

Carter County Commission
Regular Session
November 20, 2017

APPROVED
12-11-17
Paz

Call to Order – Chairman, Robert Acuff, called the meeting to order at 6:00 PM.

Courthouse – Emergency Egress Plan – was presented by Gary Smith, EMA Director.

Roll Call – County Clerk as follows:

Name of Configuration File: C:\RollCall-Pro\Configurations\November 20 2017 Commission Meeting.rcc

Date and Time of New Session: 11/20/2017 6:04:59 PM

Begining Roll Call for New Session:

Leon Humphrey is Present

Willie Campbell is Present

Buford Peters is Present

Robert Acuff is Present

Nancy Brown is Present

Mike Hill is Present

Al Meehan is Present

Bradley Johnson is Present

*Ronnie Trivett is Present (Wrong Key Pad was used in error, as Ronnie Trivett was absent-see below)

Charles Von Cannon is Present

Isaiah Grindstaff is Present

L.C. Tester is Present

Danny Ward is Present

Ross Garland is Present

Bobbie Gouge-Dietz is Present

Timothy Holdren is Present

Randall Jenkins is Present

John Lewis is Present

Larry Miller is Present

Sonja Culler is Present

Ray Lyons is absent

Scott Simerly is absent

Robert Carroll is Present

Kelly Collins is Present

Cody McQueen is Present

Number of Voters PRESENT for Roll Call: 23

Number of Voters ABSENT for Roll Call: 2

Leader marked Ronnie Trivett as absent at: 6:06:25 PM (*Correction)

Leader marked Scott Simerly as present at: 6:08:53 PM

Approval of Agenda

Mayor Leon Humphrey, respectfully requested that Item 19, Mayor's Hometown Heroes-Presentation, follow Item 16, New Security Entry and Doors, Carter County Courthouse – Reedy & Sykes proposal.

Motion was made by Nancy Brown, seconded by Timothy Holdren, to amend tonight's agenda placing Item 19, Mayor's Hometown Heroes-Presentation, to follow Item 16, New Security Entry and Doors, Carter County Courthouse – Reedy & Sykes proposal (Item # 1)

Roll Call Vote as follows (Item #1):

1. Vote Results for: Item No. 1

Time of Vote: 6:10:37 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: N

Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: A
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: N
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: N
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller voted: Y
Sonja Culler voted: N
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (17 Y - 4 N - 1 A - 2 Absent)
Number of Abstain Votes: 1

Motion was made by Mike Hill, seconded by Danny Ward, to accept tonight's agenda as amended.
(Item # 2) Recorded on page 519.

Roll Call Vote as follows (Item # 2):

2. Vote Results for: Item No. 2

Time of Vote: 6:13:03 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: N
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: N
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller voted: Y
Sonja Culler voted: N
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (19 Y - 3 N - 0 A - 2 Absent)
Number of Abstain Votes: 0

Opening Prayer – was led by Commissioner, Willie Campbell.

Pledge of Allegiance – was led by Commissioner Bradley Johnson.

Recognition of Elected and Appointed Officials/Guest

Chairman, Robert Acuff, requested that elected and appointed officials/guest in the audience stand to be recognized thanking them for their service.

Acceptance of Minutes from the October 16, 2017 Commission Meeting

The following items were requested corrected:

- Agenda for tonight, November 20, 2017, Item # 17, Spelling of Cater corrected to Carter
- Page 459 – Spelling of Bartley to Bartleby
- Page 460 – Spelling of setting to sitting
- Page 460 – Date of Workshop-seminar corrected to November 16
- Page 462 – Nomination made by Ross Garland to read – Joshua Benfield
- Page 472 – Tim Holdren, Chairman of Health & Welfare corrected. Mike Hill expressed gratitude on behalf of the Floyd Steve Harmon family.

Motion was made by John Lewis, seconded by Randall Jenkins, to accept the minutes of the previous meeting, October 16, 2017, with corrections as requested (Item # 3)

Roll Call Vote as follows (Item # 3):

3. Vote Results for: Item No. 3

Time of Vote: 6:17:12 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y

Robert Acuff voted: Y

Nancy Brown voted: Y

Mike Hill voted: Y

Al Meehan voted: Y

Bradley Johnson voted: Y

Ronnie Trivett was Absent

Charles Von Cannon voted: Y

Isaiah Grindstaff voted: Y

L.C. Tester voted: Y

Danny Ward voted: Y

Ross Garland voted: Y

Bobbie Gouge-Dietz voted: Y

Timothy Holdren voted: Y

Randall Jenkins voted: Y

John Lewis voted: Y

Larry Miller voted: Y

Sonja Culler voted: Y

Ray Lyons was Absent

Scott Simerly voted: Y

Robert Carroll voted: Y

Kelly Collins voted: Y

Cody McQueen voted: Y

Passed (22 Y - 0 N - 0 A - 2 Absent)

Number of Abstain Votes: 0

Mayor's Hometown Heroes-Presentation of Plaques

Plaques were presented by Mayor, Leon Humphrey and the Carter County Commission, to the following in appreciation of their accomplishments, dedication and service.

The Carter County 4-H Forestry Judging Team, which captured state honors in Forestry Judging was recognized and received plaques. Members present were: **Haley Rankhorn, Kaci Ritchie, Alayna Turbyfield**, and accepting for **John Tapp** was Carter County 4-H Extension Agent, Emily Barton.

James Linville, of Unicoi Tennessee, whom has been chosen as College of Applied Technology (TCAP) 2017 Student of the Year, was honored and received a plaque. Mr. Linville, a student in the diesel training program, is scheduled to complete the program and receive his diploma in December. The Diesel Power Equipment training provides students with practical experience in the repair and maintenance of diesel engines.

Arthur "Deacon" Bowers, a veteran of the Korean War, received recognition and a plaque for his service establishing the Veterans War Memorial and the Veterans Walk of Honor. The Walk of Honor was noted as being one of Carter County's crown jewel's, as there is no other like it.

The late Ellen Virginia "Ginger" Nave Shell, was honored for her service to her community and country in the United States military. Mrs. Shell followed her military family by joining the U.S. Army. She was one of the last members of the Women's Auxiliary Corps. Mrs. Shell passed in October 2017. Her daughters were present and accepted the plaque in her honor. Other members of Mrs. Shell family that were present stood and were recognized.

Sara Sellers, received a plaque and was recognized for her service to the community as well as her country. She enlisted in the U.S. Air Force, made a career of her military service and retired with the rank of Chief Master Sergeant.

Tom McCloud, also affectionately known as the "fruit cake man" was recognized and received a plaque for his military and community service. Mr. McCloud served in the U.S. Army during the Korean War. He was taken as a prisoner of war from January 1951 through August 1951. Having suffered from starvation while a POW, he now makes fruit cakes and donates the funds to charity.

The late Walter Brown Hatley, a U.S. Army veteran, was honored for his service to his country and community. He was a veteran of World War II, having fought in the Battle of the Bulge, in Europe. While Mr. Hatley was serving in Europe, his wife received notice that he was Missing In Action. A second telegram to Mrs. Hatley, informed her that he had been captured and was a Prisoner of War by the German government. Mr. Hatley was able to escape and later returned home to his family. Mr. Hatley passed away at the age of seventy-eight. Accepting the plaque in his honor were his daughters, Ethel Hatley and Brenda Perry. It was also stated the donation of the Prisoner of War flags at the Monument had been made by Ethel Hatley in memory of her father, Walter Brown Hatley.

Harold Hubbard was honored for his service to his community and country in the U.S. Army. Mr. Hubbard, after being drafted at the age of nineteen, fought in World War II. During his time in the Army, he was awarded the Bronze Star, two Service Stars, and the Purple Heart.

Rolling Thunder Tennessee Chapter 4, was honored for their dedication to honoring veterans. Rolling Thunder, Inc. is a non-profit organization where everyone donates his or her time because they believe in the POW/MIA issue. Accepting plaques on behalf of Rolling Thunder Tennessee Chapter 4 were: Robert "Bob" Rambo President, Will Hardy Vice-President, and Chairman of the Board Charles Smith.

Recess

The Commission entered into a ten (10) minute recess. Following the recess, the meeting was called **back to order** by Chairman, Robert Acuff.

Public Comments

Jim McGee spoke concerning right-of-way issues with his property on Ridgecrest Drive. He stated he was being harassed and requested help from Highway Superintendent, Roger Colbaugh and County Attorney, Joshua Hardin.

John Bland spoke expressing the need for mandatory leash laws, as well as the need to spay and neuter animals.

Michael Warren spoke on behalf of Wreaths Across America. December 16, 2017 has been set to place wreaths on the graves of veterans at Mountain Home. The goal is to honor each veteran by placing a Christmas wreath on every grave. Everyone was urged to honor veterans by making a donation toward this project.

The Public Comments portion of the meeting was closed.

Motion was made by Sonja Culler, seconded by Mike Hill, to set aside a special night every month that we honor our people of Carter County and that we also have a reception afterward so that the Commissioners can speak to the people.

Discussion followed, as vote proceeded.

A friendly amendment was made by Timothy Holdren to move Mayor's Hometown Heroes-Plaque Presentation to 5:00 PM, accepted by Sonja Culler and Mike Hill.

Several requested that the motion be clarified. Voting had already began on the motion as first stated. However, results were not revealed.

Under the advice of Joshua Hardin, County Attorney, vote was canceled. The motion was then clarified and restated by Chairman Acuff as shown below (see Item # 4), and vote was taken.

Motion was made by Sonja Culler, seconded by Mike Hill, to set the meeting time at 5:00 PM for the Mayor's Hometown Heroes and Veterans, with a reception to follow, and then to proceed with the Regular County Commission Meeting at 6:00 PM. (Item # 4)

Roll Call Vote as follows (Item # 4):

4. Vote Results for: Item No. 4

Time of Vote: 7:50:56 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y

Robert Acuff voted: Y

Nancy Brown voted: Y

Mike Hill voted: Y

Al Meehan voted: Y

Bradley Johnson voted: Y

Ronnie Trivett was Absent

Charles Von Cannon voted: Y

Isaiah Grindstaff voted: N

L.C. Tester voted: Y

Danny Ward voted: Y

Ross Garland voted: N

Bobbie Gouge-Dietz voted: N

Timothy Holdren voted: Y

Randall Jenkins voted: Y

John Lewis voted: N

Larry Miller voted: N

Sonja Culler voted: Y

Ray Lyons was Absent

Scott Simerly voted: Y

Robert Carroll voted: N

Kelly Collins voted: Y

Cody McQueen voted: Y

Passed (16 Y - 6 N - 0 A - 2 Absent)

Number of Abstain Votes: 0

Notaries / Bonds

Motion was made by Sonja Culler, seconded by Isaiah Grindstaff, to accept the following Notaries/Bonds for November 20, 2017 as presented. (Item # 5)

C. Renee Crowe	Diana Winter Strano	Rachel R. Cole
Wendy D. Peters	*****	Adrienne J. Brown

Roll Call Vote as follows (Item # 5):

5. Vote Results for: Item No. 5

Time of Vote: 7:52:08 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y

Robert Acuff voted: Y

Nancy Brown voted: Y

Mike Hill voted: Y

Al Meehan voted: Y

Bradley Johnson voted: Y

Ronnie Trivett was Absent

Charles Von Cannon voted: Y

Isaiah Grindstaff voted: Y

L.C. Tester voted: Y

Danny Ward voted: Y

Ross Garland voted: Y

Bobbie Gouge-Dietz voted: Y

Timothy Holdren voted: Y

Randall Jenkins voted: Y

John Lewis voted: Y

Larry Miller voted: A

Sonja Culler voted: Y

Ray Lyons was Absent

Scott Simerly voted: Y

Robert Carroll voted: Y

Kelly Collins voted: Y

Cody McQueen voted: Y

Passed (21 Y - 0 N - 1 A - 2 Absent)

Number of Abstain Votes: 1

2018 County Holiday and Commission Meeting Schedule Approval

Motion was made by Mike Hill seconded by Nancy Brown, to approve as presented, the 2018 Carter County Holidays. (Item # 6) Recorded on page 520

Roll Call Vote as follows (Item # 6):

6. Vote Results for: Item No. 6

Time of Vote: 7:52:58 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y

Robert Acuff voted: Y

Nancy Brown voted: Y

Mike Hill voted: Y

Al Meehan voted: Y

Bradley Johnson voted: Y

Ronnie Trivett was Absent

Charles Von Cannon voted: Y

Isaiah Grindstaff voted: Y

L.C. Tester voted: Y

Danny Ward voted: Y

Ross Garland voted: Y

Bobbie Gouge-Dietz voted: Y

Timothy Holdren voted: Y

Randall Jenkins voted: Y

John Lewis voted: Y

Larry Miller voted: N

Sonja Culler voted: Y

Ray Lyons was Absent

Scott Simerly voted: Y
Robert Carroll voted: N
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (20 Y - 2 N - 0 A - 2 Absent)
Number of Abstain Votes: 0

Motion was made by Mike Hill, seconded by L.C. Tester, to approve Carter County Commission Meetings 2018 as presented.

