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DADE COUNTY COMMISSION  
REGULAR MEETING  
DECEMBER 3, 2009

1 MR. RUMLEY: We'll go ahead and call  
2 the meeting to order. We appreciate all of you  
3 being here. Before we get started, I would like to  
4 ask Robert if he would lead us in prayer and also in  
5 the Pledge of Allegiance. Please stand.

6 (Thereupon, the invocation and  
7 Pledge of Allegiance were given.)

8 MR. RUMLEY: Thank you, Robert. This  
9 is the regularly-scheduled meeting of the Dade  
10 County Commission which takes place at the same time  
11 on the first Thursday of every month. Proper notice  
12 of the meeting was given to the legal organ of Dade  
13 County and has been posted in the hallway. At this  
14 time I need a roll call. Mr. Lowery?

15 MR. LOWERY: Here.

16 MR. RUMLEY: Mr. Cervelli?

17 MR. CERVELLI: Here.

18 MR. RUMLEY: Mr. Goff?

19 MR. GOFF: Here.

20 MR. RUMLEY: Mr. Pittman?

21 MR. PITTMAN: Here.

22 MR. RUMLEY: The chair is here, I hope.  
23 At this time, Don, if you would brief us on the  
24 consent agenda. We will be asking for a vote on  
25 this, all but the appointment to the hospital board.

1 MR. TOWNSEND: Okay. We have the  
2 approval of previous meeting minutes, the approval  
3 of appointments to the Northwest Georgia Region One  
4 Emergency Medical Services Council, which is Alex  
5 Case for a two-year appointment and the Dade County  
6 Board of Health appointing Verenice Hawkins as a  
7 reappointment. We also have on the consent agenda  
8 passage of ordinance 12-03-09, the tobacco free  
9 county park. This is the final reading as it is the  
10 second reading and the resolution tonight for the  
11 2009 budget amendment. I believe that was  
12 resolution R-48-09.

13 MR. RUMLEY: Okay. Any questions?  
14 Okay. The reading of the minutes of the previous  
15 month's meeting, regular meeting will not be  
16 required since all Commissioners have been furnished  
17 with copies in advance. The minutes are public  
18 record and available for review in the county  
19 executive's office. The minutes are included in the  
20 consent agenda. At this time I need a motion to  
21 approve the consent agenda all except the Alex Case  
22 being admitted to the hospital board.

23 MR. LOWERY: Alex and Eddie.

24 MR. PITTMAN: Yeah, Alex and Eddie.

25 MR. RUMLEY: Yeah, Alex.

1 MR. LOWERY: I make that motion.

2 MR. RUMLEY: Okay. I have a motion.

3 Do I hear a second?

4 MR. PITTMAN: I'll second.

5 MR. RUMLEY: Mr. Lowery?

6 MR. LOWERY: Yes.

7 MR. RUMLEY: Mr. Cervelli?

8 MR. CERVELLI: Yes.

9 MR. RUMLEY: Mr. Pittman?

10 MR. PITTMAN: Yes.

11 MR. RUMLEY: Mr. Goff?

12 MR. GOFF: Yes.

13 MR. RUMLEY: The chair votes yes.

14 Okay. Pertaining to the appointment of Alex Case to  
15 the Hutcheson Board -- Hutcheson Health. I'll get  
16 it straight in a minute. Hutcheson Medical Center  
17 Board, do I hear a motion to appoint Alex to the  
18 Hutcheson Medical Center Board?

19 MR. PITTMAN: I make a motion we  
20 appoint Alex Case to the HMC Board of Trustees and  
21 reappoint Eddie Holmes to the other position. Can  
22 we make those at the same time, Robin?

23 MR. ROGERS: Yes, you can.

24 MR. RUMLEY: Okay. I have a motion.

25 Do I hear a second?

1 MR. GOFF: I'll second.

2 MR. RUMLEY: Okay. Mr. Cervelli?

3 MR. CERVELLI: Yes.

4 MR. RUMLEY: Mr. Goff?

5 MR. GOFF: Yes.

6 MR. RUMLEY: Mr. Pittman?

7 MR. PITTMAN: Yes.

8 MR. RUMLEY: Mr. Lowery?

9 MR. LOWERY: Abstain.

10 MR. RUMLEY: Abstain. Okay. That's  
11 good. Moving down to number 2A, district  
12 commissioner committee reports. Mr. Cervelli, do  
13 you want to start?

