

COUNTY COMMISSION REGULAR SESSION,
FEBRUARY 20, 2007
 County Commission Book No.25

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BE IT REMEMBERED, that the County Commissioners of Carter County, Elizabethton, Tennessee met in Regular Session on Tuesday, February 20, 2007 at 7:00 P.M. in the main courtroom of the Carter County Courthouse. Present and residing 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, 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, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis and Robert Gobble. Gebe Ritchie and Lynn Tipton were absent.

ROLL CALL QUORUM PRESENT

PRAYER..... LAWRENCE HODGE

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, February 20, 2007, 7:00 p.m., Main Courtroom, Carter County Courthouse, 801 E. Elk Avenue, Elizabethton, Tennessee.

Agenda

- Election Commission Report
- Resolution: CDGB Grant Watauga River Regional Water Authority
- Appointment: Northeast Tennessee Regional Solid Waste Planning Board Member, One Member, Six Year Term

All matters that may be normally considered by the Commission may be taken up and acted on at such meetings.

Johnny Holder, County Chairman
Carter County, Tennessee

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

On motion by Jerry Pearman, seconded by Harry Sisk to approve the minutes of the January 16, 2007 County Commission Meeting as presented. By majority voice roll call vote motion duly carried this the 20th day of February 2007.

On motion by Bill Armstrong, seconded by Jack Buckles to approve the
Resolution-CDBG Grant, Watauga River Regional Water Authority (RESOLUTION
NO. 460) RESOLUTION No. 460

**CARTER COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION TO MAKE APPLICATION FOR \$477,750 OF CDBG GRANT FUNDS TO ASSIST IN A WATER STORAGE PROJECT FOR THE WATAUGA RIVER REGIONAL WATER AUTHORITY'S WATER SYSTEM SERVICE AREA #2 (NORTH ELIZABETHTON WATER CO-OP).

WHEREAS, the Board of County Commissioners recognizes the need for adequate and dependable water service to be provided to the citizens of Carter County; and

WHEREAS, Carter County, with the assistance of grant funds, could provide adequate water storage for the WRRWA's Service Area #2 (North Elizabethton Water Co-Op); and

WHEREAS, the Carter County Board of County commissioners understands that the Tennessee Small Cities' Community Development Block Grant (CDBG) program provides assistance to counties and municipalities for this purpose; and

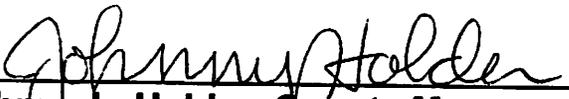
WHEREAS, Tennessee Code annotated Section 8-4-401 authorizes counties and cities to use the CDBG program.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CARTER COUNTY, TENNESSEE THAT;

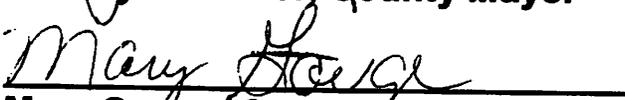
Section 1. The Carter County Board of County Commissioners hereby authorizes the County Mayor to make application for \$477,750 of CDBG grant funds to assist in the construction of a water storage reservoir for the WRRWA's Service Area #2 (North Elizabethton Water Co-Op) at an estimated project cost of \$525,000.00.

Section 2. The Watauga River Regional Water Authority will be responsible for the local match of \$47,250.00.

ADOPTED BY THE COUNTY LEGISLATIVE BODY, in session duly assembled, on this 20th day of February 2007.



Johnny L. Holder, County Mayor



Mary Gouge, County Clerk

Roll call vote concerning the **Resolution No. 460 concerning the CDBG Grant, Watauga Rive Regional Water Authority** as follows:

Ayes: Jack Buckles, 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, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis and Robert Gobble.

Nays: 0

Passing: 0

Absent: Gebe Ritchie and Lynn Tipton

There being 22 ayes, 0 nays, 0 passing and 2 absent motion duly carried this the 20th day of February 2007.

On motion by Jerry Pearman, seconded by Harry Sisk and by voice roll call vote the following Notaries were approved as presented.

Claudia Marie Ledford

Tommy R. Isaacs, II

Cheryl Ann Appleba

Karen Wilson

Leighanna Taylor-Rash

Kathy Higgins

Karma M. Morgan

Ruth H. Bowers

Pamela T. Worth

Teresa D. Norris

Sonja Culler

Melissa Williams

Thomas E. Whitehead

Mechelle L. Livingston

On motion by Jerry Pearman, seconded by Jo Ann Blankenship to nominate Chris Scheuttler to the Northeast Regional Solid Waste Planning Board one (1) member six (6) year term.

Mayor Holder ask if there were any additional nomination for the floor and there was none.

Motion to cease nominations was made by Jim Whaley, seconded by Harry Sisk.

Being that there were no additional nominations Mayor Holder called for a roll call vote as follows:

Ayes: Jack Buckles, 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, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis, Robert Gobble.

Nays: Nancy Brown

Passing: 0

Absent: Gebe Ritchie and Lynn Tipton

There being 21 ayes, 1 nay, 0 passing and 2 absent *motion to accept nomination of Chris Scheuttler to the Northeast Regional Solid Waste Planning Board one (1) member, six (6) year term* carried this the 20th day of February 2007.

Mayor Holder at this time as for any Committee Reports and Recommendations.

On recommendation of the Budget Committee and on motion by Bill Armstrong, seconded by Jerry Pearman to *donate \$ 10,000.00 from fund balance for the Veterans Memorial Walk of Honor.*

A motion to table the above motion made by Tom Bowers, seconded by Terry Montgomery. Mayor Holder ask for a roll call vote as follows:

Ayes: Jack Buckles, Jeff McKinney, L.C. Tester, Tom Bowers, Terry Montgomery, Ken Arney and Richard Tester.

Nays: Lawrence Hodge, Nancy Brown, R.L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, Steve Lowrance, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Larry McKinney, Jack Campbell, Bill Armstrong, Robert Davis and Robert Gobble.

Passing: 0

Absent: Gebe Ritchie and Lynn Tipton

There being 7 ayes, 15 nays, 0 passing, and 2 absent motion to table failed this the 20th day of February 2007.

The original motion to donate \$ 10,000.00 from fund balance for the Veterans Memorial Walk of Honor was back on the floor and Mayor Holder called for a roll call vote as follows:

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

Nays: Tom Bowers, Ken Arney and Richard Tester

Passing: Jeff McKinney

Absent: Gebe Ritchie and Lynn Tipton

At this time Jeff McKinney changed his vote to Nay.

