

Carter County Commission Meeting

Regular Session

March 17, 2014, 9:00 AM

APPROVED

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

Roll Call as follows:

Present: Buford Peters, Willie Campbell, Lawrence Hodge, Nancy Brown, Joel Street, Ronnie Trivett, Harry Sisk, Charles VonCannon, 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. (22 Present)

Absent: Richard Winters, and L.C. Tester. (2 Absent)

Chairman Bowers noted that Mr. Winters has had a back injury and was unable to attend, and L.C. Tester's mother was critically ill.

Quorum Present

Prayer was led by Willie Campbell, followed by Ronnie Trivett leading the pledge to the American flag.

Recognition of Elected and Appointed Officials/Guests present were recognized and thanked for their services.

Presentation of Plaques

Elizabethton Lady Cyclones Basketball Team were presented a plaque in recognition of capturing the **2014 Tennessee State Championship in the Class AA**, the first since 1938. A tearful Coach Len Dugger, along with Sara Bradley, the teams only senior, and the entire team accepted the plaque. Coach Dugger stated that the motto, "Why not us?" proved to be true as they won the 2014 State Championship. This presentation was followed by a standing ovation in recognition of this accomplishment.

Members of the 2014 Tennessee State Class AA Champions includes: Kayla Marosites, Kelci Marosites, Autumn Lyon, Melenda Perry, Emily Kiser, Sarah Robinson, Haley Burleson, Emily Schubert, Sarah Bradley, Brittney Campbell, Kyra McCrary, Megan Pietrowski, Bailey Montgomery, Loran Campell, Ashley DePew, Linda Espino, Caitlyn Gardner, Allison Williams, and Coaches, Richard Hyder, Russ Lyon, and Len Dugger.

Frank Childers was presented a plaque in recognition of over twelve years of volunteer service as a **Senior Volunteer with the Meals on Wheels program in the Hunter Community**. Mr. Childers stated that he accepted the plaque on behalf of all Volunteers in Tennessee. Ms. Ruth Phillips, Director of Senior Programs was also present and recognized. A standing ovation followed the presentation.

Terri Blevins was presented a plaque in recognition of her many years of dedicated service in the nursing field. Mrs. Blevins has served as the **Licensed Practical Nursing Program Director at Tennessee College of Applied Technology, Elizabethton** as well as having worked in numerous other areas in the nursing field. Mrs. Blevins also received a standing ovation in recognition of her services.

Family and friends of those receiving plaques stood and were recognized by Mayor Humphrey.

Confederate History and Heritage Proclamation for the Month of April 2014 was declared. Accepting a framed proclamation was Bill Hicks, in costume of that time period, on behalf of the Sons of the Confederate Veterans. A standing ovation was given to Mr. Hicks upon receipt of the proclamation.

Chairman Bowers noted that the Constable Association was to be presented plaques also, as noted on today's agenda. However, due to scheduling problems, this was reset for a later date.

Public Comments – None

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Acceptance of Minutes from Previous Meeting, February 19, 2014

Motion was made by John Lewis, seconded by Ronnie Trivett, to approve the minutes of the previous meeting, February 19, 2014 as presented. By majority voice vote, all ayes, motion carried.

Notaries/Bonds

Motion was made by Sonja Culler, seconded by Nancy Brown, to accept the following Notaries/Bonds as presented.

Teresa Crain	Garry D. Edwards	Vanessa Maupin
Trena Whitehead	Julie E. Wood	Harold Hall
Maxine Lewis	Ted Tipton	Patricia Diane Dugger
Evelyn Dugger	Douglas Bradley	Erin J.H. Frizzell
*****	Teekeela Y. Tolley	*****

By majority voice vote, all ayes, motion carried.

Mayor's Report - General County Updates

Mayor Humphrey confirmed the reappointment of Richard Wayne Tester, to the Hampton Utility District Board of Commissioners. Mr. Tester, whose term expires 05-08-14, was noted by Mayor Humphrey, as having his name appear first on the list of applicants for this position.