Discussion was voiced in regards to the time change and the Hometown Heroes-Presentation of plaques. Also discussed, was the change of alternating the meetings to night meetings and day meetings which would require recommendation from the Rules and By-Laws Committee.

County Attorney, **Joshua Hardin** stated under his recommendation the vote was cancelled. To clarify the motion and the vote, Attorney Hardin recommended the vote be take again.

Motion was made by Sonja Culler, seconded by Mike Hill, to start at 5:00 PM, having the Hometown Heroes-Presentation of Plaques, then a reception, and then the Regular Commission Meeting to start at 6:00 PM. (Item # 7)

Discussion followed clarifying the motion being presented.

Roll Call Vote as follows (Item# 7):

7. Vote Results for: Item No. 7

Time of Vote: 8:03:35 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: N
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: N
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: N
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller voted: Y
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: N
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (17 Y - 5 N - 0 A - 2 Absent)
Number of Abstain Votes: 0

Motion was made by Sonja Culler, seconded by Mike Hill, to move the December 2017 meeting to December 11, 2017, Hometown Heroes-Presentation at 5:00 PM followed with the Regular Commission Meeting to began at 6:00 PM (Item # 8)

Roll Call Vote as follows (Item # 8):

8. Vote Results for: Item No. 8

Time of Vote: 8:05:43 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: N
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller voted: N
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: N

Passed (18 Y - 4 N - 0 A - 2 Absent)

Number of Abstain Votes: 0

Discussion followed concerning the alternation of meetings to day meetings and night meetings. Commissioner Jenkins, as Chairman of the Rules and By-Laws Committee, stated he would present this to the committee for discussion. If approved by the Rules and By-Laws Committee, he would present it to the full Commission for consideration.

Motion was made by Danny Ward, seconded by Mike Hill, to approve with the time being changed to 6:00 PM (as approved and voted – See Item # 8), and accept the 2018 Carter County Commission Meetings. (Item # 9) Recorded on page 521

Roll Call Vote as follows (Item # 9):

9. Vote Results for: Item No. 9

Time of Vote: 8:09:14 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: N
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: N
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: N
Danny Ward voted: Y
Ross Garland voted: Y

Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller voted: N
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (18 Y - 4 N - 0 A - 2 Absent)
Number of Abstain Votes: 0

Leader marked Larry Miller as absent at: 8:10:57 PM

Contract for 911 Services for 2017 – 2018

Motion was made by Mike Hill, seconded by Randall Jenkins, to approve as presented, the Cooperation Agreement for Emergency Communications Between Carter County Emergency Communications District and County of Carter, A Political Subdivision of the State of Tennessee (Item # 10) Recorded on pages 522-527

Roll Call Vote as follow (Item # 10):
10. Vote Results for: Item No. 10
Time of Vote: 8:11:46 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: N
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller was Absent
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (19 Y - 2 N - 0 A - 3 Absent)
Number of Abstain Votes: 0

RESOLUTION

An Inter-Local Agreement regarding the Health Department

County Attorney, Joshua Hardin, presented a brief description regarding the agreement as presented.

Motion was made by Nancy Brown, seconded by Sonja Culler, to accept as presented,
RESOLUTION No. 685 An Inter-Local Agreement regarding the Carter County Health
Department (Item # 11) Recorded on pages 528-529

Roll Call Vote as follows (Item # 11):

11. Vote Results for: Item No. 11

Time of Vote: 8:13:02 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller was Absent
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: N
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (20 Y - 1 N - 0 A - 3 Absent)

Number of Abstain Votes: 0

Resolution

Defining Carter County as a TN Certified Broadband Ready Community

Chris Schuettler, Director of Planning, presented the Resolution for consideration, noting it was reviewed and approved by the Planning Commission on October 10, 2017.

Motion was made by Sonja Culler, seconded by Mike Hill, to approve as presented,

RESOLUTION No. 686 (Item # 12) Recorded on pages 530-532

**"A RESOLUTION DEFINING CARTER COUNTY, TENNESSEE, AS A
TENNESSEE CERTIFIED BROADBAND READY COMMUNITY"**

Roll Call Vote as follows (Item # 12):

12. Vote Results for: Item No. 12

Time of Vote: 8:18:56 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent

Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller was Absent
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (20 Y - 1 N - 0 A - 3 Absent)
Number of Abstain Votes: 0

Resolution

Amending and adding to the General Plan for the Physical Development of Carter County, TN

Chris Schuettler, Planning Director, presented as approved by the Carter County Regional Planning Commission, "A Resolution Amending and Adding to the General Plan for the Physical Development of Carter County, Tennessee.

Chris Schuettler, Planning Director, respectfully requested that the Commission recess and open the Public Hearing.

Recess for Public Hearing

Chairman Acuff, recessed the Commission meeting and opened the Public Hearing asking for comments from the public in regards to the Resolution being presented.

No one requested to speak. Therefore, Chairman Acuff closed the Public Hearing and the Commission was called back to order.

Discussion followed. Director Schuettler, voiced that although a State Inspector is not required, his office does have a Certified Inspector on staff.

Motion was made by Randall Jenkins, seconded by Sonja Culler, to accept as presented,

RESOLUTION No. 687 (Item # 13) Recorded on pages 533-539
"A RESOLUTION AMENDING AND ADDING TO THE GENERAL PLAN FOR THE PHYSICAL DEVELOPMENT OF CARTER COUNTY, TENNESSEE."

Roll Call Vote as follows (Item # 13):

13. Vote Results for: Item No. 13

Time of Vote: 8:35:07 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: A
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y

Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller was Absent
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: A
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (19 Y - 0 N - 2 A - 3 Absent)
Number of Abstain Votes: 2

Recess

The Commission entered into a ten (10) minutes recess. Following the recess, the meeting was called **back to order** by Chairman, Robert Acuff.

New Security Entry and Doors, Carter County Courthouse – Reedy & Sykes proposal
Mayor Humphrey was recognized and presented the proposal for consideration.

Mayor Humphrey stated this had been put out for bids with five being received. It was then narrowed down to three as requested by the Courthouse Security Committee and interviewed individually.

Isaiah Grindstaff presented a brief update concerning the progress of these interviews. The Courthouse Security Committee will be presenting a recommendation following their next meeting.

A request was made by Mayor Humphrey, to approve transfer of \$8,000 from General Fund to the Mayor's Budget. Thereby, granting approval for Reedy & Sykes Architecture Design to begin the design for the New Security Entry and Doors, Carter County Courthouse.

Motion was made by Bradley Johnson, seconded by Danny Ward, to refer any action and send the request back to the Courthouse Security, Building & Grounds, and Budget Committees for approval and recommendations. (Item # 14)

This is as required per Rules & Procedure for County Commission, Rule 7, Commissioner Johnson stated. He also noted that this request was not classified as an emergency thing.

Roll Call Vote as follows (Item # 14)

14. Vote Results for: Item No. 14

Time of Vote: 8:53:58 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: N
Isaiah Grindstaff voted: N
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: N
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: N
Randall Jenkins voted: N

John Lewis voted: N
Larry Miller was Absent
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: N
Robert Carroll voted: N
Kelly Collins voted: Y
Cody McQueen voted: N

Passed (12 Y - 9 N - 0 A - 3 Absent)
****Motion Failed – (13 Y Needed to pass)**
Number of Abstain Votes: 0

Motion was made by John Lewis, seconded by Randall Jenkins, to approve transfer of \$8,000 from General Fund to be placed in the Mayor's Budget. Thereby, granting approval for Reedy and Sykes to begin the design for the New Security Entry and Doors Carter County Courthouse. (Item # 15)

Roll Call Vote as follows (Item # 15):
15. Vote Results for: Item No. 15
Time of Vote: 8:55:01 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: N
Buford Peters voted: N
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: N
Al Meehan voted: N
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: N
Danny Ward voted: N
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: N
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller was Absent
Sonja Culler voted: N
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: N
Cody McQueen voted: Y

Passed (12 Y - 9 N - 0 A - 3 Absent)
****Motion Failed – (13 Y Needed to pass)**
Number of Abstain Votes: 0

Carter County Industrial Development Board Appointments

Chairman, Robert Acuff, stated the board consist of nine (9) members, all of which terms had expired. He also noted the board has numerous items needing to be addressed. The following applications had been submitted: Kenneth R. Kelly, Jr., Richard C. Brewer, Dr. Arnold O. Hopland, David Phil Isaacs, Charlotte "Elaine" Skelton, Kristopher Alan Richardson, Peter H. Voigt, Jimmy D. Street, Chris Guy, and Carol Chase McClelland.

Each applicant was invited to address the Commission, stating their qualifications and why they are interested in serving on the board. It was stated that Mr. Kenneth Kelly, Jr. was unable to be present due to a family emergency.

The floor was opened for nominations. The following were nominated:

Dr. Arnold Hopland, nominated by Commissioner Charles VonCannon
Jimmy D. Street, nominated by Commissioner L.C. Tester
Peter H. Voigt, nominated by Commissioner Isaiah Grindstaff
Charlotte "Elaine" Skelton, nominated by Commissioner Cody McQueen
Chris Guy, nominated by Commissioner Ross Garland
Phil Isaacs, nominated by Commissioner Danny Ward
Kristopher Richardson, nominated by Commissioner Robert Carroll
Carol Chase McClelland, nominated by Bobbie Gouge-Dietz
Richard Brewer, nominated by Randall Jenkins

Motion was made by Mike Hill, seconded by Kelly Collins, to cease nominations. (Item # 16)

Roll Call Vote as follows (Item # 16):

16. Vote Results for: Item No. 16

Time of Vote: 9:26:09 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller was Absent
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (21 Y - 0 N - 0 A - 3 Absent)

Number of Abstain Votes: 0

Motion was made by Danny Ward, seconded by Nancy Brown, to accept the nine (9) nominations, electing the same as the Carter County Industrial Development Board. (Item # 17)

Roll Call Vote as follows (Item # 17):

17. Vote Results for: Item No. 17

Time of Vote: 9:27:58 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent

Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller was Absent
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (21 Y - 0 N - 0 A - 3 Absent)
Number of Abstain Votes: 0

Commissioner, Sonja Culler, requested that Agenda Item # 16, New Security Entry and Doors, Carter County Courthouse – Reedy & Sykes proposal be re-addressed. She stated a vote was needed to either approve the item or recommend that it be sent back to committee for consideration.

Motion was made by L.C. Tester, seconded by Danny Ward, to send the request made by Mayor Humphrey to approve transfer of \$8,000 from General Fund to the Mayor's Budget. Thereby, granting approval for Reedy & Sykes Architecture and Design to begin the design for the New Security Entry and Doors, Carter County Courthouse back to committees for approval and recommendation. (Item # 18)

Roll Call Vote as follows (Item # 18):

18. Vote Results for: Item No. 18

Time of Vote: 9:31:13 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller was Absent
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: N
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (19 Y - 2 N - 0 A - 3 Absent)
Number of Abstain Votes: 0

Borla PILOT Extension (Current PIOLT expires in December 2017)

The Borla PILOT renewal request was presented by Mayor Humphrey. He stated the current PILOT agreement, as amended, between The Industrial Development Board of Carter County, Tennessee and Borla Properties LLC, will expire on December 31, 2017.

Motion was made by Danny Ward, seconded by Sonja Culler, to grant an extension to the PILOT agreement between The Industrial Development Board of Carter County, Tennessee and Borla Properties LLC, to expire January 31, 2018. (Item # 19)

Roll Call Vote as follows (Item # 19):

19. Vote Results for: Item No. 19

Time of Vote: 9:39:34 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y

Robert Acuff voted: Y

Nancy Brown voted: Y

Mike Hill voted: Y

Al Meehan voted: Y

Bradley Johnson voted: Y

Ronnie Trivett was Absent

Charles Von Cannon voted: Y

Isaiah Grindstaff voted: Y

L.C. Tester voted: Y

Danny Ward voted: Y

Ross Garland voted: Y

Bobbie Gouge-Dietz voted: Y

Timothy Holdren voted: Y

Randall Jenkins voted: Y

John Lewis voted: N

Larry Miller was Absent

Sonja Culler voted: Y

Ray Lyons was Absent

Scott Simerly voted: Y

Robert Carroll voted: Y

Kelly Collins voted: Y

Cody McQueen voted: Y

Passed (20 Y - 1 N - 0 A - 3 Absent)

Number of Abstain Votes: 0

Corporate Attraction Video and Website Presentation

This was noted as being the first step to market Carter County tourism, by taking it to the next level. The video will be available on social media.

