

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

BE IT REMEMBERED that the Unicoi County Board of Commissioners met in Regular Session at the Unicoi County Court House on Tuesday, May 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:

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

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Agenda Item #5

Recognize Visitors and Citizens

Mr. Darren Higgins addressed the commission concerning a water problem on his property that he rents out on East Street. Esq. Bill Hensley asked if Mr. Higgins had contacted him previously, Mr. Higgins stated yes. Esq. Bill Hensley stated that he spoke with the Superintendent of Roads Terry Haynes on the matter. Mr. Haynes stated that Mr. Tysinger has been out to the property before and it was determined that water could not be moved from one place to another. Mr. Tysinger is going to look at the area again. Sheriff Mike Hensley stated that Mr. Higgins has done everything that he can, including digging a ditch as recommended by the EPA, that he paid for out of his own pocket. The ditch had filled up with sewage; the EPA was going to take Mr. Higgins to court over the sewage in the ditch after they had told him to dig the ditch. The ditch was supposed to run across to another stream and down to the ground, however the gentleman there, Mr. Wilkins said that it couldn't be ran across his property. Sheriff Hensley went on to say that Mr. Higgins is out quite a bit of money, water is coming under the house and is going to ruin the house. Sheriff Hensley also stated that street doesn't even have a ditch on it and there is no place for the water to go. Esq. Bill Hensley asked if the county did anything to cause this water problem. Mr. Terry Hensley stated that there was a small tile, and the idea was to put in a larger tile and run it across over to Masters Street. When it was put in Mr. Wilkins refused to let the tile run through his property. Esq. Bill Hensley asked if Mr. Tysinger's study was expected to be complete by tomorrow. Mr. Terry Haynes stated he would just give the go ahead to put the water on the right hand side of East Street going down or if tile will have to be purchased to get the water to run through a hump that is there. Mr. Haynes stated if they could get the tile in then they would be able to get the water off. Esq. Dwight Bennett asked if East Street is on sewer line now. Mr. Higgins stated he can not even hook sewer up because of the water standing; it has been like this for three years, the EPA made me move the renters out until it dried up. Mr. Higgins stated he was told the next thing to do would be to sue the county and he doesn't want to do that, it just water and he just wants it gone. Mr. Higgins stated he is going to lose the house and the renter and that is income for him, he just wants the water off of it. Esq. Bill Hensley asked if they could wait and get the report back from Terry Haynes, we will do all we can to fix that for you. Esq. Loren Thomas asked Terry Haynes for an update on it at next meeting.

Road Superintendent, Terry Haynes addressed the commission on Hawkins Road where it flooded. Mr. Haynes stated there was no damage to the road but quite a bit to the shoulder of the road. To purchase the stone from USA it will run anywhere from \$16,000.00 to \$18,000.00 if we can't come up with the stone. Mr. Haynes stated he is working with Mr. Hyder who was selling stone. Dry Creek has been repaired, it was minor. Mr. Haynes stated this is an issue (Hawkins Road), we will have to put boulders or we will lose the road. This will be an issue that will come up, we are trying to stall it until after the budget comes in.

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ROLL CALL: Esq. Dwight Bennett “Yes”, Esq. Doug Bowman, “Yes”, Esq. Kenneth Garland, “Yes”, Esq. Mickey Hatcher, absent, Esq. Bill Hensley, “Yes”, Esq. James Howell, “Yes”, Esq. Loren Thomas, “Yes”, Esq. Gene Wilson, “Yes”, Esq. Sue Jean Wilson, “Yes”.

