

THE SPECIAL CALL SESSION OF THE BOARD OF COMMISSION
OF
UNICOI COUNTY, TENNESSEE
January 5, 2015

BE IT REMEMBERED that the Unicoi County Board of Commissioners met in Special Call Session at the Unicoi County Court House on Monday, January 05, 2015, at 6:00 p.m. Present and Presiding, the Honorable Greg Lynch, County Mayor, the Honorable Mitzi Bowen, County Clerk, Doug Shults, County Attorney, and the following Commissioners:

ROLL CALL: Esq. John Mosley “Yes”, Esq. Marie Rice, “Yes”, Esq. Kenneth Garland, “Yes”, Esq. Walter Garland, “Yes”, Esq. Jason Harris, “Yes”, Esq. Bridget Peters, “Yes”, Esq. Loren Thomas, “Yes”, Esq. Gene Wilson, “Yes”, Esq. Glenn White, “Yes”.

9- Present

0- Absent

Esq. Glenn White opened the meeting with Prayer and the Pledge to the Flag was led by Esq. John Mosley

Esq. Marie Rice opened the meeting by Attorney Doug Shults explaining the law for the special call meeting and filling the vacant set on the School Board. Mr. Shults states that we are here today for the unfortunate death of Dwight Bennett, who was a member of the Board of Education serving the 3rd civil district. A vacancy has been declared in that office due to his death and you have received due notice of that from the County Clerk. TCA §49-2-202 provides that when a vacancy occurs the unexpired term shall be filled by the County Legislative Body at the next regular meeting or at a special meeting of the County Legislative Body. A vacancy is declared to exist on account of the death or various other reasons of the elected official. Mr. Shults advised the commission that the statute reads to fill the unexpired term the Courts of the State of Tennessee has interrupt unexpired term to mean because the Tennessee Constitution which requires a poplar election when ever is possible. That you fill it until the next election, although it says unexpired term it read to mean the next General Election of the County.

Mr. Shults summarized the Tennessee statute on special meetings. Upon written application to the chair of the legislative body by the majority of the members, it should be mandatory for the chair to call a special call meeting of the legislative body. Which in our case we did have the majority of the legislative body and petition for the special meeting. The call shall be made by publication in some newspaper published in the county, or by personal notice sent by the county clerk, at lease five days before the time of the convening of the county legislative body, no other business but the embraced in the call shall be transacted during the sitting of the special term.

Mr. Shults spoke on filling the vacancies TCA § 5-5-111 Before the county legislative body votes or considers any motion or resolution regarding the office to be filled, the chair shall allow registered voters of the county an opportunity to submit names to the county legislative body for consideration. The names may be submitted in writing to the chair prior to the meeting or may be submitted in person at the meeting. In order for a name to be considered, a member of the county legislative body must subsequently nominate the person. Members of the county legislative body may also nominate a candidate or candidates to fill the office or vacancy without the name being submitted by a voter. Nominations do not require a second. If the person nominated is not present at the meeting, the person making the nomination shall submit a signed statement from the nominee that the nominee is willing to serve.

After nominations cease, the county legislative body may discuss the nominations and at the discretion of the chair, interview nominees or allow nominees the opportunity to

address the county legislative body. Upon motion passed by the majority of the members, the vote to make the appointment may be postponed to a subsequent meeting.

To receive an appointment, a nominee must receive the votes of a majority of the members of the county legislative body eligible to vote on the appointment. The county legislative body shall adopt rules of procedure for eliminating nominees in cases where there are multiple nominees for an appointment and no nominee receives a majority of the votes after the initial vote. No secret balloting shall be permitted. Each member's vote regarding the appointment process shall be recorded by the county clerk and entered on the minutes of the county legislative body. Any complaint challenging the legality of an appointment made by the county legislative body shall be filed with the chancery court of the county within ten (10) days of the date of the appointment.

Esq. Chairman Marie Rice addressed the legislative body on the events that has transpired since all this has come about with the death of Mr. Dwight Bennett. When Mr. Bennett graveside services held at 3pm on Saturday, November 29th and on Monday December 1st less than 24hrs after he had been committed, Esq. John Mosley called me and stated we needed to call a special call meeting to replace Mr. Bennett on the school board. At that time I was shocked that someone would call so quickly to have that position replaced. I knew there has never been rush before to fill a vacancy and I felt this was being disrespectful to fill so soon. Even when Sheriff Hensley was appointed it was done at the next regular schedule meeting. Since, I have been on the commission we've only had two or three special called meetings and those meetings were to finalize the budget in order to get it in to Nashville before the budget deadline.

