

CARTER COUNTY COMMISSION MEETING, REGULAR SESSION, NOVEMBER 17, 2008

Notice of meeting.....607

Proclamation honoring the 776th Maintenance Battalion.....608

Proclamation honoring Major Trane McCloud.....609

Proclamation honoring Staff Sergeant Stephen R. Maddies.....610

Judge Cupp on the parking situation.....611

Don Hurst, Carter County Tomorrow, introduced Candy Craig,  
the new Elizabethton/Carter County Chamber of Commerce Director.....611

Commission meeting for 2009 set,.....612

\$25,000 loaned to Landfill .....613

Tom & Linda Whitehead willing to sell house & four acres to the  
County for \$1.5 million.....614

\$3,500 line item transfer in Tax Assessor's office approved.....614

Workshop to be set up with full Commission and School Board.....615

Water problem on Holly Hill between Hampton & Roan Mountain  
possible solution discussed.....615

Simerly Creek water problem discussed.....615

BE IT REMEMBERED, that the County Commission of Carter County, Elizabethton, Tennessee, met in Regular Session on November 17, 2008, at 7:00 P.M. in the main courtroom of the Carter County Courthouse. Present and presiding were the Honorable Johnny Holder, County Mayor/Chairman; the Honorable Keith Bowers, Jr., County Attorney; and the Honorable Mary Gouge, County Clerk. The following Commissioners were present: Jack Buckles, Gebe Ritchie, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Sonja Culler, Richard Tester, Bill Armstrong, Robert Davis and Robert Gobble. Lawrence Hodge, Charlie Bayless and Lynn Tipton were absent.

ROLL CALL.....QUORUM PRESENT

PRAYER.....JEFF MCKINNEY

PLEDGE.....ROBERT DAVIS



Carter County Commission

Johnny L. Holder  
County Chairman  
Lawrence Hodge  
Vice-Chairman

801 E. Elk Avenue  
Elizabethton, TN 37643  
(423) 542-1801  
(423) 542-9279 Fax

### **PUBLIC NOTICE OF A REGULAR SESSION OF THE CARTER COUNTY COMMISSION**

NOTICE IS HEREBY GIVEN to all members of the Carter County Commission, to all residents of the County of Carter, Tennessee, and to all persons interested, that the Regular Session of the Carter County Commission will be held Monday, November 17, 2008, 7:00 p.m., Main Courtroom, Carter County Courthouse, 801 E. Elk Avenue, Elizabethton, Tennessee.

#### Agenda

- Call to Order
- Roll Call
- Opening Prayer
- Pledge of Allegiance
- Acceptance of Minutes from Previous Meeting
- Public Comments
- Don Hurst, Carter County Tomorrow
- Resolution Honoring Fallen Soldiers
- Resolution Honoring 776<sup>th</sup> National Guard Armory
- Recognition of Elected Officials/Guests
- Notaries/Bonds
- Old Business
- Committee Reports/Recommendations
- Commissioner Comments
- Adjourn

All matters that may be normally considered may be taken up and acted on at such meetings.

Johnny Holder, County Chairman  
Carter County, Tennessee

The following Proclamation was read by the County Attorney honoring the 776th Maintenance Battalion declaring November 17, 2008, as "776th Maintenance Battalion Day." Sgt. Major Dale Shoop was presented with the proclamation on behalf of the battalion.

**PROCLAMATION**  
Honoring  
**776<sup>th</sup> Maintenance Battalion**  
November 17, 2008

WHEREAS, throughout our history, America has been protected by patriots who cherished liberty and made great sacrifices to advance the cause of freedom; and

WHEREAS, our country's military men and women, past and present, continue to serve their county and the cause of freedom by exemplifying the patriotism and love of country that has become the fabric of our society; and

WHEREAS, November 11, 2008 was National Veteran's Day and it is right to remember, recognize and honor current and past service to our country by all Veterans; and

WHEREAS, during this year's observance, we particularly want to recognize those men and women who are serving their country in the 776<sup>th</sup> Maintenance Battalion; and

WHEREAS, ninety (90) men and women in the 776<sup>th</sup> Maintenance Battalion have been called to active duty and are preparing for deployment to Iraq or Afghanistan; and

