

Carter County Commission Meeting  
Regular Session  
November 18, 2013, 9:00 AM

APPROVED  
1-21-14

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

**Roll Call as follows:**

Present: Buford Peters, Lawrence Hodge, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L.C. Tester, Steve Lowrance, Tom Bowers, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks, and Robert Gobble. (20 Present)

Absent: Jo Ann Blankenship, Charlie Bayless, and Bill Armstrong. (3 Absent)

(Clerk's Note: Charlie Bayless, due to family medical issues arrived later, following the roll call).

**Quorum Present**

**Prayer** was led by Steve Nauman, Pastor of Hunter First Baptist Church, followed by Ronnie Trivett leading the **pledge** to the American flag.

Mayor Leon Humphrey respectfully requested a change in the Agenda, moving Mayor's Presentation of Plaques to be presented at this time, due to school schedules.

**Motion** was made by Steve Lowrance, seconded by Nancy Brown, and upon request by Mayor Leon Humphrey, to **amend the agenda** moving Mayor's Presentation of Plaques to be held at this time.

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

**Mayor's Presentation of Plaques**

Hannah Manuel, Drum Major of the 2013 **Elizabethton High School Marching Band**, and Perry Elliott, Director, were welcomed to the podium by Mayor Leon Humphrey. In honor of winning 1<sup>st</sup> place in the 2013 Tennessee Division II Marching Band State Championship, a plaque was accepted from Mayor Humphrey for the Band's performance of "Our Town."

**Public Comments** – Roy Livingston approached the the podium and expressed his viewpoint on various issues.

**Acceptance of Minutes from Previous Meeting – October 21, 2013**

**Motion** was made by Ronnie Trivett, seconded by Nancy Brown to **admend the October 21, 2013 minutes by adding to page number 229**, "Commissioner VonCannon stated that he would like to nominate Ronnie Trivett to the Budget Committee. Ronnie Trivett then declined and stated that he would vote for VonCannon (on the Budget Committee) if he wanted it. Commissioner VonCannon then stated "yes." Chairman Bowers said that the nominations for this committee are made during the September meetings." The minutes otherwise, were approved as presented.

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

Request was made by Ronnie Trivett, Chairman of the Rules and By-Laws Committee that County Attorney, Keith Bowers, Jr. **research the Carter County Commission Rules and Committee Recommendations procedures to determine if they were followed correctly.** Reference was made to the December 9, 2002 Commission meeting and the same rules were requested to be made a part of today's minutes. Recorded on pages 255-256.

**Notaries/Bonds**

**Motion** was made by John Lewis, seconded by Sonja Culler to **accept the following Notaries/Bonds as presented.**

**Notaries/Bonds**  
**Approved November 18, 2013**

Lisa S. McGovern	Kristen Bacon	Melissa Davis
Ricky Walters	Angela Blevins	Dennis McKesson
Robin Marlow Young	Anette W. Kiser	Gary J. Smith
Betina Star Rash	John L. Bowers, III	Gregory H. Bowers
John L. Bowers, Jr.	Teresa K. Keska	Bill Pendergast

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

**Recognition of Elected and Appointed Official/Guest**

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

In recognition of Veterans Day, all veterans present today were recognized and thanked for their military service.

**Election of County Commissioner for 1<sup>st</sup> District**

Chairman Bowers informed the Commission that five applications had been received for the position of 1<sup>st</sup> District Commissioner to fill the unexpired term of Ernest "Gebe" Ritchie. However, Donald Scott Bowers wished to withdraw his application for the position. The floor was now opened by Chairman Bowers for nominations to this position.

Nominations included: Willie Campbell nominated by Commissioner Buford Peters  
Jerry Lee Proffitt nominated by Commissioner Ronnie Trivett  
Gary W. Perry nominated by Commissioner Robert Gobble  
Freddie Lynn Taylor nominated by Commissioner John Lewis

Chairman Bowers asked if there were any other nominations. There were none.

**Motion** was made by Lawrence Hodge, seconded by Steve Chamber to **cease nominations.**

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

The nominees individually addressed the Commission and stated why they should fill the position of 1<sup>st</sup> District Commissioner.

Chairman Bowers asked for the Commissioners to state the last name of the person for whom they wished to place their vote. Note that this vote began with the 1<sup>st</sup> District Commissioners voting first.

Roll call vote as follows:

Voting for Willie Campbell: Buford Peters, Lawrence Hodge, Joel Street, Richard Winters, Harry Sisk, Steve Lowrance, Tom Bowers, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, Sonja Culler, Russell Kyte and Pat Hicks.(14 Votes)

Voting for Gary W. Perry: Robert Gobble (1 Vote)

Voting for Freddie Lynn Taylor: Nancy Brown, Charles VonCannon, John Lewis, and Scott Sams. (4 Votes)

Voting for Jerry Lee Proffitt: Ronnie Trivett and L.C. Tester. (2 Votes)

Absent during the vote were: Jo Ann Blankenship and Bill Armstrong (2 Absent)

**Willie Campbell receiving fourteen (14) votes was elected Commissioner of the 1<sup>st</sup> District to complete the unexpired term of Ernest "Gebe" Ritchie.** Mr. Campbell was sworn into office by County Clerk, Mary Gouge and took his seat as County Commissioner of the 1<sup>st</sup> District.

Carter County Tomorrow Report

Chairman Bowers informed the Commission that Tom Anderson had contacted him earlier this morning stating that he would be unable to attend today's meeting due to a family emergency.

Mayor's Report

Mayor Humphrey spoke concerning family, traditions, and morals. He also spoke concerning teachers having great responsibilities in the training of others and being good role models.

Those currently teaching and the retired teachers as well approached the podium and were recognized. Those were: Sonja Culler, Bobbie Gouge-Dietz, Pat Hicks, Charles VonCannon, Richard Winters, Charlie Bayless, Harry Sisk, all these being retired teachers. Absent, but also being recognized, was Commissioner Bill Armstrong a retired teacher.

Mayor Humphrey, **proclaimed November 11 thru November 18, 2013 as the 93<sup>rd</sup> annual observance of American Education Week.** Recorded on page 245.

A proposed construction **Project Time Line of completions for the Jail roof** project was presented by Mayor Humphrey. Weather permitting, date of completion is scheduled for sometime in March/April 2014. Recorded on page 257.

COMMITTEE REPORTS and RECOMMENDATIONS

*Clerk's Note: Let the record reflect that an (\*) indicates that the Disclaimer for Employees of Carter County, Tennessee was voice by the Commissioner before casting a vote.*

Budget Committee

Motion was made by Harry Sisk, seconded by Nancy Brown to **accept the October 2013 donations totaling \$ 210.00 for the Animal Shelter.** Recorded on page 246.