14 MR. CERVELLI: I'll start, as I usually  
15 do, talking about the budget. We don't have full  
16 budget reports this month. We have a glitch in our  
17 system, but we did get the summary report. We're  
18 about 91 percent through the year. Revenue is at 87  
19 and a half percent and expenses are 88.27 percent.  
20 There's about a .8 percent difference. That will be  
21 corrected very shortly in terms of revenue being  
22 less than expenses with a recent check that we got  
23 for property taxes, so I think we're on target to  
24 finish the year well. As I said, we're 91 percent  
25 through the year and our expense level is about 87

1 and a half percent, so we're managing below  
2 expectations.

3 In terms of sales tax, which is always  
4 the story of concern, the November sales tax  
5 collections for L.O.S.T., the Local Option Sales  
6 Tax, and that's the portion of the sales tax that  
7 actually goes into the general fund budget for the  
8 County was 150,200 approximately. That's  
9 13 percent. We're still running 13 percent overall  
10 behind last year. So through November comparing  
11 last year to this year, we're down 13 percent. Just  
12 November itself was down 16 percent compared to  
13 November of last year and some of the other  
14 measurements that I used says 16 percent looks like  
15 about where it's sort of trending right now, so  
16 we're going to have to keep -- obviously given that  
17 we're in a situation where we have a six-month  
18 budget, we're in a little bit better shape being  
19 able to manage because about three and a half months  
20 from now we'll start looking at another budget  
21 again, so we'll have a good idea what revenues are  
22 going to be.

23 Our S.P.L.O.S.T tax came in at 187,800.  
24 That's under our expectation of budget, so we're  
25 about \$23,000 low based on what we budgeted, hoped

1 we would get in terms of S.P.L.O.S.T taxes, so we're  
2 going to have to watch that in terms of being able  
3 to fund what we hope to fund.

4 In terms of -- that's really all I have  
5 to say on the budget. The only other thing I would  
6 like to say is that this Saturday, there's going to  
7 be a Christmas parade, Dade County Christmas parade.  
8 It will start at six o'clock down here in Trenton.  
9 So hopefully there will be only a light dusting of  
10 snow, if any, and make it look Christmasy. So  
11 please come down and enjoy the parade. That's all I  
12 have.

13 MR. RUMLEY: Robert?

14 MR. GOFF: All right. Mr. Chairman, I  
15 did miss the last meeting. I was gone on County  
16 business actually, but I understand that someone had  
17 a concern to go back to our facilities at what we  
18 termed the four fields, the sports complex with the  
19 bathrooms, the new bathrooms that were just built.  
20 I know this has become a big joke that that's  
21 something near and dear to my heart. I would not  
22 have my name on anything inferior. I did go down  
23 and look at the concern and I have talked and before  
24 another season rolls around, that -- and it was  
25 doors in both the boys' and girls' bathrooms. I

1 think the concern was the girls' bathroom, doors on  
2 the stalls, so that will be done. Obviously, right  
3 now there's nothing going on at any of the fields.  
4 It's wintertime and no winter sports going on.

5           There was also concern about the lights  
6 being turned on or left on at the tennis courts. I  
7 know I had several people approach me about that and  
8 they were being turned on sometimes and left on  
9 maybe for hours by someone. I think that's been  
10 addressed, but also we are in the process as soon as  
11 the weather will permit that there will be some not  
12 lighted fields at the soccer field and the little  
13 football practice field, but the parking lot itself  
14 will be lit from the existing pole, the transformer  
15 pole and also another one will be put up just as  
16 soon as the weather permits for the road department  
17 to dig the ditch and then Georgia Power to install  
18 the lights because there's some that like to use  
19 that as their walking track other than just the  
20 walking track around the field. So that is being  
21 addressed.

22           I want to first of all say thank you to  
23 those citizens that brought those things to our  
24 attention because sometimes you really -- you can't  
25 know everything such as a road -- pothole in the

1 road or things that are going on, so I commend the  
2 citizens on that. I don't want to raise a lot of  
3 questions, but this is a question that someone  
4 raised and sometimes in giving an answer, it will  
5 raise others. The rec league football and sports  
6 that go on in Dade County, other than the fact that,  
7 yes, the County does provide four fields. We  
8 provide soccer practice fields, also one field set  
9 aside for rec league football, we provide that to  
10 the rec leagues, whether that's baseball, Dizzy Dean  
11 or whatever happens now, we provide that to the  
12 County, but it's always the entity itself that is  
13 responsible for it and sometimes we have questions  
14 such as the rec league football was this year under  
15 the Scenic City. Now, that's out of Chattanooga.  
16 We only have the one school here in the county or  
17 the two elementary schools that take in those  
18 players and so we before have played in the Jackson,  
19 Dekalb County league. We played in the Brainerd  
20 league. So not having enough schools here, we go  
21 outside. But that is an entity all of its own.  
22 It's under commissioners of the rec football leagues  
23 and they handle who the coaches are. They handle  
24 the games, scheduling and all that. We have really  
25 nothing to do with it except we provide them a place

1 to provide football and soccer.

