

Carter County Highway Committee
May 8, 2017
2:00 p.m.

Commissioner Hill called the meeting to order.

Roll Call: Present: Collins, R. Garland (Dietz), Hill, Peters, VonCannon, Ward, Peters, Lewis (Miller)
Absent: Simerly

1. Approve Minutes of previous meeting:

Motion to approve the previous minutes of previous meeting by Commissioner Lewis,
2nd by Commissioner Ward. Roll Call: All Ayes: Motion passed
Moved Public Comments

2. Motion to approve current meeting agenda:

Motion made by Commissioner Garland, 2nd by Commissioner VonCannon. Roll Call: All Ayes:
Motion Passed

3. Public Comments:

Debbie Pierson requested that Oak Cove Road be paved and made into a county road.
Motion made by Commissioner Peters, 2nd by Commissioner VonCannon to have
Superintendent Colbaugh investigate the road for adoption. Roll Call: All Ayes: Motion
Passed.

4. Public Hearings:

Recessed Meeting for Road Adoption of Rhododendron Lane
Motion made by Commissioner Lewis, 2nd by Commissioner Collins to approve and add
Rhododendron Lane to the county road list as long as all the procedures and
requirements of right of way were completed. Roll Call: Ayes: Collins, Hill,
VonCannon, Lewis, Ward. Nays: Peters, Abstained Garland: Motion Passed

Reconvened Meeting

Recessed for the Public Hearing for Conveyance of unopened right of way between Cloudland
Drive and Highway 19E

Motion made by Ward, 2nd by Lewis to table the public hearing until the Carter County
School Board made the recommendation. Roll Call: All Ayes: Motion Passed.

Reconvened Meeting

5. Old Business:

- Laurel Ave. - Supt. Colbaugh stated that a drainage pipe had been ordered and as soon as the pipe arrived construction would be started later this month. (see exhibit 1)
- Update on Todd Smith/Dennis Cove parking issue:
 - Commissioner Hill provided documentation (TCA 55-8-158) and pictures (attached).
Discussion by Attorney Hardin: Presented a letter from Steven Borden, TN Department of Transportation, where he stated that based on the crash analysis no accidents have occurred in the last three years and recommended, based on state requirements, paving the parking lot entrance up to the state right-of-way line. The Traffic Office will continue to monitor the location.

Motion made by Commissioner Garland, 2nd by Commissioner Ward for Attorney Hardin to forward a letter to U.S. Forest Service stating that according to Tennessee state laws, any parking area onto a state highway right-of-way, must have an paved entrance. We asked that at memomen, the area of the Dennis Cove Trail off of Highway 19E have a paved entrance and if possible pave the parking area as well. Roll Call: All Ayes: Motion passed.

- Update on Jean Rhea: (see attachment TCA55-8-158)
Commissioner Hill suggested Warning signs be posted at the top of Dennis Cove Road. Concerned about safe passage for cars.(Pictures Provided) Commissioner Lewis stated that he checked area and did not see any parking problems. No Action was taken.
- 750 & 754 Bear Cage Road Maintenance request /update:
Supt. Colbaugh stated that they had worked on the road and it was now considered a county road.
- 270 Ingram Branch Road Water Issue:
Supt. Colbaugh stated that a special arched pipe had been ordered and the pipe will be put in place as soon as the pipe arrives.
- Installation of Tweetsie Extension signage update:
Supt. Colbaugh stated that they would schedule putting up the signs as soon as the signs were delivered and would need directions as to where the signs should be placed. Commissioner Hill stated that he would get the signs and go with Supt. Colbaugh for correct placement.

