

THE REGULAR SESSION OF THE BOARD OF COMMISSION
OF
UNICOI COUNTY, TENNESSEE
JANUARY 23, 2012

BE IT REMEMBERED that the Unicoi County Board of Commissioners met in Regular Session at the Unicoi County Court House on Monday, January 23, 2012, 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. Dwight Bennett, "Yes", Esq. Doug Bowman, "Yes", Esq. Kenneth Garland, "Yes", Esq. Mickey Hatcher "Yes", , Esq. Bill Hensley, absent, Esq. James Howell, "Yes", Esq. Loren Thomas, "Yes", Esq. Gene Wilson, absent, Esq. Sue Jean Wilson, "Yes".

7- Present

2- Absent

Esq. Doug Bowman opened the meeting with Prayer and the Pledge to the Flag was led by Esq. Mickey Hatcher.

Agenda Item #4

Approve Minutes

Motion made by Esq. Mickey Hatcher, said motion seconded by Esq. James Howell that the minutes of November 28, 2011 (Regular), November 28, 2011 (Finance/Planning), and December 19, 2011 (Special Call) be approved.

7-Aye

0-No

2-Absent

Motion approved.

Agenda Item #5

Recognize Visitors and Citizens

Mr. John Day addressed the commission asking for clarification on a couple of matters. Mr. Day and Unicoi County Citizens for Good Governance want some information concerning the purchase of the jail annex, the daily costs of retaining state inmates in the Unicoi County jail facilities, personnel policies, and payment of overtime for 911 employees to be paid out of the Sheriff Department budget. Mr. Day also asked that a copy of the letter he presented to the commission be entered into the minutes. (Copy in file)

Ms. Candice Casey addressed the commission regarding excessive barking in the county. Ms. Casey has lived in Erwin for 37 years and has worked for 50 years. She and her husband retired two years ago and moved to the county where they built a home. Ms. Casey stated that they have dogs that bark way past the limit, and is not sure what the limit is, that there is no ordinance in the county. She stated that she pays her county and city taxes and feels like she should have some type of protection for peace and quiet. Esq. Sue Jean Wilson asked if she has had any discussions with Tim Shelton. Ms. Casey stated that she has and there is no law so there is nothing he can do. Esq. Mickey Hatcher asked if she has talked to the owner, Ms. Casey responded yes she has twice.

Agenda Item #6
Quarterly Reports

Motion made by Esq. Mickey Hatcher, said motion seconded by Esq. Dwight Bennett to approve Quarterly Reports. (Copy in file.)

7- Aye

0- No

2- Absent

Motion approved.

Agenda Item # 7

Consider request from UT Extension to help with funding the mapping project \$1,000.00

Item Tabled.

Agenda Item #8

Consider Resolution to Support Banning Synthetic Drugs

Motion made by Esq. Doug Bowman, said motion seconded by Esq. Dwight Bennett to approve Resolution to support banning of synthetic drugs. Esq. Mickey Hatcher asked that the word marijuana be removed and replaced with the word drugs, so that it is not specified to marijuana but drugs in general.

Motion amended by Esq. Doug Bowman, said motion seconded by Esq. Dwight Bennett to approve Resolution to support banning of synthetic drugs with the change of the word marijuana being changed to drugs. Esq. Mickey Hatcher called for question.

7- Aye

0- No

2- Absent

Motion approved.

Agenda Item # 10

Consider Resolution Enacting Statue to Allow Unicoi County to Enact Laws Prohibiting Nuisances, etc. (Resolution to follow)

Motion made by Esq. Doug Bowman, said motion seconded by Esq. Mickey Hatcher to approve Resolution to allow Unicoi County to Enact laws Prohibiting Nuisances, ect.

7- Aye

0- No

2- Absent

Motion approved.

Agenda Item #9

Discuss Establishing Adult Oriented Establishment Board (Statue Attached)

Motion made by Esq. Mickey Hatcher, said motion seconded by Esq. Doug Bowman to table to policy committee.

7- Aye

0- No

2- Absent

Motion approved.

Agenda Item # 11
Consider Approval of the County Road List

Motion made by Esq. James Howell, said motion seconded by Esq. Dwight Bennett to approve County Road List. Esq. Mickey Hatcher asked Road Superintendent, Terry Haynes, to address the commission on the changes being made to the road list. Mr. Haynes stated that the two new roads listed are Homestead Estates and Colten Courts. Esq. Mickey Hatcher verified that there is nothing being included other than what has already been approved by the county commission since the last list. Mr. Haynes replied right. Esq. Sue Jean Wilson stated that there is also a list of the roads that need to be paved, bridges, and the amount of money that it will cost.