There being 18 ayes, 4 nays, 0 passing and 2 absent motion *to donate \$ 10,000.00 from fund balance for the Veterans Memorial Walk of Honor* duly carried this the 20th day of February 2007.

On recommendation of the Budget Committee and on motion by Bill Armstrong, seconded by Harry Sisk *to approve the additional funding in the amount of \$182,000.00 for the alternate design (using pre-fabricated steel walls) for the jail.*

Bill Armstrong at this time introduced Architect J. Mark Rodgers who presented a video presentation on the Trussbilt metal panels that would be used in the construction of the jail. Mr. Rodgers said that by using the panel construction cost would be cut. He also said that by having two designs on the table would also ensure more competition therefore helping to keep construction bids down.

It was noted also that the Commissioners were invited to visit prisons in Georgia that were built with using the pre-fabricated steel walls and if for some reason they decided on a different design instead, they would not have to pay Architect J. Mark Rodgers for the alternate design.

Mayor Holder called for a roll call vote as follows:

Ayes: Jack Buckles, 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, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis, and Robert Gobble.

Nays: 0

Passing: 0

Absent: Gebe Ritchie and Lynn Tipton

There being 22 ayes, 0 nays, 0 passing and 2 absent motion to ***approve the additional funding in the amount of \$ 182,000.00 for the alternate design (using pre-fabricated steel walls) for the jail*** duly carried this the 20th day of February 2007.

On recommendation from the Budget Committee and on motion by Bill Armstrong, seconded by Harry Sisk ***to approve the appropriate Resolution No.463-463B to issue up to \$18,000,000, by entering into a loan agreement for financing jail construction*** and using the funds from the sale of the modular units toward the building of the new jail.

Following some discussion, an motion was made by Richard Tester, seconded Jim Whaley ***to withhold the sale of the modular units until there is a definite need to sell them*** (at which time will need to come before the Commission to approve sale).

At this time Mayor Holder called for a three (3) minute recess.

Following the recess Mayor Holder call the meeting back to order. Mayor Holder called for a roll call vote on the motion to ***withhold the sale of the modular units until there is a definite need to do so***. Vote as follows:

Ayes: Lawrence Hodge, Jeff McKinney, R. L. Tester, 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, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis, and Robert Gobble.

Nays: Jack Buckles, and Nancy Brown.

Passing: 0

Absent: Gebe Ritchie, Lynn Tipton

There being 20 ayes, 2 nays, 0 passing and 2 absent motion duly carried this the 20th day of February 2007.

Mayor Holder at this time called for a roll call vote on the motion to *approve the appropriate Resolution No. 463A-463B* (which includes withholding the sale of the modular units until there is a definite need to do so as approved in the preceding motion) *to issue up to \$18,000,000, by entering into a loan agreement for financing jail construction.*

Ayes: Jack Buckles, Lawrence Hodge, Nancy Brown, Jeff McKinney, R.L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L.C. Tester, Steve Lowrance, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Larry McKinney, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis and Robert Gobble.

Nays: Tom Bowers, Terry Montgomery, and Ken Arney.

Passing: 0

Absent: Gebe Ritchie, and Lynn Tipton

There being 19 ayes, 3 nays, and 2 absent motion duly carried this the 20th day of February 2007.

RESOLUTION NO. 463A

INITIAL RESOLUTION AUTHORIZING THE INCURRENCE OF INDEBTEDNESS BY CARTER COUNTY, TENNESSEE, OF NOT TO EXCEED \$18,000,000, BY THE EXECUTION WITH A PUBLIC BUILDING AUTHORITY OF A LOAN AGREEMENT OR OTHER INSTRUMENT EVIDENCING SUCH INDEBTEDNESS, TO PROVIDE FUNDING FOR CERTAIN PUBLIC WORKS PROJECTS, AND TO FUND THE INCIDENTAL AND NECESSARY EXPENSES RELATED THERETO

WHEREAS, it is necessary and in the public interest of Carter County, Tennessee (the "County"), to incur indebtedness (the "Indebtedness"), through the execution with The Public Building Authority of the County of Montgomery, Tennessee or The Public Building Authority of the City of Clarksville, Tennessee (the "Authority"), of a loan agreement or other instrument evidencing such Indebtedness (a "Loan Agreement"), for the purpose of financing certain public works projects, as hereinafter more fully described, and to pay legal, fiscal, administrative, and engineering costs, and costs incident to the financing thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CARTER COUNTY, TENNESSEE, AS FOLLOWS:

Section 1. For the purpose of financing all or a portion of the costs of certain public works projects, consisting of paying the costs of an addition to the existing jail facility of the County and the renovation of the existing jail facility, including but not necessarily limited to, acquisition of land, design and engineering costs, construction, renovation, and equipping of the jail facility and other jail and justice facilities for the County, the acquisition of all property real and personal appurtenant thereto and connected with such work, and to pay all legal, fiscal, administrative, and engineering costs incident thereto, costs incident to incurring the Indebtedness, and reimbursement for expenditures related to the foregoing project (collectively, the "Project"), the County is hereby authorized to incur Indebtedness in the amount of not to exceed Eighteen Million Dollars (\$18,000,000), for the financing of the Project through the execution of a Loan Agreement with the Authority. The rate of interest payable pursuant to the provisions of a Loan Agreement shall be a variable rate which rate shall not exceed the maximum rate of interest permitted under the laws of the State of Tennessee.

Section 2. The indebtedness evidenced by the Loan Agreement shall be payable from funds of the County legally available therefor and to the extent necessary from ad valorem taxes to be levied for such purpose on all taxable property within the corporate limits of the County, without limitation as to time, rate, and amount and for the punctual payment of said principal of, premium, if any, and interest on, the Loan Agreement, the full faith and credit of the County will be irrevocably pledged.

Section 3. The Loan Agreement shall be executed pursuant to the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended (the "Act"), and Title 12, Chapter 10, Tennessee Code Annotated, as amended.

Section 4. After the adoption of this Resolution, the County Clerk is directed to cause this Resolution, with the notice prescribed by the Act, to be published in full once in a newspaper published and having general circulation in the County.

Section 5. This Resolution shall take effect from and after its adoption, the welfare of the County requiring it.

Adopted and approved this 20th day of February, 2007.


