

Carter County Commission Meeting
Regular Session
September 16, 2013
9:00 AM

10-22-13

APPROVED
DRAFT

Chairman, Tom Bowers called the meeting to order at 9:00 AM.

Roll Call as follows:

Present: Buford Peters, Nancy Brown, Joel Street, Ronnie Trivett, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (20 Present)

Absent: Gebe Ritchie, Lawrence Hodge, Richard Winters, and Charles VonCannon. (4 Absent)

Quorum Present

(Please note that Commissioner Richard Winters arrived later during the meeting.)

Prayer was led by L.C. Tester, followed by Ronnie Trivett, leading the pledge to the American flag.

Chairman Bowers stepped down at this time as Chairman. Commissioner Harry Sisk, Chairman of the Nominating Committee, assumed the Vice-Chairman position for Lawrence Hodge as he was absent.

There were no objections, therefore, Commission Harry Sisk opened the floor for nominations for Commission Chairman.

Nomination was made by Ken Arney, seconded by Pat Hicks, to accept Tom "Yogi" Bowers as Commission Chairman.

Motion to cease nominations, as there were none others, was made by Steve Chambers, seconded by Ken Arney.

By majority voice vote, motion carried.

Roll Call Vote to accept Tom "Yogi" Bowers as 2013-2014 Commission Chairman as follows:

Ayes: Buford Peters, Joel Street, Ronnie Trivett, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, Sonja Culler, Russell Kyte, Bill Armstrong, and Pat Hicks. (16 Ayes)

Nays: Nancy Brown, John Lewis, Scott Sams, and Robert Gobble. (4 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, Richard Winters, and Charles VonCannon. (4 Absent)

By majority roll call vote, Tom "Yogi" Bowers was appointed 2013-2014 Commission Chairman.

Chairman Bowers assumed the Commission Chair and opened the floor for nominations for 2013-2014 Vice-Chair of the County Commission.

Nomination was made by Ronnie Trivett, seconded by Nancy Brown, to accept Jo Ann Blankenship as 2013-2014 Vice-Chair of the County Commission.

Motion to cease nominations, as there were none others, was made by Ronnie Trivett, seconded by Harry Sisk.

By majority voice vote, motion carried.

Roll Call Vote to accept Jo Ann Blankenship as 2013-2014 Vice-Chair of the County Commission as follows:

Ayes: Buford Peters, Nancy Brown, Joel Street, Ronnie Trivett, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (20 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, Richard Winters, and Charles VonCannon. (4 Absent)

By majority roll call vote, **Jo Ann Blankenship was appointed 2013-2014 Vice-Chair of County Commission.**

Public Comments were voiced by the following on issues appearing on the agenda:
Roy Livingston: The Private Act relative to the operation of the landfill.
Benny Lyons: Landfill operations.

Motion was made by John Lewis, seconded by Ronnie Trivett, to **accept the minutes of the last meeting, July 15, 2013, with correction as noted (top of page 119, Chairman Ritchie changed to Commissioner Ritchie).**

By majority voice vote, all ayes, **motion carried.**

Motion was made by Pat Hicks, seconded by Jo Ann Blankenship, to **accept the minutes of the Special Called Session, July 26, 2013 as presented.**

By majority voice vote, all ayes, **motion carried.**

Motion was made by Joel Street, seconded by Russell Kyte, to **accept the following Notaries/Bonds as presented.**

By majority voice vote, **motion carried.**

**Notaries/Bonds
Approved September 16, 2013**

Stacy S. Jack	Sandra Hallenbeck	Denna L. Harrison
Anita Holly	Beverly Sansom	Gloria Diane Winters
Dora Buckles	Bea C. Campbell	Tammy K. Taylor
Lori Ann Carr	Teresa Timbs Harmon	Revonda E. Mills
Gary W. Price	Tammy D. Smith	Kathy Lyons Wilson
Pennie D. Peters	Stacy White	Vickie G. Carr
Kimberly Jones	Kathy G. Ledford	Savannah D. Colbaugh

Appointed Officials, Elected Officials and Guest present were recognized and thanked for their services.

Chairman Bowers at this time recessed the Regular Commission Meeting and entered into a **Public Hearing in regards to the potential Re-Zoning and Planning Resolution concerning the Intersection of Highway 19E and Keenbug Road, Elizabethton, TN. Tax map 27, parcel 91 from R-1 to B-3.**

Chris Schuettler, Planning Director stated that Broadway Group had purchased this property and requested re-zoning allowing a dry goods store to be placed on the property. Director Schuettler noted that the Planning Commission had unanimously approved this request per confirmation from the County Commission.

Melissa Bowers, on behalf of the Broadway Group, addressed the Commission stating that a commercial retail store, dry goods, general merchandise, and convenience items was being planned to put on this property.

Chairman Bowers asked if anyone else wished to address the Commission concerning this request. There were none, therefore the Public Hearing was closed and the Commission was called back into Regular Session.

Motion was made by Ronnie Trivett, seconded by Harry Sisk, to **approve the Re-zoning of the Intersection of Highway 19E and Keenbug Road, Elizabethton, TN. Tax map 27, parcel 91 from R-1 to B-3 as presented.**

Roll Call Vote as follows:

Ayes: Buford Peters, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (21 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, Charles VonCannon. (3 Absent)

By majority roll call vote, **motion carried.**

Chairman Bowers recessed the Regular Commission Meeting and entered into a **Public Hearing in regards to the potential Re-Zoning Request concerning: 1392 Broad Street Extension, tax map 350, Group A, parcel 3 from R-1 to B-1.**

Diana Strano approached the podium. She asked that those in the audience objecting to this request to please stand. (Be it noted that many stood in objection to this request). Photos were presented to the commission of homes in this area. It was stated that many homeowners objected to businesses being located in this area.

Richard Hale, the property owner requesting the change, approached the podium. He described the type of business, a storage facility, that was to be placed on the property if the request was granted.

Chris Scheuttler, Planning Director, stated that this request had been denied by both the County and the City Planning Commissions.

Chairman Bowers asked if anyone else wished to address the Commission in regards to this request. There were none, therefore the **Public Hearing was closed and the Commission was called back into Regular Session.**

Motion was made by Ronnie Trivett, seconded by Steve Lowrance, to **deny the Re-Zoning of 1392 Broad Street Extension, Elizabethton, TN, tax map 350, Group A, parcel 3 from R-1 to B-1.**

Roll Call Vote as follows:

Ayes: Buford Peters, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (20 Ayes)

Nays: None (0 Nays)

Passing: Sonja Culler (due to a conflict of interest). (1 Passing)

Absent: Gebe Ritchie, Lawrence Hodge, Charles VonCannon. (3 Absent)

By majority roll vote, **motion carried.**

Chairman Bowers at this time recessed the Regular Commission Meeting and entered into a Public Hearing in regards to the following Resolutions:

**Flood Damage Prevention Resolution
Maximum Design Flow Resolution**

No one wished to address the Commission concerning the above mentioned Resolutions. Therefore, the **Public Hearing was closed and the Commission was called back into Regular Session.**

Chris Schuettler, Planning Director, upon request from Chairman Bowers, presented the "Resolution for Flood Damage Prevention in Carter County, Tennessee." He gave a brief summary of the Resolution noting, that it was the standard updated form/Resolution that the Federal Emergency Management Agency required from counties accepting federal monies and/or participating in the National Flood Insurance program.

Following discussion, it was noted that some changes should be made to the draft presented. Noted changes being made: "Chief Executive Officer" to "County Mayor," as listed in Article VI, section A, concerning the Board of Appeals.

Motion to waive the reading and approve "RESOLUTION FOR FLOOD DAMAGE PREVENTION IN CARTER COUNTY, TENNESSEE" with noted changes as requested above, was made by Russell Kyte, seconded by Jo Ann Blankenship. Attorney Bowers agreed to make the necessary corrections.

Roll Call Vote as follows:

Ayes: Buford Peters, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (21 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, and Charles VonCannon. (3 Absent)

By majority roll call vote, **motion carried.**

RESOLUTION No. 591

"RESOLUTION FOR FLOOD DAMAGE PREVENTION IN CARTER COUNTY, TN"
Recorded on Pages 169-185.

The Regular Session of the County Commission was recessed by Chairman Bowers and a **Public Hearing was entered into in regards to the following Resolution:**

**"Maximum Design Stormwater Management and Erosion
and Sediment Control Resolution for Carter County, Tennessee**

During the Public Hearing, a request was made that wording on the draft presented, be changed to read: "Zoning Administrator" to read "Planning Director" and "County Staff" to "Planning Staff" and "monies to be received and deposited through the County Trustee, and maintained through the County Finance Department."

Changes as requested were approved with County Attorney making the necessary corrections.

Chairman Bowers asked if anyone else wished to speak. There were none, therefore the **Public Hearing was closed and the Commission was called back into Regular Session.**

Motion to waive the reading and approve "MAXIMUM DESIGN STORMWATER AND EROSION AND SEDIMENT CONTROL RESOLUTION FOR CARTER COUNTY, TENNESSEE" with noted changes as requested, was made by Steve Chambers, seconded by Russell Kyte.

DRAFT

Roll Call Vote as follows:

Ayes: Buford Peters, Richard Winters, Ronnie Trivett, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, and Pat Hicks. (17 Ayes)

Nays: Nancy Brown, Joel Street, John Lewis, and Robert Gobble. (4 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, and Charles VonCannon. (3 Absent)

By majority roll call vote, **motion carried.**

RESOLUTION No. 592

"MAXIMUM DESIGN STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL RESOLUTION FOR CARTER COUNTY, TENNESSEE"

Recorded on Pages 186-202.

Motion was made by Joel Street, seconded by Steve Chambers, to enter into a ten (10) minute recess. By majority voice vote, all ayes, **motion carried.**

Following the recess, Chairman Bowers called the meeting **back to order.**

MAYOR'S REPORT

Private Act-Referendum, August 2014 General Election-Number of County Commissioner 24, 16 or 9.

Motion was made by Nancy Brown, seconded by Scott Sams, and upon request by Mayor Leon Humphrey, to have Attorney Keith Bowers, Jr. draft a Resolution for a **Private Act allowing a Referendum be placed on the August 2014 General Election concerning the number of Commissioners, 24, 16 or 9 members.** It would then be submitted to the County Commission for action during the October 2013 meeting. If passed, forwarded on to the General Assembly so that it can be addressed early during the next Litigation Session.

Roll Call Vote as follows:

Ayes: Nancy Brown, Ronnie Trivett, John Lewis, Scott Sams, and Robert Gobble. (5 Ayes)

Nays: Buford Peters, Joel Street, Richard Winters, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, Sonja Culler, Russell Kyte, Bill Armstrong, and Pat Hicks. (16 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, and Charles VonCannon. (3 Absent)

By majority roll call vote, **motion failed.**

General County Update: Mayor Humphrey introduced John Bland. Mr. Bland announced that the Grand Opening of the Elizabethton/Carter County Animal Shelter was set for September 28, 2013. A thank-you was extended to all helping to make the new shelter possible. Everyone was urged to attend the Grand Opening/Open House.

COMMITTEE REPORTS AND RECOMMENDATIONS

Clerks Note: An () indicates that the Disclaimer for Employees of Carter County, Tennessee was read before the Commissioner cast a vote.*

BUDGET COMMITTEE

Motion was made by Harry Sisk, seconded by Bill Armstrong, to accept the July/August 2013 donations totaling \$515.00 for the Animal Shelter. Recorded on Page 203.

Roll Call Vote as follows:

Ayes: Buford Peters, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (21 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, and Charles VonCannon. (3 Absent)

By majority roll call vote, **motion carried.**

Motion was made by Harry Sisk, seconded by Sonja Culler, to **approve the Demolition Financial Assurance Document for the Landfill.** Recorded on Page 204.

Roll Call Vote as follows:

Ayes: Buford Peters, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (21 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, and Charles VonCannon. (3 Absent)

By majority roll call vote, **motion carried.**

Motion was made by Harry Sisk, seconded by Nancy Brown, to **allow the Sheriff's Department to accept up to \$301,000 from the School Department for providing additional School Resource Officers, pending approval from the School Board.**

Roll Call Vote as follows:

Ayes: Buford Peters, Nancy Brown, (*) Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, (*) L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (20 Ayes)

Nays: None (0 Nays)

Passing: Ken Arney (1 Passing) Mr. Arney stated that he is an employee of the Carter County School System, not of Carter County.

Absent: Gebe Ritchie, Lawrence Hodge, and Charles VonCannon. (3 Absent)

County Attorney Keith Bowers, Jr. was asked by Chairman Bowers to present a ruling concerning the Disclaimer for Employees of Carter County, Tennessee, Carter County Schools and the State of Tennessee which was to be read before voting on issues, and present an opinion at the next meeting.

By majority roll call vote, **motion carried.**

Motion was made by Harry Sisk, seconded by L.C. Tester, to **approve a \$17,000 transfer from the Securis Reserve to Law Enforcement Equipment.**

Roll Call Vote as follows:

Ayes: Buford Peters, Nancy Brown, (*) Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, (*) L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (20 Ayes)

Nays: John Lewis. (1 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, and Charles VonCannon. (3 Absent)

By majority roll call vote, **motion carried.**

DRAFT

Motion was made by Harry Sisk, seconded by Ronnie Trivett to **approve \$6,933.70 transfer from the Securis Reserve to Law Enforcement Equipment for the purchase of a new DVR system as requested by Sheriff Mathes.**

Roll Call Vote as follows:

Ayes: Buford Peters, Nancy Brown, (*) Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, (*) L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (20 Ayes)

Nays: John Lewis. (1 Nay)

Absent: Gebe Ritchie, Lawrence Hodge, and Charles VonCannon. (3 Absent)

By majority roll call vote, **motion carried.**

Motion was made by Harry Sisk, seconded by Nancy Brown, upon request from Sheriff Mathes, to **approve funds from the sale of confiscated vehicles sold on govdeals.com to be put in a reserve for the Sheriff's Department to purchase vehicles, vehicle equipment, and bullet proof vests.**

Roll Call Vote as follows:

Ayes: Buford Peters, Nancy Brown, (*) Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, (*) L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (21 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, Charles VonCannon. (3 Absent)

By majority roll call vote, **motion carried.**

Motion was made by Harry Sisk, seconded by John Lewis, upon request from Sheriff Mathes, to **allow the Sheriff's Department to trade in their current duty weapons toward the purchase of new weapons.**

Roll Call Vote as follows:

Ayes: Buford Peters, Nancy Brown, (*) Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, (*) L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (21 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, and Charles VonCannon. (3 Absent)

By majority roll call vote, **motion carried.**

Motion was made by Harry Sisk, seconded by Sonja Culler, to **approve Morristown Roofing's bid of \$356,742 for the Annex roof with \$356,742 coming from the Courthouse and Jail Maintenance Reserve.**

Roll Call Vote as follows:

Ayes: Buford Peters, Nancy Brown, (*) Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (21 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, and Charles VonCannon. (3 Absent)

By majority roll call vote, **motion carried.**

Randall Lewis, Trustee presented for approval changes to the 2013-2014 Approved Budgets for the County Trustee's Office. It was noted that the requested amendments was a change of line items only—no new monies. These changes would allow funding in the amount of \$7,900 for the mailing of the Property Tax notices.

Motion was made by Ronnie Trivett, seconded by L.C. Tester, to **approve Line Item Amendments as recorded on page 203 and as requested by Randall Lewis, Trustee, to be used toward the mailing of the Property Tax notices.**

Roll Call Vote as follows:

Ayes: Buford Peters, Nancy Brown, (*) Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (21 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, and Charles VonCannon. (3 Absent)

By majority roll call vote, **motion carried.**

Motion was made by Harry Sisk, seconded by Nancy Brown, to **approve General Fund 101 Amendment #1 with 4 items for a total of \$ 69,359.36 with \$1,500 coming from Fund Balance. Recorded on page 205.**

Roll Call Vote as follows:

Ayes: Buford Peters, Nancy Brown, (*) Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (21 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, and Charles VonCannon. (3 Absent)

By majority roll call vote, **motion carried.**

Motion was made by Harry Sisk, seconded by Joel Street, to **approve General Purpose School Fund 141 Amendment #1 with 5 items to recognize grants for a total of \$1,155,541.66 with \$0 coming from Fund Balance. Recorded on pages 206-207.**

Roll Call Vote as follows:

Ayes: Buford Peters, Nancy Brown, (*) Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (20 Ayes)

Nays: None (0 Nays)

Passing: (**) Ken Arney. (1 Passing) ** Passing – Due to conflict of interest being an employee of the Carter County School System, Elizabethton, TN.

Absent: Gebe Ritchie, Lawrence Hodge, and Charles VonCannon. (3 Absent)

By majority roll call vote, **motion carried.**

FINANCIAL MANAGEMENT COMMITTEE

Motion was made by Jo Ann Blankenship, seconded by Ronnie Trivett, to **approve \$142,160 for purchase of the Skyward Software, especially for the Finance Section/Department's use, without the time management portion.**

Discussion followed with many stating the pro's and con's concerning the time management/software program. It was stated that this could be used as a "time clock." However, if all office holders do not utilize this option, it would mean an additional work load for the finance department.

It was also stated that office holders cannot be forced to use the program.