Leader marked L.C. Tester as absent at: 9:44:16

Site Select Grant Update and Application Submission Approval (Purchase of up to 100 Acres)

Mayor, Leon Humphrey, reported on the County Site Development Grant Application.

(Ref: Commission Meeting August 2017) He reported due to being misinformed, partial ownership was not an option. Therefore, it is felt that project be discontinued.

Watauga River Redevelopment District TIF –

–Jon Hartman, Director of Planning and Economic Development

Elizabethton Housing & Development Agency – Policies and Procedures for Tax Increment Incentive Program for (Watauga River) Redevelopment Area – Policies relating to Tax Increment Incentives for Private Projects.

Mr. Hartman had placed items in the Commissioner's packets concerning this item. He stated a request would be presented possibly during the January 2018 meeting in regards to the Watauga River Redevelopment Area. Public Notices as well as Public Hearings would be

required. The property in question is located behind Wal-Mart and extends toward the Cherokee Industrial Park.

Committee Reports

Agricultural Committee – Ross Garland, Chairman, reported that repairs on the Extension Office were moving forward. It was also stated the terms of two members on the Agricultural Committee will be up this year for consideration.

Budget Committee – Sonja Culler, Chairwoman, presented the following recommendation for consideration.

Motion was made by Sonja Culler seconded by Danny Ward, to approve allowing the Landfill to use \$43,000 from the operating transfer, \$18,000 is for a landfill life expectancy study, \$25,000 to purchase an incinerator used to dispose of brush. No new money. (Item # 20)

Roll Call Vote as follows (Item # 20):

20. Vote Results for: Item No. 20

Time of Vote: 10:06:42 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y

Robert Acuff voted: Y

Nancy Brown voted: Y

Mike Hill voted: Y

Al Meehan voted: Y

Bradley Johnson voted: Y

Ronnie Trivett was Absent

Charles Von Cannon voted: Y

Isaiah Grindstaff voted: Y

L.C. Tester was Absent

Danny Ward voted: Y

Ross Garland voted: Y

Bobbie Gouge-Dietz voted: Y

Timothy Holdren voted: Y

Randall Jenkins voted: Y

John Lewis voted: Y

Larry Miller was Absent

Sonja Culler voted: Y

Ray Lyons was Absent

Scott Simerly voted: Y

Robert Carroll voted: Y

Kelly Collins voted: Y

Cody McQueen voted: Y

Passed (20 Y - 0 N - 0 A - 4 Absent)

Number of Abstain Votes: 0

Motion was made by Sonja Culler, seconded by Bobbie Gouge-Dietz, to allow the Sheriff's Department to exchange to three (3) Crown Victoria's to Blount County, in return for (4) four training slots at the academy. (Item # 21)

Discussion followed indicating the legality of the property transfer.

Roll Call Vote as follows Item # 21):

21. Vote Results for: Item No. 21

Time of Vote: 10:10:33 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester was Absent
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller was Absent
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (19 Y - 1 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Motion was made by Sonja Culler, seconded by Ross Garland, to approve the October 2017 donations totaling \$1,192.55 with \$1,092.55 going to the Animal Shelter and \$100.00 for Hurricane Relief. (Item # 22) Recorded on page 539

Roll Call Vote as follows (Item # 22):
21. Vote Results for: Item No. 21
Time of Vote: 10:10:33 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester was Absent
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller was Absent
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (19 Y - 1 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Motion was made by Sonja Culler, seconded by Nancy Brown, to approve General Fund 101 Amendment # 4 for a total of \$63,044.39 with 16 items and nothing coming from Fund Balance. (Item # 23) Recorded on pages 539-540

Roll Call Vote as follows (Item # 23):

23. Vote Results for: Item No. 23

Time of Vote: 10:11:41 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester was Absent
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller was Absent
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (20 Y - 0 N - 0 A - 4 Absent)

Number of Abstain Votes: 0

Motion was made by Sonja Culler, seconded by Bobbie Gouge-Dietz, to approve Health Department Fund 117 Amendment # 3 for a total of \$85,000 with 1 item coming from the Health Department Fund Balance. (Item # 24) Recorded on page 540

Roll Call Vote as follows (Item # 24):

24. Vote Results for: Item No. 24

Time of Vote: 10:12:15 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester was Absent
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y

Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller was Absent
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Motion was made by Sonja Culler, seconded by Ross Garland, to approve Drug Fund 122 Amendment # 4 for a total of \$3,103.00 with nothing coming from Fund Balance. (Item # 25) Recorded on page 541

Roll Call Vote as follows (Item # 25):
25. Vote Results for: Item No. 25
Time of Vote: 10:12:59 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester was Absent
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller was Absent
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Motion was made by Sonja Culler, seconded by Nancy Brown, to approve Highway Fund 131 Amendment # 3 with 2 items for a total of \$12,187.33 with nothing coming from Fund Balance. (Item # 26) Recorded on page 541

Roll Call Vote as follows (Item # 26):
26. Vote Results for: Item No. 26
Time of Vote: 10:13:31 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y

Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester was Absent
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller was Absent
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Motion was made by Sonja Culler, seconded by Buford Peters, to approve General Purpose School Fund 141 Amendment # 4 with 1 item for a total of \$7,509.25 coming from School's Fund Balance. (Item # 27) Recorded on page 541

Roll Call Vote as follows (Item # 27):
27. Vote Results for: Item No. 27
Time of Vote: 10:14:45 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester was Absent
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller was Absent
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Motion was made by Sonja Culler, seconded by Isaiah Grindstaff, to approve Federal Projects Fund 142 Amendment # 2 for \$124,286.27 with 1 item and nothing coming from School's Fund Balance. (Item # 28) Recorded on page 542

Roll Call Vote as follows (Item # 28):28. Vote Results for: Item No. 28
Time of Vote: 10:16:14 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester was Absent
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller was Absent
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Motion was made by Sonja Culler, seconded by Isaiah Grindstaff, to approve General Purpose School Fund 141 Amendment # 5 for \$124,286.27 with 1 item and nothing coming from the School's Fund Balance. (Item # 29) Recorded on page 542

Roll Call Vote as follows (Item # 29):
29. Vote Results for: Item No. 29
Time of Vote: 10:17:27 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester was Absent
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y

Larry Miller was Absent
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Chairwoman Culler announced the December Budget Committee meeting would be held December 4th at 6:00 PM. January 8, 2017 at 5:00 PM has been set for January with a "Budget Class 101" for Commissioner being held as well.

Building and Grounds Committee – Isaiah Grindstaff, Chairman, presented a brief update. No recommendations were presented.

Education Committee – Danny Ward, Chairman, presented the report. No recommendations were presented. He announced that the next meeting would be on January 2, 2018 in the Mayor's Conference Room.

Financial Management Committee – Danny Ward, Chairman, presented the report.

Chief James Parrish, presented the Housing of Federal Inmates Contract for consideration. The county is currently holding state inmate's for \$37 a day per diem. Per the state inmate contract, we are required to keep twenty (20) state inmates.

Chief Parrish went on to explain that the U.S. Marshall Service had contacted Carter County Sheriff's department for consideration of keeping pre-trial federal inmates. The per diem rate will be higher at \$60 a day per-diem.

Motion was made by Sonja Culler, seconded by Randall Jenkins, to accept the Housing of Federal Inmates Contract. (Item # 30) Recorded on page 543 - 556

Roll Call Vote as follows (Item # 30):
30. Vote Results for: Item No. 30
Time of Vote: 10:26:12 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester was Absent
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller was Absent
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: Y

Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (19 Y - 1 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Motion was made by Danny Ward, seconded by Mike Hill, to amend the current two year elevator contract to add all the remaining elevators not under the contract at the moment. (Item # 31) Recorded on pages 557

Thyssen Krupp is the company that will be amending their contract with the county by adding all remaining county building elevators. This amended contract will end in 2019.

Roll Call Vote as follows (Item # 31):

31. Vote Results for: Item No. 31

Time of Vote: 10:29:25 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y

Robert Acuff voted: Y

Nancy Brown voted: Y

Mike Hill voted: Y

Al Meehan voted: Y

Bradley Johnson voted: Y

Ronnie Trivett was Absent

Charles Von Cannon voted: Y

Isaiah Grindstaff voted: Y

L.C. Tester was Absent

Danny Ward voted: Y

Ross Garland voted: Y

Bobbie Gouge-Dietz voted: Y

Timothy Holdren voted: Y

Randall Jenkins voted: Y

John Lewis voted: Y

Larry Miller was Absent

Sonja Culler voted: Y

Ray Lyons was Absent

Scott Simerly voted: Y

Robert Carroll voted: Y

Kelly Collins voted: Y

Cody McQueen voted: Y

Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Danny Ward, Financial Management Committee Chairman, announced that the next meeting would be held December 6th at 8:30 AM in the Mayor's Conference Room.

Health and Welfare Committee – Timothy Holdren, Chairman. No recommendation were presented.

Highway Committee – Mike Hill, Chairman, presented the following recommendations on behalf of the committee.

Motion was made by Mike Hill, seconded by Al Meehan, to approve the proposed closure of a section of Carter Street, located behind the Post Office, for parking conversion in the Roan Mountain Community Park. (Item # 32)

Roll Call Vote as follows (Item # 32):

32. Vote Results for: Item No. 32

Time of Vote: 10:30:50 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester was Absent
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller was Absent
Sonja Culler voted: Y
Ray Lyons was Absent
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (20 Y - 0 N - 0 A - 4 Absent)

Number of Abstain Votes: 0

Motion was made by Mike Hill, seconded by Timothy Holdren, to accept from the U.S. Forest Service a donation of a 60' right-of-way to Carter County in order to accommodate the replacement of the Dennis Cove Bridge. (Item # 33)

Roll Call Vote as follows (Item # 33):

33. Vote Results for: Item No. 33

Time of Vote: 10:32:25 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester was Absent
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller was Absent
Sonja Culler voted: Y
Ray Lyons was Absent

Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (19 Y - 1 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Highway Committee Chairman, Mike Hill, announced that the December meeting was cancelled.

Landfill Committee – Chairwoman, Bobbie Gouge-Dietz, presented a brief update. No meeting will be held in December.

Chairwoman Deitz, as well as Commissioner Nancy Brown, extended a “thank-you” to Benny Lyons and others that helped during the recent flooding in Roan Mountain.

Law Enforcement Committee – Chairman, Randall Jenkins, had no recommendations to be presented.

Commissioner, Cody McQueen, extended a “thank-you” to Sheriff Lunceford for being a good steward of the counties money concerning the exchange of vehicles for training.

Rules and By-Laws – Chairman, Randall Jenkins, stated the Commissioner's Attendance Policy would be discussed during the December meeting. If approved, this will be presented before the full Commission in December.

The December Rules and By-Laws Committee will meet December 5th at 7:00 PM.

Parks and Recreation Board – Randall Jenkins, County Commission Liaison. A brief report was made concerning the flood damage near the Green Bridge Landing Park in Roan Mountain.

Commissioner Jenkins also expressed thanks to the Parks and Recreation Board members for the great work they have and are doing.

Nominating Committee – Al Meehan, Chairman presented the following recommendation.

Motion was made by Al Meehan, seconded by Sonja Culler, to accept the appointment of Jeffery Craig Treadway to the Board of Zoning Appeals (a four year term). (Item # 34)

Roll Call Vote as follows (Item # 34):

34. Vote Results for: Item No. 34

Time of Vote: 10:39:19 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y

Robert Acuff voted: Y

Nancy Brown voted: Y

Mike Hill voted: Y

Al Meehan voted: Y

Bradley Johnson voted: Y

Ronnie Trivett was Absent

Charles Von Cannon voted: Y

Isaiah Grindstaff voted: Y

L.C. Tester was Absent

Danny Ward voted: Y

Ross Garland voted: Y

Bobbie Gouge-Dietz voted: Y

Timothy Holdren voted: Y

Randall Jenkins voted: Y

John Lewis voted: Y

Larry Miller was Absent

Sonja Culler voted: Y

Ray Lyons was Absent

Scott Simerly voted: Y
Robert Carroll voted: N
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (19 Y - 1 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Committee Chairman, Al Meehan, announced Carter County had rejoined the Chamber of Commerce. However, at this time no one is on the Chamber representing Carter County.

Beer Board – Chairman Al Meehan, stated the board had approved two applications. The Station at 19E, Highway 19E, Roan Mountain, TN was approved for an off/on premises permit.

The Barn Shoppe, 450 Watauga Rd., Watauga, TN was approved, due to change of ownership, for an off premises permit.

Another application was received from Dollar Store # 1862, 5920 Highway 19E Hampton, TN. However, due to the application being incomplete, action was deferred.

Planning – Chris Schuettler, Director of Planning announced that there would not be a November meeting. However, a December meeting would be held on December 12th at 3:00 PM.

