

CARTER COUNTY COMMISSION MEETING, REGULAR SESSION, JANUARY 22, 2008

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\*Copied into the minutes and available upon your request in the Office of the County Clerk.

BE IT REMEMBERED, that the County Commissioners of Carter County, Elizabethton, Tennessee, met in Regular Session on January 22, 2008, 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, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis and Robert Gobble. Charlie Bayless and Dickie Renfro 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  
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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 Tuesday, January 22, 2008, 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 Allegiance
- Don Hurst, Carter County Tomorrow
- Public Comments
- Recognition of Elected Officials/Guests
- Acceptance of Minutes from Previous Meeting
- Notaries/Bonds
- EMA – Hazardous Mitigation Resolution
- Appointment of Coroner
- Committee Reports/Recommendations
- Commissioner Comments
- Adjourn

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

Johnny Holder, County Chairman

Carter County Tomorrow President, Don Hurst, addressed the Commission giving an update on his organization's current activities. He stated that the purchase of industrial land with the City of Johnson City would likely be a 60/40 deal, Johnson City paying 60% of the purchase price. He addressed the water issue in the County informing the Commissioners that a new law before the State Legislature, House Bill 2669, if passed would require every County to have a water authority in place by December 2009.

Under Public Comments, Attorney Richard Gray was recognized and informed the Commissioners of an investigation he was currently conducting on the Watauga River Regional Water Authority on behalf of the customers of the First Utility District. Roy Livingston was recognized stating that the taxpayers needed a true figure on the cost of the jail, including operational costs, because they were the ones that would be paying for it.

Mayor Holder recognized all the elected and appointed officials in the audience as well as their guests by asking them to stand.

Motion was made by Jo Ann Blankenship, seconded by Robert Davis to approve the minutes of the December 17, 2007, County Commission meeting as presented. By voice roll call vote, motion duly carried this January 22, 2008.

Motion was made by Robert Davis, seconded by Ken Arney to approve the following Notaries as presented. By voice roll call vote, motion duly carried this January 22, 2008.

Mike P. Honeycutt	Sequa Sue Shields
Deborah C. Williams	B. Frank Robinson
Kathy A. Hicks	Donna G. Williams
Adam B. Thornton	Angela C. Clark
Kimberly Carol Davis	Sherry Ann Deloach
Arthur M. Fowler, III	Carmella Price
Linda Lewis	Patricia Clawson
Robert C. Carroll	Shelby S. McQueen
Teresa Chambers	Karen Brackett Castle
John W. Wagner, Sr.	Jennings L. Wagner
Rebecca Roberts McKeehan	Claude Wilson
Charles Whaley	Louise Stevens
Madalynne Rose Cox	Thomas Schuyler Cowan, III

The following Resolution No. 473 approving the Hazard Mitigation Plan was read by the County Attorney. Motion was made by Robert Davis, seconded by Terry Montgomery 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, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: 0

PASSING: 0

ABSENT: Dickie Renfro & Charlie Bayless

There being 22 ayes, 0 nays, 0 passing and 2 absent, motion duly carried this January 22, 2008.

BEFORE THE COUNTY COMMISSION

OF CARTER COUNTY, TENNESSEE

REGULAR MEETING January 22, 2008

RESOLUTION NO. 473

"A RESOLUTION APPROVING AND ADOPTING THE CITY OF ELIZABETHTON, CITY OF WATAUGA, AND CARTER COUNTY, TENNESSEE HAZARD MITIGATION PLAN"

WHEREAS, our lives, residential and commercial property, business, and infrastructure are at risk from a variety of natural hazards, including floods, thunderstorms, earthquakes, wildfire, tornadoes; and,

WHEREAS, Hazard Mitigation Planning created an operational framework for reducing losses from these hazards in a cost-effective, environmentally sound manner; and

WHEREAS, a Hazard Mitigation Planning process was undertaken in order to maintain eligibility for multiple sources of federal mitigation funding programs that support loss-reduction activities; and,

WHEREAS, a Hazard Mitigation Planning Steering Committee analyzed the hazards that threaten our community, determined our vulnerability to those hazards, and evaluated alternatives to minimize or eliminate their impact; and,

WHEREAS, Carter County has adopted policies and regulations that must be implemented following any incident that results in significant damages and that would impact rebuilding and redevelopment; and,

WHEREAS, as a benefit of being enrolled in the Community Rating System within the National Flood Insurance Program, formally establishing our Hazard Mitigation Plan contributes towards lowering the cost of flood insurance across the entire community.

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Carter County, Tennessee, meeting in regular session on this the 22nd day of January, 2008, with a lawful quorum of said Commission voting in the affirmative as follows:

1. The Carter County Commission does hereby approve and adopt a Hazard Mitigation Plan that identifies protective and mitigation measures that will lessen our exposure to future hazard losses, while contributing to other community goals and objectives as identified in other community plans, policies and regulations.