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Lawrence Hodge, Nancy Brown, (\*) Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L.C. Tester, Steve Lowrance, Tom Bowers, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks and Robert Gobble. (22 Ayes)

Nays: None (0 Nays)

Absent: Jo Ann Blankenship, and Bill Armstrong. (2 Absent)

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

Motion was made by Harry Sisk, seconded by Sonja Culler, to **allow the Sheriff's Department & Highway Department to use Litter and Trash Collection's Other Charges line item, 64000-599, to pay for the disposal of litter and tires.**

Roll Call Vote as follow:

Ayes: Buford Peters, (\*) Willie Campbell, Lawrence Hodge, Nancy Brown, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, (\*) L. C. Tester, Steve Lowrance, Tom Bowers, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks, and Robert Gobble. (21 Ayes)

Nays: Joel Street (1 Nay)

Absent: Jo Ann Blankenship, and Bill Armstrong. (2 Absent)

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

Motion was made by Harry Sisk, seconded by Nancy Brown, to **approve as requested from Sheriff Mathes \$5,470.30 from the Securis Reserve to 54110-719, Office Equipment, for the purchase of computer hardware and software.**

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Lawrence Hodge, Nancy Brown, (\*) Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, (\*) L.C. Tester, Steve Lowrance, Tom Bowers, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks, and Robert Gobble. (22 Ayes)

Nays: None (0 Nays)

Absent: Jo Ann Blankenship, and Bill Armstrong. (2 Absent)

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

**Motion** was made by Harry Sisk, seconded by Nancy Brown, to **approve General Fund 101 Amendment #3 with 4 items for a total of \$7,200 with \$0 coming from Fund Balance.** Recorded on page 246.

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Lawrence Hodge, Nancy Brown, (\*) Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, (\*) L.C. Tester, Steve Lowrance, Tom Bowers, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks, and Robert Gobble. (22 Ayes)

Nays: None (0 Nays)

Absent: Jo Ann Blankenship, and Bill Armstrong. (2 Absent)

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

**Motion** was made by Harry Sisk, seconded by Steve Lowrance, to **approve Highway Fund 131 Amendment # 1 with 1 item, funds received from surplus sale a total of \$4,000 with \$0 coming from Fund Balance.**

Roll Call Vote as follows:

Ayes: Buford Peters, (\*) Willie Campbell, Lawrence Hodge, Nancy Brown, (\*) Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, (\*) L.C. Tester, Steve Lowrance, Tom Bowers, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks, and Robert Gobble. (22 Ayes)

Nays: None (0 Nays)

Absent: Jo Ann Blankenship, and Bill Armstrong (2 Absent)

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

**Motion** was made by Harry Sisk, seconded by John Lewis to use **\$220 from Fund Balance, (in addition to previously approved funding) to purchase two (2) Automated External Defibrillators (AED) thru ZOLL manufacture using the discounted purchasing program.**

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Lawrence Hodge, Nancy Brown, (\*) Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L.C. Tester, Steve Lowrance, Tom Bowers, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks, and Robert Gobble. (22 Ayes)

Nays: None (0 Nays)

Absent: Jo Ann Blankenship, and Bill Armstrong. (2 Absent)

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

**Financial Management Committee**

Commission Chairman, Tom Bowers announced that he had been contacted by Ms. Blankenship, Financial Management Chairwoman, informing him that she would be unable to attend today's meeting due to a family medical emergency.

Also it was noted by Chairman Bowers that several had to be absent due to medical problems within their immediate family. Also one Commissioner could possibly have to leave also due to serious family medical issues.

**Motion** was made by Joel Street to **enter into a ten (10) minute recess.**

Scott Sams voiced a **protest to the motion** by stating, that the meeting at this point, had only lasted one (1) hour and that he desired to go ahead and continue.

**Motion** to enter into a ten (10) minutes recess was seconded by Ken Arney. There was no other discussion therefore, Chairman Bowers called for a voice vote on the foregoing motion.

By majority voice vote, **motion to recess carried.** Be it noted that a "no" vote was voiced by Scott Sams.

Meeting was called back to order by Chairman Bowers following the recess. Chairman Bowers noted that Charlie Bayless was unable to return following the recess, due to a medical family emergency. Scott Sams did not return also for reasons unknown.

Chairman Bowers on behalf of Financial Management Chairwoman, Jo Ann Blankenship, presented an approved, revised, and updated Travel and Reimbursement Policies and Procedures and Purchasing Policies for Carter County.

Financial Director, Ingrid Deloach informed the Commission of the areas that had been changed. These changes also were reflected in the November 6, 2013 minutes of the Financial Management Committee Meeting.

**Motion** made by Ronnie Trivett, seconded by Russell Kyte, to **accept, as presented the approved, revised and updated Travel and Reimbursement Policies and Procedures and Purchasing Policies for Carter County.** Recorded on Pages 247-253.

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Lawrence Hodge, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L.C. Tester, Steve Lowrance, Tom Bowers, Bobbie Gouge-Dietz, Steve Chambers, Sonja Culler, Russell Kyte, Pat Hicks and Robert Gobble. (18 Ayes)

Nays: Ken Arney, and John Lewis. (2 Nays)

Absent: Jo Ann Blankenship, Charlie Bayless, Scott Sams, and Bill Armstrong. (4 Absent)

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

**Landfill Committee**

Charles VonCannon reported the American Recycle Day held November 15<sup>th</sup> was a huge success and expressed his appreciation to those helping to make it possible. Commissioner VonCannon urged everyone to recycle.

**Rules and By-Laws Committee**

Upon recommendation by the Rules and By-Laws Committee, a request was made by Ronnie Trivett, along with "several" others, that the **Carter County Commission Rules Committee Recommendations for Committees and Boards as adopted in the December 2002 County Commission be accepted and entered into, and made a part of today's minutes.** Recorded on Pages 254-256.

Being that there were no objections, the request was granted.

Ronnie Trivett, Committee Chairman stated that the Rules and By-Laws needed to specify attendance requirements and would be addressed by Rules and By-Laws Committee at their next meeting.

**Highway Committee**

Committee Chairman Buford Peters, noted that during the November 12, 2013 meeting of Highway Committee a Public Hearing concerning the naming of the access road between the Old Bristol Highway and 19E (an unnamed road). Recommendation was made to name this road the W.G. Woods Road. There were no objections voiced during this Public Hearing.

During the Public Hearing on November 12, 2013 the discussion of adding to the current road list, Ellis Road which is located in the Biltmore Community, was held. There were no objections voiced concerning this matter during the Public Hearing.

