

CARTER COUNTY COMMISSION MEETING IN REGULAR SESSION MARCH 19, 2007

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BE IT REMEMBERED, that the County Commissioners of Carter County, Elizabethton, Tennessee, met in Regular Session on March 19, 2007, at 7:00 P.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, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis and Robert Gobble.

ROLL CALL.....QUORUM PRESENT

PRAYER.....LAWRENCE HODGE

PLEDGE.....ROBERT DAVIS



Carter County Commission

Johnny L. Holder
County Chairman
Lawrence Hodge
Vice-Chairman

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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 Monday, March 19, 2007, 7:00 p.m., Main Courtroom, Carter County Courthouse, 801 E. Elk Avenue, Elizabethton, Tennessee.

Agenda

- Call to Order
- Roll Call
- Opening Prayer
- Pledge of Flag
- Recognition of Elected Officials/Guests
- Acceptance of Minutes from Previous Meeting
- Report from Tourism Director
- Library Board Appointments
- Public Hearing – (3) Rezoning Requests and Scenic Overlay
- Committee Reports/Recommendations
- Adjourn

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

At this time Mayor Holder recognized the elected and appointed officials in the audience by asking them to stand. He welcomed the members of the community present and thanked them for their interest in the County.

On motion by Dickie Renfro, seconded by Jerry Pearman the following Notaries were elected by voice roll call vote this March 19, 2007.

TEDDY A. GREENE
MARY ELIZABETH OXENDINE
WILLIAM PRESLOR
DONNA LYNN WISE

Larry Gobble, Tourism Director, gave an updated briefing on tourism at this time by reviewing the General Information on Tourism in Carter County, March 2007, outline which he had prepared and included in the Commissioner's meeting packets.

On recommendation of the Library Director, Joyce H. White, motion was made by Jo Ann Blankenship, seconded by Robert Davis to re-appoint Ruth Ritchie, Alta Barwick and Lou Ella Randolph to a three year term on the Carter County Library Board and Kay Jones to the Watauga Regional Library Board. By voice roll call vote, motion duly carried this March 19, 2007.

Chris Schuettler, Director of Planning, presented the following zoning change requests to the Commission at this time:

1. Rezoning of 1446 Broad Street from R-1 to A-1
2. Rezoning of 335 Highway 91 from R-2 to B-3
3. Administrative rezoning of Highway 19-E Hampton to Roan Mountain B-2
4. Changes to Scenic Overlay District

After explaining each rezoning change and the purpose for the changes, motion was made by Richard Tester, seconded by Lynn Tipton to recess into a Public Hearing on the rezoning requests. After hearing from all members of the audience concerned with these changes, the Public Hearing was adjourned and the Commission meeting was called back to order. Motion was made by Terry Montgomery, seconded by Tom Bowers to TABLE all four (4) requests. Roll call vote as follows:

AYES: L. C. Tester, Tom Bowers, Terry Montgomery, Ken Arney and Richard Tester

NAYS: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, Steve Lowrance, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Larry McKinney, Lynn Tipton, Jack Campbell, Bill Armstrong, Robert Davis & Robert Gobble

PASSING: 0

ABSENT: 0

There being 5 ayes, 19 nays, 0 passing and 0 absent, motion failed to carry this March 19, 2007, and the four (4) zoning requests were voted on separately.

Motion was made by Bill Armstrong, seconded by Robert Davis to approve the rezoning request #1 of 1446 Broad Street from R-1 to A-1.

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, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: Terry Montgomery

PASSING: 0

ABSENT: 0

There being 23 ayes, 1 nay, 0 passing and 0 absent motion duly carried this March 19, 2007.

Motion was made by Lynn Tipton, seconded by Jack Buckles to approve the rezoning request #2 of 335 Highway 91 from R-2 to B-3. 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, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: Terry Montgomery

PASSING: 0

ABSENT: 0

There being 23 ayes, 1 nay, 0 passing and 0 absent motion duly carried this March 19, 2007.

Motion was made by Jeff McKinney, seconded by Nancy Brown to approve the rezoning request #3 of Highway 19-E Hampton to Roan Mountain to B-2.

