

CARTER COUNTY COMMISSION MEETING, REGULAR SESSION, FEBRUARY 22, 2011

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BE IT REMEMBERED, that the County Commission of Carter County, Elizabethton, Tennessee, met in Regular Session on February 22, 2011, at 6:00 p.m. in the main courtroom of the Carter County Courthouse. Present and presiding were the Honorable Leon Humphrey, 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, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks and Robert Gobble.

ROLL CALL.....QUORUM PRESENT

PRAYER.....REVEREND BILL YOUNCE

PLEDGE.....PAT HICKS

Motion was made by Gebe Ritchie, seconded by Tom Bowers to approve the minutes of the January 18, 2011, Commission meeting as presented. By voice roll call vote motion carried.

At this time Mayor Humphrey recognized the elected officials and guests in the audience by asking them to stand. He stated he would like to thank each and every one of them for what they do in their respective capacities for the people and betterment of the county.

Mayor Humphrey asked that a moment of silence be observed in honor of Attorney George Dugger, Jr., a longtime respected citizen of Carter County having served as County Attorney for many years.

Under Public Comments, several people in the audience were recognized to address the Commissioners. Reverend Ken Meredith from Lebanon, Virginia, addressed the Commission concerning a 31 tract of land in Carter County that he and a lady he had met that owned it wanted to build a house on. He said that in some way maybe the remainder of the land could be used for the benefit of the County . He stated the problem was the tract of land was "landlocked" and asked if there was any way the county could help in resolving this situation.

Mayor Humphrey informed him that this was a private land matter and outside the scope of the county's authority. He stated that in his opinion the only avenue he knew was to employ an attorney and have the situation resolved in Chancery Court.

Reverend Bill Younce, Pastor of the Lighthouse for Jesus on the 19E bypass stated that his church had voted to downsize and move to another location. He was concerned with all the tests and permits required for the construction of a building and the fact that the State of Tennessee was now requiring any contractor constructing a building valued over \$25,000 would have to get a State Contractors License. He said he had talked to several contractors and that they had stated what difficulty and expense they had to go through to obtain such license. Mr. Younce stated that if all contractors had to go through the state that 500 or more jobs would be lost due to the fact the Boards we have now would no longer be needed. Mayor Humphrey told Mr. Younce that as far as the permits and such he was asking the Commissioners about was something that could not be answered by them and referred him to the Planning and Zoning Office to be directed as to what permits they would need.

Billie Dabbondanza informed the Commissioners that she had just attended the Planning Commission meeting and many citizens spoke out concerning major issues with Planning/Zoning. Her opinion was that this department was broken and needed to be fixed. She encouraged the Commissioners to stand behind the Mayor and support him in adopting an amendment to the Private Act establishing the Planning Commission to be brought up later in the meeting. This amendment would give the Mayor the authority to appoint and dismiss the Director of Planning.

Dale Moeller questioned the Mayor as to why his request for written public records of three months ago had no response to date. Mayor Humphrey informed him that every document he requested had been given to him with the exception of one list with 19 items. He further stated that Mr. Moeller had requested an itemized breakdown of these items and that they were outside the scope of the contract. He said he had sent his request to the architect and would call him to come in and review the document as soon as it was received by him.

Jeffrey Hughes asked for the County and its residents to consider a county-wide trash pickup. He suggested that trash companies submit competitive bids for trash removal thus cutting down on business costs and possibly lowering the rate for their services.

Johnny Julian stated that he understood that several of the Commissioners were upset with Mayor Humphrey because they thought he was overaggressive. He said that his opinion was that the Mayor was running the County like a well oiled machine. He expressed his disapproval of a Commissioner that said all Mr. Julian did was complain and if he did not approve of the way the County was being run he needed to move out to somewhere he would be happy. He said this statement was disrespectful to a taxpaying citizen of this County.

Roy Livingston also had attended the Planning Commission meeting prior to the Commission meeting and stated there were too many complaints with no answers. He said that everyone needed to attend the next meeting to assess it for themselves as every taxpayer was affected by Planning/Zoning decisions.

Marshall Kamrass informed the Commissioners that he lived in Woodnote Subdivision and that a junk yard was basically hidden in the middle of this subdivision. He said that Chris Schuettler had brought the tax man to access the situation but the problem was in the fact that Chris did not have the enforcement power necessary to resolve the matter. He said that Chris was a good guy but seconded Ms. Dabbondanza's former comments.