Roll Call Vote as follows:

Ayes: Buford Peters, (*) Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, (*) L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Steve Chambers, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (18 Ayes)

Nays: Nancy Brown, Ken Arney, and John Lewis. (3 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, and Charles VonCannon. (3 Absent)

By majority roll call vote, **motion carried.**

Jo Ann Blankenship announced that Doug "Slim" Miller had retired from the Highway Department and although Mr. Miller was not in attendance, a round of applause was offered showing appreciation for his devotion to Carter County.

Highway Superintendent, Jack Perkins introduced Mr. Jonathan Powell and welcomed him as the new Highway Superintendent Assistant.

HEALTH AND WELFARE

Motion was made by Jo Ann Blankenship, seconded by Ken Arney, to **approve the new Indigent (Pauper) Burial/Cremation Application discouraging giving of false information, which would be perjury upon the applicant. The maximum coverage furnished by the County for this service being \$600.00. (Corrected application noting requested changes) Recorded on pages 208-209.**

Roll Call Vote as follows:

Ayes: Buford Peters, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (21 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, and Charles VonCannon. (3 Absent)

By majority roll call vote, **motion carried.**

Motion was made by Jo Ann Blankenship, seconded by John Lewis, to **approve and to include in the current contract with the Carter County Rescue Squad. The overseeing, purchasing and training of Automated External Defibrillator (AED).** It was noted that Terry Arnold, Rescue Squad Director has agreed to adding this to the current contract.

By majority voice vote, all ayes, **motion carried.**

Request was made by Chairman Bowers to enter into a ten (10) minute recess. Being that there were no objections, the meeting entered into recess.

Commission was called **back to order** by Chairman Bowers following the recess.

HIGHWAY COMMITTEE

Jack Perkins recognized County Attorney Keith Bowers, Jr. who spoke concerning issues with the Rittertown Bridge project. He stated that multiple letters had been sent to the property owners in question. However, no replies have been received.

Motion was made by Ronnie Trivett, seconded by John Lewis, **per code, to grant permission to County Attorney Keith Bowers, Jr. to began a suit of condemnation on property needed to complete the Rittertown Bridge project.**

Roll Call Vote as follows:

Ayes: Buford Peters, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (21 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, and Charles VonCannon. (3 Absent)

By majority roll call vote, **motion carried.**

BUILDING AND GROUNDS COMMITTEE

Building and Grounds Chairman, L.C. Tester informed the Commission that the generator in the Courthouse Annex was not working and in need of repairs/replacement. Several options were discussed concerning cost verses replacement. Issues concerning the tank for the generator were voiced as being a major factor in the cost also.

Motion was made by Ronnie Trivett, seconded by John Lewis, **to take up to \$31,365.16 from the General Fund for the repairs needed for to the Generator at the Courthouse Annex.**

Roll Call Vote as follows:

Ayes: Nancy Brown, Ronnie Trivett, Harry Sisk, (*) L.C. Tester, Charlie Bayless, John Lewis, Sonja Culler, Russell Kyte, Bill Armstrong, and Robert Gobble. (10 Ayes)

Nays: Buford Peters, Joel Street, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, and Scott Sams. (9 Nays)

Passing: Richard Winters, and Pat Hicks. (2 Passing)

Absent: Gebe Ritchie, Lawrence Hodge, and Charles VonCannon. (3 Absent)

Due to not receiving a majority vote, **motion failed.**

Motion was made by Buford Peters, seconded by Sonja Culler, **to take funds for the tank removal/replacement cost (everything except cost in regards to the generator) out of the Litigation Fund, and to have the Sheriff research his budget to see if \$5,000 can be located, to use to make the necessary repairs to the generator. If the Sheriff is unable to locate the \$5,000 this issue is to be brought back before the Commission for further recommendation.**

Roll Call Vote as follows:

Ayes: Buford Peters, Nancy Brown, Richard Winters, Ronnie Trivett, Harry Sisk, (*) L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (20 Ayes)

Nays: Joel Street. (1 Nay)

Absent: Gebe Ritchie, Lawrence Hodge, and Charles VonCannon. (3 Absent)

By majority roll call vote, **motion carried.**

Chairman of the Building and Grounds, L.C. Tester, informed the Commission of safety and structural issues concerning the third floor of the Courthouse. He state that the third floor was showing signs of stress and sagging due to many records being stored in that area. Assessor of Property, Ronnie Taylor also has an employee/office located on the third floor that has been deemed unsafe by the Fire Inspector due to no fire escape.

Recommendation was made by the Building & Grounds Committee to move the Assessor of Property employee/office to Conference Room 205 with any records not being used daily being moved to the former Red Cross offices in the 911 building.

Following much discussion and due to the current use of Conference Room 205, and the immediate need for action, other options were offered.

Motion was made by Buford Peters, seconded by Ronnie Trivett, **to remove items currently stored in Room 217 (across from the EMA office) and store them (possibly in the old Red Cross office located in the 911 building), and allow current office/employee of Assessor of Property to relocate in Room 217 following cleaning, inspection and approval of Ronnie Taylor, Assessor of Property.**

By majority voice vote, all ayes, **motion carried.**

Jo Ann Blankenship addressed the placement of the ice machine now located outside the main courtroom. She stated that this needed to be relocated due to health and safety issues.

Motion was made by Ronnie Trivett, seconded by Steve Lowrance, **to relocate the ice machine to the Highway Department.**

Roll Call Vote as follows:

Ayes: Nancy Brown, Ronnie Trivett, Steve Lowrance, Tom Bowers, John Lewis, and Robert Gobble. (6 Ayes)

Nays: Buford Peters, Joel Street, Richard Winters, L.C. Tester, Jo Ann Blankenship, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, and Pat Hicks. (13)

Passing: Harry Sisk, and Charlie Bayless. (2 Passing)

Absent: Gebe Ritchie, Lawrence Hodge, and Charles VonCannon. (3 Absent)

By majority roll call vote, **motion failed.**

Motion was made by Joel Street, seconded by Charlie Bayless, **to disconnect, clean and relocate the ice machine and place it in the Register of Deeds Office. (If it is possible to do so with current water and drain accessibly).**

By majority voice vote, all ayes, **motion carried.**

The Ethics Committee meeting on September 5, 2013 failed to have a quorum.

Motion was made by John Lewis, seconded by Scott Sams, **to remove the Office Holders from the Ethics Committee, changing membership back to the original five member committee.**

Chairman Bowers stated that, by law, an Ethics Committee was not required.

Motion to table the above motion, **to remove the Office Holders from the Ethics Committee, and changing membership back to the original five member committee,** was made by Ronnie Trivett, seconded by Harry Sisk.

Roll Call Vote as follows:

Ayes: Buford Peters, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz,

Ken Arney, Steve Chambers, Sonja Culler, Russell Kyte, Bill Armstrong, Pat Hicks, and Robert Gobble. (18 Ayes)

Nays: Nancy Brown, John Lewis, and Scott Sams. (3 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, and Charles VonCannon. (3 Absent)

By majority roll call vote, **motion to table carried.**

Motion to dissolve the Ethics Committee, therefore amending the current policy by taking any grievances to the County Attorney and/or the District Attorney.

By majority voice vote, **motion carried.** A "no" vote was voiced by John Lewis.

Attorney Keith Bowers, Jr. reported that a recommendation had been made by the Building and Grounds Committee to the sale of two county owned excess properties and presented them to the full Commissioner for approval.

Motion was made by Ronnie Trivett, seconded by L.C. Tester, to allow Ingrid Deloach, Finance Director along with Keith Bowers, Jr., County Attorney, to sell properties as listed below at auction with monies received from this sale going to General Fund.

Those properties being: Deed Reference: Carter County, Tennessee Record Book 119, Page 631, Tax map 48C, Group A, Parcel 18.

Deed Reference: Carter County, Tennessee, Record Book 297, Page 473, Tax Map 40, Parcel 82.

By majority voice vote, all ayes, **motion carried.** Recorded on pages 210-211.

NOMINATING COMMITTEE

Motion was made by Harry Sisk, seconded by Steve Lowrance, to nominate and appoint Bobbie Gouge-Dietz, to the Beer Board, replacing Dickie Renfro.

Chairman Bowers, asked if there were any other nominations from the floor, and there were none.

By majority voice vote, all ayes, **motion carried.**

Chairman Bowers presented for consideration a list of committee members. He made reference to the recommendation that was made by the Rules & By-Laws Committee and passed by the full Commission December 2002 session.

Mr. Bowers stated that the makeup of each of the three (3) standing Committees is not to be appointed by the Chairman. It is up to the three (3) Commissioners from that District. They would decide between themselves as to who would preside and serve on what committee.

Motion was made by Scott Sams to suspend the rules as presented (referencing the December 2002 Commission Meeting). **Motion failed to receive a second.**

Chairman Bowers asked each District if they wished to make any changes to members serving on any of the three (3) standing Committees at this time. Each district replied as follows:

District One: None at this time.

District Two: We're happy.

District Three: None at this time. It was noted that Commissioner VonCannon was absent.

District Four: Everything is fine.

District Five: Yes, to remove Richard "Dickie" Renfro and to place Bobbie Gouge-Dietz in his place. Everything else to remain the same.

District Six: We're good. We're fine.

District Seven: Commissioner Sonja Culler stated that she did not feel that the Seventh District was being represented on the Budget Committee, due to the absences of Scott Sams. She therefore recommended that a change be made.

Mr. Sams responded to his absences stating that he had valid reasons for being absent. However, Ms. Culler stated that she had not been asked to attend any committee meetings in his absence. Commissioner Kyte also stated that he had not been asked to attend meetings for Mr. Sams either, and this was the reason for the requested change.

Commissioner Kyte nominated Sonja Culler to represent the Seventh District on the Budget Committee replacing Scott Sams. **By majority vote of the Seventh District Commissioners Sonja Culler was placed on the Budget Committee, Nominating Committee, Legal, Industry, Reapportionment and Capital Project Committees.**

Commissioner Sams stated that he declined to serve on the Utilities, Cable, Education, Highway, Special Investigations, and Solid Waste/Landfill Committees, due to his business and work schedule.

Sonja Culler stated that she would continue to serve on the above committees without change.

District Eight: Yes. We request, as agreed upon by District Eight Commissioners majority, that **Bobbie Gouge-Dietz, replace Richard Renfro on the Utilities, Cable, Education, Special Investigations, and Solid Waste/Landfill Committees.**

Change Chairman of the Utilities, Cable from Pat Hicks to Sonja Culler, due to work conflicts.

Robert Gobble to represent District Eight on the Utilities, Cable (replacing Pat Hicks).

Pat Hicks to retain membership on the Education, Special Investigations, and Solid Waste/Landfill Committees, without change.

Much discussion followed concerning the above changes.

Motion was made by Harry Sisk, seconded by Steve Chambers, to re-appoint and elect the current members of the Financial Management Committee: Leon Humphrey, Kevin Ward, Jack Perkins, Harry Sisk, Tom Bowers, Pat Hicks and Jo Ann Blankenship, Chairwoman, for the 2013-2014 year.

Roll Call Vote as follows:

Ayes: Buford Peters, Nancy Brown, Richard Winters, Ronnie Trivett, Harry Sisk, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charles Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks, and Robert Gobble. (18 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, Joel Street, Charles VonCannon, L.C. Tester, and Bill Armstrong. (6 Absent)

By majority roll call vote, **motion carried.**

RECORDS COMMITTEE

Scott Bowers, Chairman, addressed the Commission stating that Melissa Moreland had been granted permission to destroy records. Mr. Bowers informed the Commission that any records being destroyed must first receive permission from the Records Committee which oversees the destruction of records to safeguarding permanent ones.

Paperwork is now available to officeholders requesting records be destroyed. Mr. Bowers also urged the officeholders to make a request to purge records thus saving much storage space.

Recommendation was made by County Attorney, Keith Bowers, Jr. to make the Records Committee a Committee of seven members.

Motion was made by Harry Sisk, seconded by Jo Ann Blankenship, to make the Records Committee a Committee of seven (7) members which would allow two (2) Commissioners to set on this Committee.

By majority voice vote, all ayes, motion carried.

Listing of 2013-2014 Committees, Boards, Authorities and Commission of Carter County, Elizabethton, TN. Recorded on pages 212-217.

Motion was made by Pat Hicks, seconded by Sonja Culler, to waive the reading and approve as presented, "A Resolution to Affirm and Support It Can Wait National Day of Action and the Nationwide No-Texting-While-Driving Movement," Resolution.

Roll Call Vote as follows:

Ayes: Buford Peters, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (19 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, Charles VonCannon, L. C. Tester, and John Lewis. (5 Absent)

By majority roll call vote, motion carried.

RESOLUTION No. 593

"A RESOLUTION TO AFFIRM & SUPPORT IT CAN WAIT NATIONAL DAY OF ACTION AND THE NATIONWIDE NO-TEXTING-WHILE-DRIVING MOVEMENT."

Recorded on pages 218-219.

Motion was made by Nancy Brown, seconded by Steve Lowrance to waive the reading and approve as presented "A Resolution Recognizing the Efforts of the Watauga Valley Fife and Drum Corps in Educating the Citizens of Carter County and the State of Tennessee about the Rich History of this Region and Requesting the Watauga Valley Fife and Drum Corps be Designated as the Official Fife and Drum Corps of the State of Tennessee."

Roll Call Vote as follows:

Ayes: Buford Peters, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (20 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, Charles VonCannon, and L.C. Tester. (4 Absent)

By majority roll call vote, motion carried.

RESOLUTION No. 594

"A RESOLUTION RECOGNIZING THE EFFORTS OF THE WATAUGA VALLEY FIFE AND DRUM CORPS IN EDUCATING THE CITIZENS OF CARTER COUNTY AND THE STATE OF TENNESSEE ABOUT THE RICH HISTORY OF THIS REGION AND REQUESTING THE WATAUGA VALLEY FIFE AND DRUM CORPS BE DESIGNATED AS THE OFFICIAL FIFE AND DRUM CORPS OF THE STATE OF TENNESSEE." Recorded on pages 220-221.

Motion was made by Steve Lowrance, seconded by Steve Chambers, to waive the reading of Carter County, Tennessee for the Year Beginning July 1, 2013 and Ending June 30, 2014," as presented.

By majority voice vote, all ayes, **motion carried.**

Motion was made by Russell Kyte, seconded by Steve Chambers, to accept as presented, "A **Resolution Making Appropriations to Nonprofit Charitable Organizations of Carter County, Tennessee for the Year Beginning July 1, 2013 and Ending June 30, 2014,**" as presented.

Roll Call Vote as follows:

Ayes: Buford Peters, Nancy Brown, (*) Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (20 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie, Lawrence Hodge, Charles VonCannon, and L.C. Tester. (4 Absent)

By majority roll call vote, **motion carried.**

RESOLUTION No. 595

"A RESOLUTION MAKING APPROPRIATIONS TO NONPROFIT CHARITABLE ORGANIZATIONS OF CARTER COUNTY, TENNESSEE FOR THE YEAR BEGINNING JULY 1, 2013 AND ENDING JUNE 30, 2014." Recorded on pages 222-224

COUNTY ATTORNEY REPORT – Keith Bowers, Jr. Items included the following:

Sale of Excess Property – Presented during Building and Grounds Committee Report.

Pauper Burial Policy – Presented during the Health & Welfare Committee Report.

Elizabethton/Carter County Animal Shelter – Employment issues.

Resolution – Being prepared in connection with the Industrial Board to be presented at the next meeting concerning waiver of taxes.

Hampton Project – Recording of deeds finalized.

Litter Complaints – Lynn Valley area, lot cleaning and finalized judgments.

Borla Industries – Extension of pilot agreement through the Industrial Bond Board.

Big Sandy Road – New litter complaint as received by the Planning Board.

Rittertown Bridge Project – Two parcels of land

Law Suits – New evidence received.

COMMISSIONER COMMENTS

Nancy Brown asked that James H. Marlow be allowed to speak concerning an issue regarding a mobile home park being set up in Rittertown. Mr. Marlow was encouraged to attend the next Planning Commission meeting to voice concerns with this issue.

Motion was made by Ronnie Trivett to have the County Attorney draw up and present a **Resolution that would allow the election of the County Superintendent to be done by popular vote.** **Motion failed to receive a second** due to this being in conflict with current State laws.

Following discussion, Attorney Bowers stated he would research this and report his findings.

Richard Winters along with Pat Hicks spoke concerning school issues.

Jo Ann Blankenship complimented County School Superintendent, Dr. Kevin Ward, on a job well done.

Carter County Expenditure Budget Reports for the month August 2013 were provided to Commissioners by Ingrid Deloach, Financial Director. Included in the report were the Account Numbers, Account Description, Budget Amounts, Budget Amendments, Amended Budgets, Month-to-Date Expenditures, Outstanding Encumbrances, and Unencumbered Balances.

Motion to adjourn was made by Russell Kyte, seconded by Buford Peters. By majority voice vote, **meeting adjourned at 1:40 PM.**

BEFORE THE COUNTY COMMISSION
OF CARTER COUNTY, TENNESSEE

REGULAR MEETING, MONDAY, SEPTEMBER 16, 2013

RESOLUTION NO. 591

"RESOLUTION FOR FLOOD DAMAGE PREVENTION IN CARTER COUNTY, TENNESSEE"

WHEREAS, Carter County, Tennessee is especially susceptible to the danger of flooding which places the citizens of the County and/or their property at risk for injury, damage, or loss; and

WHEREAS, the Legislature of the State of Tennessee has in T.C.A. §§13-7-101 through §13-7-119, delegated the responsibility to each county legislative body to adopt floodplain regulations designed to minimize danger to life and property and to allow its citizens to participate in the National Flood Insurance Program.