Olen Pate, whose term expires 03-31-2014, and appearing first on the list of applicants, was confirmed by Mayor Humphrey as being reappointed to the South Elizabethton Utility Board of Commissioners.

Motion was made by John Lewis, seconded by Sonja Culler, to confirm the appointment of Melanie Stanton to the Carter County Emergency Communications District 911 Board of Directors.

Following discussion concerning the protocol and qualifications presented concerning this appointment, Chairman Bowers called for a roll call vote.

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Lawrence Hodge, Nancy Brown, Joel Street, Ronnie Trivett, Harry Sisk, Charles VonCannon, 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. (22 Ayes)

Nays: None (0 Nays)

Absent: Richard Winters and L.C. Tester. (2 Absent)

By majority roll call vote, motion carried.

Mayor Humphrey informed the Commission that John Tolejko's term of service on the Holston River Regional Library Board (HRRLB) will expire April 2014. Mr. Tolejko was highly recommended for the position. Therefore, Mayor Humphrey requested that Mr. John Tolejko be reappointed to the HRRLB Board for another three year term.

Motion was made by Joel Street, seconded by Charles VonCannon to accept the nomination and reappoint Mr. John Tolejko as the Carter County representative to the Holston River Regional Library (HRRL) Board for another three year term, expiring April 2017.

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Lawrence Hodge, Nancy Brown, Joel Street, Ronnie Trivett, Harry Sisk, Charles VonCannon, 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. (22 Ayes)

Nays: None (0 Nays)

Absent: Richard Winters, and L.C. Tester. (2 Absent)

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

Resignation was received by Mayor Humphrey from **Judicial Commissioner, Bobby Huffman effective May 1, 2014**, due to health reasons. Mr. Huffman extended his thank-you for the privilege and honor of serving in this capacity.

Mayor Humphrey announced that the Rule Bridge Act of 2014 passed recently. He stated that this would help funding for some bridge renovations. It was noted that bridge renovation projects must be initiated no later than fiscal year 2015-2016. This change will be discussed during the next Highway Committee meeting scheduled for April 15, 2014 in which officials from the Tennessee Department of Transportation will be present.

Committee Reports-Recommendations

Clerk's notes:

Let the record reflect that an (*) indicates that the Disclaimer for Employees of Carter County, Tennessee was voiced by the Commissioner concerning the vote.

Monthly Committee Meeting Minutes are kept on file in the County Clerk's Office and are available for viewing upon request.

Budget Committee

Motion was made by Harry Sisk, seconded by Pat Hicks to accept the **February 2014 donations totaling \$390.00 for the Animal Shelter.** Recorded on page 395.

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Lawrence Hodge, Nancy Brown, Joel Street, Ronnie Trivett, Harry Sisk, Charles VonCannon, 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. (22 Ayes)

Nays: None (0 Nays)

Absent: Richard Winters, and L.C. Tester. (2 Absent)

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

Upon recommendation by the Court Security Committee, a **motion** was made by Harry Sisk, seconded by Sonja Culler to **transfer up to \$6,798.86 from the Courtroom Security Reserve for the purchase of an external paging system.**

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Lawrence Hodge, Nancy Brown, Joel Street, Ronnie Trivett, Harry Sisk, Charles VonCannon, 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. (22 Ayes)

Nays: None (0 Nays)

Absent: Richard Winters, and L.C. Tester. (2 Absent)

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

Motion was made by Harry Sisk, seconded by Lawrence Hodge to approve **General Fund 101 Amendment #6 with 8 items for a total of \$8,580.00 with \$0 coming from Federal Fund Balance.** Recorded on page 395.

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Lawrence Hodge, Nancy Brown, Joel Street, Ronnie Trivett, Harry Sisk, Charles VonCannon, 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, and Robert Gobble. (21 Ayes)

Nays: None (0 Nays)

Absent: Richard Winters, L.C. Tester, and Pat Hicks. (3 Absent)

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

Motion was made by Harry Sisk, seconded by Sonja Culler, to **approve Federal Projects Funds 142 Amendment #4 with 1 item for a total of \$9,350.00 with \$0 coming from Fund Balance.**
Recorded on page 396.

