

Carter County Planning Commission
Meeting Minutes
July 19, 2011

Members Present

Ralph Watson, Chairman
Leon Humphrey
Russ Kyte
Steve Chambers
Mary Ann Patton
Bob L. Townsend
Jack Campbell
Dickie Renfro
Steve Pierce

Members Absent

Jerry Smith
Bill Armstrong
Richard Winters

STAFF MEMBERS PRESENT

Chris Schuettler, Director
Jim Church, Assistant Director
Justyn Markland, Codes Enforcement
Jack Hampton, Permits
Amanda Dugger, Animal Control Officer

The Chairman called the meeting to order. Roll called and visitors welcomed. Motion by Mr. Kyte to accept May 31, 2011 meeting minutes after corrections were made, seconded by Mr. Chambers. Minutes approved. Mr. Jeffrey Hughes stated he felt he was misquoted in the minutes. The chairman advised him the secretary used the recording to type the minutes from.

1. **Rezoning Request.** Request postponed after the owner called and asked that it be put off until September. Mr. Schuettler said he would be sure it is placed on September agenda. Mr. Pierce questioned what the owner planned to do with the property and Mr. Schuettler responded he wants to put a rafting business on it. Mr. Humphrey questioned the election of officers. Mr. Watson stated it was #5 on the agenda and would be held later.
2. **Carter County Growth Plan.** Removed from agenda due to slope plan from state not presented on time.
3. **Election of Officers.** Prior to the election of new officers Mr. Pierce requested to address the commission regarding charges made against the director of planning and zoning, Chris Schuettler, and stated he felt a man is innocent until proven otherwise. Mr. Pierce stated felt that Mr. Schuettler works in an honorable manner for the good of Carter County. Mr. Pierce stated further that Mr. Schuettler works for the Planning Commission and any problems whether brought by an elected official or a concerned citizen should be brought before the planning commission before it is addressed elsewhere. Mr. Pierce made a motion to take a vote of support. Russ Kyte seconded the motion and a roll call vote was taken. Roll call taken as follows: Ayes: Mr. Watson, Mr. Pierce, Mr. Kyte, Mr. Chambers, Mr. Renfro, Mr. Campbell, Mr.

Townsend. (Absent: Mr. Smith, Mr. Armstrong, & Mr. Winters). Pass: Mr. Humphrey, Mrs. Patton. Motion of support passed by majority vote. Motion to elect Steve Pierce Chairman made by Russ Kyte, seconded by Mr. Renfro. Motion to cease nominations by Mr. Chambers. Roll call vote: Mr. Watson, Mr. Chambers, Mr. Campbell, Mr. Renfro, Mr. Pierce, Mr. Kyte, & Mr. Townsend voted aye in support. Mr. Humphrey & Mrs. Patton passed. Motion carried with majority vote of 7-2. Vice- Chairman: Motion to elect Ralph Watson vice-chairman made by Steve Pierce Seconded by Steve Chambers. Mr. Kyte made motion nominations cease. Roll call vote Mr. Watson, Mr. Chambers, Mr. Campbell, Mr. Renfro, and Mr. Pierce voted aye in favor. Mr. Humphrey and Mrs. Patton passed. Motion passed by majority vote of 7-2. Secretary: Mr. Schuettler stated after speaking with county court members it would be better to have actual secretary of planning & zoning office serve as secretary to planning commission board. This would elevate some confusion. Mr. Chambers made motion to appoint Mrs. Diane Cannon, Steve Pierce seconded, Mr. Renfro made motion all nominations cease and Mrs. Cannon be elected by acclamation. Motion passed.

