

THE REGULAR SESSION OF THE BOARD OF COMMISSION
OF
UNICOI COUNTY, TENNESSEE
OCTOBER 27, 2014

BE IT REMEMBERED that the Unicoi County Board of Commissioners met in Regular Session at the Unicoi County Court House on Monday, October 27, 2014, 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. Marie Rice, "Yes", Esq. Walter Garland, "Yes", Esq. Jason Harris, "Yes", Esq. John Mosley, "Yes", Esq. Bridget Peters, "Yes", Esq. Kenneth Garland, "Yes", Esq. Gene Wilson, "Yes", Esq. Loren Thomas, "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. Jason Harris.

Agenda Item #4
Approve Minutes of Prior Session

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Walter Garland to approve the minutes of September 22, 2014 County Commission meeting.

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

9- Yes

0-No

0- Absent

Motion Approved (Copy in file)

Agenda Item #5
Recognize Visitors and Citizens

None

Agenda Item #6
Recognize Tracy Brummitt from Limestone Market

Mr. Tracy Brummitt addressed the commission with concerns about applying for a beer license at his store. Mr. Brummitt stated, how the beer law is set up right now, there is no

way that I can get it approved. So, I am asking that you change the law and match what the City of Unicoi and City of Erwin which is 200 feet. This would allow us to compete with the stores in town.

Esq. Gene Wilson stated that Mr. Brummitt needs to come before the Beer Board.

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Walter Garland to table agenda item 6 until the beer board meets.

Esq. John Mosley questioned that Mr. Brummitt would be notified of the meeting. Yes, and the public would be notified as well, Esq. Marie Rice stated.

Agenda Item # 7

Recognize Teresa Campbell in Regards to Adam Campbell Settlement

Esq. Gene Wilson asked the County Mayor if he told Ms. Campbell that the County would take care of his taxes. County Mayor Greg Lynch replies I don't recall specifying that we would do it. We have had several conversations that have come out of the meeting with the attorney who is to negotiate more with her. The motion was made to pay him \$30,000.00, seconded it and motion was passed, Mayor Lynch stated.

“Thank you,” for the opportunity to speak, Teresa Campbell stated. About 4 ½ months ago we began talking to Mayor Lynch after Adam wrote him a letter about this amount of a settlement. At that time he came back with a \$5,000.00 offer. I stated “No” this would not even cover attorney fees. Then Teresa stated that you told me to throw out a answer of what amount of money we would settle for. I told you \$30,000.00 after I talk to Adam and his dad. We decided that we did not want to sue the county and felt like he deserves something to restore some of the misery that has been put on him for 2 years, 3 months and 10 days. I called Mayor Lynch back and told him the \$30,000.00 was good. Teresa asked Mayor Lynch at this time if he remembered saying that you were going to be the mediator between us and the county attorney.

Mayor Greg Lynch replies, “I don't exactly remember that but, I do know that was the position I was put in.”

Ms. Campbell stated that she does remember defiantly County Mayor Lynch telling me that he was going to act as the mediator. I went home and discussed this with Dana and Adam that night. Dana said you need to be sure that they understand that he means \$30,000.00 bottom line and they figure out how to do the taxes. I called Mayor Lynch the next day and told him that. He said he would work with the county attorney to word it in a way that the taxes would be taken care of.

At this time Ms. Campbell asked if she could ask the county attorney a question if it's legal and ok. Did Mr. and at this time County Attorney Doug Shults interrupted Ms. Campbell by saying if the county commission wants me to answer these questions, I will be happy to. I want the County Commission to be aware that we have had confidential communication, if I start answering questions some of you where no part of that confidential communication. But, if I start answering questions I may go into things I told you that were not revealed to the public at large. So, if you ask me to respond to Ms. Campbell questions I caution you that it may lead into matters that I told you that you may not want me to reveal to the public at large.

Chairman Marie Rice asked Ms Campbell if they signed the agreement this week. Ms. Campbell stated we signed the agreement because Adam said he is not willing to go through anything else. My main thing here is I would like to know if the commissioners have the right to know if our mayor ever did what he promised me he would do and talk to the county attorney about it. The night that the commissioners voted which was 3 months ago tonight Mayor Lynch and I stood over there with Adam, my husband will testify to this, we said once again to Mayor Lynch that he understand this is the agreement \$30,000.00, no taxes taken out. Ms. Campbell stated that Mayor Lynch told

Adam that he may have to wait a couple of month for you money. That would be fine, you can even pay me 5 or 10 thousand dollars a month if you want to, Campbell explains.

