

The McMinn County Board of Commissioners met in Regular Session on Monday, December 15, 2003, 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 Reverend Mickey Basham, Pastor of Eastanallee Baptist Church.

3. PLEDGE TO THE FLAG

The Pledge to the Flag was led by Commissioner Jack King.

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. McPbail - 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 November 17, 2003 were provided to the Commissioners.

MOTION made by Commissioner King, and seconded by Commissioner Holbrook, to approve the Minutes of November 17, 2003.

Motion carried by voice vote.

6. APPROVAL OF BIDS AND PURCHASES

A. A Resolution to Approve and Award the Bid for Fire Equipment for McMinn County Rural Fire Department.

Mr. Luallen presented the following resolution to approve and award the bid for fire equipment for McMinn County Rural Fire Department, along with the bid summary and a letter of recommendation from the McMinn County Fire Chief.

Resolution No. 03-191

A RESOLUTION TO APPROVE AND AWARD THE BID FOR FIRE  
EQUIPMENT FOR MCMINN COUNTY RURAL FIRE DEPARTMENT

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 Rural Fire Chief has requested the purchase of fire equipment from NAFECO, 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, Scott Thompson, McMinn County Rural Fire Chief 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 15TH DAY OF DECEMBER 2003, that this Commission does hereby approve the recommendation of the Rural Fire Chief.

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

Attest:

(Orig signed by Evonne Jones)

County Clerk

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

Motion carried by voice vote.

B. A Resolution to Approve and Award Semi-Annual Requirements Bid for Paper-Plastics Products.

Mr. Luallen presented the following resolution to approve and award semi-annual requirements bid for paper and plastic products, along with letters of recommendation from each department as well as the bid summary sheet.

Resolution No. 03-192

A RESOLUTION TO APPROVE AND AWARD SEMI-ANNUAL  
REQUIREMENTS BID) FOR PAPER-PLASTICS PRODUCTS

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

(Cont'd)

WHEREAS, the Courthouse Maintenance Department, Sheriffs Department and School Department have requested the purchase of Paper and Plastic Products from the best bidder meeting specifications from January 1, 2004 to June 30, 2004, to properly carry out the functions of the department; and

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

WHEREAS, Bennie Bivens, Courthouse Maintenance Supervisor, Sheriff Steve Frisbie and Howard Jackson, School Board Assistant Custodial Supervisor has recommended the bid be awarded to the best bidder meeting specifications.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15TH DAY OF DECEMBER

2003, that this Commission does hereby approve the recommendation of the Sheriff; Maintenance Supervisor and School Board Assistant Custodial Supervisor.

(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 Mason, to approve this resolution.

Motion carried by voice vote.

C. A Resolution to Approve and Award the Bid for Construction of the Ag-Expo Center Addition to Best Development and Construction.

Mr. Luallen presented the following resolution to award the bid for the Ag-Expo Center addition to Best Development and Construction, as well as the bid summary sheet, as recommended by the Ag-Expo Center Committee.

Resolution No. 03-193

A RESOLUTION TO APPROVE AND AWARD THE BID FOR CONSTRUCTION OF THE AG-EXPO CENTER ADDITION TO BEST DEVELOPMENT AND CONSTRUCTION

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

WHEREAS, McMinn County has requested a bid for the construction of the Ag-Expo Center addition,

WHEREAS, the McMinn County Ag-Expo Center Committee, upon reviewing said bids, has recommended the bid be awarded to Best Development and Construction at \$173,250.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN SPECIAL SESSION THIS THE 15TH DAY OF DECEMBER 2003, that this Commission does hereby approve this bid recommendation of the Ag-Expo Center Committee.

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

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

Motion carried by voice vote.

D. A Resolution to Award McMinn County Courthouse Elevator Circuitry Bid.

Mr. Luallen presented the following resolution to award McMinn County Courthouse Elevator Circuitry Bid, along with the bid summary sheet and a letter of recommendation from the County Engineer.

