

**COUNTY COMMISSION REGULAR SESSION, JANUARY 16, 2007**

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**BE IT REMEMBERED**, that the County Commissioners of Carter County, Elizabethton, Tennessee met in Regular Session on Tuesday, January 16, 2007 at 10:00 A.M. in the main courtroom of the Carter County Courthouse. Present and presiding were the Honorable Johnny Holder, County Mayor/Chairman; the Honorable Keith Bowers, Jr. County Attorney; and the Honorable Mary Gouge, County Clerk. The following Commissioners were present: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R.L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken Arney, Lynn Tipton, Jack Campbell, Bill Armstrong, Robert Davis, and Robert Gobble. Richard Tester was absent.

ROLL CALL .....QUORUM PRESENT

PRAYER..... JEFF MCKINNEY

PLEDGE.....ROBERT DAVIS



**Carter County Commission**

**Johnny L. Holder**  
County Chairman  
**Lawrence Hodge**  
Vice-Chairman

801 E. Elk Avenue  
Elizabethton, TN 37643  
(423) 542-1801  
(423) 542-9279 Fax

## **PUBLIC NOTICE OF A REGULAR SESSION OF THE CARTER COUNTY COMMISSION**

NOTICE IS HEREBY GIVEN to all members of the Carter County Commission, to all residents of the County of Carter, Tennessee, and to all persons interested, that the Regular Session of the Carter County Commission will be held Tuesday, January 16, 2007, 10:00 a.m. in the main courtroom, Carter County Courthouse, 801 E. Elk Avenue, Elizabethton, Tennessee.

**Johnny Holder, County Chairman**  
**Carter County, Tennessee**

Mayor Holder recognized the appointed and elected officials in the audience by asking them to stand.

Kent Williams, State Representative was recognized and spoke to the audience concerning his recent trip to Nashville and upcoming projects and events.

On motion was by Lynn Tipton, seconded by Dickie Renfro to approve the minutes of the December 11, 2006 County Commission Meeting as presented. By majority voice roll call vote motion duly carried this January 16, 2007.

On motion by R. L. Miller, seconded by Terry Montgomery and by voice roll call vote the following Notaries were approved as presented.

Bobbie Joann Johnson

Allissa A. Easley

Harriet Dugger

Patsy H. Lewis

Linda S. Shell

Cleo Reed

Bill Hampton

Lori Beth Davidson

Craig Larimer

Lawana Sue Collins

William Spencer Blevins

Patricia Moeser

Robert C. Shell

Alice Geraldine Smith

On Motion by Harry Sisk, seconded by Robert Davis to approve the *Resolution for Amending the Zoning Resolution (Resolution No 459) with an amendment to said resolution to include the word "and" after the comma at the end of Sub-Section One and to add the word "and" after the comma at the en of Sub-Section Two of the proposed language to amend Paragraph 802.1.* This resolution would give people unaware that a permit was needed to commence work time to obtain one as noted in the Resolution.

RESOLUTION FOR AMENDING THE ZONING RESOLUTION NO 459  
OF  
CARTER COUNTY, TENNESSEE

WHEREAS, Carter County has adopted a Zoning Resolution for Carter County, Tennessee; and

WHEREAS, the Carter County Commission realizes that any zoning plan must be changed periodically to provide for the continued efficient and economic development of Carter County; and

WHEREAS, a proposal has been made to amend Article VIII, Enforcement, of the Carter County Zoning Resolution; and

WHEREAS, the Carter County Regional Planning Commission did study this proposal on Nov. 28, 2006 and recommended that the Carter County Commission amend the zoning resolution;

NOW, THEREFORE, BE IT RESOLVED that the Carter County Commission amend the Carter County Zoning Resolution as follows:

Amend Article VIII, Enforcement, Section 802 as follows:

Add as Paragraph 802.1 the following:

802.1 Any person who commences work requiring a permit under this Resolution before obtaining the necessary building permit shall be subject to a penalty of one hundred percent (100%) of the usual permit fee in addition to the required permit fee unless such person can demonstrate to the satisfaction of the Zoning Commissioner: (1) that the work was occasioned by a sudden emergency, (2) that reasonable effort was made by such person to obtain the required permit prior to commencement of work, (3) the required permit could not be obtained prior to commencement of work because county offices were closed or otherwise unavailable, and (4) that such person did obtain the required permit at the earliest reasonable opportunity thereafter.