2 The Carter County Commission did hereby solicit public input through the development of the Hazard Mitigation Plan.

3. The Carter County Commission does hereby desire to keep the County in good standing in the National Flood Insurance Program (NFIP) and the NFIP's Community Rating System, which reduces the cost of flood insurance for our constituents that either are required or desire to purchase the same.

4. This Resolution shall be effective from and after its adoption.

CARTER COUNTY, TENNESSEE

By   
Mayor

ATTEST:



The following Resolution No. 474 was read by the County Attorney reducing the commission retained by the County Register of Deeds. Motion was Made by Lynn Tipton, seconded by Jerry Pearman 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, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: 0

PASSING: 0

ABSENT: Charlie Bayless & Dickie Renfro

There being 22 ayes, 0 nays, 0 passing and 2 absent, motion duly carried this January 22, 2008.

**Carter County, Tennessee  
Board of Commissioners**

**RESOLUTION TO SUPPORT STATE LEGISLATION REPEALING  
THE PROVISION THAT REDUCES THE COMMISSION RETAINED  
BY THE COUNTY REGISTER OF DEEDS.**

**WHEREAS**, the Carter County Legislative Body has determined that Tennessee Code Annotated Title 67 Chapter 4 Section 409 entitles the Register of Deeds office to retain a five percent (5%) commission on taxes levied under this section, and

**WHEREAS**, the County Legislative Body has determined that fifty-two percent (52%) of the five percent (5%) commission has since been retained by the state for the purpose of funding an antiquated retirement system for county officials, and

**WHEREAS**, the County Legislative Body has determined that the antiquated retirement system is no longer being funded by the fifty-two percent (52%) of the five percent (5%) commission entitled to be retained by the County Register's Office, and

**WHEREAS**, such funds are now remitted to the state treasurer and credited to the general fund of the state, and

**WHEREAS**, the Tennessee Registers Association has asked the state legislative body to repeal the provision that reduces the commission retained by the County Register, and

**WHEREAS**, the Tennessee Registers Association is asking the County Legislative Body to endorse and support any and all legislation repealing the provision reducing commissions retained by the Register of Deeds Office thereby restoring the retained commission to five percent (5%).

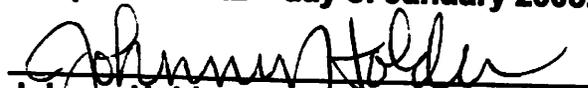
**NOW, THEREFORE, BE IT RESOLVED** by this legislative body meeting in regular session this 22<sup>nd</sup> day of January 2008 in Elizabethton, Tennessee that:

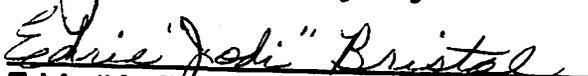
**SECTION 1.** This Legislative Body supports the repeal of the provision reducing the commission retained by the Register of Deeds Office.

**SECTION 2.** This Legislative Body requests all state legislators to support and adopt legislation repealing said provision.

**SECTION 3.** The County Clerk's Office shall maintain a copy of this resolution for public inspection in the official minutes of the County Legislative Body and shall forward a certified copy to the Carter County's state elected representative(s) and senator(s) urging the repeal of said provision.

Adopted this 22<sup>nd</sup> day of January 2008.

  
\_\_\_\_\_  
Johnny Holder, County Mayor

  
\_\_\_\_\_  
Edrie "Jodi" Bristol, Register of Deeds

**ATTEST:**

  
\_\_\_\_\_  
Mary Gouge, County Clerk

Motion was made by Jerry Pearman, seconded by Jim Whaley to approve the County Road List as presented. By voice roll call vote, motion duly carried this January 22, 2008. Road list entered into the minutes on pages 221 to 347.

The Mayor informed the Commissioners that two (2) applications had been submitted for the County Coroner position and the applicants were Benny Frank Colbaugh and Mark A. Dunn. Motion was made by Jim Whaley, seconded by Jerry Pearman to nominate Benny Colbaugh. Motion was made by Richard Tester, seconded by Richard Davis to nominate Mark Dunn. Nominations were ceased and the roll call vote to elect a County Coroner was as follows:

BENNY COLBAUGH: 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, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Bill Armstrong, Robert Davis & Robert Gobble

MARK DUNN: 0  
PASSING: Richard Tester

There being 21 votes for Benny Colbaugh and 0 votes for Mark Dunn, Benny Colbaugh was duly elected County Coroner this January 22, 2008.

On recommendation of the Highway Committee, motion was made by Jerry Pearman, seconded by Larry McKinney to lower the speed limit on Long Hollow Road near the Green Acres Subdivision to Gap Creek Road from 35 mph to 25 mph. By voice roll call vote, motion duly carried this January 22, 2008.