County Attorney's Report

Joshua Hardin, County Attorney, presented this monthly report. Entered into the minutes on page 542.

Commissioner Comments

Commissioner Randall Jenkins, of the Rules and By-Laws committee stated the TCRS would be reviewed during its meeting.

Commissioner, Nancy Brown, extended a “thank-you to everybody” that helped during the recent flooding in Roan Mountain.

Adjourn

Chairman, Robert Acuff, adjourned the meeting without any objections.

Meeting Ended at: 10:53:02 PM

AGENDA
CARTER COUNTY, TENNESSEE
Board of County Commissioners
REGULAR SESSION
Monday, November 20th at 6:00 PM

1. Call to Order
2. Courthouse-Emergency Egress Plan
3. Roll Call-County Clerk
4. Approval of Agenda
5. Opening Prayer
6. Pledge of Allegiance
7. Recognition of Elected and Appointed Officials/Guests
8. Acceptance of Minutes from the October 16, 2017 Commission Meeting
9. Public Comments
10. Notaries / Bonds
11. 2018 County Holiday and Commission Meeting Schedule Approval
12. Contract for 911 Services for 2017 – 2018
13. RESOLUTION – An Inter-Local Agreement regarding the Health Department
14. RESOLUTION – Defining Carter County as a TN Certified Broadband Ready Community
15. RESOLUTION – Amending and Adding to the General Plan for the Physical Development of Carter County, Tennessee
16. New Security Entry and Doors, Carter County Courthouse – Reedy & Sykes proposal
17. Carter County Industrial Development Board Appointments
18. Borla PILOT Extension (Current PILOT expires in December 2017)
19. Mayor's Hometown Heroes-Presentation of Plaques
20. Corporate Attraction Video and Website Presentation
21. Site Select Grant Update and Application Submission Approval (Purchase of up to 100 Acres)
22. Watauga River Redevelopment District TIF – Jon Hartman, Dr. of Planning and Economic Development
23. Mayor's Report
24. Committee Reports/Recommendations
25. County Attorney Report
26. Commissioner Comments
27. Adjourn

CARTER COUNTY HOLIDAYS 2018

New Year's Day	Monday, January 1, 2018
Martin Luther King Jr. Day	Monday, January 15, 2018
President's Day	Monday, February 19, 2018
Good Friday	Friday, March 30, 2018
Election Day	Tuesday, May 1, 2018
Memorial Day	Monday, May 28, 2018
Independence Day	Wednesday, July 4, 2018
Election Day	Thursday, August 2, 2018
Labor Day	Monday, September 3, 2018
Election Day	Tuesday, November 6, 2018
Veterans Day	Monday, November 12, 2018
Thanksgiving Holiday	Thursday, November 22, 2018 Friday, November 23, 2018
Christmas Holiday	Monday, December 24, 2018 Tuesday, December 25, 2018 Wednesday, December 26, 2018

112017 SAR

CARTER COUNTY COMMISSION MEETINGS 2018

*Tuesday January 16, 2018	6:00 p.m.
*Tuesday February 20, 2018	6:00 p.m.
Monday March 19, 2018	6:00 p.m.
Monday April 16, 2018	6:00 p.m.
Monday May 21, 2018	6:00 p.m.
Monday June 18, 2018	6:00 p.m.
Monday July 16, 2018	6:00 p.m.
Monday August 20, 2018	6:00 p.m.
Monday September 17, 2018	6:00 p.m.
Monday October 15, 2018	6:00 p.m.
Monday November 19, 2018	6:00 p.m.
Monday December 17, 2018	6:00 p.m.

*** NOTE CHANGE, Commission will meet on the third Monday of month; unless it falls on a holiday at that time the meeting will be held on third Tuesday.**

**COOPERATION AGREEMENT FOR
EMERGENCY COMMUNICATIONS BETWEEN
CARTER COUNTY EMERGENCY COMMUNICATIONS DISTRICT
AND
COUNTY OF CARTER, A POLITICAL SUBDIVISION OF THE STATE OF
TENNESSEE**

This AGREEMENT made and entered into by and between **CARTER COUNTY EMERGENCY COMMUNICATIONS DISTRICT**, (hereinafter known as **CARTER COUNTY 911**), a quasi- governmental entity, located at 529 South Sycamore Street, Elizabethton, Tennessee 37643, and **COUNTY OF CARTER, A POLITICAL SUBDIVISION OF THE STATE OF TENNESSEE** (hereinafter known as **CARTER COUNTY**) a governmental entity with its primary offices located at 801 East Elk Avenue, Elizabethton, Tennessee.

For and in consideration of **CARTER COUNTY 911** providing to **CARTER COUNTY** certain 911 related benefits, including dispatching services for the Carter County Sheriff's Department and (7) seven Carter County Volunteer Fire Departments, managing the MSAG/911 database, addressing-mapping GIS service, providing maintenance of facility, providing 911 equipment, such as controller/telephone systems, generator, logging recorder, UPS, GIS mapping systems, radios, CAD, maintenance costs for the 911 equipment, a 911 vehicle used for mapping and addressing, PSAP furniture, and the cost for administrative personnel to manage operations of **CARTER COUNTY 911**, **CARTER COUNTY** agrees to pay the annual sum of **TWO HUNDRED THREE**

THOUSAND SIX HUNDRED SIXTY THREE DOLLARS (\$203,663.00), for the fiscal year 2017-2018. This sum shall be paid quarterly in the amount of **FIFTY THOUSAND NINE HUNDRED FIFTEEN DOLLARS and SEVENTY FIVE CENTS (\$50,915.75)**, with said payments being due and payable on or before the last business day of each quarter (September, December, March, June). Said fee is based upon the direct operating expense of CARTER COUNTY 911 and then prorated to CARTER COUNTY's portion, or call volume.

CARTER COUNTY 911 also receives funding from the Tennessee Emergency Communications Board per Tenn. Code Ann. §7-86-303; and the funding from CARTER COUNTY shall not be deemed as a de facto tax in contravention of Tenn. Code Ann. §7-86-106, but said funding is for charges for services authorized under Chapter 7 of Tenn. Code Ann.

During the term of this agreement, CARTER COUNTY hereby agrees to refrain from reducing its financial contributions to the District in order to comply with the 911 Funding Modernization and IP Transition Act of 2014 (T.C.A. § 7-86-303 (e)), and Carter County 911 agrees to maintain and enhance the emergency communications services it provides to CARTER COUNTY.

Should CARTER COUNTY be more than thirty (30) days late on any quarterly installment specified hereinabove, CARTER COUNTY 911 shall have the right to terminate direct dispatch services if CARTER COUNTY has not cured said breach after fourteen (14) days written notice provided to CARTER COUNTY and after a motion to terminate direct dispatch services to CARTER COUNTY is passed by a majority vote of

the Board of Directors of CARTER COUNTY 911. Non-payment of the quarterly installment shall be considered a material breach of the terms and provisions of this agreement.

Should CARTER COUNTY 911 breach this contract by failing to provide CARTER COUNTY the 911 related benefits detailed herein, including dispatching services for the Carter County Sheriff's Department, and (7) seven Carter County Volunteer Fire Departments, CARTER COUNTY shall have the right to terminate this contract if CARTER COUNTY 911 has not cured said breach after fourteen (14) days written notice provided to CARTER COUNTY 911. Failing to provide said 911 related benefits shall be considered a material breach of the terms and provisions of this agreement.

The term of this agreement shall extend for a period of one year, beginning on the 1st day of July, 2017, and terminating on the 30th day of June, 2018. The contract shall terminate at the expiration of the term set forth herein if the terms of the agreement are not renegotiated and/or renewed prior to the expiration of said term; however the contract shall continue in full force and effect beyond the expiration of the term upon the then existing terms during any period in which the parties are engaged in good faith negotiations for the renewal of the contract.

It is agreed by the parties that should either party elect to terminate this contract during an existing term for any reason, other than a material breach of the terms of the agreement as detailed above, a mandatory notice period of ONE HUNDRED and TWENTY (120) DAYS is required, in writing, delivered to the business addresses of

each party stated and contained herein. Notice shall be considered effective by hand delivery or by mailing same, via the United States Postal Service, first class mail. Each party shall keep the other informed of any change in its mailing or physical address. During the termination notice period the obligations of CARTER COUNTY 911 to perform the 911 related services detailed herein and the obligation of CARTER COUNTY to provide payment in full consistent with the provisions set forth hereinabove shall continue in full force and effect.

If an incident or incidents occur during which CARTER COUNTY 911, its agents, employees, representatives or assigns, are unable to perform the services detailed hereinabove for CARTER COUNTY, due to an act of nature, force of nature, including but not limited to riots, acts of violence or terrorism, in person or via interruption of electronic equipment, acts of third parties, or any act not directly attributable to the negligence of CARTER COUNTY 911, its agents, employees, representatives or assigns, CARTER COUNTY 911 will make all commercially reasonable efforts to restore full service and operational function at the earliest opportunity. Carter County 911 will not suffer a reduction in payment for such incident or incidents.

In the event an interruption of service occurs that is directly related to the negligence of CARTER COUNTY 911, its agents, employees, representatives or assigns, which results in an inability to provide said services to CARTER COUNTY, and said interruption continues for a period of 12 hours, or longer, CARTER COUNTY shall be entitled to a pro-rata reduction for their payment of services for the following month. CARTER COUNTY agrees that any damages they may suffer due to an interruption in

services related directly to the negligence of CARTER COUNTY 911, its agents, employees, representatives or assigns, shall be limited to their actual damages suffered, and they specifically waive the right to punitive damages, attorneys fees, discretionary costs or other expenses associated with any such claim or demand.

In addition to the annual audits to be conducted by CARTER COUNTY 911 as required by Tenn. Code Ann. §7-86-113, CARTER COUNTY will be allowed to conduct independent audits, if it chooses to do so, to ensure the fees being calculated are in accordance with the percentage of use calculations. Said audits will be at the cost and expense of CARTER COUNTY. CARTER COUNTY 911 will make available all books, records, and 911 call information to enable CARTER COUNTY to conduct said audit.

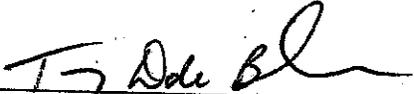
In the event any portion of this contract is deemed, for any reason, invalid, unenforceable or otherwise inconsistent with any other term, the entire agreement shall not be considered modified or altered in any way, and the remaining terms shall remain in full force and effect, binding upon both parties. The terms or provisions deemed unenforceable will be severed and the remaining provisions will be fully enforceable.

This agreement is governed by the laws of the State of Tennessee, except to the extent otherwise required by the laws of the United States of America.

This agreement may not be amended or modified by oral agreement. No amendment or modification is effective unless made in writing and executed by both parties. This agreement is the final expression of the terms of the parties for the purposes set forth hereinabove.

THIS the 20th Day of November, 2017.


LEON HUMPHREY, MAYOR
CARTER COUNTY, TENNESSEE


TERRY DALE BLEVINS,
DIRECTOR,
CARTER COUNTY
EMERGENCY
COMMUNICATIONS DISTRICT


MARY GOOZE, COUNTY CLERK


MIKE SHOUSE, CHAIRMAN
BOARD OF DIRECTORS,
CARTER COUNTY
EMERGENCY
COMMUNICATIONS DISTRICT

INTERLOCAL AGREEMENT

RESOLUTION No. 685

This INTERLOCAL AGREEMENT is hereby made and entered into 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 by the Legislature of the State of Tennessee, (hereinafter the "County").

WHEREAS, pursuant to Tennessee Code Annotated, Section 5-1-113, the county legislative body of any county and the chief legislative body of any municipality lying within the boundaries of the county are authorized and empowered to enter into any such agreements, compacts or contractual relations as may be desirable or necessary for the purpose of permitting the county and the municipality to conduct, operate or maintain, either jointly or otherwise, desirable and necessary services or functions, under such terms as may be agreed upon by the county legislative body and the chief legislative body of the municipality; and

WHEREAS, the City and County are desirous of entering into this agreement for the purpose of facilitating the expenditure of state grant funds for indoor/outdoor renovations at the Carter County Health Department and the neighboring City property known as Walter Curtis Park.

