210-335		4,000.00
	Medical& Dental Services	54210-340		36,500.00
	Food Supplies	54210-422		27,500.00
"	Utilities	54210-452		10,000.00
County Medical Examiner	Medical Personnel (Med. Exam.)	54610-131		19,500.00
	Printing, Stationery, & Forms (Typ)	54610-349		500.00
Airport	Utilities	58220452		1,550.00

EXPLANATION:

To avoid deficit in functional category at year ending June 30, 2004

July 19, 2004

Fund: General Fund# 101

Date: June30,2004

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Reserve	Undesignated Fund Balance	39000	650.00	
Keep McMinn Beautiful	Other Fringe Benefits	55900-299		650.00

JOURNAL ENTRY REQUIRED

Reserve	Designated (Keep McMinn 35150 Beautiful)		650.00	
	Undesignated Fund Balance	39000		650.00

EXPLANATION:

To avoid functional category deficit at year ending June 30, 2004, taken from designated reserve. No affect on general budget.

MOTION made by 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  
 Jack King .Aye  
 Roger Masingale .Aye  
 Gary Mason .Aye  
 3. W. McPhail .Aye  
 Bob Powers .Aye  
 Jack Powers .Aye  
 Owen Vincent .Aye  
 Chairman David Crews .Aye

Fund: Insurance Fund No. 263

Date: June 30,2004

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Reserve	Undesignated Fund Balance	39000	2,500.00	
Transportation	Life Insurance	727 10-206		2,500.00

EXPLANATION:

To avoid deficit in functional category at year ending June 30, 2004

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

Motion carried by roll call vote, as recorded:

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

Fund: Federal Projects # 142, Title II, Part A, 04.01 #479

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Revenue	Eisen. Prof. Dev. St.	47189	21,420.00	
	Grants			
ReguiarInstruc- tion Program	Teachers	71100-116		19,061.00
RegInstruc.	Secretary	72210-161		1,798.00
Program Spt				
	Social Security	72210-201		111.00
	State Retirement	722 10-204		90.00
	Life Insurance	72210-206		7.00
	Medical Insurance	72210-207		325.00
	Medicare	72210-212		26.00
	Other Fringe Benefits	722 10-299		2.00

EXPLANATION: To enter the actual Title II Part A 04.01 budget. Original was based on estimates.  
 School Board approval 718/04.

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

Motion carried by roll call vote, as recorded:

Scott Curtis .Aye  
 Dale Holbrook .Aye  
 Jack King .Aye  
 Roger Masingale .Aye  
 Gary Mason .Aye  
 3. W. McPhail .Aye  
 Bob Powers .Aye  
 Jack Powers .Aye  
 Owen Vincent .Aye

Fund: Education Capital Projects Fund # 177

Date: June 21,2004

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Other Services	Operating Transfers	49800	478,599.00	
Education Capital Projects	Building Improvement (Central)	91300-707		478,599.00

EXPLANATION: To budget available funds from the County Commissioner Other Capital Project Fund to fund the cost of renovation and architectural fees for the Central High School Field House. School Board approval: 7/8/04.

MOTION made by Commissioner Mason, 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

Fund: General Purpose School # 141

Date: June 28,2004

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Other Student Support	Extended Contracts	72 130-127		12,000.00
	Social Security	72 130-201		744.00
	State Retirement	72130-204		407.00
	Employer Medicare	72130-212		174.00
	Other Supplies & Materials	72130499	4,276.00	
	Staff Development	72130-524		21.00
	Other Equipment	72 130-790	9,070.00	

EXPLANATION:

To amend the budget for Safe Schools Acts of 1998 as approved by the State June 22,2004. School Board approval: 7/8/04.

Fund: General Purpose School #141

Date: June 28,2004

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Regular Instruction Program	Teachers	71100-116	200,000.00	
Vocational Education Program	Teachers	71300416		56,000.00
	Medical Insurance	7 1300-207		10,000.00
Board of Education	Travel	723 10-355		15,000.00
Office of the Superintendent	Administrative Officer	72320-101		25,000.00
	Office Supplies	72320435		4,000.00
Plant Operation	Electricity	72610415		35,000.00
Transportation	Gasoline	727 10425		25,000.00
	Vehicle Parts	72710453		15,000.00
	Equipment	72710-729		15,000.00

EXPLANATION:

To amend the budget to avoid deficits in functional categories at the close of the fiscal year.  
 School Board approval: 7/8/04  
 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: Central Cafeteria # 143

Date: June 30, 2004

DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Food Service	Reserve	34230	35,000.00	
	Food Supplies	73100421		35,000.00

MOTION made by Commissioner Holbrook4 and seconded by Commissioner Mason, to approve this budget amendment

Motion carried by roll call vote, as recorded:

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

Mr. Luallen requested approval to publish in the *Daily Post Athenian* the following Legal Notice of McMinn County, Tennessee Intent to Make Appropriations to Nonprofit but not Charitable Organizations:

LEGAL NOTICE

MCMINN COUNTY, THNNESSEE iNTENT TO MAKE APPROPRIATIONS TO  
NONPROFIT BUT NOT CHARITABLE ORGANIZATIONS

Per the requirements of T.C.A. 5-9409 notice is hereby given that McMinn County intends to appropriate funds during FY 2004-2005 to the following non profit but not charitable organizations for the purpose listed:

ORGANIZATION: Community Action Group of Englewood

AMOUNT: \$5,000.00

PURPOSE: To assist in renovation of Englewood's "Little White House" which is on the National Register of Historic Places

As required by TCA 5-9-109 this appropriation will be considered by the McMinn County Commission at their regular meeting on August 16,2004.

MOTION made by Commissioner Masingale, and seconded by Commissioner King, to approve this legal notice for publication.

Motion carried by voice vote.

9. COMMENTS FROM THE AUDIENCE

A. Comments by Mr. Bill Bennett Regarding Land Classification

Mr. Bill Bennett, a McMinn County resident, addressed the Commission once again concerning his opinion that the County should adopt land classification regulations, otherwise known as zoning. He said that he has a residence and a farm that has been adversely affected by a flea market and a concrete plant which would not have been possible if McMinn County had land classification~ He also referred to an article from a magazine addressing two adjoining counties in Georgia - one who adopted zoning and one who didn't and how the one who did adopt zoning prospered while the county who didn't was in trouble in many areas.

Commissioner King reminded everyone that the people have spoken in a public referendum, but Mr. Bennett said that the election was a number of years ago and he feels the Commission is elected to make those decisions, He also said that things have ~tanged since then and he feels that it is. matter of educating the public.

B. Comments by Mr. Jerod Grant Concerning Adult-Oriented Establishment (AOE) Board.

Mr. Grant said he is the applicant that has sought a business license to open an adult-oriented establishment which brought about the board that the Commission will vote on this evening. Mr. Grant said he has tried to go about this the right way and he said he was told by county officials that “unfortunately, there wasn’t anything they could do to keep this business out of McMinn County” and now they have decided to “renege” on what he was told. Mr. Gentry said that when he talked to Mr. Grant earlier, he did not know about the opportunity to establish an adult-oriented establishment board and he was speaking principally about zoning in the earlier conversation. The County Attorney also read a portion of the State’s statute concerning live exhibitions which he said might apply to Mr. Grant’s business, and discussion followed.

C. Comments by Ms. Sheree Hutson.

After hearing Mr. Bennett and Mr. Grant speak, Ms. Sheree Hutson said she wants to encourage the Commission to keep the issue of zoning separate from the issue of adult-oriented businesses. She said the proposed AOE Board is probably the best way to protect the public from this type of business and added that zoning wouldn’t stop this type of business, it would just limit the location. She pointed out that Knox County has zoning and Knox County has this type of business. She encouraged the Commission to continue listening to the people on the matter of zoning.

10. RESOLUTIONS

A. A Resolution to Approve the Purchase of Industrial Property Located on Stage Route 305, in cooperation with the City of Athens and the McMinn County Economic Development Authority.

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Mr. Gentry invited Mr. Hanimontree, Director of the Economic Development Authority (EDA), to address the commission concerning the following resolution to approve the purchase of industrial property located on State Route 305, in cooperation with the City of Athens and the McMinn County Economic Development Authority. A map was provided to each commissioner showing the layout of the property.

Mr. Hammontree expressed his appreciation for the past to participate with the City of Athens and the City of Etowah to purchase property for industrial use. They have been on a quest to identify and acquire additional property for the past 2 or 3 years. Mr. Hammontree said they have had difficulty identifying property close to the interstate that had utilities to it in the size range that business is looking for and Mr. Hammontree described one such business whose plans are presently on hold.