**Motion** was made by Buford Peters, seconded by Willie Campbell, **to name the currently unnamed access road between the Old Bristol Highway and 19E the W.C. Woods Road.**

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

**Motion** was made by Buford Peters, seconded by Ronnie Trivett, **to add Ellis Road, located in the Biltmore Community to the 2013 Carter County Road List.**

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

Commissioner Peters stated that he served on several committees for Commissioner Ritchie during his absence. Following Commissioner Richie's death, Commissioner Peters was elected Chairman of the Highway Committee and serves as Chairman of the Law Enforcement Committee. Clarification concerning placement on committees since Willie Campbell has been elected to fill the unexpired term of Commissioner Ritchie was requested by Commissioner Peters.

Chairman Bowers confirmed that the Rules and By-Laws states that this would be determined among the Commissioners in that district, Commissioner Campbell and Commissioner Peters themselves. Chairman Bowers instructed Commissioner Peters to inform the Clerk of their decision.

**CITY OF ELIZABETHTON and CARTER COUNTY AGREEMENT concerning extension for time for completion of Parking Lot (at the Courthouse Annex)**

County Attorney Keith Bowers, Jr. presented a brief update concerning the parking lot agreement. The agreement, as presented, was noted as being approved by the Elizabethton City Council on Thursday, November 14, 2013.

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**Motion** was made by Ronnie Trivett, seconded by Robert Gobble **to accept as presented the City of Elizabethton and Carter County Agreement concerning extension for time for completion of Parking Lot (at the Carter County Courthouse Annex).** Recorded on pages 258-260.

During discussion, Commissioner John Lewis voiced concerns over not creating additional parking for the Annex.

Commissioner Trivett stated the paving cost at this time, exceeds the need. It was also stated that the additional parking may not be necessary at all.

Mayor Humphrey stressed that the current agreement does not release the county from the paving of the parking area, but is an extension agreement only.

Chairman Bowers spoke concerning the recent meeting with the City of Elizabethton. He stated that if the appearance of the area was "pleasing to the eye" and the paving of the parking area is not needed, the requirement by the City of Elizabethton concerning this paving could be changed.

Chairman Bowers ask for a voice vote to accept the agreement as presented.

By majority voice vote, **motion carried.** Be it noted that a "no" vote was voiced by Commissioner John Lewis.

**RESOLUTIONS - IRC, IBC, IPMC Adoption Resolution**

Chris Scheuttler, Planning Director presented for consideration the Resolution concerning building codes. Mr. Schuettler stated that the Planning Commission along with the Equalization Board had made recommendations concerning approval of this Resolution.

Mr. Scheuttler also spoke concerning current certifications and upcoming certification/testing to be held in these areas. It was noted that a Public Hearing would be held today prior to voting.

**Motion** was made by Ronnie Trivett, seconded by Steve Lowrance to **waive the reading and accept as presented the resolution "Authorizing the Adoption of the 2009 Edition of the International Residential Code (IRC), and of the 2009 Edition of the International Building Code (IBC), and the 2009 Edition of the International Property Maintenance Code (IPAC), in the Unincorporated Areas of Carter County, Tennessee; Providing for the Issuance of Permits, Collection Fees, and Inspections."**

Discussion followed concerning certification requirements. Mr. Scheuttler stated that certifications had been obtained in several areas. He noted that classes along with completion of test were required in obtaining those certifications.

Mayor Humphrey voiced concern about the permits being issue. The establishment of this department, when training in some areas had not been completed, was noted by Mayor Humphrey as a concern also. Disapproval of establishing a department, and issuing permits without having people qualified to do so, was stated as a reason for not establishing this department.

Commissioner Ronnie Trivett at this time **amended the foregoing motion** by adding: "and give Mr. Schuettler six(6) months to go ahead and get qualified."

Chairman Bowers noted that a Public Hearing was necessary before voting.

Mr. Schuettler presented names and current certifications held by planning/zoning employees. He also stated that testing would be held in the near future, completing necessary requirements. Testing was noted by Mr. Schuettler as being a "revolving situation" as there are many different areas in which inspections are done.

Several questioned certification requirements concerning the issue of permits. Chairman Bowers stated that questions concerning personnel issues should be referred to the Planning Commission.

Commissioner Ronnie Trivett **withdrew his previous motion to waive the reading and accept the Resolution as presented concerning the IRC,IBC,IPMC Adoption Resolution.**

The Commission Meeting was recessed by Chairman Bowers and at this time entered into a **Public Hearing** concerning: Resolution Authorizing the Adoption of the 2009 Edition of the International Residential Code (RD), and of the 2009 Edition of the International Building Code (IBC) and the 2009 Edition of the International Property Maintenance Code (PMC), in the Unincorporated Areas of Carter County, Tennessee; Providing for the Issuance of Permits, Collection Fees, and Inspections."

The following spoke during the Public Hearing and voiced various concerns on this issue.

Roy Livingston – The lack of qualifications and licenses in the Planning/Zoning Department.

Jim Dabbadanza – Tax dollars are needed by Carter County. They should be kept in Carter County. Employee certifications and licenses should be obtained before issues of permits.

Amos Havala – Local contractor and builder, expressed his "vote of confidence" to the Planning Director, Chris Scheutler, and Staff of the Planning Office. He stated that there are codes to be followed concerning the building of any structure. Codes that are not followed can kill people. This is not just a money issue but a safety issue as well.

Billie Dabbadanza – Problems and code issues with local business, "Ice House." "How much did that cost the county?" Code issues, complaints, and law suits that have cost the county. She noted that "a lot of money" has been spent because of the issues with Planning and Zoning that have cost the county a lot of money because of codes.

**The Public Hearing** was closed by Chairman Bowers at this time as no other citizens wished to address the Commission.

**Motion** was made by Steve Chambers, seconded by L.C. Tester, to **table any consideration of the IRC, IBC, IPMC Adoption Resolution until the next Commission meeting.**

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

**COUNTY ATTORNEY'S REPORT -- Keith Bowers, Jr.** Items discussed included the follows:

Excess Property Sale – Upcoming sale set with money from sale returned to the General Fund.  
Animal Control – Issuance of Citations.  
Deed Correction for Brumitt.  
Health Department - Employee issues.  
Rittertown Bridge Project - William Miller, land appraiser services retained concerning land.  
Sheriff's Department – Employee and employment issues.  
Emergency Management Agency – Researched issues concerning possible lawsuit.  
Circuit Clerk Office - Researched issues concerning employees which are candidates.  
Annual Litigation Letter – Completed on behalf of Carter County.  
Rescue Squad Contract – Draft sent to Attorney Richard Norris for consideration and review.  
Sheriff Department – Items resolved concerning community issues.  
Park and Recreation Board - Private Act Pending.  
Potential Litigation – Three (3) items being researched.

