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03-05-2020 @ 08:05 AM

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Call to Order—Chairman, Ray Lyons called the meeting to order at 6:00 PM

Courthouse Emergency Egress Plan – EMA Office -- In the absence of Gary Smith, who was at training, Chairman Ray Lyons presented a brief Egress Emergency plan.

Roll Call – Mary Gouge, County Clerk

Name of Configuration File: C:\RollCall-Pro\Configurations\February 18 2020 Commission Meeting .cc Date and Time of New Session: 2/18/2020 6:13:59 PM

Beginning Roll Call for New Session:

Willie Campbell is Present

Mark Blevins is Present

Robert Acuff is Present

**Nancy Brown is Present (ERROR should be marked Present)

**Mike Hill is Present (ERROR should be marked absent)

Patty Woodby is Present

Bradley Johnson is Present

Mark Tester is absent

Charles Von Cannon is Present

Isaiah Grindstaff is absent

Jerry Proffitt is Present

Austin Jaynes is absent

Ross Garland is Present

Layla Ward is Present

Ginger Holdren is Present

Randall Jenkins is Present

Gary Bailey is Present

Travis Hill is Present

Sonja Culler is Present

Ray Lyons is Present

Aaron Frazier is Present

Robin McKamey is Present

Kelly Collins is Present

David Miller is Present

Number of Voters PRESENT for Roll Call: 20

Number of Voters ABSENT for Roll Call: 4

**Leader marked Mike Hill as absent at: 6:14:12 PM

**Leader marked Nancy Brown as present at: 6:14:27 PM

DRAFT

Approval of Agenda

Chairman Lyons request two additions be made to tonight's agenda, 9A: Carter County Tourism Coordinator Luke Freeman, and 10A: Presentation by Charles VonCannon, in support of Elizabethton Twins.

Motion was made by Aaron Frazier, seconded by Travis Hill, to approve with additions as requested tonight's agenda. (Item #1) Recorded on page 284

Roll Call Vote as follows (Item #1):

1. Vote Results for: Item No. 1

Time of Vote: 6:19:57 PM

Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y
Mark Blevins voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill was Absent
Patty Woodby voted: Y
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: Y
Austin Jaynes was Absent
Ross Garland voted: Y
Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: Y
Gary Bailey voted: Y
Travis Hill voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Aaron Frazier voted: Y
Robin McKamey voted: Y
Kelly Collins voted: Y
David Miller voted: Y
Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

DRAFT

Opening Prayer – Commissioner Willie Campbell

Pledge of Allegiance – Commissioner Lala Ward

Recognition of Elected & Appointed Officials/Guests

Acceptance of Meeting Minutes from January meeting

Motion was made by Randall Jenkins, seconded by Mark Blevins, to accept as presented, the minutes of the January 21, 2020 meeting. (Item #2)

Roll Call Vote as follows (Item #2):

2. Vote Results for: Item No. 2

Time of Vote: 6:21:06 PM

Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y
Mark Blevins voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill was Absent
Patty Woodby voted: Y
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: Y
Austin Jaynes was Absent
Ross Garland voted: Y
Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: Y

Gary Bailey voted: Y
 Travis Hill voted: Y
 Sonja Culler voted: Y
 Ray Lyons voted: Y
 Aaron Frazier voted: Y
 Robin McKamey voted: Y
 Kelly Collins voted: Y
 David Miller voted: Y
Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Approval of Notaries & Bonds

Motion was made by Jerry Proffitt, seconded by Aaron Frazier, to approve as presented the Notaries/Bonds for February 18, 2020. (Item #3)

Roll Call Vote as follows (Item #3):
 3. Vote Results for: Item No. 3
 Time of Vote: 6:53:04 PM
 Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y
 Mark Blevins voted: Y
 Robert Acuff voted: Y
 Nancy Brown voted: Y
 Mike Hill was Absent
 Patty Woodby voted: Y
 Bradley Johnson voted: Y
 Mark Tester was Absent
 Charles Von Cannon voted: Y
 Isaiah Grindstaff was Absent
 Jerry Proffitt voted: Y
 Austin Jaynes was Absent
 Ross Garland voted: Y
 Layla Ward voted: Y
 Ginger Holdren voted: Y
 Randall Jenkins voted: Y
 Gary Bailey voted: Y
 Travis Hill voted: Y
 Sonja Culler voted: Y
 Ray Lyons voted: Y
 Aaron Frazier voted: Y
 Robin McKamey voted: Y
 Kelly Collins voted: Y
 David Miller voted: Y
Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

DRAFT

Notaries / Bonds for February 2020

J. Nicole Stout-Cable	Jonah Roberts	Tamara Mottern
Sara J. Turbyfill	Connie Tolley Roberts	Caitlin Bowling
Joshua Marlow	Angela S. Roten	Richard A. Shipley
Deborah Guy	Holly Fraley	Janet Smith
Jimmy Dean Street	Nina R. Ellis	Charles Randolph
Hailey R. Kinner	Daniel A. Ray	Michael G. Hardin
David Collins	Chris Wright	Teresa Calhoun

Luke Freeman – Carter County Tourism Coordinator – A brief update was presented by Mr. Freeman. He noted that over 1,200 visitors had visited the Visitors Center in 2019. The monies collected from the Hotel/Motel taxes in Carter County are being put to use in the promotion tourism in Carter County. He encouraged everyone to visit the website at www.tourcartercounty.com to see all the wonderful experiences Carter County has to offer.

Public Comments

Chris Little of the Valley Forge Community, spoke representing GoBetsy Inc. Mr. Little spoke concerning the upcoming events for 2020. Confederate Railroad, a county band, which is coming to Elizabethton High School in May for a benefit concert.

Eric Wright, of the Stoney Creek area, spoke on behalf of the Appalachian Sportsman Club of Carter County. He noted the membership of the club is approximately 75 – 80, many of which were present at tonight's meeting. He stated many members of the Club were in opposition of the purposed Animal Ordinance Regulations.

Marty Hill, Roy Garland Road, voiced concern about a previous Law Enforcement meeting in which a statement was made concerning rabies. He spoke in opposition of the purposed Animal Ordinance Regulations.

Lester Perkins, Big Sandy Road, a "coon hunter" spoke in opposition of the purposed Animal Ordinance Regulations stating it is "foolishness."

Mayor Rusty Barnett spoke responding to the statement made at a Law Enforcement meeting. He stated that it was his intentions to stress the importance of immunizations for rabies, and animal cruelty as being a concern. He apologized for any misunderstanding.

Roy Livingston, of Hampton spoke praising the large number in attendance. He encouraged everyone to attend meetings. He stated the taxpayer's money needed to be "watched" as the budget process begins.

Charles VonCannon – Presentation

Commissioner VonCannon spoke in support of keeping the Elizabethton Twins, minor league baseball team. Also introduced was Brice Valentine, Manager of the Elizabethton Twins team who spoke briefly on the economic impact the team makes to Elizabethton and Carter County.

Commissioner VonCannon urged support of the team by preparing a Resolution. This was referred to Parks & Recreation Board for consideration.

Election of Constable to fill in the 8th District

Chairman Lyons noted that only one application, submitted by Miles Cook, had been received by the County Clerk. The floor was now opened for nominations.

Motion and nomination of Miles Cook to the position of 8th District Constable, was made by Bradley Johnson, seconded by Patty Wodby.

No other nominations were made.

Motion was made by Aaron Frazier, to cease nominations and to accept the nomination by acclamation. (Item #4) Chairman Lyons called for a roll call vote which follows.

Roll Call as follows (Item #4):

4. Vote Results for: Item No. 4

Time of Vote: 6:57:19 PM

Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y
Mark Blevins voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill was Absent
Patty Woodby voted: Y
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: Y
Austin Jaynes was Absent
Ross Garland voted: Y
Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: Y
Gary Bailey voted: Y
Travis Hill voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Aaron Frazier voted: Y
Robin McKamey voted: N
Kelly Collins voted: Y
David Miller voted: A
Passed (18 Y - 1 N - 1 A - 4 Absent)
Number of Abstain Votes: 1

Chairman Lyons then introduced and invited Mr. Cook to the podium to speak. Mr. Cook then approached the podium thanking the Commissioners for their consideration. He also presented his work history in Law Enforcement.

Consideration of Electronic Tablet Policy and Procedure

Randal Jenkins, Chairman of the Rules and By-Laws Committee, presented the policy for consideration.

Motion was made by Randall Jenkins, seconded by Kelly Collins, to approve as presented the **Carter County, Tennessee Board of County Commissioners Electronic Tablet Policy and Procedures. (Item #5) Recorded on pages 285-287.**

Roll Call Vote as follows (Item #5):
5. Vote Results for: Item No. 5
Time of Vote: 6:59:33 PM
Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: N
Mark Blevins voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill was Absent
Patty Woodby voted: Y
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: Y
Austin Jaynes was Absent
Ross Garland voted: Y

Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: Y
Gary Bailey voted: Y
Travis Hill voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Aaron Frazier voted: Y
Robin McKamey voted: Y
Kelly Collins voted: Y
David Miller voted: Y
Passed (19 Y - 1 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Following the vote, Randall Jenkins, Rules & By-Law Chairman, informed that each Commissioner and other designated county officials using the tablets need to turn in signed policy as soon as possible. The tablets should be available for use at the next meeting.

Commissioner Willie Campbell requested it to be made a matter of record, that he is opposed to the tablets and requested paper copies. Entered into the minutes this the 18th day of February 2020.

RESOLUTIONS: A, B, C, D

County Attorney, Joshua Hardin gave brief description of the Resolutions and presented the same for consideration. He noted each Resolution required a separate vote.