Ken Arnold, also having attended today's Planning Committee meeting, said that the same approximately 40 people were there again hashing over the same issues as they had before. He said that if the Planning situation was as bad as some said it was, there would be more than the same 40 people attending their meetings. He said that Chris Schuettler had worked for the County some 20 years and had written reports and done what he was suppose to do only to have engineers brought in to rewrite these reports. He said that "they" just wanted rid of Chris and asked that everybody there come to the next Planning meeting to observe the real situation.

John Travers stated that two and a half years ago he contacted the Planning office asking that trash be removed from a close by trailer and that so far nothing had been done. He said

that small children were removed by the Johnson City Child Services from the owners of that trailer.

At this time the Mayor recognized the members of the Volunteer Fire Departments that were so helpful in extinguishing the recent landfill fire. He presented a plaque to Benny Colbaugh from himself and the County's residents as a small token of appreciation for the exceptional service displayed by these volunteers.

Next on the agenda was to elect a School Board Members for the 1st Educational District created when Noel Church vacated this position. Each applicant was given time to address the Commission. Motion was made by Mayor Humphrey, seconded by Joel Street to nominate the two people that had submitted applications for the position, Keith Church and Craig Davis. Motion duly carried by voice vote. As the Clerk read the roll, each Commissioner stated the one name of the applicant of their choice. Roll call vote as follows:

KEITH CHURCH: Paul Mottern, Lawrence Hodge, Joel Street, Richard Winters, Harry Sisk, Charles VonCannon, Jo Ann Blankenship, Dickie Renfro, John Lewis, Sonja Culler, Scott Sams, Bill Armstrong, Pat Hicks & Robert Gobble

CRAIG DAVIS: Gebe Ritchie, Nancy Brown, Steve Lowrance, Charlie Bayless, Steve Chambers & Russell Kyte

There being 14 votes for Keith Church and 6 votes for Craig Davis, 2 passing and 2 absent, Keith Church was duly elected as School Board Member of the 1st Educational District.

Mayor Humphrey addressed the Commissioners in regard to the accountability of public officials to every person in the county. He stated that in a leadership role, accountability is the acknowledgment and assumption of responsibility for actions, products, decisions and policies, including the administration, governance and implementation within the scope of employment. He said it encompasses the obligation to report, explain and to be answerable for resulting consequences. He stated that it was his responsibility to insure at no time his actions put the people at risk. Where the Planning Office was concerned, he had been asked on multiple occasions to sign documents that would surely put this county in an extremely liable situation. He said that his predecessors, due to their lack of experience and complacency, not meaning that in a negative way, were educators or professional politicians. He said they were

office holders that never worked out in the field and never had to be accountable for these types of situations. He stated that they chose to go along with the "status quo" and would sign anything, stating he had evidence in his office that all kinds of documents were signed. He stated "I cannot continue to be placed in this position of accountability signing for the people where that Planning Office is concerned". He went on to say that if the Commissioners could not support this resolution of accountability, then he would respectfully ask that they amend Private Act 360 which created the Planning Commission in such a way that he, as Mayor, was not connected with it in any fashion. "Don't make me sign things that are incorrect, don't put me in that position binding the people of the county, obligating them", he stated. He asked the Commissioners to weigh their vote carefully as it would assuredly send a loud and clear message to the people.

The County Attorney read Resolution No. 540 amending a Private Act to allow the Mayor authority to appoint and dismiss the Planning Director. Motion was made by Scott Sams, seconded by Nancy Brown to approve the Resolution as presented. Roll call vote as follows:

AYES: Nancy Brown, Harry Sisk, Charles VonCannon, Jo Ann Blankenship, John Lewis, Scott Sams & Robert Gobble

NAYS: Paul Mottern, Gebe Ritchie, Lawrence Hodge, Joel Street, Richard Winters, Steve Lowrance, Tom Bowers, Charlie Bayless, Dickie Renfro, Ken Arney, Steve Chambers, Sonja Culler, Russell Kyte, Bill Armstrong & Pat Hicks

PASSING: 0

ABSENT: Ronnie Trivett & L. C. Tester

The County Attorney stated that the vote of any Commissioner not present was an automatic "nay" vote. There being 7 ayes, 15 nays, 0 passing and 2 absent motion failed to carry.