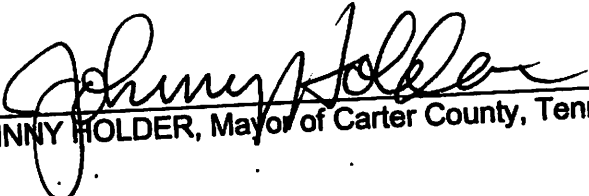
WHEREAS, one of the two units that make up the 776<sup>th</sup> Maintenance Battalion is based out of Carter County and four individuals are Carter County employees; and

WHEREAS, the 776<sup>th</sup> Maintenance Battalion has been called to active duty on three separate occasions over the course of the last seventeen years and has served each time valiantly and bravely to defend our country and promote freedom throughout the world; and

WHEREAS, the members of the 776<sup>th</sup> Maintenance Battalion will be serving our country heroically and courageously for at least one year during which they will be away from their children, wives, husbands, family and loved ones; and

WHEREAS, The members of the 776<sup>th</sup> Maintenance Battalion and their families are sacrificing significantly for our freedom and as such we are recognizing that sacrifice and send to them our appreciation for their dedication to our country.

NOW, THEREFORE, BE IT RESOLVED that Carter County, by and through Johnny Holder, Mayor of Carter County, Tennessee and the Carter County Commission does hereby proclaim that we honor and commend the 776<sup>th</sup> Maintenance Battalion for their dedication to protecting the freedom of our country, do hereby declare this the 17<sup>th</sup> day of November 2008 "776<sup>th</sup> Maintenance Battalion Day".

  
JOHNNY HOLDER, Mayor of Carter County, Tennessee

Mayor Holder requested Lima Company Commander Stephen Bickford and Gunnery Sgt. Shawn Johnson to escort Ron McCloud and Charlotte Caudill to the front and the following Proclamation was read honoring Major Trane McCloud, a U. S. Marine who was killed in action in Iraq. The Proclamation and a plaque was presented to his family.

**PROCLAMATION**  
**Honoring**  
**Major Trane McCloud**  
**November 17, 2008**

WHEREAS, throughout our history, America has been protected by patriots who cherished liberty and made great sacrifices to advance the cause of freedom; and

WHEREAS, our country's military men and women, past and present, continue to serve their county and the cause of freedom by exemplifying the patriotism and love of country that has become the fabric of our society; and

WHEREAS, November 11, 2008 was National Veteran's Day and it is right to remember, recognize and honor current and past service to our county by all Veterans; and

WHEREAS, during this year's observance, we particularly want to recognize Major Trane McCloud, 2<sup>nd</sup> Battalion, 3<sup>rd</sup> Marine Regiment, who gave his life for his country; and

WHEREAS, Major Trane McCloud was a devoted husband, father, son, and a Marine's Marine, who believed freedom is precious and well worth protecting; and

WHEREAS, Major Trane McCloud served nearly 17 years in the Marine Corps and was only thirty nine years old when the helicopter he was flying on, crash landed in a lake in the Anbar Province, near Baghdad; and

WHEREAS, Major Trane McCloud left behind his wife, Maggie, and their three young children Hayden (7), Grace (5) and Meghan (2); in addition he is survived by his father Ron McCloud, his mother Roma Moss Anderson, his brother Richmond McCloud and his sister Dawn Fattore; and

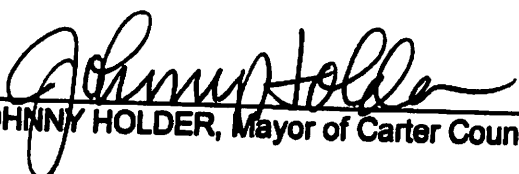
WHEREAS, Major Trane McCloud was born in Carter County and was a 1989 Graduate of the University of Tennessee with a degree in Liberal Arts and History; and

WHEREAS, Major Trane McCloud served as a Military Fellow to Representative Joe Wilson who was the chairman of the house committee on armed forces and during that time he also played a key role in promoting the law to allow loan forgiveness for teachers who teach in low income neighborhoods; and

WHEREAS, Major Trane McCloud was also honored to be chosen to escort President George H. W. Bush while he was aboard the U.S.S. Missouri during the 50<sup>th</sup> anniversary of the bombing of Pearl Harbor; and

WHEREAS, Major Trane McCloud was instrumental in gaining national recognition for the Carter County Car Club through his connection with Dennis Gates of the "My Classic Car" television show.