Mr. Hammontree said that EDA has looked at several pieces of property but have not been very successful in getting the property owners to agree to sell the property. Mr. Hainmontree said they have identified a tract on State Route 305, with two owners, Mr. Clifford Hampton (140 acres) and Mr. Joe Jaquish (SO acres), who are willing to sell although Mr. Jaquish has not quoted a price yet. Mr. Hammontree explained some other options if the purchase of the SO acres doesn’t work out, and he presented the following resolution to participate with the City of Athens in the purchase of Mr. Hampton’s property. Mr. Hammontree said that the City of Athens would be considering their 50% share of this tomorrow evening, and added that he feels this is a fair price. Mr. Hammontree answered several questions from the Commission concerning road frontage, location of entrance way, and the condition configuration of the property.

Resolution No.04-109

A RESOLUTION TO APPROVE THE PURCHASE OF INDUSTRIAL PROPERTY LOCATED ON STATE ROUTE 305, IN COOPERATION WITH THE CITY OF ATHENS AND THE McMINN COUNTY ECONOMIC DEVELOPMENT AUTHORITY

WHEREAS, McMinn County recognizes the importance of possessing industrial property to help attract new industry and allow existing industry to expand locally; and

(Cont’d)

WHEREAS, an expanding industrial base is critical to the stabilization and growth of the property tax base; and

WHEREAS, McMinn County, in cooperation with the City of Athens and the McMinn County Economic Development Authority has the opportunity to purchase 140 acres more or less to be used as a future industrial park; and

WHEREAS, this property is located strategically on State Route 305 in close proximity to Interstate 75, a major United States North - South transportation corridor; and

WHEREAS, an option agreement is in effect establishing the price of the property at \$6,500.00 per acre, with McMinn County's obligation being \$3,250.00 per acre.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS 19~ DAY OF JULY, 2004, that this board does approve the purchase of this property at the rate of \$3,250/acre or approximately \$455,000.00 in cooperation with the City of Athens and the McMinn County Economic Development Authority, the public welfare requiring it;

AND BE IT FURTHER RESOLVED, the County Mayor is granted authority to execute any and all documents necessary to complete this transaction.

(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 Authorizing McMinn County's Application for a Litter Control Grant for Fiscal Year 2004-2005 from the Tennessee Department of Transportation Highway Maintenance Division, and authorizing the County Mayor to Administer Activities Associated with this Grant.

Mr. Gentry presented the following annual resolution granting authority to apply for the litter grant:

#### RESOLUTION NO. 04-110

A RESOLUTION AUTHORIZING MCMINN COUNTY'S APPLICATION FOR A LITTER CONTROL GRANT FOR FISCAL YEAR 2004-2005 FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION, HIGHWAY MAINTENANCE DIVISION; AND AUTHORIZING THE COUNTY MAYOR TO ADMINISTER ACTIVITIES ASSOCIATED WITH THIS GRANT.

WHEREAS, McMinn County has received grant assistance from the Tennessee Department of Transportation for litter control activities in McMinn County, known as the "Litter Grant" since 1986; and

(Contd)

WHEREAS, the award of such a grant requires the authorization and consent of the McMinn County Commission for grant application and contract execution, subject to award by the Tennessee Department of Transportation; and

WHEREAS, this body deems the continued administration of litter grant activities as in the best interest of the citizens of McMinn County,

NOW, THEREFORE; BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19th DAY OF JULY 2004, that this Commission authorizes McMinn County's application for and participation in a litter grant in FY 2004-2005 with the Tennessee Department of Transportation, the public welfare requiring it.

And further resolves to authorize the County Mayor to execute all necessary documents regarding this grant application.

(Orig signed by John M. Gentry)  
County Mayor

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

Motion carried by voice vote.

C. A Resolution to Adopt the Provisions of Tennessee Law Known as the Adult-Oriented Establishment Act of 1998 and to Establish an Adult-Oriented Establishment Board as Provided by Said Law.

Mr. Gentry presented the following resolution to adopt the provisions of the Tennessee Law known as the Adult-Oriented Establishment Act of 1998 and to establish the Board as provided by that law. Mr. Gentry said he just learned of this law when he was researching information and said that this resolution is similar to other counties provisions and Mr. Gentry added that he was provided assistance from the County Technical Assistance Service. Mr. Gentry said that if the Commission approves this resolution, he would later appoint five members of the Commission to the board, and the first meeting will be held immediately following this Commission meeting. Mr. Gentry said the Commission is within their rights to approve this board and Mr. Gentry recommends its approval.