Court recessed for five minutes and was called back to order by Mayor Humphrey.

Carter County President Tom Anderson reported the Tourism Department is finalizing a hiking trail brochure that would be distributed in the spring. He said trailhead markings will be updated and that more aggressive advertising was planned to reach visitors and draw prospective tourists to the area. He said that the prospective industry he has been recruiting for the past several months plans to make a formal announcement in May. He said that he and

the Mayor had been hard at work with them on the potential \$100 million investment with an initial hiring of about 50 people. He said that they had also been working on locating a site for a new industrial park and that data centers and other industries were looking to locate in regions with good water systems in place, which the county is working on completing. He also informed the Commissioners that Roan Mountain had been recognized by the Southern Living magazine as one of the South's best adventures in spring hiking.

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

Mary Elizabeth Oxendine	Leighanna Taylor Rash
Pamala T. Worth	Ruth H. Bowers
Sherry J. Kyte	Thomas E. Whithead
Ramona J. Potter	Shelby F. Medearis
Teresa Norris	Kathy Laughters Higgins
Karen Wilson	Tracy Lewis Guy
Tammy Kyziakidis	Karma M. Morgan
Charles Keith Bowers, Jr.	Cynthia Marie Slocum
Cynthia Dawn Crowe	

The Mayor reported that the Courthouse Square issue had now been resolved and a replacement deed had been issued by the Clerk and Master thus relieving the county of any future liability regarding the properties around the monument. He also stated that the issue of Barbara Miller's regarding the lack of utility water to her home was also resolved once the lines were pressure tested and chlorinated.

On recommendation of the Budget Committee, motion was made by Tom Bowers, seconded by John Lewis to approve the Landfill Closure Financial Assurance in the amount of \$2,622,620. Mr. Bowers stated that there was no actual monies involved but the County was standing good for this amount with the City when the landfill is closed. Roll call vote a follows:

AYES: Paul Mottern, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Joel Street, Richard Winters, Harry Sisk, Charles VonCannon, Steve Lowrance, Tom Bowers, Jo Ann

Blankenship, Dickie Renfro, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks & Robert Gobble

NAYS: 0

PASSING: 0

ABSENT: Ronnie Trivett, L. C. Tester, Charlie Bayless & Ken Arney

There being 20 ayes, 0 nays, 0 passing and 4 absent motion duly carried.

On recommendation of the Budget Committee, motion was made by Tom Bowers, seconded by Lawrence Hodge to move \$6,300 from fund balance to a line item in the Commissioner's budget to be made available for certification training for any Commissioner desiring to do so. Roll call vote as follows;

AYES: Paul Mottern, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Joel Street, Richard Winters, Harry Sisk, Charles VonCannon, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Dickie Renfro, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks & Robert Gobble

NAYS: 0

PASSING: 0

ABSENT: Ronnie Trivett, L. C. Tester, Charlie Bayless & Ken Arney

There being 20 ayes, 0 nays, 0 passing and 4 absent motion duly carried.

On recommendation of the Nominating Committee, motion was made by Harry Sisk, seconded by Pat Hicks to approve the following appointments to the Audit Committee. Mr. Sisk informed the Commissioners that this committee was being formed due to the State Auditor's report last July indicating the County was in need of an outside audit committee.

- 1. Attorney-Travis Holly, 2 Year Term**
- 2. CPA-Margaret Moses, 4 Year Term**
- 3. Associate Director of Budget and Financial Planning at ETSU-Margaret Pate, 4 Year Term**
- 4. Financial Advisory-David Wortman, 2 Year Term**

Roll call vote as follows:

AYES: Paul Mottern, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Joel Street, Richard Winters, Harry Sisk, Charles VonCannon, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Dickie Renfro, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks & Robert Gobble

NAYS: 0

PASSING: 0

ABSENT: Ronnie Trivett, L. C. Tester, Charlie Bayless & Ken Arney

There being 20 ayes, 0 nays, 0 passing and 4 absent motion duly carried.