A. RESOLUTION No. 757

“ACCEPTANCE OF THE PROPOSAL OF THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO CONSTRUCT A PROJECT DESIGNATED AS FEDERAL PROJECT NO.: STP-37(22), STATE PROJECT NO. 10003.2267-14, SR 37 ROCK FALL MITIGATION (AT LM 8.7)”

Recorded on pages 288-295

Motion was made by Sonja Culler, seconded by Aaron Frazier, to accept as presented Resolution A (Resolution No. 757). (Item #6)

Roll Call Vote as follows (Item #6):

6. Vote Results for: Item No. 6

Time of Vote: 6:59:57 PM

Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y
Mark Blevins voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill was Absent
Patty Woodby voted: Y
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: Y
Austin Jaynes was Absent
Ross Garland voted: Y

Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: Y
Gary Bailey voted: Y
Travis Hill voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Aaron Frazier voted: Y
Robin McKamey voted: Y
Kelly Collins voted: Y
David Miller voted: Y
Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

B. RESOLUTION No. 758

**"ACCEPTANCE OF THE PROPOSAL OF THE TENNESSEE DEPARTMENT OF
TRANSPORTATION TO CONSTRUCT A PROJECT DESIGNATED AS
FEDERAL PROJECT NO.: NH-67 (36), STATE PROJECT NO. 10007-4233-
04, SR 67 SLOPE STABILIZATION (NEAR LM 14.2)"**

Recorded on pages 296-303

Motion was made by Sonja Culler, seconded by Aaron Frazier, to accept as presented,
Resolution B (Resolution No. 758). (Item #7)

Roll Call Vote as follows (Item #7):

7. Vote Results for: Item No. 7

Time of Vote: 7:00:12 PM

Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y
Mark Blevins voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill was Absent
Patty Woodby voted: Y
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: Y
Austin Jaynes was Absent
Ross Garland voted: Y
Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: Y
Gary Bailey voted: Y
Travis Hill voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Aaron Frazier voted: Y
Robin McKamey voted: Y
Kelly Collins voted: Y
David Miller voted: Y
Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

C. RESOLUTION No. 759

"ACCEPTANCE OF THE PROPOSAL OF THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO CONSTRUCT A PROJECT DESIGNATED AS FEDERAL PROJECT NO.; NH-67 (37), STATE PROJECT NO. 10007-4236-04 SR 67 SLOPE STABILIZATION (NEAR LM 13.8)" Recorded on pages 304-311

Motion was made by Sonja Culler, seconded by Jerry Proffitt, to accept as presented **Resolution C (Resolution No. 759)**. (Item #8)

Roll Call Vote as follows (Item #8):

8. Vote Results for: Item No. 8

Time of Vote: 7:01:41 PM

Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y

Mark Blevins voted: Y

Robert Acuff voted: Y

Nancy Brown voted: Y

Mike Hill was Absent

Patty Woodby voted: Y

Bradley Johnson voted: Y

Mark Tester was Absent

Charles Von Cannon voted: Y

Isaiah Grindstaff was Absent

Jerry Proffitt voted: Y

Austin Jaynes was Absent

Ross Garland voted: Y

Layla Ward voted: Y

Ginger Holdren voted: Y

Randall Jenkins voted: Y

Gary Bailey voted: Y

Travis Hill voted: Y

Sonja Culler voted: Y

Ray Lyons voted: Y

Aaron Frazier voted: Y

Robin McKamey voted: Y

Kelly Collins voted: Y

David Miller voted: Y

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

Number of Abstain Votes: 0

D. RESOLUTION (NOTE: No number assigned - Resolution FAILED)

"A RESOLUTION MODIFYING THE PROCEDURE FOR COMMISSION APPOINTMENTS TO STANDING COMMITTEES.

County Attorney Joshua Hardin presented a brief description of Resolution D. He noted the current policy and the changes being presented in Resolution D.

Motion was made by Randall Jenkins, seconded by Robin McKamey, to adopt **Resolution D as presented**. (Item #9)

Roll Call Vote as follows (Item #9)

9. Vote Results for: Item No. 9

Time of Vote: 7:23:38 PM

Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: N

Mark Blevins voted: N
Robert Acuff voted: Y
Nancy Brown voted: N
Mike Hill was Absent
Patty Woodby voted: N
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: N
Austin Jaynes was Absent
Ross Garland voted: Y
Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: Y
Gary Bailey voted: N
Travis Hill voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Aaron Frazier voted: Y
Robin McKamey voted: Y
Kelly Collins voted: Y
David Miller voted: Y

Passed (14 Y - 6 N - 0 A - 4 Absent)

***** NOTE MOTION FAILED. NEEDED 16Y TO PASS****

Number of Abstain Votes: 0

RECESS

Chairman Lyons called for a ten (10) minute recess. Following the recess Chairman Lyons called the meeting back to order.

Mayoral Report – Mayor Rusty Barnett

Mayor Barnett presented updates and reports on the following items:

Some additional funding opportunities available from the State

Emergency Operations Center update project

Met with Northeast State Community College- Presentation possibly in March

Virtual Reality Program

Forensic Pathology Report – 7 Autopsies for January 2020

Committee Reports

Budget –Chairman, Ross Garland presented the following recommendations.

Motion was made by Ross Garland, seconded by Aaron Frazier, to approve the additional appropriation of up to \$3,764.55 from General Fund Unassigned Fund Balance (account #39000) for additional costs for the purchase of a vehicle for the County Coroner (account #54610-718) (Item # 10)

Roll Call as follows (Item #10):

10. Vote Results for: Item No. 10

Time of Vote: 7:24:00 PM

Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y
Mark Blevins voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y

Mike Hill was Absent
Patty Woodby voted: Y
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: Y
Austin Jaynes was Absent
Ross Garland voted: Y
Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: Y
Gary Bailey voted: Y
Travis Hill voted: Y
Sonja Culler voted: N
Ray Lyons voted: Y
Aaron Frazier voted: Y
Robin McKamey voted: Y
Kelly Collins voted: Y
David Miller voted: Y
Passed (19 Y - 1 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

DRAFT

Motion was made by Ross Garland, seconded by Ginger Holdren, to approve an annual salary increase of \$3,600 for the Veterans Services Office. Total pro-rated cost for March 1, 2020 through June 30, 2020, will be \$1,615.85 (salary = \$1,318.09, Social Security = \$81.72, Retirement = \$196.93 and Medicare = \$19.11) and will come from General Fund Unassigned Fund Balance. (Item # 11)

Discussion followed. Chairman Garland noted that Mr. Batchelder, Veterans Services Officer, did not ask for the increase as was published. Some officials as well as others had reached out to the Budget Committee recommending the increase.

Several Commissioners spoke on the outstanding job being done by Mr. Batchelder. He also is not on the insurance offered by Carter County (as requested Mr. Batchelder's request).

It was also noted that he had been offered a job at a higher pay. It was stressed once again that he did not request the increase and only a veteran could hold this position.

Roll Call Vote as follows (Item #11):
11. Vote Results for: Item No. 11
Time of Vote: 7:39:39 PM
Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y
Mark Blevins voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill was Absent
Patty Woodby voted: Y
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: Y
Austin Jaynes was Absent
Ross Garland voted: Y

Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: N
Gary Bailey voted: Y
Travis Hill voted: Y
Sonja Culler voted: N
Ray Lyons voted: Y
Aaron Frazier voted: Y
Robin McKamey voted: Y
Kelly Collins voted: Y
David Miller voted: N
Passed (17 Y - 3 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Motion was made by Ross Garland, seconded by Aaron Frazier, to approve an amount up to \$2,000 from General Fund Unassigned Fund Balance for additional meetings resulting from dividing four committees (Building and Grounds, Law Enforcement, Health and Welfare and Rules and By-laws into two. (Item # 12)

Roll Call Vote as follows (Item #12):
12. Vote Results for: Item No. 12
Time of Vote: 7:41:49 PM
Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y
Mark Blevins voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill was Absent
Patty Woodby voted: Y
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: Y
Austin Jaynes was Absent
Ross Garland voted: Y
Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: Y
Gary Bailey voted: Y
Travis Hill voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Aaron Frazier voted: Y
Robin McKamey voted: Y
Kelly Collins voted: Y
David Miller voted: Y
Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

DRAFT

Motion was made by Ross Garland, seconded by Robert Acuff, to write off the remaining balance of \$1,798.62 from a prior year cash shortage at the Animal Shelter. A total cash shortage of \$9,516 was reported and payments of \$1,717.38 have been received from the Friends of the Shelter. This shortage was reported in a special report dated December 7, 2017 and referenced in the 2017 and 2018 audit reports. Per record General Fund balance will not be affected by the write-off. (Item #13)

Roll Call Vote as follows (Item #13):
13. Vote Results for: Item No. 13
Time of Vote: 7:44:26 PM
Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y
Mark Blevins voted: N
Robert Acuff voted: Y
Nancy Brown voted: N
Mike Hill was Absent
Patty Woodby voted: Y
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: Y
Austin Jaynes was Absent
Ross Garland voted: Y
Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: Y
Gary Bailey voted: Y
Travis Hill voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Aaron Frazier voted: Y
Robin McKamey voted: Y
Kelly Collins voted: Y
David Miller voted: Y
Passed (18 Y - 2 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Motion was made by Ross Garland, second by Travis Hill, to approve General Fund #101 budget Amendment #7 (items 1-17) for a total of \$104,517.81 with \$4,243.53 coming from fund balance to reimburse an employee of Finance Department who paid a portion (10%) of their medical insurance premiums from 2014 through September 2019, even though they should not have been required to. NOTE: - This amendment includes a reallocation between salary line items of the Planning Department which was requested separately and approved by the Budget Committee. (Item # 14)
Recorded on pages 312-313

Roll Call Vote as follows (Item #14):
14. Vote Results for: Item No. 14
Time of Vote: 7:45:24 PM
Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y
Mark Blevins voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill was Absent
Patty Woodby voted: Y
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: Y
Austin Jaynes was Absent

Ross Garland voted: Y
Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: Y
Gary Bailey voted: Y
Travis Hill voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Aaron Frazier voted: Y
Robin McKamey voted: Y
Kelly Collins voted: Y
David Miller voted: Y
Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

DRAFT

Motion was made by Ross Garland, seconded by Sonja Culler, to approve General Fund #101 b budget amendment #7A (item 1) for a total of \$14,860.06 coming from reserved fund balance. Funds will be used to pay salary benefits for the incoming (as of July 1, 2020) Clerk and Master, who will be working in the office. **NOTE: A total amendment of \$29,860.06 was approved by the Budget Committee; however, subsequent to the meeting, the Clerk and Master requested to lower the amount requested. (Item #15)**
Recorded on page 318

Roll Call Vote as follows (Item #15):
15. Vote Results for: Item No. 15
Time of Vote: 7:46:04 PM
Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y
Mark Blevins voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill was Absent
Patty Woodby voted: Y
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: Y
Austin Jaynes was Absent
Ross Garland voted: Y
Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: Y
Gary Bailey voted: N
Travis Hill voted: N
Sonja Culler voted: Y
Ray Lyons voted: Y
Aaron Frazier voted: N
Robin McKamey voted: Y
Kelly Collins voted: Y
David Miller voted: Y
Passed (17 Y - 3 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Motion was made by Ross Garland seconded by Sonja Culler, to approve Solid Waste/Sanitation Fund # 116 Amendment #6 (items 1-3) for a total of \$43,100 with nothing coming from fund balance. (Item #16) Recorded on page 314

