

CARTER COUNTY COMMISSION MEETING, REGULAR SESSION, SEPTEMBER 17, 2007

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BE IT REMEMBERED, that the County Commissioners of Carter County, Elizabethton, Tennessee, met in Regular Session on September 17, 2007, at 10:00 A.M. in the main courtroom of the Carter County Courthouse. Present and presiding were the Honorable Lawrence Hodge, Vice-Chairman; the Honorable Keith Bowers, Jr., County Attorney; and the Honorable Mary Gouge, County Clerk. The following Commissioners were present: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, 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, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis and Robert Gobble. R. L. Miller was absent.

ROLL CALL.....QUORUM PRESENT

PRAYER.....LAWRENCE HODGE

PLEDGE.....ROBERT DAVIS

Johnny L. Holder
Carter County Mayor



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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, September 17, 2007, 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
- Public Comments
- Recognition of Elected Officials/Guests
- Acceptance of Minutes from Previous Meeting
- Notaries/Bonds
- Committee Reports/Recommendations
- Commissioner Comments
- Adjourn

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

Johnny Holder, County Chairman
Carter County, Tennessee

Under Public Comments on the agenda, Larry DeSenville addressed the Commissioners voicing his concern over Bluegrass Road in Roan Mountain. He stated that the construction of a new subdivision off this road was adding to an already dangerous situation. He said the road was narrow and winding with blind curves and the construction vehicles were making it even more hazardous. He stated he did not understand how the construction of a 74 lot subdivision could be approved without the proper infrastructure to support said construction being in place first.

Don Hurst, President of Carter County Tomorrow, addressed the Commission stating that he has not seen a long range strategic plan for the County and that it was imperative to implement such a plan. He cited a consistent communication problem within the County, stating that "people will be watching what we are doing". He once again stressed that water and sewer would be the most important issues for the next 25 to 30 years adding that health care and education were also critical issues.

Vice-Chairman Hodge recognized the elected officials in the audience at this time by asking them to stand.

On motion by Lynn Tipton, seconded by Jim Whaley the following Notaries were approved as present by voice roll call vote this September 17, 2007.

Jana Chambers	Marsha Grindstaff
Bill McFadden	Mary L. Phillips
L. Sue Dwyer	Jackie Barnett
J. Nicole Stout	Ernest L. Ritchie
Robert McCullough, II	Melissa Sue Shaw
Sheila Sturgill	Patricia Jane Cummings
Kimberly Ann Eggers	Kenneth L. Darling, Jr.
Stephanie Barbosa	Amy S. Futrell
Joey K. Turner	

Motion was made by Richard Tester, seconded by Jeff McKinney to approve minutes of the August 20, 2007 meeting of the County Commission as presented. Motion was then made by Commissioner Whaley to amend Commission Tester's motion in order for the minutes of the August meeting to reflect that he had questions the 1% raise given to the School Department in addition to the 3% raise given to all other County employees. He was told that it was because of the "formula" used by the School Department. He wanted the minutes to show that when he asked why that "formula" was not used in all Departments of the County, he did not receive an answer. The motion to AMEND was seconded by Jerry Pearman and the roll call vote was as follows:

AYES: Jack Buckles, Gebe Ritchie, Nancy Brown, Jeff McKinney, 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, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: 0
PASSING: Lawrence Hodge
ABSENT: R. L. McKinney

There being 22 ayes, 0 nays, 1 passing and 1 absent motion to AMEND duly carried this September 17, 2007.

Motion was made by Gebe Ritchie, seconded by Robert Davis to approve the minutes of the August 20, 2007, meeting of the County Commission with the amendment. By voice roll call vote motion duly carried this September 17 2007.

On recommendation of Mayor Holder, motion was made by Jerry Pearman, seconded by Larry McKinney to approve the appointment of Bob Blevins from the 5th District and Steve Pierce from the 1st District to the Planning Board. Roll call vote as follows:

AYES: Jack Buckles, Gebe Ritchie, Jeff McKinney, Dickie Renfro, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Terry Montgomery, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: Jancy Brown & Ken Arney
PASSING: Lawrence Hodge
ABSENT: R. L. Miller

There being 20 ayes, 2 nays, 1 passing and 1 absent, motion duly carried this September 17, 2007.

