

THE REGULAR SESSION OF THE BOARD OF COMMISSION
OF
UNICOI COUNTY, TENNESSEE
January 26, 2015

BE IT REMEMBERED that the Unicoi County Board of Commissioners met in Regular Session at the Unicoi County Court House on Monday, January 26, 2015, at 6:00 p.m. Present and Presiding, 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, “Absent”, Esq. Loren Thomas, “Yes”, Esq. Gene Wilson, “Yes”, Esq. Glen White, “Yes”.

8- Present
1- Absent (Bridget Peters)

Ben Brackins opened the meeting with Prayer and the Pledge to the Flag was led by Jimmy Erwin.

Agenda Item #4
Approve Minutes

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Jason Harris to approve the minutes of November 24th 2014 Beer Board, November 24th 2014, (Regular Session) and January 5th 2014 (Special Call Session) Corrections Noted

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, “Absent”, Esq. Loren Thomas, “Yes”, Esq. Gene Wilson, “Yes”, Esq. Glen White, “Yes”.

8-Yes
0-No
1-Absent
Motion approved. (Copy in file)

Agenda Item #5
Recognize Visitors and Citizens

Dr. Reece, one of the local emergency physicians stated that he would like to speak his opinion on our local ambulance service. I have been in the county for many years and regards to the EMS with the Erwin Rescue Squad, Sharps EMS and Quality Care EMS, and there have been a lot of changes that have taken place. The County has tried to run there own EMS and obviously there is no profit to be made. Dr. Reeves goes on by saying he would like to remind you that you get what you pay for. The equipment that Medic One has had for the past four years is superior. Jim Reeves invests a lot into his company. He is trying to buy property and get a building established, how many other ambulance services have done that.

Jeanne Price stated that she came to the meeting the other night and spoke about the ambulance service. I have used the ambulance service twice in the last three years. When you're faced with a life or death situation you want somebody who knows where you live, familiar with, most of them live here in town. When you have an infant that is tube

feed and stops breathing on you and need to get them to the ER, you want somebody that you can depend on. I understand that money doesn't grow on trees but I sat here and listened to you guys, I know people need water but \$100, 00.00 for 28 people to possibly hook up to water and only 25% of the people want it. Just because you get the tap free who will pay to run it to your home. If people are not going to hook up to it, what will it benefit? Ambulance service would save someone's life and benefit the whole county. Please consider the employees having to change jobs again and starting over.

Lynn Duquenne came here to speak about the ambulance service. I have done a lot of research that I would like to share with you. In 2008, Emergstat was here and lost their liability insurance and pulled out overnight. Pro Med picked it up 2 months later which the county paid roughly \$60,000.00 to have Washington County come in. Pro Med was her for 2 years and the commission voted to end their contract due to violations. ICare took over and wasn't here for a year. When I care left in 2011 and Medic One was choose to be the provider they moved mountain to get everything done as quickly as possible, so the county would not go without ambulance service. MedicOne has become deeply committed in our community in many ways, CPR classes AED units and training, little league sponsorships HOSA sponsorship and employee training. They have a good working relation with the sheriff department, fire department and surrounding EMS. MedicOne registers all their vehicles in our county. If they build a state of the art facility the property taxes on a building that cost ½ million dollars would be around \$3000.00 a year in property taxes. MedicOne has proven that they are going to stay rather they make money or not. I ask the commission at what we stand to gain if we keep Medic One.

Tia Hensley became emotional when describing what she called the "exceptional" service MedicOne Medical Response has provided to her and her family over the past few years.

Tina Presnell a 911 operator spoke to the commission that it is good to have Medic One Ambulance Service. When I answer a call and have to send someone to Pete Creek, not everybody knows how to get there. I have been here when those other services were here and just about walk on them. When you are giving CPR over the phone nobody knows what that is like until you have done it. It's a hard job, I enjoy my job, and it makes it a lot easier if we have the people who know where they are going and what they are doing.

Pam Bailey stated that this ambulance service that we have my husband and I have used them three or four times. They have come to our house, taken care of us and transported us. Each and every one of you was elected to do what is the best for Unicoi County Citizens. My opinion that this is a number one top notch EMS service Unicoi County has ever had. With that being said, I hope you do what is best for Unicoi County and keep MedicOne.