Resolution No. 03-194

A RESOLUTION TO AWARD MCMINN COUNTY COURTHOUSE  
ELEVATOR CIRCUITRY BID

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

WHEREAS, Fire Marshall requirements mandate the existing elevator in the McMinn County Courthouse be updated to meet existing fire codes; and

WHEREAS, Robert Beene, McMinn County Engineer has requested elevator renovation in the McMinn County Courthouse; and

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

WHEREAS, Mr. Robert Beene, County Engineer recommends awarding the bid to best bidder meeting specifications, United Elevator Service, in the amount of \$15,366.00.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15TH DAY OF DECEMBER

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

Mr. Gentry reminded the Commissioners that bids were rejected a couple of months ago on this elevator circuitry work with the low bid being \$27,000, and said that doing a new pre-bid conference resulted in a savings to the County of \$12,000. Mr. Gentry added that this work was mandated by the Fire Marshall.

Motion carried by voice vote.

E. A Resolution to Approve Payment of Inmate Medical Expenses to University of Tennessee Medical Center.

Mr. Luallen presented the following resolution to approve inmate medical expenses to University of Tennessee Medical Center, along with the billing documents. Mr. Luallen added that we were able to get 50% reduction of this initial bill.

Resolution No. 03-195

A RESOLUTION TO APPROVE PAYMENT OF INMATE MEDICAL EXPENSES TO  
UNIVERSITY OF TENNESSEE MEDICAL CENTER

WHEREAS, McMinn County inmate experienced an altercation with other inmates at the Justice Center incurring a hospital bill in the amount of \$7,307.20; 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 THE 15TH DAY OF DECEMBER 2003, that the payment of medical expenses to U.T. Medical Center in the amount of \$7,307.20 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 Jack Powers, to approve this resolution.

In response to a question from Commissioner Curtis, Mr. Gentry said that the inmate's jaw was broken and Mr. Gentry further explained that they were able to negotiate a lower rate, i.e., since this is being paid for by taxpayers, they agreed to accept a near "TennCare" rate.

7. REVIEW AND APPROVAL OF CONTRACTS

A. A Resolution to Approve the Contract Between McMinn County and Tennessee State Department of Correction.

Mr. Luallen presented the following resolution to approve the contract between McMinn County and Tennessee State Department of Correction concerning reimbursement for housing of state felons. Mr. Luallen mentioned that they had expected the per diem rate to be reduced to \$32.00, but the amendment only called for a date extension and the rate remained \$35.00.

Resolution No.03-196

A RESOLUTION TO APPROVE THE CONTRACT BETWEEN MCMINN COUNTY AND  
TENNESSEE STATE DEPARTMENT OF CORRECTION

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

WHEREAS, McMinn County has entered into contract with Tennessee Department of Correction to house state felons within the McMinn County Justice Center, and

WHEREAS, the State of Tennessee wishes to amend the present contract to reflect the accounting period based on the fiscal year; and

WHEREAS, the term of this contract shall be January 1,2004 through June 30,2005 with the per diem rate to remain at \$35.00.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15TH DAY OF DECEMBER 2003 THAT THE COMMISSION DOES APPROVE THIS CONTRACT AMENDMENT WITH TENNESSEE DEPARTMENT OF CORRECTIONS, AND FURTHERMORE RESOLVES TO GRANT AUTHORITY TO THE COUNTY EXECUTIVE OR HIS DESIGNEE TO CARRY OUT THE DUTIES OF SAID CONTRACT, the public welfare demanding it.

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

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

In response to a question from Commissioner McPhail, Mr. Gentry explained that the State had threatened a lower per diem rate, but that this did not materialize. In response to a question from Commissioner Mason, Mr. Gentry said that this contract is good until June 30, 2005.

Motion carried by voice vote.

B. A Resolution to Approve the Contract Between Situs Tax Consultants and McMinn County.

Mr. Luallen presented explained the following resolution to approve the contract between Situs Tax Consultants and McMinn County in order to find potential errors in tax collections. There is no cost to the County unless they find revenue and at that point, it would be a one-time fee of 25% of recovered collections from the previous twelve months.

