

THE REGULAR SESSION OF THE BOARD OF COMMISSION
OF
UNICOI, COUNTY TENNESSEE
FEBRUARY 23, 2009

BE IT REMEMBERED that the Unicoi County Board of Commission met in the Unicoi County Courthouse, in Erwin, Tennessee, in a regular session meeting on Monday, February 23, 2009. Present and presiding, the Honorable David Boone, Chairman, Doug Shults, County Attorney, Greg Lynch, County Mayor, Ruby H. McLaughlin, County Clerk, and the following Commissioners:

ROLL CALL: Esq. Ron Arnold, "yes", Esq. David Boone, "yes", Esq. Mitzi Bowen, "yes", Esq. Esq. Doug Bowman, "yes", Esq. Rick Butler, "yes", Esq. Mickey Hatcher, "yes", Esq. Jimmy Erwin, "yes", Esq. Sue Jean Wilson, "yes", Esq. Gene Wilson, "yes".
9- Present

Esq. Mickey Hatcher, opened the meeting with prayer, and Esq. Rick Butler led the pledge to the flag.

Motion made by Esq. Rick Butler, said motion seconded by Esq. Mitzi Bowen that the minutes of January 26, 2009 be approved.
Motion unanimously approved.

Chairman, David Boone recognized visitors and citizens.

Mr. Jim Long, representing the Erwin Kiwanis Club addressed the commission saying the Kiwanis Club are going to start placing flags on utility poles, at the five patriotic days in the year. Mr. Long said he would appreciate support as they develop the project.

Motion made by Esq. Ron Arnold, said motion seconded by Esq. Gene Wilson to approve the County Road List.
Motion unanimously approved.
(copy of road list on file)

Motion made by Esq. Mitzi Bowen, said motion seconded by Esq. Mickey Hatcher to approve the Resolution concerning housing rehabilitation.
Motion unanimously approved.
(copy of Resolution on following pages)

Motion made by Esq. Ron Arnold, said motion seconded by Esq. Jimmy Erwin to approve the Resolution concerning Unicoi County Board of Health.
Motion unanimously approved.
(copy of Resolution on following pages)

Chairman, David Boone recognized District Attorney General, Tony Clark.
Mayor, Greg Lynch, addressed the Commission saying that Mr. Clark had requested to address the Commission to fill the Commission in on the investigation that had gone to the grand jury.
Mr. Clark said that several of the County Commissioners had contacted him saying several questions had come up concerning the investigation of the missing money from the Sessions and Criminal Court Offices in Unicoi County.
Mr. Clark said that the auditors found that from the years 2005, 2006, 2007, and 2008 that there was \$22,222.00 missing from the fund which included the Sessions and Criminal Court. Mr. Clark said that he felt that, since the auditors found discrepancies, he felt that the TBI should be contacted to look into the matter due to conflicts.
Mr. Clark said that the TBI determined that out of state checks were coming into the Court Clerk's Office on speeding tickets, and what the person or persons were doing, they would take the check out of the mail and keep that check and when there was enough cash built up into the cash drawer they would take the check and stick it in the cash drawer and take out cash out, and pocket the cash.
Mr. Clark said that at the end of the day the balance sheet of what was suppose to be in the cash drawer would be correct, but that persons check, that was paid for a speeding ticket was not getting applied to their speeding ticket. So how this come about was peoples license were getting revoked and suspended, and they were calling into the Court Clerk's Office and saying their checks were stamped Court Clerk's Office, and had went through the bank, but you tell me I didn't pay my speeding ticket, so that initiated the audit, which that led to the \$22,222.00 being missing.
Mr. Clark said that around \$21,600.00 occurred from 2005-2006, and after the audit came out there was another \$739.00 missing after the investigation was opened by the TBI. The TBI immediately came in and separated the employees working at the Court Clerk's Office and there were nine, all of these employees had access to al computers, and all cash drawers. Mr. Clark said that 22 people had accesses to the Circuit Court Clerk's Office.
Mr. Clark said no one individual admitted to taking the money, or having anything to do with the missing money, or no one admitted to knowing of anyone taking the missing money. Mr. Clark said the TBI administered 6 polygraphs tests, which are not permissible in court. Mr. Clark said the next step that was taken was to go through everyone's financial statements such as, bank records, etc. to see if any large items were purchased. All 6 suspects were employees at the time the money was missing.
Mr. Clark said the TBI and himself went in front of the grand jury in November 2008, and presented all 6 of the individuals in the form of a presentment. Mr. Clark said they stayed for 2 or 3 hours with the grand jury, and they could not find any one level of probable cause to believe that one individual stole the money.
The grand jury returned a no true bill, saying there was not enough evidence to imply one person, but they did feel that money was actually stolen from Unicoi County. Mr. Clark spoke with County Attorney Doug Shults in reference to a bonding issue, saying he would work with the County Attorney and the County Commission to answer any questions they might have.
Mr. Clark said this matter is not closed and the statue of limitations is 8 years, and this case can be reopened. He also said that deposits were not made to 3, 4, 5, or even 6 business days. Deposits were by law supposed to be made everyday. There were not time sheets kept, as to what shift anyone worked.