NOW, THEREFORE, the parties agree as follows:

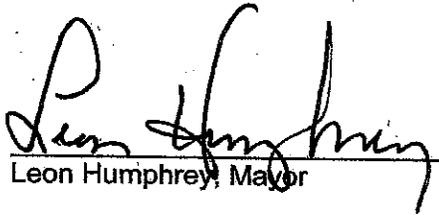
1. The parties hereby fully authorize the expenditure of funds currently budgeted for the Carter County Health Department, not to exceed a total of thirty thousand dollars (\$30,000.00), to be expended for indoor/outdoor improvements upon the respective properties of the parties at the Carter County Health Department and upon the grounds of the adjoining City property known as Walter Curtis Park.
2. The Director of the Carter County Health Department is authorized to expend said funds for improvements upon the properties in such a manner as to take full advantage of the state grant funds currently available to the Department.
3. This Agreement shall require no new funds from either party hereto.
4. This Agreement may be amended or modified upon agreement of the governing bodies of the parties to the agreement. Any such modification must be in writing.
5. Nothing contained in this Agreement shall prohibit or restrict any of the parties from entering into other interlocal agreements as provided by law.
6. This Agreement shall become effective upon approval by each of the legislative bodies of the participating governments, and upon execution of the Agreement by the authorized officials representing each.

7. By executing this Agreement, each official below signifies to the other participants that this Agreement has been lawfully approved by the participating governing body which that official represents.

IN WITNESS WHEREOF, the parties hereto have executed, or have caused to be executed, this Agreement, following approval by the appropriate legislative body of each party.

Carter County, Tennessee

BY:

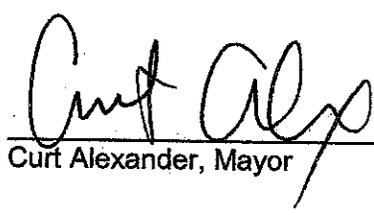

Leon Humphrey, Mayor

11/20/17
Date Approved by Legislative Body

11/20/17
Date Signed

City of Elizabethton, Tennessee

BY:


Curt Alexander, Mayor

11/09/17
Date Approved by Legislative Body

11/09/17
Date Signed

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR CARTER COUNTY, TENNESSEE

REGULAR MEETING, MONDAY, NOVEMBER 20, 2017

RESOLUTION NO. 686

"A RESOLUTION DEFINING CARTER COUNTY, TENNESSEE AS A TENNESSEE CERTIFIED BROADBAND READY COMMUNITY"

WHEREAS, Carter County, Tennessee finds that broadband internet availability in the county is of critical importance to all people living, visiting, and doing business in Carter County; and

WHEREAS, the Tennessee State Legislature recently created the ability for Tennessee communities to be designated as "Broadband Ready Communities" through the Tennessee Department of Economic and Community Development; and

WHEREAS, Carter County, Tennessee seeks to promote private investment in broadband infrastructure; and

WHEREAS, Carter County, Tennessee seeks to be designated as a Broadband Ready Community pursuant to Tennessee Public Chapter 228, as codified at Tenn. Code Ann. § 4-3-709, which provides in part as follows:

"(a)(1) A political subdivision may apply to the department of economic and community development for designation as a "broadband ready community" pursuant to guidelines established by the department. The guidelines for designation must include a requirement that the political subdivision has adopted an efficient and streamlined ordinance or policy for reviewing applications and issuing permits related to projects relative to broadband services."

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for Carter County, Tennessee, meeting in regular session on this the 20th day of November, 2017, with a lawful quorum of said Board being present and with a majority voting in the affirmative as follows:

SECTION 1: As used herein, "permit" means any local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a project.

SECTION 2: As used herein, "project" means the construction or deployment of wireline or wireless communications facilities to provide communications services in a unit.

SECTION 3: Notwithstanding any other provision of Carter County's resolution, ordinance, regulation, policy or practice, the following shall apply to a project:

(1) The Planning Commission of Carter County, Tennessee has:

- (A) Adopted an efficient and streamlined policy for reviewing applications and issuing permits related to projects relative to broadband services;
- (B) Appointed a single point of contact in the Carter County Planning Department for all matters related to a Broadband project; and
- (C) Established procedures to allow all forms, applications, and documentation related to a project be reviewed and either approved or denied within thirty (30) business days after the application is submitted, and to allow the project to be filed or submitted and signed by electronic means, where possible.

(2) Carter County and/or the Carter County Planning Commission shall not:

- (A) Require an applicant to designate a final contractor to complete a project;
- (B) Impose an unreasonable fee for reviewing an application or issuing a permit for a project. The fee will not exceed one hundred dollars (\$100);
- (C) Impose a seasonal moratorium on the issuance of permits for projects; or

- (D) Discriminate among communications services providers or utilities with respect to any action related to a broadband project, including granting access to public rights-of-way, infrastructure and poles, and any other physical assets owned or controlled by the political subdivision.

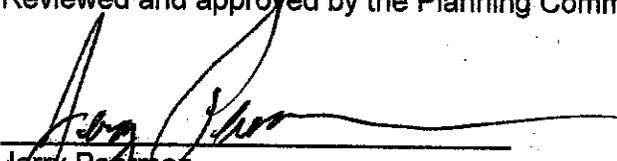
(3) Carter County and the Carter County Planning Commission acknowledge that:

- (A) A Tennessee Certified Broadband Ready Community has an affirmative duty to notify the Tennessee Economic and Community Development Department (TNECD) of any changes to the information submitted as part of its application; and
- (B) Failure to notify TNECD of changes may result in revocation of Carter County's Broadband Ready Certification.

BE IT FURTHER RESOLVED that this Resolution shall take effect from and after the date of its approval the welfare of the county demanding, following review and approval from TNECD. This Resolution shall be spread upon the minutes of the Board of County Commissioners for Carter County, Tennessee.

BE IT FURTHER RESOLVED that all Resolutions of the Board of County Commissioners of Carter County, Tennessee which are in conflict with this Resolution are hereby repealed.

Reviewed and approved by the Planning Commission on 10/10/17.



Jerry Pearman
Planning Commission Chairman

Adopted this 20th day of November, 2017.

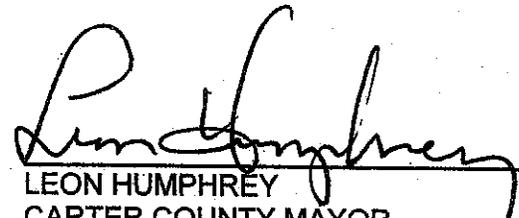
CARTER COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS

APPROVED:

By: 

ROBERT V. ACUFF, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

APPROVED:

By: 

LEON HUMPHREY
CARTER COUNTY MAYOR

VETOED:

By: _____
LEON HUMPHREY
CARTER COUNTY MAYOR

Date: _____

VETO OVERRIDE VOTE:

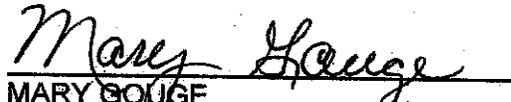
_____ YES VOTES
_____ NO VOTES
_____ ABSTAIN VOTES

APPROVED WITH SUCCESSFUL
OVERRIDE VOTE:

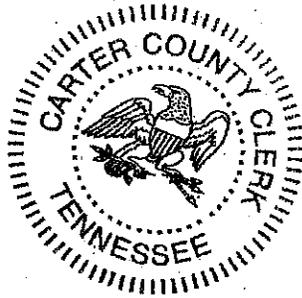
By: _____
ROBERT V. ACUFF, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

Date: _____

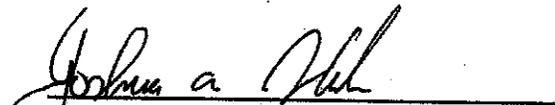
ATTEST:



MARY SOUGE
CARTER COUNTY CLERK



APPROVED AS TO FORM:



JOSHUA A. HARDIN
CARTER COUNTY ATTORNEY

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR CARTER COUNTY, TENNESSEE**

REGULAR MEETING, MONDAY, NOVEMBER 20, 2017

RESOLUTION NO. 687

**“A RESOLUTION AMENDING AND ADDING TO THE GENERAL
PLAN FOR THE PHYSICAL DEVELOPMENT OF CARTER
COUNTY, TENNESSEE”**

The 2015 International Building code (IBC); The 2015 International Fire Code (IFC); The 2015 International Mechanical Code (IMC); The 2015 International Plumbing Code (IPC); The 2015 International Residential Code (IRC); The 2015 International Existing Building Code (IEBC); The 2015 International Property Maintenance Code (IPMC); The 2015 International Energy Conservation (IECC); The 2015 International Fuel Gas Code (IFGC);, whether in whole and/or in part by chapter, section, and/or paragraph, For Carter County, Tennessee, Pursuant to Tennessee Code Annotated, Title 5-1-116, 5-20-101 thru 5-20-106; Title 68-102-1.

AUTHORITY FOR RESOLUTION:

WHEREAS, authority has been conferred by a Private Act, Chapter No. 360, of the State of Tennessee to the Carter County Regional Planning Commission to make and adopt an official general plan for the physical development of the county, outside any municipal limits; and, to show the Carter County Regional Planning Commission's recommendations for such physical development; and, the general purpose of guiding and accomplishing a coordinate, adjusted and harmonious development of the county which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development; and

WHEREAS, Private Act, Chapter No. 360 says, the adoption of the plan or any part, amendment or addition shall be by Resolution carried by the affirmative votes of not less than a majority of all the members of the Carter County Regional Planning Commission. The Resolution shall refer expressly to the maps, descriptive matter and other matters intended by the Carter County Regional Planning Commission to form the whole or part of the plan, and the action taken shall be recorded on the adopted plan or part thereof and descriptive matter by the identifying signature of the Chairman of the Carter County Regional Planning Commission, and a copy of the plan or part thereof shall be certified to the Carter County Board of Commissioners; and

WHEREAS, it is the policy of the State of Tennessee to encourage local governments to adopt and enforce local building codes; and

WHEREAS, it is the policy of the State of Tennessee to impose a statewide building code on those localities that fail to either opt out of the state building code or fail to adopt their own local building code; and

WHEREAS, the subject Codes establish minimum regulations to provide for the safe construction and health of the inhabitants; and

WHEREAS, the adoption of the subject Codes will provide for the proper inspection of the construction or addition to buildings, and for the safe and healthy occupancy within unincorporated areas of Carter County, and within any incorporated areas which have not adopted their own codes regulating the same subject areas, to help promote and protect the public health, safety and welfare of the County's inhabitants; and

WHEREAS, pursuant to TENNESSEE CODE ANNOTATED 68-120-101, the subject codes are current within seven (7) years of the latest edition; and

WHEREAS, the Carter County Regional Planning Commission, has studied, adopted, and recommended standards for buildings and structures; and

WHEREAS, the Department of Planning and Zoning has studied and recommended, and the Carter County Regional Planning Commission has approved the adoption of said Codes, whether in their entirety and/or by Chapter, Section, and/ or Paragraph.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for Carter County, Tennessee, meeting in regular session on this the 20th day of November 2017, with a lawful quorum of said Board being present and with a majority voting in the affirmative as follows:

SECTION 1:

1. That the 2015 International Building Code, published by the International Code Council, is adopted, whether in entirety and/or in part, as the local building code within unincorporated areas of Carter County, and within any incorporated areas which have not adopted their own code regulating the same subject; and
2. That the 2015 International Fire Code, published by the International Code Council, is adopted, whether in entirety and/or in part, as the local building code within unincorporated areas of Carter County, and within any incorporated areas which have not adopted their own code regulating the same subject; and
3. That the 2015 International Residential Code, published by the International Code Council, is adopted, whether in entirety and/or in part, as the local residential code within unincorporated areas of Carter County, and within any incorporated areas which have not adopted their own code regulating the same subject; and
4. That the 2015 International Mechanical Code, published by the International Code Council, is adopted, whether in entirety and/or in part, as the local mechanical code within unincorporated areas of Carter County, and within any incorporated areas which have not adopted their own code regulating the same subject; and
5. That the 2015 International Plumbing Code, published by the International Code Council, is adopted, whether in entirety and/or in

NOVEMBER TERM 2017

- part, as the local plumbing code within unincorporated areas of Carter County, and within any incorporated areas which have not adopted their own code regulating the same subject; and
6. That the 2015 International Existing Building Code, published by the International Code Council, is adopted, whether in entirety and/or in part, as the local existing building code within unincorporated areas of Carter County, and within any incorporated areas which have not adopted their own code regulating the same subject; and
 7. That the 2015 International Property Maintenance Code, published by the International Code Council, is adopted, whether in entirety and/or in part, as the local Property Maintenance Code within any unincorporated areas of Carter County, and within any incorporated areas which have not adopted their own code regulating the same subject.
 8. That the 2015 International Energy Conservation Code, published by the International Code Council, is adopted, whether in entirety and/or in part, as the local Energy Conservation Code within any unincorporated areas of Carter County, and within any incorporated areas which have not adopted their own code regulating the same subject.
 9. That the 2015 International Fuel Gas Code, published by the International Code Council, is adopted, whether in entirety and/or in part, as the local Fuel Gas Code within any unincorporated areas of Carter County, and within any incorporated areas which have not adopted their own code regulating the same subject.