Esq. Kenneth Garland explained that all we can do is you asked for \$30,000.00 and that's what we gave you. To us as a commission, we thought it was settled. Right now there is nothing we can do about it.

“Should we not expect that if the mayor says he is going to be the mediator between us, that we couldn't trust that he would do what he said he would do?,” said Campbell.

Esq. John Mosley asked Teresa how much is taxes on this? Teresa stated that they took it to their accountant and it about \$8500.00.

County Attorney Doug Shults interjected by saying this is the bottom line there was miscommunication between Mayor Lynch and Ms. Campbell, neither one of them are the people who even have the authority, only the County Commission and Adam had the authority to make those decisions. This commission voted \$ 30,000.00 to Adam and apparently Ms. Campbell had a different idea of how that \$30,000.00 would cover the taxes, but I think this is all correct.

Doug goes on to say before Adam signed the release , you and I had a conversation and I told you that Mr. Lynch could not just give you that extra \$8000.00, only this county commission can do that and I told you to come to the county commission and ask for that. Instead, Adam came in and signed the release. That release waived any type of cause of action. So this time, basically, what you're asking the county to do is to give Adam a gift of \$8,000.00. “He has signed the release.”

Agenda Item #8
Approve Quarterly Reports

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Kenneth Garland to approve the Quarterly Reports: County Mayor, Unicoi County Trustee, Medic One, Unicoi County Health Department, Unicoi County Schools and Highway Department.

All in Favor
Motion Unanimously Approved (Copy in file)

Agenda Item #9
Present Inter-Fund Loan Documents, including, Notes and Report on Debt Obligations (No Vote needed)

Copy in file

Agenda Item #10
Approve Unicoi County Water Division Newly Elected Commissioner Roger Cooper

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Gene Wilson to approve Roger Cooper to the Unicoi County Water Division

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

8-Yes

0-No

0-Absent

1-Abstained (John Mosley)

Motion approved. (Copy in file)

Agenda Item #11

Recognize Gary Tysinger of Tysinger & Hampton Review of CID Building and Approve Change Orders at 911-CID Building on Jackson Love Hwy

At this time Esq. Kenneth Garland asked if we really needed these change orders.

Mr. Tysinger stated that #3 is presented to you for the change order. It's up to you if you would like to see them done. The sheriff is here so you can speak to him on those items.

Chairman Marie Rice asked that under the change order you are requesting the total amount. Mr. Tysinger stated the total amount on the change order that I'm requesting is change order number # 4 item number 2 is a credit of \$19,477.96.

So basically, the additional items are a little over \$4,000.00 for smoke alarm wiring, and drain, Chairman Marie Rice states. Mr. Tysinger replies "yes," we have \$23,000.00 liquidation in damages charges and \$750.00 credit charge so, it about \$4000.00.

Esq. Gene Wilson stated the cost for the drain is high \$9000.00. Tysinger stated the items on #3 are changes that can be done that need to be done. This is a drain at the end of the jail were the kitchen is. Right now the jail is lower and water comes in from the sides. Tysinger goes on to say that item #1 and #5 needs to be done if you are in that confined space to fix the drain.

Sheriff Mike Hensley spoke on behalf of Mr. Tysinger by saying what an extraordinary job at making the contractor stay true to the contract. The 911 is a secure area and we need that drain. If we don't replace that drain, you're going to have water running down into the jail. "This is serious business," Mike stated. Sheriff Hensley that he had laid the sheriff department offices out and when I went our there everything had been change around. We had to have a double door that is only common sense. When I found out that the double doors had been put on 911 side instead on the sheriff department side. Number two that is a secure area now. With 911 rules and regulation no one can enter unless they are authorized.

Esq. Kenneth Garland stated that we are not talking about double doors it's just a single door on the back end of it. On the upper end where they want to change the door it's just a single door. Mike answered, yes sir. Esq. Kenneth Garland asked what we paid for the door up there. Mr. Tysinger replies, about \$1500.00.