Unicoi County Sheriff Administrative Assistant Craig Masters credited MedicOne with saving his wife's life." Had it not been for their availability, their urgency and the care that they gave my wife, I'm sure that she wouldn't be here today," Masters said. "I've observed with my own eyes the service that other ambulance services have given, and I'll put MedicOne up against any of them. It would be a great loss to this county and the taxpayers of this county to have something happen to this ambulance service."

Daryl Gibson, MedicOne vice president of business development, asked the commission to consider approving the renewal of the county contract as is, and then the two parties could make changes to the contract, such as lowering the \$180,000 subsidy the county has paid annually to MedicOne, later. Can we just go ahead and pass it right now as it is and be done with it? Resign the contact as it is and then we'll talk afterwards, with the 90 days out.

County attorney Doug Shults said the county could renew the contract as is without putting it out for bid. The contract provides for a renewal for a period of time. You can renew it and you also have the right to grant franchises without bids. When you start changing the terms of the contract you have to go through the bid process. You can't renew it with aside deal. You cannot be doing something on the side. Everything has to

be honest and up front. The County and MediOne can negotiate after the contract has been signed, Shults stated. You've got to be cautious if you're doing this to avoid the competitor bid process, a competitor can say you're just doing this with the intent to avoid the competitive bid. Shults goes on by saying the general idea is you can renew the contract, but you can sit there and wink at each other and say you're going to renew the contract then make changes later. You're supposed to do a competitive bid. The idea is we just don't award it to our friends, our neighbors, or even to people who have done exceptional jobs, everybody gets a crack at it. Shults also stated that if the commission choose to enter the bid process, they are not required to choose the lowest bid. You can choose the bid you feel is the best bid.

Esq. Jason Harris, who is chairman of the Ambulance Committee, moved that the panel follow Shults' advice and his committee's recommendation. The motion was seconded by Garland.

"They've done a good service here," Esq. Jason Harris said. "I hope they reconsider and rebid."

Esq. Glenn White said the Ambulance Committee unintentionally created an unfair situation for MedicOne by having company officials discuss what they will be willing to offer with a new contract, since other prospective bidders would now be aware of this information. "I just think it would be best for the taxpayers if we stay with what we've got," Esq. Glenn White said.

Esq. Loren Thomas agreed with Esq. Glen White's opinion on the process, stating it was "unfair" for the Ambulance Committee to have MedicOne discuss offers only to put the contract out for bid after the company had "showed its cards." Esq. Loren Thomas also said the county should consider Gibson's offer made Monday to extend the contract and work on amending it. "We have an option tonight, but the County Commission doesn't have to go with what the committee recommends," Esq. Loren Thomas said. "It's our job to represent the community, and I think the community has come out tonight in supporting MedicOne."

Daryl Gibson told commissioners that, prior to Monday's meeting, MedicOne attorneys had faxed documentation to Shults requesting all information from Jan. 1 to the present, including every ambulance company the county has spoken with, be made public since the Ambulance Committee had publicly requested offers from MedicOne at one of its prior meetings.

Agenda Item #6
Quarterly Reports

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Gene Wilson to approve January 2015 Quarterly Reports

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, "Absent", Esq. Loren Thomas, "Yes", Esq. Gene Wilson, "Yes", Esq. Glen White, "Yes".

8-Yes

0-No

1-Absent

Motion approved. (Copy in file)

Agenda Item # 7

Approve Resolution to Request Unclaimed Balance of Accounts Remitted to State of Tennessee under Unclaimed Property Acts

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Gene Wilson to approve the resolution request unclaimed balance of accounts remitted to State of Tennessee under Unclaimed Property Acts.

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, “Absent”, Esq. Loren Thomas, “Yes”, Esq. Gene Wilson, “Yes”, Esq. Glen White, “Yes”.

8-Yes
0-No
1-Absent

Motion approved. (Copy in File)

Agenda Item #8

Approve Legal and Professional Fee Payments for Upper Higgins Creek Bridge Project. (Recognize Gary Tysinger)

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Kenneth Garland to approve legal and professional fee payment for Upper Higgins Creek Bridge project.

Esq. John Mosley asked Road Superintendent, Terry Haynes if the we get the property and our 2% is over ten thousand dollars will it be bided out? Terry stated that it will not be over ten thousand, it’s the state and it will come out of my highway fund. Anything over ten thousand will have to bid out, but it won’t come over that.