Chairman Bowers called for a **recess** in order for a closed door session to be held allowing **attorney-client only** discussion on matters under pending litigation.

Following the above mentioned recess and attorney/client privilege meeting, the Commission was called **back to order** by Chairman Bowers.

**Motion** was made by Nancy Brown, seconded by Russell Kyte to **accept donations from the Wynne Estate on behalf of the Elizabethton-Carter County Animal Shelter.**

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Lawrence Hodge, Nancy Brown, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L.C. Tester, Steve Lowrance, Tom Bowers, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Pat Hicks, and Robert Gobble. (19 Ayes)

Nays: None (0 Nays)

Absent: Joel Street, Jo Ann Blankenship, Charlie Bayless, Scott Sams, and Bill Armstrong. (5 Absent)

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

**Carter County Expenditure Budget Reports for the month of October 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 Budget, Month-to-Date Expenditures, Outstanding Encumbrances, and Unencumbered Balances.

#### **COMMISSIONER COMMENTS**

Ronnie Trivett requested an update concerning Coney Island, and two others areas that had been effected by heavy rains. Chris Scheuttler responded that the work on Coney Island was complete and completion was near on the other areas.

Mayor Humphrey stated that permits had been requested concerning Brown's Branch and that this area can be addressed in early spring of 2014.

Chairman Bowers announced that the December Commission Meeting was canceled. Should an emergency occur, a Special Called Meeting would be called. Otherwise, next meeting is scheduled for Tuesday, January 21, 2014 at 9:00 AM.

Motion to adjourn was made by Sonja Culler, seconded by Lawrence Hodge.

By majority voice vote, all ayes, motion carried and meeting adjourned at 11:45 AM.



## **American Education Week Proclamation**

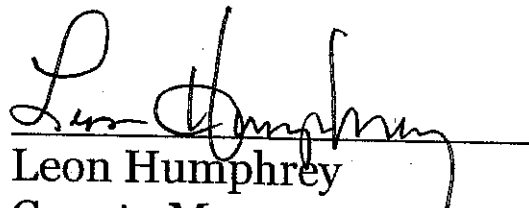
WHEREAS, public schools are the backbone of our democracy, providing young people with the tools they need to maintain our nation's precious values of freedom, civility and equality; and

WHEREAS, by equipping young Americans with both practical skills and broader intellectual abilities, schools give them hope for, and access to, a productive future; and

WHEREAS, education employees, be they substitute educators, custodians, teachers, bus drivers, or librarians, work tirelessly to serve our children and communities with care and professionalism; and

WHEREAS, schools are essential elements of all communities; they bring together adults and children, educators and volunteers, business leaders, and elected officials in a common enterprise.

NOW THEREFORE this 18<sup>th</sup> day of November 2013, I Leon Humphrey, Mayor of Carter County Tennessee, do hereby proclaim November 18- 22 as the 93rd annual observance of American Education Week. I urge all citizens to join me in this most worthy observance.

  
Leon Humphrey  
County Mayor

**October 2013 Donations**

Animal Shelter Donation- Monica Helley	20.00
Animal Shelter Donation- Joan Whisenhunt	30.00
Animal Shelter Donation- Margaret Burns	50.00
Animal Shelter Donation- Joy Rumly	20.00
Animal Shelter Donation- Tesresa McQuaide	65.00
Animal Shelter Donation- 1st United Methodist -Joyce Broome Memorial	25.00
	<u><u>\$ 210.00</u></u>

**Carter County  
General Fund 101  
Budget Amendment #3**

Item # 1	52100-207 Medical Insurance	\$	3,000.00	Decrease
	52100-719 Office Equipment	\$	3,000.00	Increase

To reallocate funds within Finance Budget for equipment purchases.

Item # 2	41120 Animal Registration	\$	525.00	Increase
	55110-399 Other Contracted Services	\$	525.00	Increase

To recognize funds received for spay/neuter surgeries.

Item # 3	48610 Donations	\$	1,600.00	Increase
	54210-599-27 Other Charges-Jail Garden	\$	1,600.00	Increase

To recognize funds received for Inmate Garden.

Item # 4	41590 Other Permits	\$	2,075.00	Increase
	58900-361 Permits	\$	2,075.00	Increase

To recognize funds received for state building permits.

Total	\$	7,200.00	\$	7,200.00
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**Carter County  
Highway Fund 131  
Budget Amendment #1**

Item # 1	44530 Sale of Equipment	\$	4,000.00	Increase
	63100-499 Other Supplies and Materials	\$	4,000.00	Increase

To recognize funds received from surplus sales.

Total	\$	4,000.00	\$	4,000.00
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## CARTER COUNTY

### TRAVEL AND REIMBURSEMENT POLICIES AND PROCEDURES

**Purpose:** To establish travel policies and procedures to provide guidance and outline acceptable practices to county officials and employees in relation to travel related expenditures. These policies and procedures shall follow the Tennessee State Travel Guidelines and/or the U.S. General Service.

#### A. POLICY:

When County Officials or Employees spend their personal funds for travel, which is in the course of County business or in support of a County purpose, such employees may be reimbursed for such expenses from County funds provided that they were expended in accordance with this approved policy.

This policy shall apply to all employees, elected officials, board members, and any other persons for whom a disbursement warrant would be issued from the Finance Office for payment of such expenses.

When traveling for County business, persons seeking reimbursement should be as conservative as circumstances permit. The lower cost should be selected whenever practical.

**A County official's or Employee's deliberate disregard to this policy while traveling on County business or filing of an intentionally misleading or fraudulent travel claim is grounds for disciplinary action including termination.**

#### B. AUTHORIZATION AND REQUISITION PROCEDURES

All out-of-county travel shall be authorized by the department head prior to departure.

1. In the event of County Commission related travel, the Budget Committee Chairman should be notified prior to departure; the Budget Chairman will work with the Director of Finance as to the arrangements.
2. In the event of school related travel, the determination of reasonable practicality of lodging including room assignment and travel arrangements is reserved for the department head responsible for monies available for travel use. The Director of Schools shall have the final directive authority in the use of allocated travel budgets. The Director of Schools/Department Head may choose appropriate and practical lodging within proximity of meetings and convenience of travel.
3. The submission of an approved departmental requisition to the Finance Office in an estimated amount to cover expected expenses would serve as authorization. The county official or employee will be listed as the vendor on the requisition. Authorization of out-of-county travel is necessary to insure workers' compensation and liability insurance coverage while out-of-county. Department requisitions for

legitimate emergency travel should be handled in accordance with procedures outlined under Emergency Purchases.