On recommendation of the Rules/Bylaws Committee, motion was made by Jim Whaley, seconded by Jerry Pearman for the full Commission to approve the new County Employee Handbook. By voice roll call vote, motion duly carried this January 22, 2008.

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Harry Sisk to approve the following General Fund Budget Amendment #5, Items 2 - 17 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, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: 0  
PASSING: 0  
ABSENT: Charlie Bayless & Dickie Renfro

There being 22 ayes, 0 nays, 0 passing and 2 absent, motion duly carried this January 22, 2008.

**Carter County General Fund 101  
Budget Amendment # 5 2007-08**

<b>Item #1</b>	68120	716	Land Purchase	\$ -420,000.00		Increase
	39000		Undesignated Fund Balance		\$ -321,432.82	Decrease
	36140		Reserve for Industrial Property		\$ -98,567.18	Decrease
To allocate funds for purchase of 40% interest in property located next to EPIC facility for a joint industrial park with Johnson City.						
<b>Item #2</b>	44170		Refund		\$ 56.78	Increase
	51600	351	Register of Deeds- Rentals	\$ 56.78		Increase
Reimbursement from Xerox						
<b>Item #3</b>	44170		Refunds		\$ 563.99	Increase
	53900	194	Juries - Jury Cost	\$ 563.99		Increase
State reimbursement for jury cost						
<b>Item #4</b>	44170		Refunds		\$ 23.95	Increase
	53100	435	Circuit Court - Office Supplies	\$ 23.95		Increase
Reimbursement for internet services						
<b>Item #5</b>	44170		Misc. Income		\$ 36.50	Increase
	51500	435	Election Commission - Office Supplies	\$ 36.50		Increase
Sale of Voters List						
<b>Item #6</b>	48130		Contributions		\$ 22,834.54	Increase
	54490	499-31	EMA Grant	\$ 22,834.54		Increase
To recognize EMA Homeland Security Grant						
<b>Item #7</b>	44170		Refunds		\$ 158.00	Increase
	51500	355	Election Commission - Travel	\$ 158.00		Increase
Hotel Reimbursement from Conference						
<b>Item #8</b>	44170		Refunds		\$ 52.25	Increase
	51500	355	Sheriff Dept - Travel	\$ 52.25		Increase
Chattanooga Marriott Hotel Reimbursement						
<b>Item #9</b>	44170		Refunds		\$ 1,842.14	Increase
	54110	307	Sheriff Dept - Communication	\$ 1,842.14		Increase
Reimbursement for Cell Phones						
<b>Item #10</b>	46290		Public Safety Grant		\$ 5,000.00	Increase
	54110	716	Sheriff Dept - Law Enforcement Equip	\$ 5,000.00		Increase
To recognize grant for laptops						
<b>Item #11</b>	47620		Police Service (Lake Area)		\$ 11,998.50	Increase
	54110	106	Sheriff Dept - Deputies	\$ 9,634.50		Increase
	54110	425	Sheriff Dept - Gasoline	\$ 2,364.00		Increase
To recognize US Forestry reimbursement						
<b>Item #12</b>	44131		Commissary Sales Fees		\$ 87.32	Increase
	54210	599	Jail - Other Charges	\$ 87.32		Increase
Funds for prisoners with commissary						
<b>Item #13</b>	44170		Refund		\$ 100.00	Increase
	54110	425	Sheriff Dept - Gasoline	\$ 100.00		Increase
To record contribution from Tri-City Road Club						
<b>Item #14</b>	44170		Refund		\$ 81.90	Increase
	54110	599	Sheriff Dept - Other Charges	\$ 81.90		Increase
To recognize sale of scrap metal						
<b>Item #15</b>	44170		Refund		\$ 25.00	Increase
	54110	401	Animal Food & Supplies	\$ 25.00		Increase
Donation for K-9 unit						
<b>Item #16</b>	34166		Reserve for Automation		\$ 1,170.00	Decrease
	53400	719	Chancery Court - Office Equipment	\$ 1,170.00		Increase
Computer up-grade for Chancery Court						
<b>Item #17</b>	45540		General Sessions Court Clerk		\$ 10,200.00	Increase
	53100	334	Circuit Court Maintenance Agreements	\$ 10,200.00		Increase
To allocate funds for Computer Software and Hardware Maintenance (This amendment was added in Budget Committee 1/17/08)						
<b>Total General Fund Amendments</b>				\$ 54,230.87	\$ 54,230.87	

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Jerry Pearman to approve the Solid Waste Fund Budget Amendment #2, Item 1 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, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: 0  
 PASSING: 0  
 ABSENT: Charlie Bayless & Dickie Renfro

There being 22 ayes, 0 nays, 0 passing and 2 absent, motion duly carried this January 22, 2008.