On behalf of the Financial Management Committee, Jo Ann Blankenship addressed the Commission giving an update on the camera system at the courthouse and personal i.d.'s to the supplied by the EMA Director, Ernest Jackson. She also related to the Commissioners that Director of Finance, Jerome Kitchens had selected Ingrid Deloach to act in the capacity of Deputy Director of Finance. When questioned by Nancy Brown as to the status of the health care contract for the Sheriff's Department with Dr. Daniel Paul Commissioner Blankenship stated that the Law Enforcement Committee was looking into this issue and had a proposal from Dr. Paul but as yet not a signed contract. She also related that the State of Tennessee has offered property tax relief for persons over 65 and that Randall Lewis, Trustee, would be asked to attend the next meeting to explain the discount and what would be the most beneficial to the residents of Carter County.

On recommendation of the Budget Committee, the following three (3) budget amendments were presented for approval.

Please consider the following amendments:

1.	Industrial Development				
	58120 321	Engineering Services		\$3,200.00	Decrease
	58120 599	Other Charges	\$3,200.00		Increase

To allocate funds for Three Star Program of Commissioner Training (Tuition & Travel).

2.	Agriculture Extension Service				
	57100 189	Other Salaries & Wages		\$1,460.00	Decrease
	57100 299	Other Fringe Benefits	\$1,460.00		Increase

To reallocate funds for UT Extension Office for increases in retirement cost.

3.	Fire Prevention and Control				
	54310 316	Hampton Fire Dept	\$1,733.95		Increase
	39000	Fund Balance		\$1,733.95	Decrease

Funds were requested for 06-07 to pay for gasoline – the check was written to the gas vendor who returned the check as a duplicate payment. It should have been written as a reimbursement to the fire department. This amendment will allow us to reimburse the 06-07 expense to the fire department.

Motion was made by Bill Armstrong, seconded by Jerry Pearman to approve Amendment #1. Roll call vote as follows:

AYES: Jack Buckles, Gebe Ritchie, Nancy Brown, Jeff McKinney, 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, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: 0

PASSING: Lawrence Hodge

ABSENT: R. L. Miller

There being 22 ayes, 0 nays, 1 passing and 1 absent, motion duly carried this September 17, 2007.

Motion was made by Bill Armstrong, seconded by Lynn Tipton to approve Amendment #2. Roll call vote as follows:

AYES: Jack Buckles, Gebe Ritchie, Nancy Brown, Jeff McKinney, 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, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: 0

PASSING: Lawrence Hodge

ABSENT: R.L. Miller

There being 22 ayes, 0 nays, 1 passing and 1 absent, motion duly carried this September 17, 2007.

Motion was made by Bill Armstrong, seconded by Ken Arney to approve Amendment #3. Roll call vote as follows:

AYES: Jack Buckles, Gebe Ritchie, Nancy Brown, Jeff McKinney, 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, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: 0

PASSING: Lawrence Hodge

ABSENT: R. L. Miller

There being 22 ayes, 0 nays, 1 passing and 1 absent, motion duly carried this September 17, 2007.

Robert Davis spoke to the Commissioners on behalf of the Jail Task Force inviting them to attend their meeting and speak directly with the architect J. Mark Rodgers on the progress of the jail construction. He stated that the job description for a Project Manager to oversee the jail project was still being discussed.

Jo Ann Blankenship reminded the Commissioners that the new appointment of four (4) Commissioners on the Financial Management Committee was supposed to be done at the September meeting each year. Motion was made by Charlie Bayless, seconded by Robert Davis to allow the four (4) Commissioners on the committee at present to remain for another year. These Commissioners are Jo Ann Blankenship, Jack Buckles, Jerry Pearman and Jack Campbell. Stating that the Commission was unprepared to make this reappointment, motion was made by Richard Tester, seconded by Steve Lowrance to TABLE Commissioner Bayless' motion. Roll call vote to TABLE as follows:

AYES: Nancy Brown, Jim Whaley, L. C. Tester, Steve Lowrance, Tom Bowers, Terry Montgomery, Ken Arney, Richard Tester & Robert Gobble

NAYS: Jack Buckles, Gebe Ritchie, Jeff McKinney, Harry Sisk, Jerry Pearman, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Larry McKinney, Lynn Tipton, Jack Campbell Bill Armstrong & Robert Davis

PASSING: Lawrence Hodge

ABSENT: R. L. Miller

There being 9 ayes, 13 nays, 1 passing and 1 absent, motion to TABLE failed this September 17, 2007.