4. Jack Hampton's Report. Mr. Hampton reported that May 2011 had a total of \$2,362,500.00 in estimated building costs and \$3,350.00 in state permit fees and \$625.00 in county permit fees were collected.
5. Codes Enforcement Officer's Report: Mr. Justyn Markland presented the monthly report and the slide show of properties in non-compliance in the county as well as some of the properties that are now in compliance with the Carter County Litter Ordinance. Mr. Schuettler read a letter from Mr. & Mrs. Jarrett regarding neighboring property at 417 Peachtree Lane. Codes Enforcement Officers are working this property. Mrs. Jarrett said some vines/overgrowth has been sprayed and is now a fire hazard. Mr. Steve Pierce questioned the procedure for turning over property to attorney. Mr. Humphrey stated that he no longer signed complaints. Mr. Schuettler stated that in most cases, once they reach the judge, can take several months because the main goal is compliance (not fines) of the property owners. Property on Crook Street, Spears Avenue and Dalewood Drive, should be sent to the county attorney made by Leon Humphrey seconded by Russell Kyte. Roll call vote with all members present voting aye. Motion passed unanimously. Mr. Chambers stated the people of Hampton would be happy the Crook Street property is being cleaned up. Mr. Humphrey questioned the status of property on Whisperwood Subdivision (Harrell property). Mr. Markland stated it is due for re-inspection and that a letter had been sent.
6. Animal Control Officer's Report: Carter County Animal Control Officer, Amanda Dugger presented the monthly report. A dog bite case involving a four-year-old boy was worked with the animal being quarantined to check for rabies. One case of animal cruelty is scheduled to go to court soon. Mrs. Dugger also stated the shelter is in need of bedding for the animals and said anyone can donate clean sheets and blankets to be used in the kennels.
7. Director's Comments: A.) Lincoln Heights Subdivision. Mr. Schuettler state that he, Jimmy Church, and Douglas "Slim" Miller had been out to the property and they are waiting for the underground utilities to be marked and ditch lines to be opened back up at the request of the Lyons . B.) Siam Road. "Bridge" was moved back four feet

to get it off the county right-of-way. Mr. Humphrey mentioned a letter sent to the Montgomery family and stated he had requested a copy and had not received it. Mr. Schuettler stated he would get a copy for him as soon as possible. **C.) Fireworks.** Mr. Schuettler stated he had contacted Mrs. Torbett, Planner for Sullivan County regarding how they deal with fireworks and city codes. Sullivan County's ordinance was addressed in an article on Tri-Cities.com which Mr. Schuettler read from. He stated until Carter County can see the verbiage it would be better to hold off until such time we can obtain information to use as a guideline. Mr. Bobby Harding addressed the issue and expressed a desire to see some guidelines with regards to shooting fireworks in the county. Mr. Harding's home sits below a large mobile home park and often receives a large amount of debris from residents who shoot fireworks off above him. **D.) Arlington Drive.** Mr. Stoltsfuz has been notified no permit will be issued. Johnson City did turn on power and the city of Elizabethton turned on water without prior placement permits being issued. Mr. Stoltsfuz has spoken with Mr. Bowers, County Attorney and he is aware it will go to Chancellor Johnson for a decision. Mr. Pierce stated he felt both Johnson City Public Works and the City of Elizabethton should be notified in writing of the need to check with C.C.P.O. to see if proper permits have been issued prior to turning on water or electric power. **E.) Lincoln Heights.** Mr. Pierce questioned the property lines and the problem on Lincoln Heights again. Mr. Schuettler stated he and Mr. Church spoke with several property owners who stated they were aware of the issue when the properties were purchased and they marked tiles, etc. Several residents said they had filled in the ditches behind their properties. Prior to Mr. Perkins going out to speak with the property owners he first needs to get information regarding water, phone, electric, and natural gas lines that may run underground in the area before he begins work to correct the problem. Mr. Schuettler stated the planning office would work to help the Highway Department correct this problem. He further stated anything near Lynn Mountain is going to have extreme runoff due to location. Mr. Pierce questioned the property owners' responsibility regarding this matter. Mr. Schuettler stated this is a Highway Department issue but due to the ditch lines being filled in by the property owners, the Highway Department had requested planning office involvement. **G.) Bridge Right-of-Way.** Mr. Schuettler stated there was another bridge that the planning office is working with property owners in the area to define right-of-way. Mr. Lewis, commissioner for the Hampton area, has approached the planning staff with a request to readdress the issue of "foot bridges" and better define such in our county ordinance. Mr. Pierce addressed the matter of right-of-ways and the fact that there are several structures that can be defined as ornamental throughout the county. Mr. Chambers stated a young girl had lost her life years ago when she hit a mailbox and the family asked the owner not put the mailbox back in the same place and they did anyway. Mr. Chambers stated there are light poles and mailboxes all along the Siam Road area where the Montgomery family have erected the footbridge that has come under question. Mr. Humphrey stated that since 1972 and the private act that governs this county came into being it is the responsibility of this board to address all matters as they arise such as the Montgomery foot bridge. Mr. Pierce stated it would be rather presumptive to assume "we" go back to 1972 and address all issues he used the fact that a lot of roads do not have right-of-ways and widths