4. Two of the following four individuals must approve out-of-county travel in excess of \$1,000.00 per individual per trip, Director of Finance, County Mayor, Director of Schools, or the Budget Committee Chairman.
5. All outstanding travel reimbursements must be resolved for the county official or employee prior to the approval of any future travel requisitions.
6. All school travel must have previous approval by the Director of Schools or his designee (the designee usually will be the Assistant Director, Supervisor, or Principal of the school in which the person traveling is employed) and generally will use the form *Staff Development/Meeting Request* (Appendix A).
- ~~7. All out-of-state school travel must be approved by the Director of Schools.~~

### C. TRAVEL ADVANCES

1. It shall be the policy of Carter County to limit travel advances; however, they may be issued to a county official/employee when specifically authorized by the department head/elected official for hardship cases or cases where an employee will be away from the county for five or more days (not to exceed \$1,000.00).
2. Travel advances should not be issued for less than \$100.00. Immediately upon return, the county official/employee must submit a request for reimbursement regardless of whether he owes advance money back or is due additional reimbursement. Each county official/employee receiving a cash advance must sign a Payroll Form (Appendix B) authorizing the county to recover the advance from any salary owed the county official/employee in the event of termination of employment or failure to submit a claim form.
3. Travel advances are discouraged and should only be made in the case of using checks to pay for lodging in instances where credit card use is not feasible. Checks should be written for the exact amount of service provided.

### D. REIMBURSEMENT PROCEDURES

1. County Officials/Employees are expected to submit claims for reimbursement for travel expense no later than 30 days after the completion of travel to the Finance Office. All written signatures on the Carter County Travel Claim Form must be original. Original receipts (copies will not be accepted) shall be provided for hotel stays along with a copy of the official training schedule/agenda to validate the purpose of the travel.
2. School System Travel
  - a. For local reimbursement, the employee should file a daily log of travel for said month, with mileage tallied and summarized according to immediate reimbursement rates of *The Official Travel Form* (Appendix C). An adding

machine tape of checked calculations should also be included with the reimbursement form. The form should be completed with the local mileage to and from commonly traveled destinations, and that is included as an appendix of this document (Appendix D). The employee should obtain the appropriate supervisor signature on the form with the current date.

- b. For travel occurring out of the local vicinity, the employee should complete the *Carter County Travel Claim Form* (Appendix E). It should be completed according to the *Department of Finance and Administration Standard Reimbursement Rates* (Appendix F) or *Department Head and Board Member Travel Reimbursement Rate Schedule* (Appendix G). The log should be tallied and an adding machine tape should be included demonstrating a check of the calculations. Evidence, usually in the form of a brochure or email detailing the nature of the meeting and the reason for travel should also be included in the final documentation being submitted for reimbursement. The appropriate supervisor should sign and date the document.
- c. All school travel claims should be filed in the Central Office at the Main Desk to be transferred to the Finance Office to be processed.

#### **E. PER DIEM RATES-MEALS AND INCIDENTALS**

1. Per diem rates for meals and incidentals for Carter County shall be equal to the reimbursement guidelines used by the State of Tennessee and/or the U.S. General Services.
2. All school system mileage, incidentals, and lodging reimbursement rates will be paid according to the state reimbursement schedule contained in the *State Department of Finance and Administration Standard Reimbursement Rates* or the *State Department of Finance Administration for Department Head and Board Member Travel and Reimbursement Rate Schedule*, contained as an appendix to this document. It is expected that department heads maintain current rates as they fluctuate.

#### **F. USAGE OF COUNTY VEHICLES**

1. When making travel arrangements, the availability of county vehicles shall be checked before utilizing a personal vehicle. County vehicle usage is preferred in order to reduce costs and to minimize any potential insurance coverage issues. For scheduling of the County Van, contact the Finance Department. For School Travel needs, contact the Bus Garage.
2. County vehicles should only be used for official business. The driver should be an elected official or an employee of the organization. The driver of the vehicle must possess a valid driver's license. Verification of a valid driver's license is the

responsibility of the department head/elected official. A fuel card will be furnished with the vehicle.

#### **G. DETERMINATION OF MILEAGE AND OFFICIAL STATION**

The Director of Schools or Supervisor is responsible for determining the official work station according to the employee's job assignment and time of travel. When disputes for the amount of mileage reimbursement arise, the supervisor will defer to the calculations of an on-line mapping system such as Google Maps and use the shortest route outlined for the calculation. The Director of Schools or Supervisor may alter this determination for extenuating circumstances such as detours or emergencies.

#### **H. TRAVEL-PERSONAL VEHICLES**

1. Before utilizing a personal vehicle, please check with the Finance Department on the availability of a county vehicle.
2. You must check with others who may be attending the same event for carpooling.
3. In most cases of trips over 100 miles, a rental car will be more economical than use of a personal vehicle. Please contact the Finance Department for rental recommendations.
4. The use of personal vehicles for business travel should be pre-approved by the department head prior to any travel. Use of a personal vehicle when a more economical means of travel is available is not reimbursable.
5. Reimbursement for the use of personally owned vehicles shall be equal to the reimbursement guidelines used by the State of Tennessee. Only mileage on official county business may be claimed. Mileage should be calculated based on the most direct route.
6. The School Systems use of personally owned automobiles, rental cars, and local vehicles:
  - a. Personally Owned Automobiles may be used for travel both locally and for commutes if the department head approves their use. *It is the obligation of the employee to provide evidence of proper insurance coverage for the use of their automobile for performing work tasks and duties.*
  - b. Rental Cars and School Owned Vehicles are encouraged for use when practical and when a cost savings would be prudent by their use: The determination of practicality and prudence shall be determined by the appropriate supervisor.

#### **I. HOTEL ACCOMODATIONS**

Hotel accommodations should only be utilized when the trip is more than one day or the round trip mileage is greater than 300 miles. All hotel accommodations should be reviewed and approved by the department head. All department heads should explore the option of having more than one person stay in a room when possible. When booking a hotel, try to

get government rates. Inform the reservation center that you are tax-exempt, and that you will bring a tax-exempt form. If they request pre-payment, you will need to submit a travel requisition for a check or contact your department head as to the availability and usage of a county credit card.

**J. TELECOMMUNICATION CHARGES**

Local phone calls, fax charges, and long distance calls for county business will be reimbursed. Reimbursement shall be limited to one (1) personal long distance call per day. Employees/officials must provide a statement furnishing the date, name, and location called for long distance calls and faxes.