On recommendation of the Nominating Committee, motion was made by Harry Sisk, seconded by Dickie Renfro, to appoint Joel Street to a 2 year term on the Agriculture Committee. Roll call vote as follows:

AYES: Paul Mottern, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Harry Sisk, Charles VonCannon, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Dickie Renfro, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks & Robert Gobble

NAYS: 0

PASSING: Joel Street & Richard Winters

ABSENT: Ronnie Trivett, L. C. Tester, Charlie Bayless & Ken Arney

There being 18 ayes, 0 nays, 2 passing and 4 absent motion duly carried.

On recommendation of the Nominating Committee, motion was made by Harry Sisk, seconded by Jo Ann Blankenship to appoint John Tolejko to a 3 year term on the Library Board.

Roll call vote as follows:

AYES: Paul Mottern, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Joel Street, Richard Winters, Harry Sisk, Charles VonCannon, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Dickie Renfro, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks & Robert Gobble

NAYS: 0

PASSING: 0

ABSENT: Ronnie Trivett, L. C. Tester, Charlie Bayless & Ken Arney

There being 20 ayes, 0 nays, 0 passing and 4 absent motion duly carried.

Steve Lowrance reported for the Education Committee stating that they were working with the School Board on a long range plan for education. He stated they had discussed short term capital needs of the schools and were presented with a list of the top seven most needed items. He further stated that the Municipal Planning Corporation of Knoxville would be at the next meeting to discuss a possible outside needs assessment of our school system. He stated that he knew people would question why there was a need for an outside assessment and said that it was to come up with a plan the county could live with and leave politics out of it. The next Education Committee meeting will be March 1, 2011, at 4:00 p.m. He further stated that

at the last meeting they had approved the request of Dickie Renfro for \$550 in funding to help pay for the cost of the GED exam (\$55.00) for 10 people in the program who were unable to pay the fee.

Jo Ann Blankenship reported that the Financial Management Committee was still in the process of finding a new Financial Director and hoped they would be able to announce the new director at the March meeting.

On behalf of the Health and Welfare Committee, the Mayor pointed out a letter in their packet from Fred Adams, Regional Health Director, wherein he provided recommendations as to what he felt would be the best approach to be taken should a funding source be secured for a full time medical doctor at the Health Department. He stated that he just wanted to keep the Commission in tune as he continued his effort to secure basic health care for their constituents.

Speaking on behalf of the Building and Grounds Committee, Mayor Humphrey stated that following their February meeting he was given instructions to move forward on a contract submitted by Johnson Controls for the installation of automated controls on the heating/air system at the courthouse, as well as seven VAV boxes. He stated the approximate cost of this project was \$34,881 and with a very conservative estimate there could be a less than two years payback on the system. He said that would be great but there was presently only approximately \$34,000 left in building maintenance that had to last until 6-30-2011. He noted several necessary repairs made at the courthouse since he was elected Mayor. He suggested that going forward the Building and Grounds Committee, as well as any committee, making motions for expenditures, those motions be contingent on funds being available and appropriated through the Budget Committee. He asked that Commissioner Kyte meet with Commissioner Bowers on this matter and make sure it was discussed at the next Budget Committee meeting.

On behalf of the Highway Committee, motion was made by Gebe Ritchie, seconded by Dickie Renfro to rescind a vote taken at the February 14, 2011, meeting to reduce the qualifications of the Road Superintendent, due to a miscommunication. Roll call vote as follows:

AYES: Paul Mottern, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Richard Winters, Harry Sisk, Charles VonCannon, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Dickie Renfro, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks & Robert Gobble

NAYS: 0

PASSING: Joel Street

ABSENT: Ronnie Trivett, L. C. Tester, Charlie Bayless & Ken Arney

There being 19 ayes, 0 nays, 1 passing and 4 absent motion duly carried.

Gebe Ritchie voiced his discouragement as Chairman of the Highway Committee for the lack of rules, regulations and guidelines governing this committee. He said that county residents would attend their meetings and could not understand why they could not help them with their particular road situation. He asked that a meeting with the County Attorney, CTAS or even an outside person be called to set guidelines to regulate this committee. Mayor Humphrey introduced Johnny Deacons, Road Superintendent for Washington County, who stated he was attending the meeting to show support for Jack Perkins, Road Superintendent for Carter County. He said that the Uniform Highway Laws were put into effect in 1974 and Mr. Ritchie was right in the fact that having no guidelines could cause a lot of problems. He said this was especially true when accepting roads or removing roads from the county road list. Regarding the qualifications for the Superintendent of Roads, he stated that his personal opinion was that the present qualifications were put in place for a purpose in 1986 or 1987 and to change them would be a step backward instead of forward. He said that Mr. Perkins should talk to Rick Hall with CTAS, his legal staff or Mr. Carmichael, Tennessee County Highway Official, regarding these qualifications.