defined and would be difficult to do so. Mr. Schuettler stated that some roads such as Hwy. 321/67, Simerly Creek Road, and Tiger Creek Roads are good examples of roads that have dedicated right-of-ways. Mr. Schuettler stated the Highway Department is addressing this matter. **H.) First Tennessee Development District.** Mr. Schuettler stated that during the Carter County Commission meeting held the night before (July 18th) the topic of FTDD was not on the agenda and the county commissioners voted to join the FTDD and money from the Planning budget was appropriated without prior approval from the Planning Commission. Mr. Schuettler requested that the Planning Commissioners first vote on the matter and that a letter had been sent to Ingrid Deloach, Director of Finance, to stop the issuance of a check to FTDD. Mr. Schuettler voiced concerns regarding the use of FTDD, a much smaller number of advisers (3) and may be less experienced advisors than was utilized in the past. Mr. Humphrey stated that he disagreed and that Mr. Rosenoff, Director of local planning had taken the job of Director for FTDD and from that standpoint we have the same personnel. Mr. Schuettler stated that Miss Wendy Hill may be G.I.S. individual but in fact the actual G. I. S. department was located in and individuals came up from Knoxville. Mr. Schuettler questioned whether Mr. Rosenoff and two other individuals cover what 6 –7 individuals covered. “My plan was to discuss everything prior to County Court meeting and this being passed by County Court which I do not think was properly presented. Mr. Schuettler stated he was going to have Mr. Rosenoff meet with the Carter County Planning Commission and address what he and the FTDD could do for this board and decide whether to contract with FTDD or use another private consultant. Mr. Schuettler asked “Do we want to continue to use State & Local planning since we are not utilizing them or do we want to try to save county Tax payers money by not utilizing this service any longer?” Mr. Humphrey stated Mr. Rosenoff has been in that office for many, many years and was very experienced and very knowledgeable. Mr. Pierce asked what service they would provide and Mr. Humphrey replied, “First off, who developed this Carter County Land Use & Transportation Policy Plan? Mr. Schuettler responded, “Myself and Charles Anderson. Mr. Humphrey said, “Charles Anderson, and who did Mr. Anderson work for?” “Local planning” answered Mr. Schuettler. Mr. Schuettler stated that he felt the County Commission was a little premature and misled regarding the contract with FTDD. What if the services aren’t going to be there for Carter County? You can promise a lot of things – car dealers do it all the time but they don’t come back with a new set of tires every time you need a set. Mr. Humphrey stated he did not think we should consider Mr. Rosenoff a used car dealer. Mr. Schuettler stated he did not say Mr. Rosenoff was a used car dealer. “Mr. Rosenoff is a friend of mine and I have dealt with him many times. I remember when he came to the local planning office; I have been there this long.” Mr. Pierce asked what needed to be done to remedy this to which Mr. Schuettler stated “It first should be brought before the planning board.” Mr. Pierce replied, “He would like someone to explain what is offered here and not Mr. Humphrey, but someone who is nonbiased. We have a system over there (Planning Office) that we can do our own maps and I am just trying to find out what they are offering us for \$12,000.00 that we can’t do ourselves.” Mr. Chambers stated “I have been to a lot of budget committee meetings and \$12,200.00 might not seem like a lot to some people but to others it is

their grocery, gas, and house payment money. We have to look at everything we do, this county is in tight budget year right now. We are not doing anything to get jobs. Several are leaving this region for jobs. Why are we not looking for these jobs here? We have people that are supposed to be looking for these jobs. This is serious business – these people elected us – and we are promised every month that there are jobs a coming and we come up weeks later and still no jobs. Mr. Humphrey responded, “I am looking for jobs”! Mr. Pierce made a motion to request Mr. Rosenoff speaks with the Planning Commission before a decision/vote is made. Steve Chambers seconded the motion. Roll call vote held, ayes to honor letter sent by Chairman to stop the check and for Mr. Rosenoff to come and present services to this commission, no vote would be a vote to remain with County Court decision of July 18th. Ralph Watson, Russ Kyte, Steve Chambers, Bob Townsend, Jack Campbell, Mr. Renfro voted Aye. Mr. Humphrey and Mrs. Patton voted No. Motion carried by majority vote of aye. Mr. Schuettler stated he would call Mr. Rosenoff. Mr. Schuettler questioned whether Mr. Humphrey first spoke with Mrs. DeLoach regarding the use of Planning money to fund this. Mr. Humphrey stated “Yes he did”. Mr. Chambers asked if this proposal should have come before this commission prior to being presented to the County Commission to which Mr. Schuettler adamantly responded “Yes sir”. Mr. Chambers stated anything that comes before the Planning Commission must come *before* it goes to the County Commission. Mr. Humphrey stated “This was not new money” to which Mr. Chambers responded, “It is money”. Mr. Schuettler stated it was not new money but *was* a new purpose or expenditure. Mr. Chambers stated he wants it done right and he was disturbed because he felt he and the other County Commissioners were misled during the meeting on the 18th.