**K. TRAVEL WITH SPOUSE OR NON-EMPLOYEE**

1. The additional cost associated with travel of a spouse/non-employee is not reimbursable. Travel must be in the course of County Business or in support of a county purpose. While participation of a spouse/non-employee in out of town meetings is not prohibited, the following will result in zero reimbursements:
  - a. Use of personal vehicle for convenience of spouse when a county vehicle, carpooling and/or rental vehicle is appropriate.
  - b. Use of additional hotel rooms when a shared room for attendees is appropriate.
2. In the School System, the department head may also determine if mileage reimbursement may be altered because of the accompanying spouse and adjust accordingly including not reimbursing mileage if funds were budgeted for group commutes.

**L. USE OF CREDIT CARD AND FUEL CARDS DURING TRAVEL**

County Official/Employees may use or be assigned credit cards or fuel cards for use in traveling. It is the responsibility of the employee/official to insure the appropriate use of these cards as outlined in this manual or by supervisor. The employee using the charge card is liable for all expenses incurred on the card and shall pay any expense incurred by their misuse. It is the responsibility of the card user to know and understand the applicable use of the card including taxation reimbursement and appropriate purchases outlined by local and state policies. It is the responsibility of the Finance Director/School Supervisor to establish check out procedures and guidance for each respective card issued under their control.

**M. PARKING AND TOLLS**

Reasonable tolls, parking, and ferry fees will be allowed when necessary and a receipt is presented for reimbursement.

**N. VEHICLE ACCIDENTS OR DAMAGE**

Whenever a vehicle sustains damage or is involved in an accident, contact local law enforcement immediately to file a report. The Finance Department and the employee's supervisor must also be contacted within the first 24 hours so that an insurance claim may be reported. Upon return, the employee may be required to complete a report on the accident as well as a first report of injury. Any citations or fines incurred while on travel are the responsibility of the employee.

**O. ABUSE OF TRAVEL POLICY**

1. Any suspect abuse of travel policies should be reported immediately. Notice of abuse can be made to the following parties:
  - Associated department head or elected official.
  - Director of Finance
  - County Mayor
  - Director of Schools
  - State Comptroller's Office
2. Deliberate disregard to the policies while traveling on county business or filing of an intentionally misleading or fraudulent travel claim are grounds for disciplinary action including termination.

**P. GRANTING OF VARIANCES**

1. County Travel- Any elected official or department head has the sole authority to grant variances and/or exceptions to the travel guidelines on a case by case basis within their department if the official or department head determines in a particular situation that circumstances justify granting variances and/or exceptions.
2. School Travel-The Director of Schools has the sole authority to grant variances and/or exceptions to the travel guidelines on a case by case basis if the Director determines in a particular situation that circumstances justify granting variances and/or exceptions, in the Director's sole and unlimited discretion

**Q. TRAVEL FORMS**

- Appendix A-Staff Development/Meeting Request
- Appendix B-Payroll Form
- Appendix C-Official Travel Form
  
- Appendix D-Commonly Traveled Destinations Mileage Form
- Appendix E-Carter County Travel Form
- Appendix F-Department of Finance and Administration Standard Reimbursement Rates
- Appendix G-Department Head and Board Member Travel Reimbursement Rate Schedule



- Appendix D-Commonly Traveled Destinations Mileage Form
- Appendix E-Carter County Travel Form
- Appendix F-Department of Finance and Administration Standard Reimbursement Rates
- Appendix G-Department Head and Board Member Travel Reimbursement Rate Schedule

## I. PURCHASING POLICIES FOR CARTER COUNTY

### 1.0 PURCHASING REGULATIONS

#### 1.1 LEGAL REFERENCES -

- CTAS County Government Handbook
- TCA 5-21-118 through 5-21-121
- TCA 5-14-103 through 5-14-206

#### 1.2 PURCHASES LESS THAN \$10,000.

All purchases or sales of less than \$10,000 in amount may be made by the county purchasing agent in the open market without advertised or public notice. However, it is recommended where practical to receive 3 quotes for items over \$2500. Informal bids will be sought whenever possible. Informal bids may be obtained by telephone, soliciting informal quotations, consulting catalogs, routine calls from representatives, or other methods deemed necessary by the Finance Director. Bid will be awarded to the low, responsive, responsible bidder. Requisitions for items estimated to cost more than \$10,000 shall not be subdivided in order to circumvent the requirement for competitive procurement.

#### 1.3 PURCHASES EXCEEDING \$10,000

Advertised Procurement (Competitive Procurement) All purchases or sales of more than \$10,000 in amount will require advertised Procurement which includes the following essential elements:

1. Preparation for invitation for bids (IFB), containing clear specifications permitting competition.
2. Solicitation of such number of representative bidders as is deemed necessary to assure such full and free competition as is consistent with the procurement of the required supplies or services.
3. Provision of adequate time for submission of bids consistent with size and type of procurement.
4. Posting of the invitation in a place open to the public and inserted at least once in newspaper of county-wide circulation at least five days prior to the bid closing date.
5. Public opening of the bids.
6. Award to the responsible bidder whose bid, conforming to the invitation to bids, will be most advantageous to the county, price and other factors considered.
7. Technical evaluation shall be made by the requisitioner as to the acceptability of the Bids. Such recommendation made by the requisitioner will be evaluated by the Finance Director who will make the final award based on criteria listed in (6) above.

**CARTER COUNTY COMMISSION  
RULES COMMITTEE RECOMMENDATION FOR  
COMMITTEES & BOARDS  
DECEMBER 2002**

- POSITION TITLE:** BUDGET, NOMINATING, LEGAL, INDUSTRY & REAPPORTIONMENT COMMITTEES
- RESPONSIBLE TO:** County Commission
- AUTHORITY:** Advisory and Investigative
- COMPOSITION:** Committees shall consist of one commissioner from each of the eight (8) districts. A chairman, Vice-chairman, Secretary and other needed officers shall be elected from among the members of the committee for each of the respective committees. The County Executive is an ex-officio member of all committees and boards of the County Commission.
- APPOINTMENT PROCEDURE:** At the beginning of each annual term year the commissioners from the respective districts shall decide among themselves on which of the three major committee groupings they will serve. A majority vote among the three district commissioners is final. If no majority is reached the full commission will vote on which positions will be filled by that district's commissioners.
- MEETINGS & QUORUM:** Normally committees will meet monthly or more frequently as decided by committee chairman in consultation with the county executive. A majority (5) will constitute a quorum and is required to conduct business. A committee member may seat a substitute commissioner only from his respective district if there is established a reasonable cause for his/her absence from that particular meeting.
- DUTIES & RESPONSIBILITIES:** In consultation with appropriate county departments and director of finance, the Budget committee shall present a balanced budget to the full commission for consideration & vote at the July meeting. By the October meeting of the full commission the Nominating committee shall present recommended nominations of persons for each committee and board vacancy. They will make other recommendations as vacancies arise. Considerations of candidates for vacancies shall be done in accordance with T.C.A. Sunshine laws and it is recommended that for committees and boards other than the three primary committees, the Nominating committee provide resumes and qualifications to accompany the nominee to be considered by the full commission. The Legal, Industry and Reapportionment committees shall make other recommendations and conduct business dealing with legal, industry and reapportionment matters that affect the county. Each committee shall report back to the next full County Commission meeting and to the County Executive a summary of business conducted and/or recommendations made by the respective committees.
- COMPENSATION:** For each committee meeting attended committee members will receive compensation as set by the commission. Attendance is defined as physical presence at the called meeting for a minimum of one hour or presence at the entire meeting if meeting is less than one hour.