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Lawrence Hodge, Nancy Brown, (*)Joel Street, Ronnie Trivett, Harry Sisk, Charles VonCannon, 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. (22 Ayes)

Nays: None (0 Nays)

Absent: Richard Winters, and L.C. Tester. (2 Absent)

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

Motion was made by Harry Sisk, seconded by Nancy Brown to **transfer \$607,250.00 from the Referendum Reserve for the completion of window renovations pending School Board approval.** Mr. Sisk stressed that this was very time sensitive in order to be completed before the start of the 2014-2015 school year.

Discussion followed with John Lewis asking the reason for replacement windows, if these schools were to be rebuilt. Carter County Director of Schools, Kevin Ward replied that this would eventually save money in energy cost. He also stated that they did not currently have anything in terms of projects, but did have contingency plans.

Carter County Board of Education Window Renovation Bid Amounts	
Keensburg Elementary	\$235,280
Valley Forge Elementary	\$285,570
Cloudland High Gym	\$ 56,400
Architect Fees	<u>\$ 30,000</u>
Total Amount Needed	\$607,250

Chairman Bowers stated that the total cost includes architectural fees and would be taken out of a referendum reserve account. Following the discussion, Chairman Bowers asked for a roll call vote.

Roll Call Vote as follows:

Ayes: Buford Peters, Willie Campbell, Lawrence Hodge, 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. (21 Ayes)

Nays: Charles VonCannon (1 Nay)

Absent: Richard Winters, and L.C. Tester. (2 Absent)

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

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Motion was made by Joel Street for a **five (5) minute recess**. Being no objections, Chairman Bowers, recessed for five (5) minutes.

Meeting was called back to order by Chairman Bowers, following the recess.

Financial Management

Motion was made by Jo Ann Blankenship, seconded by Pat Hicks, to **approve the Policy of Privacy Practices under the Federal Law for Protected Health Information**. Recorded on pages 396-397

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

Landfill Committee

Landfill Committee Chairman, Joel Street reported that we would be sponsoring recycling during Covered Bridge Days, as well as placing out recycling containers during the Carter County Cruise In downtown.

Tire recycling changes, as implemented by the state, will take place in July. The state will send back to the county money from tire disposal fees paid in Carter County, but tire dumps will then become the responsibility of each county.

Landfill Director, Benny Lyons reported that the roll-off truck having engine problems had been repaired at a cost of approximately \$2500.

Highway Committee

Invitation was extended to all candidates for Highway Superintendent, to attend the next Highway Committee Meeting set for Tuesday, April 15th at the Highway Department.

County Attorney's Report-Keith Bowers, Jr. - Items discussed included the following:

Highway Right-of-Way -- Issues resolved

Tear Down Order -- Litter violation in the Valley Forge Community, thru Planning Office

Hub and Spoke Agreement -- A draft is being discussed with surrounding cities

Spread the Light Distribution Center -- Purchase of building

Open Records Request/Laws -- Water testing request from Volunteer Fire Departments

Animal Control Resolution -- Draft being prepared concerning citations

Animal Shelter Agreement - Working changes as recommended by Auditor

Park and Recreation Private Act -- Still at state level and should be approved soon

Hampton Utility District -- Request for Private Act concerning water commissioner elections

Happy Valley Baseball Field -- Road Maintenance

NCI -- Road project at the Industrial Park

Minton Lawsuit -- Filed against the Beer Board, motion to dismiss may be possible

Harris Case -- Motion to dismiss pending

Rittertown Bridge -- Deeds have been signed work progressing

Carter County Expenditure Budget Report for the month of February 2014 was 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-day expenditures, Outstanding Encumbrances, and Unencumbered Balances.

Commissioner Comments were voiced by the following commissioners on various issues.

