

**THE REGULAR SESSION OF THE BOARD OF COMMISSION**  
**OF**  
**UNICOI COUNTY, TENNESEESS**  
**OCTOBER 25, 2010**

BE IT REMEMBERED that the Unicoi County Board of Commissioners met in Regular Session at the Unicoi County Court House on Monday, October 25, 2010, at 6:00 p.m. Present and Presiding, the Honorable Sue Jean Wilson, Chairwoman, the Honorable Mitzi Bowen, County Clerk, Doug Shults, County Attorney, Greg Lynch, County Mayor 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, "Yes", Esq. Sue Jean Wilson, "Yes".

9- Present

0- Absent

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

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Agenda Item #4

Motion made by Esq. James Howell, said motion seconded by Esq. Gene Wilson that the minutes of September 27, 2010 meeting be approved.

9- Aye

0- No

Motion unanimously approved.

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Agenda Item #5

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Dwight Bennett that the minutes of the September 25, 2010 finance meeting be approved.

9- Aye

0- No

Motion unanimously approved.

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Agenda Item #6

Honorable Sue Jean Wilson recognized visitors and citizens. None present.

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Agenda Item # 7

Motion made by Esq. Mickey Hatcher, said motion seconded by Esq. Gene Wilson to accept all the quarterly reports.

9- Aye

0- No

Motion unanimously approved.

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Agenda Item #8

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Gene Wilson to approve the Mayoral appointment of Kari Benney to the Animal Welfare Board.

9- Aye

0- No

Motion unanimously approved.

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Agenda Item # 9

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Dwight Bennett to approve the Mayoral appointment of James Howell to the Ethics Committee.

9- Aye

0- No

Motion unanimously approved.

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Agenda Item #10

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Bill Hensley to approve the Resolution concerning USDA CF-Grant-Library Equipment. Esq. Doug Bowman asked if there were no funds form the county. County Mayor Greg Lynch stated there were not that it was straight out funding.

9- Aye

0- No

Motion unanimously approved.

(See copy in file.)

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Agenda Item # 11

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Kenneth Garland to stop all of the planning meetings before the County Commission meeting. Esq. Doug Bowman asked if all work sessions and finance meetings would be stopped. Esq. Dwight Bennett said no but for the planning session previous to the County Commission meeting. Esq. Bill Hensley stated that people have said the conference room is just too small for the meetings. Chairwoman Sue Jean Wilson informed the commission that the committee meetings were not a part of this agenda item. It was in regards to the meeting previous to the County Commission meeting at 6:00p.m.

Motion made by Esq. Dwight Bennett, said motion seconded by Esq. Kenneth Garland to amend his motion that if a finance meeting needs to be held before the 6:00p.m. meeting that would be fine, but not on any other committee meetings. Esq. Mickey Hatcher stated that with the Sunshine Law in place, that without the meetings the Commissioners do not have the opportunity to discuss among themselves anything if it is not on the agenda. Esq. Hatcher also stated that this was the purpose for the meeting to begin with so that if there were any questions the Commissioners had, they could not discuss it without it being in an open meeting, and during the County Commission meeting they can not discuss anything that is not on the agenda or an addendum to the agenda.

ROLL CALL: Esq. Dwight Bennett, "Yes", Esq. Doug Bowman, "No", Esq. Kenneth Garland, "Yes", Esq. Mickey Hatcher, "No", Esq. Bill Hensley, "No", Esq. James

Howell, "No", Esq. Loran Thomas, "No", Esq. Gene Wilson, "No", Esq. Sue Jean Wilson, "No".

2- Yes

7- No

Motion fails.

Motion made by Esq. Loran Thomas, said motion seconded by Esq. James Howell to move the planning sessions before the 6:00 pm County Commission meetings upstairs into the large courtroom.

9- Yes

0- No

Motion unanimously approved.

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#### Agenda Item # 12

Motion made by Esq. Bill Hensley, said motion seconded by Esq. James Howell to approve the Resolution concerning transfers to fund 116 (Solid Waste). Esq. Doug Bowman asked if money had been taken out during negotiations. Phyllis Bennett informed the commission that the tax levy brings in \$533,929.00, 5% delinquency \$26,696.00, and net estimated tax at \$507,233.00, at 17 cents to pay bills until taxes come in.

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

9- Yes

0- No

Motion unanimously approved.

(See copy in file.)