Resolution No. 04-111

A RESOLUTION TO ADOPT THE PROVISIONS OF TENNESSEE LAW KNOWN AS THE ADULT ORIENTED ESTABLISHMENT ACT OF 1998 AND TO ESTABLISH AN ADULT-ORIENTED ESTABLISHMENT BOARD AS PROVIDED BY SAID LAW

WHEREAS, Public Chapter 1090 of Tennessee law effective July 1, 1998, which law is codified at TCA 7-51-1101 et seq. known as the "Adult-Oriented Establishment Act of 1998", provides that county legislative bodies may, by a two-thirds majority vote, create an Adult-Oriented Establishment Board and;

(Cont'd)

WHEREAS, the stated purpose of this law is to regulate sexually oriented business in order to promote the health, safety, morals, and general welfare of the citizens of Tennessee and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of such businesses within the state; and

WHEREAS, said law provides that upon adoption of same by the county legislative body that an Adult-Oriented Establishment Board shall be created to perform the functions set forth in said law.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19~ DAY OF JULY 2004 THAT:

1. THE COMMISSION DOES ADOPT THE ADULT-ORIENTED ESTABLISHMENT ACT OF 1998 AND ITS PROVISIONS CODIFIED IN TCA 7-51-1101
2. THE BOARD SO CREATED IN ACCORDANCE WITH THE STATUTE SHALL SERVE AND PERFORM THE FUNCTIONS OF THE ADULT-ORIENTED ESTABLISHMENT BOARD, AND SHALL BE COMPOSED OF FIVE MEMBERS AS APPOINTED BY THE COUNTY MAYOR.
3. THIS RESOLUTION SHALL BECOME EFFECTIVE UPON RECEIVING A TWO-THIRDS MAJORITY AFFIRMATIVE VOTE OF THE MCMINN COUNTY COMMISSIONERS, the public welfare demanding it.

VOTES FOR: 10 VOTES AGAINST: None

(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.D.

A Resolution to Honor and Commend Bowater Southern as the County Celebrates Fity Years in McMinn County.

Mr. Gentry presented the following resolution to honor and commend Bowater Southern as the company celebrates fifty years in McMinn County:

Resolution No. 04-112

A RESOLUTION TO HONOR AND COMMEND BOWAThR SOUTHERN AS THE COMPANY  
CELEBRATES  
FIFTY YEARS IN MCMINN COUNTY

WHEREAS, Bowater opened their present Calhoun facility in 1954 in McMinn County; and

WHEREAS, Bowater newsprint has remained a strong and viable industry in McMinn County through five decades, and is the largest and one of the most productive newsprint mills in North America, producing 756,000 tons of paper per year; and

(Cont'd)

WHEREAS, Bowater is one of the world's largest consumers of recycled newspapers and magazines, and with 875 employees, many of whom are McMinn County citizens, continues to stimulate growth in the local economy; and

WHEREAS, Bowater has been a worldwide leader in the newsprint industry, but has remained dedicated to its Calhoun plant and to McMinn County as a whole.

WHEREAS, the McMinn County Board of Commissioners joins Bowater in its celebration of fifty years in McMinn County, and further honors and commends Bowater Southern on its leadership, its high industry standards, and its dedication to its local employees; and

WHEREAS, McMinn County wishes Bowater many more years of success in McMinn County and the world.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 19th DAY OF JULY 2004, THAT THIS COMMISSION DOES HONOR AND COMMEND BOWATER SOUTHERN FOR ITS CELEBRATION FOR FIFTY YEARS IN 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 Masingale, to approve this resolution.

Mr. Gentry added that over the fifty year history, they have probably paid in excess of \$150 million dollars in county property tax and this is one of the leading reasons that the county's tax rate has been one of the lower in the State. Mr. Gentry said the County is proud to have them here and he expressed his condolences concerning the recent accident.

Motion carried by voice vote.

#### 11. ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

##### A. A Resolution to Appoint Five Members of the McMinn County Commission as Members of the McMinn County Adult-Oriented Establishment Board.

Mr. Gentry presented the following resolution to appoint five members of the McMinn County Commission as members of the recently established Adult-Oriented Establishment Board. Mr. Gentry said he appointed one Commissioner from each District.