Carter County Solid Waste Fund 116  
 Budget Amendment # 2 2007-08

<b>Item #1</b>	44170		Refunds			\$ 3,181.59	Increase
	55754	322	Evaluation & Testing		\$ 3,181.59		Increase
To recognize payment of City of Elizabethton share of closed Landfill							
<b>Total Solid Waste Amendments</b>						<b>\$ 3,181.59</b>	<b>\$ 3,181.59</b>

Jerry Pearman requested that the permits issued each month by the Planning Commission be put in the Commissioner's packets for each meeting.

Jo Ann Blankenship reported for the Financial Management Committee's meeting on January 8, 2008. A copy of the Committee minutes are on file in the office of the County Clerk.

R. L. Miller asked the County Attorney if he had made his decision as to whether the Commissioners that went to Fish Springs to help with the water problems and were later accused of being in violation of the Sunshine Law were actually in violation. Keith Bowers stated that he had been given a tape by Commissioner Brown to review before he made that decision and would give his opinion at a later meeting.

Jeff McKinney criticized the Commissioners asking that they refrain from making or encouraging personal attacks on one another. He stated that it was political and personal and that the business of the County was hard to take care of in the midst of such personal attacks.

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Harry Sisk to approve the School Department's Budget Amendment #4 and Budget Amendment #5 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, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: 0

PASSING: 0

ABSENT: Charlie Bayless & Dickie Renfro

There being 22 ayes, 0 nays, 0 passing and 2 absent, motion duly carried this January 22, 2008. The clerk noted a Conflict of Interest statement prior to their votes from Jim Whaley, L. C. Tester and Ken Arney.

**Carter County Schools Fund 141  
Budget Amendment # 4 2007-08**

<b>Item #1</b>	46590	Other State Education Funds		95,000	Increase
	72120	131 Nurses	55,407		Increase
	72120	201 Social Security	3,436		Increase
	72120	204 Retirement	7,481		Increase
	72120	206 Life	60		Increase
	72120	207 Medical	11,010		Increase
	72120	208 Dental	480		Increase
	72120	210 Unemployment	52		Increase
	72120	212 Medicare	804		Increase
	72120	355 Travel	3,000		Increase
	72120	413 Supplies	10,000		Increase
	72120	599 Other	3,270		Increase

To recognize Coordinated School Health Grant from State

<b>Item #2</b>	44990	Other Local Revenue		52,054	Increase
	71300	116 Vocational Teacher	38,240		Increase
	71300	201 Social Security	2,371		Increase
	71300	204 Retirement	5,162		Increase
	71300	206 Life	30		Increase
	71300	207 Medical	5,430		Increase
	71300	208 Dental	240		Increase
	71300	210 Unemployment	26		Increase
	71300	212 Medicare	555		Increase

To recognize Medical Career Program funded by Mountain States Health Alliance

<b>Item #3</b>	46990	Other State Revenue		49,026	Increase
	72210	336 Maintenance & Repair Services Equipment	49,026		Increase

To recognize funds from State for Internet connections services

<b>Item #4</b>	44520	Insurance recovery		1,053	Increase
	76100	799 Other Capital Outlay	1,053		Increase

To recognize insurance reimbursement for lost camera at Hampton High

<b>Item #5</b>	44520	Insurance recovery		8,935	Increase
	76100	799 Other Capital Outlay	8,935		Increase

To recognize insurance reimbursement for damaged scoreboard at Hampton High

<b>Item #6</b>	76100	706 Building Construction	57,800		Increase
	39000	Undesignated Fund Balance		57,800	Decrease

To construct a storage facility beside the bus garage

<b>Item #7</b>	76100	799 Other Capital Outlay	10,600		Increase
	39000	Undesignated Fund Balance		10,600	Decrease

To install a flashing safety light on Highway 91 for Unaka High and Unaka Elementary

274,468      274,468

**Carter County Schools Fund 141  
Budget Amendment # 5 2007-08**

<b>Item #1</b>	76100	707 Building Improvement	44,000		Increase
	39000	Undesignated Fund Balance		44,000	Decrease

To budget replacement of Central Gym Floor from Fund Balance

<b>Item #2</b>	76100	707 Building Improvement	20,000		Increase
	39000	Undesignated Fund Balance		20,000	Decrease

To budget replacement of Siam Alternative School Roof from Fund Balance

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Larry McKinney for the County to pay for the increase in the employees insurance with no additional costs to the employees. 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, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble  
NAYS: 0  
PASSING: 0  
ABSENT: Charlie Bayless & Dickie Renfro

There being 22 ayes, 0 nays, 0 passing and 2 absent, motion duly carried this January 22, 2008. The clerk noted a Disclaimer Statement from Jim Whaley, L. C. Tester and Ken Arney prior to their vote.

On motion by Lynn Tipton, seconded by Jerry Pearman and by voice roll call vote, court adjourned