Mr. Tysinger said that he needed the change order #4 items 2 to be approved so that he could close out the deal with the contractor. Chairman Marie Rice stated that its \$4000.00 total for the change and then credit for the liquidation damages. With Mr. Tysinger saying that gives you a cost for this project \$420, 000.00.

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Glenn White to approve item number two estimated final contactor-change order #4 totaling \$4272.04.

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

8-Yes

1-No (Gene Wilson)

0-Absent

Motion approved. (Copy in file)

Agenda Item #12

Approve School Superintendent Denise Brown Bond

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Jason Harris to approve School Superintendent Denise Brown Bond.

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

9-Yes

0-No

0-Absent

Motion approved. (Copy in file)

Agenda Item #13

Approve of Lease Agreement with Saratoga Wide Format Copier for Register of Deeds Office

Motion made by Esq. Loren Thomas, said motion seconded by Esq. Bridget Peters to approve the lease agreement with Saratoga Wide Format Copier for the Register of Deeds office.

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

9-Yes

0-No

0-Absent

Motion approved. (Copy in file)

Agenda Item #14

Appointment of Unicoi County Hospital Board Member

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Kenneth Garland to approve Marie Rice to the Unicoi County Hospital Board.

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

8-Yes

0-No

0-Absent
1-Abstain (Marie Rice)
Motion approved.

Agenda Item #15
Accept Resignation of Walter Garland from Civil Service Board

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Kenneth Garland to approve Walter Garland Resignation of the Civil Service Board.

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

9-Yes

0-No

0-Absent

Motion approved. (Copy in file)

Agenda Item #16
Appointment of Civil Service Board Member (3rd District) applicants are Dr. Ken Calain, Garland James and Todd Wilcox-Term Ends May, 2015

Motion made by Esq. John Mosley, said motion seconded by Esq. Bridget Peters to approve Todd Wilcox to the Civil Service Board, term ends May, 2015.

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

8-Yes

1-No (Walter Garland)

0-Absent

Motion approved. (Copy in file)

Agenda Item #17
Re-appoint Civil Service Board Member, Jerry Keasling (1st District) Term Ends May, 2017

Esq. Gene Wilson asked how Mr. Keasling health was. Mayor Greg Lynch answered that he had contacted Mr. Keasling and said he had been there a long time and wanted to serve another term.

Motion made by Esq. Loren Thomas, said motion seconded by Esq. John Mosley to approve Jerry Keasling (1st District) term ends May, 2017.

Esq. Kenneth Garland stated that the 1st district with three commissioners appoint should appoint that is the way it is set up. Esq. Water Garland stated that it was set up for new people not old people; you want to keep your old people there. You don't walk in that job and just do it.

Teresa Campbell asked to speak on the civil service board. Ms. Campbell stated that Sheriff Mike Hensley will be the person that appoints the keeper or the secretary and the mayor is to appoint the chairman, records are to be kept for five years, and letters are to be written five days before each meeting. I believe that you all have made the right choice by electing Todd Wilcox who is working on his master's degree. The best I can

read this unless it has been amended this particular board has nothing to do with districts, Teresa stated.

Sheriff Mike Hensley stated that he does not have anything against Todd Wilcox. I have worked with him and he is a good guy. Since, I have been sheriff I have followed civil service as close as I possibly can. The civil service board is developed to be non bias, they are to hear the evidence and do the right thing. Todd is a city policeman working for the Town of Erwin, I feel like again nothing against Todd but this need to be someone not working right now that can be fair either way. But because he is a city policeman here in the town and we do work together I'm afraid that might cause a problem.

Esq. Kenneth Garland stated that the civil service board protects the employees that work for you. Every sheriff that comes in can fire people right off but the civil service board protects those people from losing their job.

At this time motion made by Esq. Loren Thomas has been recalled.

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Kenneth Garland to table the re-appointment of Jerry Keasling and to advertise the appointment to the Civil Service Board till the next meeting.

