

THE REGULAR SESSION OF THE BOARD OF COMMISSION
OF
UNICOI COUNTY, TENNESSEE
JULY 22, 2013

BE IT REMEMBERED that the Unicoi County Board of Commissioners met in Regular Session at the Unicoi County Court House on Monday, July 25, 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. 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- Present

1- Absent

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

Agenda Item #4
Approve Minutes

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Kenneth Garland to approve the minutes of June 24, 2013 (Regular Session).

7-Aye

1-No

1-Absent

Motion approved. (Copy in file)

Agenda Item #5
Recognize Visitors and Citizens

None

Agenda Item #6
Trustee 2011 Property Tax Release Recognize Paul Berry

Mr. Paul Berry addressed the commission stating in July he is required to come before the commission and ask to be released of prior year property taxes that have been turned over to the Clerk and Masters Office, which we did back in March. Mr. Berry stated that the commissioners have copies of all the additions, deletions, and errors that he received from the Property Assessor's Office. Esq. Kenneth Garland asked who's making all the errors. Mr. Berry responded any changes that we make in our office; we have to have approval from the Property Assessors' Office. Mr. Berry stated he has all of that documented in his office, if you see any there that you have a question about; you can come by the office and get a copy. Mr. Berry stated we are asking that the commission vote to release us of the 2011 property taxes. Esq. Sue Jean Wilson asked Mr. Berry where the Girls Scouts Council is. Mr. Berry responded there is some property on Martins Creek; you would have to ask Mrs. Bennett (Property Assessor) about that.

7-Yes

0-No

1-Absent

Motion approved.

Esq. Bill Hensley stated, at this time I would like to recognize the County Mayor, Greg Lynch. Mr. Lynch addressed the commission concerning a report of Debit Obligation that has to be read into the minutes of the County Commission meeting. Mr. Lynch continued, on May 28, 2013 the County Commission voted for us to extend a note that had a balloon payment on it of \$100,000.00. We did so through First Tennessee Bank and we got the same rate that we had on the original note at 2%. Mr. Lynch stated that means we will be paying \$20,000.00 a year for the next two years, 2014 and 2015, then in 2016 it balloons again. This is different from what we normally do; normally it is general obligations note that we have twelve years on. The contingency money that we failed to put into the jail annex that we built caused us to have to go back and borrow money. When you borrow money like that and you have already built the property or you are not purchasing anything then you can't do a regular capital outlay note for twelve years, it has to be done every three years. Mr. Lynch continued stating we have completed that, and this is our report on debit complication and we have sent this to the state as well. Esq. Gene Wilson asked if there is a penalty if it is paid off early. Mr. Lynch responded no.

Agenda Item # 7

Discuss Process of Selecting New Commissioner

Esq. Sue Jean Wilson asked if it was stipulated in the State Code the proper way to go about selecting a new commissioner. County Attorney, Doug Shults stated it just recommends that the commission approves a methodology of electing to fill a vacancy. Mr. Shults stated he believes a method was approved when the Sheriff was appointed; we could go back to that same method. Esq. Loren Thomas stated he thinks the commission should recognize any interested candidates, take nominations from the audience and the commission, and let the people who are nominated have a few minutes to speak, and then we vote. The first one to five votes obviously would win appointment. Esq. Loren Thomas continued if nobody gets five votes to start with we can start eliminating by the low vote getter until we have a commissioner. Esq. Dwight Bennett asked County Attorney Doug Shults what if there is a tie. Mr. Shults stated that the commission would have to keep voting until you get out of a tie. Mr. Shults stated that just being nominated from the floor is not sufficient; a commissioner has to also nominate. Esq. Dwight Bennett stated he agreed with Esq. Loren Thomas that once there is a nomination, they be allowed to speak for 3-5 minutes and then have a time for the commissioners to ask questions. Esq. Gene Wilson verified the Special Call Meeting was August 6, 2013 and it is to appoint someone to the commission. County Mayor Greg Lynch stated yes at 6:00p.m. Esq. Gene Wilson asked if a person is appointed that night when can they take their seat on the commission. Mr. Shults stated the statute specifically has a provision for a ten day period for people to file a complaint or objection. In my opinion they should wait at least ten days before they start acting. Esq. Loren Thomas asked what happens if someone challenges it in that 10 days, how would that process work. Mr. Shults stated it would be a lawsuit filed in the Circuit Court. It would be express defense though it wouldn't be a year down the road. During the lawsuit if that persons vote is the swing vote it could cause some issues. Esq. Loren Thomas then asked if someone did challenge it and filed a lawsuit, what grounds are they allowed challenging on. Mr. Shults responded public notice, violation of the Sunshine Law, the list is probably longer than I can go through but that's the easiest examples. Esq. Dwight Bennett asked Mr. Shults are we a legal board right now. Mr. Shults stated yes. Esq. Bill Hensley asked to avoid a frivolous complaint; if a person makes a complaint are they required to put up a bond, and how much. Mr. Shults stated yes and it is not a specific amount just a bond for the cost of the trial. Esq. Dwight Bennett stated he thinks that on the voting it should be on a piece of paper that we write names on, turn it over, put our initials on it so everyone knows who voted what and do it that way. Esq. Loren Thomas asked if that is considered a secret ballot. Esq. Dwight Bennett asked if it could be done on the system. County Clerk Mrs. Bowen stated yes, once you do your nominations it can be typed in then it can be voted on the system and be public to everyone how you voted. Esq. Loren Thomas asked if whoever is nominated, if all their names would be put on there to be voted on. Mrs. Bowen stated that once the motion is made she will be able to put the motion out there for that person. Esq. Loren Thomas stated that is not what he wants to do. Esq.

