

Carter County Planning Commission
Meeting Minutes
January 25, 2011

MEMBERS PRESENT

Members Absent

Ralph Watson, Chairman	Steve Pierce, Vice-Chairman	Jack Campbell
Russell Kyte	Steve Chambers	
Mary Ann Patton	Dickie Renfro	
Richard Winters	Bob Lee Townsend	
Bill Armstrong	Jerry Smith	
Pam Huber		

STAFF MEMBERS PRESENT

Chris Schuettler, Director
Jim Church, Assistant Director
Tony Gouge, Codes Enforcement
Justyn Markland, Codes Enforcement
Jack Hampton, Permits

County Officials Present

L. Humphrey, Mayor

LOCAL PLANNING STAFF PRESENT

Charles Anderson

The Chairman called the meeting to order. Roll calls & welcome. Mr. Pierce made the motion to approve Dec. 2010 meeting minutes and Mr. Townsend seconded the motion. Motion passed.

Public Comments/Unfinished Business: It was stated that no one had requested any special research items prior to the meeting. Mr. Roy Livingston asked if the decision to “take out public comments” was still in the December minutes. Mr. Schuettler read the item from the minutes aloud in response to the question.

The members felt that the County Commission was misinformed as to the intent of last month’s motion to request public comments to be placed on the agenda five days prior to a meeting. The intent was not to omit public comments from planning commission meetings, but to allow time for research/information to be gathered prior to the meeting. The county commission had reversed the change at their meeting and had ordered all committee meetings include a public comment period. Public comments were never intended to be omitted, as this action by the County Commission implied, stated Mr. Schuettler

Replat of Lot 12, Grandview Terrace Property. 1.13 acres (after re plat) located on Grandview Circle, owned by Keith and Natalie Younce. Mr. Younce called Mr. Schuettler and asked him to represent him at the meeting due to a family health situation.

Mr. Kyte made the motion to allow Mr. Schuettler to represent him and seconded by Mr. Pierce. Motion passed. Mr. Younce was requesting to add a radius of curve and to reduce set-back to 15 feet of curve to accommodate a subsurface sewer system, so that lot would be useable for a building lot. The plat was reviewed by the committee and discussion followed. Mr. Anderson was asked for his opinion and he felt in this situation it would be ok, but we could be putting ourselves in a difficult spot in the future. Ms Patton felt we should not make exceptions to setbacks. The majority felt that setbacks should be dealt with on a case to case basis. While viewing the Younce plat map the Mayor asked why the plats are reviewed by the committee without having the sewage requirements being signed off by the state first. Mr. Schuettler stated it is approved by the board subject to state and county/city approval.

Mr. Chambers made a motion to approve request and Mr. Pierce made the second. Motion passed by Roll Call vote, with one No vote by Ms. Patton.

Jack Hampton's Report. Report was reviewed and a few typographical errors in the report will be corrected for the Feb. meeting. The average site built home was \$140,543.00 for 2010. Compared to last year, permits are down 82% for the month of December 2010 at \$219,700.00. The total for 2010 was \$14,489,550.

Codes Enforcement Report. A new Codes Enforcement Officer, Justyn Markland, was introduced. Slides of the properties not in compliance were reviewed and we were informed of those that have been corrected or making an effort to do so. The Misty Cox property has been turned over to the County Attorney for court action. Mr. Schuettler reported on the Environmental Court meeting held on Monday in Johnson City. He and several members were at the meeting to hear Judge Potter speak on the value of establishing an Environmental Court in the county to handle litter issues. Everyone agreed it is much needed to expedite the process of getting offenders into compliance. Mr. Humphrey said he would be getting together with neighboring mayors to see what we can do to employ an Environmental Judge. He felt the current system we now have is broken and just isn't working.

Animal Control Report. The report was reviewed. Mr. Schuettler said we are in the process of hiring a new Animal Control Officer.

Director's Comments: Mr. Schuettler showed a land use map of Carter County. A discussion followed regarding Agricultural Use in residential areas. Ms. Amber Torbett, Director of Sullivan County Planning & Zoning was contacted by Mr. Pierce to get her input as to how to handle the agricultural problem with animals in our county based on what they do. She explained to Mr. Pierce how it was handled there, but no real determination was made from this conversation as to what we might do here in Carter County. Mr. Schuettler has researched to see what is done regarding animals in other R-1 areas in other areas. He has asked Mr. Hart from the UT Extension Office to get any information he could in regards of this subject. Mr. Anderson felt any further research should only be from Tennessee, due to the agriculture exemptions allowed in the Tennessee Codes Annotated. Ms. Patton stated, we need to help those in restricted subdivisions with issues like this, and help enforce Deed Restriction in these areas.