8. Public Comments: A.) Mr. Humphrey requested that people in attendance who had sent emails to his office be allowed to speak first. Chairman Watson replied that they could and would have 3 minutes. Mr. Humphrey replied, “I don’t know about that” and asked the people from Clay Little Road come forward. A gentleman spoke who stated that the problem had gone on for 3 years ever since construction began on a new house mud and rock had ran into the road. Mr. Schuettler has been on site several times according to the gentleman. Mr. Pierce asked if the road was a county road and if so why the Highway Department did not maintain it as such. The problem was referred to the Highway Department. Mr. Humphrey requested clarification regarding storm water runoff from adjoining properties. Mr. Schuettler stated the problem actually comes from a private road in which Mr. Arnold is building a home on a parcel that originally had a mobile home and that there were in fact three homes back there. This property was originally owned by the person who cut the drive straight up the hill. Mr. Arnold attempted several times to work with other individuals who live off the private drive and actually dug a retention pond to stop the water. Following the last heavy rain Mr. Schuettler and Mr. Church went to look at the site and did see evidence he had a track hoe in the pond working to further remedy the runoff problem. However, that day 4 inches of rain fell within a few hours. Mr. Schuettler stated the Highway Department has been out there and “have washed their hands of it”. There is a need for a ditch line out there. Another resident spoke and said some of the problem came from Mr. Henry’s construction also off of

the Sims Hill side of Clay Little Road. Mr. Chambers stated this was in his district and in fact a few streets over from where he lives and knew that Mr. Payne would not come to the meeting unless there was a good reason and stated he felt that if there was a problem it should be taken care of. Mr. Chambers volunteered to go with Mr. Schuettler to look at Mr. Henry's property and then speak with Doug "Slim" Miller about this situation. Mr. Schuettler asked what direction the water came from to which the gentleman stated it was from all directions. B.) Bill Peters: Stated how many of you were elected to the position that you hold around this table? Mr. Watson stated he was elected by the County Commissioners and then placed on this board. Mr. Humphrey stated he was elected by the populous vote as County Mayor and that Mr. Kyte, Mr. Armstrong, Mr. Chambers, and Mr. Renfro are all elected officials appointed to the Planning Board and that there were a few appointments he had made to the board as well. Schuettler pointed out that all members should have been elected by the County Commission to their respective place on the Planning Commission, and that the Chairman of the County Commission is a member as per the Private Act. Mr. Peters stated that "Our great state of Tennessee is a constitutional government and as Carter County we are bound by that state constitution. This constitution says Carter County will be run by a mayor and by commissioners now the commission yesterday voted this \$12,500.00 are we saying we have a commission now that is going to violate the constitution of Tennessee and rescind an action by the governing body of the county?" Mr. Schuettler asked if he could answer that for Mr. Peters. He responded, "I'd like for you too. Under Uniform Financial Act of 1981, under which Carter County falls, each individual budget comes before a Board or Committee that controls that budget. That is what we are questioning now because it was not brought before this board to send and spend that money. It possibly could have been saved for the citizens of Carter County. That is a little less than half of what Mr. Bayless brought forward to the County Commission as a cost saving measure, Mr. Schuettler stated. Mr. Peters said he was a little confused because this was no new money. "This was the same money applied for in the budget", Mr. Humphrey added. Mr. Peters stated he still could not see what the problem is. That there were numerous times working in the nuclear industry he had to call outside consultants and was in fact a consultant for twenty-five years. Sometimes you are too close to the forest to see the trees. The next question I have got is why do you think you are not answering to the County Commission? Mr. Schuettler replied we are answering. To this Mr. Peters stated "It was passed by the County Commission" and Mr. Schuettler stated it was *improperly* passed. If it was in the budget it was not improperly passed or it was improperly applied for. Mr. Pierce said the planning commission should have a hand in deciding how it is to be spent and if it was a needed service. Mr. Schuettler stated the contract with Local Planning did not end until July 1, 2011 and if we can turn around and put that money back into the general fund at the end of this fiscal year then it is something we can do to save the people of Carter County. Mr. Peters stated he thought it was budgeted and Mr. Schuettler clarified that it is contracted with the state, but does not have to be spent in that manner. If the money goes back into the coffers of Carter County then it is "new" money. Mr. Pierce summarized that if you had \$500 budget for groceries and only spent \$50.00 the rest would be "new" money in your pocket. (Laughter from