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, “Absent”, Esq. Loren Thomas, “Yes”, Esq. Gene Wilson, “Yes”, Esq. Glen White, “Yes”.

8-Yes
0-No
1-Absent

Motion approved. (Copy in File)

Agenda Item #16

Approve Resolution to apply for Community Development Block Grant for Waterline to Rocky Fork State Park and Area Along Old Asheville Hwy (Recognize Lance Lowery of First Tennessee Development District and Erwin Utility Representative)

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Jason Harris to approve resolution apply for community development block grant for waterline to Rocky Fork State Park and area along Asheville Hwy.

ROLL CALL: Esq. John Mosley “No”, Esq. Marie Rice, “Yes”, Esq. Kenneth Garland, “Yes”, Esq. Walter Garland, “Yes”, Esq. Jason Harris, “Yes”, Esq. Bridget Peters, “Absent”, Esq. Loren Thomas, “Yes”, Esq. Gene Wilson, “Yes”, Esq. Glen White, “Yes”.

7-Yes
1-No
1-Absent

Motion Approved (Copy in File)

Agenda Item #9
Recognize Rossanna Aldrich

Ms. Aldrich addressed the commission on the Mountain States funds of \$50,000, they requested back in July 2014 to support Recovery Appalachia. I have supplied each of you a copy that we do qualify as an entity. We have been here for almost two years and we don't get paid.

Esq. Gene Wilson asked what are the Town of Erwin and Unicoi contributing. Ms. Aldrich stated, no. Esq. Gene Wilson state that he felt like the three entities should get together and contribute \$10,000 each.

Ms. Aldrich stated that they have worked with all levels of the court system and judges have been very supportive. We are doing good things out there. Our therapist has over 25 years of experience.

Esq. Chairman Marie Rice asked if they have applied for any grant. Ms. Aldrich stated that all the grants last year had been allocated out.

Agenda Item #10
Consider Mayor's Appointment of Joey Bailey to Unicoi County Planning Commission

Esq. Gene Wilson state that last county commission meeting Mr. Bailey was voted down.

Motion made by Esq. Gene Wilson, said motion seconded by Kenneth Garland to make a recommendation to nominate Mr. Brackens.

Esq. Loren Thomas stated that this is up to the mayor. Esq. Kenneth Garland stated that he was the one that contacted him. Esq. Loren Thomas wanted the attorney's opinion; Attorney Doug Shults stated that it was the mayor's decision.

Esq. Kenneth Garland stated that he had spoken to the mayor on this and for him to go ahead and put Joey back on the agenda and anybody else.

Motion made be Esq. Gene Wilson to withdrawal his motion.

Motion made by Esq. Glen White, said motion seconded by Esq. John Mosley to approve Joey Bailey to Unicoi County Planning Commission

ROLL CALL: Esq. John Mosley "Yes", Esq. Marie Rice, "No", Esq. Kenneth Garland, "No", Esq. Walter Garland, "Yes", Esq. Jason Harris, "No", Esq. Bridget Peters, "Absent", Esq. Loren Thomas, "Yes", Esq. Gene Wilson, "No", Esq. Glen White, "Yes".

4-Yes

4-No

1-Absent

Motion Fails

A ten minute break was taken at this time

Agenda Item #11

Approve Resolution to Increase of Board Members to the Unicoi County School Board from Six (6) Members to Nine (9) Members

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Jason Harris to approve Resolution to Increase the Board Members to the Unicoi County School Board

Esq. Loren Thomas stated “Why would you want to expand government and cost this county another \$8,000? We just proved to everybody sitting in the audience that you can have a tie 4-4, even on a nine-member board.” Esq. Loren Thomas said his wife chairs the Board of Education; also said adding members to the school board “to gain one vote” would come at a cost to the county’s taxpayers, as school board members are paid for their service.

Esq. Kenneth Garland said he would like to see the commission take its time on the matter. “We need to kindly think this over,” he said. “We’re moving too fast on it.”

Esq. John Mosley said he spoke with a school board member who advised him the board has approximately \$13,000 budgeted for training. Esq. John Mosley said he was told the addition of members would quickly use up this funding.

Esq. Chairman Marie Rice stated if this resolution went in effect it would be during election time would not affect the current budget.

Esq. Loren Thomas reiterated that he is against the proposed expansion. “Pull up the Republican Party on the Internet, and the platform for the Republican Party is they’re against expanding government,” Esq. Loren Thomas said. “This six-member board has worked for years and years and years, and they have always worked it out.”