Motion was then made by Tom Bowers, seconded by Jack Buckles to allow the Commissioners from District 2 Commissioners to vote first on this motion as they were more affected by the request. Roll call vote as follows to allow District 2 to vote first:

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, Dickie Renfro, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: Charlie Bayless, Terry Montgomery & Richard Tester

PASSING: 0
ABSENT: 0 0

There being 21 ayes, 3 nays, 0 passing and 0 absent motion duly carried this March 19, 2007.

Roll call vote to approve rezoning request #3 as follows:

AYES: L. C. Tester & Lynn Tipton

NAYS: Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, 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, Jack Buckles, Gebe Ritchie & Lawrence Hodge

PASSING: 0
ABSENT: 0

There being 2 ayes, 22 nays, 0 passing and 0 absent motion failed to carry this March 19, 2007.

Motion was made by Jack Buckles, seconded by Robert Davis to approve rezoning request #4 for changes to the Scenic Overlay District. Roll call vote as follows:

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

NAYS: Nancy Brown, Jeff McKinney, Tom Bowers, Terry Montgomery & Ken Arney

There being 19 ayes, 5 nays, 0 passing and 0 absent motion duly carried this March 19, 2007.

Bill Armstrong reported on behalf of the Budget Committee that Budget Workshops would begin on Monday, March 26 and Friday, March 30 beginning at 3:00. Motion was then made by Bill Armstrong, seconded by Dickie Renfro to approve the General County, Solid Waste and School Department budget amendments. 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, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: 0
PASSING: 0
ABSENT: 0

There being 24 ayes, 0 nays, 0 passing and 0 absent motion duly carried this March 19, 2007. Amendments as follows:

**THE CARTER COUNTY COMMISSIONERS ARE
RESPECTFULLY REQUESTED TO APPROVE THE
FOLLOWING AMENDMENTS
19-Mar-07**

FUND 101

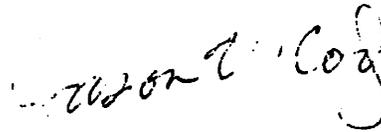
46980	State of Tennessee Election Commission Grant	51500-499	+ \$	5,720.00
44170	Athena Enterprises Hotel reimbursement for Sheriff's Dept	54110-355	+ \$	16.50
44170	City of Elizabethton Share cost of Fingerprint Machine	54110-599	+ \$	10,450.00
44520	TSB Risk Mgt Trust Insurance recovery for Sheriff's Dept	54110-338	+ \$	4,780.24
44170	Xerox Refund for Circuit Court	53100-351	+ \$	518.20
44170	Carter County Board of Education Share cost of laptop for resource officer	54110-719	+ \$	850.00
41140	Cable TV Franchise Fee Commissioners Fee	51100-191	- \$	(22,000.00)
41140	Cable TV Franchise Fee Legal Fees	51400-331	- \$	(14,000.00)
41140	Cable TV Franchise Fee Civil Service Board Fees	54900-191	- \$	(400.00)
44170	East TN Assoc of Election Registration Refund	51500-355	+ \$	10.00
44170	City of Watauga Election Expense	51500-332	+ \$	835.20
44170	City of Elizabethton Cost of Election	51500-435	+ \$	2,219.65

44170 Election Commission Sale of voters list	51500-435	+ \$	36.50
52310-317 Reappraisal Data Processing	51210-191	- \$	(2,600.00)
Equalization fees and travel	51210-355	- \$	(423.00)
TOTAL FUND 101		\$	(13,986.71)

FUND 116

44170 City of Elizabethton Share of Closed Landfill	55754-359	+ \$	12,243.42
TOTAL FUND 116		\$	12,243.42

Respectfully Submitted,



Jason Cody
Director of Finance

Carter County Schools Fund 141
Budget Amendment # 3 2006-2007

Item #1	44990	Other Local Revenue		50,966	Increase
	71300	116 Vocational Teacher	37,128		Increase
	71300	201 Social Security	2,302		Increase
	71300	204 Retirement	5,443		Increase
	71300	206 Life	30		Increase
	71300	207 Medical	5,259		Increase
	71300	208 Dental	240		Increase
	71300	210 Unemployment	26		Increase
	71300	212 Medicare	538		Increase
New Funds		To recognize Medical Career Program funded by Mountain States Health Alliance			
Item #2	44520	Insurance recovery		1,973	Increase
	76100	799 Capital Outlay	1,973		Increase
New Funds		To recognize insurance recovery HVE computer replacement.			