Roll Call Vote as follows (Item #16):
16. Vote Results for: Item No. 16
Time of Vote: 7:47:13 PM
Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y
Mark Blevins voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill was Absent
Patty Woodby voted: Y
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: Y
Austin Jaynes was Absent
Ross Garland voted: Y
Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: Y
Gary Bailey voted: Y
Travis Hill voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Aaron Frazier voted: Y
Robin McKamey voted: Y
Kelly Collins voted: Y
David Miller voted: Y
Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Motion was made by Ross Garland, seconded by Aaron Frazier, to approve Health Department Fund #117 Amendment #1 (item 1) for a total of \$6,000, with nothing coming from fund balance. (Item # 17) Recorded on page 314

Roll Call Vote as follows (Item #17):
17. Vote Results for: Item No. 17
Time of Vote: 7:47:48 PM
Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y
Mark Blevins voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill was Absent
Patty Woodby voted: Y
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: Y
Austin Jaynes was Absent
Ross Garland voted: Y

Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: Y
Gary Bailey voted: Y
Travis Hill voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Aaron Frazier voted: Y
Robin McKamey voted: Y
Kelly Collins voted: Y
David Miller voted: Y
Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Motion was made by Ross Garland, seconded by Aaron Frazier, to approve Drug Control Fund #122 Amendment #5 (items 1-2) for a total of \$1,662.02 with nothing coming from fund balance. (Item #18) Recorded on page 315

Roll Call Vote as follows (Item #18):

18. Vote Results for: Item No. 18

Time of Vote: 7:48:18 PM

Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y
Mark Blevins voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill was Absent
Patty Woodby voted: Y
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: Y
Austin Jaynes was Absent
Ross Garland voted: Y
Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: Y
Gary Bailey voted: Y
Travis Hill voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Aaron Frazier voted: Y
Robin McKamey voted: Y
Kelly Collins voted: Y
David Miller voted: Y
Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Motion was made by Ross Garland, seconded by Mark Blevins, to Approve Highway/Public Works Fund #131 Amendment #7 (items 1-2) for a total of \$7,100 with nothing coming from fund balance. (Item #19) Recorded on page 315

Roll Call Vote as follows (Item #19):

19. Vote Results for: Item No. 19

Time of Vote: 7:48:54 PM

Type of Vote: MAJORITY NEEDED TO PASS

(Roll Call Vote Item #19):
Willie Campbell voted: Y
Mark Blevins voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill was Absent
Patty Woodby voted: Y
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: Y
Austin Jaynes was Absent
Ross Garland voted: Y
Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: Y
Gary Bailey voted: Y
Travis Hill voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Aaron Frazier voted: Y
Robin McKamey voted: Y
Kelly Collins voted: Y
David Miller voted: Y
Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

DRAFT

Motion was made by Ross Garland, seconded by Willie Campbell, to approve General Purpose School Fund #141 Amendment #7 (item1-5) for a total of \$155,501.01; with two items and \$5,140.15 coming from General Purpose School Fund Unassigned Fund Balance to cover an increase in cost (\$4,340.15) for school window tinting partially funded with a School Safety Grant, and for travel cost (\$800) incurred by school bookkeepers travel to monthly meetings at the Training Center and trips to the bank for deposits.
(Item #20) Recorded on pages 316-317

Roll Call Vote as follows (Item #20):
20. Vote Results for: Item No. 20
Time of Vote: 7:49:20 PM
Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y
Mark Blevins voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill was Absent
Patty Woodby voted: Y
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: Y
Austin Jaynes was Absent
Ross Garland voted: Y
Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: Y

Gary Bailey voted: Y
Travis Hill voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Aaron Frazier voted: Y
Robin McKamey voted: Y
Kelly Collins voted: Y
David Miller voted: Y
Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Motion was made by Ross Garland, seconded by Aaron Frazier, to approve Central Cafeteria Fund #143 Amendment #5 (item 1) for a total of \$208,347 with nothing coming from fund balance. (Item #21) Recorded on page 317

Roll Call Vote as follows (Item #21):
21. Vote Results for: Item No. 21
Time of Vote: 7:49:51 PM
Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y
Mark Blevins voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill was Absent
Patty Woodby voted: Y
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: Y
Austin Jaynes was Absent
Ross Garland voted: Y
Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: Y
Gary Bailey voted: Y
Travis Hill voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Aaron Frazier voted: Y
Robin McKamey voted: Y
Kelly Collins voted: Y
David Miller voted: Y
Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Motion was made by Ross Garland, seconded by Travis Hill, to Approve the monetary donations made to the Animal Shelter (\$1,600) and the School Department (\$36,450). (Item #22)

Roll Call Vote as follows (Item #22):
22. Vote Results for: Item No. 22
Time of Vote: 7:50:37 PM
Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y
Mark Blevins voted: Y

Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill was Absent
Patty Woodby voted: Y
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: Y
Austin Jaynes was Absent
Ross Garland voted: Y
Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: Y
Gary Bailey voted: Y
Travis Hill voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Aaron Frazier voted: Y
Robin McKamey voted: Y
Kelly Collins voted: Y
David Miller voted: Y
Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Motion was made by Ross Garland, seconded by Sonja Culler, to approve the non-monetary donations made to the Animal Shelter (value \$745.61). (Item #23)

23. Vote Results for: Item No. 23
Time of Vote: 7:54:28 PM
Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y
Mark Blevins voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill was Absent
Patty Woodby voted: Y
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: Y
Austin Jaynes was Absent
Ross Garland voted: Y
Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: Y
Gary Bailey voted: Y
Travis Hill voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Aaron Frazier voted: Y
Robin McKamey voted: Y
Kelly Collins voted: Y
David Miller voted: Y
Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Keep Carter County Beautiful, Elizabethton-Carter County Chamber of Commerce

Ross Garland presented a brief update. However, no recommendations were presented.

Building & Grounds – Vice-Chairwoman, Ginger Holdren presented the following recommendation.

Motion was made by Ginger Holdren, seconded by Robert Acuff, to remove as requested by Mary Gouge, County Clerk, the computers, monitors, keyboards, mice, and destroy the hard drives and declare them as surplus property to be sold on www.GovDeals.com.(Item #24)

(Listing of the items are recorded with the February 4, 2020 Building & Grounds Minutes)

Roll Call Vote as follows (Item #24)

24. Vote Results for: Item No. 24

Time of Vote: 8:23:53 PM

Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y
Mark Blevins voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill was Absent
Patty Woodby voted: Y
Bradley Johnson voted: Y
Mark Tester was Absent
Charles Von Cannon voted: Y
Isaiah Grindstaff was Absent
Jerry Proffitt voted: Y
Austin Jaynes was Absent
Ross Garland voted: Y
Layla Ward voted: Y
Ginger Holdren voted: Y
Randall Jenkins voted: Y
Gary Bailey voted: Y
Travis Hill voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Aaron Frazier voted: Y
Robin McCarney voted: Y
Kelly Collins voted: Y
David Miller voted: Y
Passed (20 Y - 0 N - 0 A - 4 Absent)
Number of Abstain Votes: 0

Education – Chairwoman Layla Ward noted that the minutes reflected actions taken during the meeting. Dr. Kevin Ward, Carter County Director of Schools, presented a brief update. No recommendations were presented.

Financial Management – Chairman Bradley Johnson had no motions to be presented.

Health & Welfare -- Chairman Robert Acuff presented a brief report.

Highway – Chairman Mark Blevins had no recommendation to be presented.

Landfill – Chairwoman, Sonja Culler informed the commission that the Stoney Creek Volunteer Fire Department needed an air compressor. Landfill Director Benny Lyons had requested to donate an unused compressor from the landfill to the Stoney Creek VFD.

Motion was made Sonja Culler, seconded by Aaron Frazier, to transfer ownership of an air Compressor from the Carter County Landfill to the Stoney Creek Volunteer Fire Department at no cost. (Item # 25) (Agreement recorded on pages 319-320)

Roll Call Vote as follows (Item #25):

25. Vote Results for: Item No. 25

Time of Vote: 8:25:21 PM

Type of Vote: MAJORITY NEEDED TO PASS

Willie Campbell voted: Y

Mark Blevins voted: Y

Robert Acuff voted: Y

Nancy Brown voted: Y

Mike Hill was Absent

Patty Woodby voted: Y

Bradley Johnson voted: Y

Mark Tester was Absent

Charles Von Cannon voted: Y

Isaiah Grindstaff was Absent

Jerry Proffitt voted: Y

Austin Jaynes was Absent

Ross Garland voted: Y

Layla Ward voted: Y

Ginger Holdren voted: Y

Randall Jenkins voted: Y

Gary Bailey voted: Y

Travis Hill voted: Y

Sonja Culler voted: Y

Ray Lyons voted: Y

Aaron Frazier voted: Y

Robin McKamey voted: Y

Kelly Collins voted: Y

David Miller voted: Y

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

Number of Abstain Votes:

Motion was made by Sonja Culler, seconded by Layla Ward, to charge an additional fee of \$20.00 for an un-tarped loaded vehicle entering the landfill with the funds to go to the Landfill, effective March 1st.

Following discussion, the motion was withdrawn.

Motion was withdrawn and referred to committee.

Law Enforcement – February Meeting was cancelled.

Nominating Committee, Rules & By-Laws Committee, and Parks & Recreation - Minutes reflected action taken by the Committees. No recommendations were presented.

Agriculture Committee –Travis Hill, Liaison presented updates and a brief report. Vickie Clark, UT Extension, Director also spoke concerning upcoming events.

County will hold the User responsible for its replacement. If a Tablet is stolen the User must immediately report the theft to the County and assist with any necessary reporting responsibilities and/or investigations.

10. Security of the Tablet: User is responsible for the security of all data stored on the Tablet, whether related to County business or otherwise. The User will maintain appropriate password protection for data on the Tablet, and will not delete or modify any security features that the County loads on the Tablet.

11. Return of the Tablet: Users shall return their Tablet to the County when the User's term of office has ended. Upon return of the Tablet to the County and following the preparation of any appropriate backup files, the Tablet will be wiped clean of any and all information, and issued to the User's successor.

12. Compliance with Policy: The County reserves the right to inspect any and all files stored on the tablets or any associated devices that are the property of the County in order to ensure compliance with this policy. Users do not have any personal privacy right in any material, data, files, programs, etc. created, received, stored in or sent from any County-issued Tablet, and the County is hereby authorized to institute appropriate practices and procedures to ensure compliance with this policy. Any violation of this policy by the User may result in discipline as deemed appropriate by the Board of County Commissioners for Carter County, Tennessee.