Resolution No. 03-197

A RESOLUTION TO APPROVE THE CONTRACT BETWEEN SITUS TAX CONSULTANTS AND  
MCMINN COUNTY

WHEREAS, it often is in the best interest of McMinn County to enter into contracts with other agencies and entities to perform services; and

WHEREAS, it is possible McMinn County is losing tax revenue, such as local option sales tax and Hall Income Tax, to other governmental jurisdictions due to taxpayer reporting mistakes or processing errors; and

WHEREAS, Situs Tax Consultants specializes in situs-based tax audits for local governments and has proposed to perform a revenue audit for McMinn County for a one-time fee of 25% of recovered collections from the previous twelve months; and

WHEREAS, no fee shall be assessed to future collections which result from the audit's corrections and no fee shall be assessed if said audit recovers no new tax collections; and

WHEREAS, McMinn County recognizes the audit as a best-management practice and desires to enter into contract with Situs Tax Consultants per the conditions stated in said contract.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE MEETING IN REGULAR SESSION THIS THE 15TH DAY OF DECEMBER 2003, that this Commission does hereby approve the contract between McMinn County and Situs Tax Consultants to perform a situs-based tax revenue audit for McMinn County and authorizes the County Mayor or his designee to execute and perform any duties necessary to carry out said project.

(Orig signed by John M. Gentry)  
County Mayor

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

Chairman Crews indicated that they have found substantial amounts in other counties that were not being collected because of errors. Mr. Gentry reiterated that this is a one-time fee if they find uncollected revenue and in response to a question from Commissioner Jack Powers, Mr. Gentry said the audit would take 60-90 days.

Motion carried by voice vote.

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: December 11,2003	
DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
State of Tenn.	Juvenile Services Program	46110	1,012.00	
Juvenile Services	Other Equipment	54240-790		1,012.00

EXPLANATION: To budget Revenue and Expenditures related to final quarter of Federal Fiscal Year 2002-03

Juvenile Accountability Block Grant				
DEPARTMENT	ACCOUNT	FOLIO	DEBIT	CREDIT
Reserve	Undesignated Fund	39000	55,194.00	
	Balance			
Tourism	OtherContracted	55110-399		55,194.00
	Services			
JOURNAL ENTRY REQUIRED				
Reserve	Hotel/Motel Tax Reserve	35140	55,194.00	
Reserve	Undesignated Fund	39000		55,194.00
	Balance			

EXPLANATION: To budget flnds from tourism portion of Hotel/Motel Tax for McMinn County Portion of 1-75 Interstate Exchange Lighting. (Commission approval 11/17/03)

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

Fund: Federal Projects # 142, IDEA-B, 04.01 #491

DEPARTMENT	ACCOUNT	FOLIO	DEJ3IT	CREDIT
Special Education	Educational Assistants	71200-163		16,155.00
Program				
“	Social Security	71200-201		1,002.00
“	State Retirement	71200-204		809.00
“	Life Insurance	7 1200-206		84.00
“	Medical Insurance	71200-207		4,769.00
“	Unemployment Compen-	71200-210		20.00
“	• sation			
	Employer Medicare	71200-212		234.00
	Other Fringe Benefits	71200-299		20.00
Revenue	Special Ed. - Grants to States	47143	23,093.00	

EXPLANATION: To enter Amendment No. 1 to the IDEA-B, 04.01 budget. This amendment was approved by the State November 18,2003. Approval by School Board December 11,2003.

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

Motion carried by roll call vote, as recorded:

- Scott Curtis - Aye
- Dale Holbrook - Aye
- Jack King - Aye
- Roger Masingale - Aye
- Gary Mason -Aye

9. WOODS MEMORIAL HOSPITAL FINANCIAL REPORT - MR. SOUTHERLAND.

Mr. David Southerland, Administrator of Woods Memorial Hospital, referred to the Monthly Financial Report as of October 31,2003 which was provided to the Commissioners in their packet Mr. Southerland said that they are seeing some strong numbers in clinical activity and also said that the surgery volume has rebounded. Mr. Southerland said that they are seeing continued strong growth in diagnostic imaging area and added that the lab continues to be well above budget Referring to the consolidated income and expense statement, he said that the hospital lost \$99,000.00 for the month of October and year-to-date we show a loss of \$52,000.00. However, Mr. Southerland said that the reason for that is the strong volume growth and expenses related to that and our expense budget is not adjusted for volume. Mr. Southerland said that they have completed their November numbers and they are much stronger and will be presented to the Commission after their Board of Directors is briefed. Mr. Southerland also reviewed the Nursing Home and Ambulance Service figures. In response to a question from Mr. Gentry, Mr. Southerland said that the Ambulance Service figures are rolled into the consolidated totals for the Hospital District because they are a subsidiary of the Hospital and Mr. Southerland explained the way that this works.