7- Aye

0- No

2- Absent

Motion approved.

Agenda Item #12
Recognize J.M. Harris regarding the Gas Commissioner Appointments

Mr. J.M. Harris addressed the commission concerning Gas Commissioner Appointments. He stated that the commissioners had a copy of the salaries and benefits approved by the gas company. Mr. Harris stated he was at the meeting because they were asking for a three percent increase. People that are retired haven't received an increase until this year, so Mr. Harris was there to oppose the increase. He has attended the meetings for the last six months, and while at the meeting it was stated there would not be another election, instead someone would be appointed. Mr. J.M. Harris stated that this bothered him because citizens want to vote. The appointment was postponed until the next Gas Commission meeting, which was full of people opposed to appointments. During this meeting only one man voted against it, the rest of them voted to go ahead and nominate someone and let the mayor choose from the nominees. Mr. Harris stated the way he understands it there will not be a gas election and this takes the rights away from the people. If changes need to be made then they need to be voted on. Mr. Harris stated that from what he understands it has already been done. He asked county attorney, Doug Shults, if it is legal for the gas company to make such a recommendation without coming to the County Commission for a Resolution asking to do so. Attorney Shults stated that in the last year Tennessee legislator made an amendment to the statue that regulates the Utility Districts. They provided as a normal rule for most Utility Districts and future Utility Districts any vacancy in office is filled by the Utility District nominating three nominees that are then presented to the County Mayors Office. The County Mayor picks from that list or rejects all and they have to come back with another list of nominees. The statue provides that if the Utility District wants to utilize this method then they have to pass a resolution, which is then sent to Nashville, where it is reviewed and decided if it is appropriate of not for that Utility District not to have an election. It does not have to go before the County Commission anymore. If the County Mayor rejects the list of nominees then the Gas Commission has to come back with a new list of nominees. If the Mayor accepts one of the nominees then he has to bring it to the County Commission meeting to be spread upon the minutes. Mr. Shults stated that this body doesn't have the power to change that, only the state legislator can. Esq. Mickey Hatcher asked Mr. Harris if they had tried to reverse it after their decision. Mr. Harris stated yes, that is when the Gas Company was full of citizens. Mr. Harris believes that they had already made up their minds and were going to do what they wanted to do. Esq. Dwight Bennett asked where the three nominees names given to the Mayor came from. Mr. Harris stated that the gas commissioners choose the people. Esq. Mickey Hatcher stated that the names brought to the Mayor are listed in rank order of preference, how does that order come to be. Mr. J.M. Harris stated that he is against it and feels people have the right to vote on it.

Agenda Item #13

Recognize Greg Lynch regarding Unicoi County Gas Utility District

County Mayor, Greg Lynch, addressed the commission concerning the Unicoi County Gas Utility District election. Mayor Lynch stated there were three nominees including J. W. Tipton, Toby Gardner, and Glenn White. Mr. J.W. Tipton was approved and will be reappointed to the position of gas commissioner from February 6, 2012 until 2016 and ask that it be spread on the minutes as such. Esq. Sue Jean Wilson asked if he was the chairman, Mr. J.M. Harris stated no that Mr. Bernie Jones is the chairman.

Agenda Item #14

Discuss Mental Health Resolution

Esq. Sue Jean Wilson stated that the situation on the mental health resolution is pertaining to the state continuing to pay their part of taking care of patients in hospitals. County Mayor, Greg Lynch addressed the commission stating that in the court system if a person comes into jail needing psychological evaluation, if they are charged with a misdemeanor then it falls upon the county to pay for the evaluation, transportation, and the manpower to do so. Mr. Lynch stated that this was something that needs to be handled at the state legislative level. County Attorney Doug Shults was asked to draft a resolution to be brought before the county commission meeting next month.

Motion made by Esq. Mickey Hatcher, said motion seconded by Esq. Loren Thomas to consider such a resolution.

7- Aye

0- No

2- Absent

Motion approved.

Agenda Item #15

Discuss Payment for Minute Keeping

Motion made by Esq. Mickey Hatcher, said motion seconded by Esq. James Howell to table to finance committee.

7- Aye

0- No

2- Absent

Motion approved.