Motion made by Esq. Gene Wilson, seconded by Esq. Jason Harris to withdrawal the motion to approve resolution to increase board members to the Unicoi County School Board from six members to nine members.

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Gene Wilson to table agenda item 11.

Esq. Chairman Marie Rice said consideration of the resolution is time-sensitive since the commission would likely need to present it to the General Assembly this year to get everything in place by the 2016 election. “The only problem that I see is if we do table it or postpone it, if we send it to our legislators for their approval, then if we do it at a later time it might affect them even farther down the road,” Esq. Marie Rice said. “It might be another year before we add people to that board, another election year.”

ROLL CALL: Esq. John Mosley “Yes”, Esq. Marie Rice, “No”, Esq. Kenneth Garland, “Yes”, Esq. Walter Garland, “No”, Esq. Jason Harris, “No”, Esq. Bridget Peters, “Absent”, Esq. Loren Thomas, “Yes”, Esq. Gene Wilson, “No”, Esq. Glen White, “Yes”.

4-Yes

4-No

1-Absent

Motion Fails

Agenda Item #12
Approve County Road List

Motion made by Esq. Loren Thomas, said motion seconded by Esq. John Mosley to approve 2015 Unicoi County Road List

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, “Absent”, Esq. Loren Thomas, “Yes”, Esq. Gene Wilson, “Yes”, Esq. Glen White, “Yes”.

8-Yes
0-No
1-Absent
Motion approved. (Copy in File)

Agenda Item #13
Recognize mayor Greg Lynch’s Appointment of Don Honeycutt and Glen White Commissioners of Unicoi County Gas District (No Vote Needed) Resolution to be Recorded in Minutes

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Loren Thomas to approve the Resolution of Mayor Greg Lynch’s appointment of Don Honeycutt and Glenn White to the Unicoi County Gas District
(Copy in File)

Esq. Glenn White stated that 5 years ago I was put on the board and did not realize I would be sitting here today. Madam, if you or the majority of this board sees that there is a conflict of interest I will resign from the commission.

County Attorney stated that he realizes there is a motion and second but this is something that is not voted on just spread upon the minutes.

Agenda Item #14
Approve Teresa Simerly, Chancery Court Clerk Bonds

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Gene Wilson to approve Teresa Simerly, Chancery Court Clerk bond. (Two Years)

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, “Absent”, Esq. Loren Thomas, “Yes”, Esq. Gene Wilson, “Yes”, Esq. Glen White, “Yes”.

8-Yes
0-No
1-Absent
Motion approved (Copy in File)

Agenda Item #15

Approve 2014-2015 Budget to be entered into the Minutes (No Vote Needed)

So Noted (Copy in File)

Agenda Item #17

Present Interfund Loan Documents, including Updated Report on Debt obligations (No Vote Needed)

So Noted (Copy in File)

Agenda Item #18

Committee Reports

Chairman Marie Rice stated that committee reports those are in your packets.
No Committee reports in file

Agenda Item #19

Budget Amendments- Trustee \$2,500.00, Circuit Court Clerk \$3,600.00, County Clerk \$280.00, Chancery Court \$1,100.00, Civil Defense \$1,000.00, Health Department \$2,300.00, Sheriff's Department \$18,497.26 and Sheriff's Department Drug Fund \$2,500.00

Motion made by Esq. Gene Wilson, said motion seconded by Esq. John Mosley to approve the Resolution for the following budget amendments: Trustee \$2,500.00, Circuit Court Clerk \$3,600.00, County Clerk \$280.00, Chancery Court \$1,100.00, Civil Defense \$1,000.00, Health Department \$2,300.00, Sheriff's Department \$18,497.26 and Sheriff's Department Drug Fund \$2,500.00

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, "Absent", Esq. Loren Thomas, "Yes", Esq. Gene Wilson, "Yes", Esq. Glen White, "Yes".

8-Yes

0-No

1-Absent

Motion Approved (Copy in File)

Agenda Item #20
Elect Notaries

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Gene Wilson to approve the following notaries Melissa Joyce Greene Scott, Tracy J Hoilman, Lori H Rice, Patty D. Treadway and R. Keith Whitson.

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, “Absent”, Esq. Loren Thomas, “Yes”, Esq. Gene Wilson, “Yes”, Esq. Glen White, “Yes”.