The original motion to reappoint Jo Ann Blankenship, Jack Buckles, Jerry Pearman and Jack Campbell was back on the floor and a voice roll call vote was taken but was inconclusive. A roll call vote was then taken as follows:

AYES: Jack Buckles, Gebe Ritchie, Jeff McKinney, Harry Sisk, Jerry Pearman, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Terry Montgomery, Larry McKinney, Lynn Tipton, Jack Campbell, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: Nancy Brown, Jim Whaley, L. C. Tester, Steve Lowrance, Ken Arney & Richard Tester

PASSING: Lawrence Hodge

ABSENT: R. L. Miller

There being 16 ayes, 6 nays, 1 passing and 1 absent, motion duly carried this September 17, 2007.

Jo Ann Blankenship informed the Commission that next month was Fire Prevention month and requested that they look into the Fire Departments in their districts and that if any members had passed away in the last year they honor those volunteers at the next meeting.

Vice-Chairman Hodge turned the floor over to the County Attorney at this time to report to the Commission on several issues they had referred to him. He stated that the position of Coroner was outdated and that the County was required to have a Medical Examiner. He told them that two candidates should be nominated for this position by next month. He said the revised County Employee Handbook had a proposed draft ready to refer to the Rules and By-Laws Committee. He also told the Commission that another lawsuit had been filed regarding the County's breach of contract in the Private Settlement Agreement. Jo Ann Blankenship made a motion to allow him to prepare a response to the lawsuit. Her motion was seconded by Lynn Tipton and duly carried by a voice roll call vote. He stated that two additional lawsuits had been filed, one concerning the improper maintenance of a road by the Highway Department and one concerning the NARC cleanup. He said these suits had been turned over to the carriers.

Attorney Bowers stated that the \$42,600 taken from the Tax Assessor's budget for the GIS equipment had not been approved by Gerald Holly but that Jason Cody, the former Financial Director claimed that he had been given permission. He explained that no money was lost or missing and as a precaution in the future he suggested that purchase orders be consistently signed by the office heads.

As for the Watauga River Regional Water Authority issues, Attorney Bowers said that based on the date of the Private Act forming the Authority in 2001, he saw no legal basis for challenging it. He went on to say that he could see where the fact that the City of Elizabethton was not listed in the Private Act when it was taken to Nashville, but was listed in it when it was later ratified by the Commission could create a problem. He gave the Commission four (4) options to consider as follows: Hampton and First Utility Districts could request that the State revise the original Private Act to have them removed from the list; the Utility Districts could have their attorney's take legal action to have them removed; the Commission could vote to have the County Attorney file action; or a Private Act could be proposed to eliminate the WRRWA. He advised that any legal action would involve a lot of work and expense.

Gebe Ritchie passed out folders to all the Commissioners with a copy of the Private Act passed by Carter County to create the WRRWA in April of 2001 and a copy of the Private Act passed by Cumberland County in May of 1999 to create the Cumberland Plateau Regional Water Authority. He said Carter County's Private Act was actually a copy of the one used in Cumberland County. Several Commissioners commented on the fact that the Authority needed to be redone or revamped. They agreed that the City and the County needed to come together. Motion was made by Jo Ann Blankenship, seconded by Lynn Tipton to authorize the Utility Committee to meet with the Elizabethton City Council and the WRRWA board in an effort to work out a much needed solution to this most important problem. Roll call vote as follows:

AYES: Jack Buckles, Gebe Ritchie, Nancy Brown, Jeff McKinney, 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, Jack
Campbell, Richard Tester, Bill Armstrong, Robert Davis &
Robert Gobble

NAYS: 0

PASSING: Lawrence Hodge

ABSENT: R. L. Miller

There being 22 ayes, 0 nays, 1 passing and 1 absent, motion duly carried this September 17, 2007.

On motion by Robert Davis, seconded by Jerry Pearman and by voice roll call vote, Court was adjourned.