NOW, THEREFORE, BE IT RESOLVED that Carter County, by and through Johnny Holder, Mayor of Carter County, Tennessee and the Carter County Commission does hereby proclaim that we honor and commend Major Trane McCloud for his outstanding service to our country, this the 17<sup>th</sup> day of November 2008.

  
\_\_\_\_\_  
JOHNNY HOLDER, Mayor of Carter County, Tennessee

The following Proclamation honoring S.Sgt. Stephen Maddies was read by Retired Master Sgt. David Batchelder. S.Sgt. Maddie was killed in action in Iraq. Mayor Holder presented his family with the Proclamation and a plaque.

**PROCLAMATION**  
Honoring  
**Staff Sergeant Stephen R. Maddies**  
November 17, 2008

WHEREAS, throughout our history, America has been protected by patriots who cherished liberty and made great sacrifices to advance the cause of freedom; and

WHEREAS, our country's military men and women, past and present, continue to serve their county and the cause of freedom by exemplifying the patriotism and love of country that has become the fabric of our society; and

WHEREAS, November 11, 2008 was National Veteran's Day and it is right to remember, recognize and honor current and past service to our county by all Veterans; and

WHEREAS, during this year's observance, we particularly want to recognize Staff Sergeant Stephen R. Maddies, who gave his life for his country; and

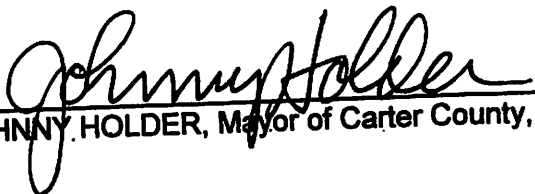
WHEREAS, Staff Sergeant Stephen R. Maddies was a devoted husband, father, son and a dedicated soldier; and

WHEREAS, Staff Sergeant Stephen R. Maddies served 15 years on active duty in the U.S. Army and 5 years with the Tennessee National Guard and was serving his second tour of duty with the 473<sup>rd</sup> Counter Rocket Artillery and Mortar Platoon under the 278<sup>th</sup> Regimental Combat Team; and

WHEREAS, Staff Sergeant Stephen R. Maddies left behind his wife, Jennifer Range Maddies, and his three daughters, Megan Maddies, Sherice Maddies and Jenae Maddies, and a step-son, Tyler Stevens in addition to many other loving members of his family; and

WHEREAS, Staff Sergeant Stephen R. Maddies was a beloved member of the community and will be missed by all of the men he served with and everyone here in Carter County.

NOW, THEREFORE, BE IT RESOLVED that Carter County, by and through Johnny Holder, Mayor of Carter County, Tennessee and the Carter County Commission does hereby proclaim that we honor and commend Staff Sergeant Stephen R. Maddies for his outstanding service to our country, this the 17<sup>th</sup> day of November 2008.

  
\_\_\_\_\_  
JOHNNY HOLDER, Mayor of Carter County, Tennessee

Commissioner L. C. Tester offered a prayer for all of our military families giving thanks to them for the freedom we have because of their sacrifices.

On motion by Jerry Pearman, seconded by Robert Davis, the minutes of the October 20, 2008, County Commission were approved by voice roll call vote.

L. C. Tester recognized Judge Robert Cupp who addressed the Commission regarding the lack of adequate parking at the Courthouse Annex and Jail during the construction of the new jail. He stated that it was unfair to the employees at the Annex to have to search for a place to park. He further stated that if an elderly or handicapped person should get injured trying to get to Court, the County would have a lawsuit on its hands. Jack Buckler stated that once the jail is complete parking will not be a problem. He said that the Commissioners had tried to alleviate the current problem but their hands were tied. He said that the City would not allow parking on their property at the ball field and had demanded that a fence be put up. When asked if he had a solution to the problem, Judge Cupp stated that he did not and that it was up to the Commissioners to fix the problem.

Under Public Comments, Wanda Markham told the Commissioners that she had repeatedly requested the Sheriff to investigate thefts on her property and he had made comments to her unbecoming of an elected official. Roy Livingston questioned the lack of accountability as to where the money went when it had been added to the tax rolls and earmarked for a certain contract when that contract was complete.