Resolution No. 04-113

A RESOLUTION TO APPOINT FIVE MEMBERS OF THE MCMINN COUNTY COMMISSION AS  
MEMBERS OF THE MCMINN COUNTY  
ADULT-ORIENTED ESTABLISHMENT BOARD

WHEREAS, Public Chapter 1090 of Tennessee law effective July 1, 1998, which law is codified at TCA 7-51-1101 et seq, known as the "Adult-Oriented Establishment Act of 1998", provides that county legislative bodies may, by a two-thirds majority vote, create an Adult-Oriented Establishment Board; and

WHEREAS, the stated purpose of this Board is to regulate sexually oriented business in order to promote the health, safety, morals, and general welfare of the citizens of Tennessee and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of such businesses within the state; and

WHEREAS, said law provides that the County Mayor makes such appointments to the Adult-Oriented Establishment Board.

WHEREAS, County Mayor John Gentry appoints the following five members of the McMinn County Commission to serve as members of the McMinn County Adult-Oriented Establishment Board, for four year terms: David Crews, Roger Masingale, Dale Holbrook, Gary Mason, and Owen Vincent.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19~ DAY OF JULY 2004 THAT THESE MEMBERS OF THE COMMISSION DO AGREE TO SERVE AS MEMBERS OF THE MCMINN COUNTY ADULT-ORIENTED ESTABLISHMENT BOARD AS APPOINTED BY THE COUNTY MAYOR, the public welfare requiring it.

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

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

I

Motion carried by voice vote.

Chairman Crews said Commissioner Masingale has passed over the hill and he expressed happy birthday wishes on the occasion of his fiftieth birthday today.

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

A. Recreation Committee - Commissioner Bob Powers.

Commissioner Bob Powers said that the Recreation Committee met and they considered two recreation grant applications from Rogers Creek School as detailed in the following resolutions which he recommends approval of:

(1) A Resolution to Approve the Grant of \$500.00 to Rogers Creek Youth Football.

Resolution No.04-114

A RESOLUTION TO APPROVE THE GRANT OF \$500.00 TO ROGERS CREEK YOUTH FOOTBALL

WHEREAS, it is the intent of the McMinn County Recreation Committee to assist in providing support for youth athletics in McMinn County; and

WHEREAS, Rogers Creek Youth Football is currently in need of funds to assist in the construction of a 16x 14' block building at Rogers Creek School athletic fields; and

WHEREAS, Rogers Creek Youth Football has requested a FY 2004-05 recreation grant of \$500.00 to assist in the funding of the above project.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19TH DAY OF JULY 2004, that this Commission does hereby approve this request for a McMinn County Recreation Grant, the public welfare demanding it.

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

Attest:

(Orig signed by Evonne Jones)  
County Clerk

- (2) A Resolution to Approve the Grant of \$500.00 to Rogers Creek Youth Baseball.

Resolution No.04-115

A RESOLUTION TO APPROVE THE GRANT OF \$500.00 TO  
ROGERS CREEK YOUTH BASEBALL

WHEREAS, it is the intent of the McMinn County Recreation Committee to assist in providing support for youth athletics in McMinn County; and

WHEREAS, Rogers Creek Youth Baseball is currently in need of funds to assist in the repair and renovation of the baseball complex at Rogers Creek School athletic fields; and

(Cont'd)

WHEREAS, Rogers Creek Youth Baseball has requested a FY 2004-05 recreation grant of \$500.00 to assist in the funding of the above project.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19TH DAY OF JULY 2004, that this Commission does hereby approve this request for a McMinn County Recreation Grant, the public welfare demanding it.

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

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

Commissioner Jack Powers suggested that applications for recreation grants be accepted only after the budget is approved each year.

Motion carried by voice vote.

(3) A Resolution to Approve the Extension of the Contract Between McMinn County and Athens Youth Football for Lease of the Old McMinn High School Football Field.

Commissioner Bob Powers presented the following resolution to approve the extension of the contract between McMinn County and Athens Youth Football for lease of the old McMinn High School football field. A copy of the lease agreement was also provided to each Commissioner.

