

The regular meeting of the Red Boiling Springs council, held August 14, was started without Mayor Hollis; as was the special called meeting of August 12. In the absence of Vice Mayor Tommy Spivey, who is undergoing intensive medical treatment, Ray Bilbrey was voted, unanimously, to serve as chairman of the meeting.

Calling on the city's charter, citizen Jack Pelham presented a rather lengthy resolution to the council which asked for the resignation of Mayor Kenneth Hollis.

"As the city's council, you are even more responsible for the well-being of the city than the mayor," Pelham said, after distributing copies of the resolution. "I've met with each of you privately, and you have each expressed concern about the mayor's continuing service, due to the scandal surrounding him."

Pelham, who said he has and will continue to do exhaustive research into the situations in question, cited an indictment served on Mayor Hollis in February of this year.

In the indictment, handed by the Grand Jury in February of this year, Hollis is charged with one count of official misconduct and one count of theft of city property over \$1,000 but less \$10,000. A Criminal Court disposition date for those charges is set for October 6, 2008. At that time, Hollis may plea, or the case may be continued. A motion filed by District Attorney General Tom P. Thompson, Jr. on July 18, on behalf of the State of Tennessee, requests a trial date on these charges as soon as practicable. The motion further states that: The State has not pushed prior to now due to the health of the Court, however for reasons that will be made known to the appointed Judge, these charges are causing disruption in the city government which are detrimental to the public safety.

"This information is available world-wide on the internet, and is not a good reflection on the city of Red Boiling Springs," said Pelham, asking the council to adopt his resolution.

City Attorney Jon Wells, asking Pelham if he believed in the Constitution of the United States, reminded him that Hollis is innocent until proven guilty, and that he can hold office until he is proven guilty.

"That's the law of Tennessee, and it supercedes the charter and your opinion and my opinion,"

said Wells.

"I didn't say he was guilty," Pelham replied. "I said the scandal can't be good for the city. If there's anyone here who thinks it is, let him stand and say so."

"I don't know if you can do that or not," said Wells, addressing the council. He advised the council to let the law take its course. If Hollis is found guilty, Wells stated, he will be removed from office by the District Attorney.

"We can't be jailed for asking him to resign, can we?" Bilbrey asked. "It's legal to ask him."

"You can ask him," Wells agreed.

Pelham pointed out that asking Hollis to resign would send a message to the citizens of the city about the feelings of the council on the situation.

Bilbrey, calling for discussion from taxpaying citizens attending the meeting, found only city employees in attendance.

"If you all have something to say, say it," council member Lawrence Hollis advised. "You all know what's going on. Don't be afraid for your job."

Council member Shelly Dean broke the few moments of silence that followed Hollis' suggestion by agreeing that the mayor was innocent until proven guilty. "But I also agree that the charges reflect on the city," Dean said.

"If he'd asked me, which he didn't, I'd say he should have resigned when he was first indicted," announced Chairman Bilbrey. "The mayor should be at every meeting."

Dean made a motion, seconded by Lawrence Hollis, to adopt the proposed resolution asking for the mayor's resignation.

"What are our chances of being sued?" Hollis asked Wells.

"Does the resolution look to be in order, Mr. Wells?" asked Dean.

"It does," Wells replied.

The motion was passed, unanimously, by a roll call vote.

Police Officer Junior Fields, who was written up by Hollis in July, appeared before the council to tell his side of the story. The council decided, in July, to "unpark" the police cars, returning their use to off-duty officers who would pay for the gas to drive back and forth to work. Fields was written up the day after the council meeting for taking his personal vehicle home, as approved by Chief Terry Tuck, and leaving the city unattended.

Fields stated that he left the city at 3:51 a.m. and returned at 4:25 a.m., after notifying the dispatcher that he was doing so. Fields remained in radio contact the entire time, he said, and caught a ride back to the city with a county deputy.

"This is the same thing we do when we take a prisoner to the Justice Center, or deliver or pick-up paperwork in Lafayette," said Fields, "which we do regularly.

"I don't feel the write-up was right," he continued. "I don't even know if the mayor has the right to do that, and I ask that it be taken out of the personnel file."

Chief Tuck, also, requested that the write-up be removed; and further stated that he had never given Fields a verbal warning.

"I was just passing along a message from the mayor," said Tuck. "I gave Fields permission to

take his truck home. If he'd waited for the next officer to come on duty, we would have had two officers out of the city. I certainly wasn't going to write him up for something I told him to do."

Tuck, who was asked by Hollis to write Fields up for the incident, refused. Tuck was then told by the mayor that he (Tuck) would be suspended if he kept going to the restaurant for coffee and breakfast before he came on duty in the mornings. Tuck was also told that he would be suspended by the mayor if the council voted to remove the write-up from Fields' file. By writing up Fields, Tuck said, the mayor had enforced a policy that was made by the council for the department heads to use for reprimanding their employees.

"I feel like that needs to be pulled out of Junior's file," Tuck said, dismissing the possibility that he would be suspended if the council decided to do so.

Chairman Bilbrey advised Tuck to continue to have breakfast and coffee while off-duty.

"I'm proud to see a police officer in a restaurant," said Bilbrey. "Go ahead and drink coffee and eat and fraternize with the people – that's what it's all about."

A motion by Newberry, seconded by Hollis, to remove the write-up from Field's file was passed unanimously by the council.

In other business, the council:

- passed an ordinance, on first and final reading, increasing the buying power of the council to \$10,000. The ordinance came after a resolution to that effect was passed by the state last month. The council may spend up to \$4,000 without taking bids; may take verbal bids on amounts between \$4,000 and \$10,000; and must advertise for bids over \$10,000. The mayor's spending power remains at \$500.

- passed a motion approving the firm of Barge, Waggoner, Sumner and Cannon to update the

water plant's Capacity Development Plan and Distribution Map, which must be updated every five years according to state regulations.

- heard a report from Larry Cato (Barge, Waggoner, Sumner and Cannon) on the progress of the CDBG project and the basin sealant job for the settling tank, both of which are going according to plan.

- tabled a discussion of city employee pay scales until the personnel committee has a chance to meet.

- agreed to let Water Superintendent Brian Long and council member Ray Bilbrey do a study on the fuel and time it takes to pick up trash outside the city limits. The council also agreed that the city's truck shouldn't go behind peoples' houses to pick up trash.

- agreed to let Brian Long look into fixing the city's existing tractor or purchasing a new one for the purpose of mowing the weeds along city streets.

- approved the purchase of 15 U.S. flags for city streets, if less than \$500, to be purchased before Labor Day.

- heard a report from Chad Owens, at the request of council member Dean, that city vehicles are being parked overnight at the shop at the water treatment plant, so they are on video all night in case somebody decides to go through the parked trucks' toolboxes.

- passed, unanimously, a motion that individuals purchasing water from the city [i.e. construction firms, tanker trucks] shall be monitored by a city employee, that the hydrants will be opened only by a city employee, and that the purchaser shall compensate employees who monitor the purchase if it is done at night.