those in attendance). Mr. Humphrey stated that of the eight counties that make up the First Tennessee Development District seven have entered into a contract and once again Carter County is going to be the exception. Mr. Pierce stated we are not going to jump into something we don't know anything about. Mr. Peters replied "I hope that is true, we certainly jumped into the monstrosity sitting around the corner. Mr. Chambers said, "Yes sir, yes sir, I agree. We allowed a jail to be built that may not be what we were lead to believe it would be." Mr. Humphrey requested to clarify the amount was not \$12,500.00 but in fact was \$12,250.00. C.) Jeffrey Hughes: I just want to reaffirm about beating a dead horse. In April Mr. Schuettler referred to the footbridge as a "structure" and again in May as a "structure" but now says we have nothing to define the footbridge as a "structure". Mr. Hughes went on to state that "Aa gazebo, bridge, etc. would be defined as a structure just as a bus is a type vehicle but may not be "define" as such but is a vehicle just the same." If you look on page 2 of your zoning laws it states all "buildings" must be set back 30 feet from the road" At this time the timer went off. Mr. Hughis continued to speak that many structures do not meet setbacks. And by not enforcing the zoning regulations and opening the door for other people to do what they please and ignore the Zoning Ordinance. Schuettler does whatever. Mr. Hughis stated that the bridge on Siam Road was not in compliance still. Again he thanked the Montgomery's for moving the "bridge" back. Mr. Watson asked how long Mr. Hughis had lived in Carter County and Mr. Hughis said he had lived here 6-7 years. Mr. Schuettler read from the Carter County Zoning Ordinance the definition of a building ("A structure built for the support, shelter, or closure of people or animals or property of kind i.e. placing something inside and keeping it secure") Mr. Hughis spoke out again and said that the Montgomery's have him. Chairman Watson requested that the bailiff remove Mr. Hughis at that point. Mr. Humphrey asked to be excused by the presiding Chairman and newly appointed Chairman due to another meeting. He asked for clarification on one point before leaving the meeting: "Carter County Planning Commission notice mentioned something about a public meeting and if it a date had been planned". Mr. Schuettler answered that it was planned to but had a problem with the July meeting and it will be reset in September. Mr. Humphrey questioned if that would be a separate public meeting for the subdivision regulations. Mr. Schuettler answered "It will be a separate portion of the meeting for amendments to the subdivision regulations" "And this will also be in September?" Mr. Humphrey asked. Mr. Schuettler replied, "Yes". Mr. Humphrey thanked the members of the board and left the meeting. Mr. Watson asked if anyone else wanted to say anything. Mr. Roy Livingston stood and said "Ladies and Gentlemen at the last meeting I spoke and went to sit down and this gentleman here told me to sit down and shut up after I was done speaking." Mr. Watson stated "You kept running your mouth didn't you" Mr. Livingston answered, "Listen to date you have picked on Veterans since day one. Mr. Watson said "Veterans?" and Mr. Livingston replied "You remember this, today I am going to give you and whoever else wants to go here the opportunity to. You've told all these people to get out of town if they don't like it here." Mr. Watson replied, "I didn't," Mr. Livingston said "Wait a minute here now (Pointing at Billie Dabadanza)" Mr. Watson said, "I said if she didn't like the way we run things in Carter County she could go back to where she came from" Mr. Livingston said, "Let

me tell you something, I defended this country for you, for all of you.” Mr. Watson said, “I did too, I did too”. Mr. Livingston said, “If you want to run Veterans out of this county you can start with me.” Mr. Watson said, “I ain’t trying to run no body out of town.” (Someone in the crowd asked what this had to do with the meeting). Mr. Livingston said, “After this is over I will meet you over at the monument and you and whoever else want a kicking (Mr. Schuettler intervened and tried to regain order in the meeting) “You can’t kick me out of town.” Mr. Livingston stated. Due to the disruption in the meeting and Mr. Livingston’s actions Mr. Schuettler asked for a motion to adjourn.

9. **Adjournment** Russ Kyte made the motion to adjourn and Steve Chambers seconded the motion. Motion passed. Meeting adjourned.