I understand that I am responsible for the Tablet and any associated equipment being issued to me by Carter County, Tennessee. I acknowledge that I have read and understand the above Policy and Procedures and by signing below I **fully understand and acknowledge I will be bound by the terms herein.**

DRAFT

County Commissioner/Official (User)

Date

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR CARTER COUNTY, TENNESSEE

REGULAR MEETING, TUESDAY, FEBRUARY 18, 2020

RESOLUTION NO. 757

"ACCEPTANCE OF THE PROPOSAL OF THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO CONSTRUCT A PROJECT DESIGNATED AS FEDERAL PROJECT NO.: STP-37(22), STATE PROJECT NO. 10003.2267-14, SR 37 ROCK FALL MITIGATION (AT LM 8.7)"

WHEREAS, the Tennessee Department of Transportation has presented a Proposal to the County of Carter, Tennessee, concerning Federal Project No. STP-37(22), State Project No. 10003.2267-14, At LM 8.7 (Rock Fall Mitigation) Route: SR-37; and

WHEREAS, the Board of County Commissioners for Carter County, Tennessee has determined that the above referenced project will benefit Carter County, Tennessee and the citizens thereof; and

WHEREAS, the Board of County Commissioners for Carter County, Tennessee wishes to cooperate with the State of Tennessee, Department of Transportation, with its proposed project in Carter County, Tennessee; and

WHEREAS, said Proposal is incorporated herein by reference, the same as if copied herein verbatim, with a copy of said Proposal attached hereto; and

WHEREAS, the terms and conditions of said Proposal to the County of Carter, Tennessee as submitted by the State of Tennessee, Department of Transportation, are accepted and approved by the Board of County Commissioners for Carter County, Tennessee, and Carter County shall fulfill all obligations concomitant thereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for Carter County, Tennessee, meeting in regular session on this the 18th day of February, 2020, with a lawful quorum of said Board being present and with a majority voting in the affirmative that this Resolution is hereby duly passed and approved.

BE IT FURTHER RESOLVED that this Resolution shall take effect from and after the date of its approval the welfare of the county demanding.

Reviewed and approved by the Highway Committee on February 18, 2020.


Committee Chairperson

Adopted this 18th day of February, 2020.

CARTER COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS

APPROVED:

By:


RAY LYONS, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

APPROVED:

DRAFT
By: *Russell Barnett*
RUSSELL BARNETT
CARTER COUNTY MAYOR

VETOED:

By: _____
RUSSELL BARNETT
CARTER COUNTY MAYOR

Date: _____

VETO OVERRIDE VOTE:

_____ YES VOTES
_____ NO VOTES
_____ ABSTAIN VOTES

ATTEST:

Mary Gouge
MARY GOUGE
CARTER COUNTY CLERK

APPROVED AS TO FORM:

Joshua A. Hardin
JOSHUA A. HARDIN
CARTER COUNTY ATTORNEY

U:\Carter County Attorney\Resolutions\TDOT Project SR 37 (2020).docx



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

REGION 1 RIGHT OF WAY OFFICE
P. O. BOX 58
KNOXVILLE, TENNESSEE 37901
(865) 594-2496

CLAY BRIGHT
COMMISSIONER

BILL LEE
GOVERNOR

December 27, 2019

The Honorable Rusty Barnett
Mayor of Carter County
801 East Elk Avenue, Suite 201
 Elizabethton, TN 37643
(423) 542-1801

RE: **PROPOSAL TO COUNTY OF CARTER**
Federal Project No.: STP-37(22)
State Project No.: 10003.2267-14
County of Carter
Pin No.: 125256.00

At LM 8.7 (Rockfall Mitigation) Route: SR-37

Dear Mayor Barnett:

A TDOT Right of Way Agent is handing you one (1) set of plans and three (3) copies of the proposal on the above referenced project. The State representative handing you the proposal will be willing to answer any questions you may have or obtain the answers for you. **Following acceptance, three (3) copies of each proposal should be returned to me, each accompanied by a certified copy of the ordinance or resolution, whichever is applicable.** An example of a resolution with the necessary legal language is attached.

It is to be noted that we cannot begin buying the rights-of-way for this project until the county has accepted the proposal and same has been reviewed and approved by the Department attorney. Therefore, your earliest attention to this matter will be appreciated.

We appreciate your cooperation and if we can be of assistance in any way, please do not hesitate to give us a call.

Yours truly,


Gaylon Hill
ROW Manager 2
Project Development Teams
GH/bp - Attachment

PROPOSAL
OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF TENNESSEE
TO THE COUNTY OF CARTER, TENNESSEE:

The DEPARTMENT OF TRANSPORTATION of the State of Tennessee, hereinafter "DEPARTMENT", proposes to construct a project in the County of Carter, Tennessee, hereinafter "COUNTY", designated as Federal Project No. STP-37(22), State Project No. 10003-2267-14, that is described as "at LM 8.7 (Rockfall Mitigation) Route: SR-37", provided the COUNTY agrees to cooperate with the DEPARTMENT as set forth in this proposal, so that the general highway program may be carried out in accordance with the intent of the General Assembly of the State.

Accordingly, the parties agree as follows:

1. That in the event any civil actions in inverse condemnation or for damages are instituted by reason of the DEPARTMENT, or its contractor, going upon the highway right-of-way and easements, and constructing said project in accordance with the plans and as necessary to make the completed project functional, it will notify in writing the Attorney General of the State, whose address is 425 Fifth Avenue North, Nashville, Tennessee, 37243, of the institution of each civil action, the complaint and all subsequent pleadings, within ten (10) days after the service of each of the same, under penalty of defending such actions and paying any judgments which result therefrom at its own expense.
2. The COUNTY will close or otherwise modify any of its roads or other public ways if indicated on the project plans, as provided by law.
3. The COUNTY will transfer or cause to be transferred to the DEPARTMENT, without cost to the DEPARTMENT, all land owned by the COUNTY or by any of its instrumentalities as

required for right-of-way or easement purposes, provided such land is being used or dedicated for road or other public way purposes.

4. Where privately, publicly or cooperatively owned utility lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similar commodities, including publicly owned facilities such as fire and police signal systems and street lighting systems are located within the right-of-way of any road or other public way owned by the COUNTY, or any of its instrumentalities, the COUNTY agrees that it will take any action necessary to require the removal or adjustment of any of the above-described facilities as would conflict with the construction of the project. But the foregoing may not be a duty of the COUNTY since it shall become operative only after the DEPARTMENT has been unsuccessful in its efforts to provide for said removals or adjustments for the benefit of the COUNTY.

The foregoing does not apply to those utility facilities which are owned by the COUNTY or one of its instrumentalities, it being understood that the COUNTY has the duty to relocate or adjust such facilities, if required, provided the COUNTY is notified to do so by the DEPARTMENT with detailed advice as to this duty of the COUNTY.

5. The COUNTY will maintain any frontage road to be constructed as part of the project;

6. After the project is completed and open to traffic, the COUNTY will accept jurisdiction and maintenance such parts of any existing DEPARTMENT highway to be replaced by the project, as shown on the attached map.

7. The COUNTY will make no changes or alter any segment of a road on its road system that lies within the limits of the right-of-way acquired for any interchange to be constructed as part of the project and will not permit the installation or relocation of any utility

facilities within the right-of-way of any such a segment of one of its roads without first obtaining the approval of the DEPARTMENT.

8. No provision hereof shall be construed as changing the maintenance responsibility of the COUNTY for such part of the project as may presently be on its highway, street, road or bridge system.

9. It is understood and agreed between the DEPARTMENT and the COUNTY that all traffic control signs for the control of traffic on a street under the jurisdiction of the COUNTY and located within the DEPARTMENT's right-of-way shall be maintained and replaced by the COUNTY.

10. When traffic control devices for the direction or warning of traffic, lighting of roadways or signing, or any of them, which are operated or function by the use of electric current are constructed or installed as part of the project, they will be furnished with electricity and maintained by the COUNTY.

11. If, as a result of acquisition and use of right-of-way for the project, any building and/or structure improvements become in violation of a COUNTY setback line or building and/or structure requirement, including, but not limited to, on-premise signs, the COUNTY agrees to waive enforcement of the COUNTY setback line or building and/or structure requirement and take other proper governmental action as necessary to accomplish such waiver.

12. If, as a result of acquisition and use of right-of-way for the project, any real property retained by any property owner shall become in violation of a COUNTY zoning regulation or requirement, the COUNTY agrees to waive enforcement of the COUNTY zoning regulation or requirement and take other proper governmental action as necessary to accomplish such waiver.

13. The COUNTY will not authorize encroachments of any kind upon the right-of-way, nor will the COUNTY authorize use of the easements for the project in any manner which affects

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the DEPARTMENT's use thereof.

14. The COUNTY will obtain the approval of the DEPARTMENT before authorizing parking on the right-of-way and easements for the project.

15 The COUNTY will not install or maintain any device for the purpose of regulating the movement of traffic on the roadway except as warranted and in conformity with the Manual on Uniform Traffic Control Devices.

16. If the project is classified as full access control (i.e. a project which has no intersecting streets at grade), then the DEPARTMENT will maintain the completed project. If the project is not classified as full access control, then the DEPARTMENT will maintain the pavement from curb to curb where curbs exist, or will maintain full width of the roadway where no curb exist. The COUNTY agrees to maintain all other parts of non-access control projects; provided, however, that any retaining walls, box culverts, or other like structures constructed as part of the project that supports the structural integrity or stability of the roadway surface shall be maintained by the DEPARTMENT.

17. If a sidewalk is constructed as a component of this project, the COUNTY shall be responsible for maintenance of the sidewalk and shall assume all liability for third-party claims for damages arising from its use of the sidewalk or premises beyond the DEPARTMENT'S maintenance responsibilities as set forth in section 16 of this proposal.

18. When said project is completed, the COUNTY thereafter will not permit any additional median crossovers, the cutting of the pavement, curbs, gutters and sidewalks, by any person, firm, corporation, or governmental agency, without first obtaining the approval of the DEPARTMENT.

19. The DEPARTMENT will acquire the right-of-way and easements, construct the project and defend any inverse condemnation for damage or civil actions of which the Attorney

General has received the notice and pleadings provided for herein; provided, however, that if the project is being constructed pursuant to a contract administered by the DEPARTMENT's Local Programs Development Office, the terms of that contract shall control in the event of a conflict with this proposal.

