

Carter County Commission

Minutes of:

Health & Welfare Committee

July 2, 2019 6:00 PM



Members:

Chairman Dr. Robert Acuff

Aaron Frazier

Vice Chairwoman Layla Ward

Ronnie Trivett – absent

Mike Hill

Randal Jenkins

Brad Johnson

David Miller

Jerry Proffitt – absent

I. Call to Order

The Health & Welfare Committee was called to order by Chairman Dr. Robert Acuff at 6:15 pm.

II. Approval of Agenda

A motion was made to approve the agenda by Aaron Frazier second by Mike Hill. Motion to approve the agenda was unanimously approved.

III. Public Comments

Mr. Rob Hartley owner / operator of Ivanhoe Fireworks in Biltmore came before the committee to ask that they look at the issue of tent sells of fireworks. There have been several persons come to him to discuss the sales of fireworks from the Tent stands that are setting up in the county. One of the questions is who is collecting the sales tax for these tent sells. Mr. Hartley explained his understanding of the effect that the humidity has on the products. He is suggesting that the county change the code requiring the people that sell in tents must have a building with a permanent foundation. He presented the committee with Ordinance No 53-20 (attached) to amend title 7 chapter 4 of the municipal code. Mr. Acuff thanked Mr. Hartley for bringing this to the attention of the committee and assured him that he would ask Attorney Hardin to investigate the situation and advise the committee. Mr. Chris Little added that he knew that there are tents that come into the county from other counties and as soon as the sales are over, they pack up and leave and take that money with them. He felt assured that if the commission wanted to change the code that the fire departments would be behind them. The money that is made by the fire departments in the sale of fireworks supplements the funding that the county gives the departments.

IV. Approval of minutes

A motion was made to approve the minutes from the June meeting by Randal Jenkins second by Layla Ward. The minutes were approved.

V. Annual Fishing Tournament – Chris Little

Mr. Little is with Go Betsy and they did the Crafts & Drafts Festival last year at the Twins Ball Park. This year the festival will be downtown. We are teaming up with NeTREP (Northeast

Tennessee Regional Economic Partnership), contracts have been signed. This year's festival is "Meet Carter County", this is the Carter County part of "Meet the Mountains Festival". It will feature a craft show, Cabalas is coming in and bringing archery, TWRA is bringing Air Soft, the Park & Rec is doing a movie and there will be a car show. TWRA is going to bring in trout for free kids fishing, but within the last few weeks TWRA called and informed them that they would have to bring in catfish instead of trout because of the water temperatures in the river would be too high to maintain the trout. When they went to get the rider for the insurance, the cost was going to be \$1,500 for the two (2) hours of fishing. Mr. Little is asking if the county could sponsor the fishing and pay that insurance. Mr. Hill asked what date for both Meet Carter County and Meet the Mountains festivals were. Mr. Little informed him that "Meet the Mountains" is August 23, 24 and "Meet Carter County" is August 24. More information is on GoBetsy.com. Mr. Jenkins asked that if the county can't sponsor can the Park & Rec? Attorney Hardin stated that the county cannot sponsor, but, if GoBetsy is a non-profit the county could donate to them and that money could be used to cover the insurance. The financial office could check with the insurance provider to see if it could be covered.

Mr. Hill asked if the fishing could be held in Roan Mountain. The water temperatures would be suitable, and they do have the park to do a free fishing day. Mr. Little implied that he believed that would be a great addition to the festival and would love to have it in Roan Mountain so that the festival is spread throughout the county. Mr. Acuff asked Attorney Hardin to investigate the insurance coverage. Attorney Hardin asked who would cover the insurance if held in Roan Mountain. Mr. Little and Mr. Hill will make the calls to find get specifics on the feasibility of these options.

VI. Discuss incentives for employees to complete their annual physical / physician visits

Mr. Acuff started conversation about employee annual physical / physician visits. An overview was done to see who was using their plan and how they are using it. Office visit utilizations between January 2018 and April 2019, there were 317 members, 1520 visits. Wants to discuss incentives to encourage employees to go to the Doctor. He suggests a debit card with \$25/\$50 to encourage use of the plan. Dr. Acuff suggested that the members think about this and have further discussion later.

VII. Health and Welfare Issues Facing our County – Updates

a. Opioid Epidemic

We are still in the process of planning something with the Department of Health and others to bring awareness to the region and especially Carter County about the Opioid Epidemic. Dr Acuff is working with Carolyn Hurt and Julie Reece on this project.

b. Food Accessibility for Kids and families

A group of individuals went out to the Second Harvest Food Bank and are looking for a way to partner with them to do some programs to reach the children in need in the county, like the backpack program. The problem with some of the programs is that they are in different areas at different times during the week. We are not reaching all the children in the county. The summer months are the most challenging.

VIII. New Business

None

IX. Old Business

None

X. Adjournment

A motion to adjourn was made by Mike Hill, second by Randal Jenkins. The motion was unanimously approved. The meeting was adjourned at 7:55 pm.