2 The high school has been good enough,  
3 the games that they do play here they play on the  
4 high school football field. It has been given to  
5 them on occasion when they play here. So just for  
6 information, that is the County's. The concessions,  
7 the concession stand is open, but, again, it's run  
8 by that entity and they receive the funds from it.

9 As far as the road department, they've  
10 been busy cleaning ditches. It's wintertime and  
11 things that are going on with them and so we thank  
12 them for the job well done.

13 Two things, one thing that I said I  
14 would plug tonight is the 2010 census that is coming  
15 in April of next year and we're just trying to raise  
16 awareness. Commissioner Rumley can -- Chairman  
17 Rumley may touch on it a little in just a minute,  
18 but as a lot of you know and you've heard, we go to  
19 looking for grants and things and they say, you  
20 don't have enough people, you're too small. Well,  
21 we're too small because we're seldom ever counted at  
22 the true count of the citizens of Dade County and  
23 we're just hoping this is the Census Bureau, not the  
24 Commission, although we are concerned with it, but  
25 I'm talking about the U.S. Census Bureau that we get

1 a good count.

2 And then having missed -- I'm taking  
3 all of my buddy's time here. Having missed the  
4 meeting in November, one thing I would like to say,  
5 a friend of mine called the other night and it's  
6 just a great veteran's story to me and I just want  
7 to share it. You may -- some of you here may know  
8 him. He was raised in Dade County, went to Davis.  
9 His name is Marshall Tripp. He served in the  
10 Vietnam War 42 years ago and recently -- just  
11 recently in the last couple of weeks finally  
12 received a purple heart for injuries received in  
13 that war. So if you know Marshall or any of his  
14 family, congratulate him. As everybody says, thank  
15 a vet. For what we're doing here tonight, you can  
16 find a veteran of any branch of service and you can  
17 thank them, but I thought that was just a great  
18 story that this many years later he was recognized  
19 as he should have been then, but due to  
20 circumstances, he wasn't. So if you know Marshall,  
21 just thank him as a veteran of Vietnam. Thank you.

22 MR. RUMLEY: Scottie?

23 MR. PITTMAN: Really the only thing  
24 I've got, Billy said the transfer station will be  
25 closed Christmas Eve and Christmas Eve Day. That

1 will be the 24<sup>th</sup> and 25<sup>th</sup>, Thursday and Friday.

2 It will be open Saturday and it will be a mad house

3 I'm sure, so --

4 MR. RUMLEY: We've got several trustees  
5 lined up.

6 MR. PITTMAN: There will be eight or  
7 ten extra people. They said all you'll do is pull  
8 in. They'll unload your garbage for you and can  
9 pull straight out.

10 MR. RUMLEY: That's right. You won't  
11 even have to get out of your car.

12 MR. PITTMAN: Keep that in mind if you  
13 want to take your trash off Wednesday. That will be  
14 a real good idea because if you don't have to, I  
15 wouldn't go to the transfer station Saturday.

16 MR. RUMLEY: What they run into is  
17 Christmas wrapping and all. You've always got it no  
18 matter what you do.

19 MR. PITTMAN: It's also bumper to  
20 bumper. So just keep that in mind.

21 MR. LOWERY: Last year the  
22 Commissioners went through a little trash, didn't  
23 they, Robert?

24 MR. GOFF: Time of my life.

25 MR. PITTMAN: That's all I've got.

1           MR. LOWERY: People pulling in without  
2 the right tags on their cars, Alabama and Florida  
3 and everywhere else.