20. The project plans hereinbefore identified by number and description are incorporated herein by reference and shall be considered a part of this proposal, including any revisions or amendments thereto, provided a copy of each is furnished the COUNTY.

21. The acceptance of this proposal shall be evidenced by the passage of a resolution or by other proper governmental action, which shall incorporate this proposal verbatim or make reference thereto.

IN WITNESS WHEREOF, the DEPARTMENT has caused this proposal to be executed by its duly authorized official on this the ____ day of _____, 20__.

THE COUNTY OF _____, TENNESSEE

BY: *Russell Bennett*
MAYOR

DATE: 2-18-20

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

BY: _____
CLAY BRIGHT
COMMISSIONER

DATE: _____

APPROVED AS TO FORM AND LEGALITY:

BY: _____
JOHN REINBOLD
GENERAL COUNSEL

DATE: _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR CARTER COUNTY, TENNESSEE

REGULAR MEETING, TUESDAY, FEBRUARY 18, 2020

RESOLUTION NO. 758

"ACCEPTANCE OF THE PROPOSAL OF THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO CONSTRUCT A PROJECT DESIGNATED AS FEDERAL PROJECT NO.: NH-67(36), STATE PROJECT NO. 10007-4233-04, SR 67 SLOPE STABILIZATION (NEAR LM 14.2)"

WHEREAS, the Tennessee Department of Transportation has presented a Proposal to the County of Carter, Tennessee, concerning Federal Project No. NH-67(36), State Project No. 10007-4233-04, Near LM 14.2 (Slope Stabilization) (February 2019 Flood) Route: SR-67); and

WHEREAS, the Board of County Commissioners for Carter County, Tennessee has determined that the above referenced project will benefit Carter County, Tennessee and the citizens thereof; and

WHEREAS, the Board of County Commissioners for Carter County, Tennessee wishes to cooperate with the State of Tennessee, Department of Transportation, with its proposed project in Carter County, Tennessee; and

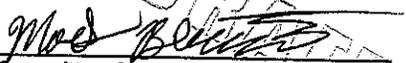
WHEREAS, said Proposal is incorporated herein by reference, the same as if copied herein verbatim, with a copy of said Proposal attached hereto; and

WHEREAS, the terms and conditions of said Proposal to the County of Carter, Tennessee as submitted by the State of Tennessee, Department of Transportation, are accepted and approved by the Board of County Commissioners for Carter County, Tennessee, and Carter County shall fulfill all obligations concomitant thereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for Carter County, Tennessee, meeting in regular session on this the 18th day of February, 2020, with a lawful quorum of said Board being present and with a majority voting in the affirmative that this Resolution is hereby duly passed and approved.

BE IT FURTHER RESOLVED that this Resolution shall take effect from and after the date of its approval the welfare of the county demanding.

Reviewed and approved by the Highway Committee on February 18, 2020.


Committee Chairperson

Adopted this 18th day of February, 2020.

CARTER COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS

APPROVED:

By:


RAY LYONS, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

APPROVED:

DRAFT
By: *Russell Barnett*
RUSSELL BARNETT
CARTER COUNTY MAYOR

VETOED:

By: _____
RUSSELL BARNETT
CARTER COUNTY MAYOR

Date: _____

VETO OVERRIDE VOTE:

_____ YES VOTES
_____ NO VOTES
_____ ABSTAIN VOTES

ATTEST:

Mary Gouge
MARY GOUGE
CARTER COUNTY CLERK

APPROVED AS TO FORM:

Joshua A. Hardin
JOSHUA A. HARDIN
CARTER COUNTY ATTORNEY



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

REGION 1 RIGHT OF WAY OFFICE
P. O. BOX 58
KNOXVILLE, TENNESSEE 37901
(865) 594-2496

CLAY BRIGHT
COMMISSIONER

BILL LEE
GOVERNOR

December 27, 2019

The Honorable Rusty Barnett
Mayor of Carter County
801 East Elk Avenue, Suite 201
Elizabethton, TN 37643
(423) 542-1801

RE: PROPOSAL TO COUNTY OF CARTER

Federal Project No.: NH-67(36)
State Project No.: 10007-4233-04
County of Carter
Pin No.: 128732.00

Near LM 14.2 (Slope Stabilization) (February 2019 Flood) Route: SR-67

Dear Mayor Barnett:

A TDOT Right of Way Agent is handing you one (1) set of plans and three (3) copies of the proposal on the above referenced project. The State representative handing you the proposal will be willing to answer any questions you may have or obtain the answers for you. **Following acceptance, three (3) copies of each proposal should be returned to me, each accompanied by a certified copy of the ordinance or resolution, whichever is applicable.** An example of a resolution with the necessary legal language is attached.

It is to be noted that we cannot begin buying the rights-of-way for this project until the county has accepted the proposal and same has been reviewed and approved by the Department attorney. Therefore, your earliest attention to this matter will be appreciated.

We appreciate your cooperation and if we can be of assistance in any way, please do not hesitate to give us a call.

Yours truly,

Gaylon Hill
ROW Manager 2
Project Development Teams
GH/bp - Attachment

PROPOSAL

**OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF TENNESSEE
TO THE COUNTY OF CARTER, TENNESSEE:**

The DEPARTMENT OF TRANSPORTATION of the State of Tennessee, hereinafter "DEPARTMENT", proposes to construct a project in the County of Carter, Tennessee, hereinafter "COUNTY", designated as Federal Project No. NH-67(36), State Project No. 10007-4233-04, that is described as "near LM 14.2 (Slope Stabilization) (February 2019 Flood) Route: SR-67", provided the COUNTY agrees to cooperate with the DEPARTMENT as set forth in this proposal, so that the general highway program may be carried out in accordance with the intent of the General Assembly of the State.

Accordingly, the parties agree as follows:

1. That in the event any civil actions in inverse condemnation or for damages are instituted by reason of the DEPARTMENT, or its contractor, going upon the highway right-of-way and easements, and constructing said project in accordance with the plans and as necessary to make the completed project functional, it will notify in writing the Attorney General of the State, whose address is 425 Fifth Avenue North, Nashville, Tennessee, 37243, of the institution of each civil action, the complaint and all subsequent pleadings, within ten (10) days after the service of each of the same, under penalty of defending such actions and paying any judgments which result therefrom at its own expense.

2. The COUNTY will close or otherwise modify any of its roads or other public ways if indicated on the project plans, as provided by law.

3. The COUNTY will transfer or cause to be transferred to the DEPARTMENT, without cost to the DEPARTMENT, all land owned by the COUNTY or by any of its instrumentalities as

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required for right-of-way or easement purposes, provided such land is being used or dedicated for road or other public way purposes.

4. Where privately, publicly or cooperatively owned utility lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similar commodities, including publicly owned facilities such as fire and police signal systems and street lighting systems are located within the right-of-way of any road or other public way owned by the COUNTY, or any of its instrumentalities, the COUNTY agrees that it will take any action necessary to require the removal or adjustment of any of the above-described facilities as would conflict with the construction of the project. But the foregoing may not be a duty of the COUNTY since it shall become operative only after the DEPARTMENT has been unsuccessful in its efforts to provide for said removals or adjustments for the benefit of the COUNTY.

The foregoing does not apply to those utility facilities which are owned by the COUNTY or one of its instrumentalities, it being understood that the COUNTY has the duty to relocate or adjust such facilities, if required, provided the COUNTY is notified to do so by the DEPARTMENT with detailed advice as to this duty of the COUNTY.

5. The COUNTY will maintain any frontage road to be constructed as part of the project;

6. After the project is completed and open to traffic, the COUNTY will accept jurisdiction and maintenance such parts of any existing DEPARTMENT highway to be replaced by the project, as shown on the attached map.

7. The COUNTY will make no changes or alter any segment of a road on its road system that lies within the limits of the right-of-way acquired for any interchange to be constructed as part of the project and will not permit the installation or relocation of any utility

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facilities within the right-of-way of any such a segment of one of its roads without first obtaining the approval of the DEPARTMENT.

8. No provision hereof shall be construed as changing the maintenance responsibility of the COUNTY for such part of the project as may presently be on its highway, street, road or bridge system.

9. It is understood and agreed between the DEPARTMENT and the COUNTY that all traffic control signs for the control of traffic on a street under the jurisdiction of the COUNTY and located within the DEPARTMENT's right-of-way shall be maintained and replaced by the COUNTY.

10. When traffic control devices for the direction or warning of traffic, lighting of roadways or signing, or any of them, which are operated or function by the use of electric current are constructed or installed as part of the project, they will be furnished with electricity and maintained by the COUNTY.

11. If, as a result of acquisition and use of right-of-way for the project, any building and/or structure improvements become in violation of a COUNTY setback line or building and/or structure requirement, including, but not limited to, on-premise signs, the COUNTY agrees to waive enforcement of the COUNTY setback line or building and/or structure requirement and take other proper governmental action as necessary to accomplish such waiver.

12. If, as a result of acquisition and use of right-of-way for the project, any real property retained by any property owner shall become in violation of a COUNTY zoning regulation or requirement, the COUNTY agrees to waive enforcement of the COUNTY zoning regulation or requirement and take other proper governmental action as necessary to accomplish such waiver.

13. The COUNTY will not authorize encroachments of any kind upon the right-of-way, nor will the COUNTY authorize use of the easements for the project in any manner which affects

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the DEPARTMENT's use thereof.

14. The COUNTY will obtain the approval of the DEPARTMENT before authorizing parking on the right-of-way and easements for the project.

15 The COUNTY will not install or maintain any device for the purpose of regulating the movement of traffic on the roadway except as warranted and in conformity with the Manual on Uniform Traffic Control Devices.

16. If the project is classified as full access control (i.e. a project which has no intersecting streets at grade), then the DEPARTMENT will maintain the completed project. If the project is not classified as full access control, then the DEPARTMENT will maintain the pavement from curb to curb where curbs exist, or will maintain full width of the roadway where no curb exist. The COUNTY agrees to maintain all other parts of non-access control projects; provided, however, that any retaining walls, box culverts, or other like structures constructed as part of the project that supports the structural integrity or stability of the roadway surface shall be maintained by the DEPARTMENT.

17. If a sidewalk is constructed as a component of this project, the COUNTY shall be responsible for maintenance of the sidewalk and shall assume all liability for third-party claims for damages arising from its use of the sidewalk or premises beyond the DEPARTMENT'S maintenance responsibilities as set forth in section 16 of this proposal.