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#### Agenda Item #13

Motion made by Esq. Doug Bowman, said motion seconded by Esq. Mickey Hatcher to table the Resolution concerning transfers (loan) from debt service to fund 171 (Jail Annex) until Unicoi County Sheriff Kent Harris gets back into town and that there be an independent audit done in the mean time. Esq. Mickey Hatcher asked why there was a need for additional monies when it was suppose to come in under budget. Esq. Doug Bowman stated that is why he is requesting an independent audit to answer those questions to satisfy the taxpayers and answer questions for where the money has went. Esq. Bill Hensley asked Esq. Mickey Hatcher if there was anyway he could persuade him otherwise, and if Esq. Hatcher could be persuaded to go ahead and vote for \$124,000.00 no matter who is found at fault in the future the jail still has to be fixed. Esq. Mickey Hatcher asked acting Sheriff Mike Hensley why it is necessary to finish the jail at this point. Mr. Mike Hensley stated that at this point he was told by Mr. Jim Bowman who is Sheriff Harris' attorney, that if a reason could not be reached, the Sheriff would be back on November 19, 2010, and to put it off until then when the Sheriff could answer any questions. Mr. Hensley apologized and stated that he could not answer those questions and that he was not involved in it and he would not answer questions he did not know the answers to. Esq. Mickey Hatcher stated that the deadline to have the jail annex completed was by January 2011, there fore the County Commission does not have to act right away. Mrs. Phyllis Bennett stated that if the money was borrowed from debt service there would have to be a Resolution and would have to go to the State before any money can be disbursed. Esq. Sue Jean Wilson asked Mrs. Bennett about how long it would take for Nashville to approve. She was told that the State has new guidelines, and is unsure how long it would be before it would be approved.

Motion made by Esq. Bill Hensley to amend Esq. Doug Bowman's motion to set the independent audit right away if the motion passes. Esq. Dwight Bennett asked where the money for the audit would come from. Esq. James Howell stated from the taxpayers and Esq. Doug Bowman stated it would come from the Fund Balance. Esq. Mickey Hatcher asked if there was any idea in what the cost would be. Esq. Loran Thomas stated we keep talking about waiting on the sheriff to come back, but how long are we going to let ourselves go without a sheriff. Esq. James Howell responded that we have an acting sheriff right now, Mike Hensley. Esq. Loran Thomas then asked how long we could go on that. Esq. Dwight Bennett asked what if the sheriff did not come back by the next meeting. Esq. Sue Jean Wilson stated that would be handled when the time comes. Esq. Gene Wilson asked Doug Shults if he knew if there was a time limit. Doug Shults responded that the sheriff is the elected sheriff; the only person who could remove the sheriff from office is the courts. Esq. Sue Jean Wilson stated that the business before us right now is what to do about the workhouse.

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

5- Yes

4- No

Motion passes.

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#### Agenda Item #14

Motion made by Esq. Doug Bowman, said motion seconded by Esq. Mickey Hatcher to consider Resolution to require all future Ethics Laws apply to both state and local governments.

9- Aye

0- No

Motion unanimously approved.

(See copy in file.)

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#### Agenda Item #15

Motion made by Esq. Kenneth Garland, said motion seconded by Esq. Gene Wilson to approve County Official Bonds. Esq. Doug Bowman asked Greg Lynch if this was the same company that wouldn't pay the last claim we had, which it is. Esq. Gene Wilson asked it if there wasn't someone better. Phyllis Bennett stated that another bonding company was brought before the commission and they were higher so we were told to go with this one. This bonding company did not pay because there was no one charged in the previous claim.

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

0- Yes

9- No

Motion fails.

Phyllis Bennett then said the county officials are not bonded. Esq. Sue Jean Wilson stated that a new bonding company would need to be found. Phyllis Bennett then stated that they had already paid for the bonding company that was voted down. Mrs. Bennett also stated that two bonding companies had been brought before the commission at a previous meeting and that this one was chosen. Mrs. Bennett also said that this process has to be started so that the bonds will be in place when the officials take office. County Clerk,

Mitzi Bowen, stepped down to address the commission. Mrs. Bowen stated that as a county official if she is not bonded she will not open her doors.

Motion made by Esq. Gene Wilson, said motion seconded by Esq. Dwight Bennett to amend the previous motion and revote. Esq. Sue Jean Wilson stated that this was for four years. Commissioners discussed that it had already been done and they did not have a choice. Esq. Sue Jean Wilson then stated that this was the reason for having a meeting before the County Commission meeting was for, to get things explained and keep from having mud on their faces.

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

9- Yes

0- No

Motion unanimously approved.