6. New Business:

- Wood Lane (exhibit 2:)
Toby Baldwin reported encroachment in the county right-of-way. Commissioner Peters stated that this was an law enforcement issue and out of the committees boundaries. Mayor Humphreys also advised to let law enforcement handle this matter. No action taken.
- David Bailey & Wayne Laws: Property exchange for relocation of Miller Hollow Road in Roan Mtn. (New River Hardwoods restarting the mill in Roan Mtn.) request that the county move Miller Hollow Road be to below the property, (swapping the land), for safety reasons.
Estimate \$35,938.00 (20' wide and 475' Long)
Discussion: Commissioner Ward ask if they were aware the road was in the middle of the property/operation and were they expecting the county to use taxpayers money to pay for the road change. Mayor Humphreys stated that this was a safety issue. Supt. Colbaugh agreed that the road needs to be moved for safety issues. He stated that the highway department will ask for the money to be taken out of the highway fund balance and no new monies would be needed. Commissioner Hill asked where the employees would come from. Mr. Laws stated that most would be coming from the local area. Mr. Bailey stated that other employees would be needed from the contracted companies as well, such as logging trucks etc.

Motion made by Commissioner Lewis, 2nd by Von Cannon authorizing the county to move Miller Hollow Road to below the property of the New Rivers Hardwoods..

Roll Call: Ayes: Collins, Von Cannon, Garland, Lewis Nays: Peters, Abstained: Ward.

Passed: Hill. Commissioner Hill changed his vote to Aye: Motion Passed

Send to full commission for vote on the May 15, 2017 meeting.

- Commissioner Von Cannon brought up that a fellow commissioner brought to his attention that this committee was getting paid for the highway committee meetings separately and the committees were not being treated the same. Von Cannon also stated that Mr. Simerly was unable to make the 2:00 p.m. meetings due to the fact that he works until 5:00 p.m. in Kingsport. Commissioner Peters brought up that the highway committee, in years past, met on a separate night due to the length of the meetings. No Action taken.

7) Road Superintendent Colbaugh Report:

- Stateline Road pavement almost complete.
- Mowing had started.
- School System request:

Motion made by Commissioner Lewis, 2nd by Ward to authorize the highway department to do work at Keenburg Elementary School at the school's expense. (Item1 : Ball court estimated at \$4,644.00 and Item 2: parking lot estimated at \$3,892.00). Amended to vote on items separately. Item 1: Ball court: Roll Call: All Ayes: Motion Passed. Item 2: Parking Lot: Roll Call: All Ayes: Motion Passed. Send to the full commission meeting for vote on May 15, 2017.

8) Commissioner Comments:

- Commissioner Lewis stated that the sign on John Lewis Road had been stolen and an issue on Ritchie's Road where the road splits. He stated that the people in the area wanted the road to be kept the same due to a safety issue. Supt. Colbaugh stated that he would look into the area.
- Mr. Hill stated that Hampton High School won the first Go Cart Race at Bristol Motor Speedway and he had concerns about the safety of the highway department works when drivers not following the road construction signs/rules.

Motion made by Commissioner Peters, 2nd by Ward to adjourn. Voice Vote: All Ayes.

Adjournment 3:30 p.m.

Submitted by Kelly Collins, Secretary

TCA 55-8-158.

Stopping, standing or parking outside of business or residential districts, and entrance or exit ramps of highways.

(a) Upon any highway outside of a business or residential district, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park or so leave the vehicle off such part of the highway, **but in every event an unobstructed width of the highway opposite a standing vehicle of not less than eighteen feet (18') shall be left for the free passage of other vehicles**, and a clear view of the stopped vehicles shall be available from a distance of two hundred feet (200') in each direction upon such highway.

(b) (1) This section shall not apply to the driver of any vehicle that is disabled while on the paved or main-traveled portion of a highway in a manner and to an extent that it is impossible to avoid stopping and temporarily leaving that disabled vehicle in such position.

(2) This section shall not apply to the driver of any vehicle operating as a carrier of passengers for hire and holding a certificate of convenience and necessity, or interstate permit issued by the department of safety or any local regulatory transit authority of the state authorizing the operation of that vehicle upon the roads, streets or highways in Tennessee, while taking passengers on that vehicle, or discharging passengers therefrom; provided, that in every event an unobstructed lane of travel of the highway opposite the standing vehicle shall be left for free passage of other vehicles and a clear view of that stopped vehicles shall be available from a distance of two hundred feet (200') in either direction upon the highway.