According to TCA § 5-5-105(a) (1) the county mayor has the power to convene the legislative body in special session when, in the county mayor's opinion, the public necessities require it. Esq. Chairman Marie Rice stated that she was later contacted by the county mayor who advised her, he was contacted by Esq. John Mosley and Esq. Glenn White requesting the special call meeting, which he felt was premature. At the time the mayor called some of the commissioners and I called six commissioners. Five of the commissioners, which the majority agreed, that we could wait until the January 26th, regularly schedule meeting to fill the vacancy. During that time I did not feel we needed to call Mr. Mosley, Mr. White or Mr. Thomas because they had publicly expressed their opinions. Mayor Lynch did a press release on December 12th stating the commission would consider appointing someone to fill Mr. Bennett's seat on the School Board at its January 26th meeting.

Esq. Chairman Marie Rice stated that when she read the newspaper on December 12th that Esq. Glenn White had went to the public school board meeting on December 11th and asked the Board of Education to join him to call upon the mayor and me to call the Unicoi County Commission into special call session. Esq. Chairman Marie Rice goes on to say that Mr. White stated by joining him in this request, you the governing body of the school system, do states you agree with equal representation. However, Mr. White you never contacted me regarding a special call meeting, nor did another school board member at that time and Mr. Thomas you never took the time out of your busy schedule to call or contact me at all regarding the special call meeting. So, Mr. Thomas decided to petition the commission chairman which is the next step by law to request a special call meeting according to TCA § 5-5-105(2) the petition was presented to the mayor on December 16th and we immediately starting the work scheduling and preparing the newspaper publications and announcements, which the county attorney prepared the agenda that was sent into the newspapers on December 18th. The notice ran in the Johnson City Press on Friday December 19th and Saturday December 20th and the Erwin Record December 24th.

Esq. Chairman Marie Rice stated that we are here tonight to discuss the process and procedure and possibility of filling the vacancy per TCA § 5-5-111.

Agenda Item #4

Recognize Visitors and Citizens

Doug Bowman, from Chestoa Pike spoke that he had served one term on the school board and three terms on county commission. I would like to talk a little bit about budget its going to be a direct implication of your actions tonight. A good year with your school board you are going to have some of your largest increases. The last twelve years it's been a balanced budget. How many places do you know pay same thing now they paid twelve years ago? I really think you should consider your candidates you have a conservative leadership now, if it's not broke don't fix it.

Kathy Anderson has worked for Denise Brown for 11years as administrator assistant. Working with Denise Brown on day to day basis I see first hand, how she cares about the students and the employees of Unicoi County Schools. There is not a day that does not go by that someone is calling and wants to see her or ask of her for advice being a parent, student or even a teacher and she makes time to see them. Every decision that Denise Brown makes is for the students and employees of our school system. Other than her family she puts the well being of the students of education close to her heart and cares deeply about our school system. I know that she had made very tough decision as anyone in her position has to do. Will you please take a moment and read some of Denise Brown accomplishments. At this time Esq. Marie Rice read the accomplishments of Ms. Brown out load.

Esq. John Mosley stated that as much as everyone wants to make it about Ms. Brown. This meeting is not about Ms. Brown it is about electing or appointing a school board member.

Jim Buchanan, there is an underling element in this meeting tonight. You have a job to do tonight to appoint someone to help our children in this county. I hope you look at this and the person who is qualified and you do have two other people who are running. I think this is great that we have three people who want to serve. I can tell you about Ruth Gaines everything that she gets involved with it improves. Our school system is at a high right now and she is someone that can lead it on to even something greater than it is now.

Kristen Allen, I am a teacher at Unicoi County School system and I am also the daughter of Ruth Gaines. My entire life I have looked up to her and she is the reason why I wanted to be a teacher. She model though her time, her actions, and her actions have proven to be devoted to her students. She is still committed to improving and supporting education in Unicoi County, now as a grandparent, volunteer and PTO president. Kristen Allen stated that it is clear where her heart is and that is evident by her action and her life long commitment to education. She would make a nice family representative and would go above and beyond if selected as a school board member.

Lindsey Bowman, I am a kindergartner teacher a Love Chapel Elementary, also current President of the Unicoi County Education Association and just wanted to thank you for the consideration of all of the candidates qualifications and careful thought you put into picking the best candidate for us.