NOW, THEREFORE, BE IT RESOLVED, by the County Commission of Carter County, Tennessee, meeting in regular session at Elizabethton, Tennessee, on this 16th day of September, 2013, with a lawful quorum of said Commission being present and with a majority of said Commission voting in the affirmative, that the Resolution for Flood Damage Prevention in Carter County, Tennessee is hereby adopted as follows:

ARTICLE I.
STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE
AND OBJECTIVES

Section A. Statutory Authorization

The Legislature of the State of Tennessee has in T.C.A. §§ 13-7-101 through §13-7-119, delegated the responsibility to the county legislative body to adopt floodplain regulations designed to minimize danger to life and property and to allow its citizens to participate in the National Flood Insurance Program.

Section B. Findings of Fact

1. The Carter County Board of County Commissioners wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).

2. Areas of Carter County are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose

It is the purpose of this Resolution to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This Resolution is designed to:

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

2. Require that uses vulnerable to floods, including County facilities, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation floodwaters;

4. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;

5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section D. Objectives

The objectives of this Resolution are:

1. To protect human life, health and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodable area; and
8. To maintain eligibility for participation in the National Flood Insurance Program.

ARTICLE II. DEFINITIONS

Unless specifically defined below, words or phrases used in this Resolution shall be interpreted as to give them the meaning they have in common usage and to give this Resolution its most reasonable application given its stated purpose and objectives.

"Accessory Structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or flood proofed.

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered "New Construction".

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Resolution or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the

path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. (Such flooding is characterized by ponding or sheet flow.)

"Area of Special Flood-related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation (BFE)" means the elevation of surface water resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Building", means any structure built for support, shelter, or enclosure for any occupancy or storage (See "Structure")

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or "Emergency Program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of landmasses. This peril is not per se covered under the Program.

"Exception" means a waiver from the provisions of this Resolution which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Resolution.

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or Resolution adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or Resolution adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

"Existing Structures" see "Existing Construction".

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or "Flood-prone Area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Flood-related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related Erosion Area" or "Flood-related Erosion Prone Area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that has been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Resolution.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle", unless such transportable structures are placed on a site for 180 consecutive days or longer.

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Resolution, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means any structure for which the "start of construction" commenced after the effective date of this Resolution or the effective date of the first floodplain management Resolution and includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after the effective date of this Resolution or the effective date of the first floodplain management Resolution and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-year Flood" see "Base Flood".

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" The Tennessee Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

"Structure", for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any repairs, reconstruction's, rehabilitation's, additions, alterations or other improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Resolution which permits construction in a manner otherwise prohibited by this Resolution where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Resolution is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

ARTICLE III GENERAL PROVISIONS

Section A. Application

This Resolution shall apply to all areas within the incorporated area of Carter County, Tennessee.

Section B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Carter County, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number 47019C0025E, 47019C0050E*, 47019C0075E, 47019C0100E, 47019C0125E, 47019C0150E, 47019C0154E, 47019C0155E*, 47019C0158E, 47019C0160E, 47019C0165E, 47019C0170E, 47019C0180E, 47019C0185E, 47019C0190E, 47019C0195E, 47019C0225E, 47019C0250E, 47019C0275E*, 47019C0280E, 47019C0285E, 47019C0300E*, 47019C0303E, 47019C0304E, 47019C0305E*, 47019C0308E, 47019C0310E*,

47019C0311E, 47019C0312E, 47019C0315E, 47019C0316E, 47019C0317E, 47019C0318E, 47019C0319E*, 47019C0350E, 47019C0375E*, 47019C0400E*, dated September 26, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution.

[*Panel Not Printed – No Special Flood Hazard Areas]

Section C. Requirement for Development Permit

A development permit shall be required in conformity with this Resolution prior to the commencement of any development activities.

Section D. Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Resolution and other applicable regulations.

Section E. Abrogation and Greater Restrictions

This Resolution is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Resolution conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

Section F. Interpretation

In the interpretation and application of this Resolution, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

Section G. Warning and Disclaimer of Liability

The degree of flood protection required by this Resolution is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Resolution does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Resolution shall not create liability on the part of Carter County, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Resolution or any administrative decision lawfully made hereunder.

Section H. Penalties for Violation

Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Carter County, Tennessee from taking such other lawful actions to prevent or remedy any violation.

**ARTICLE IV.
ADMINISTRATION**

Section A. Designation of Resolution Administrator

The Flood Plain Manager or his/her designee is hereby appointed as the Administrator to implement the provisions of this Resolution.

Section B. Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application stage

a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to the highest adjacent grade when applicable under this Resolution.

b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFE's are available, or to the highest adjacent grade when applicable under this Resolution.

c. Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in Article IV, Section B.

d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within unnumbered A zones, where flood elevation data are not available, the Administrator shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building said certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section C. Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to:

1. Review of all development permits to assure that the permit requirements of this Resolution have been satisfied, and that proposed building sites will be reasonably safe from flooding.

2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

5. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with Article IV, Section B.

6. Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with Article IV. Section B.

7. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Article IV. Section B.

8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Resolution.

9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Resolution.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Resolution). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Article IV. Section B.

10. All records pertaining to the provisions of this Resolution shall be maintained in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Resolution shall be maintained in a separate file or marked for expedited retrieval within combined files.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Resolution, shall meet the requirements of "new construction" as contained in this Resolution; and,

10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Resolution, shall be undertaken only if said non-conformity is not further extended or replaced.

Section B. Specific Standards

These provisions shall apply to ALL Areas of Special Flood Hazard as provided herein:

1. Residential Construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Article V. Section B.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Resolution). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Article IV. Section B.

2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than one (1) foot above the level of the base flood elevation.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Resolution). All applicable data including elevations or flood-proofing certifications shall be recorded as set forth in Article IV. Section B.

Buildings located in all A-zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV. Section B.

3. Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2) The bottom of all openings shall be no higher than one foot above the finish grade; and

3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with

the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and

c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Article V. Section B. of this Resolution.

4. Standards for Manufactured Homes and Recreational Vehicles

a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

1) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,

2) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.

c. Any manufactured home which has incurred "substantial damage" as the result of a flood or that has substantially improved must meet the standards of Article V. Section B. 4 of this Resolution.

d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

e. All recreational vehicles placed on identified flood hazard sites must either:

1) Be on the site for fewer than 180 consecutive days;

2) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.

3) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than 180 consecutive days.

5. Standards for Subdivisions

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

a. All subdivision proposals shall be consistent with the need to minimize flood damage.

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

d. Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty lots and/or five acres in area.

Section C. Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and With Floodways Designated

Located within the Areas of Special Flood Hazard established in Article III. Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.

2. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Article V.

Section D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Areas of Special Flood Hazard established in Article III. Section B, where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

2. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article V. Section B.

Section E. Standards for Streams without Established Base Flood Elevations or Floodways (A Zones)

Located within the Areas of Special Flood Hazard established in Article III, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

1. When base flood elevation data or floodway data have not been provided in accordance with Article III, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of Article V. ONLY if data is not available from these sources, then the following provisions (2 & 3) shall apply:

2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

3. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article V, Section B, and "Elevated Buildings".

Section F. Standards For Areas of Shallow Flooding (AO and AH Zones)

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1') foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Article V, Section B, and "Elevated Buildings".

2. All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one (1') foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Resolution and shall provide such certification to the Administrator as set forth above and as required in Article IV, Section B.

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

4. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

Section G. Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in Article III. Are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Article IV. and Article V. Section A. shall apply.

Section H. Standards for Unmapped Streams

Located within Carter County, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

2. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with Article IV.

ARTICLE VI. VARIANCE PROCEDURES

The provisions of this section shall apply exclusively to Areas of Special Flood Hazard within the unincorporated areas of Carter County, Tennessee.

Section A. Board of Appeals

1. Creation and Appointment

A Board of Appeals is hereby established which shall consist of five (5) members appointed by the County Mayor. The term of membership shall be four (4) years except that the initial individual appointments to the Board of Appeals shall be terms of one, two, and three years respectively. Vacancies shall be filled for any unexpired term by the County Mayor.

2. Procedure

Meetings of the Board of Appeals shall be held at such times as the Board shall determine. All meetings of the Board of Appeals shall be open to the public. The Board of Appeals shall adopt rules of procedure and shall keep records of applications and actions thereon, which shall be a public record. Compensation of the members of the Board of Appeals shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Board of Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Resolution. Such appeal shall be taken by filing with the Board of Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of \$250 dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Board of Appeals all papers constituting the record upon which the appeal action was taken. The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more 30 days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Board of Appeals shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in the carrying out or enforcement of any provisions of this Resolution.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

1) The Carter County Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.

2) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

3) In passing upon such applications, the Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Resolution, and:

a) The danger that materials may be swept onto other property to the injury of others;

b) The danger to life and property due to flooding or erosion;

c) The susceptibility of the proposed facility and its contents to flood damage;

d) The importance of the services provided by the proposed facility to the County;

e) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

h) The safety of access to the property in times of flood for ordinary and emergency vehicles;

i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;

j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

4) Upon consideration of the factors listed above, and the purposes of this Resolution, the Board of Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Resolution.

5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Resolutions.

3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

ARTICLE VII. LEGAL STATUS PROVISIONS

Section A. Conflict with Other Resolutions

In case of conflict between this Resolution or any part thereof, and the whole or part of any existing or future Resolution of Carter County, Tennessee, the most restrictive shall in all cases apply.

Section B. Validity

If any section, clause, provision, or portion of this Resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Resolution which is not of itself invalid or unconstitutional.

Section C. Effective Date

This Resolution shall become effective immediately after its passage, by Carter County, Tennessee, the public welfare demanding it.

Adopted this 16th day of September, 2013.

CARTER COUNTY, TENNESSEE

APPROVED:

By: Thomas Bowers
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

By: Leon Humphrey
LEON HUMPHREY
CARTER COUNTY MAYOR

VETOED:

By: _____
LEON HUMPHREY
CARTER COUNTY MAYOR

Date: _____

VETO OVERRIDE VOTE:

_____ YES VOTES
_____ NO VOTES
_____ ABSTAIN VOTES

APPROVED WITH SUCCESSFUL OVERRIDE VOTE:

By: _____
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

Date: _____

ATTEST:

Mary Gouge
MARY GOUGE
CARTER COUNTY CLERK

APPROVED AS TO FORM:

Keith Bowers, Jr.
KEITH BOWERS, JR.
CARTER COUNTY ATTORNEY

BEFORE THE COUNTY COMMISSION
OF CARTER COUNTY, TENNESSEE
REGULAR MEETING, MONDAY SEPTEMBER 16th, 2013

RESOLUTION NO. 592

**"MAXIMUM DESIGN STORMWATER MANAGEMENT AND EROSION AND
SEDIMENT CONTROL RESOLUTION FOR CARTER COUNTY, TENNESSEE"**

WHEREAS, discharges to the Carter County stormwater system that are not composed entirely of stormwater runoff contribute to increased nonpoint source pollution and degradation of receiving waters; and

WHEREAS, these non-stormwater discharges occur due to spills, dumping and improper connections to the Carter County storm drain system from residential, industrial, commercial or institutional establishments; and

WHEREAS, these non-stormwater discharges not only impact waterways individually, but geographically dispersed, small volume non-stormwater discharges can have cumulative impacts on receiving waters; and

WHEREAS, the impacts of these discharges adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters; and

WHEREAS, these impacts can be minimized through the regulation of spills, dumping and discharges into the Carter County stormwater system; and

WHEREAS, localities in the State of Tennessee are required to comply with a number of State and Federal laws, regulations and permits which require a locality to address the impacts of stormwater runoff quality and non-point source pollution due to improper non-stormwater discharges to the Carter County stormwater system.

NOW, THEREFORE, BE IT RESOLVED, by the County Commission of Carter County, Tennessee, meeting in regular session at Elizabethton, Tennessee, on this 16th day of September, 2013, with a lawful quorum of said Commission being present and with a majority of said Commission voting in the affirmative, as follows:

SECTION 1. Maximum Design Stormwater Management and Erosion and Sediment Control:

- a. Short title
- b. Purpose
- c. Definitions
- d. Regulated land disturbing activities
- e. Permit required for any land disturbing activity
- f. Stormwater Plan and SWPPP required
- g. Plan and SWPPP requirements
- h. Plan must contain measures to meet approved standards
- i. Permit application
- j. Plan development at owner/developer's expense
- k. Plan submitted to Director of Zoning
- l. Plan review
- m. Director of Zoning may require additional protective measures
- n. Improperly maintained stormwater management facilities and drainage structures violation
- o. Director of Zoning responsible for providing safeguards in projects less than one acre
- p. Existing developed properties with drainage, erosion and sediment concerns
- q. Improvements needed at existing locations determined by the Director of Zoning

- r. Improvements required with existing developments subject to appeal
- s. Monitoring, reports, and inspections
- t. Certificate of Occupancy not issued until approvals
- u. Grading Permit Security
- v. Appeal of administrative action
- w. County clean-up resulting from violations at Developer's/Owner's expense
- x. Illicit discharge and illegal dumping
- y. Penalties; Enforcement
- z. Severability

1a) Short title: This Section shall be known as the "Maximum Design Stormwater Management and Erosion and Sediment Control Resolution of Carter County, Tennessee".

1b) Purpose: The purpose of this resolution is to conserve the land, water and other natural resources of Carter County; and promote the public health and welfare of the people by establishing requirements for the control of stormwater, erosion and sedimentation and by establishing procedures whereby these requirements shall be administered and enforced; and to diminish threats to public safety from degrading water quality caused by the run-off of excessive stormwater and associated pollutants; and to reduce flooding and the hydraulic overloading of Carter County's stormwater system; and to reduce the economic loss to individuals and the community at large.

1c) Definitions: For the purpose of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Adequacy of Outfalls: The capacity of the receiving channel, stream, waterway, storm drain system, etc., and a determination whether it is adequately sized to receive runoff from the developed site so as to not cause erosion and/or flooding.

Best Management Practices (BMP's): A schedule of activities, prohibitions of practices, design, construction and maintenance procedures, and other management practices to prevent the pollution of stormwater runoff.

County: All unincorporated areas of Carter County, Tennessee.

Development: Any activity that involves making changes to the land contour by grading, filling, excavating, removal, or destruction of topsoil, trees, or vegetative covering.

Denuded Area: Areas disturbed by grading, tilling, or other such activity in which most or all vegetation has been removed and soil is exposed directly to the elements allowing for the possibility of erosion, stormwater and or sediment run-off.

Developer: Any person, owner, individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

Drainage: A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping; commonly applied to surface water/stormwater.

Stormwater Management Facility: This term is used in a general sense to mean retention ponds, detention ponds, sedimentation basins, sediment traps, and any other structure that is constructed to reduce or control stormwater run-off and prevent silt and other pollutants from entering waterways. When terms such as sediment basins and detention ponds are used in this resolution, they are also intended to describe a variety of possible structures whose applications in certain circumstances helps control stormwater and waterway pollutants.

Stormwater Plan: For the purpose of this Section; a Stormwater Plan refers to a formal written document and/or drawing addressing grading, stabilization using vegetation, stormwater conveyance, stormwater management, and erosion and sedimentation controls, as specified in this Resolution, that is reviewed by the Director of Zoning with other technical assistance as deemed necessary, and if approved by the Director of Zoning is used as the basis for the

Director of Zoning or designee to issue a Grading Permit that allows land disturbing activity to proceed.

Drainage Ways and Local Waters: Any and all streams, creeks, branches, ponds, reservoirs, springs, wetlands, wells, drainage ways and wet weather ditches, or other bodies of surface or subsurface water, natural or artificial including Carter County's stormwater system; lying within or forming a part of the boundaries of Carter County.

Enforcement Officer: The Director of Zoning, designee, or any other person designated by the Carter County Board of County Commissioners to enforce the Stormwater Management and Erosion and Sedimentation Control Resolution.

Erosion: The general process whereby soils are moved by flowing surface or subsurface water.

Grading Permit: The permit that must be issued by the Director of Zoning or designee, before any land disturbing activity is undertaken by a developer; or when grading, filling, or excavating is proposed on any project.

Land Disturbing Activity: Means any activity which may result in soil erosion from water or wind and the movement of sediments into drainage ways, or local waters, including, but not limited to, clearing of vegetation (including timber operations), grading, excavating, transportation and filling of land, except that the term shall not include:

- (a) Such minor land disturbing activities as home gardens and individual home landscaping, repairs and maintenance work.
- (b) Construction, installation or maintenance of utility lines and individual service connections, or septic lines and drainage fields unless the disturbance is 1 acre or more.
- (c) Emergency work to protect life, limb or property.

SWPPP: Stormwater Pollution Prevention Plan. This is a combination of the Erosion and Sediment Control Plan and a narrative in accordance with the State of Tennessee's current Construction General Permit.

