

CARTER COUNTY COMMISSION MEETING, REGULAR SESSION, MAY 18, 2009

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BE IT REMEMBERED, that the County Commission of Carter County, Elizabethton, Tennessee, met in Regular Session on May 18, 2009, at 10:00 A.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: Paul Mottern, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Sonja Culler, Richard Tester, Bill Armstrong, Robert Davis and Robert Gobble.

ROLL CALL.....QUORUM PRESENT

PRAYER.....LAWRENCE HODGE

PLEDGE.....ROBERT DAVIS



Carter County Commission

Johnny L. Holder
County Chairman
Lawrence Hodge
Vice-Chairman

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**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, May 18th, 2009, 10:00 a.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
- John Abe Teague – Field Representative for Congressman Phil Roe
- Edward Byrne Memorial Justice Assistance Grant – Sheriff Chris Mathes
- Recognition of Elected Officials/Guests
- Public Comments
- Carter County Tomorrow-Don Hurst
- Notaries/Bonds
- Old Business
 - Fill Vacancy of Judicial Commissioner
- Vacancies of 7th and 8th District Constables
- 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

On motion by Lynn Tipton, seconded by Jerry Pearman the minutes of the April 20, 2009, meeting of the County Commission were approved as presented by voice roll call vote.

Chief Deputy Ron Street informed the Commission that the Sheriff's Department wanted to apply for a Edward Byrne Memorial Justice Assistance Grant in the amount of \$23,974. He stated that a public hearing was required before the Commission could vote to approve the application for this grant. He further stated that there were no "matching funds" required for the grant. Motion was made and seconded to recess into a public hearing to discuss the matter. As there were no comments from the Commissioners or public, court was called back to order. Motion was made by Jerry Pearman, seconded by Robert Gobble to approve the Sheriff's Department to make application for this grant. By voice roll call vote, motion duly carried.

At this time Mayor Holder recognized the elected officials in the audience by asking them to stand.

Under Public Comments on the agenda, Robert Gobble recognized Pete Ensor. Mr. Ensor took the floor to ask the Commissioners for their vote for Dallas Ornduff as Constable of the 7th District and Jerry Miller as Constable of the 8th District to fill vacancies in those districts. Roy Livingston reflected on the Land Fill and the missing \$10,000 in fuel stating that a close eye needed to be kept on this situation by everyone. In defense of the Landfill Committee, Richard Tester stated that this situation was currently being investigated and that a variety of options were being discussed concerning the landfill issues. He further stated that once the necessary data is compiled they would move forward with a decision. Mr. Livingston then stated that in his opinion Mayor Holder owed a public apology to the Commissioner he told did not know what he was talking about regarding the 81 Act and the fact that purchasing anything without first getting a purchase order was in violation of this Act. Mayor Holder responded by saying, "that's your opinion".

Carter County Tomorrow President Don Hurst gave a brief update at this time. He commended Commissioner Ritchie for his suggestion at the last meeting to have attractive signs welcoming visitors for our County put at each entrance to Carter County.

On motion by Lawrence Hodge, seconded by Jo Ann Blankenship the following Notaries were approved by voice roll call vote.

George Papantoniou	Caroline F. Jennings
C. Dean Collins	Scottie W. Davis
Carole A. Cansler	Regina Presnell
Charlie Isakson	Katherine H. May
Sara Camps	Veronica Starr Nave
Dean S. Blevins	Tammy Buchanan
David S. Bautista	Eleanor Ruth Banks
Rhonda Mullins	Chris McAdams
Gina Birchfield	Myra Kaye Cable
Sharon Irwin	

Motion was made by Harry Sisk, seconded by Robert Gobble to appoint Suzanne Galyon as a Judicial Commissioner. By voice roll call vote, motion duly carried.

Motion was made by Harry Sisk, seconded by Robert Gobble to nominate Dallas Ornduff as Constable in the 7th District. Motion was made and seconded to cease nominations and Dallas Ornduff was duly appointed by voice roll call vote.

Motion was made by Jim Whaley, seconded by Robert Gobble to nominate Jerry Miller as Constable of the 8th District. Motion was made by Harry Sisk, seconded by Jo Ann Blankenship to nominate Will Braswell as Constable of the 8th District. As there were no other nominations the roll call vote was as follows:

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

WILLIAM BRASWELL: 0

Jerry Miller having received 24 votes and William Braswell receiving 0 votes, Jerry Miller was duly appointed as Constable of the 8th District until the next election.

Motion was made by Harry Sisk, seconded by Robert Davis to appoint Norman Taylor to the Equalization Board. As there were no other nominations, Norman Taylor was duly appointed to the Equalization Board by voice roll call vote.

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Harry Sisk to approve the following General Fund Budget Amendment #7, Items #1 thru #8 as presented. Roll call vote as follows:

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

NAYS: 0

PASSING: 0

ABSENT: 0

There being 24 ayes, 0 nays, 0 passing and 0 absent, motion duly carried.

