

THE SPECIAL SESSION OF THE BOARD OF COMMISSION
OF
UNICOI COUNTY, TENNESSEE
September 8, 2014

BE IT REMEMBERED that the Unicoi County Board of Commissioners met in Special Session at the Unicoi County Court House on Monday, September 8, 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. Bridget Peters “Yes”, Esq. Marie Rice, “Yes”, Esq. Kenneth Garland, “Yes”, Esq. Glen White, Yes, Esq. John Mosley, Yes, Esq. Walter Garland, “Yes”, Esq. Loren Thomas, “Yes”, Esq. Gene Wilson, “Yes”, Esq. Jason Harris, “Yes”.

9- Present

0- Absent

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

Agenda Item #4
Recognize Visitors and Citizens

Candy Casey asked the commission to speak up because the audience cannot hear them.

Patricia Oldham from AICP Director of Community and Economic Development attended thinking they would be discussion tonight with the new commissioners about the first reading of the proposed budget. Esq. Marie Rice stated that it may be revisited during the meeting. Ms. Oldham stated that she gave Ms. Rice information that was given to the previous commissioners to give to the new commissioners. The budget is just over \$150,000.00 and this investment would be beneficial to the community.

Jim Bowman from Spivey stated that he doesn't work for the county, don't have relatives that work for the county, I make my living in the court house as an attorney. I know people that work here in the county, a lot of the deputy sheriffs that are out providing law enforcement services. I have been following this budget discussion for several weeks now. When I look around here now this is democracy in action. First of all the sheriff in this county was elected to provide law enforcement services to all of us. That is a big job and I am sure he takes it responsibility and I know I see these deputy sheriffs out here along the road and in the court room. We don't always agree with one another but I know their trying to do the kind of job they need to do. If anybody wanted to say the sheriff needed more money to do the job he does I would say I'm sure he does. If somebody said to raise the deputies sheriffs pay so it's as good as Kingsport, Bristol, Johnson City, I would say they deserve it. There are county employees here in the court house that also deserves pay raises. I understand when the sheriff comes in here and says here is what I need to do the kind of job I need to do. That is what he got elected for. We have nine commissioners here which were elected to do a pacific job and among those jobs are to set a budget and decide what we the tax payers have to pay. I understand that a conflict is there. All of us understand budget and we are all making decision about chicken verses beef, used car verses new car and sometimes we don't always get what we want. That is the conflict that we have right here. Mr. Bowman stated that he does not want to pay more taxes but if I have to then, ok. I followed the election last time and read some of your campaign ligature. Some of you declared that you where physical conservatives which I took it that you where not going to waste my money. I think a couple of you said I'm not going to raise taxes no matter what. I don't know if that is a wise thing for someone to say or not but I know this every single one of you got elected to do what you

said you would do and that is to set a budget and tell me how much money I will have to pay. The sheriff was not elected to make that decision. This is democracy in action right now. Every one of you was elected to do something for us. I have heard some lose talk about various public official filing suits if they don't get their way. It is my opinion but that is the most ridiculous law we have. This matter needs to be resolved here. I heard someone say that we have \$600,000.00 deficit, if that is true we only have two ways to fix it, cut budget or raise taxes. That is your job to make that decision. Some of us might like it some of us may not but we have a remedy as to you. Next time you come up for election we can express our approval or disapproval. As I said I have heard some lose talk about filing a law suit there is no democracy in that after the law suit is filed. Somebody we call him a judge that doesn't live in Unicoi County, I can promise you that he doesn't live in Unicoi County will come in here and be the dictator. He will say citizens here is your budget and your tax rate, you pay it. It doesn't make any difference if we like it or not we are stuck with it. The reason I am saying this here and now because this needs to be settled here in this court. If the sheriff doesn't like what happened he needs to accede to the well of the people. I am not here to advocate rather you give him the money or not. But we the people of Unicoi County have something to say about this and nobody should be taking that away from us and say I don't like the wisdom of the people. Folks when you take your vote lets have this thing settled here and now.