**CARTER COUNTY COMMISSION  
RULES COMMITTEE RECOMMENDATIONS FOR  
COMMITTEES & BOARDS  
DECEMBER 2002**

**POSITION TITLE:** *RULES AND BY-LAWS-BUILDING AND GROUNDS-LAW  
ENFORCEMENT-HEALTH & WELFARE-SANITATION-  
RECREATION COMMITTEES*

**RESPONSIBLE TO:** County Commission

**AUTHORITY:** Advisory and Investigative

**COMPOSITION:** Committees shall consist of one commissioner from each of the eight (8) districts. A chairman, Vice-chairman, Secretary and other needed officers shall be elected from among the members of the committee for each of the respective committees. The County Executive is an ex-officio member of all committees and boards of the County Commission.

**APPOINTMENT PROCEDURE:** At the beginning of each annual term year the commissioners from the respective districts shall decide among themselves on which of the three major committee groupings they will serve. A majority vote among the three district commissioners is final. If no majority is reached the full commission will vote on which positions will be filled by that district's commissioners.

**MEETINGS & QUORUM:** Normally committees will meet monthly or more frequently as decided by committee chairman in consultation with the county executive. A majority (5) will constitute a quorum and is required to conduct business. A committee member may seat a substitute commissioner only from his respective district if there is established a reasonable cause for his/her absence from that particular meeting.

**DUTIES & RESPONSIBILITIES:** Rules committee shall establish standards, guidelines and by-laws to guide commission activities and to establish standards and function of committees and boards under the purview of the full commission which are subject to ratification by the full commission and in accordance with state law. The other respective committees shall develop and incorporate their function in these procedures and make recommendations regarding other matters pertaining to *law*

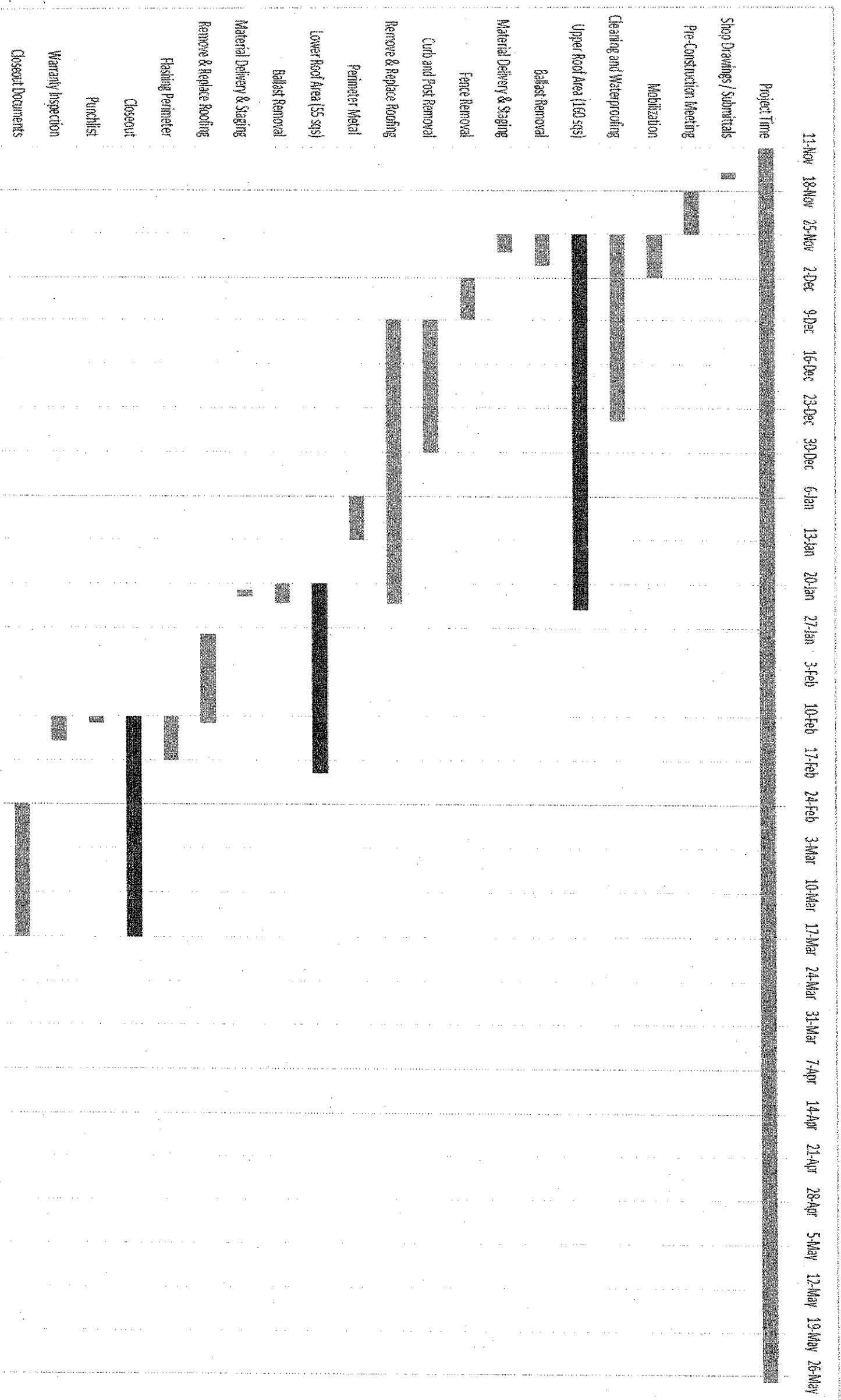
*enforcement, building and grounds, health and welfare, sanitation and recreation.*

Each committee shall report back to the next full County Commission meeting and to the County Executive a summary of business conducted and/or recommendations made by the respective committees.

**COMPENSATION:** For each committee meeting attended committee members will receive compensation as set by the commission. Attendance is defined as physical presence at the called meeting for a minimum of one hour or presence at the entire meeting if meeting is less than one hour.