Resolution No. 04-1 16

A RESOLUTION TO APPROVE THE EXTENSION OF THE CONTRACT BETWEEN MCMINN COUNTY AND ATHENS YOUTH FOOTBALL FOR LEASE OF THE OLD MCMINN HIGH SCHOOL FOOTBALL FIELD

WHEREAS, in order to properly perform the duties of county government as prescribed by law, it is often in McMinn County's interest to contract with other entities; and

WHEREAS, McMinn County desires to extend its current lease contract with Athens Youth Football regarding the use of the old McMinn high School Football Field for an additional 10 year period; and

WHEREAS, McMinn County as tenant is under no financial obligation under such agreement, and the terms of the present lease shall remain in force throughout this renewal term.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19~ DAY OF JULY 2004 that this Commission does hereby agree to extend its lease agreement with Athens Youth Football for 10 years.

(Cont'd)

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 Bob Powers, and seconded by Commissioner King, to approve this resolution.

Motion carried by voice vote.

In reference to Paragraph 15 of the Lease Agreement, Mr. Gentry said that the insurance requirements were increased.

B. Solid Waste Committee - Commissioner Mason.

Commissioner Mason said that the Solid Waste Committee met with the Landfill Supervisor prior to this meeting and he presented the following resolution to approve the bid to open a new cell at the Landfill.

(1) A Resolution to Approve and Award Improvements to Phase III. Section 2. McMinn County Landfill Bid.

Commissioner Mason said that there were four bids with the low bid being \$723,983.14 from McKinney Excavating Co. mc, and he commented that the high bid was for \$1,201,253. Commissioner Mason also said that a new cell would not be required for another 7-8 years.

Resolution No.04-117

A RESOLUTION TO APPROVE AND AWARD IMPROVEMENTS TO PHASE III,  
SECTION 2, MCMINN COUNTY LANDFILL BID

WHEREAS, McMinn County received bids on July 13,2004 for the construction of improvements to Phase III, Section 2, of the landfill, and;

WHEREAS, McKinney Excavating Company, Inc. submitted the lowest responsive, responsible bid on the project; and

WHEREAS, Landfill Supervisor, Stan Moses recommends the bid be awarded to McKinney Excavating Company, Inc., the lowest bidder.

(Cont'd)

NOW, THEREFORE, BE IT RESOLVED by the McMinn County Commission that the County Mayor is authorized to enter into an agreement with:

McKinney Excavating Company, Inc.  
P.O. Box 529  
Athens, TN 37371-0529

At a total price of \$723,983.14 which represents the Base Bid.

BE IT FURTHER RESOLVED that this resolution shall take effect from and after its passage and its provision shall be in force.

Adopted this 19th day of July 2004 by the McMinn County Commission.

(Orig signed by John Gentry)  
McMinn County Mayor

Attested by:

(Orig signed by Evonne Jones)  
County Clerk

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

Chairman Crews added that this is a very good price.

Motion carried by voice vote.

(2) A Resolution Authorizing the Expenditure of Funds to Conduct Construction Testing and Monitoring of a New Waste Disposal Cell at the McMinn County Sanitary Landfill.

Commissioner Mason presented the following resolution to authorize construction testing and monitoring of this new cell. Commissioner Mason also said that this was a good price.

Resolution No. 04-118

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS TO CONDUCT CONSTRUCTION TESTING AND MONITORING OF A NEW WASTE DISPOSAL CELL AT THE McMINN COUNTY SANITARY LANDFILL

WHEREAS, the Division of Solid Waste Management requires the construction testing and monitoring of new waste disposal cells; and

WHEREAS, the cost estimate given by Consolidated Technologies, Inc. for the construction and monitoring of a new waste disposal cell at the McMinn County Sanitary Landfill is approximately \$60,000.00; and

WHEREAS, it is the recommendation of the Director of Solid Waste that this estimate be approved for the stated project.

(Cont'd)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19th DAY OF JULY 2004, that this commission does authorize the expenditure of \$60,000.00 for the construction testing and monitoring of a new waste disposal cell at the McMinn County Landfill, 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 Vincent, and seconded by Commissioner Masingale, to approve this resolution.

Motion carried by voice vote.

C. Ambulance Committee - Commissioner Masingale.

Commissioner Masingale said that the Ambulance Committee met on July 15, 2004 with Mr. Earl Ericsson, new EMS Director and gave him approval to put out specifications on a new ambulance. Commissioner Masingale said that Mr. Ericsson has some good ideas that could save the County money.

