

**THE REGULAR SESSION OF THE BOARD OF COMMISSION**  
**OF**  
**UNICOI COUNTY, TENNESSEE**  
**JANUARY 28, 2013**

BE IT REMEMBERED that the Unicoi County Board of Commissioners met in Regular Session at the Unicoi County Court House on Monday, January 28, 2013, 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, "Yes", Esq. James Howell, "Yes", Esq. Loren Thomas, "Yes", Esq. Gene Wilson, "Yes", Esq. Sue Jean Wilson, "Yes".

9- Present

0- Absent

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Esq. Dwight Bennett opened the meeting with the Pledge to the Flag and the Prayer was led by Esq. Loren Thomas.

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Agenda Item #4  
Approve Minutes

Motion made by Esq. Doug Bowman, said motion seconded by Esq. Dwight Bennett to approve the minutes of November 26, 2012 (Regular Session).

9-Aye

0-No

Motion approved.

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Agenda Item #5  
Recognize Visitors and Citizens

Mr. Jim Buchanan addressed the commission concerning the Resolution on the proposed sale of UCMH to MSHA. Mr. Buchanan stated this is Unicoi County's Hospital and this commission should have a voice on who it is sold to and what the price may be. Mr. Buchanan said there are three things to look at; who will make the largest investment in the County, who is going to employ the most people, and who will bring the most money into the county. Mr. Buchanan stated he believes it would be Welmont.

Mr. Hank Carr, a commercial real estate broker, addressed the commission to give an update on the process Mountain States Health Alliance is in to secure a site for the future hospital of Unicoi County. The site that has been settled on is at the Jackson Love exit. The process of negotiating an acceptable contract with the owner Orville English has begun. Mr. Carr stated the reason this site was focused on is that it provides easy access to the interstate, visibility to the interstate, no rail obstructions, and no noise issues. One of the things that when picking a site is to have enough land for all the adjacent building that will go with the hospital. Mr. Carr stated thirty acres is the minimum footprint that would be needed. The Jackson Love site is about forty-five acres but a lot of it is in flood zone. Mr. Carr stated he wanted the commission to know there is a firm process in place and commitment to move forward with the purchase of a tract of land that is suitable for the hospital. Esq. Doug Bowman asked how many beds there would be. Mr. Carr stated he would refer that question to someone else at Mountain States.

Mr. Bill Gaines addressed the commission stating Mountain States would have people believe this is a done deal and that is not the case, the Attorney General has to evaluate several criteria and make a decision on if this is the best thing for the citizens of Unicoi County. Mr. Gains stated that the commission will be voting on a resolution that is a non-binding resolution. Mr. Gains asked the commission to do what is in the best interest of the citizens of Unicoi County. By voting for the resolution the commission is saying they object to the way it has been handled.

Mr. Todd Love addressed the commission as the chairman of the Unicoi County Memorial Hospital Foundation. Mr. Love stated he wanted to clear up a couple of things. There are two foundations at the hospital; the Monroe Foundation set up for education purposes and this Foundation (Unicoi County Memorial Hospital) which was set up in February 2008 for healthcare and to raise money for the hospital. After talking to some of the commissioners Mr. Love wanted to be sure they are aware of the two foundations. Mr. Love stated that in the letters of intent there is a million dollars to go into that foundation. The foundation has nine board members from Unicoi County and it will maintain that way, this will not be sold or moved during this transition, because it is a stand alone foundation. Esq. Mickey Hatcher asked if this was the one that would be designated for the million dollars, Mr. Love replied yes. Mr. Love also stated that Mr. Tilson has asked numerous times that it did not go into that foundation because that would be conflict of interest.

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Agenda Item #6  
Budget Amendments

Motion made by Esq. James Howell, said motion seconded by Esq. Doug Bowman to take the Budget Amendments individually.

9-Aye

0-No

Motion approved.

Esq. Sue Jean Wilson asked Mr. Craig Masters asked how many new employees there are for uniforms. Mr. Masters stated there are two new employees a part time and vacancies came up. Esq. Sue Jean Wilson asked if it was going to cost \$5,000.00 to put uniforms on three new employees. Mr. Masters stated not only do you have to put uniforms on employees you hire; some existing uniforms have to be replaced. Esq. Sue Jean Wilson asked about the building maintenance, Mr. Masters responded it is for repairs for the jail and the Sheriffs Department. Esq. Sue Jean Wilson stated she understood the truck Mr. Rice used had been donated to the Sheriffs Department. Mr. Masters stated it has been, yes. Esq. Sue Jean Wilson then asked the money being moved out of tires, could the four tires not be sold to go into the general fund. Sheriff Mike Hensley stated the truck was donated through a drug seizure at no cost to the county. The truck will be set back down and the tires will be auctioned off. Esq. Sue Jean Wilson asked how many dogs do we still have in the sheriffs department. Sheriff Hensley responded there are two, a bomb dog and a drug dog.