Ronnie Dayton from Unicoi stated that he attended the last meeting and thought this was resolved with the sheriff's stuff. I don't want my taxes to go up I can't afford anymore than anybody else can. But we elected you to help us and eliminate this problem with the sheriff and take care of us. Make our county safe and let our deputies out on the roads we need them. We need to have this solved today and not have someone from outside come in and tell us what we can and can't do. With drugs out here on interstate 26 we need these deputies on the road.

Agenda Item #5

Elect a Chairperson for the Unicoi County Commission for the 2014-2015 Fiscal Year

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Jason Harris to nominate Marie Rice

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

6-Yes

2-No

1-Abstain

Motion Approved

Agenda Item #6

Elect a Vice-Chairperson for the Unicoi County Commission for the 2014-2015 Fiscal Year

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Kenneth Garland to nominate Bridget Peters

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

8-Yes
0-No
1-Abstain
Motion Approved

Agenda Item # 7
Propose Property Tax Rate and Publication of said Property Tax Rate for Unicoi County

Motion made by Esq. Gene Wilson, said motion seconded by Kenneth Garland to set the tax rate at the same rate as last year. (2.6838)

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

9-Yes
0-No
Motion Approved

Agenda Item #8
Propose Operating Budget and Publication of said Proposed Budget for the 2014-2015 Fiscal Year

Motion made by Esq. Glen White, said motion seconded by Esq. John Mosley to discuss the propose Operating Budget.

Esq. Glen White committed that he would like to discuss the last proposal on the Sheriff's Department budget. Esq. Gene Wilson stated that it's set in the 2.6838 tax rate and asked where the money is going to come from. Esq. Glen White stated that the last commission was going to use money from Mountain States funds. The last Commission gave the sheriff \$500,000.00 and added 6 positions, correct. So, that would be a reoccurring expense with 6 salaries to be paid from here on out. My concern with the \$338,000.00 is that we have to use this to balance the budget which will get us until next year. Then we are really going to have to work as a commission and watch our spending to make that money up. Because this is a onetime fix.

Esq. Marie Rice stated each commission is not like we do a contract but each commission can make changes to the prior commission procedures.

Motion made by Esq. Glenn White, said motion seconded by Esq. John Mosley that this commission funds the Sheriff's Department \$ 3,327,682.00 that the last commission agreed upon.

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

3-Yes
6-No
Motion Failed

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Gene Wilson to fund the Sheriff's Department Budget \$ 3,122,172.00.

Esq. Loren Thomas stated that the sheriff has told you he cannot operate below the \$ 3,327,682.00. If you keep at this you're going to do just like Mr. Bowman said and force the county into a law suit and cost us more money.

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

6-Yes

3-No

Motion Approved

Agenda Item #9

Motion for Adjournment

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Jason Harris to adjourn the meeting of September 8, 2014.

County Mayor Greg Lynch at this time stopped the meeting from being adjourned and stated that we don't have a budget.

County Attorney Doug Shults told the commissioners that they had not officially adjourned because they had not yet voted on the motion to adjourn.

County Mayor Greg Lynch addressed the commissioners stating that we do not have a budget. We have to have a balanced budget. Our tax rate does not balance the budget at you proposal tonight. Mayor Lynch said that he received a phone from a lady today. She is a supporter of Mike Hensley for sheriff. She asked, "Mayor Lynch what is going on down there". Whose fault is it? I said, well, it's a little bit in between. We've got a commission that's been, I think, sometimes over aggressive and we've also got a sheriff's department who's making some moves that are knee-jerk reactions that aren't doing us any good. Mr. Lynch went on to say that Mr. Bowman was right we've got to come together on this and thank goodness Marie and Mike were able to talk and they came this close to get a budget. For whatever reason this morning when they talked it was off the table. We do not have to have a budget tonight. We can walk away from here but have to have another special call meeting, propose a budget and set a tax rate. This will push us up one more week to the 29th date. After this date we cannot change the tax rate.