10. KEEP MCMINN BEAUTIFUL REPORT - MS. CONNIE ALLEN

Ms. Connie Allen, Executive Director of the Keep McMinn Beautiful Affiliate of Keep Tennessee Beautiful and Keep America Beautiful organization, provided the Commissioners a handout detailing several State and National Recognitions, a Board of Directors listing, Five Focus Areas, and the Program of Work for 2003. Some of the recognitions included first place "Great American Clean-up" Most Comprehensive Program; first place "Volunteer of the Year" to Prof Powers, one of their volunteers; Keep Tennessee Beautiful Coordinator of the Year to Connie Allen; as well as being the first recipient for the Keep America Beautiful Most Innovative Program Award. Ms. Allen said that they were in competition with almost 500 affiliates across the nation for this award. Ms. Allen also reviewed in detail their focus areas as well as their program of work for 2003, including Great American Clean up, Annual Area Garden Tour, School Educational Programs, and the County's Household Hazardous Waste Collection Event. Ms. Allen said that this group puts words into action and no one works harder than the Board members who are also involved members in our community. On behalf of her Board of Directors, Ms. Allen thanked their volunteers, media, and Commissioners, for their support and invited the Commissioners to attend their monthly meeting on the first Tuesday of each month at 4:30 pm at the Keep McMinn Beautiful office. Ms. Allen also invited the Commissioners to their fifteenth anniversary celebration which will be April 6,2004.

11. COMMENTS FROM THE AUDIENCE

Chairman Crews opened the floor to any comments from the audience and particularly mentioned that resolutions were posted for the public's information as requested by Ms. Sheree Hutson last month. There were no comments from the audience.

12. RESOLUTIONS

A. A Resolution to Rewost Action by the Tennessee Legislature Regarding Manufacture. Sale. Distributions and Possession of the Illicit Drug Methamphetamine.

Commissioner McPhail presented the following resolution to request action by the State Legislature to stiffen the penalties for manufacture, sale, distribution and possession of the illicit drug methamphetamine. Commissioner McPhail said that this resolution has been adopted by Monroe and London Counties and it will be considered by Blount and Anderson Counties when they meet this month.

Resolution No. 03-198

A RESOLUTION TO REQUEST ACTION BY THE TENNESSEE LEGISLATURE  
REGARDING MANUFACTURE, SALE, DISTRIBUTION AND POSSESSION OF THE  
ILLICIT DRUG METHAMPHETAMINE

WHEREAS, Methamphetamine is the second most widely abused illicit drug in the world and most prevalent synthetic drug manufactured in the United States; and

WHEREAS, Methamphetamine is a highly addictive stimulant that can be smoked, snorted, injected, or taken orally, and is a violent drug that can cause fatal health disorders such as brain damage, liver damage, chronic depression, paranoia, and other physical and mental problems, resulting in damage and destruction of family life and excessive costs to society; and

WHEREAS, it would be in the best interests of McMinn County, Tennessee for the legislature to stiffen the penalties for the criminal acts of manufacturing, possession, and sale of Methamphetamine and its components, including the statutory requirement of mandatory jail time. Further, that the local judicial system be made aware of the Commission's insistence that violators be punished to the fullest extent allowed by law; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN SESSION THIS THE 15TH DAY OF DECEMBER 2003, that this Commission does hereby request that the Legislature of the State of Tennessee be advised of the McMinn County Board of Commissioners' concern over the widespread manufacture, sale and use of Methamphetamine and its destructive effects on individuals and families, and that this Commission further requests that laws be erected to enhance the punishment for manufacture, sale, distribution and possession of Methamphetamine, including mandatory jail time. Further, that the District Attorney General's Office of the 10th Judicial District be advised of the Commission's actions in this matter and its desire for violators of Methamphetamine laws be punished to the fullest extent allowed by law.

(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 by voice vote.

B. A Resolution to Approve a Host Agreement Between McMinn County and Waste Connections of Tennessee, AKA Environmental Trust Company.