8- Present

1- Absent

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Agenda Item #14

Consider Resolution- Local Government’s Assessment First Tennessee Human Resource Agency

Motion made by Esq. Doug Bowman, said motion seconded by Esq. James Howell to approve the resolution for the Local Government’s Assessment First Tennessee Human Resource Agency. Mr. Jason Cody addressed the commission stating this agency was established in 1974 by the state. The agency does the Meals on Wheels program by providing hot meals for many of the senior citizens in the area. The agency also operates the Net Trans, which helps people get to their doctors appointments and hospitals. Mr. Cody stated they basically take local funds and match them with state and federal dollars. It is typically a 90-10 match, for every \$1.00 the county gives, they receive \$9.00 in federal or state money. The resolution is just to show local support for this agency. Mr. Cody went on to say most of the services are around the elderly that helps them to stay at home as long a possible. Esq. Bill Hensley asked if there is any charge, Mr. Cody stated no they are based on need. Esq. Dwight Bennett asked if any of the services offered by the agency are duplicated by another agency in Tennessee. Mr. Cody stated there are private firms that do, and this agency usually ends up with cases that are more intensive. Esq. Gene Wilson asked how many residents First Tennessee Human Resource Agency sees in this county. Mr. Cody responded that last year they served right around six hundred Unicoi County residents and we also have fifteen Unicoi County residents on our payroll. Mr. Cody stated they are asking for the same amount of money that we have asked for the last few years. Esq. Sue Jean Wilson asked if this organization wasn’t one of the non-profits in the budget. County Mayor Greg Lynch stated they are, that this resolution just establishes the funding schedule. Mr. Cody state the resolution just essentially shows local support.

8-Yes

0-No

1-Absent

Motion approved. (Copy in file)

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Agenda Item #6

Approve Resolution relative to accumulated vacation time

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Sue Jean Wilson to approve the resolution relative to accumulated vacation time. Esq. Sue Jean Wilson asked if item #4 is polite jargon or should that not just be understood that they will do it. County Attorney Doug Shults stated he believes it is polite jargon. Esq. Loren Thomas stated where he works, when you get to the end of the year if you haven’t used your vacation, they will pay you for up to five unused vacation days. Esq. Dwight Bennett stated basically this is referring to the Sheriffs Department, and give them extra time to get there vacation used. County Attorney Doug Shults stated we have had a personnel policy and have made some very minor changes in it recently, but we didn’t really change anything of accumulated vacation, but we knew there was a lot of vacation being carried over in the department that wasn’t keeping with the general county policy. Mr. Shults stated at that time the current administration started working those hours out with us. When we redid the personnel policy we did not change anything, it just drove the point home to office holders that you’re not suppose to carry over any accumulated vacation time. At that time the Sheriff Department approached the County Mayors office saying

you know we have this issue here. Basically the county commission is identifying this issue and stating a policy that says you have one year to solve this problem. Sheriff Mike Hensley stated the policy has been in effect all along, the policy was not followed by the previous sheriff and I inherited the accumulated time and it will take time to take care of all of the accumulated time in his department. Esq. Dwight Bennett stated that vacation time will appear on employee checks and that should help with the problem.

7-Yes

1-No (Esq. Doug Bowman)

1-Absent

Motion approved. (Copy in file)

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Agenda Item #4

Approve Minute of Prior Session

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Gene Wilson to approve the minutes of April 22, 2013 (Regular Session). Esq. Doug Bowman asked if there was a report on the formal written request to TEMA and FEMA on the sinkholes. Mr. Ed Herndon stated it has been presented to TEMA in person. Esq. Doug Bowman asked for copy. Mr. Herndon stated it is available in the Mayor's office.

8-Yes

0-No

1-Absent

Motion approved. (Copy in file)

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Agenda Item # 7

Recognize Gary Tysinger for approval 911/Sheriff's Dept./Jail Annex construction on Jackson Love Hwy

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Sue Jean Wilson to put out for bid. Esq. Bill Hensley stated it was discussed in the work session. Esq. Sue Jean Wilson asked Esq. Dwight Bennett if he would want to include the roof on the jail facility on Church Street in his motion. Esq. Dwight Bennett stated the agenda would have to be waived in order to do that. Esq. Dwight Bennett stated this was just for the bidding part of it, there is not money being spent; it is just a motion to put it out for bid. Esq. Bill Hensley asked that the agenda items be worded better.

7-Yes

0-No

1-Abstain (Esq. Doug Bowman)

1-Absent

Motion approved.

County Attorney Doug Shults stated that the votes needed to be verbally or visually available to the public, that way the public knows if a commissioner voted against it. County Clerk Mitzi Bowen state Esq. Doug Bowman abstained.

