

**THE REGULAR SESSION OF THE BOARD OF COMMISSION**  
**OF**  
**UNICOI COUNTY, TENNESSEE**  
**FEBRUARY 28, 2011**

BE IT REMEMBERED that the Unicoi County Board of Commissioners met in Regular Session at the Unicoi County Court House on Monday, February 28, 2011, at 6:00 p.m. Present and Presiding, the Honorable Sue Jean Wilson, Chairman, 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. Loran Thomas, "Yes", Esq. Gene Wilson, absent, Esq. Sue Jean Wilson, "Yes".

8- Present

1- Absent

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Esq. Doug Bowman opened the meeting with Prayer and the Pledge to the Flag was led by Esq. James Howell. A moment of silence was observed in honor of former commissioner Ralph Lovett.

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Agenda Item #4  
Approve Minutes

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. James Howell that the minutes of January 24, 2011 be approved. Esq. Loran Thomas asked about Item #6 (Quarterly Reports), and if there was a breakdown. Esq. Sue Jean Wilson stated she had one and it showed \$2,500.00 was budgeted, and after the trip to Nashville with the new commissioners the amount spent was \$4,466.66. Esq. Sue Jean Wilson stated that at some time a budget amendment would need to be done to cover the overage.

8- Aye

0- No

1- Absent

Motion approved.

Esq. Bill Hensley addressed the commission regarding Ms. Rogers stating there were sinkholes on the bus garage property. Ms. Rogers had called Esq. Hensley and said that she meant to say potholes with water in them and there are no sinkholes out there. Esq. Hensley accepted her explanation for that, and that would eliminate any talk of sinkholes on the property. Esq. Loran Thomas asked when discussion would continue on the return of the bus garage property. Esq. Sue Jean Wilson stated that as long as they are using that piece of property it is theirs.

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Agenda Item #5  
Recognize Visitors and Citizens

Honorable Sue Jean Wilson recognized visitors and citizens. Mr. Robert Sahli addressed the commission stating that in November 2010 he had asked the County Mayor how far in debt the county was. Mr. Sahli was told it was about 23 million dollars. Two days later Mr. Sahli went to the Mayors office to find out the debt ten years ago and twenty-five years ago and he was told it was 30 million dollars as of June. Mr. Sahli stated he would like to know why the difference. Mr. Sahli then asked why the property tax is so high and the town of Unicoi does not get recognized as a town. Esq. Bill Hensley stated that he rejected that and he has always recognized Unicoi as a town. Esq. Sue Jean Wilson stated

that the current commission is very aware of the town of Unicoi and reach out and talk about matters that relate to both. Mr. Sahli then asked about the roads department and why so much money was being spent by the town to have the same work done that the rest of the county has done. Esq. Sue Jean Wilson responded that was an item that would have to be looked into and discussed with the road superintendent.

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Motion made by Esq. Loran Thomas, said motion seconded by Esq. James Howell to accept the addendum to the agenda and insert it after agenda item #12.

6- Aye

2- Opposed

1- Absent

Motion approved.