Russell Kyte - Thank you for the work done recently on the Ball Field at the High School.

Charles VonCannon - Spoke concerning bridge issues and the bill now in legislation.

Steve Lowrance - Thank you to State Representative Timothy Hill for supporting legislation.

Joel Street - Thank you to the Carter County Highway Department.

Jo Ann Blankenship - Spoke concerning the heating/cooling in the courtroom, and lack of courthouse security.

Willie Campbell-Spoke concerning bridge issues.

Nancy Brown-Congratulations to all ball teams that were in the playoffs.

Motion to adjourn was made by Charlie Bayless, seconded by Sonja Culler.

Chairman Bowers announced that the April Commission Meeting was cancelled.

By majority voice vote, all ayes, **motion carried** and meeting adjourned at 10:45 AM.

**Carter County
General Fund 101
Budget Amendment #6**

Item # 1	53400-355 Travel		\$		47.00	Decrease
	53400-320 Dues & Memberships			47.00		Increase

To reallocate within Clerk & Master Budget.

Item #2	48610 Donations		\$		743.00	Decrease
	55120-413 Drugs and Medical Supplies			743.00		Increase

To utilize donations received for a veterinary bill received for injured dog. See attached letter.

Item #3	41120 Animal Registration		\$		935.00	Decrease
	55120-399-81 Other Contracted Services			935.00		Increase

To allocate funds received for spay/neuter services through the Humane Society.

Item #4	51720-162 Clerical Personnel		\$		500.00	Decrease
	51720-121 Data Processing Personnel			500.00		

To reallocate funds within the Planning Budget. See attached letter.

Item #5	49700 Insurance Recovery		\$		183.00	Decrease
	55120-418 Equipment & Machinery Parts			183.00		

To recognize insurance reimbursement for damages to Animal Control Truck.

Item #6	48610 Donations		\$		137.00	Decrease
	55120-413 Drugs and Medical Supplies			137.00		Increase

To utilize donations received for a veterinary bill received for injured dog. See attached letter.

Item #7	48610 Donations		\$		35.00	Decrease
	55120-413 Drugs and Medical Supplies			35.00		Increase

To utilize donation received from Rescue for heartworm test. See attached letter.

Item #8	48610 Donations		\$		6,000.00	Decrease
	55120-718 Motor Vehicles			6,000.00		Increase

To utilize donations for the purchase of an additional ACO truck from Forest Service.

Total \$ 8,580.00 \$ 8,580.00

February 2014 Donations

Animal Shelter Donation- Victor Young John Wagner Memorial	100.00
Animal Shelter Donation- Larry Bobbitt for put to sleep	10.00
Animal Shelter Donation- Sissy Moody for put to sleep	10.00
Animal Shelter Donation- Diane Horton John Wagner Memorial	25.00
Animal Shelter Donation- Diane Horton Buddy Memorial	15.00
Animal Shelter Donation- Margaret Brown John Wagner Memorial	25.00
Animal Shelter Donation- Jill Smith Dixie Townsend Memorial	50.00
Animal Shelter Donation- Rachael Byrd	30.00
Animal Shelter Donation- Anonymous Wildlife P/U	10.00
Animal Shelter Donation- Paige Scholes	50.00
Animal Shelter Donation- Justin Smith	10.00
Animal Shelter Donation- Anonymous	50.00
Animal Shelter Donation- Gregory Golden	5.00
	<u>390.00</u>

395

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\$ 390.00

Carter County Schools
Federal Projects Fund 142
Budget Amendment #4

Item #1	71100-116-110	Teachers		\$	1,000.00	Decrease
	71100-189-110	Other Salaries & Wages	\$	4,500.00		Increase
	71100-195-110	Substitute Teachers		\$	1,000.00	Decrease
	71100-198-110	Non-Certified Substitutes	\$	1,000.00		Increase
	71100-201-110	Social Security	\$	1,000.00		Increase
	71100-210-110	Unemployment Compensation	\$	50.00		Increase
	71100-212-110	Employer Medicare		\$	7,350.00	Decrease
	71100-429-110	Instructional Supplies & Mtls	\$	1,740.00		Increase
	71100-499-110	Other Supplies & Mtls	\$	60.00		Increase
	72210-524-110	In Service/Staff Development	\$	1,000.00		Increase

Reallocate funds within the Focus Schools Grant.