8-Yes

0-No

1-Absent

Motion Approved (Copy in File)

Addendum to the Agenda

Agenda # 1

Authorize County Mayor’s Office in Conjunction with Ambulance Committee to Develop Request for Proposal and Solicit Proposals for ambulance Service in Unicoi County

Esq. Kenneth Garland asked what the Ambulance Committee recommended regarding bidding the ambulance service contract.

Esq. Jason Harris replied that we had met on January 15th with MedicOne and January 22nd 2014. During the January 22nd meeting County Attorney Doug Shults advised the committee that if changes were to be made to the contract it should be let out to bid. So the committee decided to put the ambulance service back out for bid.

Motion made by Esq. Jason Harris, said motion seconded by Esq. Kenneth Garland to go with what the attorney and CTAS has advised us to do and put the ambulance service back out for bid.

Esq. Glen White asked if we could first entertain the ideal of renewing the contract that we have before we put it out to bid. I feel like MedicOne had presented their position at both meetings, putting the contract out for bid is not fair to MedicOne because competitors know what the company has offered. Esq. Glen White stated that he hoped that MedicOne will bid.

Esq. Loren Thomas said that he felt the committee was put into a position that we don’t seem to have any choice and that is based on what the county attorney said. But, tonight MedicOne representative has come back to us and said can we not renegotiate.

Esq. Chairman Marie Rice stated that is \$720,000 in the next four years.

Dan Wheeley, executive director of Washington County EMS, was also on hand. He said MedicOne has been a good partner to Washington County EMS. “I wanted to reiterate what a lot of the citizens of this county have said — MedicOne is a top-notch service,” Wheeley said. “They’re providing excellent service for this county. We consider them a partner. We help them when they need help, and they help us when we need help. The equipment is top-notch, the staff is top-notch. They are truly invested in the county. We couldn’t ask for a better partner in Unicoi County than MedicOne.”

Esq. Loren Thomas stated that he felt like the committee has handled this unfairly. It is nothing personal against you, Mr. Harris. The whole deal with the negotiations up front and making MedicOne show their cards and then deciding halfway through the ballgame.

Esq. Jason Harris stated we didn't decide that, the commission can go with the lowest bid. They can bid, whatever they bid, if it's higher, they actually have a better thing going because they're already here. They've done a good job.

Esq. Loren Thomas stated that he believe the community has spoke here tonight. Our job is to represent the community and I believe they have come here tonight in support for MedicOne.

Daryl Gibson prior to this he had called over and asked if a fax had came in and in lieu of what you are talking about Mr. Thomas as far as Medic One being forced, said that their attorneys has faxed over to your attorney's here that the sunshine act everything prior to will be proposed.

Esq. Chairman Marie Rice state that as far as I know we always try to comply with the sunshine law.

ROLL CALL: Esq. John Mosley "No", Esq. Marie Rice, "Yes", Esq. Kenneth Garland, "Yes", Esq. Walter Garland, "Yes", Esq. Jason Harris, "Yes", Esq. Bridget Peters, "Absent", Esq. Loren Thomas, "No", Esq. Gene Wilson, "Yes", Esq. Glen White, "No".

5-Yes
3-No
1-Absent
Motion Approved

Esq. Gene Wilson left the meeting 7:40pm

Addendum to the Agenda
Agenda # 2
Adopt Resolution Establishing County Commission Meeting and Work Sessions

Motion made by Esq. Jason Harris, said motion seconded by Esq. Glenn White to approve resolution establishing county commission meeting and work sessions.

ROLL CALL: Esq. John Mosley "No", Esq. Marie Rice, "Yes", Esq. Kenneth Garland, "Yes", Esq. Walter Garland, "Yes", Esq. Jason Harris, "Yes", Esq. Bridget Peters, "Absent", Esq. Loren Thomas, "Yes", Esq. Gene Wilson, "Absent", Esq. Glen White, "Yes".

6-Yes
1-No
2-Absent
Motion Approved (Copy in File)

Agenda Item #21
Motion for Adjournment

Motion made by Esq. Glenn White, said motion seconded by Esq. Jason Harris to adjourn the January 26th 2015 County Commission meeting.
(Motion unanimously approved)

GREG LYNCH, COUNTY MAYOR

MITZI BOWEN, COUNTY CLERK

MARIE RICE, CHAIRMAN