Esq. Doug Bowman stated that during the budget travel was cut out, now there are amendments to put it back in. Esq. Sue Jean Wilson stated they were told if they needed more to come back and ask for it. Esq. Loren Thomas stated the purpose of that was to not tie up taxpayer dollars.

Motion made by Esq. Doug Bowman, said motion seconded by Esq. Loren Thomas to approve the Budget Amendment for Register of Deeds (\$5,002.53).

7-Yes

2-No

Motion approved. (Copy in file)

Motion made by Esq. Doug Bowman, said motion seconded by Esq. Gene Wilson to approve the Budget Amendment for Assessor of Property (\$1,500.00).

8-Yes

1-No

Motion approved. (Copy in file)

Motion made by Esq. Doug Bowman, said motion seconded by Esq. Dwight Bennett to approve the Budget Amendment for Trustee (\$875.00).

9-Yes

0-No

Motion approved. (Copy in file)

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Sue Jean Wilson to approve the Budget Amendment for Chancery Court (\$500.00).

9-Yes

0-No

Motion approved. (Copy in file)

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Dwight Bennett to approve the Budget Amendment for Sheriff Department (\$8,000.00).

8-Yes

1-No

Motion approved. (Copy in file)

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Gene Wilson to approve the Budget Amendment for Health Department (\$311.75).

9-Yes

0-No

Motion approved. (Copy in file)

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. James Howell to approve the Budget Amendment for Agricultural Extension (\$158.00).

9-Yes

0-No

Motion approved. (Copy in file)

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Gene Wilson to approve the Budget Amendment for Rabies and Animal Control (\$325.66).

9-Yes

0-No

Motion approved. (Copy in file)

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Sue Jean Wilson to approve the Budget Amendment for Sheriff Department (Drug Fund) (\$3,000.00).

9-Yes

0-No

Motion approved. (Copy in file)

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#### Agenda Item # 7

#### Quarterly Reports- County Mayor, Highway Department

Motion made by Esq. Doug Bowman, said motion seconded by Esq. James Howell to approve quarterly reports for the County Mayors Office, County Trustee, Health Department, Chamber of Commerce, Unicoi County School System, Highway Department, and UT Extension Office.

9-Yes

0-No

Motion approved (Copies in file)

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Agenda Item #8  
Recognize Walter Garland regarding Civil Service Board

Mr. Walter Garland addressed the commission regarding Civil Service Board. Esq. Loren Thomas asked for an update on how the meetings are going. Mr. Garland stated they have been going fine, no complaints. Esq. Sue Jean Wilson asked how often the Civil Service Board meets. Mr. Garland stated sometimes they meet once a month and sometimes they won't meet for two or three months and other times they will meet three to five times a month. Esq. Dwight Bennett asked if there is a meeting every quarter for all the employees to come in and discuss issues. Mr. Garland stated no, that the Civil Service law is supposed to be on a merit basis.

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Agenda Item # 9  
Consider Resolution to Express Opposition for the Proposed Sale of UCMH to MSHA 13-01

Motion made by Esq. Doug Bowman to table this motion. Motion dies for lack of a seconded.

