

**Carter County Planning Commission**  
**Meeting Minutes**  
**March 2011**

**MEMBERS PRESENT**

**Members Absent**

Ralph Watson, Chairman	Steve Pierce, Vice-Chairman
Russell Kyte	Steve Chambers
Mary Ann Patton	Dickie Renfro
Richard Winters	Bob Lee Townsend
Bill Armstrong	Jerry Smith
Jack Campbell	Pam Huber

**STAFF MEMBERS PRESENT**

Chris Schuettler, Director  
Jim Church, Assistant Director  
Justyn Markland & Tony Gouge, Codes Enforcement  
Jack Hampton, Permits

**County Officials Present**

Leon Humphrey, Mayor

**LOCAL PLANNING STAFF PRESENT**

Charles Anderson

The Vice-Chairman called the meeting to order. Roll called and all members were present. Mr. Jerry Pearman requested by letter that his name be added to the roll for this meeting as present. A letter was read later in the meeting regarding his request. Motion made to approve February meeting minutes by Mr. Winters and seconded by Mr. Townsend. Motion to approve passed unanimously.

**Public Comments/Unfinished Business:**

1. **Sherry Sheets, Humphrey Lane.** Mrs. Sheets requested help with the condition of her road, Humphrey Lane, in the Central Community, stating the condition of the road has been an ongoing problem for many years. Mr. Schuettler said it would be brought before the Highway Committee at the next meeting. (At this point Mayor Humphrey stopped the meeting, by order of the fire marshal due to overcrowding of the conference room. The meeting was moved across the street to the criminal courtroom with the help of Sheriff Mathes. The meeting was then recalled to order by Mr. Pierce.
2. **Mr. Richard Phillips, Attorney for Jerry Pearman.** Mr. Phillips, attorney for Mr. Jerry Pearman, former county commissioner and member of the planning

commission, handed out letters to Mr. Anderson, Mr. Schuettler, and Chairman Watson regarding the reinstatement of Mr. Pearman on the planning commission to fulfill his term. Mr. Pearman requested to be put on the attendance roll call for this meeting. Mr. Pearman states in the letter, which was read aloud by Mr. Phillips, that he never resigned from the Planning and Zoning Board after he was not re-elected to the County Commission. The letter states that he was requested to vacate his seat on the board by Mayor Humphrey and feels the mayor had no right to do this since this could only be done by a vote of the commission itself. Mr. Pearman feels it is his right and duty to fulfill his term. Mr. Phillips and Mr. Humphrey disagree on the interpretation of the change in the March 2010 state law and a motion was made by Mr. Renfro and seconded by Mr. Winters to have the county attorney look at this for advisement.

**3. Mr. Bill Lyons, 188 E. L. Bowers Road.** Mr. Bill Lyons presented the 16-year water drainage problem on his property in the Lincoln Heights Subdivision. Photos were passed to show the accumulation of water after a hard rain (March 2011) on the properties in the area. He stated Mr. Perkins of the Highway Department told him that he could correct the problem, but lacked the funds. He stated that Mr. Perkins said, "the houses should never have been built there in the first place." Mr. Schuettler said he would see Mr. Perkins about this issue at the next Highway Committee meeting. Mr. Renfro said the Highway Department couldn't legally do any work on private property.

**4. Renee Whitaker/Roger Bunton.** A dispute between Roger Bunton and Renee Whitaker was carried over from the last meeting by each stating their case regarding the replacement of mobile homes on each of their properties. Mrs. Whitaker states she was not allowed to place a single wide trailer on her property, but Mr. Bunton has done so on his property after being granted a permit and replaced it outside the 6-month limit to do so. Mr. Bunton feels he should not have to remove the trailer on his property because he was given the permit, and the Home in question was a replacement of multiple homes that were on the property when it was purchased. It was done around the six month allotted time but it is covered by NCU (nonconforming use). The Whitaker property was not covered by NCU because the property in question had been subdivided. A double wide home is considered a stick built home in the state of Tennessee and can only be replaced by one of similar size or larger therefore not a single wide within six months. Mayor Humphrey stated that we need to be consistent with these decisions to avoid conflict. After discussion, Mr. Chambers made a motion to bring before the board any permit request of this type NCU prior to granting the permit to avoid future problems. The second was by Mr. Townsend. Motion passed.

**5. Issuing Agent.** The timeframe for the Issuing Agent request between the Planning Office and Nashville has caused confusion and will be taken up with Mr. Bainbridge when he comes to Carter County in the next few weeks. Mayor Humphrey said the contract was received in Nashville last week and Mr. Schuettler said they received it March 7, 2011.

**6. Camper Issue, Juanita Miller.** Mrs. Miller questioned the placement of a camper on a property after the burnout of a structure and the amount of time allowed to live in that camper as a permanent residence. "What is considered a full time residency limit

in this situation?" she asked. Mr. Anderson and Mr. Schuettler will research this issue. Mr. Pierce said we should make this determination for future decisions that may come before us.