These amendments shall take effect upon their passage, the welfare of the county demanding.

Approved by the Carter County  
Regional Planning Commission

11-28-06

Date



Chairman

DATE PASSED ON FIRST READING:

\_\_\_\_/\_\_\_\_/\_\_\_\_

DATE OF PUBLIC HEARING:

\_\_\_\_/\_\_\_\_/\_\_\_\_

DATE PASSED ON SECOND READING:

\_\_\_\_/\_\_\_\_/\_\_\_\_

Carter County, Tennessee

BY:



County Mayor

ATTEST:

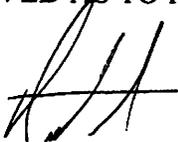


County Clerk

01 16 07

Date

APPROVED AS TO FORM:



County Attorney

1 31 07

Date

There was some discussion concerning the hiring of additional personnel in the Planning and Zoning office making someone available the entire day for Permits. It was recommended that this be referred to the Rules and By-Laws Committee/Building and Grounds Committee for consideration.

Roll call vote concerning the Resolution for **Amending the Zoning Resolution** as follows:

Ayes: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Jeff McKinney, R.L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Bill Armstrong, Robert Davis, Robert Gobble.

Nays: Nancy Brown, Terry Montgomery

Passing: 0

Absent: Richard Tester

There being 21 ayes, 2 nays, 0 passing, and 1 absent motion duly carried this the 16<sup>th</sup> day of January 2007.

On recommendation from the nominating committee and on motion by Harry Sisk, seconded by Jerry Pearman to appoint R.L. Miller to the Agriculture Committee.

At this time Mayor Holder ask if there were any additional nominations from the floor.

An additional nomination of Nancy Brown was accepted from the floor from R. L. Miller.

Mayor Holder asks if there were any other nominations from the floor and being that there was none called for a roll call vote.

Voting for R.L. Miller were: Jack Buckles, Lawrence Hodge, Jeff McKinney, Jim Whaley, Harry Sisk, Jerry Pearman, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann

Blankenship, Charlie Bayless, Dickie Renfro, Ken Arney, Larry McKinney, Jack Campbell, Bill Armstrong, Robert Davis and Robert Gobble.

Voting for Nancy Brown was: Gebe Ritchie, R. L. Miller, Terry Montgomery, and Lynn Tipton.

There being 18 voting for R.L. Miller, and 5 votes for Nancy Brown, 1 absent, 0 passing. ***R. L. Miller was duly appointed to the Agriculture Committee (two year term)*** this the 16<sup>th</sup> day of January 2007.

On recommendation from the Budget Committee and on motion by Bill Armstrong, seconded by Jerry Pearman to ***accept current proposal and rescind a previous version approved by Budget Committee regarding cable TV franchise audit fees.*** This audit Scope of Work will be billed at 50% of any funds that are recovered by the LFA as a result of the audit up to \$100,000.00 and 35% of any funds recovered in excess of \$100,000. Roll call vote as follows:

Ayes: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R.L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Bill Armstrong, Robert Davis and Robert Gobble.

Nays: 0

Passing: 0

Absent: Richard Tester

There being 23 ayes, 0 nays, 0 passing and 1 absent motion duly carried this the 16<sup>th</sup> day of January 2007.

On recommendation of the Finance Committee and on motion by Terry Montgomery, seconded by Jerry Pearman to recommend that County Attorney Keith Bowers check into the legal aspects of the ***Detention Health Care Association (DHCA) Contract.*** Roll call vote as follows:

Ayes: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Jeff McKinney, R.L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Bill Armstrong, Robert Davis and Robert Gobble.

Nays: Nancy Brown

Passing: 0

Absent: Richard Tester

There being 23 ayes, 1 nay, 0 passing and 1 absent, motion duly carried this the 16<sup>th</sup> day of January 2007.

On recommendation of the Finance Committee and on motion by Robert Davis, seconded by Lawrence Hodge to allow *Dr. Daniel Paul to serve as Doctor for the Jail for the month of January 2007* due to an emergency situation. Roll call vote as follows:

Ayes: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R.L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Bill Armstrong, Robert Davis and Robert Gobble.

