

**IN THE CHANCERY COURT COCKE COUNTY, TENNESSEE**

**IAN HOLBACK,  
Plaintiffs**

v.

**Docket Number** 2024-CV-80

**COCKE COUNTY COMMISSION,  
RICHARD (Rick) VASSAR,  
GAYLA BLAZER,  
JASON C. McMAHAN,  
NORMAN SMITH,  
TRACY STEPP,  
JEFF ESLINGER,  
JONANTHON TEMPLIN,  
DAVID VERIDAL,  
TIM LAYAN,  
BILLY (JO BOB) HUDSON,  
ANDY FORD,  
BILL MILLER,  
DAN BRIGHT,  
WILMA BALL,  
Individually and as present and/ or former members  
of the COCKE COUNTY COMMISSION,  
Defendants.**

CHANCERY COURT  
**FILED**

SEP 26 2024

TIME: 3:40 PM  
COCKE CO. TN  
CRAIG WILD, C&M

**COMPLAINT**

COMES now the Plaintiff, pursuant to the provisions of Tenn. Code Ann. § 8-44- 101, *et seq.*, and sues the Defendants and for cause of action more specifically avers as follows:

1. That the Plaintiff are all citizens and residents of the State of Tennessee, therefore, a proper party to bring an action for enforcement of the provisions of the Tennessee Public Meetings Law, otherwise known as the "Sunshine Law", codified in T.C.A. § 8-44-101, *et seq.*, and has standing to bring this action in a court of equity jurisdiction pursuant to the provisions of T.C.A. § 8-44-106.
2. That the individual Defendants listed in the caption of this cause of action are citizens and residents of the State of Tennessee and of Cocke County and individually are or were elected members of the Cocke County Commission which is a governing body of a public body as defined in T.C.A. § 8- 44-102(b)(1).
3. Richard (Rick) Vassar, is or was a member of the Cocke County Commission representing District 6, Post 1.

4. Gayla Blazer, is and/or was a Cocke County Commissioner representing District 2, Post 1.
5. Jason C. McMahan, is or was a Cocke County Commissioner representing District 2, Post 2.
6. Norman Smith, is or was a Cocke County Commissioner representing District 3, Post 1.
7. Tracy Stepp, is or was a Cocke County Commissioner representing District 3, Post 2.
8. Jonathon Templin, is or was a Cocke County Commissioner representing District 4, Post 1.
9. Jeff Eslinger, is or was a Cocke County Commissioner representing District 4, Post 2.
10. David Veridal, is or was a Cocke County Commissioner representing District 6, Post 2.
11. Tim Layan, is or was a Cocke County Commissioner representing District 7, Post 1.
12. Billy (Joe Bob) Hudson is/was a Cocke County Commissioner representing District 7, Post 2.
13. Andy Ford is or was a Cocke County Commissioner representing District 1, Post 1
14. Bill Miller is or was a Cocke County Commissioner representing District 1, Post 2
15. Dan Bright is or was a Cocke County Commissioner representing District 5, Post 1
16. Wilma Ball is or was a Cocke County Commissioner representing District 5, Post 2
17. Cocke County Commission may be served through the Cocke County Mayor., Rob Mathis.
18. The herein mentioned present and/ or former Cocke County Commissioners, as of September 26, 2023, constituted, and at all times material thereto, were designated and/ or functioned as the Cocke County Commission.
19. The Cocke County Partnership, sought a \$120,000.00 grant to pay for the professional assistance in the development of a Zoning Ordinance in Cocke County Tennessee. That grant money created a draft Ordinance which was ultimately ignored by the CLB. The process which included periods for full airing of concerns and discussion was abandoned.
20. Consultant Gerald Green was contracted to participate and assist in Economic Development Planning and attempted to suggest obvious concerns relate to the Zoning Ordinance project, none adopted or discussed, to his knowledge.

21. On information and belief, certain members did not support the Zoning Ordinance and sought additional citizen input the Cocke County Commission: Andy Ford, representing District 1, Post 1; Bill Miller, representing District 1, Post 2; Dan Bright, representing District 5, Post 1; and Wilma Ball, representing District 5, Post 2.
22. Prior to September 26, 2023, a series of private meetings and/or consultations occurred involving two or more members of the Cocke County Commission for the purposes of discussing and deliberating toward a decision on the issues of zoning ordinance and map.
23. On information and belief, no meaningful discussion was done in public on the proposed Zoning Ordinance or Zoning Map prior to adoption by 2/3 of the commission.
24. Changes to the initial zoning ordinance were made which reduced nearly all potential industrial areas and was intended to limit development by anyone seeking to develop Cocke County, those changes (such as the creation of a 2000' foot buffer around the perimeter of any stone quarry) were intended to help certain individuals, and intended to be ignored as applied to new quarry development owned by Cocke County.
25. The initial zoning map made available to the public was not sufficiently large to allow review and reflection by members of the community.
26. On information and belief, the original draft Zoning Ordinance, and the zoning map, was modified and agreed outside of the deliberations which were open to the community.
27. No meaningful discussions of the "spontaneously" appearing zoning ordinance and map were had and all concerns ignored by the majority of the Cocke County Commission.
28. Two meetings were held, the first on September 25, 2023, and the second on September 26, 2023.
29. On September 25, 2023, the meeting location of the Circuit Court room of Cocke County was insufficient for the attendance which spilled into the halls and parking lot. Speakers were limited to two minutes each.
30. On September 25, 2023 it appeared that only one citizen voiced support for the proposed Zoning Ordinance.
31. Citizens sought voting power over adoption of zoning and maintenance of freedom spontaneously erupting in applause multiple occasions. As comments were limited to 2 minutes, each was specifically limited and silenced as no intent to actually discuss the matter during the meeting by the Commission.