Loren Thomas asked if all the nominees' names could be listed to have a multiple choice vote. Mrs. Bowen stated however you stated it or make it, that's how it will be done. Mr. Shults stated as long as it is public record, however you all want to do it, and it is legal. Esq. Bill Hensley made the suggestion to the commission to do away with the I-Pads on this and we go from commissioner to commissioner and that commissioner calls out very loudly who he wants to join the commission. Esq. Dwight Bennett stated he doesn't want to do that because it may have influence on who I want or who another commissioner wants, I think we need to put it on here (I-Pads) and vote on it that way or we have a piece of paper and I put a name down and put my initials on it so they know who I voted for after the fact. Esq. Loren Thomas stated he thinks it should be on the I-Pads. Esq. Sue Jean Wilson asked how soon we need a list of those people who are interested. Esq. Loren Thomas stated that it is up to the people who are interest to have it to the commissioners and make it known they are interested and file papers in Mitzi's office, or they can wait until the night of the meeting and be nominated by someone as long as they are here. If they are not here they can submit a letter stating their interest. Esq. Sue Jean Wilson stated if they want to be a member of this commission they should be here. County Mayor Greg Lynch stated the notice in the paper was that they make themselves known to the Chairman of the County Commission through the Mayors office, and we have had two so far. Esq. Sue Jean Wilson stated she has received papers on one, who is the other. I have received information on Stacy Wigand but who is the other. Mr. Lynch stated Michael Baker.

Motion made by Esq. Loren Thomas, said motion seconded by Esq. Dwight Bennett that we recognize interest candidates, let them stand and give their name, then we will take nominations from the audience which must be accompanied by a nomination by one of the commissioners, then we ask that the nominee wants to speak we give them 3-5 minutes to speak, then we can ask questions one at a time for 10 minutes, then we vote by multiple choice on the I-Pads, eliminating the lowest vote getter, until the first nominee with five votes is appointed. Esq. Sue Jean Wilson asked if it is the same procedure we went through for the Sheriff's position. Esq. Loren Thomas stated he feels that is fair, that will give them an opportunity to speak to us and an opportunity for us to question them. Esq. Sue Jean Wilson verified that person will be chosen the night of August 6, 2013 and council says we have to wait ten days before they can be sworn in. Esq. Gene Wilson asked if that is ten business day or ten days. Mr. Shults stated ten days. County Mayor Greg Lynch stated they can be sworn in any time during that. Esq. Sue Jean Wilson stated that would be Friday, August 16, 2013. Esq. Sue Jean Wilson then asked if the sale of the hospital resolution be on the agenda for Monday, August 26, 2013. Mr. Lynch stated that he assumes it will be that the hospital has not contacted him officially yet. Esq. Dwight Bennett asked if there would be other items on the agenda for the Special Call meeting of August 6, 2013, aren't there some more things that we need to address that aren't on it right now. Mayor Lynch stated they were hoping to address the approval of bids, Mr. Tysinger thinks we could probably to get by without doing that until August 26, 2013.

7-Yes

0-No

1-Absent

Motion approved.

Esq. Gene Wilson exits the meeting.

Addendum to the Agenda Item #1

Discuss State Auditor's opinion regarding employee \$200 supplement in lieu of Unicoi County Employee Health Insurance

County Attorney Doug Shults stated Mr. Bennett came up with the idea of doing this in lieu of, which I thought was a good idea in terms of saving the county money and helping people, we have to check to see if we can do this legally. That was put in his motion and we have now discovered it is in the State Attorney Generals opinion that specifically says we can not do that. Mr. Shults continued that he does not believe it takes any formal action, I think it has to be on the record that it is in the Attorney Generals opinion we can't do that because there's nothing in the law providing for us to be able to do that.

Esq. Dwight Bennett asked how we going to get the money back that has already been paid to the employees. Mr. Lynch stated we will have to ask those (employees) how they want it deducted from their check.

Addendum to the Agenda Item #2
Consider Resolution to affirm & support It Can Wait National Day of Action and the Nationwide No-Texting-While-Driving Movement

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. James Howell to approve the Resolution to support It Can Wait National Day of Action, the Nationwide No-Texting-While-Driving Movement, and the proclamation of September 19, 2013 as “No Text on Board-Pledge Day”.

6-Yes
0-No
2-Absent

Motion approved. (Copy in file)

Agenda Item #8
Elect Notaries

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. James Howell to approve Ashley N. Davis (Erwin Utilities) as a Notary Public. Esq. Loren Thomas asked who Ashley N. Davis is with and if it is a new Notary application. Co. Clerk Mitzi Bowen responded Ms. Davis is with Erwin Utilities and it is a new application.

6-Yes
0-No
2-Absent

Motion approved.

County Mayor Greg Lynch stated we do have a couple of Resolutions that will have to be submitted for the commissions approval on the Special Call meeting of August 6, 2013, concerning taking money from Debt Service, and this is to satisfy the Comptroller’s Office. This is something that has come up in the last two weeks and will be on the agenda and we would strongly urge everyone to vote on that.

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Sue Jean Wilson to waive the agenda.

6-Yes
0-No
2-Absent

Motion approved.

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Sue Jean Wilson for all new county employees to be under the same insurance policy as all current employees removing the 10% employees pay of the premium as of July 1, 2013.

6-Yes
0-No
2-Absent

Motion approved.

Agenda Item #9
Motion for adjournment

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Dwight Bennett to adjourn the meeting of July 22, 2013.

GREG LYNCH, COUNTY MAYOR

MITZI BOWEN, COUNTY CLERK

DR. JAMES M. HATCHER, CHAIRMAN