- 7. Household Sprinklers, Mr. Dabbondanza.** Mr. Dabbondanza feels the requirement of household sprinkler installation is a good thing and offered to bring a burn trailer to Carter County to demonstrate a burn situation at no cost to the county, if we would like that demonstration. The members recognize the safety in having sprinklers, but the cost of installing sprinklers would be expensive for most people to do.
- 8. Trudy Brummitt.** Mrs. Brummitt continues to ask for the help of the board with an ongoing problem on her road. She would like the construction of the homes on her road to stop until the road is fixed. Commissioner VonCannon and Attorney Keith Bowers will give an answer on this situation at the next Highway Committee meeting on April 11, 2011. If the highway department turned down this request Mrs. Brummitt asked whom she could contact to get a final answer on what can be done.
- 9. Marshall Kamras.** Mr. Kamras complained about the number of cars still located on his neighbor's property. He has been before the board previously asking for help. Mr. Church and Mr. Kamras disagree on the number of tagged and untagged autos. If they are tagged they are allowed Mr. Church explained, Mr. Church stated that he would take the County Commissioners from that District to the property so they will be better informed on the subject.
- 10. Mrs. Dabbondanza, Siam Road Issue.** Mrs. Dabbondanza requested an update on the bridge that was constructed on private property on Siam Road. The structure, which is now covered, runs from the house to the mailbox. This has been turned over to the Highway Department and will be brought up at the next meeting on April 11, 2011. Mr. Schuettler will take this up with Mr. Perkins, since this could be a safety problem along this road due to the construction of the roof. The distance built from the edge of the road is under question. The highway department has no designated right of way on this state aide roadway. Mr. Chambers has visited the site and agrees it is dangerous.
- 11. Mr. Dabbondanza, Powers and Functions of the Local Planning Commission.** Mr. Dabbondanza handed out copies of the Powers and Functions of the Local Planning Commission to each member to help clarify questions and problems that may come before the planning commission in the future. Mr. Pierce felt some of the points in this paper could be discussed at future meetings.
- 12. Mr. Dabbondanza, Sprinklers.** Mr. Dabbondanza asked questions about the requirement of sprinkler systems in one and two family homes as per the adopted IBC code as of September 2010. Mr. Pierce stated he spoke with the State Fire Marshal's office today (March 29) about this matter. He spoke with Mr. Bainbridge of the Tennessee Department of Commerce and Insurance and was told the county could make exceptions to this. Mayor Humphrey said we adopted it (the IBC code) in it's entirety and need to accept it as such until we can get an exemption that covers the sprinkler requirement in the code. Mr. Bainbridge, who was not able to attend this meeting, has agreed to come to Carter County and speak to the commissioners for clarification on this matter at the next meeting. Mr. Chambers feels he should come up as soon as he can, if possible before the next meeting, with the board in agreement.

- 13. Jack Hampton's Report.** A new category has been added to the report of permits, House/Cabin. Total fees collected during the month of February were \$1,730.00. Total for the year so far is \$2,605.00.
- 14. Codes Enforcement Officer's Report:** Mr. Justyn Markland presented the report and presented a slide show of properties in non-compliance in the county. Slides were shown of some of the properties in the county under investigation. After a discussion a motion was made by Mr. Chambers to send four properties to the county attorney's office for court action. A second was made by Mr. Kyte and motion was passed. Properties that have become compliant have been sent thank you letters for doing so.
- 15. Animal Control Officer's Report:** Mr. Schuettler stated that we are currently without an animal control officer and hopes to interview and hire one in the very near future.
- 16. Director's Comments: A.)** The Cove Ridge Marina property that was taken to the Zoning Board of Appeals by Mr. and Mrs. Charles Middleton for a setback determination has been corrected to 7.5 feet as requested. **B.)** Agricultural uses with a solution: Agricultural uses of residential property will be handled under the Animal Control Resolution, but needs to be sponsored by a County Commissioner. We need to get it approved by the County Attorney first, then given to the County Commission for their approval, this task was given to Ms. Patton to carry out. **C.) Open Space Residential Developments Concepts:** Mr. Schuettler gave an explanation of this concept and its positive effects on the land. Planning Commission viewed a hypothetical map layout to show the criteria for solar and prevailing wind solutions. This type of building is becoming more and more prevalent due to the minimal ground disturbance it produces thus being "good to the land." **D.)** Mr. Schuettler presented the Enforcement Process the Planning and Zoning Office follows when a complaint is made. The process is a long one starting 24-48 hrs. after the complaint is made. It can take months to get to court due to various reasons, such as finding the actual property owner to deal with, waiting for all allotted response time to the certified letters, etc. When it gets to the actual court appearance it becomes "the Judge's Court not ours." Director Schuettler, Atty. Bowers and Mr. Perry Hodge, Para Legal to Mr. Bowers are the only people that deal with the court.
- 17. Restrictive Covenants and Zoning Laws.** A copy of the Restrictive Covenants and Zoning Laws was given to each member for their review. Chris and Mr. Anderson have done research on this and the county attorney will reviewed it and agreed with the Staffs disission. A copy of this will be made available to the public at the Planning Office for anyone interested in this.
- 18. Adjournment:** Mr. Kyte made the motion to adjourn and Mr. Townsend seconded the motion. Motion passed. Meeting adjourned.