Motion was made by Bill Armstrong, seconded by Jerry Pearman to divide the remaining funds (\$7,374.00) from the Fire Department grants between the Roan Mountain and Elk Mills Fire Departments. 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, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: Tom Bowers
PASSING: 0
ABSENT: 0

There being 23 ayes, 1 nay, 0 passing and 0 absent motion duly carried this March 19, 2007.

Motion was made by Bill Armstrong, seconded by Jack Buckles to approve an additional \$150,000.00 for the school projects with these funds to be used for land acquisition only with the School Board to bring the properties back before the Commission for approval before purchasing. 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, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: Steve Lowrance
PASSING: 0
ABSENT: 0

There being 23 ayes, 1 nay, 0 passing and 0 absent motion duly carried this March 19, 2007.

On recommendation of the Planning Committee, motion was made by Jerry Pearman, seconded by Gebe Ritchie that if the Animal Control Ordinance which had been declared a dead issue came up again it would be placed as a referendum on the next election ballot. Because there was nothing in writing to actually vote on, motion was made by Lynn Tipton, seconded by Richard Tester to TABLE Commission Pearman's motion. Roll call vote to TABLE 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, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: Tom Bowers & Lynn Tipton
PASSING: 0
ABSENT: 0

There being 22 ayes, 2 nays, 0 passing and 0 absent, motion duly carried this March 19, 2007.

After much discussion and hearing from Dallas Williams, Director of Schools, on the needs and aims of the school system and from Supervisor Kevin Ward on the details of the various school projects in question, motion was made by Gebe Ritchie, seconded by Jerry Pearman to approve spending \$1 million to renovate Unaka High School to include construction of a Math and Science Lab, to take bids for the construction of a new Unaka Elementary at it's present site and to approve \$1 million to purchase land for the future construction of Valley Forge Elementary when a suitable location is found. Roll call vote as follows:

AYES: Gebe Ritchie, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Ken Arney, Larry McKinney, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: Jack Buckles, Lawrence Hodge, L. C. Tester, Terry Montgomery & Lynn Tipton

PASSING: 0
ABSENT: 0

There being 19 ayes, 5 nays, 0 passing and 0 absent, motion duly carried this March 19, 2007.

Richard Davis reported for the Jail Task Force stating that they had recently met with the architect, J. Mark Rodgers, and discussed alternative construction materials that could be used in the construction of the Carter County Jail. He further stated that it was recommended that the Commissioners, especially members of the Jail Task Force, along with representatives from the Sheriff's Department look at some of the buildings that used these materials. Mayor Holder informed the Commissioners that a group including these people would visit two sites in Georgia the next day, leaving at 5:00 in the morning and returning late that night.

Jo Ann Blankenship gave a report as representative on the Library Board stating that she had found out there were actually two boards. She said the Carter County Library Board was responsible for overseeing expenditure and the Elizabethton Public Library Board set the policies. She extended an invitation from Joyce White, Library Director, to visit the Library to see what was available to the public and what programs were presented.

On behalf of the Financial Management Committee, Jo Ann Blankenship told the Commissioners that their approval was needed on the appointment of Jerome Kitchens as interim Financial Director due to the resignation of Jason Cody. She further stated that also needed was their approval for Lynda Vaughn to be able to sign checks. Motion was made by Jo Ann Blankenship, seconded by Harry Sisk to approve these requests and the roll call vote was as follows:

AYES: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. B. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble
NAYS: 0
PASSING: 0
ABSENT: 0

There being 24 ayes, 0 nays, 0 passing and 0 absent, motion duly carried this March 19, 2007. Commissioner Blankenship went on to say that the interim appointment would be only until the end of this fiscal year and that the Financial Director position would be advertised for following the Financial Management Act of 1981 guidelines. At this time she presented Jason Cody with an "inlaid" bowl as a token of appreciation for his service to the County.