4           MR. RUMLEY: Have you got anything?

5           MR. LOWERY: The only thing I've got  
6 tonight, our courthouse has been moving kind of  
7 slow. They're about ready to pour a concrete slab,  
8 finish up on that. But like Robert said, we've had  
9 a lot of rough weather here lately, a lot of high  
10 winds. The road crew has been out a lot. When  
11 they're out, it puts a load on them. Also our 911,  
12 Alex Case's people, they do a fine job. Our  
13 sheriff's department has really been kicking in. So  
14 we've got a lot of good employees and we appreciate  
15 them.

16           MR. RUMLEY: All right. Well, on my  
17 report, we've had a pretty busy month. When it gets  
18 to the end of the year, you always -- you know, you  
19 worry about things that maybe you didn't do during  
20 the year and also you're worrying about next year.  
21 It's -- the budget has been a big issue, big thing  
22 on my mind. I'm glad that we all come to an  
23 agreement on it tonight. I feel it's a good budget,  
24 going into next year. And, of course, we've got to  
25 go right back into it after the first of the year

1 and start planning for a full year, but it's really  
2 good and I feel good about it.

3 We've been working real hard with the  
4 Chattanooga Chamber, which is also their -- their  
5 IDA is also their Chamber, but we've been working  
6 with them, Mayor Littlefield and also the county  
7 mayor. We're actually going to Atlanta the 8th.  
8 We're trying to solicit an industry into the county  
9 that could bring in a -- well, 230, 40 jobs. It's  
10 going to be a really good move for us. That is a  
11 business actually we were kind of skeptical of to  
12 start with because of a smell issue. You know, we  
13 went through it and we've been assured by that  
14 company that if they come to this county and also  
15 Hamilton, it will be split the line, there's zero  
16 odor and, of course, the pollution control people in  
17 the State of Georgia and Tennessee, they will  
18 regulate that and also any particles that we put in  
19 the air or streams.

20 So we feel good if we can do this and  
21 we stand a real good chance of getting this. Within  
22 five years, they'll be getting close to 300 jobs, a  
23 little over 300. So put that in your prayers. It's  
24 worth praying for because it's critical for this  
25 time.

1           The census, as Robert mentioned, is  
2 really an important thing to get out there and tell  
3 your neighbors to get out. Don't be afraid to fill  
4 out your questionnaire you get in the mail. I've  
5 looked. I've seen one of them. It's not real  
6 personal questions. It's just simple, but it really  
7 means a lot. It really means a lot to your county.  
8 It means a lot to your school board pertaining to  
9 money, any grants that we get, the library, anything  
10 pertaining to the government. Trust me, every head  
11 needs to be counted.

12           I appreciate Billy. Like you said,  
13 it's been a crazy month, this wind and weather.  
14 It's not been a terrible month, but there's been a  
15 lot of trees that are loose, you know, and it don't  
16 take much wind to -- it seems like every night he's  
17 been called out. I try to help him. Alex, we  
18 appreciate Alex and all they do. That's kind of a  
19 hidden warrior there, the whole group over there.  
20 People don't realize your 911, what type of --  
21 what -- how modern our 911 system is here, how  
22 high-tech, but sometimes, you know, you can make  
23 arrangements with Alex. Y'all just let him explain  
24 to you what goes into when you make the 911 call.  
25 It will make you appreciate it. It really will.

1 I appreciate all the commissioners.  
2 We've had a busy month, actually two months working  
3 together, working on this budget. It's not an easy  
4 thing. Like I said, I think I said at the last  
5 meeting, you know, we may pat each other on the back  
6 up here, but we don't always get along. We don't  
7 always agree and we try to take care of this and not  
8 really show ourselves here in front of people, if  
9 you understand what I'm saying. We agree to  
10 disagree, so I do appreciate my commissioners here.  
11 I feel I've got a good group and I appreciate you,  
12 all of us do because the good outweighs the bad  
13 because I tell you if it didn't, you couldn't sit  
14 right here where we sit. I don't mean that in a  
15 negative way.

16 If you've never been involved in  
17 politics, especially if you've never been a  
18 commissioner, you need to sit through one week --  
19 well, I would like for you to sit through one day in  
20 the office there. Of course, I have a lot of good  
21 days, but one day out of the week you'll think  
22 things are going good and then, you know, you'll  
23 think, man -- well, like today, my face is red. I  
24 had some things today. I know my blood pressure is  
25 about 300 over 300, but the good outweighs the bad

1 and I do appreciate all you people and all you  
2 people out there that's listening to us.