Mr. Gentry referred to the county's on-going litigation with Environmental Trust Company which was purchased by Waste Connections of Tennessee in 2002. The new ownership has expressed interest in resolving this issue and the County, being the unsuccessful party in two lawsuits, came to the table to pursue resolution. Commissioner Mason, Chairman of the solid Waste Committee, said an agreement was reached and presented the following resolution for approval.

Resolution No. 03-199

A RESOLUTION TO APPROVE A HOST AGREEMENT BETWEEN MCMINN COUNTY AND WASTE CONNECTIONS OF TENNESSEE, AKA ENVIRONMENTAL TRUST COMPANY

A RESOLUTION TO APPROVE A HOST AGREEMENT BETWEEN  
MCMINN COUNTY AND WASTE CONNECTIONS OF TENNESSEE, AKA  
ENVIRONMENTAL TRUST COMPANY

WHEREAS, McMinn County Board of Commissioners imposed a surcharge on the Mine Road/Meadow Branch Landfill, a subsidiary of Environmental Trust Company, in 2000; and

WHEREAS, litigation ensued in 2000 between McMinn County and Environmental Trust Company regarding surcharges, which case was heard in McMinn County Circuit Court in 2001 and the Tennessee State Court of Appeals in 2003, with litigation presently pending before the Tennessee Supreme Court; and

WHEREAS, Environmental Trust Company was purchased by Waste Connections of Tennessee, Inc. in 2002; and

WHEREAS, desiring an end to litigation, both parties have worked to create an acceptable host agreement and

WHEREAS, the McMinn County Solid Waste Committee, meeting in called session on December 9, 2003 with representatives of Waste Connections, Inc. reached a tentative agreement, subject to approval of the County Commission and officials of Waste Connections, Inc.; and

WHEREAS, conditions of said agreement include the following:

1. The County would receive from ETC. in lieu of any surcharge or fee authorized in T.C.A 68-211-835, \$1.00 for each ton of solid waste processed at the Meadow Branch Landfill, effective the first day of the month following execution of the agreement by both parties. The amount due would be paid on or before the 30th day of each month for the solid waste processed the previous month.
2. The payment would increase to \$1.50 per ton effective when ETC begins placing solid waste in any new cell "air space" resulting from the 2003 lateral expansion request recently submitted by ETC to the Tennessee Department of Environment and Conservation. The payment would be subject to an annual price escalation of 1.5% on the anniversary of the \$1.50 increase for a term of 12 years.
3. Within twelve (12) months of the completion of the first cell in the overlay area pursuant to the 2003 lateral expansion request, ETC will relocate the solid waste presently in the Phase 1 "unlined" area of the Meadow Branch Landfill to the "lined" area of the first cell of the expansion. This relocation is to be accomplished within 12 months of the start of the removal of the Phase 1 waste. During the relocation of the Phase 1 area, we will follow the relocation procedures as approved by ThEC at the time the expansion is permitted. If at anytime unacceptable waste is found that the Landfill cannot accept, ETC will notify McMinn County within 2 working days of finding such waste and the waste shall be disposed of properly. In the event such material is discovered, the time frame for completion of the relocation project will be extended to account for time delays associated with the proper handling and disposal of the waste.
4. The payment would not be applicable to any beneficial re-use waste suitable for daily cover and/or road base as approved by TDEC nor upon any C& D waste.

5. McMinn County would agree not to impose a surcharge pursuant to T.C.A. 68-211-835, or any other statutory authority, providing the State of Tennessee or federal government does not impose some solid waste collection, treatment and/or disposal duty on the County of McMinn which would otherwise necessitate the county to impose a surcharge as provided by T.C.A. 68-211-835, or any other statutory authority, to cover the cost of meeting such a mandate. The fees generated by this host agreement would be taken into account, dollar for dollar, when determining the amount of the future surcharge if one becomes necessary. In no event will the sum of this host fee and any future additional surcharge paid by ETC on a per ton basis exceed those collected by McMinn County at their own landfill. This host agreement applies only to the current 2003 expansion.
6. Provided ETC is in compliance with all federal and state laws and regulations related to waste management services and solid waste disposal, McMinn County will demonstrate equitable, fair and impartial consideration to ETC's requests for expansion as a legal industry, permitted and regulated by the State of Tennessee. Accordingly, McMinn County reserves its rights granted by state law in T.C.A. 68-211-701 not to approve any expansion or new cell construction request if ETC is found to be in major violation of any federal or state laws and regulations. If McMinn County refuses the current 2003 expansion and ETC successfully receives court relief to expand their facility, McMinn County will refund any funds collected under terms of this agreement and the agreement will be deemed null and void.
7. McMinn County may notify ETC of any complaints regarding its operations and allow it a reasonable opportunity to remedy the complaint before notifying TDEC.
8. ETC will continue its commitment to make discernible and measurable efforts to address all legitimate concerns and complaints from the citizens of McMinn County.