18. When said project is completed, the COUNTY thereafter will not permit any additional median crossovers, the cutting of the pavement, curbs, gutters and sidewalks, by any person, firm, corporation, or governmental agency, without first obtaining the approval of the DEPARTMENT.

19. The DEPARTMENT will acquire the right-of-way and easements, construct the project and defend any inverse condemnation for damage or civil actions of which the Attorney

General has received the notice and pleadings provided for herein; provided, however, that if the project is being constructed pursuant to a contract administered by the DEPARTMENT's Local Programs Development Office, the terms of that contract shall control in the event of a conflict with this proposal.

20. The project plans hereinbefore identified by number and description are incorporated herein by reference and shall be considered a part of this proposal, including any revisions or amendments thereto, provided a copy of each is furnished the COUNTY.

21. The acceptance of this proposal shall be evidenced by the passage of a resolution or by other proper governmental action, which shall incorporate this proposal verbatim or make reference thereto.

IN WITNESS WHEREOF, the DEPARTMENT has caused this proposal to be executed by its duly authorized official on this the ____ day of _____, 20__.

THE COUNTY OF _____, TENNESSEE

BY: Russell Barnett
MAYOR

DATE: 2-18-20

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

BY: _____
CLAY BRIGHT
COMMISSIONER

DATE: _____

APPROVED AS TO FORM AND LEGALITY:

BY: _____
JOHN REINBOLD
GENERAL COUNSEL

DATE: _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR CARTER COUNTY, TENNESSEE

REGULAR MEETING, TUESDAY, FEBRUARY 18, 2020

RESOLUTION NO. 759

"ACCEPTANCE OF THE PROPOSAL OF THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO CONSTRUCT A PROJECT DESIGNATED AS FEDERAL PROJECT NO.: NH-67(37), STATE PROJECT NO. 10007-4236-04, SR 67 SLOPE STABILIZATION (NEAR LM 13.8)"

WHEREAS, the Tennessee Department of Transportation has presented a Proposal to the County of Carter, Tennessee, concerning Federal Project No. NH-67(37), State Project No. 10007-4236-04, (Near LM 13.8) (Slope Stabilization) (February 2019 Flood) Route: SR-67; and

WHEREAS, the Board of County Commissioners for Carter County, Tennessee has determined that the above referenced project will benefit Carter County, Tennessee and the citizens thereof; and

WHEREAS, the Board of County Commissioners for Carter County, Tennessee wishes to cooperate with the State of Tennessee, Department of Transportation, with its proposed project in Carter County, Tennessee; and

WHEREAS, said Proposal is incorporated herein by reference, the same as if copied herein verbatim, with a copy of said Proposal attached hereto; and

WHEREAS, the terms and conditions of said Proposal to the County of Carter, Tennessee as submitted by the State of Tennessee, Department of Transportation, are accepted and approved by the Board of County Commissioners for Carter County, Tennessee, and Carter County shall fulfill all obligations concomitant thereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for Carter County, Tennessee, meeting in regular session on this the 18th day of February, 2020, with a lawful quorum of said Board being present and with a majority voting in the affirmative that this Resolution is hereby duly passed and approved.

BE IT FURTHER RESOLVED that this Resolution shall take effect from and after the date of its approval the welfare of the county demanding.

Reviewed and approved by the Highway Committee on February 18, 2020.


Committee Chairperson

Adopted this 18th day of February, 2020.

CARTER COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS

APPROVED:

By:


RAY LYONS, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

APPROVED:

By: *Russell Barnett*
RUSSELL BARNETT
CARTER COUNTY MAYOR

VETOED:

By: _____
RUSSELL BARNETT
CARTER COUNTY MAYOR

Date: _____

VETO OVERRIDE VOTE:

_____ YES VOTES
_____ NO VOTES
_____ ABSTAIN VOTES

ATTEST:

Mary Gouge
MARY GOUGE
CARTER COUNTY CLERK

APPROVED AS TO FORM:

Joshua A. Hardin
JOSHUA A. HARDIN
CARTER COUNTY ATTORNEY



STATE OF TENNESSEE
 DEPARTMENT OF TRANSPORTATION
 REGION 1 RIGHT OF WAY OFFICE
 P. O. BOX 58
 KNOXVILLE, TENNESSEE 37901
 (865) 594-2486

CLAY BRIGHT
 COMMISSIONER

BILL LEE
 GOVERNOR

December 27, 2019

The Honorable Rusty Barnett
 Mayor of Carter County
 801 East Elk Avenue, Suite 201
 Elizabethton, TN 37643
 (423) 542-1801

RE: PROPOSAL TO COUNTY OF CARTER
 Federal Project No.: NH-67(37)
 State Project No.: 10007-4236-04
 County of Carter
 Pin No.: 128734.00

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Near LM 13.8 (Slope Stabilization) (February 2019 Flood) Route: SR-67

Dear Mayor Barnett:

A TDOT Right of Way Agent is handing you one (1) set of plans and three (3) copies of the proposal on the above referenced project. The State representative handing you the proposal will be willing to answer any questions you may have or obtain the answers for you. **Following acceptance, three (3) copies of each proposal should be returned to me, each accompanied by a certified copy of the ordinance or resolution, whichever is applicable.** An example of a resolution with the necessary legal language is attached.

It is to be noted that we cannot begin buying the rights-of-way for this project until the county has accepted the proposal and same has been reviewed and approved by the Department attorney. Therefore, your earliest attention to this matter will be appreciated.

We appreciate your cooperation and if we can be of assistance in any way, please do not hesitate to give us a call.

Yours truly,

Gaylon Hill
 ROW Manager 2
 Project Development Teams
 GH/bp - Attachment

PROPOSAL
OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF TENNESSEE
TO THE COUNTY OF CARTER, TENNESSEE:

The DEPARTMENT OF TRANSPORTATION of the State of Tennessee, hereinafter "DEPARTMENT", proposes to construct a project in the County of Carter, Tennessee, hereinafter "COUNTY", designated as Federal Project No. NH-67(37), State Project No. 10007-4236-04, that is described as "near LM 13.8 (Slope Stabilization) (February 2019 Flood) Route: SR-67", provided the COUNTY agrees to cooperate with the DEPARTMENT as set forth in this proposal, so that the general highway program may be carried out in accordance with the intent of the General Assembly of the State.

Accordingly, the parties agree as follows:

1. That in the event any civil actions in inverse condemnation or for damages are instituted by reason of the DEPARTMENT, or its contractor, going upon the highway right-of-way and easements, and constructing said project in accordance with the plans and as necessary to make the completed project functional, it will notify in writing the Attorney General of the State, whose address is 425 Fifth Avenue North, Nashville, Tennessee, 37243, of the institution of each civil action, the complaint and all subsequent pleadings, within ten (10) days after the service of each of the same, under penalty of defending such actions and paying any judgments which result therefrom at its own expense.
2. The COUNTY will close or otherwise modify any of its roads or other public ways if indicated on the project plans, as provided by law.
3. The COUNTY will transfer or cause to be transferred to the DEPARTMENT, without cost to the DEPARTMENT, all land owned by the COUNTY or by any of its instrumentalities as

required for right-of-way or easement purposes, provided such land is being used or dedicated for road or other public way purposes.

4. Where privately, publicly or cooperatively owned utility lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similar commodities, including publicly owned facilities such as fire and police signal systems and street lighting systems are located within the right-of-way of any road or other public way owned by the COUNTY, or any of its instrumentalities, the COUNTY agrees that it will take any action necessary to require the removal or adjustment of any of the above-described facilities as would conflict with the construction of the project. But the foregoing may not be a duty of the COUNTY since it shall become operative only after the DEPARTMENT has been unsuccessful in its efforts to provide for said removals or adjustments for the benefit of the COUNTY.

The foregoing does not apply to those utility facilities which are owned by the COUNTY or one of its instrumentalities, it being understood that the COUNTY has the duty to relocate or adjust such facilities, if required, provided the COUNTY is notified to do so by the DEPARTMENT with detailed advice as to this duty of the COUNTY.

5. The COUNTY will maintain any frontage road to be constructed as part of the project;

6. After the project is completed and open to traffic, the COUNTY will accept jurisdiction and maintenance such parts of any existing DEPARTMENT highway to be replaced by the project, as shown on the attached map.

7. The COUNTY will make no changes or alter any segment of a road on its road system that lies within the limits of the right-of-way acquired for any interchange to be constructed as part of the project and will not permit the installation or relocation of any utility

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facilities within the right-of-way of any such a segment of one of its roads without first obtaining the approval of the DEPARTMENT.

8. No provision hereof shall be construed as changing the maintenance responsibility of the COUNTY for such part of the project as may presently be on its highway, street, road or bridge system.

9. It is understood and agreed between the DEPARTMENT and the COUNTY that all traffic control signs for the control of traffic on a street under the jurisdiction of the COUNTY and located within the DEPARTMENT's right-of-way shall be maintained and replaced by the COUNTY.

10. When traffic control devices for the direction or warning of traffic, lighting of roadways or signing, or any of them, which are operated or function by the use of electric current are constructed or installed as part of the project, they will be furnished with electricity and maintained by the COUNTY.

11. If, as a result of acquisition and use of right-of-way for the project, any building and/or structure improvements become in violation of a COUNTY setback line or building and/or structure requirement, including, but not limited to, on-premise signs, the COUNTY agrees to waive enforcement of the COUNTY setback line or building and/or structure requirement and take other proper governmental action as necessary to accomplish such waiver.

12. If, as a result of acquisition and use of right-of-way for the project, any real property retained by any property owner shall become in violation of a COUNTY zoning regulation or requirement, the COUNTY agrees to waive enforcement of the COUNTY zoning regulation or requirement and take other proper governmental action as necessary to accomplish such waiver.

13. The COUNTY will not authorize encroachments of any kind upon the right-of-way, nor will the COUNTY authorize use of the easements for the project in any manner which affects

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the DEPARTMENT's use thereof.

14. The COUNTY will obtain the approval of the DEPARTMENT before authorizing parking on the right-of-way and easements for the project.

15 The COUNTY will not install or maintain any device for the purpose of regulating the movement of traffic on the roadway except as warranted and in conformity with the Manual on Uniform Traffic Control Devices.

16. If the project is classified as full access control (i.e. a project which has no intersecting streets at grade), then the DEPARTMENT will maintain the completed project. If the project is not classified as full access control, then the DEPARTMENT will maintain the pavement from curb to curb where curbs exist, or will maintain full width of the roadway where no curb exist. The COUNTY agrees to maintain all other parts of non-access control projects; provided, however, that any retaining walls, box culverts, or other like structures constructed as part of the project that supports the structural integrity or stability of the roadway surface shall be maintained by the DEPARTMENT.