Don Hurst, President of Carter County Tomorrow, introduced the new Elizabethton/Carter County Chamber of Commerce Director Candy Craig. He commented on the Three Star Program stating that the county needed a land-use transportation plan in place to bring the county up to a Level Three community from its present Level One. He stated that a Level Three community had a better chance of scoring grant funds and attracting business and industrial prospects. Gebe Ritchie questioned Mr. Hurst about the five-year tax break that was given to Infinity Spas stating that because the tax break was negotiated without the approval of the Commissioners somebody owed the County \$45,000 in back taxes now that it was closed. Hurst stated that the Industrial Commission had the right to grant a tax break to a company. His statement was disputed by Commissioner Ritchie and he asked the County Attorney for his opinion. Mr. Bowers said he would do some research and get back to him.

On motion by Gebe Ritchie, seconded by Nancy Brown the following  
Notaries were approved as presented by voice roll call vote.

Rebecca C. Yates  
Irene Jones  
Barbara Taylor  
Linda L. Livingston  
Teresa Anne Bowers  
Kitty R. Luttrell  
T. J. Little, Jr.  
Patricia Hinds  
Michael Kilian  
Jeffrey W. Kyte

Jo Ann Minton  
Amy M. Meyer  
Thomas E. Cowan, Jr.  
Vicki L. Ray  
Sandra H. Monger  
Shirley L. Barr  
Pamela A. Yarberry  
Robert W. Madgett  
Nancy Eddins  
Teresa A. Deal

Jim Whaley, reporting for the Rules/By Laws Committee, stated that at the request of this committee he and Jerome Kitchens had met with Tom and Linda Whitehead, owners of the Carter on Main Restaurant. The purpose of this meeting was to see if the Whitehead's would be willing to lease the property on the other side of the restaurant to the County as a possible solution to the employee parking situation during the jail construction. They were informed by the Whitehead's that they had no interest in leasing this property but were willing to sell it to the County. This matter was referred to the Budget Committee.

On recommendation of the Rules/By Laws Committee, motion was made by Jim Whaley, seconded by L. C. Tester to leave the times for the Commission meetings staggered between 10:00 AM and 7:00 PM for the next calendar year. His motion also included reducing the number of meetings from twelve (12) to eight (8) in an effort to save money. The meetings scheduled are for January, March, April, May, June, July, September and November. He stated that during budget time the July meeting could be recessed to meet in August. Also, any Special Called meetings would be at 7:00 PM. Jeff McKinney told the Commission that in the Rules/By Laws Committee meeting they had only voted on reducing the number of meetings and not on staggering the meetings and asked that each issue be voted on individually. Jim Whaley amended his motion to vote first on keeping the meetings staggered for the next year. Roll call vote as follows:

AYES: Jack Buckles, Gebe Ritchie, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, Tom Bowers, Jo Ann Blankenship, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Sonja Culler, Bill Armstrong, Robert Davis and Robert Gobble

NAYS: Nancy Brown, Jeff Mckinney, L. C. Tester, Steve Lowrance & Richard Tester

PASSING: 0

ABSENT: Lawrence Hodge, Charlie Bayless & Lynn Tipton

There being 16 ayes, 5 nays, 0 passing and 3 absent, motion duly carried.

On recommendation of the Rules/By Laws Committee, motion was made by Jim Whaley, seconded by Jeff McKinney to reduce the number of Commission meetings from twelve (12) to eight(8) for the coming year with any Special Called meetings set at 7:00 PM. Roll call vote as follows:

AYES: Jack Buckles, Gebe Ritchie, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Sonja Culler, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble  
NAYS: 0  
PASSING: 0  
ABSENT: Lawrence Hodge, Charlie Bayless & Lynn Tipton

There being 21 ayes, 0 nays, 0 passing and 3 absent, motion duly carried.

Bill Armstrong reported for the Budget Committee. He stated that at their meeting that afternoon, paving of the parking lot across from the Courthouse had been deferred to a later date and that the request from the Sheriff to dispose of confiscated weapons was referred to the County Attorney for his recommendation. He reported that Don Hurst, President of Carter County Tomorrow, had requested that the Commission approve the extension of the lease between the County and Northeast State Community College which presently expires June 30, 2011. On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Jerry Pearman to approve the master lease agreement to expire December 31, 2013. Roll call vote as follows:

AYES: Jack Buckles, Gebe Ritchie, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Sonja Culler, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble  
NAYS: 0  
PASSING: 0  
ABSENT: Lawrence Hodge, Charlie Bayless & Lynn Tipton

There being 21 ayes, 0 nays, 0 passing and 3 absent, motion duly carried.