COUNTY MAYOR

ATTEST:


COUNTY CLERK

NOTICE

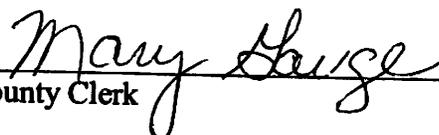
The foregoing Resolution has been adopted. Unless within twenty (20) days from the date of publication hereof a petition, signed by at least ten percent (10%) of the registered voters of Carter County, Tennessee, shall have been filed with the County Clerk of Carter County, Tennessee, protesting the incurrence of the Indebtedness by the execution of the Loan Agreement, such Loan Agreement will be executed, as proposed.



STATE OF TENNESSEE)
COUNTY OF CARTER)

I, Mary Gouge, hereby certify that I am the duly qualified and acting County Clerk of Carter County, Tennessee (the "County"), and, as such official, I further certify as follows: (1) that attached hereto is a copy of a resolution excerpted from the minutes of the meeting of the Board of Commissioners (the "Board") of said County held on February 20 2007; (2) that I have compared said copy with the original minute record of said meeting in my official custody; (3) that said copy is a true, correct, and complete transcript from said original record insofar as said original record relates, to, among other matters, the incurring of indebtedness in the amount of not to exceed \$18,000,000 by said County; (4) that the actions by said Board including the aforementioned, at said meeting were promptly and duly recorded by me in a book kept for such purpose; and, (5) that a quorum of the members of said Board was present and acting throughout said meeting.

WITNESS my official signature and the seal of said County this 20th day of February, 2007.


County Clerk



RESOLUTION NO. 463-B

RESOLUTION TO APPROVE THE EXECUTION AND DELIVERY OF ONE OR MORE LOAN AGREEMENTS FOR THE PURPOSE OF PROVIDING FUNDS FOR FINANCING CERTAIN PUBLIC WORKS PROJECTS FOR CARTER COUNTY, TENNESSEE

WHEREAS, the Board of Commissioners (the "Board") of Carter County, Tennessee (the "County"), has determined that need exists for the acquisition, construction, renovation, improvement and/or installation of a "public works project," such project being set forth and described in that certain Initial Resolution adopted by the Board on the date hereof (the "Project"), as defined in Title 9, Chapter 21, Tennessee Code Annotated, as from time to time amended and supplemented, and as set forth in an Indenture of Trust (the "Indenture"), between The Public Building Authority of the County of Montgomery, Tennessee or The Public Building Authority of the City of Clarksville, Tennessee (the "Issuer") and U.S. Bank National Association (successor to SunTrust Bank), Orlando, Florida, as trustee, or such other successor trustee as appointed by the Issuer (the "Trustee"), as permitted under Title 12, Chapter 10, Tennessee Code Annotated, as from time to time amended and supplemented, and as described in the form of one or more Loan Agreements (collectively, the "Loan Agreement"), between the County, as borrower, and the Issuer, presented to this meeting, the costs of such Project not to exceed \$18,000,000; and,

WHEREAS, the Board has taken the necessary steps to arrange for the acquisition, construction, renovation, improvement, equipping, and/or installation of the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CARTER COUNTY, TENNESSEE:

Section 1. Approval of the Loan Agreement. The terms of the Loan Agreement presented at this meeting are in the best interest of the County and are hereby approved and the Board hereby authorizes the County Mayor and the County Clerk of the County to execute and deliver one or more Loan Agreements, each to be in substantially the form of the Loan Agreement presented to this meeting, the execution of such Loan Agreement by the County Mayor and County Clerk to evidence their approval of any and all changes to such Loan Agreement, and any related documents necessary to the consummation of the transactions contemplated by the Loan Agreement.

Section 2. Fulfillment of Obligations. The Board of the County is authorized and directed to fulfill all obligations under the terms of the Loan Agreement.

Section 3. Payment of Indebtedness Under Loan Agreement; Tax Levy. The indebtedness evidenced by the Loan Agreement shall be payable from funds of the County legally available therefor and to the extent necessary from ad valorem taxes to be levied for such purpose on all taxable property within the corporate limits of the County, without limitation as to time, rate, and amount and for the punctual payment of said principal of, premium, if any, and interest on, the Loan Agreement, the full faith and credit of the County are irrevocably pledged. The indebtedness evidenced by the Loan Agreements includes the amounts payable under the Loan Agreement, as and when they become due, and any expenses of maintaining and operating the Project required to be paid by the County under the terms and provisions of the Loan Agreement.

Section 4. Consent to Assignment. The County hereby acknowledges that the provisions of the Indenture assign to the Trustee, among other things, all of the interest of the Issuer in and to the Loan Agreement (other than the rights of the Issuer under Section 7.03 and Section 7.04 of the Loan Agreement, which are reserved to the Issuer) and the County agrees to pay directly to the Trustee any amounts required to be paid by the County to the Issuer pursuant to the Loan Agreement.

Section 5. Reimbursement Provisions. The County may have made or may hereafter make expenditures with respect to the Project from a source of funds other than proceeds of the loan from the Issuer under the Loan Agreement, such expenditures occurring prior to the execution and delivery of the Loan Agreement. The County reasonably expects that it will reimburse such original expenditures with proceeds of the loan from the Issuer made pursuant to the Loan Agreement to the extent permissible under Treasury Regulation 1.150-2.

Section 6. Miscellaneous Acts. The County Mayor, the County Clerk, and all other appropriate officials of the County are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, and deliver all such documents, instruments, and certifications, in connection with the execution of the Loan Agreement, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may in their discretion, be necessary or desirable to implement or comply with the intent of this Resolution; or any of the documents herein authorized and approved.

Section 7. Captions. The captions or headings in this Resolution are for convenience only and shall in no way define, limit, or describe the scope or intent of any provision hereof.

Section 8. Severability. Should any provision or provisions of this Resolution be declared invalid or unenforceable in any respect by final decree of any court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, ordinance, or provisions shall not affect the remaining provisions of such Resolution.

Section 9. Repeal of Conflicting Resolutions. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. Effective Date. This Resolution shall take effect upon its adoption, the welfare of the County requiring it.

Adopted this 20th day of February, 2007.