SECTION 2:

Within said codes, when reference is made to the duties of any building official named therein, that the Planning and Zoning Director of Carter County, Tennessee, shall have those duties corresponding to those of the building official in said codes and shall be deemed to be the responsible official insofar as enforcing provisions of said codes are concerned. Further, the Carter County Planning and Zoning Department is designated as the department of Building Safety as referenced in the codes.

SECTION 3:

Within said codes, when reference is made to the Board of Appeals, the Carter County Board of Zoning Appeals is the board authorized and responsible for the functions of the Board of Appeals referred to in the codes.

SECTION 4:

The designated official enforcing provisions of said codes shall have the authority to insert the appropriate revised or deleted information in provisions requiring specific local information and factual key elements required for insertion or deletions in reference to the code text.

SECTION 5:

The Department of Planning and Zoning shall establish appropriate permit forms; and the Carter County Regional Planning and Zoning Commission shall approve the fees required for the issuance of such permits.

SECTION 6:

The Carter County Regional Planning Commission shall approve amendments, deletions, changes or new codes.

SECTION 7:

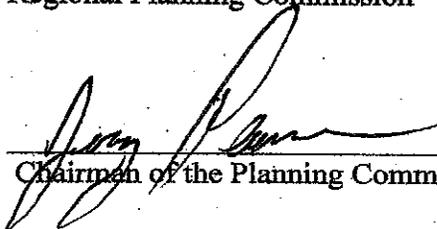
If any section, subsection, sentence, clause or phrase of this Resolution is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Carter County Board of Commissioners hereby declares that it would have passed this Resolution, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

These amendments shall be deemed adopted upon:

1. Majority vote by the Carter County Regional Planning Commission and certification of a copy of this Resolution, signed by the Chairman of the Carter County Regional Planning Commission, to the Carter County Board of County Commissioners; and
2. Publication of this Resolution in local newspaper; and
3. Notification to the State Fire Marshal's office; and
4. 90 days after a copy of each Code is filed with the Carter County Court Clerk.

BE IT FURTHER RESOLVED that this Resolution shall take effect as of January 1, 2018, 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 such a conflict exists.

Approved by the Carter County
Regional Planning Commission



 Chairman of the Planning Commission

11/15/2017

 Date

DATE OF PUBLIC HEARING

November 20, 2017

NOVEMBER TERM 2017

Adopted this the 20th day of November 2017

APPROVED:

By: Robert V. Acuff
ROBERT V. ACUFF, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

APPROVED:

By: Leon Humphrey
LEON HUMPHREY
CARTER COUNTY MAYOR

VETOED:

By: _____
LEON HUMPHREY
CARTER COUNTY MAYOR

Date: _____

VETO OVERRIDE VOTE:

_____ YES VOTES

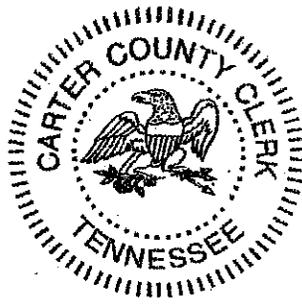
_____ NO VOTES

_____ ABSTAIN VOTES

APPROVED WITH SUCCESSFUL
OVERRIDE VOTE:

By: _____
ROBERT V. ACUFF, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

Date: _____



ATTEST:

Mary Gouge
MARY GOUGE
CARTER COUNTY CLERK

11-28-2017
Date

APPROVED AS TO FORM:

Joshua A. Hardin
JOSHUA A. HARDIN
CARTER COUNTY ATTORNEY

11/20/2017
Date

NOVEMBER TERM 2017

October 2017 Donations

October Animal Shelter Donation- Beatrice S. Arnold	25.00
October Animal Shelter Donation- Memory of Diane Horton	695.00
October Animal Shelter Donation- Memory of Virginia Treadway	50.00
October Animal Shelter Donation- Service Learning Class EHS	75.00
October Animal Shelter Donation- Donna Metcalf	25.00
October Animal Shelter Donation- Deborah and Joseph Nolan	150.00
October Animal Shelter Donation- William & Christine	25.00
October Animal Shelter Donation- Birgit Krupinski	20.00
October Animal Shelter Donation- Tagan Hamm	5.00
October Animal Shelter Donation- Snap On	22.55
Hurricane Relief Donation- Robert Acuff	100.00

Animal Shelter Total	\$ 1,092.55
Hurricane Relief Total	\$ 100.00
October 2017 Total Donations	\$ 1,192.55

**Carter County
General Fund 101
Budget Amendment #4
20-Nov-17**

Item #1	53300-207 Medical Insurance 53300-334 Maintenance Agreements	\$ 350.00	\$ 350.00	Decrease Increase
Reallocate for BIS maintenance agreement.				
Item #2	52400-106 Deputy(ies) 52400-162 Clerical Personnel	\$ 1,700.00	\$ 1,700.00	Increase Decrease
Reallocate salaries within the Trustee's budget.				
Item #3	55120-169 Part-time Personnel 55120-201 Social Security 55120-212 Employer Medicare 55120-401 Animal Supplies & Food 55120-410 Custodial Supplies	\$ 8,874.00 \$ 550.19 \$ 128.67	\$ 6,000.00 \$ 3,552.86	Increase Increase Increase Decrease Decrease
Reallocate for within the Animal Shelter budget for a part-time employee.				
Item #4	46980 Other State Grants 51300-322 Evaluation & Testing	\$ 25,000.00	\$ 25,000.00	Increase Increase
Reallocate for 3 Star Grant Reimbursement				
Item #5	52300-719 Office Equipment 52310-317 Data Processing	\$ 4,410.00	\$ 4,410.00	Increase Decrease
Reallocate for within the Assessor's budget.				
Item #6	49700 Insurance Recovery 54110-336 Maintenance & Repair-Vehicles	\$ 1,024.06	\$ 1,024.06	Increase Increase
Recognize insurance reimbursement for damage to 2008 Ford Crown Vic.				
Item #7	34625-032 Reserved for Sheriff-Auction 47990 Other Direct Federal Revenue	\$ 1,200.00	\$ 1,200.00	Increase Increase
Recognize inmate Social Security payments.				

Item #8	46870 Emergency Hospital-Prisoners		\$ 663.93	Increase
	54210-507 Medical Claims	\$ 663.93		Increase

Recognize refund of state prisoner medical costs.

Item #9	48140 Contracted Services		\$ 3,863.54	Increase
	54110-106 Deputy(s)	\$ 3,151.93		Increase
	54110-201 Social Security	\$ 195.30		Increase
	54110-204 Retirement	\$ 470.61		Increase
	54110-212 Employer Medicare	\$ 45.70		Increase

Allocate for Watauga Deputy reimb.

Item #10	44170 Misc. Refunds		\$ 20.00	Increase
	54110-435 Office Supplies	\$ 20.00		Increase

Recognize refund for Sheriff's Department.

Item #11	44170 Misc. Refunds		\$ 60.00	Increase
	54110-399 Other Contracted Services	\$ 60.00		Increase

Recognize State background check reimb.

Item #12	44170 Misc. Refunds		\$ 100.00	Increase
	54110-353 Towing Services	\$ 100.00		Increase

Recognize tow bill reimbursement- R. Humphreys.

Item #13	54210-410 Custodial Supplies		\$ 6,000.00	Decrease
	54110-351 Rentals	\$ 6,000.00		Increase

Reallocate within the Sheriff's budget for rentals.

Item #14	54210-196 In-Service Training		\$ 5,000.00	Decrease
	54110-196 In-Service Training	\$ 5,000.00		Increase

Reallocate within the Sheriff's budget for In-Service Training.

Item #15	54210-196 In-Service Training		\$ 4,000.00	Decrease
	54110-355 Travel	\$ 4,000.00		Increase

Reallocate within the Sheriff's budget for additional travel funds.

Item #16	48610 Donations		\$ 100.00	Increase
	58900-316 Contributions	\$ 100.00		Increase

Allocate for payment to hurricane relief from donated Commissioner pay.

Total	\$ 63,044.39	\$ 63,044.39
Amount from Fund Balance		\$

Carter County
Health Department Fund 117
Budget Amendment #3
20-Nov-17

Item #1	39000 Unassigned Fund Balance		\$ 85,000.00	Decrease
	55110-719-054 Equipment	\$ 85,000.00		Increase

Allocate from Health Department reserves for the purchase of furnishings.

Total	\$ 85,000.00	\$ 85,000.00
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NOVEMBER TERM 2017

**Carter County
Drug Fund 122
Budget Amendment #4
20-Nov-17**

Item #1	46810 Donations 54110-401 Animal Food & Supplies	\$ 420.20	\$ 420.20 Increase Increase
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Recognize donation for K-9 expenses.

Item #2	54110-355 Travel 54110-499 Other Supplies & Materials	\$ 2,682.80	Increase \$ 2,682.80 Decrease
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Reallocate within the Drug Fund.

	Total	\$ 3,103.00	\$ 3,103.00
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**Carter County
Highway Fund 131
Budget Amendment #3
20-Nov-17**

Item #1	49700 Insurance Recovery 63100-336 Maintenance & Repair-Vehicles	\$ 11,733.33	\$ 11,733.33 Increase Increase
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Recognize insurance reimbursement for damage to 2007 GMC dump truck.

Item #2	62000-404 Asphalt-Hot Mix 48140 Contracted Services	\$ 454.00	Increase \$ 454.00 Increase
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Allocate reimbursements to the Highway Department from utility districts.

	Total	\$ 12,187.33	\$ 12,187.33
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**Carter County
General Purpose School Fund 141
Budget Amendment #4
20-Nov-17**

Item #1	39000 Unassigned Fund Balance 72250-399 Other Contracted Services	\$ 7,509.25	\$ 7,509.25 Decrease Increase
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Allocate for Microsoft Agreement

	Total	\$ 7,509.25	\$ 7,509.25
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	From Fund Balance		\$ 7,509.25
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Federal Projects Fund 142

Budget Amendment #2

20-Nov-17

Item #1	47131-803 CTE Perkins Reserve	\$ 124,286.27	Decrease
	71300-730-803 Vocational Instruction Equipment		\$ 124,286.27 Decrease

Reallocate the CTE Perkins Equipment Allocation for 17-18 to GPS Fund 141.

Total	\$ 124,286.27	\$ 124,286.27
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Carter County
General Purpose School Fund 141
Amendment #5
20-Nov-17

Item #1	47131-803 CTE Perkins Reserve	\$ 124,286.27	Increase
	71300-730-803 Vocational Instruction Equipment	\$ 124,286.27	Increase

Recognize the CTE Perkins Equipment Allocation for 17-18

Total	\$ 124,286.27	\$ 124,286.27
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From Fund Balance	\$
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COUNTY ATTORNEY REPORT
November 2017

General Litigation update:

None.

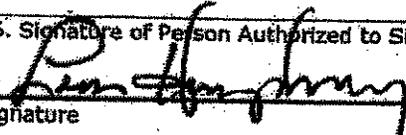
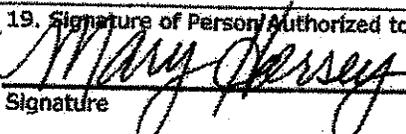
Other Work performed/ongoing:

1. Research completed and opinions rendered for various county office holders and commissioners as requested.
2. Highway Committee- Attended committee meeting; Title research and draft of ROW Deed for Rhododendron Lane adoption; Review easement agreement with U.S. Forest Service.
3. Planning Department- Transmittal of adopted Litter Resolution to Senator Crowe for state action; Draft of Ad for publication of Litter Resolution;
4. County Trustee- Assistance provided with employment law matter.
5. Industrial Development Board- Meetings/emails/calls with current Board Chairman and Mayor Humphrey re: vacancies; Draft of Ad for publication in newspaper.
6. Finance Department/Clerk's Office- Finalize MOU regarding hotel/motel privilege tax issue; Research Military leave policies.
7. Animal Shelter- Research various issues and provide opinions; Draft/revision of forms.
8. Beer Board- Research law and attend meeting.
9. 911 Board- Research and correspondence with Board Attorney and Mayor re: Board membership; Revise 911 contract.
10. Civil Service Board- Research Law and policies; Meet with Chairman; Attend two Board meetings.
11. Circuit Court Clerk- Research various filing and procedural issues; Research restricted license issue.
12. Sheriff's Office- Review of Verizon contract; Review of Language Services Contract.
13. Health Department- Calls and emails with Director and city officials; Research and draft of interlocal agreement.
14. Mayor's Office- Title research and draft of Option Agreement re: Ritchie property/TN Site Select Grant.
15. Buildings and Grounds Committee- Attended committee meeting.
16. Rules and Bylaws Committee- Attended committee meeting; Research re: attendance and salary issues.
17. Health and Welfare Committee- Attended Committee meeting.
18. Law Enforcement Committee- Attended Committee meeting.