At this time Mr. Armstrong told the Commissioners that the Landfill did not have enough money to continue operations until the end of the year. The Budget Committee recommended that this matter be presented to the full Commission without any recommendation from them. Jerome Kitchens explained that due to a recent equipment repairs, fuel prices and less revenue than expected a cash flow problem had occurred. He said that there were three options to alleviate the problem short term. These were (1) making a loan to the Solid Waste Fund from the General Fund to be paid back over a period of time; (2) transferring funds to the Solid Waste Fund to get them by this year; or (3) shutting down the Landfill operations to a certain degree.



Motion was made by Jim Whaley, seconded by Nancy Brown to turn this matter over to the Landfill Committee to come up with a solution as soon as possible. The drawback to this motion as discussed was that the next Commission meeting was not until January 2009 and the Landfill would most likely be out of money by the end of November forcing it to shut down. This would result in the loss of customers who would find another site to use. Mr. Whaley withdrew his previous motion and made the motion for this matter to be referred to the Landfill Committee and this Commission meeting be recessed to be called back when they had come up with a solution. After more discussion, Mr. Whaley amended his motion to state that a short term loan of \$25,000 be made to the Solid Waste Fund to get them through this present crisis and the matter be turned over to the Landfill Committee for future solutions.

Roll call vote as follows:

AYES: Gebe Ritchie, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Sonja Culler, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: Jack Buckles & Nancy Brown

PASSING: 0

ABSENT: Lawrence Hodge, Charlie Bayless & Lynn Tipton

There being 19 ayes, 2 nays, 0 passing and 3 absent, motion duly carried.

For information purposes only, Bill Armstrong told the Commission that Tom and Linda Whitehead had attended the earlier Budget Committee meeting and offered to sell to the County 4 acres of land along with the house which is now Carter at Main Restaurant for \$1.5 million dollars and were willing to accept \$600,000 down, broken into three payments, followed by monthly payments at 5% interest. Mayor Holder was asked by Commissioner Ritchie to have the Finance Committee check on the appraised value of the property or have it appraised for a possible future counter offer.

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Harry Sisk to approve the request of Ronnie Taylor, Tax Assessor, to line item transfer \$3,500 from the Tax Assessor's budget to the Reappraisal Budget. Roll call vote as follows:

AYES: Jack Buckles, Gebe Ritchie, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Sonja Culler, Richard Tester, Bill Armstrong, Robert Davis & Robert Davis

NAYS: 0

PASSING: 0

ABSENT: Lawrence Hodge, Charlie Bayless & Lynn Tipton

There be 21 ayes, 0 nays, 0 passing and 3 absent, motion duly carried.

Motion was made by Jack Buckles, seconded by Sonja Culler for a workshop consisting of the full Commission and the School Board be setup before the end of the year. The purpose of the workshop would be to look new money coming into the county next year and how it could be used to benefit situations in county schools. He stated that he wanted everyone to get on board and take a look at our ancient schools before the money was spent on paving or roofing projects. Roll call vote as follows:

AYES; Jack Buckles, Gebe Ritchie, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Sonja Culler, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble  
NAYS: 0  
PASSING: 0  
ABSENT: Lawrence Hodge, Charlie Bayless & Lynn Tipton

There being 21 ayes, 0 nays, 0 passing and 3 absent, motion duly carried.

Motion was made by Jeff McKinney, seconded by R. L. Miller to refer the matter of a water problem on Holly Hill between Hampton and Roan Mountain to the Utility Committee. He stated that the springs in that area were almost dry and that the County owned a piece of property close to them that had a well on it. He stated that if the County would let these people use the well that maybe a tank could be set up and water pumped to their properties. By voice roll call vote, motion duly carried.

R. L. Miller stated that there had been a water problem on Simerly Creek for several years and asked that the Utility Committee approach the City of Johnson City to see if the Water Authority could work out a plan with them to solve the problem. Jerry Pearman stated that he had met twice with them and had been turned down but would contact the City again.

Motion was made and seconded to adjourn. By voice roll call vote motion carried this November 17, 2008.