(3) This section does not apply to a solid waste vehicle while on the paved or improved main traveled portion of a road, street or highway in a manner and to an extent as is necessary for the sole purpose of collecting municipal solid waste, as defined by § 68-211-802; provided, that such vehicle shall maintain flashing hazard lights at all times while it is stopping or standing; and provided further, that the vehicle is stopped so that a clear view of the stopped vehicle is available from a distance of two hundred feet (200') in either direction upon the highway. In addition to flashing hazard lights, these vehicles shall be required to maintain special lights visible from both the front and the rear indicating that the truck is stopped. The department of safety is authorized to promulgate rules and regulations regarding special lighting required by this subdivision (b)(3). This subdivision (b)(3) does not preclude any claimant from pursuing a common law claim for recovery pursuant to common law negligence.

(c) Notwithstanding subsection (a), no person shall stop, park or leave any motor vehicle, whether attended or unattended, upon the paved or unpaved portions of any entrance or exit ramp of any highway; ~~provided, that a driver of a motor vehicle that has become disabled may leave the vehicle on an entrance or exit ramp until such time as the disabled motor vehicle can be repaired or towed, as long as the vehicle is not obstructing the passage of other motor vehicles. Furthermore, the department may take into consideration an emergency situation or compliance with federal laws.~~

[Acts 1955, ch. 329, § 58; 1957, ch. 86, § 1; T.C.A., § 59-859; Acts 1992, ch. 784, §§ 2, 4; 1995, ch. 305, § 113; 2008, ch. 693, § 1.]

exhibit 1: Laurel Ave. in Roan Mountain drainage and pavement erosion. Toby Baldwin (Telephone # 895-3606) reported this unresolved issue that was originally brought before Highway Committee in July/August 2017. Pavement erosion has compromised over 50% of the width of the road here, and residents have resorted to ditching, filling and other self-help measures in order to access their homes in the vicinity.