NOVEMBER TERM 2017

**U.S. Department of Justice
United States Marshals Service
Prisoner Operations Division**

**Detention Services
Intergovernmental Agreement**

1. Agreement Number 74-17-0058		2. Effective Date DEC - 1 2017		3. Facility Code(s) DZ1		4. DUNS Number 030-682-173	
5. Issuing Federal Agency United States Marshals Service Prisoner Operations Division Intergovernmental Agreements Branch CG-3, Suite 300 Washington, DC 20530-0001				6. Local Government Carter County Jail 900 East Elk Avenue Elizabethton, Tennessee Tax ID#: 62-6000518			
7. Appropriation Data 15-1020/X				8. Local Contact Person James Parrish, Chief Deputy			
				9. Telephone: 423-483-6972 Fax: Email: parrishj@sheriff.ec			
10. This agreement is for the housing, safekeeping, and subsistence of Federal detainees, in accordance with content set forth herein.				11. Male: 40 Female: 10 Total: 50		12. \$60.00	
13a. Optional Guard/Transportation Services to: <input checked="" type="checkbox"/> Medical Facility <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> U.S. Courthouse <input type="checkbox"/> JPATS				14. Guard/Transportation Hourly Rate: \$19.00			
13b. <input type="checkbox"/> Department of Labor Wage Determination							
15. Local Government Certification <i>To the best of my knowledge and belief, information submitted in support of this agreement is true and correct. This document has been duly authorized by the governing authorities of their applying Department or Agency State or County Government and therefore agree to comply with all provisions set forth herein this document.</i>				16. Signature of Person Authorized to Sign (Local)  Signature Leon Humphrey Print Name Mayor Title 11/27/17 Date			
17. Federal Detainee Type Authorized <input checked="" type="checkbox"/> Adult Male <input checked="" type="checkbox"/> Adult Female <input type="checkbox"/> Juvenile Male <input type="checkbox"/> Juvenile Female		18. Other Authorized Agency User <input type="checkbox"/> BOP <input type="checkbox"/> ICE		19. Signature of Person Authorized to Sign (Federal)  Signature Mary Horsey Print Name Grant Specialist Title 11/27/2017 Date			

Agreement Number 74-17-0058

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Local Government (Initial): *PLP*
Federal Government (Initial): *LA*

Agreement Number 74-17-0058

Authority

Pursuant to the authority of Section 119 of the Department of Justice Appropriations Act of 2001 (Public Law 106-553), this Agreement is entered into between the United States Marshals Service (hereinafter referred to as the "Federal Government") and Carter County Jail, State or County Government (hereinafter referred to as "Local Government"), who hereby agree as follows:

Purpose of Agreement and Security Provided

The Federal Government and the Local Government establish this Agreement that allows the United States Marshals Service (USMS) or other authorized agency user as noted in block #18 on page (1) to house Federal detainees with the Local Government at the Carter County Jail, 900 East Elk Avenue, Elizabethton, Tennessee 37643 (hereinafter referred to as "the Facility") designated in #6 page 1.

The population (hereinafter referred to as "Federal detainees,") will include individuals charged with Federal offenses and detained while awaiting trial, individuals who have been sentenced and are awaiting designation and transport to a Bureau of Prisons (BOP) facility, and individuals who are awaiting a hearing on their immigration status or deportation.

The Local Government shall accept and provide for the secure custody, safekeeping, housing, subsistence and care of Federal detainees in accordance with all state and local laws, standards, regulations, policies and court orders applicable to the operation of the Facility. Detainees shall also be housed in a manner that is consistent with Federal law and the Core Detention Standards and/or any other standards required by an authorized agency whose detainees are housed by the Local Government pursuant to this Agreement.

The USMS ensures the secure custody, care, and safekeeping of USMS detainees. Accordingly, all housing or work assignments, and recreation or other activities for USMS detainees are permitted only within secure areas of the building or within the secure external recreational/exercise areas.

At all times, the Federal Government shall have access to the Facility and to the Federal detainees housed there, and to all records pertaining to this Agreement, including financial records, for a period going back three (3) years from the date of request by the Federal Government.

Period of Performance and Termination

This Agreement is effective upon the date of signature of the authorized USMS Prisoner Operations Division official, and remains in effect unless inactivated in writing by either party. Either party may terminate this Agreement for any reason with written notice at

Page 3 of 14

Local Government (Initial): 
Federal Government (Initial): 

Agreement Number 74-17-0058

least thirty (30) calendar days in advance of termination, unless an emergency situation requires the immediate relocation of Federal detainees.

Where the Local Government has received a Cooperative Agreement Program (CAP) award, the termination provisions of the CAP prevail.

Assignment and Outsourcing of Jail Operations

The overall management and operation of the Facility housing Federal detainees may not be contracted out without the prior express written consent of the Federal Government.

Medical Services

The Local Government shall provide Federal detainees with the same level and range of care **inside** the Facility as that provided to state and local detainees. The Local Government is financially responsible for all medical care provided **inside** the Facility to Federal detainees. This includes the cost of all medical, dental, and mental health care as well as the cost of medical supplies, over-the-counter medications and, any prescription medications routinely stocked by the Facility which are provided to Federal detainees. When possible, generic medications should be prescribed. The cost of all of the above-referenced medical care is covered by the Federal per diem rate. However, for specialized medical services not routinely provided within the Facility, such as dialysis, the Federal Government will pay for the cost of that service.

The Federal Government is financially responsible for all medical care provided **outside** the Facility to Federal detainees. The Federal Government must be billed directly by outside medical care providers pursuant to arrangements made by the Local Government for outside medical care. The Local Government should utilize outside medical care providers that are covered by the USMS's National Managed Care Contract (NMCC) to reduce the costs and administrative workload associated with these medical services. The Local Government can obtain information about NMCC covered providers from the local USMS District Office. The Federal Government will be billed directly by the medical care provider **not** the Local Government. To ensure that Medicare rates are properly applied, medical claims for Federal detainees must be on Centers for Medicare and Medicaid (CMS) Forms so that they can be re-priced to Medicare rates in accordance with the provisions of Title 18 U.S.C. Section 4006. If the Local Government receives any bills for medical care provided to Federal detainees outside the Facility, the Local Government should immediately forward those bills to the Federal Government for processing.

All **outside** medical care provided to Federal detainees must be pre-approved by the Federal Government except in a medical emergency. In the event of an emergency, the Local Government shall proceed immediately with necessary medical treatment. In such

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Local Government (initial): 
Federal Government (initial): 

Agreement Number 74-17-0058

an event, the Local Government shall notify the Federal Government immediately regarding the nature of the Federal detainee's illness or injury as well as the types of treatment provided.

Medical care for Federal detainees shall be provided by the Local Government in accordance with the provisions of USMS, Publication 100-Prisoner Health Care Standards (www.usmarshals.gov/prisoner/standards.htm) and in compliance with the Core Detention Standards or those standards which may be required by any other authorized agency user. The Local Government is responsible for all associated medical record keeping.

The Facility shall have in place an adequate infectious disease control program which includes testing of all Federal detainees for Tuberculosis (TB) within 14 days of intake.

TB testing shall be accomplished in accordance with the latest Centers for Disease Control (CDC) Guidelines and the result promptly documented in the Federal detainee's medical record. Special requests for expedited TB testing and clearance (to include time sensitive moves) will be accomplished through advance coordination by the Federal Government and Local Government.

The Local Government shall immediately notify the Federal Government of any cases of suspected or active TB or any other highly communicable diseases such as Severe Acute Respiratory Syndrome (SARS), Avian Flu, Methicillin-Resistant Staphylococcus Aureus (MRSA), Chicken Pox, etc., which might affect scheduled transports or productions so that protective measures can be taken by the Federal Government.

When a Federal detainee is being transferred and/or released from the Facility, they will be provided with seven (7) days of prescription medication which will be dispensed from the Facility. Medical records and the USM-553 must travel with the Federal detainee. If the records are maintained at a medical contractor's facility, it is the Local Government's responsibility to obtain them before a Federal detainee is moved.

Federal detainees may be charged a medical co-payment by the Local Government in accordance with the provisions of Title 18, USC Section 4013(d). The Federal Government is not responsible for medical co-payments and cannot be billed for these costs even for indigent Federal detainees.

Affordable Care Act

The Local Government shall provide Federal detainees, upon release of custody, information regarding the Affordable Care Act, The Affordable Care Act website is located at <http://www.hhs.gov/opa/affordable-care-act/>.

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Local Government (Initial) *PLG*
Federal Government (Initial) *7/10*

Agreement Number 74-17-0058

Receiving and Discharge of Federal Detainees

The Local Government agrees to accept Federal detainees only upon presentation by a law enforcement officer of the Federal Government or a USMS designee with proper agency credentials

The Local Government shall not relocate a Federal detainee from one facility under its control to another facility not described in this Agreement without permission of the Federal Government. Additional facilities within the same Agreement shall be identified in a modification.

The Local Government agrees to release Federal detainees only to law enforcement officers of the authorized Federal Government agency initially committing the Federal detainee (i.e., Drug Enforcement Administration (DEA), Immigration and Customs Enforcement (ICE), etc.) or to a Deputy United States Marshal (DUSM) or USMS designee with proper agency credentials. Those Federal detainees who are remanded to custody by a DUSM may only be released to a DUSM or an agent specified by the DUSM of the Judicial District.

USMS Federal detainees sought for a state or local court proceeding must be acquired through a Writ of Habeas Corpus or the Interstate Agreement on Detainers and then only with the concurrence of the jurisdictional United States Marshal (USM).

Optional Guard/Transportation Services to Medical Facility

If Medical Facility in block #13 on page one (1) of this Agreement is checked, the Local Government agrees, subject to the availability of its personnel, to provide transportation and escort guard services for Federal detainees housed at the Facility to and from a medical facility for outpatient care, and transportation and stationary guard services for Federal detainees admitted to a medical facility.

These services should be performed by at least two (2) armed qualified law enforcement or correctional officer personnel. Criteria as specified by the County Entity running the facility. In all cases these are part of a fulltime Law Enforcement Officer (LEO) or Correctional Officer (CO) that have met the minimum training requirements.

The Local Government agrees to augment this security escort if requested by the USM to enhance specific requirement for security, prisoner monitoring, visitation, and contraband control.

If an hourly rate for these services have been agreed upon to reimburse the Local Government, it will be stipulated in block #14 on page one (1) of this Agreement. After **forty-eight (48) months**, if a rate adjustment is desired, the Local Government shall submit a request. Mileage shall be reimbursed in accordance with the current GSA mileage rate.

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Local Government (Initial): *PLH*
Federal Government (Initial): *TAH*

Agreement Number 74-17-0058

Optional Guard/Transportation Services to U.S. Courthouse

If U.S. Courthouse in block #13 on page one (1) of this Agreement is checked, the Local Government agrees, subject to the availability of its personnel, to provide transportation and escort guard services for Federal detainees housed at its facility to and from the U.S. Courthouse.

These services should be performed by at least two (2) armed qualified law enforcement or correctional officer personnel.

The Local Government agrees to augment this security escort if requested by the USM to enhance specific requirements for security, detainee monitoring, and contraband control.

Upon arrival at the courthouse, the Local Government's transportation and escort guard will turn Federal detainees over to a DUSM only upon presentation by the deputy of proper law enforcement credentials.

The Local Government will not transport Federal detainees to any U.S. Courthouse without a specific request from the USM or their designee who will provide the detainee's name, the U.S. Courthouse, and the date the detainee is to be transported.

Each detainee will be restrained in handcuffs, waist chains, and leg irons during transportation unless otherwise authorized by the USMS.

If an hourly rate for these services have been agreed upon to reimburse the Local Government, it will be stipulated in block #14 on page one (1) of this Agreement. After **forty-eight (48) months**, if a rate adjustment is desired, the Local Government shall submit a request. Mileage shall be reimbursed in accordance with the current GSA mileage rate.

Optional Guard/Transportation Services to Justice Prisoner & Alien Transportation System (JPATS)

If JPATS in block #13 on page one (1) of this Agreement is checked, the Local Government agrees, subject to the availability of its personnel, to provide transportation and escort guard services for Federal detainees housed at its facility to and from the JPATS.

These services should be performed by at least two (2) armed qualified law enforcement or correctional officer personnel.

The Local Government agrees to augment this security escort if requested by the USM to enhance specific requirements for security, detainee monitoring, and contraband control.

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Local Government (Initial): *RLH*
Federal Government (Initial): *JAH*

Agreement Number 74-17-0058

Upon arrival at JPATS, the Local Government's transportation and escort guards will turn federal detainees over to a DUSM only upon presentation by the deputy of proper law enforcement credentials.

The Local Government will not transport federal detainees to the airlift without a specific request from the USM who will provide the detainee's name, location (district), and the date the detainee is to be transported.

Each detainee will be restrained in handcuffs, waist chains, and leg irons during transportation.