Esq. Mickey Hatcher stated he wasn't sure that there was time to discuss all of the items during this meeting. Esq. Hatcher stated he would like to set up a time to meet at the Limestone Cove Community Center in order to have all parties involved there in order to discuss the matter. Esq. Hatcher also stated that he would like to have some background information before making any decisions, and people should be aware of the meeting so they may attend it. The chair of the Limestone Cove Fire Department, Brad Moffitt, addressed the commission stating they would like to start building on the fire department as soon as possible. Esq. Dwight Bennett stated that because it is not on the agenda and the public was not aware, he has a problem discussing the subject. Mr. Moffitt stated that if they did not want to discuss it they would proceed with their building plans. Esq. Mickey Hatcher stated that the commission is not saying that they don't want to discuss it; they would just like to sit down with everyone involved and discuss the matter. Esq. Hatcher said that he was not aware of it until walking into the meeting and therefore he would not be able to make a fair judgment. Esq. James Howell asked if there would be a good time to set a meeting. Mr. Moffitt stated that they had a bid and would go ahead and break ground and get the building started. Esq. Sue Jean Wilson asked when the next regularly scheduled fire department or community meeting would be. Ms. Beth Gouge responded that it would be Friday at 7:00pm at the Limestone Cove Community Center. Esq. Sue Jean Wilson asked if they would be able to do a public notice to the media to notify the public of the meeting. After some discussion, County Attorney, Doug Shults stated that there had to be reasonable notice of five days before a meeting. Esq. Dwight Bennett asked if next Monday at 6:00pm would work. Esq. Doug Bowman asked to have some information from both sides at the meeting. Beth Gouge stated that she could leave information with the County Mayor's Office to be handed out to the commissioners. Esq. Sue Jean Wilson asked Esq. Bowman if it had been brought before the Planning Commission. Esq. Bowman responded that it had not been before the Unicoi County Planning Commission. Mr. Shults asked Esq. Sue Jean Wilson if a sub committee was being appointed. Esq. Wilson stated that the commissioners from the 3<sup>rd</sup> district would be on that committee.

Motion made by Esq. Mickey Hatcher, said motion seconded by Esq. Loran Thomas to move Addendum Item #2 to the front. Esq. Sue Jean Wilson recognized Ed Herndon and Ronnie Adkins to address meth lab cleanups.

7- Aye

1- Opposed

1- Absent

Motion approved.

Ed Herndon addressed the commission stating that law enforcement was notified the previous Wednesday, after the close of business, that as of that night at midnight the Drug Enforcement Administration would no longer have a contractor to pick up the remains of a meth lab. It would be left to the local jurisdictions to hire a contractor to do so. So far there has been one contractor that said they would do it for \$1,500.00 for a daytime lab or \$2,500.00 for a nighttime lab, assuming it is not a vehicle that has to be buried. Mr. Herndon stated that they did not want to blindsides the commission as they had been, and at some point they would have to come back for some money to pay a

contractor to finish cleaning up a meth lab. Mr. Herndon also stated that the clean up could be expensive depending on circumstances. Esq. Dwight Bennett asked if the county would take a lien on the property or whatever is involved on the situation. Mr. Herndon stated that would depend on the type of property. That in general the property owner is responsible for clean up, if the property owner could not afford it then this could be done. In regard to a vehicle, which is a very common situation, the vehicle is then scrap value due to the lab in it. Because most people that operate these labs don't have assets, the county will probably be stuck with the expense. Esq. Sue Jean Wilson asked Mr. Ronnie Adkins if there would be a line item in the Sheriffs Department budget requesting funds unknown. Mr. Adkins replied that there would be, they would have to make some kind of arrangements depending on the outcome of the appeal to congress and other individuals who may be able to reestablish these funds. The Meth Response Truck, which is operated by the TBI, will still run. Law enforcement will still have access to safety equipment and all the materials needed to safely dismantle a meth lab. On a state level this will still be provided at no charge. Mr. Adkins stated that once the meth lab is dismantled, it has to be cleaned up. Esq. Doug Bowman asked if the Drug Fund and the sale of assets from items seized could be used to pay these fees. Mr. Adkins stated that he assumed they could, since it has to do with the clean up of drugs and is drug related. Esq. Bill Hensley asked how many meth labs did they have last year. Mr. Herndon stated that there was one last March and Mr. Adkins stated there was one mobile also. The cost to clean up a lab could range anywhere from \$1,500.00 up to \$5,000.00 depending on the size of the lab, and depending on the contractor.