ORDINANCE NO. 53-20

"AN ORDINANCE TO AMEND TITLE 7, CHAPTER 4, OF THE MUNICIPAL CODE, ELIZABETHTON, TENNESSEE, 2015, AS AMENDED, BY DELETING THE CURRENT CODE SECTIONS 7-401 THROUGH 7-412 AND ADOPTING NEW CODE SECTIONS 7-401 AND 7-402 TO PROHIBIT THE POSSESSION, DISCHARGE, SALE AND STORAGE OF FIREWORKS WITHIN THE CORPORATE LIMITS OF THE CITY OF ELIZABETHTON, TENNESSEE."

WHEREAS, pursuant to Ordinance No. 39-14 passed on Second Reading on July 10, 2003, and which became effective on July 20, 2003, the City Council at that time expressed a desire to regulate the discharge, sale and storage of fireworks within the Corporate Limits of the City of Elizabethton, and created a new Title 7, Chapter 4, Sections 7-401 through 7-412 in the Municipal Code of the City of Elizabethton, Tennessee, to govern the discharge, sale and storage of fireworks within the City of Elizabethton; and

WHEREAS, pursuant to Ordinance No. 43-15 passed on Second Reading on October 11, 2007, which became effective on October 21, 2007, Municipal Code Section 7-406 (14), was amended to increase to sixteen (16) years the age an individual must be to purchase fireworks in the City of Elizabethton as required by State Law and, further, amended Municipal Code Sections 7-411 to add a Subsection (8) to provide that fireworks shall only be ignited or discharged from June 20th until July 5th and December 10th until January 2nd of each year which was the period of time that fireworks may be sold by a seasonal retailer; and

WHEREAS, pursuant to Ordinance No. 47-6 passed on Second Reading on April 14, 2011, and becoming effective on April 24, 2011, Elizabethton Municipal Code, Section 7-411, was amended to add a Subsection (9) which would allow the City of Elizabethton Fire Marshal to issue a Special Permit to the Elizabethton High School or other appropriate individuals and organizations, as necessary, to allow the discharge of fireworks in the City of Elizabethton at times other than those set forth in Municipal Code Section 7-411(8) from June 20th through

City Limits of the City of Elizabethton as had previously occurred before the adoption of Ordinance No. 39-14 by prohibiting the possession, discharge, sale and storage of fireworks within the Corporate Limits of the City of Elizabethton, Tennessee; and

WHEREAS, under this new Ordinance to Regulate Fireworks within the City of Elizabethton, Tennessee, the Fire Marshal shall have the authority to grant by permit the use of fireworks for public or private displays when all of the provisions of NFPA 1123 "*Code for Fireworks Display*" 2014 Edition, published by the National Fire Protection Association and all provisions of Tennessee Code Annotated §68-104-211 are met; and

WHEREAS, it is in the best interest, health, safety, and welfare of the citizens and residents of the City of Elizabethton that the City of Elizabethton regulate the possession, discharge, sale and storage of fireworks within the City of Elizabethton.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ELIZABETHTON, TENNESSEE, AS FOLLOWS:

Section 1. That the current Sections 7-401 through 7-412 of Title 7, Chapter 4, of the Elizabethton Municipal Code, 2015, as amended, shall be deleted in their entirety.

Section 2. That a new Code Section 7-401 of Title 7, Chapter 4, of the Elizabethton Municipal Code, 2015, shall be adopted to read as follows:

7-401 Fireworks. It shall be unlawful for any person, firm, or corporation to possess, manufacture, store, distribute, offer for sale, sell at retail, or use or explode any fireworks, including all consumer fireworks that are defined as Division 1.4G materials.

The Fire Marshal shall permit the use of fireworks for public or private displays when all of the provisions of NFPA 1123, Code for Fireworks Display, 2014 Edition, published by the National Fire Protection Association, and all provisions of Tennessee Code Annotated §68-104-211 are met and after all necessary permits have been issued. Every such use or display shall be handled by a competent operator approved by the Fire Marshal and shall be of such character and so located, discharged, or fired so as not to be hazardous to property or endanger any person.

Section 3. That a new Code Section 7-402 of Title 7, Chapter 4, of the Elizabethton Municipal Code, 2015, as amended, shall be created to read as follows:

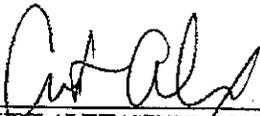
7-402 Penalties. Any violation of this Chapter is a violation of City Ordinance punishable by a fine of \$50.00 and an assessment of court costs of \$50.00.

PASSED ON FIRST READING: August 10, 2017

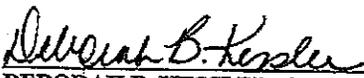
PUBLIC HEARING: September 14, 2017

PASSED ON SECOND READING: September 14, 2017

CITY OF ELIZABETHTON, TENNESSEE

By: 
CURT ALEXANDER, MAYOR

ATTEST:


DEBORAH B. KESSLER, CITY CLERK

APPROVED AS TO FORM:


ROGER G. DAY, CITY ATTORNEY
CITY OF ELIZABETHTON, TN
136 SOUTH SYCAMORE STREET
ELIZABETHTON, TN 37643
PHONE: (423) 542-9575
FAX: (423) 975-0449
BPR #14545