3 So with that said, anyone else want to  
4 add anything? Don, do you want to go into your  
5 report for us? Before that, Robin, have you got  
6 anything you want to say to us, anything to the  
7 audience, anything that you might want to add? I  
8 mean, sometimes I leave Robin out, but let me tell  
9 you something, we've got a good attorney here. We  
10 really do. I'm ashamed I don't mention him more,  
11 but he puts in a lot of time. I kid him about  
12 overcharging us sometimes, but that's a joke. Let  
13 me tell you, he earns his money. He really does.  
14 We're lucky to have Robin and he's a hometown boy.  
15 I'm proud of that, too. He was born and raised here  
16 and schooled right here in Dade County. He's one of  
17 our own. I'm making his face turn redder than mine.  
18 I do appreciate you. I appreciate your family  
19 because they put up a lot with us, too, just like  
20 all of ours.

21 Don, if you want to go ahead and give  
22 us the finance report.

23 MR. TOWNSEND: I'm glad to be sitting  
24 by such a prestigious man.

25 MR. RUMLEY: Now, what did you say?

1 MR. TOWNSEND: I'm glad to be sitting  
2 by such a prestigious gentleman.

3 MR. RUMLEY: Well, I'm going to listen  
4 to this finance report and then I'm going to tell  
5 them how much we either appreciate or not you, Don.  
6 We do appreciate you, Don, I promise you.

7 MR. TOWNSEND: The general fund  
8 currently has a balance of \$363,770; federal asset  
9 fund, 45,096; special sheriff's fund, \$23,288; drug  
10 abuse education fund, 34,005; supplemental juvenile  
11 services fund, 14,421; victim assistance fund,  
12 \$5,077; jail fund, 18,873; federal asset fund,  
13 Department of Justice, 2,253; payroll account,  
14 35,043.

15 We are slowly going through finishing  
16 up the old S.P.L.O.S.T funds. We have a total of  
17 the old principal and interest of \$992,019 and  
18 capital funds, \$266,845. For the first time you see  
19 the 2009 funds for project account, we have a very  
20 small balance, but there's \$964 there. That's the  
21 beginning of what will become over a period of time  
22 a larger balance. Proceeds account is 255,276.  
23 That's where our monthly revenues from S.P.L.O.S.T  
24 is deposited from the Department of Revenue. The  
25 construction account including construction fund

1 investments is \$2,473,018.

2 I was going to -- I went through  
3 yesterday and noted that for the last two and a half  
4 years based on investments, we have collected a  
5 little over -- a little over 100,000 extra dollars  
6 interest and that's -- that's not a lot in the big  
7 scheme of things, but it's -- it's a lot to me and  
8 in the market right now we get 1.2 to 2 percent  
9 interest. It's a lot of work trying to get as much  
10 as we can because every little bit is going to help  
11 with the courthouse and everything else.

12 We finally have spent a little bit of  
13 money. The top three fire departments, New Salem,  
14 North Dade and Trenton. We made our first payments  
15 on their new fire engines of \$49,676, which leaves a  
16 balance of 200,324 and then David has a remaining  
17 balance of 4,847; New Home, \$113; North Dade,  
18 \$10,924; West Brow, \$22,266.

19 Local option sales tax came in this  
20 month at 150,224. Peter and I have thought about  
21 reducing that on our projected 2010 budget, but as  
22 it stands right now, that's -- we would have to  
23 collect at least \$141,666 per month, so at 150,  
24 that's a little bit above average there, so  
25 hopefully we will stay above that average. The

1 average this year that we're shooting for, the  
2 monthly budget was 162,500, so it's still right at,  
3 as Peter mentioned earlier, about \$12,000 off for  
4 the month and that's just the month. For the year  
5 it's under 212,000. So that's quite a hit to our  
6 budget this year.

7 As also Peter mentioned, the  
8 S.P.L.O.S.T again is 150,224 -- I'm sorry Local  
9 Option Sales Tax, L.O.S.T, Local Option.  
10 S.P.L.O.S.T came in at \$187,780, which as he  
11 mentioned earlier, is down from last year, so time  
12 will tell. As we remind everyone, please shop at  
13 home. Buy those Christmas presents.

14 MR. RUMLEY: That's right. Buy  
15 everything you can here in the county. Every dime,  
16 every dollar helps. I appreciate that, Don. Is  
17 there any questions for Don? If not, I need a  
18 motion to approve our financial report.