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Agenda Item #6

Approve County Road List

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Bill Hensley to approve the County Road List. Esq. Loran Thomas asked what the difference between hot and cold mix. Road Superintendent Terry Haynes replied that hot mix is a mix that is put down by heat; cold mix is put down by a machine that doesn't put any heat to it. Esq. Thomas asked if there was a difference in the cost. Mr. Haynes stated that the cold mix is right around \$75.00 more than the hot mix. Esq. Sue Jean Wilson asked if one last longer. Mr. Haynes replied that the hot mix last a whole lot longer. Esq. Loran Thomas asked if all the roads listed were public roads or if some were private roads. Mr. Haynes stated that all the roads are county roads, that there isn't a private road on the list or at least there better not be. Esq. James Howell asked what qualifies as a county road. Mr. Haynes stated that to qualifications for a county road are that it has to be maintained by the land owner, has to be twenty two feet wide, needs to have a sizeable amount of binding, and must be maintained for one year. Once this has been done it is brought before the county commission for approval. Esq. Loran Thomas asked if there were a number of residences that had to be on a road. Mr. Hayes responded no that most the roads on there now were grandfathered in when the road list first came into effect, and there are not rights of ways signed on ninety percent of the county roads. Esq. Thomas then asked why there are short county roads, many with expensive bridges, going to only one house; for example in my district, Sparks Lane 100 feet long and Treadway Lane 93 feet long. Mr. Hayes responded that was fought in court back in the nineties. Esq. Thomas stated that there are individuals he has spoken to that have paid thousands of dollars for their own bridge and there are countless other people, so if it's fair for one why is it not fair for all. Mr. Hayes stated that was something that needed to be taken up with the road committee. Esq. Loran Thomas then asked why there are two McIntosh Roads in the county. Mr. Haynes stated that stated that it could be an error. Esq. Thomas stated that they have different lengths and different mixes. Esq. Thomas then asked about the culvert issue on Parker Street, with hard rain it floods everywhere. Mr. Haynes said as soon as the weather breaks he will take care of the issue. Esq. Dwight Bennett then asked about the problem on Rolling Hills, where there is a sinkhole. Mr. Haynes said they are working on getting surveying done by Mr. Doug Treadway and they need to have an easement so they can bring some pipe behind a house and out to the road to fix the problem. Esq. Dwight Bennett the questioned why District #4 is on some of the road list. Esq. Mickey Hatcher left the meeting at 6:45pm.

3- Aye

0- No  
2- Absent  
Motion approved. (Copy in File)

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Agenda Item # 7  
Building Committee Report on Records Building

County Mayor, Greg Lynch addressed the commission stating that Tysinger has done a study on the Records Building. Mr. Lynch stated that it would cost \$322,000.00 to renovate the building as is. To add a second floor would cost upwards of \$400,000.00, a new building on the same site would cost \$334,675.00, constructing a new building on the adjacent site would be \$314,000.00, adding a second floor would be \$161,000.00, making the building \$594,000.00. Mr. Lynch has copies of this study available. Esq. Doug Bowman stated he believed the buildings and grounds committee should be able to review the findings of the study from Tysinger before making any recommendations. Esq. Kenneth Garland stated he thinks at that price we might as well forget about it.

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Agenda Item #8  
Consider paying for Jail Construction with additional \$25,000

County Mayor, Greg Lynch stated that is was part of the \$150,000.00 that was borrowed, and \$25,000.00 extra was asked for over what the original projections were.