GENERAL FUND BUDGET AMENDMENTS #7 2008-09
18-May-09

Item #1	40110	Property Tax	\$ 2,720.00	Decrease	
	51300-540	County Tax Relief		\$ 2,720.00	Increase
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Fund for County Tax Relief Program					
Item #2	46420	State Aid Program	\$ 13,710.00	Decrease	
	58190-399-61	Contracted Services		\$ 13,710.00	Increase
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Recognize funds for Water Storage Tank Grant					
Item #3	46440	Industrial Infrastructure Program	\$ 9,788.03	Decrease	
	91190-499	Other Supplies & Materials		\$ 2,000.00	Increase
	91190-599	Other Charges		\$ 7,788.03	Increase
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Recognize funds for Signature Industries Grant					
Item #4	44170	Miscellaneous Refunds	\$ 150.00	Decrease	
	54110-353	Tow-In Services		\$ 150.00	Increase
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Reimbursement for tow services at Sheriff's Dept					
Item #5	43395	Sexual Offenders Reg. Fee	\$ 630.00	Decrease	
	54110-716	Law Enforcement Equipment		\$ 630.00	Increase
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Extreme Vest for Investigator-Sheriff's Dept					
Item #6	39000	Fund Balance	\$ 33,246.43	Decrease	
	51400-331	Legal Services		\$ 33,246.43	Increase
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Funds for Sheriffs Law Suit					
Item #7	39000	Fund Balance	\$ 1,786.08	Decrease	
	58190-319-42	Pathology		\$ 1,786.08	Increase
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To recognize funds for Pathology 2008-09 contract					
Item #8	57100-307	Communications	\$ 1,292.50	Decrease	
	57100-719	Office Equipment		\$ 1,292.50	Increase
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Fund to purchase a risograph for Extension office					
Total			\$ 63,323.04	Decrease	
				\$ 63,323.04	Increase

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Harry Sisk to approve the Solid Waste Budget Amendment #4, Items #1 thru #3 as presented. Roll call vote as follows:

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

There being 24 ayes, 0 nays, 0 passing and 0 absent, motion duly carried.

SOLID WASTE BUDGET AMENDMENT #4 2008-09
18-May-09

Item #1	44170	Miscellaneous Refunds	\$ 585.56	Decrease	
	55754-322	Evaluation & Testing		\$ 585.56	Increase
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City share of cost of closed Landfill					
Item #2	55751-105	Director Salary	\$ 7,846.00	Decrease	
	55754-105	Director Salary		\$ 7,846.00	Increase
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Transfer Salary from Recycle to Solid Waste					
Item #3	49800	Operating Transfers	\$ 41,258.40	Decrease	
	55751-149	Laborers Recycle		\$ 5,900.00	
	55754-105	Director Salary		\$ 6,624.40	
	55754-149	Laborers Solid Waste		\$ 13,450.00	
	55754-169	Part-Time Employee		\$ 2,110.00	
	55754-206	Life Insurance		\$ 14.00	
	55754-207	Medical Insurance		\$ 3,110.00	
	55754-208	Dental Insurance		\$ 50.00	
	55754-412	Diesel Fuel		\$ 10,000.00	
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Recognize funds for budgets					
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Total			\$ 49,689.96	Decrease	
				\$ 49,689.96	Increase

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Robert Gobble to approve the following School Department Budget Amendment #7, Item #1 as presented, Roll call vote as follows:

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

There being 24 ayes, 0 nays, 0 passing and 0 absent, motion duly carried.

**Carter County Schools Fund 141
Budget Amendment # 7 2008-09**

Item #	1	76100	707 Building Improvements	30,000	Increase
		35120	Designated reserve energy savings	30,000	Decrease

To budget replacement of HVAC unit at Hampton High

Bill Armstrong informed the Commissioners that the Budget Committee Sheriff's Department workshop would be on May 28, 2009, at 6 pm.

County Attorney Keith Bowers addressed the issue with ThyssenKrupp Elevator Group regarding the maintenance contract for the courthouse elevators. He stated that ThyssenKrupp was of the opinion that their contract with the County automatically renewed. He was of the opinion that the contract had been breached when ThyssenKrupp admitted to overcharging the County. He stated the County planned to terminate and rebid the contract.

Steve Lowrance informed the Commission that the County owned considerable parcels of land that could be sold as a source of revenue. He suggested that a committee look into selling some of the land. The County Attorney said that the situation was already being investigated but that it was preferred to delay any action until after the Sheriff's lawsuit was settled.

Lynn Tipton asked that Nancy Brown be publicly recognized for recently completing more than 100 hours to become a Certified Public Administrator. Mayor Holder, who had also been certified, congratulated Commissioner Brown, stating the course was beneficial in performing their service to the county now and in the future.

Under Commissioner comments, Richard Tester once again stressed the fact the there was an ongoing investigation by the Sheriff's Department regarding the landfill issues and that it was unfair to accuse the Commission of doing nothing. He further stated that no decision had been made on leasing out the landfill. Jeff McKinney suggested that if the demolition part of the landfill was not breaking even then it maybe should be closed down. Tom Bowers asked that a Client/Attorney meeting be held after the meeting adjourned. Gebe Ritchie questioned why any department's budget should have to be cut when there had been \$16,878,936 of new appraisals in the County up until May 2009. He questioned when this would be put on the tax rolls and stated that the 4% budget cut should be put to rest awhile. Ken Arney questioned the County Attorney

as to whether or not the County was being sued over the Peters' property next to the Courthouse. He assumed that the lawsuit did not involve the County as it was against the former Clerk and Master, Charlotte McKeehan. Attorney Bowers informed him that unless the suit was filed directly against an individual, then a suit directed to any county office therefore involved the county.

In an effort to "just be on the safe side", motion was made by Bill Armstrong seconded by Gebe Ritchie to have a roll call vote on the approval for a grant application by the Sheriff's Department previously approved by a voice roll call vote. Roll call vote as follows:

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

There being 24 ayes, 0 nays, 0 passing and 0 absent, motion duly carried.

On motion by Lawrence Hodge, seconded by Jerry Pearman and by voice roll call vote, court was adjourned.