19 MR. CERVELLI: I make a motion to  
20 approve the financial report.

21 MR. RUMLEY: I have a motion. Do I  
22 hear a second?

23 MR. GOFF: I'll second.

24 MR. RUMLEY: I'll call a vote. Mr.  
25 Cervelli?

1 MR. CERVELLI: Yes.

2 MR. RUMLEY: Mr. Goff?

3 MR. GOFF: Yes.

4 MR. RUMLEY: Mr. Pittman?

5 MR. PITTMAN: Yes.

6 MR. RUMLEY: Mr. Lowery?

7 MR. LOWERY: Yes.

8 MR. RUMLEY: The chair votes yes.

9 Barton is not here tonight. I don't see him. I was  
10 going to ask the mayor to come up and give a report.  
11 I didn't want to skip him, but I didn't see him come  
12 in. Robin, have you got anything, legal matters at  
13 all?

14 MR. ROGERS: No. There's nothing new  
15 to report.

16 MR. RUMLEY: Okay. No unfinished  
17 business, new business. Okay. Down to citizens  
18 participation. You're welcome to come up, talk to  
19 us. We'll give you five minutes or more if you need  
20 it. You can come up to the mic, tell us who you are  
21 and concerns. Anyone want to talk to us tonight,  
22 feel free. Y'all look like you're asleep, some of  
23 you on the right side over here. I hope it's not  
24 that boring.

25 Okay. If not, I don't think we need to

1 go in executive session. I do want to make one --  
2 mention one thing. I've got Diane back with us  
3 tonight. She's been out. I know I mentioned her a  
4 few times. She's had back surgery and it was really  
5 severe, worse than we thought. So she's back on her  
6 feet, not 100 percent. She's back at church and  
7 it's good to see her back because usually when you  
8 see me, you see her. We appreciate that. I  
9 appreciate y'all praying for her. I know she's been  
10 in your prayers and I appreciate that. But if  
11 there's nothing else --

12 MS. TINKER: Could Mr. Cervelli please  
13 tell about the activities in the park after the  
14 parade?

15 MR. CERVELLI: Oh, yeah. After the  
16 parade on Saturday there will be some activity here  
17 in Veteran's Park. There will be some free drinks  
18 provided by --

19 MR. RUMLEY: Chocolate, coffee and hot  
20 chocolate. He's from New Jersey.

21 MR. CERVELLI: There will be hot  
22 chocolate and coffee and I think maybe apple cider  
23 as well by one of the clubs. There will be a  
24 reading of the -- about the birth of Jesus by Robert  
25 and some reenactment by the church in Rising Fawn

1 Methodist Church and so it will be a cool night if  
2 you've looked at the weather report. So I encourage  
3 you to come, but wear something warm.

4 MR. RUMLEY: Yeah. It's going to be a  
5 cold night, but that's Christmas. It will make it  
6 feel more like Christmas. We might even get a  
7 little white stuff, too. Rex and I were talking  
8 about that. Who knows. Okay. I need a motion to  
9 adjourn.

10 MR. PITTMAN: I make a motion we  
11 adjourn.

12 MR. RUMLEY: Unless y'all want to stay  
13 here all night. Do I hear a second?

14 MR. GOFF: I'll second.

15 MR. RUMLEY: All right. Mr. Cervelli?

16 MR. CERVELLI: Yes.

17 MR. RUMLEY: Mr. Goff?

18 MR. GOFF: Yes.

19 MR. RUMLEY: Mr. Pittman?

20 MR. PITTMAN: Yes.

21 MR. RUMLEY: Mr. Lowery?

22 MR. LOWERY: Yes.

23 MR. RUMLEY: The chair votes yes. I  
24 appreciate all of you coming. Please come back.

25 END OF PROCEEDING

## 1 REPORTER'S CERTIFICATE

2 STATE OF TENNESSEE )  
3 COUNTY OF HAMILTON )

4  
5 I, Erin M. Flatt, Court Reporter and  
6 Notary Public, in and for Hamilton County and the  
7 State of Tennessee at Large, do hereby certify that  
8 I reported in machine shorthand the proceedings had  
9 in the above-styled cause on the 3rd day of  
10 December, 2009;

11 That the said proceedings were  
12 reduced to typewriting under my personal supervision;  
13 and that the foregoing is a transcript of said  
14 proceedings.

15 This the 2nd day of January, 2010.

16  
17  
18  
19  
20  
21 Erin M. Flatt, Notary Public  
22 in and for the State of  
23 Tennessee at Large.  
24 My commission expires  
25 November 7, 2010.