WHEREAS, upon acceptance of this agreement, both parties will take the necessary actions to end the pending litigation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 15TH DAY OF DECEMBER 2003, that this commission does hereby approve this agreement as recommended by the Solid Waste Committee, and authorizes the County Mayor to execute all documents necessary to fulfill the duties of the agreement.

(Orig signed by John M. Gentry)  
County Executive

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

Commissioner Crews said that a representative from Waste Connections was available to answer questions and Commissioner Mason added that our County Mayor has done a lot of work to resolve this. Mr. Gentry said that this is ETC and our commitment to the agreement and that a final contract will be brought back to the Commission for approval. In response to a question from Chairman Crews, the County attorney said that this will halt the lawsuit.

Motion carried by a voice vote.

C. A Resolution Authorizing McMinn County to Participate in a Waterline Extension Project on County Roads 616, 610, 603 and 609.

Mr. Gentry presented the following resolution authorizing McMinn County to participate in a waterline extension project on County Roads 616,610,603 and 609. Mr. Gentry said that Mr. John Goins from Etowah Utilities was in the audience to answer any questions.

Resolution No. 03-200

A RESOLUTION AUTHORIZING MCMINN COUNTY TO  
PARTICIPATE IN A WATERLINE EXTENSION PROJECT ON  
COUNTY ROADS 616,610,603 AND 609

WHEREAS, Etowah Utilities is planning the extension of waterlines to serve residents of portion of County Roads 616,610,603, and 609; and

WHEREAS, residents of this area have experienced extensive problems with wells and requested access to public water service; and

WHEREAS, engineers for Etowah Utilities have estimated the total cost of these line extensions to be approximately \$363,000; and

WHEREAS, the proposed line extensions meet the criteria of McMinn County matching funds for waterline extensions.

NOW, THEREFORE, BE IT RESOLVED that the McMinn County Commission agrees to provide twenty percent matching funds for these waterline extensions up to a maximum of \$72,600 (.20 x \$363,000 = \$72,600) at the completion of the construction, based upon the submission of documentation of expenditures.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 15TH DAY OF DECEMBER 2003, THAT THE COMMISSION DOES AUTHORIZE MCMINN COUNTY TO PARTICIPATE IN THE WATERLINE EXTENSION PROJECT AT 20 PERCENT, UP TO A MAXIMUM OF \$72,600 (.20 X \$360,000 = \$72,600) AT THE COMPLETION OF THE CONSTRUCTION, BASED UPON THE SUBMISSION OF DOCUMENTATION OF EXPENDITURES.

(Orig signed by John Gentry)  
County Mayor

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

D. A Resolution to Approve an Updated Occupational Health and Safety Plan for McMinn County.

Mr. Gentry presented the following resolution to approve an updated Occupational Health and Safety Plan for McMinn County, along with a copy of the updated plan. Mr. Gentry said that this has been in effect since 1974 but hasn't been updated since and he recommended approval.

Resolution No. 03-201

A RESOLUTION TO APPROVE AN UPDATED

OCCUPATIONAL HEALTH AND SAFETY PLAN FOR MCMINN COUNTY

WHEREAS, McMinn County has an Occupational Health and Safety Plan, approved by the Occupational Safety and Health Association (OSHA), to provide for a safe and healthy work environment for McMinn County Employees; and

WHEREAS, McMinn County has been notified by OSHA that the current Health and Safety Plan has not been updated since 1974; and

WHEREAS, the Tennessee Department of Workforce Development has recommended that McMinn County approve an updated Occupational Health and Safety Plan which has been supplied by OSHA, so that McMinn County may have current guidelines and procedures for implementing the Safety and Health Plan; and

WHEREAS, the Safety and Accident Review Board, meeting in November 2003, approved the updated plan for recommendation for approval to the McMinn County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 15TH DAY OF DECEMBER 2003, that this Commission does hereby approve this updated Safety and Health Plan, the public welfare demanding it.