1d) Regulated land disturbing activities:

1d1) Except as provided in this Section, it shall be unlawful for any person to engage in any land disturbing activity involving at least one (1) acre of land disturbance, or where the construction activity is part of a larger common plan of development or sale that would disturb one (1) acre or more of land without submitting and obtaining approval of a Stormwater Plan and a comprehensive SWPPP as detailed in this Section, and being issued a Grading Permit by the Director of Zoning or designee.

1d2) Any person who owns, occupies and operates private agriculture lands shall not be deemed to be in violation of this Resolution of land disturbing activities which result from the normal functioning of these lands, however, the Director of Zoning or designee have the authority to require "best practices" erosion and sedimentation control measures if pollution and run-off problems are evident.

1d3) Any State or Federal agencies not under the regulatory authority of the Carter County for stormwater management, erosion and sediment control is exempt from the requirements of this Resolution.

1e) Permits required for any land disturbing activity:

- I. Any land disturbing activity, as defined in this Section, shall require a Grading Permit, in addition to any Building Permit prior to the commencement of any work. Grading Permits for regulated land disturbing activities as defined in this Section will be issued by the Director of Zoning or designee only upon the Developer meeting requirements outlined in all applicable portions of this Section which includes obtaining approval of a Stormwater Plan by the Director of Zoning. A fee may be assessed for issuance of a grading permit.

- II. A Grading Permit is also required for any development, construction activity, or land disturbing activity on less than one (1) acre of land but a formal stormwater plan approved by the Director of Zoning is not required. The Director of Zoning shall require that all grading, vegetation, drainage, stormwater, erosion and sedimentation control measures necessary shall be implemented, shall conform to any and all Best Management Practices, and shall meet the objectives established in this resolution. Developers must also present to the Director of Zoning a description of the measures that will be taken to address the requirements established in this Section - avoiding mud, sediment, rock and debris on public ways, streets, streams, and drainage ways. These measures must be addressed prior to the Director of Zoning or designee issuing a Grading Permit. Measures preventing excess run-off and erosion must be in place prior to the commencement of grading and/or excavation.
- III. A pre-construction meeting shall be held between Carter County and the developer (or their representative) for any project that discharges directly into or is immediately upstream of a Water of the State such as a stream, creek, river, or lake. No grading operations may take place until after the pre-construction meeting and perimeter sediment control devices are in place and functional.

1f) Stormwater Plan and SWPPP required:

A stormwater plan and a comprehensive SWPPP shall be required for all developments, subdivisions, or construction activities involving one (1) or more acres of land disturbance, except as exempted in this Section, or where the construction activity is part of a larger common plan of development or sale that would disturb one (1) acre or more of land.

Plan and SWPPP requirements: The Stormwater Plan shall be prepared and sealed by a registered design professional qualified to prepare stormwater plans in accordance with State of Tennessee law and in accordance with the current State of Tennessee Construction General Permit, where applicable. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and the potential for off-site damage.

The comprehensive SWPPP (plan and narrative), when required, shall be prepared by a person in accordance with the current State of Tennessee Construction General Permit. The SWPPP shall contain all information as required by the current State of Tennessee Construction General Permit. Be aware that the requirements for projects which drain into an impaired stream or Exceptional Waters of the State are different than for projects draining to an unimpaired stream.

1g) The Stormwater plan shall include at least the following:

- (1.) Project Description - Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.
- (2.) Contour intervals of five (5) feet or less showing present conditions and proposed contours resulting from land disturbing activity.
- (3.) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.
- (4.) A general description of existing land cover; individual trees and shrubs do not need to be identified.
- (5.) Limit of disturbance showing approximate limits of proposed clearing, grading and filling.
- (6.) Drainage area map showing pre and post development stormwater leaving any portion of the site.
- (7.) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
- (8.) Location, size, details, and layout of proposed stormwater management. Provide appropriate details such as a profile through the principal spillway with cutoff trench, anti-seep control, trash rack details, compaction/backfill details or notes, riser detail, outlet stabilization,

and emergency spillway detail for detention ponds and other details/sections as needed for the contractor to build the structures.

- I. The low flow opening in a riser structure and its overflow shall have a trash rack to prevent the opening, the riser, and/or the principal spillway from becoming clogged. The trash racks shall not be flat across the openings.
 - II. Provide hydraulic calculations for stormwater facilities sealed by a design professional qualified to prepare hydraulic calculations in accordance with State of Tennessee law. As a minimum, the calculations shall include a pre and post development drainage area map, brief narrative, pre and post development runoff data, and routing calculations to determine the outflow rate from the stormwater management facility.
 - III. Stormwater management devices, including detention ponds, which are located in subdivisions, shall be located on a non-buildable lot or within an easement if located on a buildable lot. Any existing and proposed easements shall be shown on the construction drawings as well as the recorded final plat. The construction drawings and the final plat shall state who is responsible for the maintenance of the stormwater management devices.
- (9.) Proposed closed and open drainage network.
- (10.) Proposed storm drain or waterway sizes.
- (11.) Location and amount of stormwater runoff leaving site after construction and stormwater management measures proposed. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the Adequacy of Outfalls from the development. When water is concentrated, what is the capacity of waterways and storm drains, if any, accepting stormwater off-site, and what measures including infiltration, sheeting into buffers, outfall setbacks, etc. are to be used to spread concentrated runoff and prevent the scouring of waterways and drainage areas off-site.
- I. Outfall pipes from storm drain systems and stormwater management facilities shall be setback sufficiently from offsite properties to allow the concentrated water to spread out back to pre-development flow characteristics. Under no circumstance shall an outfall pipe, as measured from the end section, headwall, or pipe, if no end structure is used, be any closer than ten (10) feet from the offsite property unless a drainage easement from the offsite property owner is obtained and recorded. The outfall setback shall be determined by the design professional and shall be based on outflow rate and the receiving channel or pipe characteristics.
 - II. Stormwater discharge from a concentrated point such as a pipe outfall shall discharge onto rip rap or other velocity/energy dissipating method to reduce erosion potential. All rip rap or other stone used to reduce velocity shall be placed on a geotextile to prevent scouring and the stone from sinking into the underlying soil.
 - III. The overflow path through the site and from any stormwater management device for stormwater runoff above the design storm event, shall not adversely impact any onsite structures such as buildings and roadway stability.
- (12.) The sequence of construction is a vital component of the drainage and sediment control plan and it explains to the contractor, and Director of Zoning, when the drainage and sediment control devices are to be constructed.
- I. A general sequence of construction explaining when sediment control, drainage, and stormwater management devices are to be installed in relation to other components of the site development is to be provided on the plans. The sequence of construction shall state that no clearing or grading may begin until all perimeter sediment control devices are in place and functional.
- (13.) Specific remediation measures to prevent erosion and sedimentation runoff and to meet approved standards as outlined in this Section. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetative measures, both temporary and permanent, will be detailed or at a minimum referenced to an appropriate standard. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan, as appropriate.

- I. To the extent necessary, sediment in runoff water must be trapped by the use of, sediment basins, silt traps or other sediment control measures until the disturbed area is stabilized. Structural controls shall be designed and maintained as required to prevent pollution.
- II. All Sediment Control and Erosion Control Plans shall be designed to the minimum standards as set forth by the most current State of Tennessee's Erosion and Sediment Control Handbook. If there is a conflict between these regulations and the State of Tennessee's Regulation, the most stringent regulation shall apply.
- III. All erosion and sediment control devices shall be designed for the 2 year, 24 hour storm as a minimum. For drainage area of 10 acres or more to a single outfall point, a sediment basin(s) or equivalent measures shall be used and designed for the 2 year, 24 hour storm.
- IV. For projects which drain into an impaired or exceptional state water, the erosion and sediment control devices shall be designed for the 5 year, 24 hour storm and a sediment basin or equivalent measures shall be used for drainage areas of 5 acres or more to a single outfall point.
- V. All, or as much as possible, of the offsite surface water flowing toward the construction or development area shall, to the extent possible, be diverted around the disturbed area by using berms, channels, or other measures as necessary. Limiting the amount of runoff, especially concentrated runoff, from flowing through the construction site can be extremely helpful in preventing or significantly reducing sediment runoff. Under no circumstances, unless a drainage easement is obtained, may diverted offsite runoff be redirected onto other offsite properties or to a different location on the offsite property or be diverted onto an offsite property's existing drainage way in a manner that would cause additional harm to the property.
- VI. If a detention pond is to be used initially as a temporary sediment basin, then appropriate details and notes shall be provided showing how the pond will increase the residence time of the sediment laden water and when and how the sediment basin is to be converted to a permanent detention pond. Typically this conversion occurs once the upland drainage area to the pond has been stabilized. The sequence of construction shall state when these activities are to take place.
- VII. The use of earth berms/dikes, swales, sediment traps, outlet structures, and sediment basins are strongly encouraged over the use of silt fence and straw bales for long term projects and where concentrated runoff is present.
- VIII. All disturbed areas that will not be disturbed again within 14 days shall be temporarily or permanently stabilized with seed, mulch, and/or other appropriate measures within 14 days of grading or clearing operations ceasing. It is very important that disturbed soil be stabilized as soon as possible to prevent sediment runoff. For slopes 3:1 or steeper, they must be temporarily or permanently stabilized within 7 days of grading ceasing on those slopes.

(14.) A stone construction exit per the Tennessee Sediment Control Handbook shall be provided for all construction ingress/egress points for all construction projects including single lot construction. This is required in order to prevent mud, sediment, and debris from entering Carter County streets and public ways. Mud, sediment, and debris brought onto streets and public ways must be removed by the end of the day by machine, broom or shovel to the satisfaction of the Director of Zoning. Failure to remove said sediment, mud or debris shall be deemed a violation of this resolution.

- I. It is the Developer's responsibility to prevent sediment from leaving the construction site and this includes sediment leaving the site by way of runoff flowing out the entrance or by vehicular tires carrying the sediment onto the streets. If there is runoff flowing down the construction exit to the street, a mountable stone berm or equivalent measures shall be used to direct the runoff to sediment control devices adjacent to the exit. The use of smaller stone or gravel than shown on the above mentioned construction exit detail shall not be used.

(15.) Proposed structures; location and identification of any proposed additional building, structures or development on the site.

(16.) Any on-site measures to be taken to recharge a portion of the surface water in to the ground water system through infiltration, if appropriate for the site.

(17.) The Plan must have the seal of the design professional responsible for creating the Plan. The stamped and signed Plan, if approved, shall be copied and be the official Plan that must be available in the field during construction.

(18.) Show all existing and proposed drainage easements. Proposed drainage easements shall be shown on construction drawings as well as the recorded final plat. Proposed drainage easements shall be provided where, swales, ditches, storm drains, or other conveyance devices on a lot or property will carry concentrated offsite stormwater through the lot or property.

1h) Plan must contain measures to meet approved standards:

The Stormwater Plan shall contain measures that will ensure development, construction, or site work will meet or exceed the following standards:

(1.) The development fits within the topography and soil conditions in a manner that allows stormwater and erosion and sedimentation control measures to be implemented in a manner satisfactory to the Director of Zoning. Development shall be accomplished so as to minimize the potential for erosion.

(2.) Plans for development and construction shall seek to minimize cut and fill operations to the extent possible.

(3.) During development and construction, adequate protective measures shall be provided to minimize damage from surface water to the cut face of excavations or the sloping surfaces of fills. Fills shall not encroach upon natural water courses, their flood plains; or constructed channels in a manner so as to adversely affect other properties.

(4.) Pre-construction vegetation ground cover shall not be removed, destroyed, or disturbed prior to obtaining a Grading Permit. Perimeter sediment controls shall be in place prior to the start of clearing or grading operations.

(5.) Developers shall be responsible upon completion of land disturbing activities to leave slopes and developed or graded areas so that they will not erode. Such methods include, but are not limited to, re-vegetation, mulching, rip-rapping, and retaining walls. Bank cuts and fills should preferably be 3 to 1 slopes or less, however, they shall not exceed a 2 to 1 slope without waiver from the Director of Zoning and must be properly covered and stabilized. Regardless of the method used, the objective is to leave the site as erosion and maintenance free as is practical.

I. Provisions are implemented that accommodate any increase in stormwater runoff generated by the development in a manner in which the pre development levels of runoff for the two (2) and ten (10) year storm events are not increased during and following development and construction. The Planning Commission reserves the right to require stormwater management to maintain pre development levels of runoff for the 25, 50 or 100-year storm event if a known flooding problem exists downstream.

II. Any stormwater detention or retention pond shall also be designed to pass the post development 100 year storm (peak attenuation to the 100 year pre development rate is not required) through the pond without overtopping any portion of the dam. This can be accomplished through the principal spillway or an emergency spillway or using both. The emergency spillway shall be installed on virgin soil and is not to be placed on fill material or the dam. If it is not feasible to place the emergency spillway on virgin soil then the principal spillway shall be designed for the 100 year storm.

(6.) All grading, vegetation, drainage, stormwater, erosion and sedimentation control mitigation measures shall conform to the State of Tennessee's current Construction General Permit, when applicable, and their current Erosion and Sediment Control Handbook

(7.) All perimeter sediment control devices such as construction exits, earth berms/dikes, swales, silt fence, sediment basins, sediment traps, and other perimeter stormwater measures shall be installed in conjunction with initial work and must be in place and functional prior to the

initial grading operations. These measures must be maintained throughout the development process. Sediment basins and/or sediment traps may be temporary, but shall not be removed until its drainage area is stabilized.

(8.) It is strongly encouraged to maintain existing trees because they significantly contribute to reducing stormwater runoff.

(9.) A minimum twenty-five (25) foot permanent undisturbed buffer shall be provided from the top of bank along both sides of streams except as necessary for the crossing of the stream for installation of utilities, development of roads, or construction of outfalls for stormwater facilities, related drainage improvements and for removal of invasive species to enhance the existing buffer. These utility, road, and stormwater outfall disturbances shall be designed to minimize disturbance and impact on the stream and its buffers. Any disturbance to a stream or wetland requires an Aquatic Resource Alteration permit through the State of Tennessee. During construction, a 30' average (15' minimum) undisturbed buffer or equivalent measures, shall be provided from the top of the stream bank. If the stream is a siltation or streamside habitat impaired stream or Exceptional Water of the State, the undisturbed buffer during construction is increased to a 60' average (30' minimum) or equivalent measures.

(10.) Soil and other materials shall not be temporarily or permanently stored in locations which would cause suffocation of root systems of trees intended to be preserved. Stockpiled soils shall have silt fencing or other sedimentation control measures surrounding, and shall be located away from street, curbs and drainage ways to prevent sediment from getting into local waters, streets, public ways, and offsite properties.

(11.) Land shall be developed to the extent possible in increments of workable size. Erosion and sediment control measures shall be coordinated with the sequence of construction, development and construction operations. Control measures such as berms, interceptor ditches, terraces, and sediment and silt traps shall be put into effect prior to any next stage of development.

(12.) The permanent vegetation shall be installed on areas of the construction site that are outside of the building area, pad or footprint, as soon as utilities are in place and final grades are achieved. Without prior approval of an alternate plan by the Director of Zoning, permanent or temporary soil stabilization must be applied to disturbed areas outside of the building pad or footprint within fourteen (14) days from substantial completion of grading, or where these disturbed areas outside the building site will remain unfinished for more than fourteen (14) calendar days. The building area should be stabilized with a concrete pad or the footprint covered with gravel.

(13.) Stormwater management facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In lieu thereof, these structures shall have planted trees and vegetation such as shrubs, perennials, and/or permanent ground cover on their borders, except no woody vegetation such as trees and shrubs shall be planted on dam areas or within 25 feet of the dam or the riser. Plant varieties shall be those sustainable in a drainage way environment or as may be outlined in Best Management Practices.

(14.) In many situations stormwater management facilities and drainage structures need to be fenced in order to protect public safety. It is the developer's/property owner's responsibility to determine if fencing is appropriate and the size and type. When fencing is provided, the following specifications are encouraged:

(a) Height minimum of forty-two (42) inches.

(b) For residential areas and high visibility commercial areas, the fencing could be split rail or chain linked with black or green vinyl coated wire attached, or some other type of attractive fencing.

I. For commercial and industrial uses, the fencing could be chain link up to 6' tall if the fencing is not visible from residential zoned or used property or a public right of way. Under no circumstances may barbed wire be used.

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(c) A lockable access gate of a minimum width of 12 feet must be provided to allow access by equipment and machinery as needed for maintenance.

(d) An adequate access road to the gate sufficient for maintenance vehicles and equipment.

(15.) Carter County wishes to minimize the negative effects of development on our environment, on our economy, and on our health while at the same time reducing development costs for the developers and maintenance costs for the county and the developer. All efforts should be utilized to implement site design and non-structural stormwater management practices to reduce and minimize runoff in new development. Efforts to enhance infiltration, passage or movement of water into the soil surface, reduction of hard surfaces, minimizing the concentration of runoff, and lengthening of the time of concentration should be a priority:

(16.) The following BMPs can be applied to the peak and water quality stormwater calculations thereby reducing the size and cost of the stormwater BMPs:

(a) Natural area conservation: The preservation of forest, wetlands, pasture land, and other sensitive areas of existing vegetation thereby retaining pre-development hydrologic and water quality characteristics. If these areas are undisturbed and placed in a recorded protective easement, these areas may be subtracted from the total site area when calculating water quality volume. The post development curve numbers for these areas can be modeled as forest in good condition.