Motion made by Esq. James Howell, said motion seconded by Esq. Loran Thomas to approve additional \$25,000.00 to pay for Jail construction. Esq. Kenneth Garland asked why it is costing so much. And it looks like we are paying twice. Esq. Garland said he thought we already bought the American Stainless Toilets, and here they are on here again almost \$5,000.00. Mayor Lynch stated that was an invoice he was holding during the time we didn't have the money to pay for the project. Also, we have a balance of roughly \$50,000.00, but we have some outstanding bills such as the paving and work that Mr. Hayes has done. All these other things are things that have just kind of came up in the last final rush to get the building ready. Mr. Lynch said he didn't have an explanation for this except when he has been in the construction projects in the restaurant business and his house; it never lands where you think it's going to. There are always last minute things that come up, such as the fire inspector add some things on there at about \$3,000.00 or \$4,000.00, some labor that maybe inmates would be performing but they couldn't, and an increase in materials. Esq. Kenneth Garland asked what happen to all the fencing we paid out of the last one, and is in this one again. Mr. Lynch responded these are additional post and actually labor for the exercise yard that we didn't anticipate. Esq. James Howell asked if we are still on budget for the money already given for the jail. Mr. Lynch responded with the additional \$25,000.00. You let us borrow a \$150,000.00 and we were suppose to come back to you to give you an idea of where we were going if we needed the extra \$25,000.00, so here I am. Mr. Lynch said he thought that Esq. Bill Hensley would be able to address some things. Esq. Kenneth Garland stated he is glad they didn't ask for \$200,000.00. Mr. Lynch then stated it is a matter of trust. Esq. Garland asked why Kevin Horton wasn't in attendance since he is supposed to be over this. Mr. Lynch replied he could be at the next meeting and explain some of it. Esq. Garland asked if it was passed what is the use of explaining it after it is over with. Mr. Lynch said it is either that or delay the opening of the jail. Esq. Sue Jean Wilson asked if the piece of paper they were given showing Mr. Horton has paid for these items, is that so. Mr. Lynch responded that is true, and if we don't pass it, he is out that much money. Esq. Sue Jean Wilson then asked the due date for the annex to open. Mr. Lynch responded we haven't really set an absolute due date yet that I know of. We are still waiting on the paving.

ROLL CALL: Esq. Sue Jean Wilson, "Yes", Esq. Gene Wilson, absent, Esq. Loran Thomas stated he had more questions. The County Mayor asked if they could waive

Roberts Rules and let Esq. Thomas ask his questions. Esq. Sue Jean Wilson stated yes she could. Esq. Thomas said his concern is that we all received a notification press release of the auditor's findings and deficiencies noted in the construction of the jail annex, specifically things not being bid out like they were suppose to be. Anything over \$10,000.00 is supposed to be put out for bid; there are three specific items in our handout that wasn't bid out. Those items are, over head doors and installation structure steel (14,000.00), labor and materials to complete additional space (20,000.00), and fabricated stairs (\$16,463.00). Esq. Thomas stated he had a concern that things are not being bid out like they are suppose to, whoever is in charge of the project or maybe whoever is doing some of this work is not following procedures. People are spending money that doesn't have the approval to spend. That is my concern; I understand we have to complete the jail project. Phyllis Bennett addressed the commission stating right now there is a little over \$55,000.00 left. The things that are unpaid are the Highway Department, I don't have a bill. I do have a bill but it's supposedly in negotiations; the paving, and community tectonics which we've called and I can't get a figure from them. That is the three major things that have not been paid. Ms. Bennett also stated without those we still have our \$25,000.00, it's not been spent yet, and without the \$25,000.00 there is still another \$25,000.00 there, but we will have to decide what you want to pay and what you don't. Esq. Sue Jean Wilson asked County Attorney, Doug Shults, if we would be in violation of the law to approve the paying of bills that weren't bid. Mayor Greg Lynch stated we have already done that. They were already paid and they were noted in the audit that we made mistakes. We had quite a few bids during the whole project. Mr. Lynch continued that he had a feeling when the project was started that we would have a few places, and that there were changes in orders and how they wanted things done. Esq. Sue Jean Wilson asked if they should have been rebid and if that would have taken longer, that's why. Mr. Lynch responded that the three that were pointed out should have been rebid, but it wasn't done and now it is an audit recommendation that we have minutes of the meetings, of all the committee meetings. We have corrected that by having recordings of all the committee meetings now; to that extent the auditor's are okay. Esq. Sue Jean Wilson responded saying so they have slapped our hands and now it's time we do better. Mr. Lynch said that's true, let's hope that we don't have a project like this again in the next twenty-five years. Esq. Sue Jean Wilson asked to continue with the roll call.

Esq. Loran Thomas, "Yes", Esq. James Howell, "Yes", Esq. Bill Hensley, "Yes", Esq. Mickey Hatcher, absent, Esq. Kenneth Garland, "No", Esq. Doug Bowman, "Abstain", Esq. Dwight Bennett, "Yes".