Motion was made by Charles VonCannon, seconded by Pat Hicks for correspondence to be sent to the Tennessee House and Senate to withdraw a bill to lower the qualification standards in hiring a road superintendent. Roll call vote as follows:

AYES: Paul Mottern, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Richard Winters, Harry Sisk, Charles VonCannon, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Dickie Renfro, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks & Robert Gobble

NAYS: 0

PASSING: Joel Street

ABSENT: Ronnie Trivett, L. C. Tester, Charlie Bayless & Ken Arney

There being 19 ayes, 0 nays, 1 passing and 4 absent motion duly carried.

On behalf of the Landfill Committee, Gebe Ritchie reported that a compactor was destroyed in the recent fire at the landfill. He said that because there was no line item in their budget to purchase a new one, they had lost out on purchasing one for \$27,000, which in his opinion was a really good deal. He asked that the Budget Committee come up with a line item that would allow the purchase of a new compactor and was told by Mayor Humphrey to meet with Tom Bowers to have the matter brought before the Budget Committee. He further stated that the county had a compactor now that was working.

Steve Chambers, Liaison for the Planning Commission, stated that at the planning meeting before the regular commission meeting, they had unanimously voted to place our county inspectors back to their prior inspector positions. Mayor Humphrey stated that at no point in time had he ever stated the officials in the planning office had to stop their inspections as far as zoning and setbacks. He said they would continue to do that, even with this IBC code, going forward. He went on to suggest to Mr. Chambers that all the members of the Planning Committee get the IBC code and sit down, discuss the code and come back to the commission to tell them exactly what we need regarding the code. Mayor Humphrey also recommended that the planning office be approved as a permit issuing agent for the state with the inspections being done by the state and the county retaining its portion of the fees. He also stated that no further action should be taken regarding the IBC code until meeting with Fire Marshal Strong to get clarification of what we should have adopted for our county. Motion was made by John Lewis, seconded by Nancy Brown to cease all discussion and take no further action on the IBC code until all information concerning what our county needed to properly amend the code had been received. Motion was made by Nancy Brown, seconded by Robert Gobble for Chris Schuettler to make immediate application with the state for Planning office to become an issuing agent. By voice vote motion duly carried.

The County Attorney reported that the 911 lease had been approved by the Mayor and forwarded to the attorney for the Emergency 911 Board. He said once their approval was

received, that issue would be resolved. He stated that concerning stopping the work on the R. W. Edwards property at the landfill, a county warrant had been prepared and approved by the Mayor. He said that the county was asking for back rents not paid through the lease agreement and for removal of any of their process materials on site and any soil that has been contaminated by petroleum oils used in their normal operation of business. He said this was an environmental issue. He also related that correspondence had been sent from his office to Inmate Communications Corporation who provided the inmate communication station at the jail. He said they had not delivered payments due the county per their contract and he had sent a demand letter requesting them to make good on all monies owed the county within ten days. If they did not comply with his demands, he recommended that the county file suit against this corporation for all monies due.

Mayor Humphrey addressed the commission at this time stating that in an attempt to improve constituent services, a new domain name had been purchased by the county. It is cartercountyn.gov. He said that along with this, a new website was currently under construction stating he would like for everyone to visit the test site located at www.cartercountnytn.gov/test/site and spend as much time as possible. He asked that they follow up with Debbie Street, his secretary, as to any comments or suggestions they may have pertaining to the content of this site. He said it was his desire to have a site that his constituents could conduct as much business as current technology would allow from the comfort of their home.

After the Mayor informed the commissioners of a "soup contest" fundraiser for the Little Milligan Care & Share Pantry from 11:30 a.m. to 7:00 p.m. on February 26, 2011, and Commissioner Blankenship relating that the Jail Task Force would meet at 1:00 p.m. on March 1, 2011, motion was made by Lawrence Hodge, seconded by Pat Hicks to adjourn. By voice vote motion duly carried.