(b) Disconnection of rooftop runoff: Rooftop runoff that is disconnected from another impervious surface and directed over a pervious area will infiltrate into the soil or be filtered by the surface material. The longer the flow path of the water from the pipe across vegetated areas, the greater the filtering and infiltration of the run-off which in turn improves water quality and reduces downstream run-off:

- I. If the lot is graded to disperse the rooftop runoff as sheet flow through at least 50' of thick grass or other thick vegetation or through at least 25' of existing woodlands, 50% of the rooftop impervious area draining through the vegetation may be modeled as grass in good condition when calculating the post development curve number. If reforestation or planted landscape beds equal in area to 50% of the rooftop area is placed in the path of the disconnected rooftop runoff, then the remaining 50% of the rooftop impervious area may be modeled as grass in good condition when calculating the post development curve number.
- II. If the rooftop runoff is discharged into a properly designed and constructed bio retention facility/rain garden onsite, 100% of the rooftop impervious area draining to the device may be modeled as grass in good condition when calculating the post development curve number.
- III. In addition, under both conditions listed above, the total impervious area in the water quality calculations may be reduced relative to the impervious area reduction associated with the curve number credit.
- IV. If downspouts need to be piped away from building foundations to prevent damage to the foundations, the pipes must outfall at least ten (10) feet, preferable further, from any property line. If the downspouts are piped and the runoff cannot disperse in accordance with the above requirements, no stormwater credit is available.

(c) Disconnection of non-rooftop impervious runoff:

- I. Rooftop runoff that is disconnected from another impervious surface and directed over a pervious area will infiltrate into the soil or be filtered by the surface material. The longer the flow path of the water across vegetated areas, the greater the filtering and infiltration of the runoff which in turn improves water quality and reduces downstream runoff.
- II. Discharging run-off from impervious surfaces onto pervious surfaces through the use of pervious pavers, permeable paving surfaces, rain gardens/bio retention facilities, grassed swales, use of open road sections in lieu of curbed roads, and by grading the site so that run-off travels from an impervious surface to a pervious surface before being collected in a drainage system. All of these increase filtering and infiltration of stormwater before the flows become concentrated and this in turn improves water quality

and reduces downstream run-off which means pipes, swales, ditches, and stormwater facilities can be smaller.

- III. Avoid sending run-off from one impervious surface directly onto another impervious surface. Place pervious surfaces between impervious surfaces along the run-off path.
 - IV. If the site is graded to disperse the impervious runoff as sheet flow through at least 50' of thick grass or other thick vegetation or through at least 25' of existing woodlands, 50% of the impervious area draining through the vegetation may be modeled as grass in good condition when calculating the post development curve number. If the impervious runoff is discharged into a properly designed and constructed bio retention facility/rain garden onsite, 100% of the impervious area draining to the device may be modeled as grass in good condition when calculating the post development curve number.
- (d) Sheet flow: Maintain sheet flow for as long as possible before the run-off has to be collected in a stormwater conveyance system. Sheet flow increases infiltration and lengthens the time of concentration which in turn improves water quality and reduces run-off downstream. Spread out concentrated flows created by the development before they are discharged offsite using stilling basins, level spreaders, directing run-off through woodlands, or other means so the run-off returns to pre-development characteristics to meet the adequacy of outfall provision of this ordinance and to improve water quality and reduce run-off downstream.
 - (e) Grass channels: Grass channels shall be used in lieu of piping or hard surface channels.
 - (f) Environmentally sensitive development: Maintaining/not disturbing environmentally sensitive areas such as streams, stream buffers, existing woodlands, existing steep slopes, wetlands, etc., the reduction of cut and fill, excavating, etc. and the appropriate balance of buildings and parking on the development site.
 - (g) Improvements to and the reduction in the impervious areas on the development site. Design parking lots with the minimum amount of hard surface required to meet the zoning regulations. If additional parking area is desire, the county strongly encourages the employee and/or overflow parking areas to be constructed in a more pervious material than asphalt or concrete. If the parking regulations require excessive parking for your type of development, discuss the issue with the Planning Staff. If the Planning Staff feels a reduction in the number of required parking spaces is justified, a variance can be submitted to the Board of Zoning Appeals to reduce the parking requirements which in turn will reduce the amount of impervious surface installed.
 - (h) Increased use of trees, shrubs and ground cover, which absorb up to 14 times more rainwater than grass and require less maintenance.
- (17.) Neighboring persons and property shall be protected from damage or loss resulting from an increase in stormwater runoff above the pre development rate, soil erosion, or the deposit upon private property, public streets or right-of-ways of silt and debris transported by water from construction, excavating, grading, etc. associated with a development.

1i) Permit application:

In addition to the Stormwater Plan, applications for a Grading Permit involving land disturbing activities must include the following:

- (1.) Name of applicant.
- (2.) Business or residence address of applicant.
- (3.) Name and address of owner(s) of property involved in activity.
- (4.) Address and legal description of property.
- (5.) Name, address and state license number of contractor, if different from applicant, and to the extent possible any subcontractor(s) who shall undertake the land disturbing activity and who shall implement the Stormwater Plan.
- (6.) A brief description of the nature, extent, and purpose of the land disturbing activity.

(7.) Proposed schedule for starting and completing project.

1j) Plan Development:

(1.) Plan development at Developer's expense: All Stormwater Plans shall be developed and presented at the expense of the owner/developer.

1k) Plan submitted to Director of Zoning:

Two (2) copies of the Stormwater Plan and a copy of SWPPP narrative, when applicable, shall be submitted directly to the Director of Zoning. Any insufficiencies and violations determined by the Director of Zoning or other Enforcement Officer(s) shall be noted and comments will be directed back to the Applicant/Developer. The Plan will then be revised as required prior to being approved.

1l) Plan review:

The Director of Zoning shall review Stormwater Plans as quickly as possible while still allowing for a thorough evaluation of the problems and mitigation measures identified and addressed.

1m) Director of Zoning may require additional protective measures:

The Director of Zoning has the authority, at his/her discretion, to require ground cover or other remediation measures preventing stormwater, erosion and sediment run-off, if either determines, after construction begins, that the plan and/or implementation schedule approved by the Director of Zoning does not adequately provide the protection intended by this Resolution and the plan approved by the Director of Zoning. Additional protective measures required by the Director of Zoning are subject to appeal under the procedures outlined in this Section.

1n) Improperly maintained stormwater management facilities and drainage structures violation:

- I. The Director of Zoning or designee shall periodically monitor and inspect the care, maintenance and operation of stormwater management facilities and drainage structures during and after construction and development.
- II. All on-site stormwater management facilities and drainage structures shall be properly maintained by the owner/developer during all phases of construction and development so that they do not become a nuisance. Nuisance conditions shall include: improper storage resulting in uncontrolled run-off and overflow; stagnant water with concomitant algae growth, insect breeding, and odors; discarded debris; and safety hazards created by the facilities operation. When problems occur during any phase of construction and development, it is the responsibility of the developer to make the necessary corrections. Corrective actions will be monitored and inspected by an Enforcement Officer.
- III. Facilities found to be a nuisance are in violation of the Resolution and are subject to fines up to \$5,000 per day with each additional day considered a separate violation.

1o) Director of Zoning responsible for providing safeguards in projects less than one acre:

Projects undertaken within the limits of Carter County that are not subject to review and approval of the Director of Zoning shall fall under the responsibility of the Director of Zoning or Enforcement Officers to insure that measures consistent with this Section are utilized to protect the health and safety of general public and to protect the quality of surface water. The Director of Zoning or Enforcement Officers shall require reasonable drainage and erosion and sedimentation control measures as part of the grading permit process. Under no conditions shall the developer/contractor of a property allow silt or sedimentation to enter drainage ways or adjoining properties, or allow stormwater flows to adversely impact adjoining properties. Denuded areas, cuts, and slopes in areas outside the building site shall be properly covered within the same schedule as directed in this Section.

1p) Existing developed properties with drainage, erosion and sediment concerns:

Properties of any size in Carter County that have been developed or in which land disturbing activities have previously been undertaken, are subject to the following requirements:

- (1.) Denuded areas still existing upon adoption of this resolution must be vegetated or covered under the standards and guidelines specified in the Best Management Practices adopted by the Board of County Commissioners, and on a schedule acceptable to the Director of Zoning or Enforcement Officers.
- (2.) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
- (3.) Drainage ways shall be properly covered in vegetation or secured with stones, etc. to prevent erosion.
- (4.) Junk, rubbish, etc. shall be cleared of drainage ways to prevent possible contaminate, pollution, and flooding.
- (5.) Stormwater runoff in commercial areas, office or medical facilities, may need to be controlled to the extent reasonable to prevent pollution of local waters. Such control measures may include, but not be limited to, the following:
 - (a.) Stormwater management facilities.
 - (b.) Planting and/or sowing of vegetation and other nonstructural measures.
 - (c.) Rip-rapping, mulching, and other similar erosion control measures associated with local drainage ways.

1q) Improvements needed at existing locations/developments determined by the Director of Zoning:

Improvements needed to provide drainage and sediment control in existing and completed developments shall be determined by the Director of Zoning or Enforcement Officers. The Director of Zoning or Enforcement Officers may evaluate existing developments, parking areas, and site work and drainage ways to determine if additional measures are needed to protect the health and safety and water quality.

Recommendations shall be:

- (1.) Provided in writing to the property/business owner.
- (2.) Detailed as to specific actions required and why these actions are necessary.
- (3.) Made with a reasonable period of time for implementation.
- (4.) Enforcement Officer may, but is not required, take the recommendations to the Planning Commission for review and approval, if deemed necessary by the Director of Zoning.
- (5.) The recommendations made by the Director of Zoning or Enforcement Officer may be appealed to the Board of Zoning Appeals for administrative review in accordance with this Resolution.

1r) Improvements required with existing developments subject to appeal:

Improvements required by the Director of Zoning and/or Enforcement Officers as outlined in this Section are subject to appeal by the property/business owners to the Carter County Board of Zoning Appeals as specified in this Resolution.

1s) Monitoring, reports, and inspections:

The Director of Zoning shall make at least monthly inspections, during construction and development, of the land disturbing activities, the stormwater management system installations, and other activities requiring a grading permit to ensure compliance with the approved plan and Best Management Practices. Inspections will evaluate whether the measures required in the Stormwater Plan and/or grading permit and undertaken by the Developer are effective in

controlling erosion. The right of entry to conduct such inspections shall be expressly reserved in the permit.

As a minimum, the owner/operator of any construction project which requires a Stormwater Plan is required to perform twice weekly inspections, separated by at least 72 hours, of their erosion and sediment control devices and to perform required maintenance in a timely manner. If the construction project requires a SWPPP, the owner/operator shall perform twice weekly inspections, site assessments, maintenance of devices, and documentation in accordance with the State of Tennessee's current Construction General Permit.

For drainage areas of 10 acres or more to a single outfall (5 acres or more if draining to siltation or stream-side habitat alteration impaired or exceptional waters of the state), a site assessment by the design professional who prepared the Stormwater Plan shall be performed within 1 month of grading or clearing operations starting to verify the installation, functionality and performance of all erosion and sediment control measures on the plans and in the SWPPP. Any issues shall be addressed immediately and the plans and SWPPP updated, if applicable.

If the Director of Zoning determines that the permit holder has failed to comply with plan approval, the following procedures shall apply:

1. A Notice from the Director of Zoning or Enforcement Officer shall be served on the permit holder either by registered or certified mail, delivered by hand to the permit holder or an agent or employee of the permittee supervising the activities, or by posting the notice at the work site in a visible location, that the permit holder is in Non-Compliance.

2. The Notice of Non-Compliance shall specify the measures needed to comply and shall specify the time within which such corrective measures shall be completed. The Director of Zoning or Enforcement Officer shall require a reasonable period of time for the permittee to implement measures bringing the project into compliance; however, if it is determined by the Director of Zoning or Enforcement Officer that health and safety factors or the damage resulting from being non-compliant is too severe, immediate action may be required.

3. If the permit holder fails to comply within the time specified, the permittee may be subject to the revocation of the permit. In addition, the permittee shall be deemed to be in violation of this resolution and upon conviction shall be subject to the penalties provided in this resolution.

4. In conjunction with the issuance of a Notice of Non-Compliance, or subsequent to the permittee not completing the corrective measures directed in the time period required, the Director of Zoning or designee may issue an Order requiring all or part of the land disturbing activities on the site are stopped. The Stop Work Order may be issued with or as part of the Notice of Non-Compliance, or may be delivered separately in the same manner as directed in this Section.

1t) Certificate of Occupancy not issued until approvals are met:

The Director of Zoning or designee will not issue a Certificate of Occupancy necessary to occupy any commercial or residential establishment until all aspects of the Stormwater Plan including stormwater management facilities have been completed and all control devices constructed have been approved and accepted.

1u) Grading Permit Security:

No grading permit shall be issued for a site larger than one (1) Acre until a security in the form of a Performance Bond, Irrevocable Letter of Credit, or Cash deposit is posted in the amount determined to be reasonable by the Director of Zoning for work associated with the Stormwater Plan including stabilization, stormwater conveyance, and stormwater management, if required, said deposit of funds to be made to the Carter County Trustee. A project cost summary for the items mentioned above must accompany the application so that it can be used to help determine the bond amount. The security may not be higher than an amount equal to the estimated cost of the improvements, and said security shall only be released by the Director of Zoning following completion of construction and acceptance of the grading, stabilization,

stormwater conveyance, stormwater management, and erosion and sediment control measures. The security shall be made out to the Carter County Planning Commission, and if after eight (8) months from the start of construction it appears that the Stormwater Plan activities approved by the Director of Zoning will not be implemented within a twelve (12) month period, the Director of Zoning, at his/her discretion after a Notice of Non-Compliance has been properly issued and the Developer has failed to comply, may cash or utilize said security to stabilize the site from erosion or any portion of the Stormwater Plan activities they deems necessary to protect the health and safety of residents and to protect the quality of local waters. Upon the posting of the security, the Developer must sign and have notarized an approved certification granting permission for any Stormwater Plan activities to be made on the property in case of default. The Director of Zoning may waive the requirement for a security for work in which the land disturbing activities are very minimal and are similar to single lot residential development.

1v) Appeal of administrative action:

Actions taken by the Director of Zoning or Enforcement Officer as authorized in this Resolution are subject to appeal to the Carter County Board of Zoning Appeals provided an appeal is timely filed in writing at the office of the Director of Zoning within thirty (30) days from the date any written or verbal decision has been made which the Developer feels adversely affects the Developer's rights, duties or privileges to engage in the land disturbing activity and/or associated development proposed.

1w) County clean-up resulting from violations at Developer's/Owner's expense:

Planning Staff are authorized at any time during construction and development to take remedial actions to prevent, clean-up, repair or otherwise correct situations in which water, sediment rock, vegetation, etc. ends up on public streets and/or right-of-ways resulting from violations of this resolution; where necessary drainage erosion and sedimentation control measures have not been properly implemented. In such cases, the cost of labor, equipment, and materials used will be charged to the Developer/Owner in addition to a service charge of \$100.00 per hour. The County will invoice the Developer/Owner directly, and payment shall be received within fourteen (14) days. Failure to pay for remedial actions taken by the County under this Section may result in the County Attorney filing a lien against the property involved in the action, and may negate any intention by the County to accept responsibility for any drainage and sediment control facilities. The decision of the County to take remedial actions to protect the health and safety of the public in no way supplants or negates the authority of the appropriate Planning Staff to issue citations for violations of this Resolution.

1x) Illicit discharge and illegal dumping:

DRAFT

The owner/operator if the site or project must design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:

1. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
2. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and
3. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

The following discharges are prohibited from construction sites:

- A. Wastewater from washout of concrete, unless managed by an appropriate control.
- B. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials
- C. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
- D. Soaps or solvents used in vehicle and equipment washing

1y) Penalties; Enforcement:

Any Developer or person who shall commit any act declared unlawful under this Resolution, who violates any provision of this Resolution, who violates the provisions of any permit issued pursuant to this Resolution, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by any authorized Enforcement Officer or the Director of Zoning, shall be guilty of a violation of this Resolution, and each day of such violation or failure to comply shall be deemed a separate offense and punishable accordingly. Upon conviction, the Developer or person shall be subject to fines of up to \$5000.00 for each offense per TCA. 68-221-1106, sub section (a). Unless otherwise specified within any section of this Resolution, the Director of Zoning is the designated Enforcement Officer of this Resolution.

Notice of Violation:

In the event that the Administrator determines that a violation of any provision of this Resolution has occurred, or that work does not have a required plan or permit, or that work does not comply with an approved plan or permit, the Administrator may issue a Notice of Violation to the permittee or property owner and, or any other person or entity having responsibility for construction work performed at a site development. Issuance of a Notice of Violation either written or oral, of the provisions of the County Stormwater Management Ordinance or of the policies required by this Resolution shall be cause for the issuance of a Stop Work Order, withholding of a Permit Approval or Certificate of Occupancy, and, or civil penalties and, or damage assessments.