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#### Addendum to Agenda Item #1

Motion made by Esq. Mickey Hatcher, said motion seconded by Esq. Gene Wilson to approve the Mayor's appointment of James McClellan to the Planning Commission. Esq. Dwight Bennett asked if Mr. McClellan had any experience. County Mayor, Greg Lynch, addressed the commission explaining that Mr. McClellan does not have experience as a Planning Commissioner; however he was the superintendent of operations and retired from Clinchfield Railroad, was the chairman of trustees at Unicoi Methodist Church, a very knowledgeable and smart man, he is a Mason and a Ruritan, his wife is retired from the school system, and was recommended by a local surveyor who has served on the board.

9- Aye

0- No

Motion unanimously approved.

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#### Addendum to Agenda Item #2

Motion made by Esq. Kenneth Garland, said motion by Esq. Dwight Bennett to approve the appointment of Bill Hensley to the 911 Board.

9- Aye

0- No

Motion unanimously approved.

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#### Addendum to Agenda Item #3

Motion made by Esq. James Howell, said motion seconded by Esq. Dwight Bennett to approve the Mayor's appointment to the Industrial Development Board including: Mr. Robert Kegley of 560 Tennessee Road, Erwin, TN, Mr. Garland Evely of 107 Meadowbrook Drive, Erwin, TN, Mr. Ron Elliot of 400 Oneega Lane, Erwin, TN, Mr. Ted Hopson of 220 Hopson Trail, Unicoi, TN, Ms. JoAnn Cook of 648 Galax Drive, Erwin, TN, Mr. Jerry Ramsey of 213 Monk Street, Unicoi, TN, and Mr. Paul C. Monk of Smith Street, Erwin, TN. Esq. Loran Thomas asked if there was anyone from the south end of the county being appointed to the board. Mr. Greg Lynch stated that he would see about getting somebody, he wanted to get Mr. Paul Monk on there and he was the last one Mr. Lynch called. Mr. Doug Shults stated that Mr. Paul Monk is in the first district.

9- Aye

0- No

Motion unanimously approved.

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Agenda Item #16

Motion made by Esq. Mickey Hatcher, said motion seconded by Esq. Bill Hensley to approve Budget Amendments. Amendments included: Sheriff's Department (\$5,804.44), Health Department (\$686.50), Industrial Development (\$1,291.80), Drug Fund (\$3,000.00), and Rabies and Animal Control (\$1,185.64). Esq. Mickey Hatcher asked way monies needed to be moved when money was already budgeted. Phyllis Bennett stated it was a check wrote monthly that was just moved into that salary line item. Esq. Dwight Bennett also asked what the \$1200.00 was for. Phyllis Bennett responded that it is a salary they pay a part time secretary.

9- Aye

0- No

Motion unanimously approved.

(See copy in file.)

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Agenda Item #17

Committee Reports:

Esq. Sue Jean Wilson stated that Esq. Loran Thomas, Esq. Mickey Hatcher, and she would be working with the County Mayor and with the people from Unicoi to settle the situation with the sales tax at some future date. Esq. Sue Jean Wilson also stated there is an ethics meeting workshop in Johnson City on November 9, 2010 from 8:00 am to 12:00 pm in anyone is interested in attending.

Esq. Mickey Hatcher asked for clarification on the Animal Shelter Report regarding salaries for five inmates at five hours for seven days a week for a total of 175 hours for September, year to date 487. Esq. Mickey Hatcher asked if there were funds being expended for that inmate labor. Esq. Dwight Bennett stated that volunteer hours are put down to show they amount of money it would cost if being paid for. Esq. Doug Bowman stated that it was kind of confusing to put it on the budget sheet, that it makes it look like the money is being spent. Esq. Mickey Hatcher stated that he would like to have some type of clarification statement coming from the board to indicate that there is no money exchanged for inmate labor and that it can wait until the next meeting, that way if there are grants to be applied for in lieu of hours.

Esq. Kenneth Garland asked about a .74 cent fee on the renewal of automobile tags and who authorized it. County Clerk, Mitzi Bowen stated that in was a fee for using a credit card and is a processing fee, and the customer is told upfront about the fee. It is a service if people want to use their credit or debit card to pay.

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Notaries:

Motion made by Esq. James Howell, said motion seconded by Esq. Gene Wilson to approve the following as Notary Publics: Linda Susan Horton (B & J Woody Court Recording), Patricia L. King (King Electrical Inc.), Lois B. Shults-Davis (Shults & Shults Law Firm), and Vicki Ledford (ETSU Little Buccaneers).

9- Aye

0- No

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Motion made by Esq. James Howell, said motion seconded by Esq. Gene Wilson to adjourn the meeting of October 25, 2010.

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GREG LYNCH, COUNTY MAYOR

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MITZI BOWEN, COUNTY CLERK

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SUE JEAN WILSON, CHAIRMAN