Motion made by Esq. Ron Arnold, said motion seconded by Esq. Rick Butler to approve the Resolution to request Unclaimed Balance of Accounts remitted to State Treasurer under Unclaimed Property Acts.
Motion unanimously approved.
(copy of Resolution on following pages)

Motion made by Esq. Mickey Hatcher, said motion seconded by Esq. Sue Jean Wilson to table until the next Commission meeting the consideration of bonding company lawsuit.
Motion unanimously approved.

Motion made by Esq. Mickey Hatcher, said motion seconded by Esq. Doug Bowman to approve the Budget Amendments for the General Fund, Health Department, 2nd portion of the Rabies and Animal Control, and the School Board.
The first portion tabled for the Animal Control.

ROLL CALL: Esq. Ron Arnold, “yes”, Esq. David Boone, “no”, Esq. Mitzi Bowen, “yes”, Esq. Doug Bowman, “yes”, Esq. Rick Butler, “yes”, Esq. Mickey Hatcher, “yes”, Esq. Jimmy Erwin, “yes”, Esq. Sue Jean Wilson, “no”, Esq. Gene Wilson, “yes”.
7-yes
2-no

Esq. Doug Bowman addressed the Commission saying the Jail Committee were taking bids for a Project Manager.

Esq. Ron Arnold addressed the Commission saying the Limestone Cove Dump Site a tree fell from the Forest Service Property destroying a building, the fence, and a port a toilet. Forest Service brought up a crew to cut up the trees. The station was closed Saturday. County Mayor, Greg Lynch addressed the matter saying several trees needed to be cut off the bank behind the dump site. Mr. Lynch said the dump site was closed Monday and would re-open Tuesday. Mr. Lynch said Cozy Silvers with the Sheriff’s Department was going to build back the building that was damaged. Mr. Lynch said he received a purchase order back today for approximately \$3,000.00 for materials. Mr. Lynch also said some electrical work would have to be done, which would cost approximately \$500.00 to \$700.00. Part of the fence will be put back up, but there will need to be some fence repair later on. Mr. Lynch said there will be at least 4 open top containers, but the compactor will need electricity to work, but it will re-open soon.
Esq. Ron Arnold said thanks to the mesh that was put up by the Sheriff’s Department, and thanks to the Road Department for all their help.
Mayor Lynch said he was now in the process of negotiating the oil recycling at the Hoover Dump Site, which is owned by Clinchfield Railroad.

Motion made by Esq. Doug Bowman, said motion seconded by Esq. Ron Arnold to approve Lee Bennett to the Unicoi County Planning Commission to replace Doug Treadway.
Motion unanimously approved.

Motion made by Esq. Rick Butler, said motion seconded by Esq. Sue Jean Wilson that the following people be approved as Notary Publics: Judy R Bartholomew, Chester Buchanan Jr, Amanda V Edwards.
Motion unanimously approved.

Motion made by Esq. Rick Butler, said motion seconded by Esq. Sue Jean Wilson that the meeting of February 23, 2009 be adjourned.

Motion unanimously approved.

GREG LYNCH, COUNTY MAYOR

DAVID BOONE, CHAIRMAN

RUBY H MCLAUGHLIN, COUNTY CLERK