Jimmy Erwin asked the question. What happens after the 29th date, when the tax rate is not set in Unicoi County?

Mayor Greg Lynch stated it is actually October 1st we cannot have a change in the tax rate. They will be repercussion with the school system about the money they receive per students. This means they will not receive it until we have a budget passed.

Esq. Kenneth Garland stated if the Chairman Marie Rice and the Sheriff Mike Hensley could get together but every time they do, he changes. It's his way or no way. We cannot wait forever to pass a budget all they need to do is met and work this out.

Mayor Lynch said that our best benefit is these two people have known each other forever. They grew up together, bear hunted together and able to disagree. I suggest that Ms. Rice and Hensley get back together and see if we can't iron this thing back out.

Sheriff Mike Hensley address the commission that he stands accountable to the tax payers of this county and accountable to you all. I appreciate all that you do. I know we are in a tough spot. I stood before the former county commissioner last year and the state told me that I had to hire six more jailers. I have explained all of the reasons and all of the cost. When we hired them it was around October and it was prorated in last year's budget. This year it's added for 12 months and when you are talking about salaries you are talking increases in workman compensation and insurance. Here is what I want you to consider, how I can stand accountable to the people who elected me. When I came before the last commission how can I come before you tonight and say cut, cut, and cut deputies that I asked to be funded last year.

Esq. Gene Wilson stated that the reason we are in the shape were in is because last year, we done all these things and did not raise taxes, so this year it's coming back. You have to figure on at least a 3 to 5 percent increase. We have gone backwards in the last 6 years.

Esq. Kenneth Garland stated that you are not helping by getting rid of the state prisoners. We did not ask you to do that. Sheriff Mike Hensley said did you not tell me to get rid of them they are costing the county, I did not, Kenneth said. Kenneth goes on to say that Mr. Bass from the State of Tennessee said that we were not making money and Sheriff Mike Hensley agreed.

Esq. Gene Wilson asked Sheriff Mike Hensley at the May 29th work session when you came down the steps and Ms. Rice and I where outside with some others did you said I will send them all back to Nashville. Mike answered yes sir I did. Mike stated that I went back and got my people together and I started adding and crunching numbers. I have to operate right now 2 jails it makes no difference if I have 15 people out here or 30. By state mandate I still have to have the same amount of people to operate it. The reason I keep state inmate they pay \$37.50 a day. Last year I brought in \$694,000.00.

Esq. Loren Thomas said our county wants to cut vehicle line item to zero and we have 14 petrol cars over hundred thousand miles. Esq. Gene Wilson said he was glad he brought this up about the vehicles. I have a form right here where they paid Don Stamper \$900.00 to go pick something up from line item 718. Sheriff Mike Hensley stated they paid \$ 900.00 to go pick up a tractor trailer full of stuff worth \$200, 000. 00. Esq. Gene Wilson stated I have another right here that came out of line item 718. I won't mention any names but it's an officer's step daughter, \$1500.00. Esq. Kenneth Garland stated that you are supposed to use that line item for vehicles.

Esq. Chairman Marie Rice addressed Loren Thomas and stated my request is the sheriff use the money from the drug fund to buy new vehicles. My discussion yesterday with the sheriff saying how bad he needed 2 new cars, I stated I would work on that. I came back today with the proposal to our commissioners to fund him two new vehicles which was \$56,000.00. I added it to the proposal \$ 3,142,172.00 but at that time the sheriff told me he wanted to go back to the original budget. Sheriff in all due respect, I don't know what happened from yesterday to this morning, Marie stated. The sheriff stated that no one has called me and I have prayed about it. How can I stand accountable to the people, when I asked them last year to give me six deputies? I wish I could say that crime rate and calls have decreased but it's not. It makes no since for me to set here and say that I don't need those six deputies. I need them in order to protect this county.