Stop Work/Cease and Desist Orders:

When the Director of Zoning or Enforcement Officer finds that any person has violated or continues to violate this Resolution or any permit or order issued hereunder, the Administrator may issue an Order to Cease and Desist all such violations and direct those persons in noncompliance to:

(1) Comply forthwith;

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge;

If in the judgment of the Carter County Director of Zoning there exists an immediate danger to the public's life or property or to adjacent private property due to a permitted construction site, a Building/Grading Permit may be immediately suspended and may be revoked upon verbal notification, followed by submission of a Certified Letter of Violation to the owner or authorized representative.

Civil Penalties:

Pursuant to T.C.A. § 68-221-1106(a), the County has the authority to impose a civil penalty of not less than fifty dollars (\$50.00) or more than five thousand dollars (\$5,000) per day for each day of a violation. Damage assessments are determined based on any reasonable expenses incurred in investigating and enforcing violations of this part, or any other actual damages caused by the violation.

Appeals:

The Carter County Board of Zoning Appeals has been established to hear appeals of decisions of the Director of Zoning related to compliance with the Storm Water Management Resolution and MS4 management policies, procedures and regulations. This shall include appeal of actions used by the Director of Zoning to enforce compliance with the provisions of the Storm Water Management Program Resolutions and Policies. Notice shall be served upon the alleged violator either by personal service or certified mail. A request for an appeal must be made within thirty (30) days after the date of notice. The appeal must be filed with the Director of Zoning. The appeal shall be heard before the Board of Zoning Appeals at its next scheduled meeting following receipt of appeal. If a timely appeal is not received by the Board of Zoning

Appeals, the violator shall be deemed to have consented to the damage assessment and civil penalty and it shall become final.

Whenever a civil penalty or damage assessment has become final due to a failure to appeal or final judgment, the County may apply to the appropriate court for a judgment and seek execution. The County will treat a failure to appeal as a confession of judgment.

1z) Severability:

Each separate provision of this Resolution is deemed independent of all other provisions herein so that if any provision of this or provisions of this Resolution shall be deemed invalid, all other provisions thereof shall remain enforceable.

If any provisions of this ordinance and any other provisions of law impose overlapping or contradictory regulations, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern.

If any provision of this Resolution is held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any other provision of this Resolution.

BE IT FURTHER RESOLVED, this Resolution shall be effective from and after the date of its adoption, the welfare of the county demanding.

Adopted this 16th day of September, 2013.

CARTER COUNTY, TENNESSEE

APPROVED:

By: Thomas Bowers
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

By: Leon Humphrey
LEON HUMPHREY
CARTER COUNTY MAYOR

VETOED:

By: _____
LEON HUMPHREY
CARTER COUNTY MAYOR

Date: _____

VETO OVERRIDE VOTE:

_____ YES VOTES

_____ NO VOTES

_____ ABSTAIN VOTES

APPROVED WITH SUCCESSFUL OVERRIDE VOTE:

By: _____
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

Date: _____

ATTEST:



MARY GOUGE
CARTER COUNTY CLERK

APPROVED AS TO FORM:



KEITH BOWERS, JR.
CARTER COUNTY ATTORNEY

July 2013 Donations

Animal Shelter Donation- Bill Arnett	20.00
Animal Shelter Donation- Kevin Quinn	10.00
Animal Shelter Donation- Nothing written on receipt	20.00
Animal Shelter Donation- Julia Shoun	100.00
Animal Shelter Donation- Martha Flora	5.00
Animal Shelter Donation- Jason Blevins	10.00
Animal Shelter Donation- Allen Alewine	60.00
Animal Shelter Donation- Allen Alewine	20.00
	\$ 245.00

August 2013 Donations

Animal Shelter Donation- Mary Byerle Donation for truck	20.00
Animal Shelter Donation- Hayley Hood	100.00
Animal Shelter Donation- Rhudy Johnson	100.00
Animal Shelter Donation- Deborah Calhoun	50.00
	\$ 270.00

2013-14 APPROVED BUDGETS

ACCOUNT	2013-14 Approved Budget		Amendments	Amended Budget
	Original Budget			
52400 County Trustee's Office				
101 County Official/Administrative Office	\$ 73,825.00			\$ 73,825.00
106 Deputy	\$ 101,789.33			\$ 101,789.33
162 Clerical Personnel	\$ 13,000.00			\$ 13,000.00
201 Social Security	\$ 11,694.09	\$	(200.00)	\$ 11,494.09
204 State Retirement	\$ 24,796.74			\$ 24,796.74
206 Life Insurance	\$ 189.00			\$ 189.00
207 Medical Insurance	\$ 33,708.60			\$ 33,708.60
208 Dental Insurance	\$ 1,176.00			\$ 1,176.00
210 Unemployment Compensation	\$ 1,000.00	\$	(200.00)	\$ 800.00
212 Employer Medicare	\$ 2,734.91			\$ 2,734.91
309 Contracts with Government Agencies	\$ -	\$	7,900.00	\$ 7,900.00
320 Dues & Memberships	\$ 1,000.00			\$ 1,000.00
332 Legal Notices	\$ 350.00			\$ 350.00
334 Maintenance Agreements	\$ 8,100.00			\$ 8,100.00
337 Maintenance & Repair Services-Office E	\$ 4,500.00	\$	(4,500.00)	\$ -
348 Postal Charges	\$ 10,639.62			\$ 10,639.62
351 Rentals	\$ 2,000.00	\$	(1,000.00)	\$ 1,000.00
355 Travel	\$ 1,800.00	\$	(300.00)	\$ 1,500.00
435 Office Supplies	\$ 3,500.00	\$	(1,100.00)	\$ 2,400.00
508 Premiums on Corporate Surety Bonds	\$ 5,000.00			\$ 5,000.00
599 Other Charges	\$ 100.00	\$	(100.00)	\$ -
719 Office Equipment	\$ 1,500.00	\$	(500.00)	\$ 1,000.00
Total County Trustee's Office	\$ 302,403.29			\$ 302,403.29



STATE OF TENNESSEE
 DEPARTMENT OF ENVIRONMENT AND CONSERVATION
 Division of Financial Responsibility
 William R. Snodgrass Tennessee Tower
 312 Rosa Parks Ave., 10th Floor
 Nashville, TN 37243

DRAFT

July 17, 2013

The Honorable Leon Humphrey
 Carter County Mayor
 801 Elk Ave., Courthouse
 Elizabethton, Tennessee 37643

RE: Annual Inflation Adjustment of the financial assurance for the **Carter County Demolition Landfill, Permit # DML 10-0094** as required by the Regulations of the Division of Solid Waste Management.

Dear Mayor McCullough:

All county and municipal "Contracts in Lieu of Performance Bonds" must be adjusted annually for inflation by no later than the anniversary date of the issuance of the contract.

The staff of the Financial Responsibility Group utilizing data published by the U. S. Department of Commerce has projected the GNP (Gross National Product) inflation factor to be used for the inflation adjustments and renewals required before *March 31, 2013*. Our projection of the inflation factor to be used is **1.9%**. The amount of your financial assurance instrument(s) from the Year 2012 must be multiplied by **1.019**. The permitted facility and/or the Department may reserve the right to adjust this figure later based upon the actual inflation factor published by the U.S. Department of Commerce. The U. S. Department of Commerce does not make this information available until late March of each year.

Effective immediately, any County or Municipal Contract in Lieu of Performance Bond incurring an annual inflation adjustment shall not be processed by amendment until the cumulative amount of the adjustment(s) equals or exceeds **TEN THOUSAND DOLLARS (\$10,000.00)**. This is a change from the previous threshold of Five Thousand Dollars (\$5,000). For example, if the inflation adjustment is \$4,000 in year one, \$5,000 in year two, and \$6,000 in year three, the amendment will be processed in year three when the total of adjustments exceeds \$10,000. We will continue to send your inflation adjustment figures annually for your records whether or not a contract amendment is required.

Please review the amount(s) listed for each permit listed below. If any changes or modifications to your permit(s) have occurred, please contact us as soon as you receive this letter. The due date(s) and projected amount(s) for the inflation adjustment(s) of your financial instrument(s) are as follows:

Inflation Adjustments NOT REQUIRED for 2013

Facility Permit #:	Financial Instrument Type & No.:	Financial Instrument Anniversary Due Date:	Present Amount of Financial Assurance "On File"	Inflation Adjustment / Increase Required:	Inflation Adjustment and Allowable Post-Closure Reduction:	Total "Required" Amount of Financial Assurance:
DML 10-0094	Contract	08-12-13	\$ 383,168.00	\$ 7,290.00	\$	\$ 390,448.00

Mayor Humphrey
 Carter County
 July 17, 2013
 Page 2

Please see the attached spreadsheets, which list in detail the amount of financial assurance required due to the 2013 annual inflation adjustment and/or post closure reduction (if applicable) for your permit(s). The spreadsheets also list the current amount of financial assurance on file for each permit.

PLEASE NOTE

- (1) Any County and/or Municipal Contract In Lieu of Performance Bonds incurring an annual inflation adjustment shall not be processed by amendment until the amount of the adjustment equals or exceeds **TEN THOUSAND DOLLARS (\$10,000.00)**.

If you have any questions, please call me at (615) 532-0848. Please submit the inflation adjusted financial instrument to the Financial Responsibility Group at the address listed on the letterhead as indicated above.

Respectfully,

James Marks
 James Marks, ASA IV
 Municipal & County Contract Administrator
 Division of Financial Responsibility

CC: Rick Whitson, Manager of Solid Waste Management, Johnson City Field Office, TDEC

Enclosure: Customer Information Spreadsheet, Contract Example and blanks

BUDGET AMENDMENT #1 2013-14
 GENERAL FUND - 101
 16-Sep-13

Item #1	46420	State Aid Program	\$ 55,047.68	Decrease	
	58190-399-61	Other Contracted Services		\$ 55,047.68	Increase

CDBG Water Rehabilitation

Item #2	41590	Other Permits	\$ 3,680.00	Decrease	
	58900-316	Permits		\$ 3,680.00	Increase

State Building Permits

Item #3	46990	Other State Revenue	\$ 9,131.68	Decrease	
	58900-399	Other Contracted Services		\$ 9,131.68	Increase

Railroad Funds

Item #4	39000	Fund Balance	\$ 1,500.00	Decrease	
	54210-413	Drugs & Medical Supplies		\$ 1,500.00	Increase

Funds were deposited in the 2012-13 year for Medtox Diagnostics

Total			\$ 69,359.36	Decrease	
				\$ 69,359.36	Increase

Carter County Schools
General Fund 141
Budget Amendment #1

Item # 1	46590-591 Other State Education Funds		\$ 100,000.00	Increase
	72120-131-591 Nurses	\$ 63,995.00		Increase
	72120-201-591 Social Security	\$ 4,000.00		Increase
	72120-204-591 Retirement	\$ 9,100.00		Increase
	72120-206-591 Life Insurance	\$ 51.00		Increase
	72120-207-591 Medical Insurance	\$ 13,047.00		Increase
	72120-208-591 Dental Insurance	\$ 497.00		Increase
	72120-210-591 Unemployment Compensation	\$ 50.00		Increase
	72120-212-591 Medicare	\$ 950.00		Increase
	72120-355-591 Travel	\$ 3,000.00		Increase
	72120-399-591 Other Contracted Services	\$ 1,000.00		Increase
	72120-499-591 Other Supplies & Materials	\$ 3,141.00		Increase
	72120-599-591 Other Charges	\$ 1,169.00		Increase

To budget Coordinated School Health Program Grant from State Funds.

Item # 2	46590 Other State Education Funds		\$ 300,526.00	Increase
	73400-105 Director	\$ 35,875.00		Increase
	73400-116 Teachers	\$ 113,515.00		Increase
	73400-162 Clerical Personnel	\$ 12,036.00		Increase
	73400-163 Educational Assistants	\$ 38,700.00		Increase
	73400-198 Substitutes	\$ 5,000.00		Increase
	73400-201 Social Security	\$ 10,493.56		Increase
	73400-204 Retirement	\$ 17,244.06		Increase
	73400-206 Life Insurance	\$ 200.00		Increase
	73400-207 Medical Insurance	\$ 36,788.06		Increase
	73400-208 Dental Insurance	\$ 2,000.00		Increase
	73400-210 Unemployment Compensation	\$ 300.00		Increase
	73400-212 Medicare	\$ 2,974.33		Increase
	73400-307 Communications	\$ 2,400.00		Increase
	73400-351 Rentals	\$ 3,000.00		Increase
	73400-355 Travel	\$ 5,000.00		Increase
	73400-429 Instructional Supplies	\$ 10,000.00		Increase
	73400-790 Other Equipment	\$ 5,000.00		Increase

To budget Pre-K Program Grant from State Funds.

Item # 3	47590-751 Other Federal Through State		\$ 494,010.00	Increase
	73300-105-751 Director	\$ 38,974.88		Increase
	73300-169-751 Part-Time Personnel	\$ 377,676.98		Increase
	73300-201-751 Social Security	\$ 25,831.54		Increase

2/16

73300-204-751 Retirement	\$	3,609.88	Increase
73300-206-751 Life Insurance	\$	25.20	Increase
73300-207-751 Medical Insurance	\$	7,202.57	Increase
73300-208-751 Dental Insurance	\$	248.50	Increase
73300-212-751 Medicare	\$	6,041.45	Increase
73300-351-751 Rentals	\$	2,200.00	Increase
73300-355-751 Travel	\$	7,250.00	Increase
73300-499-751 Other Supplies & Materials	\$	23,199.00	Increase
73300-599-751 Other Charges	\$	1,750.00	Increase

To budget 21st Century Community Learning Centers Program Grant.

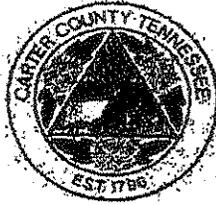
Item # 4	46590-753 Other State Ed Funds-LEAPS		\$	231,394.00	Increase
	73300-105-753 Director	\$	13,980.00		Increase
	73300-169-753 Part-Time Personnel	\$	194,940.20		Increase
	73300-201-753 Social Security	\$	12,953.05		Increase
	73300-204-753 State Retirement	\$	1,241.42		Increase
	73300-212-753 Employer Medicare	\$	3,029.33		Increase
	73300-351-753 Rentals	\$	1,750.00		Increase
	73300-355-753 Travel	\$	1,750.00		Increase
	73300-499-753 Other Supplies & Materials	\$	1,750.00		Increase

To recognize LEAPS Program Grant Budget

Item # 5	46590-594 Other State Education Funds		\$	29,611.65	Increase
	72210-189-594 Other Salaries & Wages	\$	27,346.00		Increase
	72210-201-594 Social Security	\$	1,695.45		Increase
	72210-204-594 Retirement	\$	173.68		Increase
	72210-212-594 Medicare	\$	396.52		Increase

To budget Family Resource Grant from State Funds.

Total \$ 1,155,541.66 \$ 1,155,541.65



CARTER COUNTY, TENNESSEE

INDIGENT (PAUPER) BURIAL/CREMATION APPLICATION

Preliminary Statement: T.C.A. § 5-9-101(4) provides that the county legislative body for each respective county in Tennessee may appropriate moneys for the burial or cremation expenses of indigent persons who pass away within their county. The County Commission for Carter County, Tennessee has chosen to assume a limited burden in this regard, and has therefore budgeted certain limited funds for this purpose. This application must be completed fully, accurately and truthfully by any persons seeking to obtain payment for burial/cremation of indigent persons in Carter County, Tennessee. **Any applicant who, with the intent to deceive, makes a false statement on this Application is guilty of the criminal offense of perjury which is punishable as a Class A misdemeanor pursuant to T.C.A. § 39-16-702.** Following completion, this application must be returned to the office of the Carter County Mayor at 801 East Elk Avenue, Elizabethton, TN 37643. Approval of the Carter County Mayor is required before any funds will be disbursed for payment of burial/cremation expenses.

NAME OF DECEDENT: _____

SOCIAL SECURITY NUMBER _____

DATE OF BIRTH _____

DATE OF DEATH _____

ADDRESS _____

Deceased must be a resident of Carter County - please state full address
If the premises is rented, please list the owner's name and phone number

PLACE OF DEATH: _____

DECEASED'S MONTHLY INCOME: \$ _____

WAS DECEASED EMPLOYED, IF SO WHERE: _____

DID THE DECEASED OWN PROPERTY (REAL ESTATE), IF SO PLEASE STATE ADDRESS: _____

DID THE DECEASED OWN A VEHICLE, IF SO DESCRIBE: _____

DID THE DECEASED HAVE ANY FINANCIAL ASSETS (BANK ACCOUNTS, CASH ON HAND, INSURANCE POLICIES): _____ \$ _____

NAMES OF ANY RELATIVE, SPOUSE, CHILDREN OR OTHERS FURNISHING INFORMATION CONCERNING DEATH: _____

LOCATION OF REMAINS: _____

NAME OF FUNERAL HOME: _____

APPLICATION COMPLETED BY: _____ DATE: _____

DRAFT

PAUPER BURIAL/CREMATION AFFIDAVIT

STATE OF TENNESSEE
COUNTY OF CARTER

I, the undersigned affiant, after first being duly sworn according to law, make oath that the facts and statements in the foregoing Indigent (Pauper) Burial/Cremation Application are true to the best of my knowledge, information and belief, and that _____ lies dead and unburied in this county and that he/she was a pauper and left no property out of which burial/cremation expenses could be paid. I therefore hereby request the deceased be buried or cremated at the expense of Carter County.