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. James Howell to consider the Resolution to express opposition for the proposed sale of UCMH to MSHA. Esq. Mickey Hatcher asked the County Attorney, Doug Shults, to look into the legalities of the commission voting on this matter since there have been two proposals, from two different sources. Mr. Shults responded that it is a difficult decision, and the resolution is just in opposition and is certainly not binding. Mr. Shults stated that he was asked to look at whether or not the county had the right to have input on the decision. Mr. Shults stated he was handed a memorandum from the hospitals attorney at the last minute and read it during the meeting, and he was sent a memorandum from Welmonts attorney. Basically, Welmonts opinion is that it has to go back in front, but the hospitals opinion is it does not have to. Mr. Shults disagrees with their opinion, the reason being he understands the original letter of proposal by MSHA specifically provided that the membership of the LLC will change to one member being MSHA. Mr. Shults stated he understands that the letter of intent prepared after the fact changed to say that or such other structure as parties work out. However, Mr. Shults does not think a legal entity can work it out after the fact. He stated basically, to the extent that the memorandum from the hospital note the details of the transaction have not been worked out but we are going to figure out some way to do it where it doesn't have to come back before the county or the town. Mr. Shults believes that is just too bold, and they are trying to circumvent what the intent of the original charter was. He continued to say that the bottom line is he thinks it should go back to the county. Esq. Loren Thomas stated the lawyers from Welmont are saying that it has to come back before the county commission and the town of Erwin, lawyers representing the hospital board of control are saying that it does not. Esq. Loren Thomas asked Mr. Shults of his opinion. Mr. Shults stated his opinion is that nothing has changed, but what the commission is doing today is basically saying whether the commission opposes or disagrees. Esq. Loren Thomas stated that the way the resolution reads, the county commission is requiring them to come before the commission for approval rather than the commission approving or disapproving how the sale was handled. Mr. Shults responded that the commission is not saying they want one of them over the other. Esq. Loren Thomas referred to charter from the lawyers representing the hospital board of control and where it says 'the dissolution of the hospital', that is where we are seeing some confusion. Esq. Loren Thomas stated that when you go back to the term dissolution, people that are in support of Welmont see that term as meaning the hospital is dissolved, that it's done. Others look at it as it's not. Esq. Loren Thomas stated that in his opinion the hospital is not being dissolved it is being sold and there is a difference. Esq. Bill Hensley stated the Attorney General would probably decide what the word dissolution means or if things were handled correctly or incorrectly, and give a determination. Esq. Kenneth Garland asked why a board of control was appointed if they can't control it. If we didn't trust these people why did we appoint them? Esq. Kenneth Garland stated we didn't hear anything about it until it went broke, we are lucky we are getting somebody to take it over. We could end up with the empty building and seven

million dollars in debt. Esq. Kenneth Garland continued by saying he appreciates the board working on it and if they did something illegal then that's a different thing. Esq. Kenneth Garland stated if we vote for this I think we are taking sides, and I'm not going to take sides with nobody. Esq. Dwight Bennett stated that he went on the tour with Mountain States, it was very good, they had very nice facilities, I asked many questions; but my concern is there hasn't been enough openness with the public on the sale of the hospital. Esq. Dwight Bennett stated that in his opinion the board should have went the north end, the south end, and here in Erwin; you need to go out and find out how the public feels about it. Esq. Bill Hensley called for question.

4-Yes

4-No

1-Abstain

Motion failed.

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Agenda Item #10

Consider OHV Resolution 13-02

Motion made by Esq. James Howell, said motion seconded by Esq. Loren Thomas to consider OHV Resolution. Esq. Loren Thomas stated there is a lot of government property in the county. There is an ATV trail on top of Buffalo Mountain that is 12.8 miles; there is one access to it and no access on the Unicoi County side of it. Esq. Loren Thomas added when there is an accident our rescue personnel must go all the way around and find the person and try to get them out. Esq. Loren Thomas stated he has been trying to work with the Forestry Service, the Chamber of Commerce, and the Town of Erwin in support of a connecting trail from the Unicoi County side that would connect to the Buffalo Mountain Trail. Esq. Loren Thomas continued saying there is a volunteer group called the Mountain Trail Riders Association and they have volunteered to do all maintenance on the trail and also to build the connecting trail that would be approximately three miles long at no charge. Esq. Loren Thomas stated that with the Mountain Trail Riders Association volunteering to do all the work and construction for free, he believes it is a very wise and smart decision not only on the county commission's part but the Town of Erwin's part to support this effort. Not only does it provide a quicker way to get into the trail for safety purposes or rescue purposes, it gives families something to do and would have an economic impact for our county because usually people that ride four wheelers have to fuel them up, wash the off, buy snacks, etc. Esq. Loren Thomas asked everyone to support this resolution.

Esq. Gene Wilson exits the meeting.

8-Yes

0-No

1-Absent

Motion approved. (Copy in file)

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Agenda Item # 11

Public Hearing to Adopt 2009 Floodplain Resolution 13-03

Motion made by Esq. Doug Bowman, said motion seconded by Esq. James Howell to approve 2009 Floodplain Resolution.

8-Yes

0-No

1-Absent

Motion approved. (Copy in file)

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Agenda Item #12

Consider approval of Unicoi County's Appointee to the Municipal Solid Waste Region Board 13-04

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. James Howell to approve the appointment of Mr. Greg Lynch, Mr. Paul Monk, and Dr. James M. Hatcher to the Municipal Solid Waste Region Board for a term of six years.