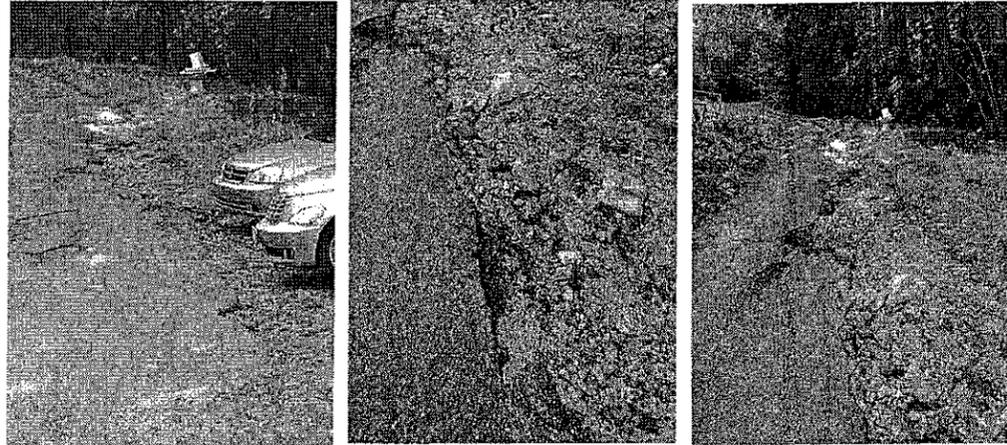
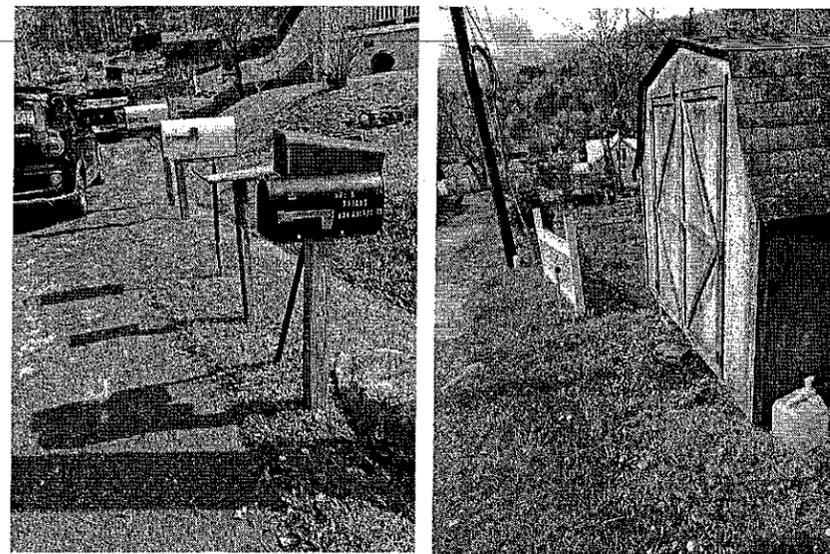
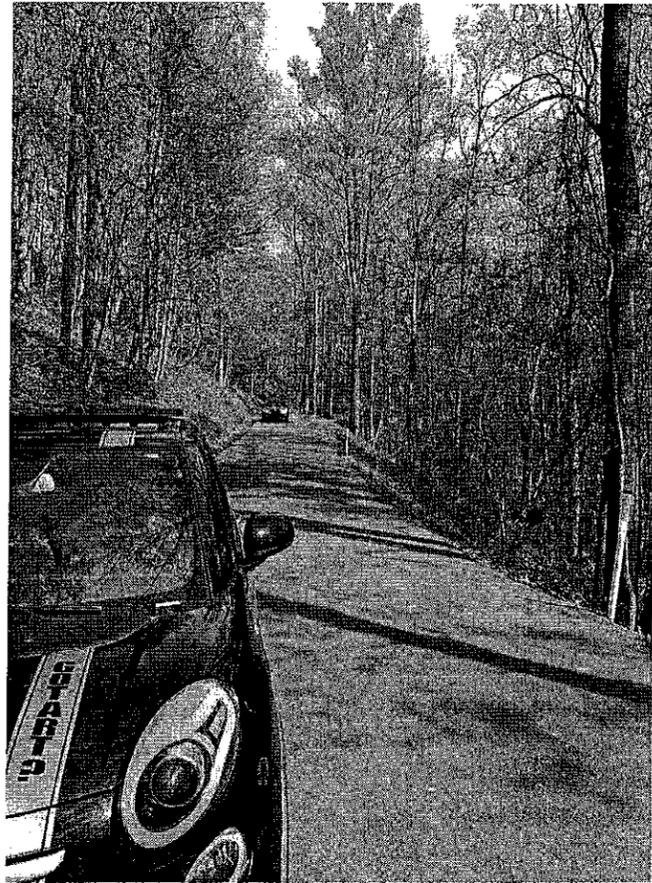


exhibit 2: Intersection of Wood Lane and Laurel Ave. in Roan Mountain. Toby Baldwin (Telephone # 895-3606) also reported this issue. Several encroachments in the county right of way are preventing access to his property, especially when the residents park cars along the roadway in front of the right of way encroachments. Encroachments are preventing his logging operations on land he is developing into a 20 residence subdivision, and he is requesting action from the committee to facilitate this development. TCA 55-8-158 applies to this situation because there is not 18' of clear roadway adjacent to vehicles parked here.





Dennis Cove Road-Vicinity of AT

In response to the Jean Rhea complaint regarding cars parking in the roadway, I travelled to the problem area on April 29 at approximately 11:00 a.m. Both the lower Hampton trailhead parking area and the Dennis Cove AT parking areas were already at capacity. Took several measurements along the Dennis Cove county road, which revealed maximum road width between 15 and 16 feet through the entire corridor. Only one straightaway exists along the entire stretch where visibility of 200 linear feet exists, but this section is well before the problem area near the Dennis Cove trailhead.

left: with my tiny car pulled off the roadway as far as possible, there is not 18' or roadway left for safe passage around my vehicle.

below: actual tape measuring the average width of pavement