17. If a sidewalk is constructed as a component of this project, the COUNTY shall be responsible for maintenance of the sidewalk and shall assume all liability for third-party claims for damages arising from its use of the sidewalk or premises beyond the DEPARTMENT'S maintenance responsibilities as set forth in section 16 of this proposal.

18. When said project is completed, the COUNTY thereafter will not permit any additional median crossovers, the cutting of the pavement, curbs, gutters and sidewalks, by any person, firm, corporation, or governmental agency, without first obtaining the approval of the DEPARTMENT.

19. The DEPARTMENT will acquire the right-of-way and easements, construct the project and defend any inverse condemnation for damage or civil actions of which the Attorney

General has received the notice and pleadings provided for herein; provided, however, that if the project is being constructed pursuant to a contract administered by the DEPARTMENT's Local Programs Development Office, the terms of that contract shall control in the event of a conflict with this proposal.

20. The project plans hereinbefore identified by number and description are incorporated herein by reference and shall be considered a part of this proposal, including any revisions or amendments thereto, provided a copy of each is furnished the COUNTY.

21. The acceptance of this proposal shall be evidenced by the passage of a resolution or by other proper governmental action, which shall incorporate this proposal verbatim or make reference thereto.

IN WITNESS WHEREOF, the DEPARTMENT has caused this proposal to be executed by its duly authorized official on this the ____ day of _____, 20__.

THE COUNTY OF _____, TENNESSEE

BY: Russell Barnett
MAYOR

DATE: 2-18-20

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

BY: _____
CLAY BRIGHT
COMMISSIONER

DATE: _____

APPROVED AS TO FORM AND LEGALITY:

BY: _____
JOHN REINBOLD
GENERAL COUNSEL

DATE: _____

Carter County, Tennessee
General Fund #101
Fiscal Year Ending June 30, 2020
Budget Amendment #7
February 18, 2020

Item #	Category	Line Item	Program #	Description	\$ Amount		Increase/Decrease
					Debit	Credit	
1	51800	531		Access Fees			
	51800	599		Other Charges	400.00	0.00	Increase
<i>To reallocate funds within the county buildings budget.</i>					0.00	400.00	Decrease
2	53400	719		Office Equipment			
	53400	336		Maintenance and Repair - Equipment	0.00	336.26	Decrease
<i>To reallocate funds within the Clerk and Master's budget.</i>					336.26	0.00	Increase
3	58100	320		Dues and Memberships			
	58100	495		Office Supplies	300.00	0.00	Increase
<i>To reallocate funds within the circuit court clerk's budget.</i>					0.00	300.00	Decrease
4	53300	201		Social Security			
	53300	307		Communication	0.00	1,361.79	Decrease
	53300	451		Uniforms	103.40	0.00	Increase
	53300	719		Office Equipment	258.39	0.00	Increase
<i>To reallocate funds within the General Sessions Judge category</i>					1,000.00	0.00	Increase
5	48610	401		Donations			
	55120			Animal Food and Supplies	0.00	2,500.00	Increase
<i>To appropriate donations to the animal shelter to purchase animal food and supplies.</i>					2,500.00	0.00	Increase
6	51500	384		Maintenance Agreements (Microvote)	500.00	0.00	Increase
	51500	499		Other Supplies and Materials	0.00	500.00	Decrease
<i>To reallocate funds within the Election Commission budget.</i>							
7	52100	207		Medical Insurance	4,248.53	0.00	Increase
	39000			Unassigned Fund Balance	0.00	4,248.53	Decrease
<i>To appropriate unassigned fund balance to reimburse an employee of the Finance Department who paid a portion (10%) of her medical insurance premiums from 2014 through September 2019 even though she should not have been required to. The employee was hired prior to the cut-off date (November 16, 2009) for free individual insurance. The employee was hired full-time by the School Department in August 2002, then transferred to the county on June 16, 2014.</i>							
8	49700	338		Insurance Recovery			
	54110			Maintenance and Repair Services - Vehicles	0.00	47,302.13	Increase
	54110		718	Motor Vehicles	7,609.28	0.00	Increase
<i>To appropriate insurance proceeds to purchase a vehicle and make repairs to wrecked patrol cars. Insurance was received for damage to vehicle number 2, 7, 16, 98, 109, and 129 (total loss).</i>					39,692.85	0.00	Increase

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RECEIVED
 02-11-2020 @ 9:55 AM
[Signature]

9	54110	353		Towing Services		0.00	1,000.00	Decrease
	54110	355		Travel			0.00	Increase
	54110	442		Propane Gas		9,420.75	0.00	Increase
	54110	451		Uniforms		0.00	214.00	Decrease
	54110	524		In-Service/Staff Development		8,000.00	0.00	Increase
	54210	196		In-Service Training		0.00	477.00	Decrease
	54210	451		Uniforms		0.00	9,200.00	Decrease
	54210	524		In-Service/Staff Development		0.00	8,000.00	Decrease
						1,470.24	0.00	Increase
<i>To reallocate funds between and within the Sheriff's Department and Jail categories.</i>								
10	46990		041	Other State Revenue - Sheriff		0.00	379.11	Increase
	54110	355		Travel		339.11	0.00	Increase
	54110	435		Office Supplies		40.00	0.00	Increase
<i>To recognize and appropriate payments received by Sheriff's Department from State of TN for inmate medical records and a Lexis-Nexis settlement.</i>								
11	44170		041	Miscellaneous Refunds - Sheriff		0.00	302.50	Increase
	54210	340	001	Medical and Dental Services		302.50	0.00	Increase
<i>To recognize and appropriate a refund from overpayment of inmate medical bills.</i>								
12	49350			Copy Fees		0.00	241.25	Increase
	44560			Damages Recovered From Individuals		0.00	420.00	Increase
	44990		041	Other Local Revenue		0.00	1,422.50	Increase
	54110	336		Maintenance and Repair Services - Equipment		1,422.50	0.00	Increase
	54110	355		Travel		241.25	0.00	Increase
	54210	335		Maintenance and Repair Services - Buildings		420.00	0.00	Increase
<i>To recognize and appropriate funds received from inmates/former inmates for damages to the jail and to recognize and appropriate other funds received by the Sheriff's Department.</i>								
13	44990		041	Other Local Revenue		0.00	40.00	Increase
	54110	435		Office Supplies		40.00	0.00	Increase
<i>To recognize and appropriate funds received for providing medical records (Sheriff's Department).</i>								
14	46810			Health Department Programs		0.00	5,086.42	Increase
	55110	512	052	Workers Compensation Insurance		7,892.94	0.00	Increase
	55110	506	052	Liability Insurance		0.00	1,856.52	Decrease
<i>To recognize increase in state grant funds and reallocate for workers comp insurance charges for health department employees.</i>								
15	52100	599		Other Charges		3,400.00	0.00	Increase
	51100	308		Consultants		0.00	3,400.00	Decrease
<i>To reallocate funds for training costs associated with Skyward's TruTime module (time keeping system). Funds are available for reallocation in the Consultants line item since \$44,500 was appropriated for the compensation study, but the actual cost will be \$26,000.</i>								
16	51800	799	060	Other Capital Outlay		0.00	3,000.00	Decrease
	51800	711	060	Furniture and Fixtures		3,000.00	0.00	Increase
<i>To reallocate funds for purchases related to the Health Department's Special Needs grant.</i>								

17	51720	162		Clerical Personnel				
	51720	169		Part-time Personnel		0.00	11,584.79	Decrease
<i>To reallocate funds within the planning department for a part-time employee.</i>								
Total						104,517.81	104,517.81	
From Fund Balance							4,243.53	
From Unassigned Fund Balance							4,243.53	

Carter County
Solid Waste/Sanitation Fund #116
Fiscal Year Ending June 30, 2020
Budget Amendment #6
February 18, 2020

Item #	Category	Line Item	Program #	Description	\$ Amount		Increase/Decrease
					Debit	Credit	
1	55751	730	915	Solid Waste Equipment			
	55751	799	915	Other Capital Outlay	0.00	41,000.00	Decrease
					41,000.00	0.00	Increase
<i>To reallocate funds related to fire at recycling center</i>							
2	55754	435		Office Supplies	100.00	0.00	Increase
	55754	599		Other Charges	0.00	100.00	Decrease
<i>To reallocate funds within Landfill category</i>							
3	55751	336		Maintenance and Repair Services - Equipment	0.00	2,000.00	Decrease
	55751	442		Propane Gas	2,000.00	0.00	Increase
<i>To reallocate funds within recycling center category.</i>							
Total					43,100.00	43,100.00	
From Unassigned Fund Balance							0.00

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Carter County, Tennessee
Health Department Fund
Fiscal Year Ending June 30, 2020
Budget Amendment #1
February 18, 2020

Item #	Category	Line Item	Description	\$ Amount		Increase/Decrease	
				Debit	Credit		
1	55110	307	Communication				
	55110	399	Other Contracted Services	6,000.00	0.00	Increase/	
	55110	599	Other Charges	0.00	4,000.00	Decrease	
					0.00	2,000.00	Decrease
<i>To reallocate within Health Department Fund</i>							
Total					6,000.00	6,000.00	
From Unassigned Fund Balance							0.00

Carter County, Tennessee
Drug Control Fund #122
Fiscal Year Ending June 30, 2020
Budget Amendment #5
February 18, 2020

Item #	Category	Line Item	Description	\$ Amount		Increase/Decrease
				Debit	Credit	
1	54110	355	Travel			
	54110	499	Other Supplies and Materials	0.00	864.00	Decrease
				864.00	0.00	Increase
<i>To reallocate for DARE purchases</i>						
2	54110	716	Law Enforcement Equipment	0.00	798.02	Decrease
	54110	718	Motor Vehicles	798.02	0.00	Increase
<i>To reallocate funds to pay balance on purchase price of leased vehicles.</i>						
Total				1,662.02	1,662.02	
				From Designated Fund Balance		0.00

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Carter County, Tennessee
Highway/Public Works Fund #131
Fiscal Year Ending June 30, 2020
Budget Amendment #7
February 18, 2020

Item #	Category	Line Item	Description	\$ Amount		Increase/Decrease
				Debit	Credit	
1	62000	404	Asphalt - Hot Mix			
	62000	361	Permits	0.00	3,100.00	Decrease
				3,100.00	0.00	Increase
<i>To reallocate within category for bridge permits.</i>						
2	62000	444	Salt	0.00	4,000.00	Decrease
	61000	708	Communication Equipment	4,000.00	0.00	Increase
<i>To reallocate between categories for costs of relocating radio tower.</i>						
Total				7,100.00	7,100.00	
				From Fund Balance		0.00
				From Designated Fund Balance		0.00