Angie Vaughn, I am the principle at Temple Hill Elementary School and I represent the people of Unicoi County. The reason we are here tonight is to carefully select a school board candidate based on qualifications, who has experience in the education system and who will represent our precious students. A qualified candidate needs to meet the needs of our students, our parents, our school personnel and all stake holders in Unicoi County. We urge you to look at all of the qualifications of each of the candidate and those qualifications alone. We ask you to make the decision for our children by voting for the most qualified candidate.

Kenneth Garland stated that this county commission can not appoint anybody honestly and because from day one, some of you have already promised voters, who you are going to vote for. We have had a lot of laws that have been broken from day one with the sunshine law being broken and some of the commissioners say they already have five votes for somebody, that's not right. I am going to ask the commission, to let you voters out there do the appointing and whoever you all vote I will vote your way.

Walter Garland, I represent the 3rd district, Bridget and John also represent the 3rd district, we were elected to do their business and that's what we are doing. I have talked to people to see how they feel. Norman Odell, Willis, Dwight and two or three more, those people wanted the job enough to run for it so, I feel like the third man out there should get the job because he cared enough about the job to run for it. That is the reason I will vote for the third man.

Angie Hensley from Love Station asked that I don't have to live in the 3rd district to put in an application for the school board position. County Attorney Doug Shults stated that is incorrect statement of law, you can not appoint someone that does not live in the 3rd district.

Jan Sutphin a resident of the 3rd district spoke that when Mr. Garland made the comment about the third runner up, I feel like the voters of the third district have had their say about the candidates that were presented on the election ballots, we chose Dwight Bennett and Steve Willis as our representatives. I believe at this point we need to look at the qualifications of the applicants and judge the applicants on their merits.

Toby Bennett, Dwight Bennett's brother. I don't think any of you have law degrees. Man said it was going to be elected, it's going to be another monkey court to get out of appointing somebody for what we elected you all to do and we expect you to do it, period!

Gary Bailey, I live at 305 Fishery Loop Road and own property that joins Love Chapel School. I was present when the engineering company came in and did their survey, which I obtained a copy of that report and my opinion, what we should have done instead of closing Love Chapel School is fill that sink hole up and go back to school. I feel we need somebody qualified to take care of our children and proper education. We as tax payers need to know what it's going to cost us by closing this school down.

Joey Lewis, I am a teacher at Unicoi County High School for 22 ½ years. With no disrespect for the other candidates, I know Mrs. Ruth Gaines; I had the privilege of having her 3 years as a teacher. She has shown me that learning and fun can go hand to hand and inspired me to become an educator. I know her as a educator, mentor, Christian friend, civic leader and community supporter and I fully believe that she will give 110% to the school board, if you should choose her to replace Mr. Bennett.

Gene Wilson asked Mrs. Debbie Bennett, Dwight Bennett's wife that she works for the school system, would you recommend her for the school board job? Debbie stated that she would rather not speak, she is trying to grieve. Dwight and I spoke many times about proper procedures for anyone that needed to be replaced. He felt strongly that anyone out there chose to run for a position with any amount of hard work, the person that went through the procedures; spent the time, took their papers out and chose to be the representative in the 3rd district during the August election is the one who should be appointed.

Rosanna Aldridge, I do not know all the candidates that have put their names in. But when I look at this process, you are talking about two different positions with the sheriff it's a county wide thing and now you are talking about a district representative. The process when appointing the Civil Service was a nomination from another commissioner who represents that district. So why would this not be the same?

Esq. Kenneth Garland answered that the Civil Service board was set up that way.

Esq. Chairman Marie Rice explained to Rosanna Aldridge the procedures that had taken place when she was appointed and the process is still the same by taking resumes and the county commission voting.

Esq. Chairman Marie Rice opened the floor to the citizens to accept resumes or nominations.

None

Agenda Item #5

Discuss and Vote on Procedure for Filling Vacancy on Unicoi County School Board for Third Civil District, Including Rules of Procedure for Elimination Nominees in Case of Multiple Nominations to this Position

Motion made by Esq. John Mosley, said motion seconded by Esq. Walter Garland that all three candidates are nominated the one with the lowest vote total will be eliminated and take the next two and vote.

ROLL CALL: Esq. John Mosley “Yes”, Esq. Marie Rice, “Yes”, Esq. Kenneth Garland, “Yes”, Esq. Walter Garland, “Yes”, Esq. Jason Harris, “Yes”, Esq. Bridget Peters, “Yes”, Esq. Loren Thomas, “Yes”, Esq. Gene Wilson, “Yes”, Esq. Glenn White, “Yes”.

9-Yes

0-No

Motion approved.