32. The size of the venue was not sufficient to allow all interested persons to enter and listen to the matter, and disabled persons could not enter the room to participate, speaking from the doors of the room, an issue known, anticipated, and ignored to limit public participation.
33. The official video of the meeting on September 25, 2023, at 26:46 and at 28:32 reflect an obvious break in the recording.
34. On September 25, 2023, no discussion of the Ordinance was provided by any of the Cocks County Commissioners.
35. On September 26, 2023, only nine persons were allowed to speak as time was limited to 2 minutes for each citizen. The meeting was not considered a part of the official meeting as the taking of the roll call was not made until after citizens were cut off from further comment.
36. The September 26, 2023, public participation was limited with the door closed and guarded by a deputy to prevent any additional entry by a member of the public.
37. The public comment period was not part of the official meeting of the county legislative body and no member made any direct comment on any statement of any citizen on either date.
38. Various meetings among two or more members of the Cocks County Commission violated the provisions of T.C.A. § 8-44-102(c) by the use of chance meetings, informal assemblages or electronic communication to decide or deliberate business in circumvention of the spirit and requirements of the Act. Further, during the meeting of the Cocks County Commission held on the September 26, 2023, at which time a quorum was present, only 40 minutes was given to the combination of public comment and voting, all over the objections of four members.
39. As a consequence of the pattern of behavior herein above referenced, decisions were reached regarding the adoption of a Zoning Ordinance, in violation of the requirements of T.C.A. § 8-44-101, et seq.
40. No provisions for the Board of Zoning Appeals with necessary rule and procedures were adopted. T.C.A. §§ 13-7-106 & 107.
41. Failure to provide for Rules and Procedures resulted in a ad hoc meeting of the Board of Zoning Appeals to attempt to fix the efforts of the Board to assist John Bell in his effort to obtain a decision to assist Jabo and Tammy Francis stop lawful activities as no due process or notice provisions exist in the rules of the Board of Zoning Appeals, rules which also do not exist.
42. No actual adoption of full permitting process adopted, T.C.A. § 13-7-110.

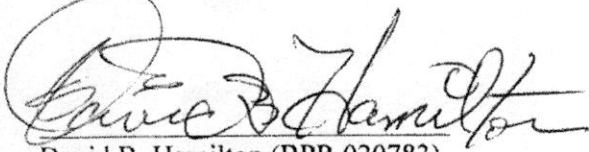
43. No actual adoption of any building codes / Subdivision Regulations (current posted updated 5/29/2020 and do not include any adoption or effective date on the official web site) T.C.A. § 13-3-403.
44. The General Assembly of the State of Tennessee has declared it to be the policy of this state that formation of public policy and decisions is public business and shall not be conducted in secret. T.C.A. § 8-44-101(a).
45. Pursuant to the provisions of T.C.A. § 8-44-106, the jurisdiction of this Court is proper for the purpose of enforcement of the provisions of the Act.
46. Any deliberations conducted by the members of the Cocke County Commission by electronic means were in violation of the provisions of T.C.A. § 8-44-108 as well as the other requirements of the Act.
47. Any action taken at a meeting in violation of the Act is void and is of no effect. Therefore, the actions of the Cocke County Commission taken at its meeting of September 26, 2023, are null, void and of no effect and the Court has jurisdiction to so declare pursuant to the provisions of T.C.A. § 8-44-105.

PREMISES CONSIDERED, PLAINTIFF PRAYS:

1. That process issue and be served upon the Defendants, individually, and the Cocke County Commission through Rob Mathis, the duly constituted County Mayor for Cocke County, and they be required to answer within the time required by law.
2. That upon hearing of this cause, the Court declare that action taken to institute zoning by the Cocke County Commission on September 26, 2023, be void and of no effect.
3. That the Court issue an injunction enjoining the individual Defendants and the Cocke County Commission from further violations of the Act.
4. In conformity with the authority conferred upon the Court to impose penalties and otherwise enforce the purposes of this part upon the application of any citizen of the state, the Court award the Plaintiff discretionary costs and reasonable attorney fees available pursuant to the provisions of T.C.A. § 8-44-106(e) in connection with this litigation.
5. That the permanent injunction prayed for herein be spread upon the records of the Court and the parties be required to certify their compliance in accordance with the provisions of T.C.A. § 8-44-106(d).

- 6. That the Court find and decree each separate occurrence of meetings not held in accordance with the Act constitutes a separate violation.
- 7. Time being of the essence and the decision of issues raised in this litigation being critical to the government of Cocke County, Tennessee, this matter be expedited upon the docket.
- 8. For such other, further and general relief to which the Plaintiff may be entitled.

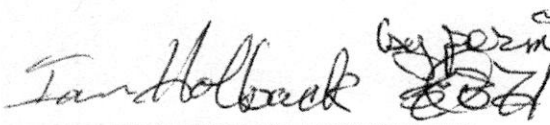
Respectfully submitted,



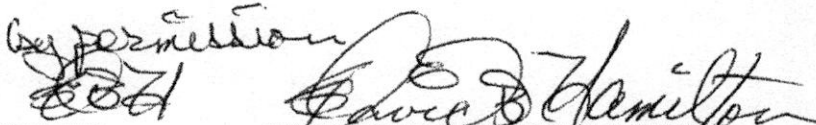
David B. Hamilton (BPR 020783)  
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Knoxville, TN 37912  
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dbh@dbhamilton.com

**COST BOND**

We hereby acknowledge ourselves and as sureties for the costs in this cause pursuant to T.C.A. §20-12-120.



Principle, Ian Holback

*By permission*  


Surety, David B. Hamilton