Johnny Holder
COUNTY MAYOR

Attest:

Mary Hauge
COUNTY CLERK

On recommendation from the Budget Committee and on motion by Bill Armstrong, seconded by Harry Sisk **to approve the additional jail staffing of eight (8) employees and an animal control officer** at the cost of \$83,000.00 (\$77,000.00 plus \$6,000.00) coming from the fund balance of this year 2006-2007 budget.

Following some discussion Mr. Tom Bowers made a **motion to amend the forgoing motion to set aside the \$ 6,000.00 to rehire the animal control officer until an ordinance could be passed** seconded by Nancy Brown.

Motion was made by Ken Arney, seconded by Harry Sisk to table the forgoing entire motion and the amendment of the motion also.

Mr. Sisk at this time withdrew his second, which was followed by a second by Jack Buckles. Mr. Holder called for a roll call vote **to table the entire motion and amendment to approve the additional jail staffing of (8) employees and an animal control officer and amendment to set aside the \$ 6,000.00 to rehire the animal control office until an ordinance could be passed.**

Ayes: Jack Buckles, Nancy Brown, Jeff McKinney, R.L. Miller, Jim Whaley, Tom Bowers, Jo Ann Blankenship, Terry Montgomery, and Ken Arney.

Nays: Lawrence Hodge, Harry Sisk, Jerry Pearman, L.C. Tester, Steve Lowrance, Charlie Bayless, Dickie Renfro, Larry McKinney, Jack Campbell. Richard Tester, Bill Armstrong, Robert Davis, and Robert Gobble.

Passing: 0

Absent: Gebe Ritchie and Lynn Tipton

There being 9 ayes, 13 nays, 0 passing and 2 absent **motion to table entire motion and amendment** duly carried this the 20th day of February 2007.

The amendment was back on the floor to set aside the \$ 6,000.00 to rehire the animal control office until an ordinance could be passed. Mayor Holder called for a roll call vote as follows:

Ayes: Jack Buckles, Lawrence Hodge, Nancy Brown, Jeff McKinney, R.L. Miller, Jim Whaley, Jerry Pearman, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Larry McKinney, Jack Campbell, Richard Tester, Robert Davis, and Robert Gobble.

Nays: Harry Sisk, Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken Arney, and Bill Armstrong.

Passing: 0

Absent: Gebe Ritchie and Lynn Tipton

There being 16 ayes, 6 nays, 0 passing and 2 absent motion to set aside the \$ 6,000.00 to rehire the animal control officer until an ordinance could be passed was duly carried this the 20th day of February 2007.

The motion to approve the additional jail staffing of (8) employees at the cost of \$77,000.00 coming from the fund balance of this years 2006-2007 budget was back on the floor. Mayor Holder called for a roll call vote as follows:

Ayes: Lawrence Hodge, Nancy Brown, R.L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L.C. Tester, Steve Lowrance, Charlie Bayless, Dickie Renfro, Larry McKinney, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis and Robert Gobble.

Nays: Jack Buckles, Jeff McKinney, Tom Bowers, Jo Ann Blankenship, Ken Arney and Larry McKinney.

Passing: 0

Absent: Gebe Ritchie and Lynn Tipton

There being 16 ayes, 6 nays, 0 passing and 2 absent motion to approve the additional jail staffing of (8) employees at the cost of \$77,000.00 coming from the fund balance of this years 2006-2007 budget duly carried this the 20th day of February, 2007.

On recommendation from the Budget Committee and on motion by Bill Armstrong, seconded by Harry Sisk to approve a \$ 2,577.00 salary increase for the Veterans Service Office David Batchelder. Mayor Holder called for a roll call vote as follows:

Ayes: Lawrence Hodge, Nancy Brown, Harry Sisk, Jerry Pearman, L.C. Tester, Jo Ann Blankenship, *Charlie Bayless, *Dickie Renfro, Bill Armstrong, and Robert Davis.

Nays: Jack Buckles, Jeff McKinney, R.L. Miller, Jim Whaley, Steve Lowrance, Tom Bowers, Terry Montgomery, *Ken Arney, Larry McKinney, Jack Campbell and Richard Tester.

Passing: Robert Gobble

Absent: Gebe Ritchie and Lynn Tipton

(Note: A * before name indicates a conflict of interest vote due to being an employee of Carter County).

There being 10 ayes, 11 nays, 1 passing and 2 absent motion duly fails this the 20th day of February 2007.

On recommendation from the Law Enforcement Committee and on motion by Jim Whaley, seconded by Tom Bowers to add an additional Law Enforcement Commissioner making a total of four (4) commissioners.

Following some discussion a motion was made by Richard Tester to table the current motion. At this time Commissioner Jim Whaley ask that the motion be withdrawn, therefore no action was taken on the motion.

At this time Attorney Keith Bowers, Jr. addressed the question concerning who was allowed to be committee member of the Jail Task Force/Jail Inspection Committee. Mr. Bowers stated that according to Tennessee Statue that inspection of the jail should be done once a month and these members should not be members of the County Commission but a private Carter County citizen and make a report back to the Commission. Appointment to this committee is a one (1) year term. He also noted that the Commission could appoint thru Resolution any committee that they so choose.

Commissioner Nancy Brown ask Mayor Holder to recognize Mr. Charles Knaack who addressed the commission concerning animal control in his community.

On motion by Steve Lowrance, seconded by Nancy Brown that the **March Commission meeting be held at 7:00 p.m.** By majority voice vote motion duly carried this the 20th day of February 2007.

Mayor Holder at this time recognized Mr. Roy Livingston who spoke on behalf of the Concerned Citizens.

On motion by Terry Montgomery, seconded by Nancy Brown that **all motions and resolutions are read in their entirety by County Attorney, Keith Bowers, Jr. before a vote is taken by the commission.** Mayor Holder called for a roll call vote a follows:

Ayes: Nancy Brown, Jeff McKinney, R.L. Miller, Jim Whaley, Jerry Pearman, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Terry Montgomery, Ken Arney, Larry McKinney, Jack Campbell, and Robert Gobble.

Nays: Jack Buckles, Lawrence Hodge, Harry Sisk, Charlie Bayless, Dickie Renfro, Richard Tester, Bill Armstrong and Robert Davis.

Passing: 0

Absent: Gebe Ritchie and Lynn Tipton

There being 14 ayes, 8 nays, 0 passing and 2 absent motion **requiring that all motions and resolutions be read in their entirety by the County Attorney, Keith Bowers, Jr. before a vote is taken by the commission** duly carried this the 20th day of February 2007.