8-Yes

0-No

1-Absent

Motion approved.

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Agenda Item #13

Consider approval of County Base Personnel Policy 13-05

Item removed from the agenda.

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Agenda Item #14

Consider approval of the Unicoi Gas Utility District elections

No action, County Mayor, Greg Lynch, just reports election outcome to the county commission. Mr. Lynch read the results of the election to the county commission.

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Agenda Item #15

Recognize Craig Masters regarding Food Service Contract

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Loren Thomas to reject the contract and contract terms. Mr. Craig Masters addressed the commission concerning the food service contract for the jail. Mr. Masters asked that the bids be removed due to a conflict of interest with Valley Food Service and the lowest bid being \$1,000.00 higher than the current cost. County Attorney, Doug Shults addressed the commission stating that several months ago, the commission had told Mr. Masters and the Sheriffs Department to accept the bid and enter into a contract subject to Mr. Shults approval. Mr. Shults stated he couldn't approve it, therefore they are asking to reject the contract.

8-Yes

0-No

1-Absent

Motion approved.

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Agenda Item #16

Consider Building and Grounds Committee's recommendation to hire Tysinger, Hampton and Partners to do a feasibility study for various components of moving the Sheriff's Department and 911 from the current location to the annex, including cost estimates

Motion made by Esq. Doug Bowman, said motion seconded by Esq. James Howell to approve Building and Grounds Committee's recommendation to hire Tysinger, Hampton and Partners to proceed moving the Sheriff's Department and 911 from the current location to the annex with option #1 and #3. Mr. Tysinger addressed the commission stating 911 will have to go to the jail annex and there are three areas that were looked at. Mr. Tysinger stated what he would recommend the storage building is the best place to put 911. There are three proposals, but the two that really need to be looked at are amendment #1 (the roof on the jail) and amendment #3 (to put 911 back in the storage building). Also the Sheriffs Department has asked for three hundred square feet for an

evidence room. Mr. Tysinger stated there is enough room to put everything needed back there. What would be needed is to build a cocoon inside for 911, because they have to have special air and humidity and the evidence room has to be secure. Mr. Tysinger stated the roof would be \$10,000.00 and the amendment #3 is \$10,000.00 for 911. The total would be \$20,000.00 for actually doing the work, there will not be a feasibility study done. Esq. Sue Jean Wilson asked if this had been through the 911 board and if they have voted to accept these arraignments. Esq. James Howell stated there was no choice; they were going to have to move. Esq. Sue Jean Wilson stated the Sheriff has stated repeatedly the importance of having his office and 911 close to each other and it hasn't even been mentioned moving them out there. Mr. Tysinger stated they would be moving into the front part of the building (at the annex). Esq. Bill Hensley continued by asking if it is too late to consider going out on a piece of that property and maybe pouring a forty by fifty foot concrete slab and building a cinder block building there and going that route. Mr. Tysinger responded that is what amendment #2 is. One of the advantages of the proposal being talked about is the space is there, the roof is already on therefore you don't have to spend a lot of money on a structure, and it is nearly done. Esq. Dwight Bennett stated the plan the Sheriff drew up where 911 and some of the other offices go back to the bigger room, to me that would be most cost effective, what happen why isn't that an option. Mr. Tysinger stated it's not cost feasible. Esq. Dwight Bennett asked why it wasn't; all you would have to do is put up a wall and move a few walls, you're not going to be building. Mr. Tysinger stated there is basically a lean to and the building would have to be extended. The Sheriffs plan was to extend the building out and he would take part of it then 911 would be in the extension. Esq. Dwight Bennett stated not in the plans he saw, in those plans 911 would go back in the room where the records are. Mr. Tysinger stated that what you will see is we can accomplish this more economical and quicker than we could to try and reinvent. Esq. Dwight Bennett stated he is in favor of this; he just wanted to know what happen to the other plan so he can explain why. Mr. Tysinger stated that basically they would have to pull that building out, that lean to is in pretty bad shape. Esq. Loren Thomas asked if the current offices only have to be cleaned, what the reason for moving all the offices is. Mr. Tysinger stated 911 is under command to upgrade and it can't be risked leaving it there with the flooding issue of the jail. If we move it now I think the state will help us with the cost. Esq. Mickey Hatcher called for question.

8-Yes

0-No

1-Absent

Motion approved.