If an hourly rate for these services has been agreed upon to reimburse the Local Government, it will be stipulated on in block #14 on page one (1) of this Agreement. After forty-eight (48) months, if a rate adjustment is desired, the Local Government shall submit a request. Mileage shall be reimbursed in accordance with the current GSA mileage rate.

Special Notifications

The Local Government shall notify the Federal Government of any activity by a Federal detainee which would likely result in litigation or alleged criminal activity.

The Local Government shall immediately notify the Federal Government of an escape of a Federal detainee. The Local Government shall use all reasonable means to apprehend the escaped Federal detainee and all reasonable costs in connection therewith shall be borne by the Local Government. The Federal Government shall have primary responsibility and authority to direct the pursuit and capture of such escaped Federal detainees. Additionally, the Local Government shall notify the Federal Government as soon as possible when a Federal detainee is involved in an attempted escape or conspiracy to escape from the Facility.

In the event of the death or assault or a medical emergency of a Federal detainee, the Local Government shall immediately notify the Federal Government.

Restrictive Housing and Suicide Prevention

The Local Government shall have written policies, procedures, and practices requiring that all detainees in restrictive housing are personally observed by a correctional officer at least twice per hour, but no more than 40 minutes apart, on an irregular schedule. Detainees who are violent or mentally ill or who demonstrate unusual or bizarre behavior receive more frequent observation; suicidal detainees are under constant observation.

Page 8 of 14

Local Government (Initial): *EGH*
Federal Government (Initial): *MAH*

NOVEMBER TERM 2017

Agreement Number 74-17-0058

The Local Government shall immediately notify the concerned Chief Deputy U.S. Marshal, or his or her designee, when a member of a vulnerable population is placed in restrictive housing or their restrictive housing status changes.

The Local Government shall also provide reports to the USMS on a monthly basis listing all USMS detainees who were detained in restrictive housing, and the reasons for their assignment to restrictive housing. The report shall be submitted to the Chief Deputy U.S. Marshal, or his or her designee, no later than the tenth day of each month in a standard format established by the USMS.

The Local Government shall have a comprehensive suicide-prevention program in place incorporating all aspects of identification, assessment, evaluation, treatment, preventive intervention, and annual training of all medical, mental health, and correctional staff.

For the purposes of this Agreement, "restrictive housing" means any type of detention that involves all of the following three basic elements:

1. Removal from the general population, whether voluntary or involuntary;
2. Placement in a locked room or cell, whether alone or with another detainee; and
3. Inability to leave the room or cell for the vast majority of the day, typically 22 hours or more.

For the purposes of this Agreement, "vulnerable population" means juveniles and individuals with serious mental illness.

Prison Rape Elimination Act (PREA)

The Facility must post the Prison Rape Elimination Act brochure/bulletin in each housing unit of the Facility. The Facility must abide by all relevant PREA regulations.

Service Contract Act

This Agreement incorporates the following clause by reference, with the same force and effect as if it was given in full text. Upon request, the full text will be made available. The full text of this provision may be accessed electronically at this address: <http://www.dol.gov/oasam/regs/statutes/351.htm>.

Federal Acquisition Regulation Clause(s):

52.222-41 Service Contract Act of 1965, as Amended (July 2005)

52.222-42 Statement of Equivalent Rates for Federal Hires (May 1989)

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Local Government (Initial):
Federal Government (Initial):

RAH
JAB

Agreement Number 74-17-0058

52.222-43 Fair Labor Standards Act and the Service Contract Act - Price Adjustment (Multiyear and Option Contracts) (May 1989)

The current Local Government wage rates shall be the prevailing wages unless notified by the Federal Government.

If the Department of Labor Wage Determination block #13b on page one (1) of this Agreement is checked, the Local Government agrees, in accordance with FAR PART 52.222.43 (f), must notify the Federal Government of any increase or decrease in applicable wages and fringe benefits claimed under this clause within 30 days after receiving a new wage determination.

Per-Diem Rate

The Federal Government will use various price analysis techniques and procedures to ensure the per-diem rate established by this Agreement is considered a fair and reasonable price. Examples of such techniques include, but are not limited to, the following:

1. Comparison of the requested per-diem rate with the independent Federal Government estimate for detention services, otherwise known as the Core Rate;
2. Comparison with per-diem rates at other state or local facilities of similar size and economic conditions;
3. Comparison of previously proposed prices and previous Federal Government and commercial contract prices with current proposed prices for the same or similar items;
4. Evaluation of the provided jail operating expense information;

The firm-fixed per-diem rate for services is stipulated in block #12 on page (1) of this agreement, and shall not be subject to adjustment on the basis of Carter County Jail's actual cost experience in providing the service. The per-diem rate shall be fixed for a period from the effective date of this Agreement forward for **forty-eight (48) months**. The per-diem rate covers the support of one Federal detainee per "Federal detainee day", which shall include the day of arrival, but not the day of departure.

After forty-eight (48) months, if a per-diem rate adjustment is desired, the Local Government shall submit a request through the Office of the Federal Detention Trustee's (OFDT) electronic Intergovernmental Agreements (eIGA) area of the Detention Services Network (DSNetwork). All information pertaining to the Facility on the DSNetwork will be required before a new per-diem rate will be considered.

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Local Government (initial): *PAJ*
Federal Government (initial): *ATG*

Agreement Number 74-17-0058

Billing and Financial Provisions

The Local Government shall prepare and submit for certification and payment, original and separate invoices each month to each Federal Government component responsible for Federal detainees housed at the Facility.

Addresses for the components are:

**United States Marshals Service
Eastern District of Tennessee
Howard H. Baker, Jr., U.S. Courthouse
800 Market Street, Suite 320
Knoxville, Tennessee 37902
(865) 545-4182**

To constitute a proper monthly invoice, the name and address of the Facility, the name of each Federal detainee, their specific dates of confinement, the total days to be paid, the appropriate per diem rate as approved in the Agreement, and the total amount billed (total days multiplied by the per-diem rate per day) shall be listed, along with the name, title, complete address, and telephone number of the Local Government official responsible for invoice preparation. Additional services provided, such as transportation and guard services, shall be listed separately and itemized.

Nothing contained herein shall be construed to obligate the Federal Government to any expenditure or obligation of funds in excess of, or in advance of, appropriations in accordance with the Anti-Deficiency Act, 31 U.S.C. 1341.

Payment Procedures

The Federal Government will make payments to the Local Government at the address listed in block #6 on page one (1) of this Agreement, on a monthly basis, promptly, after receipt of an appropriate invoice.

Hold Harmless

It is understood and agreed that the Local Government shall fully defend, indemnify, and hold harmless the United States of America, its officers, employees, agents, and servants, individually and officially, for any and all liability caused by any act of any member of the Local Government or anyone else arising out of the use, operation, or handling of any property (to include any vehicle, equipment, and supplies) furnished to the Local Government in which legal ownership is retained by the United States of America, and to pay all claims, damages, judgments, legal costs, adjuster fees, and attorney fees related thereto. The Local Government will be solely responsible for all

Local Government (Initial): *FGH*
Federal Government (Initial): *FGH*

Agreement Number 74-17-0058

maintenance, storage, and other expenses related to the care and responsibility for all property furnished to the Local Government.

Disputes

Disputes, questions, or concerns pertaining to this Agreement will be resolved between appropriate officials of each party. Both the parties agree that they will use their best efforts to resolve the dispute in an informal fashion through consultation and communication, or other forms of non-binding alternative dispute resolution mutually acceptable to the parties.

Inspection of Services

Inspection standards for detainees may differ among authorized agency users. The Local Government agrees to allow periodic inspections by Federal Government inspectors, to include approved Federal contractors, in accordance with the Core Detention Standards required by any or all of the Federal authorized agency users whose detainees may be housed pursuant to this Agreement. Findings of the inspections will be shared with the Facility administrator in order to promote improvements to Facility operations, conditions of confinement, and levels of services.

Modifications

For all modifications except for full or partial terminations, either party may initiate a request for modification to this Agreement in writing. All modifications negotiated will be effective only upon written approval of both parties.

Litigation

The Federal Government shall be notified, in writing, of all litigation pertaining to this Agreement and provided copies of any pleadings filed or said litigation within five (5) working days of the filing.

The Local Government shall cooperate with the Federal Government legal staff and/or the United States Attorney regarding any requests pertaining to Federal Government or Local Government litigation.

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Rape Elimination Act Reporting Information

SEXUAL ASSAULT AWARENESS

This document is requested to be posted in each Housing Unit Bulletin Board at all Contract Detention Facilities. This document may be used and adapted by Intergovernmental Service Agreement Providers.

While detained by the Department of Justice, United States Marshals Service, you have a right to be safe and free from sexual harassment and sexual assaults.

Definitions

A. Detainee-on-Detainee Sexual Abuse/Assault

One or more detainees engaging in or attempting to engage in a sexual act with another detainee or the use of threats, intimidation, inappropriate touching or other actions and/or communications by one or more detainees aimed at coercing and/or pressuring another detainee to engage in a sexual act.

B. Staff-on-Detainee Sexual Abuse/Assault

Staff member engaging in, or attempting to engage in a sexual act with any detainee or the intentional touching of a detainee's genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desires of any person. Sexual abuse/assault of detainees by staff or other detainees is an inappropriate use of power and is prohibited by DOJ policy and the law.

C. Staff Sexual Misconduct is:

Sexual behavior between a staff member and detainee which can include, but is not limited to indecent, profane or abusive language or gestures and inappropriate visual surveillance of detainees.

Prohibited Acts

A detainee, who engages in inappropriate sexual behavior with or directs it at others, can be charged with the following Prohibited Acts under the Detainee Disciplinary Policy.

- Using Abusive or Obscene Language
- Sexual Assault
- Making a Sexual Proposal
- Indecent Exposure
- Engaging in Sex Act

Detention as a Safe Environment

While you are detained, no one has the right to pressure you to engage in sexual acts or engage in unwanted sexual behavior regardless of your age, size, race, or ethnicity. Regardless of your sexual orientation, you have the right to be safe from unwanted sexual advances and acts.

Confidentiality

Information concerning the identity of a detainee victim reporting a sexual assault, and the facts of the report itself, shall be limited to those who have the need to know in order to make decisions concerning the detainee-victim's welfare and for law enforcement investigative purposes.

Report All Assaults!

If you become a victim of a sexual assault, you should report it immediately to any staff person you trust, to include housing officers, chaplains, medical staff, supervisors or Deputy U.S. Marshals. Staff members keep the reported information confidential and only discuss it with the appropriate officials on a need to know basis. If you are not comfortable reporting the assault to staff, you have other options:

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- Write a letter reporting the sexual misconduct to the person in charge or the United States Marshal. To ensure confidentiality, use special (Legal) mail procedures.
- File an Emergency Detainee Grievance - If you decide your complaint is too sensitive to file with the Officer in Charge, you can file your Grievance directly with the Field Office Director. You can get the forms from your housing unit officer, or a Facility supervisor.
- Write to the Office of Inspector General (OIG), which investigates allegations of staff misconduct. The address is: Office of Inspector General, U.S. Department of Justice, 950 Pennsylvania Ave. Room 4706, Washington, DC. 20530
- Call, at no expense to you, the Office of Inspector General (OIG). The phone number is 1-800-869-4499.

Individuals who sexually abuse or assault detainees can only be disciplined or prosecuted if the abuse is reported.

A publication of the Office of the
Federal Detention Trustee
Washington, DC

Published February 2008

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Federal Government (Initial): *EAH*

ThyssenKrupp Elevator Americas

Knoxville, Tennessee

Carter County Property Management
Services

Isaiah Grindstaff
Carter County Sheriff's Office
900 E Elk Ave
Elizabethton, TN 37643

thyss

AMMENDMENT: Add units TN# 36966, 36968

Unit TN#36966, 36968:

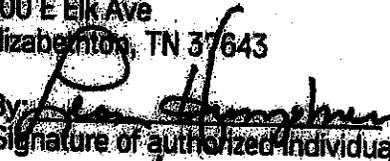
This addendum serves as our proposal to add units TN# 36966, 36968 located at 900 3rd street, Elizabethton, TN 37643 to the existing contract (J861171) between ThyssenKrupp Elevator and the Carter County. Services for this elevator shall commence on 11/20/17 in the amount of \$460 per month and will continue through the term of the existing agreement. Contract terms and conditions apply.

THYSSENKRUPP ELEVATOR CORPORATION
2004 Shoppers Lane
Knoxville, TN 37921

By: 
(Signature of ThyssenKrupp Elevator Representative)

Jacob Wilt
Account Manager
(865) 454-8645

Carter County Sheriff's Office
900 E Elk Ave
Elizabethton, TN 37643

By: 
(Signature of authorized individual)

Leon Humphrey
(Printed or typed name)

Title: County Mayor

Date: 10/18/17

Date: 12/1/2017