Nays: 0

Passing: 0

Absent: Richard Tester

There being 23 ayes, 0 nays, 0 passing, and 1 absent motion duly carried this the 16<sup>th</sup> day of January 2007.

On recommendation from the Finance Committee and on motion by Bill Armstrong, seconded by Jack Buckles to accept the *Budget Amendments* as presented. Roll call vote as follows:

Ayes: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R.L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken

**THE CARTER COUNTY COMMISSIONERS  
ARE RESPECTFULLY REQUESTED TO  
APPROVE THE FOLLOWING AMENDMENTS  
16-Jan-07**

<b>FUND 101</b>				
34161	Reserve-Register of Deeds Data Processing Supplies	51600-719	+	\$ 100.00
		51600-411	+	\$ 8,000.00
34154	Reserve for Litigation Tax Repairs at Jail	51800-335	+	\$ 40,000.00
34162	Reserve-Circuit Court Maintenance on Computers	53100-334	+	\$ 5,000.00
34164	Reserve-General Sessions Court Computer Supplies	53100-334	+	\$ 3,600.00
		53100-351	+	\$ 3,400.00
34165	Reserve-Juvenile Court Rentals for Office	53100-351	+	\$ 600.00
42390	Data Entry Fee-General Sessions Court Office Supplies	53100-435	+	\$ 1,200.00
42190	Data Entry Fee-Circuit Court Office Supplies	53100-435	+	\$ 500.00
45540	General Sessions Court Clerk Office Supplies	53100-435	+	\$ 6,600.00
		53100-499	+	\$ 3,346.50
44170	Carter County Bank Refund for HOME Grant	58130-599	+	\$ 4,234.76
44170	Xerox Refund for Sheriff's Dept	54110-351	+	\$ 295.62
44520	American Alternative Insurance Insurance recovery for Sheriff's Dept	54110-338	+	\$ 776.85
<b>TOTAL FUND 101</b>				<b>+ \$ 77,653.73</b>
<b>FUND 116</b>				
44170	City of Elizabethton City share of closed Landfill	55754-322	+	\$ 3,344.56
44530	Mega Machinery Corp Sale of Equipment	55754-336	+	\$ 10,050.00
<b>TOTAL FUND 116</b>				<b>\$ 13,394.56</b>
<b>FUND 117</b>				
46310	State of Tennessee-Dept of Health Wiring at Health Dept	55110-335	+	\$ 15,200.00
<b>TOTAL FUND 117</b>				<b>+ \$ 15,200.00</b>

Respectfully Submitted,

  
Jason Cody, Director of Finance



Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Bill Armstrong, Robert Davis and Robert Gobble.

Nays: 0

Passing: 0

Absent: Richard Tester

There being 23 ayes, 0 nays, 0 passing and 1 absent motion duly carried this the 16<sup>th</sup> day of January 2007.

Mayor Johnny Holder at this time recognized Julie Williams of the Siam community allowing her to address the commission regarding a series of burglaries in her neighborhood. She stressed the need for a *Neighborhood Watch Program*. On motion by Steve Lowrance, seconded by Jerry Pearman that this would be referred to the Law Enforcement Committee, which would help to organize a Watch Program in more communities. By majority voice roll call vote motion duly carried this the 16<sup>th</sup> day of January 2007.

Roy Livingston was at this time recognized by Mayor Holder and allowed to address the commission regarding *Jail Inspection Committee members*. Mr. Livingston said that the state attorney general's opinion states that no commissioners should sit on the committee. At this time Larry McKinney ask that the County Attorney research this and report back at the next commission meeting.

Mayor Holder announced that the next meeting was set for Monday, February 19, 2007 and requested that this be changed to Tuesday, February 20, 2007 at 7:00 P.M.. There was no conflict concerning this date, therefore *next meeting was set for February 20, 2007 at 7:00 P.M.*

On motion by Jeff McKinney, seconded by Nancy Brown to *publish with the Public Notice of a Regular Session of the Carter County Commission the Agenda* with that notice. Mayor Holder also noted that the some research was being done concerning this and that the Agenda changes almost every meeting. By majority voice roll call vote motion duly carried this the 16<sup>th</sup> day of January 2007.

On motion by Jerry Pearman, seconded by Lynn Tipton and by majority roll call vote Court was adjourned.