Jo Ann Blankenship presented to the Commission a basket of items unique to Carter County she had collected from all over the area to be given to Jack Buckles, Chairman of Carter County Tomorrow. These items are to be presented to prospective new businesses and industries that visit our County so that they may take a little of "Carter County" back with them.

After the reading of the following Resolution No. 464 by the County Attorney, motion was made by Lynn Tipton, seconded by Steve Lowrance to approve the Resolution 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 Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble
NAYS: 0
PASSING: 0
ABSENT: 0

There being 24 ayes, 0 nays, 0 passing and 0 absent, motion duly carried this March 19, 2007.

RESOLUTION TO PARTICIPATE IN THE THREE-STAR PROGRAM

WHEREAS, the Tennessee Department of Economic and Community Development is committed to assist the communities it serves in creating opportunities for sustained economic growth through the Three-Star Program; and

WHEREAS, participation in the Three-Star Program affords certified communities the opportunity to develop and implement programs affecting the economic appeal and viability considered by business and industry in making investment decisions; and

WHEREAS, certification as a Three-Star community in the Three-Star Program involves a cooperative effort by numerous local entities;

NOW, THEREFORE, BE IT RESOLVED, by the County Legislative Body of Carter County, Tennessee, meeting in regular session on this 19th day of March 2007 in Elizabethton, Tennessee, that Carter County will participate in the Three-Star Program.

Adopted this 19th day of March 2007.

APPROVED:



Johnny Holder, County Mayor

ATTEST:



Mary Gouge, County Clerk

The following Resolution No. 465 to affirm compliance with Federal Title VI Regulations was read by the County Attorney. Motion was made by Jo Ann Blankenship, seconded by Jerry Pearman to approve the Resolution as presented. Roll call vote as follows:

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

There being 21 ayes, 1 nay, 1 passing and 1 absent, motion duly arried this March 19, 2007.

**RESOLUTION TO AFFIRM COMPLIANCE WITH
FEDERAL TITLE VI REGULATIONS**

WHEREAS, both Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 provide that no person in the United States shall, on the ground of race, color or national origin be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving federal financial assistance; and

WHEREAS, the Tennessee Attorney General opined in Opinion No. 92.47 that state and local governments are required to comply with Title VI of the Civil Rights Act in administering federally funded programs; and

WHEREAS, the Community Development Division of the Tennessee Department of Economic and Community Development administers the Three-Star Program and awards financial incentives for communities designated as Three-Star communities; and

WHEREAS, by virtue of the Tennessee Department of Economic and Community Development receiving federal assistance all communities designated as Three-Star communities must confirm that the community is in compliance with the regulations of Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987;

NOW, THEREFORE, BE IT RESOLVED, by the county legislative body of Carter County, Tennessee, meeting in regular session at Elizabethton, Tennessee, that:

SECTION 1. The Legislative Body of Carter County declares that the county is in compliance with the federal Title VI regulations.

SECTION 2. The Department of Economic and Community Development may from time to time monitor the county's compliance with Federal Title VI regulations.

SECTION 3. This Resolution shall take effect upon adoption, the public welfare requiring it.

Approved and adopted this 19 day of May 2006.


Johnny Holder, Carter County Mayor

Attest:


Mary Gouge, Carter County Clerk

Motion was made by Jack Buckles, seconded by Nancy Brown that the County Commission or any subcommittee of the commission have no meetings before 5:00 P.M. After discussing whether this should be referred to the Rules/By Laws Committee, motion was made by Harry Sisk, seconded by Ken Arney to TABLE Commission's Buckles motion. Roll call vote on TABLE as follows:

- AYES: Gebe Ritchie, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, Steve Lowrance, Tom Bowers, Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Jack Campell, Bill Armstrong, Robert Davis & robert Gobble
- NAYS: Jack Buckles, Lawrence Hodge, Nancy Brown, Jeff McKinney, L. C. Tester, Jo Ann Blankenship, Lynn Tipton & Richard Tester
- PASSING: 0
- ABSENT: 0

There being 16 ayes, 8 nays, 0 passing and 0 absent, motion to TABLE
duly carried this March 19, 2007.

After members of the audience were recognized and spoke on matters
they were concerned with, motion was made by Robert Davis, seconded by Lawrence
to adjourn. By voice roll call vote, motion duly carried this March 19, 2007.