Motion made by Esq. Doug Bowman, said motion seconded by Esq. Sue Jean Wilson to waive the agenda to address the jail roof.

ROLL CALL: Esq. Dwight Bennett, "Yes", Esq. Doug Bowman, "Abstain", Esq. Kenneth Garland, "Yes", Esq. Mickey Hatcher, absent, Esq. Bill Hensley, "Yes", Esq. James Howell, "Yes", Esq. Loren Thomas, "Yes", Esq. Gene Wilson, "Yes", Esq. Sue Jean Wilson, "Yes".

7-Yes

0-No

1-Abstain (Esq. Doug Bowman)

1-Absent

Motion approved.

Motion made by Esq. Doug Bowman, said motion seconded by Esq. Gene Wilson to put out a bid on replacement of the jail roof.

ROLL CALL: Esq. Dwight Bennett, "Yes", Esq. Doug Bowman, "Abstain", Esq. Kenneth Garland, "Yes", Esq. Mickey Hatcher, absent, Esq. Bill Hensley, "Yes", Esq. James Howell, "Yes", Esq. Loren Thomas, "Yes", Esq. Gene Wilson, "Yes", Esq. Sue Jean Wilson, "Yes".

7-Yes

0-No

1-Abstain (Esq. Doug Bowman)

1-Absent

Motion approved.

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Agenda Item #8

Recognize Robert Gouge- Road Request

Mr. Robert Gouge addressed the commission concerning Edith Gouge Road, stating it was once a county road and a couple of the land owners have concerns with people being able to come up and the road and sit. Now all of the land owners are in agreement to relinquish the right of way again if the county will adopt it back in. Esq. Doug Bowman stated the only way the county would take it back is if the road is brought up to county standards. Mr. Gouge asked what would be required to do that. Esq. Doug Bowman stated Debbie Tittles' office could provide the information including; it would have to have forty for right of way, twenty foot pave, culvert, and brought up to county standards. Mr. Gouge stated there was no way they can afford that.

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Agenda Item # 9

Recognize Doug Bowman regarding Subdivision Regulations (for information only, no vote needed)

Esq. Doug Bowman stated the County Commission will have a public hearing on June 10, 2013 at 6:00pm in Debbie Tittles' office on the new subdivision regulations. Esq. Doug Bowman stated they are much more stringent then they have been before. Copies are available online or in Debbie Tittles' office. Esq. Dwight Bennett if the county doesn't adopt policies on some of these issues it comes back on the county.

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Agenda Item #10

Recognize Jon Manful regarding insurance/choose Health Insurance carrier for FY 2013-2014

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Sue Jean Wilson to approve Humana as the Health Insurance carrier for the Fiscal Year 2013-2014. Mr. Jon Manful addressed the commission stating that as discussed in the planning session, Humana was the most competitive, as close to the current benefits as possible and within the counties budget, as well as offering a secondary plan option for employees to choose from. With Humana we are able to keep benefits almost the same as they are currently and reduce the cost some what to the county and the employees. Esq. James Howell asked if there was a cap amount passed that the county would pay. Mr. Manful stated yes, the options are actually lower than what they were paying last year. Esq. Loren Thomas stated he would like to see the counties portion on the family plans increased from \$690.00 up to around \$1,000.00, because there are a lot of county employees that can not afford to cover their families based on the salaries we pay them. Esq. Thomas stated that could be discussed later during budget meetings.

7-Yes

0-No

1-Abstain (Esq. Kenneth Garland)

1-Absent

Motion approved.

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Agenda Item # 11

Consider Mayor's Request of Chris Oejten replacing Sue Jean Wilson on Animal Welfare Board

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Dwight Bennett to approve the Mayor's request of Chris Oejten replacing Sue Jean Wilson on the Animal Welfare Board. Esq. Sue Jean Wilson stated that Ms. Oejten is a volunteer at the Animal Shelter; she has background with working other shelters and caring for dogs and cats. She was highly recommended by some members of the Animal Welfare Board. Esq. Loren Thomas asked Esq. Sue Jean Wilson if her term is up. Esq. Sue Jean Wilson stated no, the meetings are at a time that conflicts.