Esq. John Mosley asked Esq. Kenneth Garland how you can justify to the people, tax payers, cutting \$205,000.00 from his budget and losing \$500,000.00 in revenue coming in.

Esq. Gene Wilson said if that is the way he wants to go and send all those back then we will have to cut another \$500,000.00 from his budget.

Sheriff Mike Hensley stated in all due respect to everyone here and to all the commission, "I say I cannot come to any kind of a ruling and I will let somebody else do my talking for me."

Esq. John Mosley said that this commission is like a back of wolves that sees a dead animal there just circling and waiting to come in, that is the way I see it.

At this time Phyllis Bennett (Bookkeeper) quoted that the figures that are in your packets are with the figures the sheriff gave me this morning. With the figures of \$ 3,219,712.00 and with what was voted on tonight \$3, 122,172.00 take additional \$97,540.00 from the deficit. That is cutting the inmates revenue \$204,000.00. That will leave a deficit of \$535,122.00. Esq. Marie Rice stated by adding the \$150,000.00 in fund balance that leaves us at a negative \$685,122.00.

Esq. Loren Thomas stated that would be raising taxes \$.23 and being sued.

County Mayor Greg Lynch spoke at this time asked the commissioners to rescind their motion on Agenda item # 7(Propose Property Tax Rate). That will have to be tabled and tonight we will vote on the total budget and whatever is passed, will be published. Then we will have to balance the budget on the 22nd.

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Kenneth Garland to rescind his motion to Propose Property Tax Rate and Publication of said Property Tax Rate for Unicoi County for the 2014-2015 Fiscal Year

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

6-Yes

2-No

1-Pass

Motion Approved

County Attorney spoke to the commissioners at this time explaining that voting on the budget was for publication and changes could be made before the second and final reading on the September 22, 2014 meeting.

Motion made by Esq. Loren Thomas, said motion seconded by Esq. John Mosley to go back to what the previous County Commission passed to fund the Sheriff's Department Budget \$ 3,327,682.00 and use the Mountain States money to cover the Fire Departments and Health Department salary(\$338,315.00) the sheriff restore the State inmates and no tax increase

Frank Rogers address the commission not as a deputy sheriff but as a citizens and tax payer. I own a farm here in Unicoi County and pay taxes. I would like to have my two minutes as a tax payer. Disclaimers don't hold what I say against the Unicoi County Sheriff Department and Sheriff. When this whole ordeal began you had a short fall of somewhere around \$400,000.00. Since, that time negotiation have been made over 20 some meetings, you have butted heads like two buck deer in rutting season. Since that time over a dozen people have lost their jobs and now you are further in the whole than you where when you first started. This is economic destruction boys.

Esq. Loren Thomas asked the County Attorney if we can use the \$55,000.00 for the Fire Department and 30 some thousand for the Health Department salary. Do you advise against using those funds for those two?

County Attorney stated that it is questionable. I can't say the Fire Department is not in the contract, the health department where in the contract. No case law determines on what a judge would do to that.

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

3-Yes

6-No

Motion Failed

Chairman Marie Rice recess the meeting

Meeting was reconvened, with Chairman Marie Rice reminding the commissioner they had to come up with a budget to publish.

Motion made by Esq. Gene Wilson, said motion seconded by Kenneth Garland to add \$58,000.00 back to the \$3,122,172.00. That would be for 2 vehicles which would be \$3,180,172.00.

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

7-Yes

2-No

Motion Approved

Motion made by Esq. Gene Wilson, said motion seconded by Glenn White to adjourn the September 8, 2014 meeting

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

9-Yes

0-No

Motion Approved

GREG LYNCH, COUNTY MAYOR

MITZI BOWEN, COUNTY CLERK

MARIE RICE, CHAIRMAN