Being that there was no additional business at this time a motion to adjourn was made by Jim Whaley, seconded by Jerry Pearman. By majority voice vote motion duly carried this the 20th day of February 2007.

Ayes: Nancy Brown, Jeff McKinney, R.L. Miller, Jim Whaley, Jerry Pearman, L.C.

Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Terry Montgomery, Ken Arney, Larry McKinney, Jack Campbell, and Robert Gobble.

Nays: Jack Buckles, Lawrence Hodge, Harry Sisk, Charlie Bayless, Dickie Renfro, Richard Tester, Bill Armstrong and Robert Davis.

Passing: 0

Absent: Gebe Ritchie and Lynn Tipton

There being 14 ayes, 8 nays, 0 passing and 2 absent motion **requiring that all motions and resolutions be read in their entirety by the County Attorney, Keith Bowers, Jr. before a vote is taken by the commission duly carried this the 20th day of February 2007.**

Being that there was no additional business at this time a motion to adjourn was made by Jim Whaley, seconded by Jerry Pearman. By majority voice vote motion duly carried this the 20th day of February 2007.

(Note: A * before name indicates a conflict of interest vote due to being an employee of Carter County).

There being 10 ayes, 11 nays, 1 passing and 2 absent motion duly fails this the 20th day of February 2007.

On recommendation from the Law Enforcement Committee and on motion by Jim Whaley, seconded by Tom Bowers to **add an additional Law Enforcement Commissioner making a total of four (4) commissioners.**

Following some discussion a motion was made by Richard Tester to table the current motion. At this time Commissioner Jim Whaley ask that the motion be withdrawn, therefore no action was taken on the motion.

At this time Attorney Keith Bowers, Jr. addressed the question concerning who was allowed to be committee member of the Jail Task Force/Jail Inspection Committee. Mr. Bowers stated that according to Tennessee Statue that inspection of the jail should be done once a month and these members should not be members of the County Commission but a private Carter County citizen and make a report back to the Commission. Appointment to this committee is a one (1) year term. He also noted that the Commission could appoint thru Resolution any committee that they so choose.

Commissioner Nancy Brown ask Mayor Holder to recognize Mr. Charles Knaack who addressed the commission concerning animal control in his community.

On motion by Steve Lowrance, seconded by Nancy Brown that the **March Commission meeting be held at 7:00 p.m.** By majority voice vote motion duly carried this the 20th day of February 2007.

Mayor Holder at this time recognized Mr. Roy Livingston who spoke on behalf of the Concerned Citizens.

On motion by Terry Montgomery, seconded by Nancy Brown that **all motions and resolutions are read in their entirety by County Attorney, Keith Bowers, Jr. before a vote is taken by the commission.** Mayor Holder called for a roll call vote a follows:

Nays: Harry Sisk, Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken Arney, and Bill Armstrong.

Passing: 0

Absent: Gebe Ritchie and Lynn Tipton

There being 16 ayes, 6 nays, 0 passing and 2 absent motion to **set aside the \$ 6,000.00 to rehire the animal control officer until an ordinance could be passed** was duly carried this the 20th day of February 2007.

The motion to **approve the additional jail staffing of (8) employees at the cost of \$77,000.00 coming from the fund balance of this years 2006-2007 budget** was back on the floor. Mayor Holder called for a roll call vote as follows:

Ayes: Lawrence Hodge, Nancy Brown, R.L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L.C. Tester, Steve Lowrance, Charlie Bayless, Dickie Renfro, Larry McKinney, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis and Robert Gobble.

Nays: Jack Buckles, Jeff McKinney, Tom Bowers, Jo Ann Blankenship, Ken Arney and Larry McKinney.

Passing: 0

Absent: Gebe Ritchie and Lynn Tipton

There being 16 ayes, 6 nays, 0 passing and 2 absent motion to **approve the additional jail staffing of (8) employees at the cost of \$77,000.00 coming from the fund balance of this years 2006-2007 budget** duly carried this the 20th day of February, 2007.

On recommendation from the Budget Committee and on motion by Bill Armstrong, seconded by Harry Sisk to **approve a \$ 2,577.00 salary increase for the Veterans Service Office David Batchelder**. Mayor Holder called for a roll call vote as follows:

Ayes: Lawrence Hodge, Nancy Brown, Harry Sisk, Jerry Pearman, L.C. Tester, Jo Ann Blankenship, *Charlie Bayless, *Dickie Renfro, Bill Armstrong, and Robert Davis.

Nays: Jack Buckles, Jeff McKinney, R.L. Miller, Jim Whaley, Steve Lowrance, Tom Bowers, Terry Montgomery, *Ken Arney, Larry McKinney, Jack Campbell and Richard Tester.

Passing: Robert Gobble

Absent: Gebe Ritchie and Lynn Tipton

On recommendation from the Budget Committee and on motion by Bill Armstrong, seconded by Harry Sisk to **approve the additional jail staffing of eight (8) employees and an animal control officer** at the cost of \$83,000.00 (\$77,000.00 plus \$6,000.00) coming from the fund balance of this year 2006-2007 budget.

Following some discussion Mr. Tom Bowers made a **motion to amend the forgoing motion to set aside the \$ 6,000.00 to rehire the animal control officer until an ordinance could be passed** seconded by Nancy Brown.

Motion was made by Ken Arney, seconded by Harry Sisk to table the forgoing entire motion and the amendment of the motion also.

Mr. Sisk at this time withdrew his second, which was followed by a second by Jack Buckles. Mr. Holder called for a roll call vote to **table the entire motion and amendment to approve the additional jail staffing of (8) employees and an animal control officer and amendment to set aside the \$ 6,000.00 to rehire the animal control office until an ordinance could be passed.**

Ayes: Jack Buckles, Nancy Brown, Jeff McKinney, R.L. Miller, Jim Whaley, Tom Bowers, Jo Ann Blankenship, Terry Montgomery, and Ken Arney.

Nays: Lawrence Hodge, Harry Sisk, Jerry Pearman, L.C. Tester, Steve Lowrance, Charlie Bayless, Dickie Renfro, Larry McKinney, Jack Campbell. Richard Tester, Bill Armstrong, Robert Davis, and Robert Gobble.

Passing: 0

Absent: Gebe Ritchie and Lynn Tipton

There being 9 ayes, 13 nays, 0 passing and 2 absent **motion to table entire motion and amendment** duly carried this the 20th day of February 2007.