8-Yes

0-No

1-Absent

Motion approved.

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Agenda Item #12

Consider reappointment of Terry Higgins for a 3 year term to the Civil Service Board

Motion made by Esq. Loren Thomas, said motion seconded by Esq. Sue Jean Wilson to approve the reappointment of Terry Higgins for a 3 year term to the Civil Service Board. Esq. Dwight Bennett asked if Mr. Higgins was present at the meeting, which he was not. Esq. Kenneth Garland stated he thought these positions were going to be advertised. Esq. Dwight Bennett asked if there was a policy on appointing positions. Esq. Dwight Bennett stated that the next time there is a policy committee meeting, this will be put on the agenda, and possibly look at putting time limit on the number of years a person can be appointed.

8-Yes

0-No

1-Absent

Motion approved.

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Agenda Item #13

Consider Resolution to adopt a Continuing Budget and Tax Rate for the Fiscal Year Beginning July 1, 2013

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Doug Bowman to approve the resolution to adopt a Continuing Budget and Tax Rate for the Fiscal Year beginning July 1, 2013.

8-Yes

0-No

1-Absent

Motion approved.

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Agenda Item #15

Please consider the 2013-2014 appointments to the Board of Equalization for Unicoi County

Motion made by Esq. Doug Bowman, said motion seconded by Esq. Loren Thomas to approve the 2013-2014 appointments of Mr. Charles N. Harris, Mr. Eugene Harris, Mr. Ted Hopson, Mr. James A. Long, and Mr. Ronny Kent Elliott to the Board of Equalization for Unicoi County.

8-Yes  
0-No  
1-Absent  
Motion approved.

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Agenda Item #16  
Budget Amendments

Motion made by Esq. Loren Thomas, said motion seconded by Esq. Dwight Bennett to approve the budget amendments all together; Election Commission (\$170.00), County Buildings (\$2,500.00), County Clerk (\$6,550.00), Sheriff's Department (\$34,450.00), Sheriff's Department (\$5,000.00), Other General Government Projects (\$11,000.00), Drug Fund (\$1,700.00), Highway Department (\$134,039.04), Register of Deeds (\$1,400.00), Preservation of Records (\$2,345.00), Health Department (\$1,161.75), and Employee Benefits (\$3,894.00).

7-Yes  
1-No (Esq. Doug Bowman)  
1-Absent  
Motion approved. (Copy in file)

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Agenda Item #17  
Committee Reports

Esq. Dwight Bennett addressed the commission stating there is an article in the Johnson City Press about the animal shelter being in contention for \$100,000.00 grant. If the animal shelter comes out with the most adoptions over the next three months, they could win up to \$100,000.00. Esq. Dwight Bennett stated that they would also like to thank the schools in Unicoi County, and the kids for the money raised and donated to the animal shelter.

Esq. Bill Hensley addressed the commission stating he has information that should be pursued on an in lieu of tax payment by the Natural Gas Company. Esq. Bill Hensley stated he has the laws and information that if pursued, the county may be able to go back a number of years and get tax money. Esq. Bill Hensley asked the County Attorney, Doug Shults to start researching it. Esq. Doug Bowman asked Esq. Bill Hensley where the Gas Company would get the money, from the customers. Esq. Bill Hensley stated Erwin Utilities and the telephone company pays an in lieu of tax payment. Esq. Bill Hensley asked Esq. Doug Bowman if he didn't want their money. Esq. Doug Bowman stated he didn't want to pay it.

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Agenda Item #18  
Elect Notaries

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Sue Jean Wilson to approve Mitzi Bowen (County Clerk), Brandee R. Hicks (County Clerk's Office), Margaret Seward (County Clerk's Office), and William Todd Hopson (H & H Auto Sales) as Notary Publics.

8-Yes  
1-No  
1-Absent  
Motion approved.

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Agenda Item #19

Motion for adjournment

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Gene Wilson to adjourn the meeting of May 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