The committee agreed that we needed to continue research on this subject. Mr. Kyte made a motion to continue research on the control of animals in a restricted subdivision. Ms. Patton seconded the motion. Motion passed.

Mr. Schuettler addressed the Hicks family about the Utility Easement issue along their property. He said it seemed the utility company might have obtained the easement, but never utilized it. He is looking into the subject with the utility system and as soon as he had documentation he would call them.

Mr. Humphrey told the Planning Commission that he received email from Commissioner Pillows of the Tennessee Department of Commerce and Insurance informing him that the county's status had been changed from exempt to non-exempt status. Mr. Schuettler stated that he had spoken with Commissioner Pillows and that Mr. Humphrey had requested we be determined non-exempt, which the Mayor denied. He stated we were decertified for lack of a qualified inspector after a review of the file showed our inspections were not limited to zoning. The mayor said we are not exempt because we overstepped our bounds, referring to footers. The mayor said that footers are part of the IBC code and the inspectors must be certified. Mr. Schuettler, said that Mr. Keene, State Electrical Inspector, only works Carter County twice a week, and that County Inspectors, as a gentleman's agreement, only ensures that the #4 Ground Wire is attached to at least one twenty foot section of reinforcing bar as requested by Mr. Keene. This measure was to facilitate growth, and to keep people from having to wait so long for the footers to be poured, sometimes over 72 hours. Mr. Humphrey said that this sounds like more "Back Door Deals" and would not be tolerated while he is Mayor, we should have made an application to become an issuing agent for State Permits when we adopted the IBC. The mayor added there would be no more "gentleman's agreements".

Mr. Humphrey said, no inspections shall be done by the county officials until they are certified. Only approved State Inspectors must be used. State inspectors will be used and the person who buys the permits, he replied, when questioned as to the cost will pay the cost of these inspections. The mayor stated he would be meeting with a state official to establish Carter County as an issuing agent. No motion was made on said subject.

Another issue addressed by the Mayor was the failure to file a yearly Stormwater report for the last three years. Mr. Schuettler responded that he did file the reports and the previous Mayor, Mr. Johnny Holder, had signed them. Mr. Humphrey said no copies could be found on file. Due to this fact the Mayor said he had requested an extension of 180 days to submit the reports, but was only granted 90 days, March 31, to file a Notice of Intent and Annual Report. Mayor Humphrey stated, He has contracted with an Engineering Firm to complete the reports that are in question. He said an incorrect form was sent to the State and he refuses to sign incomplete documents. Mr. Schuettler said the previous County Executive, Truman Clark, had made the decision not to use an engineer as other counties do because, they didn't know Carter County like Carter Countians do. And that Humphrey should tell the Board who had been reviewing said documents. Mr. Schuettler stated that he was not informed of the letter the Mayor said that he had received. Cutting off the discussion, the Mayor left the meeting stating he was

late for an appointment. The issue of the County's exemption continued with Mr. Schuettler, stating again, as relayed to him by phone discussion with Mr. Pillows, that Mayor Humphrey had called Mr. Pillows and requested that the county's exemption be revoked. He feels that Mayor Humphrey had put Carter County in a very liable situation by not telling him or the Planning Board of the County's exemption status, questioning whether Mayor Humphrey's action was ethical, and in the best interest of Carter County. He stated that it was a good thing we had not had any recent building permits. Mr. Schuettler feels the Mayor has created a hostile work environment and he has contacted legal advice on this subject. Also, Mr. Schuettler stated that Mayor Humphrey told him, that he would not receive 64 hours of compensation time due him, by the previous Administration. A motion was made by Mr. Pierce that the comp time owed Mr. Schuettler is paid by Letter of Request to the finance department. Motion seconded by Mr. Chambers. A roll call vote was taken with all members in attendance voting unanimously to pay him.

Mr. Chambers again explained the motion he had made last month regarding public comments. The board members felt that what he said was misrepresented at the commission meeting. At the December meeting, when the motion was made, all the members agreed they understood what his intention was. It was not to omit Public Comments from our meeting. In lieu of this situation the board agreed that a liaison to the County Commission be appointed for clarification of issues if needed. Mr. Pierce made the motion to appoint Mr. Chambers as an official liaison to the County Commission from the Planning & Zoning Commission. Motion seconded by Mr. Renfro. Motion passed unanimously.

Mr. Tony Gouge, Codes Enforcement Officer, was introduced. County Commissioner Nancy Brown questioned the employment status of the newly hired officers. Mr. Schuettler informed her, both men were part time and only worked approximately 20 hrs. Per week each, except during these first few weeks, to facilitate training.

Adjournment. Motion by Mr. Pierce and second by Mr. Kyte.