Agenda Item #16

Discuss 911 Overtime Issues

Motion made by Esq. Doug Bowman, said motion seconded by Esq. James Howell that the Sheriffs Department be responsible for the payments for the overtime. Esq. Kenneth Garland stated that it seemed like the book keeping in that department isn't too good. He had copies of timesheets turned in showing forty-eight hours one week and forty-eight hours the next week. The time sheets went to the Sheriff's Department Secretary and it was put down as ten days. The mayor didn't get a copy of the timesheet. Esq. Garland believes that the timesheets have been falsified, because the one the mayor gets is all together different from what 911 turned in, there are two sets of timesheets. Esq. Loren Thomas stated that he voted no last month, not because the dispatchers shouldn't be paid, but because it isn't right to dump that on the taxpayers for the mistake. Esq. Thomas stated that department is responsible for the mistake and it should come out of their salary line item. Esq. Dwight Bennett stated he thinks it should be tabled and referred to the attorney and let him address it since there is a lawsuit. Esq. Doug Bowman stated if we vote to go ahead and pay, the judge may dismiss the case. Everybody agrees that the

wages are due to the people. Esq. Kenneth Garland stated that he would not vote to give \$33,000.00 away without knowing what is going on. The sheriff made the mistake and it should be paid out of his budget. Esq. Loren Thomas stated that they did not have the information last month to make a decision, next thing you know we are in a lawsuit. Now they are seeking not only what they are due but damages too. Esq. Mickey Hatcher asked if we vote to do this as recommended here, and then after the meeting with the attorney, if something else surfaces are we obligating ourselves ahead of time before meeting with our attorney. County Attorney Doug Shults stated he has no idea what is trying to be done, he thought they were going to have an attorney/client meeting. Mr. Shults stated there isn't a judgment or an amount and that Mr. Garland has seen more records than he has. Mr. Shults has not been able to get the records yet. Mr. Shults recommended that the commission should wait. Esq. Kenneth Garland stated that the county has been sued twice in the last four months, we just paid off a \$10,000.00 suit and now another suit, and something has to be done. Esq. Sue Jean Wilson asked Esq. Bowman if he would want to withdraw his motion until after the attorney/client meeting. Esq. Bowman stated he wasn't sure; his thoughts were if we got to wait another thirty days to decide this, what the mindset is going to change. This is the first opportunity we have had that he has seen to actually pay it. Last month we didn't have enough information to satisfy most of us that we were really obligated. If we wait thirty more days is it going to get worse? We might vote to pay it, and it may satisfy and the suit may be dismissed and dropped. Esq. Sue Jean Wilson asked Attorney Shults if it would do any harm for them to vote on this, what harm could it do. Mr. Shults stated that he would rather give advice about a pending lawsuit at an attorney/client meeting. Esq. Mickey Hatcher stated that the way he understands it if an office holder has an entity under their department and they fail to pay it, why does it come to the commission anyway. Why do we need to even vote on this, it seems like they were in charge of that, if there is anything to pay it should happen anyway. Esq. Mickey Hatcher is not sure why the county commission has to take action. Esq. Sue Jean Wilson stated because we are named in the lawsuit. Esq. Mickey Hatcher stated that at this time we don't know what obligation we have, he doesn't want to vote for an obligation that we don't know that we have at this time. Esq. Doug Bowman withdraws his motion. Esq. James Howell withdraws his second. Esq. James Howell asked if this wasn't something that the commission should have voted on to begin with so there wasn't so much of an increase to be paid, and was it ever voted on by the commission. Esq. Sue Jean Wilson stated no.

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Mickey Hatcher to table until after discussion with the attorney.

7- Aye

0- No

2- Absent

Esq. Kenneth Garland stated we keep putting this off and we will be sued again before to long, the way it's going. We need to do something about it now. When people can't run their office, they need to get out.

Agenda Item #17

Committee Reports

Esq. Dwight Bennett stated that he gave everyone a summary on the animal shelter and if anyone had any questions he will be glad to answer them. Esq. Bennett added that there were more cats adopted out than euthanized.

Agenda Item #18

Budget Amendments

Motion made by Esq. Doug Bowman, said motion seconded by Esq. James Howell to approve Budget Amendments together with correction to the Register of Deeds (\$1,191.00) and Highway Department (\$82,563.73).

7- Aye

0- No

2- Absent

Motion approved. (Copy in file)

Addendum to the Agenda Item #1

Consider approval of the Unicoi Water Utility District elections

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Mickey Hatcher to approve John Mosley and Jerry Byrd to the Unicoi Water Utility District.

7- Aye

0- No

2- Absent

Motion approved.

Agenda Item #19

Elect Notaries

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Dwight Bennett to approve Kathy Hensley (Mountain Commerce Bank) and Scott Saylor (Bank of Tennessee) as Notary Publics.

7- Aye

0- No

2- Absent

Motion approved.

Agenda Item #20

Motion for adjournment

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Doug Bowman to adjourn the meeting of January 23, 2012.

GREG LYNCH, COUNTY MAYOR

MITZI BOWEN, COUNTY CLERK

SUE JEAN WILSON, CHAIRMAN