Total		\$	9,350.00	\$	9,350.00
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Policy of Privacy Practices under the Federal Law for Protected Health Information

Scope of Policy

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) regulates how protected health information is handled. These Privacy Practices were written by Carter County as a result of HIPAA. These practices apply to Carter County Government, its elected officials, department heads, employees, and volunteers. Each elected official, department head, employee, or volunteer will be provided a copy of the privacy practices upon approval or at the time of hire whichever should occur first.

Carter County is committed to protecting the privacy of information that may be gathered as a part of conducting business. Protected Health Information (PHI) means individually identifiable health information, as defined by HIPAA, that is created or received by Carter County that relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provisions of health care to an individual, and that identifies the individual or for which there is a reasonable basis to believe the information can be used to identify the individual. This includes information of persons living or deceased.

Use and Disclosure of PHI

Except as outlined herein, Carter County will not use or disclose your PHI for any purpose unless you have given written authorization for the use or disclosure. You have the right to revoke that authorization in writing at any time except as to cases where action has already been taken under previous authorization.

Carter County is permitted or required by law to use and disclose your PHI, in certain cases, without your authorization. Carter County may disclose your PHI for any purpose required by law, and for example:

1. We may disclose your PHI for public health activities, such as required reporting of disease, injury, death, and for required public health investigations;
2. We may disclose your PHI as required by law if we suspect child abuse or neglect, we may also release your PHI as required by law if we believe you to be a victim of abuse, neglect, or domestic violence;
3. We may release your PHI under a group Health Plan to your sponsor, provided, however, your plan sponsor must certify that the information provided will be maintained in a confidential manner and not used for other employee benefit determinations or in any other manner not permitted by law.
4. We may disclose your PHI if required by law to a government oversight agency conducting audits, investigations, or civil or criminal proceedings;
5. We may disclose your PHI if required to do so by a court or administrative order, subpoena, or discovery request; in most cases you will have notice of such release;
6. We may disclose your PHI to law enforcement officials as required by law to report wounds, injuries, and crimes;

7. We may disclose your PHI to coroners, and/or funeral directors consistent with law;
8. We may disclose your PHI if necessary, to arrange an organ or tissue donation from you or a transplant for you;
9. We may disclose your PHI for certain research purposes but only as permitted by law;
10. We may disclose your PHI if you are a member of the military as required by armed forces services; we may also disclose your PHI if necessary for national security or intelligence activities; and
11. We may disclose your PHI to workers' compensation agencies, if necessary, for your workers' compensation benefit determination.

You have the right to copy and/or inspect much of the PHI that Carter County retains. All requests for access must be made in writing and signed by you. We may charge you a fee for copying and postage and for preparing a summary of the requested information if you request a summary. Access request forms are available at the Director of Finance's Office. You also have the right to request restrictions on certain uses and disclosures of your PHI by Carter County. You may also terminate in writing any agreed to restriction.



Carter County Government
801 East Elk Avenue
Elizabethton, TN 37643

AUTHORIZATION TO RELEASE HEALTHCARE INFORMATION

Employee's Name: _____ Date of Birth: _____

Previous Name: _____ Social Security #: _____

I request and authorize _____ to release healthcare information of the employee named above to:

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

This request and authorization applies to:

Healthcare information relating to the following treatment, condition, or dates: _____

All healthcare information

Other: _____

I request and authorize an amendment to a previous authorization by the changing the following:

Information authorized for release: _____

Person authorized to release to: _____

I request to terminate the previously authorized release agreement dated _____

Employee Signature: _____ Date Signed: _____

Finance Department Received by Signature: _____ Date Received: _____