ROLL CALL: Esq. Marie Rice, "Yes", Esq. Walter Garland, "No", Esq. Jason Harris, "Yes", Esq. John Mosley, "Yes", Esq. Bridget Peters, "Yes", Esq. Kenneth Garland, "Yes", Esq. Gene Wilson, "Yes", Esq. Loren Thomas, "Yes", Esq. Glenn White, "Yes".
8-Yes
1-No (Walter Garland)
0-Absent
Motion approved.

Agenda Item #18
Discussion of 911 Rental Agreement with County

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Kenneth Garland for the County to begin negotiations with 911 on a rental agreement. Refer to Building and Grounds committee.

Agenda Item #19
Appoint Two County Commissioners To The Ethics Committee to Replace Mickey Hatcher and James Howell

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Kenneth Garland to approve Glenn White and Bridget Peters to the Ethics Committee for a four year term.

ROLL CALL: Esq. Marie Rice, "Yes", Esq. Walter Garland, "Yes", Esq. Jason Harris, "Yes", Esq. John Mosley, "Yes", Esq. Bridget Peters, "Yes", Esq. Kenneth Garland, "Yes", Esq. Gene Wilson, "Yes", Esq. Loren Thomas, "Yes", Esq. Glenn White, "Yes".
9-Yes
0-No
0-Absent
Motion approved.

Agenda Item #20
Committee Reports read into Minutes Comptroller Letter

At this time Chairman Marie Rice reads into the minutes a letter from the Comptroller's Office. This letter should be read into the minutes of the next meeting of the County Commission with a copy provided to each commissioner.

The budget submitted by the County's Board is not approved. The submitted budget does not meet the requirements of T.C.A. 9-21-403 for a complete and proper budget.

The submitted budget did not meet governmental standards:

- The County did not appropriate sufficient monies for the payment of debt service.

The County Commission must adopt a resolution increasing appropriation in the General Debt Service Fund by \$19,805 to pay annual debt service. (Table in File)

If the County does not maintain cash-basis balance budget, it does not comply with the requirements of T.C.A. 9-21-403. The County must adopt and, if necessary, appropriately amend its budget ordinance.

This Office cannot approve requests from the County to issue debt until it submits a complete and proper budget for the 2015 fiscal year meeting all requirements for approval.

If the County does not submit a complete and proper 2015 fiscal year budget to this office within the time frame established by statute, it will be required to publish a notice twice in a newspaper of general circulation stating it has not submitted a proper budget and is operating contrary to statutory requirements.

Letter is signed by Sandra Thompson, Director of the Office of State and Local Finance.

Addendum to the Agenda
Item #1
Consider Request from Sheriff Mike Hensley to sell at auction confiscated items and surplus items

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Glenn White to approve the sale at auction, November 15th, 2014, confiscated items, surplus items and 507 surplus 2x6 medal studs to be sold for \$7.50 each or turn the bid down.

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

9-Yes

0-No

0-Absent

(Copy in file)

Agenda Item #21
Budget Amendments

Motion made by Esq. Glenn White, said motion seconded by Esq. John Mosley to approve each Budget Amendment separate.

Motion made by Esq. Gene Wilson, said motion seconded by Esq. John Mosley to approve Election Commission, County Clerk, and General Debt Service Budget Amendments

Esq. Loren Thomas asked for clarification on the \$19,895.00 that the State Comptroller rejected our budget for, is it coming out of the General Fund. Phyllis Bennett stated it would have to be funded from debt service.

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

9-Yes

0-No

0-Absent

Motion approved. (Copy in File)

Motion mad by Esq. Gene Wilson, said motion seconded by Esq. Glenn White to approve the Sheriff Department Budget Amendment.

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

9-Yes

0-No

0-Absent

Motion approved. (Copy in File)

Agenda Item #11

Elect Notaries

Motion mad by Esq. Gene Wilson, said motion seconded by Esq. Kenneth Garland to approve Rebecca L. Moore and Susan L. Roach notary.

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

9-Yes

0-No

0-Absent

Motion approved. (Copy in File)

Agenda Item #17

Motion for adjournment

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Kenneth Garland to adjourn the October 27, 2014 meeting

Motion unanimously approved.

GREG LYNCH, COUNTY MAYOR

MITZI BOWEN, COUNTY CLERK

MARIE RICE, CHAIRMAN