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Agenda Item #17

Consider CDBG for Sewer Line to go to Love Chapel and Temple Hill Schools

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Doug Bowman to approve CDBG for Sewer Line to go to Love Chapel and Temple Hill Schools. Mr. Lee Brown addressed the commission stating these are competitive grants, and there are so many factors that go into getting this type of grant. Mr. Brown stated they have looked at all the possible options. Mr. Brown also stated he knows there are some concerns with residents as far as connecting to the sewer line. The Town of Erwin has an ordinance that anytime sewer is available you have to connect; the Town of Unicoi has an ordinance that if sewer is accessible. Esq. Dwight Bennett stated that there was a concern from citizens after this project was done in Unicoi on having two sewer hookups. Mr. Brown stated the way that is looked at is it is much like an electric meter or telephone service or any other service, each unit has a service, and that's part of the rules of being connected to water or waste water system. Esq. Dwight Bennett stated his concern is letting the people know upfront, before hand, this may happen, instead of after the fact. Esq. Bennett asked if this happens do you work with those people where they pay so much a month or offer financing or is there a time limit like ninety days they have to pay it or what. Mr. Brown stated the charge for waste water service is being enforced, but the actual enforcement of making residents pay if they have a working, operating septic system falls back to the city or county to enforce that. If somebody has a failing septic system you can't repair, you have to be able to do something. If somebody wants to connect and they have a financial burden, and they can't pay the tap fee, we will finance for that. Esq. Mickey Hatcher

asked what the tap fees are going to be in this situation. Mr. Brown responded the tap fee is about \$1,800.00 to \$2,000.00. It's very much in line with what it would cost to put in a replacement septic system. Esq. Bill Hensley asked if getting the water and sewer would increase, traditionally, the property values and would it decrease the fire insurance of those homes. Mr. Brown stated this is just a placed water line so it wouldn't decrease fire insurance, but historically you can look back and find evidence that supports with waste water services available, the value of your property does improve. Esq. Sue Jean Wilson asked if it would service anyone above Love Chapel School. Mr. Brown stated no, not at this time, and that is part of the strategy on the grant application. You have to look at how many people you can serve and how much it will cost to do it. We would like to extend beyond that, but there's just not money in the grant to fund that. Esq. Dwight Bennett asked if the schools have higher priority than residents. Mr. Brown responded they score just a little bit better on this funding than just a residence. Mr. Brown also stated that time is of the essence, the grant applications are due middle to the end of February. There are questions with what is going to happen with Love Chapel School, but it's the best grant application we have and feel like it is in the best interest of the community to go after those dollars. Esq. Loren Thomas stated what he has a problem with is the people with low income to medium income families and hard for them to come up with the money even if you tell them two years in advance and I have a problem with the resolution county commission made years ago forcing them to tap on to it. Mr. Brown stated that not exactly accurate, it says that they will pay the sewer bill. Now if their septic system fails, the Health Department is going to make them. Esq. Bill Hensley called for question.

7-Yes

1-No

1-Absent

Motion approved.

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Addendum to the Agenda Item #1

Approve the 2013 County Road List

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Dwight Bennett to approve the 2013 County Road List. Road Superintendents Terry Haynes stated there are no changes. Esq. Sue Jean Wilson thanked Mr. Haynes and his crew for their work on keeping the roads free of ice. Mr. Haynes updated the commission on the accident in the Limestone Cove community when one of the trucks rolled off a bank. Both men are county employees but are okay. The insurance adjuster did come by and total the truck out, but it had full coverage insurance.

8-Yes

0-No

1-Absent

Motion approved. (Copy in file)

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Agenda Item #18

Committee Reports

Esq. Doug Bowman stated the Buildings and Grounds committee met three times and has made a recommendation on the jail annex.

County Mayor Greg Lynch stated there would be a work session on February 5, 2013 at 3:00.

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Agenda Item #19

Elect Notaries

Motion made by Esq. James Howell, said motion seconded by Esq. Kenneth Garland to approve Julie A. Bradford (Clinchfield Federal Credit Union), Sandy L. Lingerfelt (Clinchfield Federal Credit Union), Amanda V. Shelton (Valley Funeral Home), Steven M. Smith (Erwin Utilities), and Crystal M. Lewis (Unicoi County Board of Education) as Notary Publics.

8-Yes

0-No

1-Absent

Motion approved.

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Agenda Item #20

Motion for adjournment

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Kenneth Garland to adjourn the meeting of January 28, 2013.

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GREG LYNCH, COUNTY MAYOR

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MITZI BOWEN, COUNTY CLERK

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DR. JAMES M. HATCHER, CHAIRMAN