Carter County
 General Purpose School Fund #141
 Fiscal Year Ending June 30, 2020
 Budget Amendment #7
 February 18, 2020

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Item #	Category	Line Item	Program #	Description	\$ Amount		Increase/Decrease
1	47590			Other Federal Through State	0.00	1,099.66	Increase
	72290	168		Temporary Personnel	1,021.52	0.00	Increase
	72290	201		Social Security	63.33	0.00	Increase
	72290	212		Employer Medicare	14.81	0.00	Increase
	<i>Recognize balance of Work Based Learning Grant</i>						
2	73400	204		Pensions	0.00	2,300.00	Decrease
	73400	210		Unemployment Compensation	105.00	0.00	Increase
	73400	217		Retirement - Hybrid Stabilization	14.60	0.00	Increase
	73400	351		Rentals	150.00	0.00	Increase
	73400	429		Instructional Supplies and Materials	2,045.00	0.00	Increase
	73400	499		Other Supplies and Materials	624.60	0.00	Increase
	73400	599		Other Charges	0.00	639.20	Decrease
	<i>To reallocate within Early Childhood Education Program.</i>						
3	39000			Unassigned Fund Balance	0.00	4,340.15	Decrease
	72130	790	810	Other Equipment	4,340.15	0.00	Increase
<i>To appropriate unassigned fund balance for increase in costs for window tinting partially funded with School Safety Grant</i>							
4	71300	429		Instructional Supplies and Materials	0.00	350.00	Decrease
	72230	435		Office Supplies	350.00	0.00	Increase
<i>To reappropriate between Vocational classroom and non-classroom</i>							
5	72410	355		Travel	800.00	0.00	Increase
	39000			Unassigned Fund Balance	0.00	800.00	Decrease
<i>To appropriate unassigned fund balance for travel costs incurred by school bookkeepers traveling to monthly meetings at the Training Center and trips to the bank for deposits.</i>							
6	72250	333		Licenses	2,500.00	0.00	Increase
	72250	336		Maintenance and Repair - Equipment	2,295.00	0.00	Increase
	72250	435		Office Supplies	525.00	0.00	Increase
	72250	524		In-service/Staff Development	500.00	0.00	Increase
	72250	709		Data Processing Equipment	1,500.00	0.00	Increase
	72250	722		Regular Instruction Equipment	0.00	7,320.00	Decrease
<i>To reallocate within Technology category</i>							

7	72230	435	Office Supplies					
	72230	471	Software	3,300.00	0.00	Increase		
	72130	435	Office Supplies	4,863.00	0.00	Increase		
	72130	471	Software	0.00	3,300.00	Decrease		
				0.00	4,863.00	Decrease		
<i>To reallocate Vocational amendments to proper account numbers</i>								
8	72210	105	Supervisor/Director	38,500.00	0.00	Increase		
	72210	161	Secretary	5,300.00	0.00	Increase		
	72210	189	Other Salaries and Wages	0.00	43,800.00	Decrease		
<i>To reallocate funds for a portion of a central office supervisor salary and a secretary salary budgeted in #189</i>								
9	71200	429	Instructional Supplies and Materials	0.00	15,000.00	Decrease		
	71200	725	Special Education Equipment	0.00	10,000.00	Decrease		
	72220	312	Contracts With Private Agencies	35,700.00	0.00	Increase		
	72220	429	Instructional Supplies and Materials	0.00	200.00	Decrease		
	72220	499	Other Supplies and Materials	0.00	5,000.00	Decrease		
	72220	524	In-Service/Staff Development	10,000.00	0.00	Increase		
	72220	599	Other Charges	0.00	13,000.00	Decrease		
	72220	790	Other Equipment	0.00	2,500.00	Decrease		
<i>To reallocate between Special Education classroom and non-classroom and within non-classroom category</i>								
10	72620	335	Maintenance and Repair - Buildings	10,453.00	0.00	Increase		
	72620	336	Maintenance and Repair - Equipment	10,453.00	0.00	Increase		
	72620	351	Rentals	2,500.00	0.00	Increase		
	72620	399	Other Contracted Services	0.00	38,556.00	Decrease		
	72620	443	Road Signs	150.00	0.00	Increase		
	72620	712	HVAC Equipment	15,000.00	0.00	Increase		
<i>To reallocate within Maintenance of Plant category</i>								
11	72320	334	Maintenance Agreements	2,433.00	0.00	Increase		
	72310	336	Maintenance & Repair - Equipment	0.00	2,433.00	Decrease		
<i>To reallocate within Director of Schools category</i>								
Total				155,501.01	155,501.01			
From Fund Balance					5,140.15			
From GPS Unassigned Fund Balance					5,140.15			

Carter County, Tennessee
Central Cafeteria Fund #143
Fiscal Year Ending June 30, 2020
Budget Amendment #5
February 18, 2020

Item #	Category	Line Item	Description	\$ Amount		Increase/Decrease
				Debit	Credit	
1	78100	422	Food Supplies		208,347.00	Decrease
		469	USDA Commodities	0.00	0.00	Increase
<i>To reallocate estimated USDA Commodities</i>						
Total				208,347.00	208,347.00	
From Unassigned Fund Balance					0.00	

Carter County, Tennessee							
General Fund #101							
Fiscal Year Ending June 30, 2020							
Budget Amendment #7A							
February 18, 2020							
Item #	Category	Line Item	Program #	Description	\$ Amount		Increase/Decrease
					Debit	Credit	
1	58400	103		Assistants			
	58400	201		Social Security	12,076.89	0.00	Increase
	58400	204		Pensions	748.77	0.00	Increase
	58400	206		Life Insurance	1,804.29	0.00	Increase
	58400	210		Unemployment Compensation	9.00	0.00	Increase
	58400	212		Employer Medicare	46.00	0.00	Increase
	34720		001	Assigned for Administration of Justice (Chancery Court)	175.11	0.00	Increase
					0.00	14,860.06	Decrease
<i>To allocate reserved fund balance for salary and benefits for the incoming Clerk and Master who will be working in the office.</i>							
				Total	14,860.06	14,860.06	
				From Fund Balance		14,860.06	
				From Unassigned Fund Balance			

Final Revision 2/18/2020 @ 9:50 A.M.

COUNTY ATTORNEY REPORT
FEBRUARY 2020

DRAFT

General Litigation update:

1. Carter County v. Delinquent taxpayers (2017 tax year) – Carter County Chancery Court, Delinquent Tax Sale to be conducted March 13, 2020 beginning at 9 a.m.

Other Work performed/ongoing:

1. Research completed and opinions rendered for various county office holders and commissioners as requested.
2. Landfill Committee – Assist with property donation issue.
3. Circuit Court Clerk – Continued assistance with bond forfeiture issue.
4. County Commission – Ongoing assistance and coordination with counsel representing the county's interests re: opioid litigation; Submission of approved EMS TennCare Reimbursement Resolution to State Representatives for formal action in Tennessee General Assembly; Research and correspond with District Attorney re: constable issue.
5. Health and Welfare Committee- Attended Committee meeting.
6. Rules & Bylaws Committee - Attended Committee meeting; Research and Draft of Standing Committee Appointment Procedure Resolution; Preparation of Electronic Tablet Policy and Procedures.
7. Buildings and Grounds Committee - Attended Committee meeting; Research re: TDOC lease.
8. Mayor's office – Research regarding gun carry and posting requirements for courthouse.
9. Financial Management Committee – Attended Committee meeting; Review Contract for compensation study and propose revisions.
10. Finance Department – Review all pending litigation and provide annual report for audit purposes.
11. County Clerk –Research and assist with surplus property issue.
12. Planning Commission - Continued work on all active litter code cases; complete research regarding Distillery requirements.
13. Law Enforcement Committee – Additional research and assistance re: animal control regulations.
14. Highway Committee – Draft of three Resolutions for approval of TDOT projects.
15. Highway Department – Research and assist Road Superintendent with utility damage issue; Title research regarding drainage easement on Rittertown Road; Finalize ROW acquisition and record all documentation for Hidden Oaks Lane; Title Research re: J.N. Nidiffer Lane potential road closure.

AGREEMENT

This INTERLOCAL AGREEMENT is hereby made and entered into by and between CARTER COUNTY, TENNESSEE, a political subdivision of the State of Tennessee, (hereinafter "County") and Stoney Creek Volunteer Fire Department, Inc. acting by and through its duly authorized board of directors (hereinafter referred to as "SCVFD").

WHEREAS, pursuant to the Interlocal Cooperation Act as codified at Tennessee Code Annotated § 12-9-101 et seq., any one or more public agencies may contract with another public agency for the transfer of personal property if the public agency receiving the transfer utilizes the property for a public purpose and the transfer is authorized by the governing body of each public agency involved; and

WHEREAS, County and SCVFD are desirous of entering into this agreement for the purpose of facilitating the transfer of an air compressor from County which had been utilized at the Carter County Landfill to SCVFD to be utilized for a public purpose consistent with the mission of SCVFD for the benefit of the citizens of Carter County.

NOW, THEREFORE, the parties agree as follows:

1. County shall transfer ownership and possession of an air compressor from the Carter County Landfill to SCVFD at no cost.
2. SCVFD shall utilize said air compressor for a public purpose consistent with the mission of SCVFD for the overall benefit and welfare of the citizens of Carter County.
3. This Agreement shall require no new funds from either party hereto.
4. The property transferred by this Agreement is transferred and accepted "as is" with all defects and/or faults and no expressed or implied warranties whatsoever are made as to the condition or suitability for use of said property. By accepting said property SCVFD assumes all risk and liability which may arise in connection with the ownership and/or operation of said property, and shall fully indemnify and hold harmless County for any claims arising from its ownership and/or operation of said property.
5. This Agreement shall become effective upon approval by each of the governing bodies of the participating entities, and upon execution of the Agreement by the authorized officials representing each.
6. 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 governing body of each party.

Carter County, Tennessee

2-18-20

Date Approved by Legislative Body

BY:

Russell Barnett
Russell Barnett, Mayor

2-18-20

Date Signed

DRAFT

Stoney Creek Volunteer Fire Department, Inc.

2-21-20

Date Approved by Governing Body

BY:

Jack Buckles
Jack Buckles, Chief

2-21-20

Date Signed