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

Attest:

(Orig signed by Evonne Jones)

County Clerk

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

Motion carried by voice vote.

E. A Resolution to Approve the Addition of Roads the c County Highway Department Road Maintenance System.

Mr. Gentry presented the following resolution to approve roads to the McMinn County highway System, along with a memorandum from the Highway Commission explaining that this is due to relocation of State Highway 30W. At the request of the Highway commissioner, chairman Crews read the resolution to the Commissioners.

Resolution No. 03-202

A RESOLUTION TO APPROVE  
THE ADDITION OF ROADS TO THE MCMINN COUNTY HIGHWAY  
DEPARTMENT ROAD MAINTENANCE SYSTEM

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

WHEREAS, due to the construction of new Highway 30, it is necessary that certain roads and portions of roads be included into the McMinn County Highway Department's Road Maintenance System; and

WHEREAS, it is the recommendation of the Commissioner of Highways that the following roads be added to the Road Maintenance System: County Road 119, formerly known as Old Highway 30 West4 a Class 1 road with a total length of 4.00 miles, beginning at new State Route 30 and ending at new State Route 30.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN SESSION ON THIS 15th DAY OF DECEMBER 2003, THAT THE MCMINN COUNTY COMMISSION APPROVES THE ADDITION OF THIS ROAD TO THE ROADWAY MAINTENANCE SYSTEM, the public welfare requiring it.

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

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

Motion carried by voice vote.

13. ELECTIONS. APPOINTMENTS AND CONFIRMATIONS

A. A Resolution to Confirm the Appointment of Jeff McKay to the Board of Directors of Woods Memorial Hospital.

Mr. Gentry presented the following resolution to confirm the appointment of Jeff McKay to the Board of Directors of Woods Memorial Hospital to fill the unexpired term of former member Mike Stubblefield. Mr. Gentry added that he is very pleased with the management experience Mr. McKay brings to this board.

Resolution No. 03-203

A RESOLUTION TO CONFIRM THE APPOINTMENT OF JEFF MCKAY TO  
THE BOARD OF DIRECTORS OF WOODS MEMORIAL HOSPITAL

WHEREAS, McMinn County has the Woods Memorial Hospital District which provides a necessary healthcare resource to Southeast Tennessee; and

WHEREAS, state law grants authority to the County Mayor to appoint members to the Board of Directors of Woods Memorial Hospital upon confirmation by the county legislative body; and

WHEREAS, Jeff McKay is a resident of Athens and co-owner of Modern Industries, a company of over 200 employees, located in Chattanooga, TN; and

WHEREAS, John M. Gentry as McMinn County Mayor, nominates Jeff McKay to serve as a board member of the Woods Memorial Hospital District for a six-year term which will expire March 31, 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 15TH DAY OF DECEMBER 2003, that this commission does hereby confirm this appointment

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

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

Motion carried by voice vote.

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

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

Commissioner Jack Powers, Chairman of the Jail and Juvenile Services Committee, said that they will go out for bids on the pedimeter floor at the Justice Center and hope fully by SWill be present at the next Commission meeting.

B. Recreation Committee - Commissioner Bob Powers.

Commissioner Bob Powers, Chairman of the Recreation Committee, presented the following resolution to approve the grant of \$500.00 to Rogers Creek Youth Baseball.

Resolution No. 03-202

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 renovations of the concessions stand and fencing; and

WHEREAS, Rogers Creek Youth Baseball has requested a grant of \$500.00 to assist in the concessions stand renovations and fencing.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15TH DAY OF DECEMBER 2003, 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 Executive

Attest:

(Orig signed by Evonne Jones)  
County Clerk

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

Motion carried by voice vote.

C. Rural Fire Committee - Commissioner Vincent.

(1) Appointment of Rural Fire Coordinator.

Commissioner Vincent, Chairman of the Rural Fire Committee, said that the Rural Fire Committee met this evening and recommend that the Commission approve the appointment of Scott Thompson as Rural Fire Coordinator for a two year term. He has been serving in this capacity to fill the unexpired term of Steve Johnson.