Note: Person who will be receiving remains

Name: _____
Address: _____
Phone number: _____

AFFIANT

SWORN to and subscribed before me this the _____ day of _____, 20____.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

STATE OF TENNESSEE
COUNTY OF CARTER

I, _____ (Funeral Home Representative), having first been duly sworn according to law, make oath and state that I have furnished the burial/cremation services for _____, a pauper, the cost of which was the sum of \$600.00, and that said account has not been paid.

AFFIANT

SWORN to and subscribed before me this the _____ day of _____, 20____.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

PAUPER BURIAL/CREMATION AUTHORIZATION

You are hereby authorized to furnish to _____, a dead pauper, the necessary burial/cremation services, the total cost not to exceed the sum of \$600.00. Said account, when properly verified and presented, will be paid from the funds appropriated for pauper burials/cremations in the current budget for Carter County, Tennessee.

This the _____ day of _____, 20____.

COUNTY MAYOR

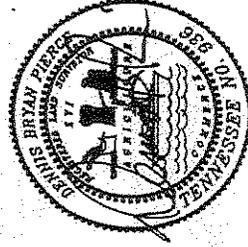
Survey For ...

CARTER COUNTY TENNESSEE

6TH CIVIL DISTRICT ——— CARTER CO., TN
AUG 1, 2013 ——— SCALE: 1" = 60'

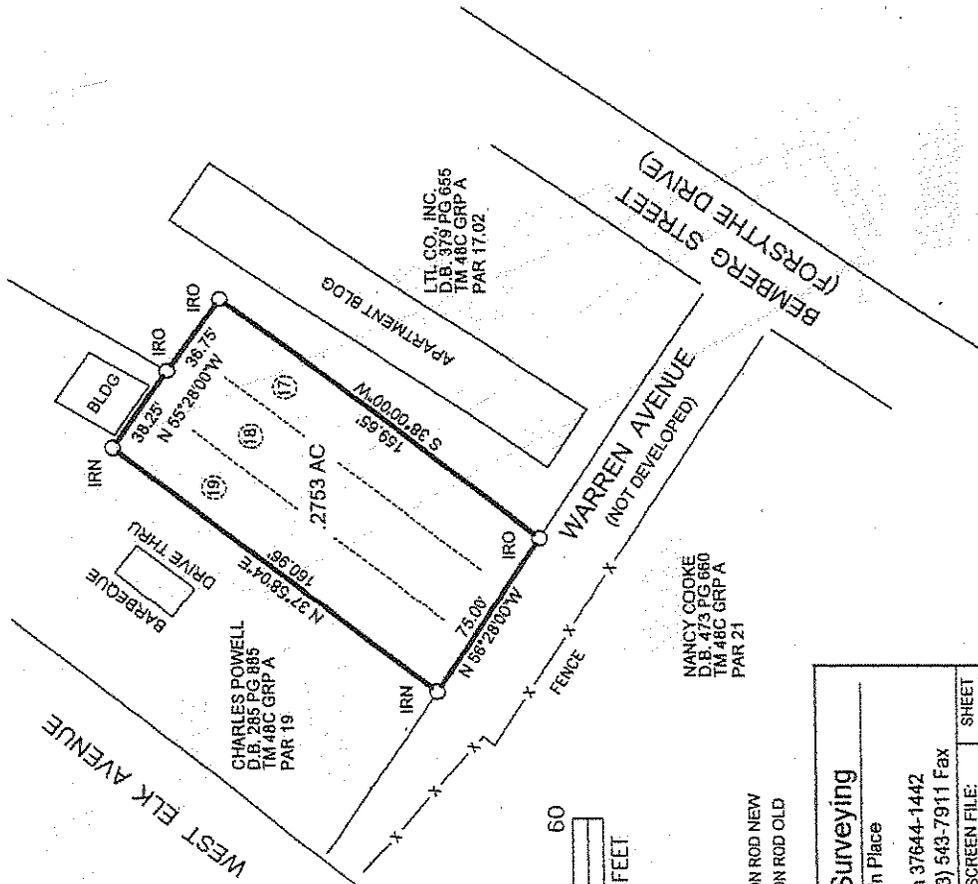
NOTES:

1. Survey is subject to any easements, written or unwritten.
2. Adjoining owners and deed references, as shown, are based upon County Tax Records and subject to the accuracy thereof.
3. According to Flood Insurance Rate Map No. 47019C0160E, dated September 26, 2008, property as shown hereon does lie in a Special Flood Hazard Area.
4. Utilities have not been located as a part of this survey and no certification is made therefor.
5. Survey is subject to any zoning regulations which may be in effect as of date hereon.
6. Survey has been made without the benefit of a title examination and is subject to any legal documentation found therein.
7. Deed Reference: Carter County, Tennessee, Record Book 119, Page 631.
8. Tax Map 48C, Group A, Parcel 18.
9. Plat Reference: Second Rio Vista Addition to the Town of Elizabethton, Plat Cabinet A, Slide 41; Lots 17, 18 and 19 in Block "A".

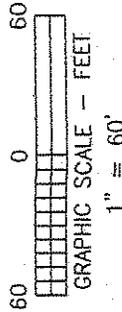
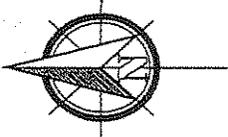


I hereby certify that this is a Category I Survey and the ratio of precision of the unadjusted survey is 1:10,000 as shown hereon and that the survey was done in compliance with current Tennessee Minimum Standards of practice.

Dennis B. Pierce
Dennis B. Pierce, RLS No. 9336



D.B. 379 PG 655



Legend

- IRN ——— 1/2" IRON ROD NEW
- IRO ——— 1/2" IRON ROD OLD

PS Pierce Land Surveying

132 Isaac Lincoln Place
P.O. Box 1442
Elizabethton, TN 37644-1442
(423) 542-4789 Office (423) 543-7911 Fax

PLAT:	FILE:	SCREEN FILE:	SHEET
8X-049	9087	9087	1 / 1

Survey For

CARTER COUNTY TENNESSEE

13TH CIVIL DISTRICT ——— CARTER CO., TN
AUG 5, 2013 ——— SCALE: 1" = 100'

NOTES:

1. Survey is subject to any easements, written or unwritten.
2. Adjoining owners and deed references, as shown, are based upon County Tax Records and subject to the accuracy thereof.
3. According to Flood Insurance Rate Map No. 47163C0160E, dated September 26, 2008, a portion of the property, shown hereon does lie in a Zone X Flood Area.
4. Utilities have not been located as a part of this survey and no certification is made hereof.
5. Survey is subject to any zoning regulations which may be in effect as of date hereon.
6. Survey has been made without the benefit of a title examination and is subject to any legal documentation found therein.
7. Deed Reference: Carter County Tennessee, Deed Book 287, Page 473.
8. Tax Map 46, Parcel 82.

I hereby certify that this is a Category I Survey and the ratio of precision of the unadjusted survey is 1:10,000 as shown hereon and that the survey was done in compliance with current Tennessee Minimum Standards of practice.

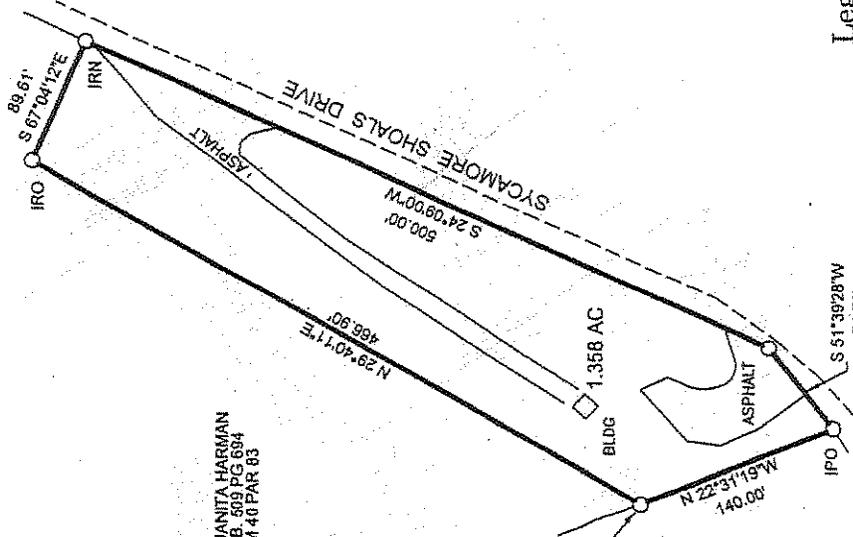
Thomas E. Pierce
Thomas E. Pierce, RLS No. 936



Legend

- IRN ——— 1/2" IRON ROD NEW
- IRO ——— 1/2" IRON ROD OLD
- IPO ——— 1" IRON PIPE OLD

JUANITA HARMAN
D.B. 509 PG 694
TM 40 PAR 83

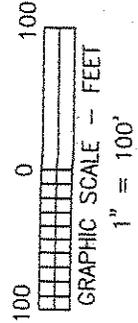
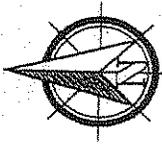


JUANITA HARMAN
D.B. 509 PG 694
TM 40 PAR 83

POINT LOCATED
N 72° 40' 17\"/>

DONNA HUGHES
R.B. 55 PG 109
TM 40 PAR 81.01

D.B. 287 PG 473



PLS Pierce Land Surveying
132 Isaac Lincoln Place
P.O. Box 1442
Elizabethton, TN 37644-1442
(423) 542-4799 Office (423) 543-7911 Fax

PLAT:	FILE:	SCREEN FILE:	SHEET
8X-050	9086	9086	1 / 1

**CARTER COUNTY COMMISSION
COMMITTEES, BOARDS, AUTHORITIES & COMMISSIONS
2013-2014**

CHAIRMAN, CARTER COUNTY COMMISSION

Tom Bowers

VICE-CHAIRWOMAN

Jo Ann Blankenship

COUNTY MAYOR

Leon Humphrey

COUNTY ATTORNEY

(exp. Sept. 2014, Elect Apr 2014)

Keith Bowers, Jr.

CHAPLAIN

Lawrence Hodge

COUNTY CORONER

2 Yr term January 2014

Benny Colbaugh

COUNTY HISTORIAN

Donald Scott Bowers

DRAFT

******* COMMITTEES *******

Budget; Nominating; Legal; Industry; Reapportionment; Capital Projects

Capital Projects to include County Mayor and Director of Schools

Tom Bowers

Lawrence Hodge

Nancy J. Brown

Harry Sisk – Chairman, Budget, Nomination

Steve Chambers

Sonja Culler

William Armstrong

DRAFT

Rules & By-laws; Building & Grounds; Law Enforcement; Health & Welfare; Recreation;

Judicial

Buford Peters, Chairman, Law Enforcement

Richard Winters,

Ronnie Trivett, Chairman, Rules & By-Laws

L.C. Tester, Chairman, Building & Grounds

Jo Ann Blankenship, Chairwoman, Health & Welfare

Ken Arney

Scott Sams

Robert Gobble

Utilities, Cable; Education; Highway; Special Investigations; Solid Waste/Landfill

Ernest Ritchie, Chairman, Highway

Joel Street, Chairman Solid Waste/Landfill

Charles VonCannon, Chairman, Special investigations

Steve Lowrance, Chairman, Education

Bobbie Gouge-Dietz

John G. Lewis

Sonja Culler

Pat Hicks, Utilities, Cable

Jail Information/Research Committee

William Armstrong, Chairman
Leon Humphrey, County Mayor
Lawrence Hodge
Joel Street
Jo Ann Blankenship, Chairwoman
Pat Hicks
Tom Bowers

Financial Management Committee

Leon Humphrey, County Mayor
Dr. Kevin War, Director of Schools
Jack Perkins, Highway Superintendent
Russell Kyte,
Tom Bowers,
Jo Ann Blankenship, Chairwoman
Pat Hicks

Work Release/Grievance Committee

Sheriff Appointment Alternates
Charles VonCannon Pat Hicks
Russell Kyte Sonja Culler
Roger Deal

Agriculture Committee

(2 year term ending 2015)
Joel Street Feb 2015
Sonja Culler Feb 2015
Harry Sisk Feb 2015
Buddy Farmer Feb 2015
Cathy Campbell Oct 2015
Terry Hubbard Feb 2015
Mike Nidiffer Jan 2015

Audit Committee

County Mayor appointment, 2 to 4 yr term
County Commission Confirmation
Travis Holly (term ends Apr 2017) David Wortman, Chairman (term ends Apr 2017)
Margaret Pate (term ends Apr 2017) Margaret Moses (term ends Apr 2015)

******* BOARDS *******

Beer Board

(1 year appointment, October TCA 1-15-73)
County Commission Appointment
Steve Chambers
Jo Ann Blankenship
Scott Sams
Lawrence Hodge
Tom Bowers, Chairman
Bobbie Gouge-Dietz

Carter County Tomorrow Development Board

(Mayor plus 2 County Commissioners)
Leon Humphrey, County Mayor
(2 members 1 yr term)
Steve Lowrance
Sonja Culler

Civil Service Board

Commission Appointment
3 yr term Oct TCA 8-8-404
John D. Snyder 2015
Jim Whaley 2014

Equalization Board (2 year term elected on the even years TCA 67-1-401)

Melvin Jack May 2015
Kathy Milhorn May 2015
Jerry Bowers May 2014
Bobby Alley May 2014
James Kent Mar 2015

Animal Control Board

(5 members, 3 year term)

County Commission Appointment 2016
Bob White, Chairman, County Appointed
William Armstrong, County Designee
Sam Shipley, City Designee
Caroline Hurt, Health Director
Hattie Skeans, City of Watauga
Nancy Brown, County Commissioners

Library Board

Board Appt., Commission Confirmation 3 yr term
Connie Blevins, Chairman - 2015
Harry Ford, Vice-Chairman - 2014
Alta Barwick - 2016
Ruth Ritchie - 2016
Dan Winters - 2015
Dr. Kevin Ward - 2015
Jo Ann Blankenship, County Liaison - 2014
Nancy Gastineau, Regional Library Board Member - 2016
Bill Armstrong - 2015

Accident Review, ADA Grievance & ADA Board

Sheriff Dept. Representative
Debbie Street, Courthouse Annex
Ken Arney, County Commissioner
Phillip Nave, School System
Leon Humphrey, County Mayor
Andrew Worley, OSHA Director, ADA Coordinator
Highway Dept. Representative

Carter County Board of Health

4 yr term, County Commission Confirmation, April 2016
Dr. Jerry Gastineau, Chairman
Caroline Hurt, Director of Health Department
Dr. Andrew Stephen May
Leon Humphrey, County Mayor
Kathryn Bowman, R.N.
Douglas Cole, DDS
Larry Proffitt, Ph. D
Health Dept. MD
Dr. Kevin Ward, Director of Education
Maureen Burniston, RN
Dr. David Kirschke
Jo Ann Blankenship, County Commission Liaison
Fred Edens and Jerome Kitchens, City of Elizabethton

Health & Education Facilities Board

(2 year term nomination by Mayor)
Conway Hyder 2015
Jack Pearman 2015
William L. Armstrong 2015
Steve Payne 2015
Nancy Jenkins 2015
Pat Holtsclaw 2015
Joe Alexander 2015

Board of Zoning Appeals

(4 year term October by Commission)

October TCA 13-7-106

Jeff Treadway	2017
Brad Johnson	2015
Curtis Cannon	2014
L.C. Tester	2015
David Sandora	2016

County Recreational Board

(Appointed by Mayor and confirmed by the Commissioners)

Leon Humphrey, County Mayor

J.R. Campbell	2017
Charles Dykes	2015
Carol White	2014
Buford Peters	2016

County Liaison Member

Industrial Development Board

Appointed by County Commission

Staggered 2, 4, 6 yr terms

Phil Isaacs, Chairman	2014
Bill Cline, Vice Chair	2014
Carol Chase, Sec.	2018
Ken Kelly	2014
Jimmy Street	2018
Chris Guy	2016
Judy Veeneman	2018
Joe LaPorte	2016
James Barker	2016

Municipal Solid Waste Board

County Mayor Appointment

County Commission Confirmation

6 yr term TCA 68-211-813

Bennie Lyons	Nov. 2017
Chris Schuettler	March 2019
Joel Street	Nov. 2017

Soil Conservation Board

April 3 year term

John Hardin	2014 State Appointed
Mike Nidiffer	2016 Reappointed
Larry Crumley	2014 State Appointed
Bill Birchfield	2016 Reappointed
Gereel Cable	2016 Reappointed

Carter County Emergency 911 Board of Directors

(October 4 year term appointed by Mayor, Confirmed by Commissioners)

Kelly Geagley, City	2015
Chris Mathes, Sheriff	2015
Matt Bailey, Police Chief	2015
Bill Carter, Fire Dept.	2014
Barry Carrier, Fire Assoc.	2014
Terry Arnold, CCE&RS, Inc.	2014
Scott Whaley, at Large	2014
Andrew Worley, at Large	2014

Mike Shouse
Jack Perkins, CC Hwy, Supt. Ex Officio

Carter County Board of Education

Dr. Kevin Ward, Director of Education – June 2014
Kelly Crain
Rusty Barnett
Jerry McMahan
David Buck
Donald Julian
Craig Davis
Ronnie McAmis-Chairman
Bobby Blevins