D. Airport Committee - Commissioner Vincent.

Commissioner Vincent reminded the Committee members that there would be a meeting of the Airport Committee tomorrow at 6:00 pm, at the airport.

B. Rural Fire Committee - Commissioner Vincent.

Commissioner Vincent said that the Rural Fire Committee met earlier this evening and he presented the following resolutions for approval:

(1)

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

Resolution No. 04-119

A RESOLUTION TO APPROVE TILE 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 finding of the placement of 2 rural fire hydrants per year in each fire district; and

(Cont'd)

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 \$1500, based on available funds and approval of the Budget Committee.

I, Alan Dyke \_\_\_\_\_, as the Chief of \_\_\_ Claxton \_\_\_\_\_ Fire District, wish to request the placement of a fire hydrant at the following location:

Intersection of CR 754 and 757

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: (see original, request by Richard Knox and Alan Dyke) \_\_\_\_\_ Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

As Rural Fire District Chief, I approve this recommendation:

District \_\_\_\_\_

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:

This hydrant was approved by the McMinn County Commission on 7-19-04 Approving Signature:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19th DAY OF JULY 2004, that this Commission does hereby approve this Fire Hydrant Request.

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

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

Resolution No.04-120

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

(Cont'd)

WHEREAS, it is the policy of McMinn County to aid in the finding 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 fl[,djgfl1g~ per fiscal yar. The grant amount Is \$1500, based on available funds and approval of the Budget Committee.

I \_\_\_ Alan Dyke \_\_\_\_\_, as the Chief of \_\_\_ Claxton \_\_\_\_\_ Fire District, wish to request the placement of a fire hydrant at the following location:

Intersection of Hwy '163 and CR 781

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 flue 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:.....(see original, request by Randy Harmon and Alan Dyke) \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

As Rural Fire District Chief, I approve this recommendation:

District: \_\_\_\_\_

As Utility Provider, It I. 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 1 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 th. approved hydrnt, Including costs Involving installation, materials, etc.

Utility Provider Authorizing Signature: (Orig signed)

This hydrant was approved by the McMinn County Commission on 7-19-04

Approving Signature:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 19th DAY OF JULY 2004, that this Commission does hereby approve this Fire Hydrant Request.

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

Attest:

(Orig signed by Evonne Jones)  
County Clerk

MOTION made by Commissioner Vincent, and seconded by Commissioner Masingale, to approve these resolutions.

Motion carried by voice vote.

(3) Change of Wording on Fire Hydrant Applications.

Commissioner Vincent said that the Committee recommends a change of wording in the Fire Hydrant applications, i.e. the request coming from the Fire Chief rather than a particular citizen.

MOTION made by Commissioner Vincent, and seconded by Commissioner Mason, to change the wording on the application.

Motion carried by voice vote.

(4) A Resolution to Approve the Recognition of Claxton Rural Fire Department as a Rescue Squad in McMinn County.

Commissioner Vincent recommended approval on the following resolution to approve the recognition of Claxton Rural Fire Department as a Rescue Squad in McMinn County because they have attained the proper training and credentials necessary to provide this service. Commissioner Vincent said this is similar to the Englewood credentials.

Resolution No. 04-12 1

A RESOLUTION TO APPROVE THE RECOGNITION OF CLAXTON RURAL FIRE DEPARTMENT AS  
A

RESCUE SQUAD IN MCMINN COUNTY

WHEREAS, McMinn County recognizes rescue squads as important and necessary members of the emergency services community; and

WHEREAS, McMinn County has traditionally allowed members of the local rural fire departments to attain rescue squad status upon review and recommendation of the McMinn County Rural Fire Committee; and

WHEREAS, Claxton Rural Fire Department has requested that its members be recognized as a Rescue Squad, as its members have attained the proper training and equipment necessary to provide such a service to the people within the Claxton Rural Fire District; and

WHEREAS, after having received and reviewed the Claxton Rural Fire Department's request, the McMinn County Rural Fire Committee has recommended that Claxton Rural Fire Department be recognized as a rescue squad in McMinn County, and as such to be authorized to be dispatched to respond to emergency rescue incidents within the Claxton RFD District, and to be able to respond for mutual aid to other locations as requested by McMinn County 911 Dispatch.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 19TH DAY OF JULY 2004, THAT THE COMMISSION DOES APPROVE THE RECOMMENDATION OF THE RURAL FIRE COMMITTEE THAT CLAXTON RURAL FIRE DEPARTMENT BE RECOGNIZED AS A RESCUE SQUAD IN MCMINN COUNTY, AND THAT IT MAY EXERCISE SUCH SERVICES IN THE CLAXTON RFD DISTRICT ALONG WITH ASSOCIATED RESCUE SQUADS IN MCMINN COUNTY, 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 Vincent, and seconded by Commissioner Holbrook, to approve this resolution.