The amendment was back on the floor to set aside the \$ 6,000.00 to rehire the animal control office until an ordinance could be passed. Mayor Holder called for a roll call vote as follows:

Ayes: Jack Buckles, Lawrence Hodge, Nancy Brown, Jeff McKinney, R.L. Miller, Jim Whaley, Jerry Pearman, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Larry McKinney, Jack Campbell, Richard Tester, Robert Davis, and Robert Gobble.

Section 4. Consent to Assignment. The County hereby acknowledges that the provisions of the Indenture assign to the Trustee, among other things, all of the interest of the Issuer in and to the Loan Agreement (other than the rights of the Issuer under Section 7.03 and Section 7.04 of the Loan Agreement, which are reserved to the Issuer) and the County agrees to pay directly to the Trustee any amounts required to be paid by the County to the Issuer pursuant to the Loan Agreement.

Section 5. Reimbursement Provisions. The County may have made or may hereafter make expenditures with respect to the Project from a source of funds other than proceeds of the loan from the Issuer under the Loan Agreement, such expenditures occurring prior to the execution and delivery of the Loan Agreement. The County reasonably expects that it will reimburse such original expenditures with proceeds of the loan from the Issuer made pursuant to the Loan Agreement to the extent permissible under Treasury Regulation 1.150-2.

Section 6. Miscellaneous Acts. The County Mayor, the County Clerk, and all other appropriate officials of the County are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, and deliver all such documents, instruments, and certifications, in connection with the execution of the Loan Agreement, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may in their discretion, be necessary or desirable to implement or comply with the intent of this Resolution; or any of the documents herein authorized and approved.

Section 7. Captions. The captions or headings in this Resolution are for convenience only and shall in no way define, limit, or describe the scope or intent of any provision hereof.

Section 8. Severability. Should any provision or provisions of this Resolution be declared invalid or unenforceable in any respect by final decree of any court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, ordinance, or provisions shall not affect the remaining provisions of such Resolution.

Section 9. Repeal of Conflicting Resolutions. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. Effective Date. This Resolution shall take effect upon its adoption, the welfare of the County requiring it.

Adopted this 20th day of February, 2007.



Johnny Holder
COUNTY MAYOR

Attest:

Mary Gause
COUNTY CLERK

RESOLUTION NO. 463 B

RESOLUTION TO APPROVE THE EXECUTION AND DELIVERY OF ONE OR MORE LOAN AGREEMENTS FOR THE PURPOSE OF PROVIDING FUNDS FOR FINANCING CERTAIN PUBLIC WORKS PROJECTS FOR CARTER COUNTY, TENNESSEE

WHEREAS, the Board of Commissioners (the "Board") of Carter County, Tennessee (the "County"), has determined that need exists for the acquisition, construction, renovation, improvement and/or installation of a "public works project," such project being set forth and described in that certain Initial Resolution adopted by the Board on the date hereof (the "Project"), as defined in Title 9, Chapter 21, Tennessee Code Annotated, as from time to time amended and supplemented, and as set forth in an Indenture of Trust (the "Indenture"), between The Public Building Authority of the County of Montgomery, Tennessee or The Public Building Authority of the City of Clarksville, Tennessee (the "Issuer") and U.S. Bank National Association (successor to SunTrust Bank), Orlando, Florida, as trustee, or such other successor trustee as appointed by the Issuer (the "Trustee"), as permitted under Title 12, Chapter 10, Tennessee Code Annotated, as from time to time amended and supplemented, and as described in the form of one or more Loan Agreements (collectively, the "Loan Agreement"), between the County, as borrower, and the Issuer, presented to this meeting, the costs of such Project not to exceed \$18,000,000; and,

WHEREAS, the Board has taken the necessary steps to arrange for the acquisition, construction, renovation, improvement, equipping, and/or installation of the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CARTER COUNTY, TENNESSEE:

Section 1. Approval of the Loan Agreement. The terms of the Loan Agreement presented at this meeting are in the best interest of the County and are hereby approved and the Board hereby authorizes the County Mayor and the County Clerk of the County to execute and deliver one or more Loan Agreements, each to be in substantially the form of the Loan Agreement presented to this meeting, the execution of such Loan Agreement by the County Mayor and County Clerk to evidence their approval of any and all changes to such Loan Agreement, and any related documents necessary to the consummation of the transactions contemplated by the Loan Agreement.

Section 2. Fulfillment of Obligations. The Board of the County is authorized and directed to fulfill all obligations under the terms of the Loan Agreement.

Section 3. Payment of Indebtedness Under Loan Agreement; Tax Levy. The indebtedness evidenced by the Loan Agreement shall be payable from funds of the County legally available therefor and to the extent necessary from ad valorem taxes to be levied for such purpose on all taxable property within the corporate limits of the County, without limitation as to time, rate, and amount and for the punctual payment of said principal of, premium, if any, and interest on, the Loan Agreement, the full faith and credit of the County are irrevocably pledged. The indebtedness evidenced by the Loan Agreements includes the amounts payable under the Loan Agreement, as and when they become due, and any expenses of maintaining and operating the Project required to be paid by the County under the terms and provisions of the Loan Agreement.

Section 2. The indebtedness evidenced by the Loan Agreement shall be payable from funds of the County legally available therefor and to the extent necessary from ad valorem taxes to be levied for such purpose on all taxable property within the corporate limits of the County, without limitation as to time, rate, and amount and for the punctual payment of said principal of, premium, if any, and interest on, the Loan Agreement, the full faith and credit of the County will be irrevocably pledged.

Section 3. The Loan Agreement shall be executed pursuant to the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended (the "Act"), and Title 12, Chapter 10, Tennessee Code Annotated, as amended.

Section 4. After the adoption of this Resolution, the County Clerk is directed to cause this Resolution, with the notice prescribed by the Act, to be published in full once in a newspaper published and having general circulation in the County.

Section 5. This Resolution shall take effect from and after its adoption, the welfare of the County requiring it.

Adopted and approved this 20th day of February, 2007.


COUNTY MAYOR

ATTEST:


COUNTY CLERK

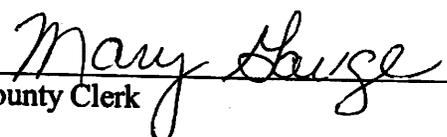
NOTICE

The foregoing Resolution has been adopted. Unless within twenty (20) days from the date of publication hereof a petition, signed by at least ten percent (10%) of the registered voters of Carter County, Tennessee, shall have been filed with the County Clerk of Carter County, Tennessee, protesting the incurrence of the Indebtedness by the execution of the Loan Agreement, such Loan Agreement will be executed, as proposed.