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

Motion carried by voice vote.

(2) A Resolution to Approve the Transfer of Title for a 1979 Chevrolet Fire Engine from McMinn County to Niota Volunteer Fire Department.

On behalf of the Rural Fire Committee, Commissioner Vincent presented the following resolution to approve the transfer of title for a 1979 Chevrolet fire truck from McMinn County to Niota Volunteer Fire Department Commissioner Vincent explained that Niota Rural Fire Department has been using it for spare parts.

Resolution No. 03-205

A RESOLUTION TO APPROVE THE TRANSFER OF TITLE FOR A 1979  
CHEVROLET TRUCK FROM MCMINN COUNTY TO  
NIOTA VOLUNTEER FIRE DEPARTMENT

WHEREAS, a surplus 1979 Chevrolet fire engine, formerly assigned to Idlewild Rural Fire Department, has been utilized by Niota Rural Fire Department for spare parts; and

WHEREAS, McMinn County desires to transfer title and ownership to the 1979 Chevrolet Fire Truck to Niota Fire Department in order for that department to exercise full ownership of the remaining truck chassis; and

WHEREAS, the McMinn County Rural Fire Committee has reviewed the proposed transfer of title and has recommended the transfer to the McMinn County Board of Commissioners for approval.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 15TH DAY OF DECEMBER 2003 that this Commission does hereby agree to transfer of title.

(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.

(3) Hazmat Team Update.

Commissioner Vincent said that Fire Coordinator Scott Thompson gave the Committee an update on the newly formed Hazmat Team. The trailer has been ordered and they are in the process of getting a truck to pull the trailer. There are 22 members of the Hazmat team and they are trained and will be located at the E911 Center, under fence protection.

(4) New Pagers for Firemen.

Commissioner Vincent said it is time to replace the pagers for the firemen and he reminded the Commission they voted to buy new repeaters at the last meeting. Mr. Thompson is working to find good locations for these repeaters.

15. COMMENTS FROM THE COUNTY MAYOR

A. Comments Regarding McMinn County's Request for Continued Construction and Improvement of State Highway 30.

In response to our resolution approved last month requesting the Tennessee Department of Transportation to continue the widening and improvement of the remaining unimproved section of State Highway 310, Mr. Gentry said that he received a letter from Commissioner Nicely that they would review this within budget constraints.

B. Comments Regarding Possible Proposed Legislation concerning the Appointment or Popular Election of the Superintendent of Schools.

Mr. Gentry said that he and Chairman Crews have received letters from the McMinn County Board of Education concerning the possible proposed legislation regarding the appointment or popular election of the Superintendent of Schools. If this legislation is introduced, the School Board has requested the Commission support the continued appointment process. Mr. Gentry advised the Commissioners they may want to better familiarize themselves on the issue.

C. Comments Regarding Airport Inspection.

Mr. Gentry said our airport has been inspected by the Aeronautics Division and he quoted that we received an "excellent" for overall appearance and operational condition of the airport. Mr. Gentry said that they mentioned our diligence in maintaining an outstanding facility. He also added that there were no safety deficiencies but added that the report suggested we may want to paint the old hangars.

D. Comments Regarding Court Study.

Mr. Gentry said that they are working on job descriptions for Judicial Commissioners as well as other issues with the court system such as litigation taxes and possibly moving Probate Court to Chancery.

B. Courthouse Christmas Dinner.

Mr. Gentry invited the Commissioners to the Courthouse Christmas Dinner on December 22,2003, at 11:00am in the Blue Room.

F. Painting of Blue Room.

Mr. Gentry said that the Blue Room will undergo a modest remodeling and added that it may take awhile because it will be done by in-house staff.

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 December 2003

Rita C. Brown  
Kaye Jean Burton  
Joyce S. Cagle  
Tony P. Hawn  
Carl L. HUtSCII  
Linda W. Johnson  
Joy Mullinax  
Gayle Petitt  
Susan Roberts  
Phyllis J. Rue  
Randall W. Sliger  
Eric R. Walker

MOTION made by Commissioner King, and seconded by Commissioner Bob Powers, 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

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

Evonne Jones

McMinn County Clerk

Attest:

Deputy Clerk

(Date)