5- Yes

1- No

1- Abstain

2- Absent

Motion approved.

Esq. Bill Hensley asked to address the commission concerning the jail building. Esq. Sue Jean Wilson stated that item had been finished. Esq. Hensley responded he knows, but this is information that is not debatable. Esq. Hensley then stated that he could give it after the meeting.

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Agenda Item # 9

Discuss and vote on proposal from the Town of Unicoi to cap school bond payment at \$175,000

Motion made by Esq. Doug Bowman, said motion seconded by Esq. Kenneth Garland to table until everybody on the commission and has had a chance to review the information, the minutes from the meeting and a has a chance to read the Resolutions that started this process. A roll call vote was asked for.

ROLL CALL: Esq. Sue Jean Wilson, "No", Esq. Gene Wilson, absent, Esq. Loran Thomas, "No", Esq. James Howell, "No", Esq. Bill Hensley, "No", Esq. Mickey Hatcher, absent, Esq. Kenneth Garland, "No", Esq. Doug Bowman, "Yes", Esq. Dwight Bennett, "No".

1-Yes

6- No  
2- Absent  
Motion fails.

Motion made by Esq. James Howell, said motion seconded by Esq. Loran Thomas to discuss and vote on the proposal from the Town of Unicoi. Esq. James Howell stated he feels like it needs to be accepted for the simple reason if it isn't and it goes to court everyone will lose. Mayor, Greg Lynch, asked to waive Roberts Rules to ask if Mr. Collison could give a short presentation to the commission. Mr. Bill Collison addressed the commission stating his background is a securities expert witness. Esq. Dwight Bennett had asked Mr. Collison to offer an opinion on the situation, which Mr. Collison is now ready to give. Mr. Collison spoke to the commission regarding the documents he had reviewed and what his findings were. Mr. Collison stated that he believes if the matter goes to court, with the contract and the bonding resolution, the county would not have a leg to stand on. Esq. Dwight Bennett stated that the problem came when the commission didn't come to the Town of Unicoi and discuss it openly as it should have been.

ROLL CALL: Esq. Sue Jean Wilson, "Yes", Esq. Gene Wilson, absent, Esq. Loran Thomas, "Yes", Esq. James Howell, "Yes", Esq. Bill Hensley, "Yes", Esq. Mickey Hatcher, absent, Esq. Kenneth Garland, "Yes", Esq. Doug Bowman, "No", Esq. Dwight Bennett, "Pass".

5- Yes  
1- No  
1- Pass  
2- Absent  
Motion approved.

Esq. Doug Bowman asked why the entire county commission was not notified of the negotiation meetings.

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Agenda Item #10  
Consider Resolution of Support for the National Fish Hatchery

Motion made by Esq. Doug Bowman, said motion seconded by Esq. Dwight Bennett approve the Resolution of support for the National Fish Hatchery. Esq. Dwight Bennett stated that he believe something should be added concerning the youth, and how many people are involved in fishing. Esq. Sue Jean Wilson stated that there will be a media event at 8:00am on Tuesday, March 1, 2011 at the National Hatchery concerning keeping it open.

7- Yes  
0- No  
2- Absent  
Motion approved. (Copy in File)

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Agenda Item # 11  
Consider approval of RFP for ambulance service

Motion made by Esq. Loran Thomas, said motion seconded by Esq. James Howell approve RFP for ambulance service with changes made earlier. Esq. Dwight Bennett asked if Medic One took over ICare, would that effect what is being put out now, do we need to wait and see if they buy the ambulance service. County Attorney, Doug Shults believes that they should make a proposal.

7- Yes  
0- No  
2- Absent  
Motion approved.

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Agenda Item # 12

Approve the Unicoi County Utility District Election

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Kenneth Garland to approve the Unicoi County Utility District Election appointing Don Honeycutt to the Board of Commissioners.

7- Aye

0- No

2- Absent

Motion approved.