STATE OF TENNESSEE)
COUNTY OF CARTER)

I, Mary Gouge, hereby certify that I am the duly qualified and acting County Clerk of Carter County, Tennessee (the "County"), and, as such official, I further certify as follows: (1) that attached hereto is a copy of a resolution excerpted from the minutes of the meeting of the Board of Commissioners (the "Board") of said County held on February 20 2007; (2) that I have compared said copy with the original minute record of said meeting in my official custody; (3) that said copy is a true, correct, and complete transcript from said original record insofar as said original record relates, to, among other matters, the incurring of indebtedness in the amount of not to exceed \$18,000,000 by said County; (4) that the actions by said Board including the aforementioned, at said meeting were promptly and duly recorded by me in a book kept for such purpose; and, (5) that a quorum of the members of said Board was present and acting throughout said meeting.

WITNESS my official signature and the seal of said County this 20th day of February, 2007.


County Clerk



Mayor Holder at this time called for a roll call vote on the motion to *approve the appropriate Resolution No. 463A-463B* (which includes withholding the sale of the modular units until there is a definite need to do so as approved in the preceding motion) *to issue up to \$18,000,000, by entering into a loan agreement for financing jail construction.*

Ayes: Jack Buckles, Lawrence Hodge, Nancy Brown, Jeff McKinney, R.L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L.C. Tester, Steve Lowrance, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Larry McKinney, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis and Robert Gobble.

Nays: Tom Bowers, Terry Montgomery, and Ken Arney.

Passing: 0

Absent: Gebe Ritchie, and Lynn Tipton

There being 19 ayes, 3 nays, and 2 absent motion duly carried this the 20th day of February 2007.

RESOLUTION NO. 463A

INITIAL RESOLUTION AUTHORIZING THE INCURRENCE OF INDEBTEDNESS BY CARTER COUNTY, TENNESSEE, OF NOT TO EXCEED \$18,000,000, BY THE EXECUTION WITH A PUBLIC BUILDING AUTHORITY OF A LOAN AGREEMENT OR OTHER INSTRUMENT EVIDENCING SUCH INDEBTEDNESS, TO PROVIDE FUNDING FOR CERTAIN PUBLIC WORKS PROJECTS, AND TO FUND THE INCIDENTAL AND NECESSARY EXPENSES RELATED THERETO

WHEREAS, it is necessary and in the public interest of Carter County, Tennessee (the "County"), to incur indebtedness (the "Indebtedness"), through the execution with The Public Building Authority of the County of Montgomery, Tennessee or The Public Building Authority of the City of Clarksville, Tennessee (the "Authority"), of a loan agreement or other instrument evidencing such Indebtedness (a "Loan Agreement"), for the purpose of financing certain public works projects, as hereinafter more fully described, and to pay legal, fiscal, administrative, and engineering costs, and costs incident to the financing thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CARTER COUNTY, TENNESSEE, AS FOLLOWS:

Section 1. For the purpose of financing all or a portion of the costs of certain public works projects, consisting of paying the costs of an addition to the existing jail facility of the County and the renovation of the existing jail facility, including but not necessarily limited to, acquisition of land, design and engineering costs, construction, renovation, and equipping of the jail facility and other jail and justice facilities for the County, the acquisition of all property real and personal appurtenant thereto and connected with such work, and to pay all legal, fiscal, administrative, and engineering costs incident thereto, costs incident to incurring the Indebtedness, and reimbursement for expenditures related to the foregoing project (collectively, the "Project"), the County is hereby authorized to incur Indebtedness in the amount of not to exceed Eighteen Million Dollars (\$18,000,000), for the financing of the Project through the execution of a Loan Agreement with the Authority. The rate of interest payable pursuant to the provisions of a Loan Agreement shall be a variable rate which rate shall not exceed the maximum rate of interest permitted under the laws of the State of Tennessee.

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

Nays: 0

Passing: 0

Absent: Gebe Ritchie and Lynn Tipton

There being 22 ayes, 0 nays, 0 passing and 2 absent motion to *approve the additional funding in the amount of \$ 182,000.00 for the alternate design (using pre-fabricated steel walls) for the jail* duly carried this the 20th day of February 2007.

On recommendation from the Budget Committee and on motion by Bill Armstrong, seconded by Harry Sisk *to approve the appropriate Resolution No. 463-463B to issue up to \$18,000,000, by entering into a loan agreement for financing jail construction* and using the funds from the sale of the modular units toward the building of the new jail.

Following some discussion, an motion was made by Richard Tester, seconded Jim Whaley *to withhold the sale of the modular units until there is a definite need to sell them* (at which time will need to come before the Commission to approve sale).

At this time Mayor Holder called for a three (3) minute recess.

Following the recess Mayor Holder call the meeting back to order. Mayor Holder called for a roll call vote on the motion to *withhold the sale of the modular units until there is a definite need to do so*. Vote as follows:

Ayes: Lawrence Hodge, Jeff McKinney, R. L. Tester, 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, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis, and Robert Gobble.

Nays: Jack Buckles, and Nancy Brown.

Passing: 0

Absent: Gebe Ritchie, Lynn Tipton

There being 20 ayes, 2 nays, 0 passing and 2 absent motion duly carried this the 20th day of February 2007.

There being 7 ayes, 15 nays, 0 passing, and 2 absent motion to table failed this the 20th day of February 2007.

The original motion to donate \$ 10,000.00 from fund balance for the Veterans Memorial Walk of Honor was back on the floor and Mayor Holder called for a roll call vote as follows:

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

Nays: Tom Bowers, Ken Arney and Richard Tester

Passing: Jeff McKinney

Absent: Gebe Ritchie and Lynn Tipton

At this time Jeff McKinney changed his vote to Nay.

There being 18 ayes, 4 nays, 0 passing and 2 absent motion *to donate \$ 10,000.00 from fund balance for the Veterans Memorial Walk of Honor* duly carried this the 20th day of February 2007.