Esq. Chairman Marie Rice informed the commission that a ten minute recess would be taken

Esq. Gene Wilson nominated Ruth Gains.

Esq. Walter Garland nominated Norman Odell

Esq. Kenneth Garland nominated Steven Moore

Esq. Marie Rice stated that each candidate will have a chance to speak.

Ruth Gaines, I am here tonight to ask you to support me for position of school board. I feel that with my experience, resume, and love of children, teaching and love of this county that I am the best qualified. I know most of you and talked with most of you. So, you know how I feel. I come from the heart, speak from the heart. I want to do what is best and only best for our children, teachers and county.

Question: That came from the audience. Why did you not run during election?

Ruth Gaines, I did not run at the time for two reasons. I was facing medical issues that entailed surgery. I did not know the outcome, since then I am better than I have been in years. Also I believed that Dwight Bennett and Steve Willis could do a fantastic job and I saw no reason to put my health at risk.

Question: Esq. Chairman Marie Rice asked how many years have you taught?

Ruth Gaines: I have taught 35 years in High School, 6 years in head start program and now PTO President at Rock Creek and grandparent volunteer at Rock Creek.

Norman Odell, Commissioners you all have my cover letter and resume so you should have a pretty good understanding of who I am. This year I will celebrate 50 years in Unicoi County. I served on the school board in 1990-1994 which I was vice chairman for a couple of years, elected chairman of the policy committee and 5 years on the Ruritan Fountain. I understand the school budget when I first came one I made it a personal effort to understand the budget, how it was put together and spent. I was also on the Masters School Board member which I traveled to Nashville in order to qualify myself. I ran this year for the school board because I have an interest and things to offer.

Questions: Esq. Gene Wilson do you have any kids or grandkids in the school system?

Norman Odell stated that this has nothing to do with this.

Question: Esq. Gene Wilson how many times have you run for the school board?

Norman Odell the first year I ran and was elected then ran after the fourth year and did not get elected and ran this time.

Steven Tracy Moore, Everybody in this room probably has more political experience than I do. The reason that I applied because I thought it was not American to not have representative in your own district. If I am voted in I will be in it 100%. I am not a educator, I have been around kids all my live, taught Sunday school and helped elderly. I have worked in the public eye and private business. What I do bring to the table is honesty and financial back ground. I have work in Unicoi County for 25 years, 18 of those I worked at Erwin Utilities as chief financial official. I have moved on to nursing care where I have worked with the elderly for 4 years. I have 5 children, three of my own and 2 blended. They all have gone through this system.

Question: Esq. Gene Wilson asked if he had ever run for school board before.

Steven Tracey Moore yes I ran early or late 90's.

Agenda Item # 6

Consider Appointment of Candidate to fill Un-Expired Term for a member of the Unicoi County Board of Education for the Third Civil District of Unicoi County Based on Procedures Approved in Agenda Item #5

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Walter Garland to take the nominees alphabetically (by last name) until someone get five votes

ROLL CALL: Esq. John Mosley "Yes", Esq. Marie Rice, "Yes", Esq. Kenneth Garland, "Yes", Esq. Walter Garland, "Yes", Esq. Jason Harris, "Yes", Esq. Bridget Peters, "Yes", Esq. Loren Thomas, "Yes", Esq. Gene Wilson, "Yes", Esq. Glenn White, "Yes".

9-Yes

0-No

Motion approved.

Esq. Chairman Marie Rice stated that alphabetically vote will be Ruth Gaines first.

ROLL CALL: Esq. John Mosley “No”, Esq. Marie Rice, “Yes”, Esq. Kenneth Garland, “Yes”, Esq. Walter Garland, “No”, Esq. Jason Harris, “Yes”, Esq. Bridget Peters, “Yes”, Esq. Loren Thomas, “No”, Esq. Gene Wilson, “Yes”, Esq. Glenn White, “No” (Conflict Read)

5-Yes

4-No

Motion approved.

****NOTE**** Esq. Glen White, (Unicoi County School System), read the Conflict of Interest Pledge before casting his vote. The Pledge is as follows: ***Because I am an employee of (Unicoi County School System) I have a conflict of interest in the proposal about to be voted. However, I declare that my argument and my vote answer only to my constituents and the citizens this body represents...***

Agenda Item #7

Motion for adjournment

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Glenn White to adjourn the meeting of January 5, 2015.

GREG LYNCH, COUNTY MAYOR

MITZI BOWEN, COUNTY CLERK

MARIE RICE, CHAIRMAN