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Agenda Item # 13

Budget Amendments

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Doug Bowman to take budget amendments separately. Esq. Garland stated he would like to have some answers on the Jail Annex and moved it into another budget. Esq. Garland asked George Berry why there are two budgets being used, when the Jail Annex hasn't even been opened to operate. Mr. Berry responded that there have been five employees hired, and that they must be certified. Esq. Bill Hensley asked George Berry if he had anticipated having twenty employees at the jail annex by this point. Mr. Berry stated yes. Esq. Hensley then asked if the money was being moved from the Workhouse Budget to the Jail Budget because it was earmarked for those people and they are not at the new site yet. Esq. Doug Bowman asked if the jail could be operated at full capacity if the annex was open, on budget. Esq. James Howell asked in next year these could be on one budget. Mr. Ronnie Adkins stated that was up to the auditor, he would assume they would want to keep them separate. Esq. Bill Hensley then asked the County Mayor if it was unusual for any officeholder to move money from one fund to another fund. Mr. Lynch stated that is why there are Budget Amendments, so that money can be moved. Esq. Sue Jean Wilson stated that the Sheriffs Department budget amendment would be taken separately, for the amount of \$46,000.00.

ROLL CALL: Esq. Dwight Bennett, "Yes", Esq. Doug Bowman, "No", Esq. Kenneth Garland, "No", Esq. Mickey Hatcher, absent, Esq. Bill Hensley, "Yes", Esq. James Howell, "Yes", Esq. Loran Thomas, "Yes", Esq. Gene Wilson, absent, Esq. Sue Jean Wilson, "Yes".

5- Yes

2- No

2- Absent

Motion approved. (Copy in file)

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. James Howell to approve the Budget Amendment for the Trustee in the amount of \$3,500.00.

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. Loran Thomas, "Yes", Esq. Gene Wilson, absent, Esq. Sue Jean Wilson, "Yes".

7- Yes

2- Absent

Motion approved. (Copy in file)

Esq. Sue Jean Wilson asked that there be a Roll Call on the rest of the budget amendments.

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. Loran Thomas, "Yes", Esq. Gene Wilson, absent, Esq. Sue Jean Wilson, "Yes".

7- Yes

2- Absent

Approved (Copy in file)

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Agenda Item #14

Committee Reports

Esq. Dwight Bennett stated that the Animal Shelter is doing well with many adoptions. Esq. Bill Hensley said what a great job the people at the shelter are doing.

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Agenda Item #15

Elect Notaries

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Dwight Bennett to approve the following as Notary Publics: Jason Arthur (Self employed), LeeAnne Bowen (TJ Little Jr., Heather Higgins (Liberty Lumber), Rebecca Moore (Dreicor Inc.), Michael Reese (Clinchfield Senior Adult Center), Lori H. Rice (Erwin Housing Authority), Jennifer Stephenson (Farm Bureau), and Ashley Wallace (Erwin Housing Authority).

Motion made by Esq. Loran Thomas, said motion seconded by Esq. Dwight Bennett to amend the previous motion to include that in the future all applicants for a Notary Public be present at the commission meetings and the applications be included. County Clerk, Mitzi Bowen address Esq. Thomas stating that the commission is not liable for anything a Notary does because every Notary is bonded for \$10,000.00. County Attorney, Doug Shults stated that the commission has the right to see applicants. Esq. Doug Bowman asked if someone has a conflict and cannot make it, are they going to be refused as being a Notary. Esq. Sue Jean Wilson stated that it could hurt them in their workplace. Esq. Kenneth Garland stated that most of these people have already been a notary and are just renewing them. Esq. Loran Thomas withdrew his motion. County Clerk, Mitzi Bowen, stated that she will include applications in the packets for each months meeting.

7- Aye

0- No

2- Absent

Motion approved. (Copy in File)

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Agenda Item #16

Motion for Adjournment

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. James Howell to adjourn the meeting of February 28, 2011.

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GREG LYNCH, COUNTY MAYOR

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MITZI BOWEN, COUNTY CLERK

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SUE JEAN WILSON, CHAIRMAN