On recommendation of the Budget Committee and on motion by Bill Armstrong, seconded by Harry Sisk *to approve the additional funding in the amount of \$182,000.00 for the alternate design (using pre-fabricated steel walls) for the jail.*

Bill Armstrong at this time introduced Architect J. Mark Rodgers who presented a video presentation on the Trussbilt metal panels that would be used in the construction of the jail. Mr. Rodgers said that by using the panel construction cost would be cut. He also said that by having two designs on the table would also ensure more competition therefore helping to keep construction bids down.

It was noted also that the Commissioners were invited to visit prisons in Georgia that were built with using the pre-fabricated steel walls and if for some reason they decided on a different design instead, they would not have to pay Architect J. Mark Rodgers for the alternate design.

Mayor Holder called for a roll call vote as follows:

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

On motion by Jerry Pearman, seconded by Jo Ann Blankenship to nominate Chris Scheuttler to the Northeast Regional Solid Waste Planning Board one (1) member six (6) year term.

Mayor Holder ask if there were any additional nomination for the floor and there was none.

Motion to cease nominations was made by Jim Whaley, seconded by Harry Sisk.

Being that there were no additional nominations Mayor Holder called for a roll call vote as follows:

Ayes: Jack Buckles, 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, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis, Robert Gobble.

Nays: Nancy Brown

Passing: 0

Absent: Gebe Ritchie and Lynn Tipton

There being 21 ayes, 1 nay, 0 passing and 2 absent *motion to accept nomination of Chris Scheuttler to the Northeast Regional Solid Waste Planning Board one (1) member, six (6) year term* carried this the 20th day of February 2007.

Mayor Holder at this time as for any Committee Reports and Recommendations.

On recommendation of the Budget Committee and on motion by Bill Armstrong, seconded by Jerry Pearman to *donate \$ 10,000.00 from fund balance for the Veterans Memorial Walk of Honor.*

A motion to table the above motion made by Tom Bowers, seconded by Terry Montgomery. Mayor Holder ask for a roll call vote as follows:

Ayes: Jack Buckles, Jeff McKinney, L.C. Tester, Tom Bowers, Terry Montgomery, Ken Arney and Richard Tester.

Nays: Lawrence Hodge, Nancy Brown, R.L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, Steve Lowrance, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Larry McKinney, Jack Campbell, Bill Armstrong, Robert Davis and Robert Gobble.

Passing: 0

Absent: Gebe Ritchie and Lynn Tipton

Roll call vote concerning the **Resolution No. 460 concerning the CDBG Grant, Watauga Rive Regional Water Authority** as follows:

Ayes: Jack Buckles, 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, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis and Robert Gobble.

Nays: 0

Passing: 0

Absent: Gebe Ritchie and Lynn Tipton

There being 22 ayes, 0 nays, 0 passing and 2 absent motion duly carried this the 20th day of February 2007.

On motion by Jerry Pearman, seconded by Harry Sisk and by voice roll call vote the following Notaries were approved as presented.

Claudia Marie Ledford

Tommy R. Isaacs, II

Cheryl Ann Appleba

Karen Wilson

Leighanna Taylor-Rash

Kathy Higgins

Karma M. Morgan

Ruth H. Bowers

Pamela T. Worth

Teresa D. Norris

Sonja Culler

Melissa Williams

Thomas E. Whitehead

Mechelle L. Livingston

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

On motion by Jerry Pearman, seconded by Harry Sisk to approve the minutes of the January 16, 2007 County Commission Meeting as presented. By majority voice roll call vote motion duly carried this the 20th day of February 2007.

On motion by Bill Armstrong, seconded by Jack Buckles to approve the
Resolution-CDBG Grant, Watauga River Regional Water Authority (RESOLUTION
NO. 460) RESOLUTION No. 460

**CARTER COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION TO MAKE APPLICATION FOR \$477,750 OF CDBG GRANT FUNDS TO ASSIST IN A WATER STORAGE PROJECT FOR THE WATAUGA RIVER REGIONAL WATER AUTHORITY'S WATER SYSTEM SERVICE AREA #2 (NORTH ELIZABETHTON WATER CO-OP).

WHEREAS, the Board of County Commissioners recognizes the need for adequate and dependable water service to be provided to the citizens of Carter County; and

WHEREAS, Carter County, with the assistance of grant funds, could provide adequate water storage for the WRRWA's Service Area #2 (North Elizabethton Water Co-Op); and

WHEREAS, the Carter County Board of County commissioners understands that the Tennessee Small Cities' Community Development Block Grant (CDBG) program provides assistance to counties and municipalities for this purpose; and

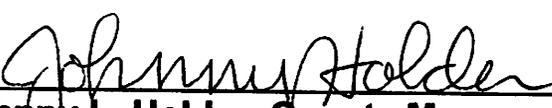
WHEREAS, Tennessee Code annotated Section 8-4-401 authorizes counties and cities to use the CDBG program.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CARTER COUNTY, TENNESSEE THAT;

Section 1. The Carter County Board of County Commissioners hereby authorizes the County Mayor to make application for \$477,750 of CDBG grant funds to assist in the construction of a water storage reservoir for the WRRWA's Service Area #2 (North Elizabethton Water Co-Op) at an estimated project cost of \$525,000.00.

Section 2. The Watauga River Regional Water Authority will be responsible for the local match of \$47,250.00.

ADOPTED BY THE COUNTY LEGISLATIVE BODY, in session duly assembled, on this 20th day of February 2007.



Johnny L. Holder, County Mayor



Mary Gouge, County Clerk

BE IT REMEMBERED, that the County Commissioners of Carter County, Elizabethton, Tennessee met in Regular Session on Tuesday, February 20, 2007 at 7:00 P.M. in the main courtroom of the Carter County Courthouse. Present and residing 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, 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, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis and Robert Gobble. Gebe Ritchie and Lynn Tipton were absent.

ROLL CALL..... QUORUM PRESENT
PRAYER..... LAWRENCE HODGE
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, February 20, 2007, 7:00 p.m., Main Courtroom, Carter County Courthouse, 801 E. Elk Avenue, Elizabethton, Tennessee.

Agenda

- Election Commission Report
- Resolution: CDGB Grant Watauga River Regional Water Authority
- Appointment: Northeast Tennessee Regional Solid Waste Planning Board Member, One Member, Six Year Term

All matters that may be normally considered by the Commission may be taken up and acted on at such meetings.

Johnny Holder, County Chairman
Carter County, Tennessee

COUNTY COMMISSION REGULAR SESSION,

FEBRUARY 20, 2007

County Commission Book No.25

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