Carter County Emergency & County Liaison Board of Directors
County Liaison

Animal Shelter Advisory Board

7 members, Sept 2 yr term
County Mayor Appointment,
County Commission Confirmation as to Commissioner Member
Mike Barnett, Chairman
Bob White, Vice Chair
Bill Armstrong, County Commissioner
Sam Shipley, City Council
John Bland, Friends of Animal Shelter Rep.
April Jones, Animal Shelter Director
Wayne Buckles

******* COMMISSION *******

Planning Commission (April)

Commission Appointment, yr term
Tom Bowers, Chairman, County Commission
Steve Pierce, Chairman 2015
Bobby Lee Townsend 2014
Richard Winters 2014
Bill Armstrong 2016
Jerry Pearman 2014
Jamie Hughes 2017
Ralph Watson 2017
Jerry Smith 2014
Mary Ann Patton 2014
James Russell Kyte 2014
Steve Chambers 2016

Records Commission

County Mayor Appointment
County Commission Confirmation
Judge Jean Stanley
Dr. Margaret Hougland (Genealogist)
Jodi Bristol, Register of Deeds
Patsy Lewis, County Clerk Designee
Ronnie Trivett, Commissioner
Scott Sams, Commissioner

Election Commission

Paul Souder, Chairman 2015
Buddy Whitehead 2015
Wayne Smith 2015
Doug Buckles 2015
Millard M. Garland 2015

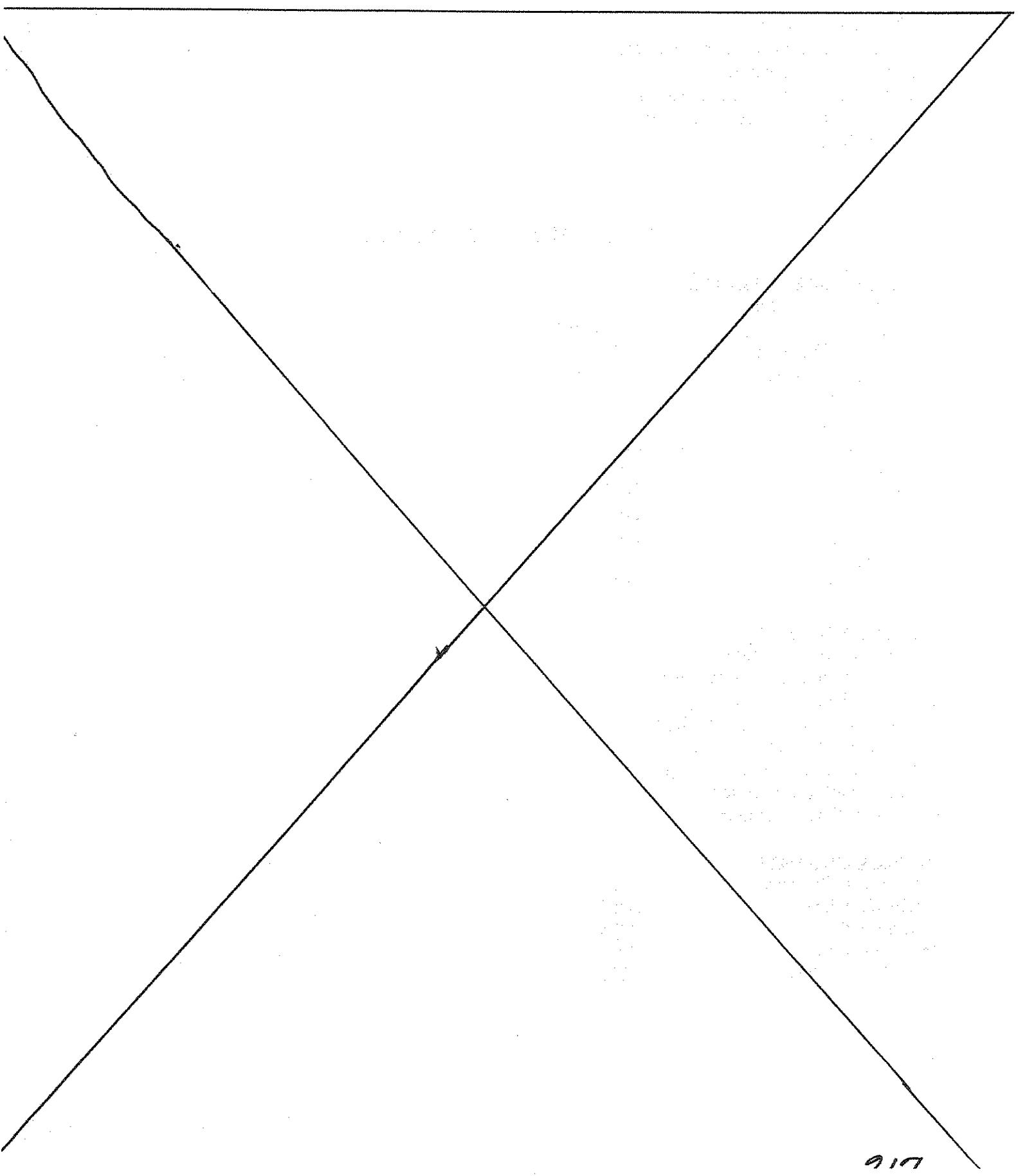
Judicial Commissioners

Appointment by County Commission
Terms staggered, 4 yr term

Mark Little	Oct 2017
Suzanne Gaylon	May 2015
Mike Peters	Aug 2015
Bobby Huffman	2017

Watauga River Regional Water Authority Board of Directors

Ray Lyons, South Elizabethton Utility
Johnny Mills, Chairman, North Elizabethton Utility
A.E. Gentry, Treasurer, Siam Utility
Leon Humphrey, County Mayor
Bryon Trantham, Executive Director
Earl Birchfield
Kurt Alexander, City Mayor



BEFORE THE COUNTY COMMISSION

OF CARTER COUNTY, TENNESSEE

REGULAR MEETING, MONDAY, SEPTEMBER 16, 2013

RESOLUTION NO. 593

"A RESOLUTION TO AFFIRM & SUPPORT IT CAN WAIT NATIONAL DAY OF ACTION AND THE NATIONWIDE NO-TEXTING-WHILE-DRIVING MOVEMENT."

WHEREAS, the Commission of Carter County, Tennessee holds the health and safety of its teenagers and adults as a chief concern; and

WHEREAS, through ItCanWait.com, Facebook, text-to-pledge, tweet-to-pledge and other events, more than 1.5 million people have committed to never text and drive; and

WHEREAS, 98 percent of American commuters know sending a text or email while driving is not safe; and

WHEREAS, nearly 50 percent of commuters text while behind the wheel; and

WHEREAS, more than 40 percent of commuters who text while driving reported the activity as being a habit; and

WHEREAS, a Virginia Tech study showed those who send text messages while driving are 23 times more likely to crash; and

WHEREAS, a driver that sends a text message while driving not only jeopardizes his or her safety, but also the safety of passengers, pedestrians, and other drivers.

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Carter County, Tennessee, meeting in regular session on this the 16th day of September, 2013, with a lawful quorum of said Commission being present and with a majority voting in the affirmative, that Carter County, Tennessee, does hereby affirm its support of the It Can Wait National Day of Action, the nationwide no-texting-while-driving movement and the proclamation of September 19, 2013, as "No Text On Board - Pledge Day."

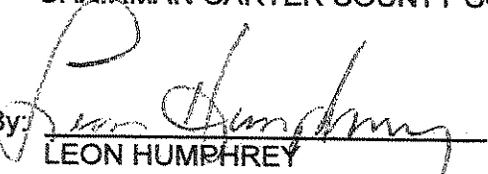
BE IT FURTHER RESOLVED that this Resolution shall take effect from and after the date of its approval the welfare of the county demanding, and further that any part of past resolutions in conflict with this Resolution are hereby rescinded to the extent that a such conflict exists.

Adopted this 16th day of September, 2013.

CARTER COUNTY, TENNESSEE

APPROVED:

By: 
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

By: 
LEON HUMPHREY
CARTER COUNTY MAYOR

VETOED:

By: _____
LEON HUMPHREY
CARTER COUNTY MAYOR

Date: _____

VETO OVERRIDE VOTE:

_____ YES VOTES
_____ NO VOTES
_____ ABSTAIN VOTES

APPROVED WITH SUCCESSFUL OVERRIDE VOTE:

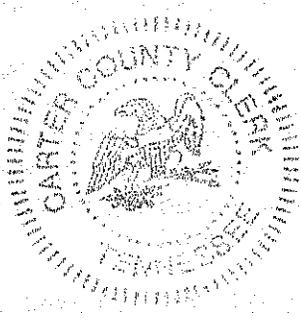
By: _____
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

Date: _____

ATTEST:

Mary Gouge

MARY GOUGE
CARTER COUNTY CLERK



APPROVED AS TO FORM:

Keith Bowers, Jr.

KEITH BOWERS, JR.
CARTER COUNTY ATTORNEY

BEFORE THE COUNTY COMMISSION
OF CARTER COUNTY, TENNESSEE
REGULAR MEETING, MONDAY, SEPTEMBER 16, 2013

RESOLUTION NO. 594

"A RESOLUTION RECOGNIZING THE EFFORTS OF THE WATAUGA VALLEY FIFE AND DRUM CORPS IN EDUCATING THE CITIZENS OF CARTER COUNTY AND THE STATE OF TENNESSEE ABOUT THE RICH HISTORY OF THIS REGION AND REQUESTING THE WATAUGA VALLEY FIFE AND DRUM CORPS BE DESIGNATED AS THE OFFICIAL FIFE AND DRUM CORPS OF THE STATE OF TENNESSEE."

WHEREAS, the Washington County Regiment of North Carolina Militia is the host living history organization of the Sycamore Shoals State Historic Area dedicated to educating the public about the lives of the settlers and first inhabitants of the portion of the original Colony of North Carolina which is now Northeast Tennessee; and

WHEREAS, the Watauga Valley Fife and Drum Corps is a part of said Regiment based in Carter County, Tennessee; and

WHEREAS, the Watauga Valley Fife and Drum Corps provides education as well as entertainment through reenactments and performances at state historic areas throughout the State of Tennessee including both the Sycamore Shoals State Historic Area and the Carter Mansion in Carter County, Tennessee; and

WHEREAS, the Watauga Valley Fife and Drum Corps, as the only active Fife and Drum Corps in the State of Tennessee, is a vitally important part of the preservation of the heritage of Carter County and the State of Tennessee; and

WHEREAS, the Commission of Carter County, Tennessee wishes to recognize the significant contributions to the rich culture and historical preservation of Carter County and the State of Tennessee as a whole made through the exceptional efforts of the Watauga Valley Fife and Drum Corps.

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Carter County, Tennessee, meeting in regular session on this the 16th day of September, 2013, with a lawful quorum of said Commission being present and with a majority voting in the affirmative as follows:

1. That the County Commission of Carter County, Tennessee hereby adopts this Resolution recognizing the exceptional efforts of the Watauga Valley Fife and Drum Corps in educating the public about the history of Carter County and the State through their performances in Carter County and throughout the State of Tennessee.

2. That the County Commission of Carter County, Tennessee hereby requests that the State Representatives for Carter County take the appropriate action at the State level to officially designate the Watauga Valley Fife and Drum Corps as the official Fife and Drum Corps of the State of Tennessee.

BE IT FURTHER RESOLVED that this Resolution shall take effect from and after the date of its approval the welfare of the county demanding, and further that any part of past resolutions in conflict with this Resolution are hereby rescinded to the extent that a such conflict exists.

Adopted this 16th day of September, 2013.

CARTER COUNTY, TENNESSEE

APPROVED:

By: 
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

By: Leon Humphrey
LEON HUMPHREY
CARTER COUNTY MAYOR

DRAFT

VETOED:

By: _____
LEON HUMPHREY
CARTER COUNTY MAYOR

Date: _____

VETO OVERRIDE VOTE:

_____ YES VOTES

_____ NO VOTES

_____ ABSTAIN VOTES

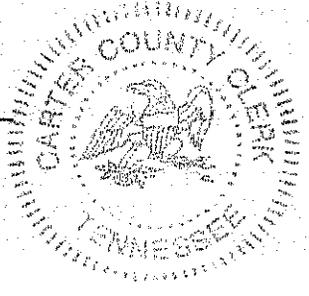
APPROVED WITH SUCCESSFUL OVERRIDE VOTE:

By: _____
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

Date: _____

ATTEST:

Mary Gouge
MARY GOUGE
CARTER COUNTY CLERK



APPROVED AS TO FORM:

Keith Bowers, Jr.
KEITH BOWERS, JR.
CARTER COUNTY ATTORNEY

BEFORE THE COUNTY COMMISSION

OF CARTER COUNTY, TENNESSEE

REGULAR MEETING, MONDAY, SEPTEMBER 16, 2013

RESOLUTION NO. 595

"A RESOLUTION MAKING APPROPRIATIONS TO NONPROFIT CHARITABLE ORGANIZATIONS OF CARTER COUNTY, TENNESSEE FOR THE YEAR BEGINNING JULY 1, 2013 AND ENDING JUNE 30, 2014"

WHEREAS, T.C.A. § 5-9-109 authorizes the Carter County Legislative Body to make appropriations to various nonprofit charitable organizations; and

WHEREAS, the Carter County Legislative Body recognizes the various nonprofit charitable organizations providing services in Carter County are in great need of funds to carry on their nonprofit charitable work.

NOW, THEREFORE, BE IT RESOLVED, by the County Commission of Carter County, Tennessee, meeting in regular session at Elizabethton, Tennessee, on this 16th day of September, 2013, with a lawful quorum of said Commission being present and with a majority of said Commission voting in the affirmative, the following:

SECTION 1. That nine hundred thirty three thousand, two hundred fifty four dollars and zero cents (\$933,254.00) be appropriated to nonprofit organizations in Carter County as reflected below.

No.	Agency	Amount
101-54310-316	Volunteer Fire Departments	\$ 330,000.00
101-54420-599	Rescue Squad	170,000.00
101-55130-316	Emergency 911 Service	173,858.00
101-55180-316	Vocational Rehabilitation	20,727.00
101-55900-316	Red Cross	1,425.00
101-56300-316	Senior Citizens	14,440.00
101-56300-316	First TN Human Resource Agency	30,570.00
101-56300-316	Retired Senior Volunteer Program	1,000.00
101-56500-316	Library	31,587.50
101-56500-316	Imagination Library	5,000.00
101-56700-316	Parks and Recreation	22,562.50
101-57900-309	Soil Conservation	18,952.50
101-57900-316	Department of Agriculture	902.50
101-58190-316	First Tennessee Development District	8,986.00
101-58190-316	Pathology	53,743.00
101-58500-316	Carter County Tomorrow	40,000.00
101-58500-316	Boys and Girls Club	9,500.00
Total		<u>\$ 933,254.00</u>

BE IT FURTHER RESOLVED that all appropriations enumerated in Section 1 above are subject to the following conditions:

1. That the non-profit charitable organizations to which funds are appropriated shall file with the County Clerk and the disbursing official a copy of an annual report of its business affairs and transactions and the proposed use of the County's funds in accordance with rules promulgated by the Comptroller of the Treasury, Chapter 0380-2-7. Such annual report shall be prepared and certified by the Chief Financial Officer of such non-profit organization in accordance with T.C.A. § 5-9-109(c).
2. That said funds must only be used by the named non-profit charitable organization in furtherance of their non-profit charitable purpose benefitting the general welfare of the residents of Carter County.
3. That it is the expressed interest of the County Commission of Carter County providing these funds to the above named non-profit charitable organizations to be fully in compliance with Chapter 0380-2-7 of the Rules of the Comptroller of the Treasury, and T.C.A. § 5-9-109 and any and all

other laws which may apply to County appropriations to non-profit organizations, and so this appropriation is made subject to compliance with any and all of these laws and regulations.

BE IT FURTHER RESOLVED that this resolution shall take effect from and after its passage and its provisions shall be in force from and after July 1, 2013. This resolution shall be spread upon the minutes of the Board of County Commissioners.

Passed this 16th day of September, 2013.

CARTER COUNTY, TENNESSEE

APPROVED:

By: Thomas Bowers
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

By: Leon Humphrey
LEON HUMPHREY
CARTER COUNTY MAYOR

VETOED:

By: _____
LEON HUMPHREY
CARTER COUNTY MAYOR

Date: _____

VETO OVERRIDE VOTE:

_____ YES VOTES
_____ NO VOTES
_____ ABSTAIN VOTES

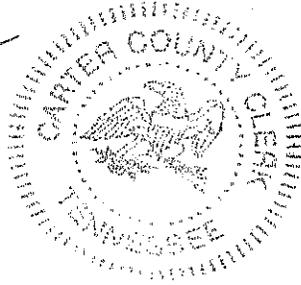
APPROVED WITH SUCCESSFUL OVERRIDE VOTE:

By: _____
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

Date: _____

ATTEST:

Mary Gouge
MARY GOUGE
CARTER COUNTY CLERK



APPROVED AS TO FORM:

Keith Bowers, Jr.
KEITH BOWERS, JR.
CARTER COUNTY ATTORNEY