**CARTER COUNTY COMMISSION  
RULES COMMITTEE RECOMMENDATIONS FOR  
COMMITTEES & BOARDS  
DECEMBER 2002**

- POSITION TITLE:** UTILITIES-CABLE-EDUCATION-HIGHWAY-SPECIAL INVESTIGATIONS COMMITTEES
- RESPONSIBLE TO:** County Commission
- AUTHORITY:** Advisory and Investigative
- COMPOSITION:** Committees shall consist of one commissioner from each of the eight (8) districts. A chairman, Vice-chairman, Secretary and other needed officers shall be elected from among the members of the committee for each of the respective committees. The County Executive is an ex-officio member of all committees and boards of the County Commission.
- APPOINTMENT PROCEDURE:** At the beginning of each annual term year the commissioners from the respective districts shall decide among themselves on which of the three major committee groupings they will serve. A majority vote among the three district commissioners is final. If no majority is reached the full commission will vote on which positions will be filled by that district's commissioners.
- MEETINGS & QUORUM:** Normally committees will meet monthly or more frequently as decided by committee chairman in consultation with the county executive. A majority (5) will constitute a quorum and is required to conduct business. A committee member may seat a substitute commissioner only from his respective district if there is established a reasonable cause for his/her absence from that particular meeting.
- DUTIES & RESPONSIBILITIES:** The committee shall in consultation with the appropriate department(s) meet, investigate and make recommendations to the full commission regarding matters pertaining to *utilities-cable-education-highway- and special investigations*
- COMPENSATION:** For each committee meeting attended committee members will receive compensation as set by the commission. Attendance is defined as physical presence at the called meeting for a minimum of one hour or presence at the entire meeting if meeting is less than one hour.



## AGREEMENT

THIS AGREEMENT made and entered into on this the 6<sup>th</sup> day of December, 2013, by and between the **CITY OF ELIZABETHTON, TENNESSEE**, organized and existing by City Charter as a Municipal Corporation under the laws of the State of Tennessee (hereinafter the "City"), and **CARTER COUNTY, TENNESSEE**, organized and existing by action of the Legislature of the State of Tennessee, (hereinafter the "County").

### **W-I-T-N-E-S-S-E-T-H**

**WHEREAS**, Carter County, Tennessee, is in the process of completing final details insofar as completion of all necessary parking concerns at the new Carter County Jail facility; and

**WHEREAS**, Carter County has discovered issues concerning the roof of the old Carter County Jail facility, which has left the structure in dire need of repair; and

**WHEREAS**, the Carter County Commission has addressed the issue of the roof repair, as the Commission appropriated funds for the repair of said roof, and this issue has caused delays in the completion of the final parking lot for the Carter County Jail facility; and

**WHEREAS**, the City of Elizabethton and Carter County have entered into an agreement dated March 19, 2012, to allow several issues to be addressed by the County and the City in connection with the completion of the final parking lot at the Carter County Jail facility; and

**WHEREAS**, an extension of time to allow this project to be completed was granted through June 19, 2013, however due to Carter County discovering the roof issues at the old Jail facility, additional time will be necessary; and

**WHEREAS**, the City of Elizabethton is in agreement to allow an additional fifteen (15) months from the date of entering into this agreement, to complete both the paving and striping of the parking lot located where the temporary Jail pods were removed from the old Jail facility site, Carter County has agreed that during said extension of time the County shall complete and maintain the following:

1. Landscape the area where the jail pods were removed with appropriate mulch as well as insuring the area is sowed with grass seed;
2. Remove the metal carport, shed, and metal sliding gate from the area where the Jail pods were removed, and further, the County Sheriff's Department shall refrain from parking Humvees in said area.

3. The County will install a walk through gate between the new parking lot as constructed by the County and the parking area of the City of Elizabethton, for the City Park.

**NOW, THEREFORE**, for and in consideration of the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto agree as follows:

1. That upon execution of this Agreement, Carter County, Tennessee, will have fifteen (15) months from said date to complete the paving and striping of the parking lot at the new Jail Facility, said parking lot located where the old jail pods were removed. In consideration of said extension of time, the County shall complete the following:

a. Landscape the area where the jail pods were removed with appropriate mulch as well as insuring the area is sowed with grass seed;

b. Remove the metal carport, shed, and metal sliding gate from the area where the old pods were removed, and further, the County Sheriff's Department shall refrain from parking Humvees in said area.

c. The County will install a walk through gate between the new parking lot as constructed by the County and the parking area of the City of Elizabethton, for the City Park.

2. The temporary certificate of occupancy as granted by the City, pursuant to the Agreement of March 19, 2012, shall remain in effect, and upon completion of the paving and striping of the parking lot, the final certificate of occupancy shall be issued to Carter County by the City of Elizabethton.

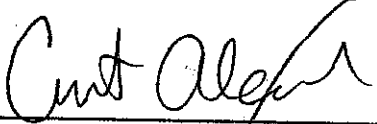
3. No amendment and/or modification of this Agreement shall be effective unless in writing and executed by both parties.

4. This Agreement shall be governed by and construed in accordance with the laws of the State of Tennessee without consideration of any conflict of laws or provisions unless preempted by Federal Law.

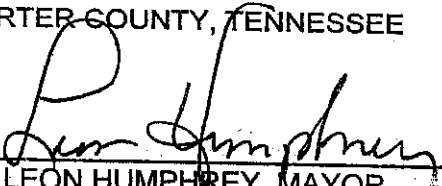
5. This Agreement contains the entire understanding between and among the parties and supersedes any prior understandings and agreements, either written or oral, among them respecting the subject matter of this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have executed, or have caused to be executed, this Agreement in DUPLICATE ORIGINALS with a copy being retained by each party on the date first above written.

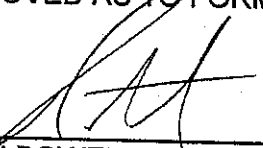
CITY OF ELIZABETHTON, TENNESSEE

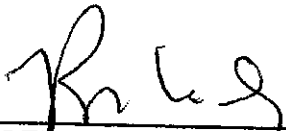
By:   
CURT ALEXANDER, MAYOR

CARTER COUNTY, TENNESSEE

By:   
LEON HUMPHREY, MAYOR

PREPARED BY ME AND  
APPROVED AS TO FORM

  
KEITH BOWERS, JR.  
CARTER COUNTY ATTORNEY  
3863 HIGHWAY 19E  
ELIZABETHTON, TN 37643  
PHONE (423) 542-0200

  
ROGER G. DAY, CITY ATTORNEY  
CITY OF ELIZABETHTON, TN  
136 SOUTH SYCAMORE STREET  
ELIZABETHTON, TN 37643  
PHONE (423) 542-9575