Motion carries by a voice vote

July 19, 2004

(5) Funding for Claxton Rural Fire Department for Rescue Squad Status.

Commissioner Vincent recommended that Claxton Rural Fire Department receive \$2,000.00 in special funding for their Rescue Squad status, and added that this is the same amount that Englewood receives.

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

Commissioner Masingale said that the Commission should consider giving more funding next year for Claxton and Englewood Rural Fire Departments, similar to Athens and Etowah.

Motion carried by voice vote.

F. Appointment by Chairman Crews Regarding Tourism Funds.

Chairman Crews appointed the Budget Committee to serve as a committee to consider requests made for tourism funds.

G. Question by Highway Commissioner Regarding Waterline Extensions.

In response to a question from the Highway Commissioner to the County Mayor regarding waterline extensions, Mr. Gentry said they are handled through the utilities and their contractors. Mr. Gentry said that we are invoiced through the Development District for our 20%, and added that we pretty much stay out of the day to day operations of the construction procedure. There was also a discussion concerning enforcement mechanisms.

13. COMMENTS FROM THE COUNTY MAYOR

A. Monthly Financial Report as of May 31, 2004 for Woods Memorial Hospital District.

Mr. Gentry referred to the monthly financial report for Woods which was sent to the Commissioners in their packet. He mentioned an omission in full time equivalents and added that it was just an error.

13. Tennessee Air Quality Board Meeting.

Mr. Gentry said he had the opportunity to attend the Tennessee Air Quality Board meeting at the invitation of Commissioner of Environment and Conservation. This invitation was extended to the 11 or 12 East Tennessee County Mayors whose counties were placed on the EPA's potential non-attainment. Mr. Gentry said they had the opportunity to ask what led us to be placed on that list and Mr. Gentry explained that there were nine contributing factors. Although they didn't have the information before them, they said that McMinn County could possibly be significantly contributing to the non-attainment of Knox County. Mr. Gentry added that it is not known yet what this means for McMinn County, but possibilities include stricter standards for industry and possible adverse effect on federal highway funds. Mr. Gentry said that our air hasn't gotten dirtier, but the standards have gotten stricter according to the E.P.A.

C. Comments Regarding Tax Audit.

Mr. Gentry said that last year the County Commission approved a tax audit to recover funds due to reporting mistakes or processing errors. Mr. Gentry said that they have recovered \$134,000 in taxes (\$30,000 under Hall Income Tax and \$104,000 in sales tax) that were going to other cities and counties in the State of Tennessee. It was a very fruitful audit and we will be working with that firm to figure out a way that we can do it on our own.

D. Highway Department Equipment Inventory.

Mr. Gentry said that the Highway Department's equipment inventory is on file in his office for review.

B. Update on Judicial Commissioners.

Mr. Gentry said he had the opportunity to speak with Susan Jackson, E91 1 supervisor and she said that the Judicial Commissioners are going to the jail on the weekends and it seems to be working smoothly. Mr. Gentry said he would keep the Commission informed.

F. Portrait of the 1/278th Armored Cavalry Regiment.

Mr. Gentry passed around a portrait of the 1/278th Armored Cavalry Regiment which the Family Readiness Group has donated to us. Mr. Gentry said he plans to have it framed and placed in the Courthouse.

14. APPROVAL OF NOTARY APPLICATIONS

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

Notary Applications for July 2004

Patricia J. Benton  
Joy Olivia Davis  
Mark Gilreath  
Patricia L. Hale  
Patricia P. Kerr  
Melba Joan Key  
Charles J. Liner  
Brenda Lowe  
Katherine S. Ramsey  
Mildred I. Smith  
Cynthia S. Wilson

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

Motion carried by voice vote.

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

A. Comments by Commissioner Mason

Commissioner Mason said that Mayfield's is sending the 1/278th Armored Cavalry Regiment a shipment of milk and ice cream.

16. ADJOURNMENT

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

McMinn County Clerk

Attest:

Deputy Clerk      (date)