

COUNTY COMMISSION MEETING, REGULAR SESSION, MARCH 17, 2008

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BE IT REMEMBERED, that the County Commission of Carter County, Elizabethton, Tennessee, met in Regular Session on March 17, 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; and the Honorable Keith Bowers, Jr., County Attorney. 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, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis and Robert Gobble, Lynn Tipton was absent.

ROLL CALL.....QUORUM PRESENT

PRAYER.....JEFF MCKINNEY

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 17, 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
- Election to the Carter County Board of Health – (2) Members, Liasion
- Resolution – Public Defender, Fines to Defray Costs
- Resolution – TIIP Grant, Borla Industries
- Resolution – Hampton Utility
- 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, Tennessee

At this time Mayor Holder asked that the members of Central Elementary Boys and Girls Basketball teams that were in the audience to come before the Commission. The following resolutions honoring both of the teams for an outstanding 2007-2008 season was read by the County Attorney. Congratulations were extended to both the players and their coaches as they were presented with a copy of the resolution prepared in their honor.

Resolution No. 475

**Resolution Honoring  
Central Elementary Basketball  
Lady Comets**

**WHEREAS**, the Central Elementary Lady Comets Varsity Basketball Team were Conference Champions and District Tournament Champions, for the 2007-2008 season with an overall record of 16-5 and a conference record of 7-1, and

**WHEREAS**, the Central Elementary Lady Comets completed the season as Conference Champions and placed 3<sup>rd</sup> in the 7<sup>th</sup> Grade Tournament with an overall record of 10-3 and a Conference Record of 2-0, and

**WHEREAS**, the Carter County Commission wish to recognize Varsity **All Conference Team Members, Lindsay Dugger, Co-MVP, Alesha Sisk, Co-MVP, Aspen Harris, All Conference, Kelsy Campbell, All Defensive Team, All Tournament Team Members, Sarah Bradley, MVP, Anna Whaley and Alesa Sisk**, and

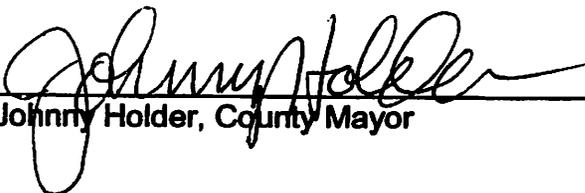
**WHEREAS**, the Carter County Commission also wishes to recognize the following Lady Comets Team Members: Eighth Grade, **Haley Fredrick, Charity Grindstaff, Nikki Stout, and Taylor Torbett**, Seventh Grade, **Lauren Collins, Haley Conley, Aspen Graybeal**, and Sixth Grade, **Kaitlyn Simerly**.

**WHEREAS**, the Carter County Commission wishes to congratulate coaches Letha Carr, Lisa Sisk and David Buck for their outstanding coaching and leadership on and off the court, and

**WHEREAS**, All four Central Elementary Basketball Teams, Varsity and Junior Varsity, were Conference Champions for the 1<sup>st</sup> time in the Central Elementary School history.

**NOW, THEREFORE, BE IT RESOLVED** that the Carter County Commission meeting in regular session extends its heartiest congratulations to the Central Elementary Lady Comets Basketball Team and Coaches on their extraordinary accomplishments for the 2007-2008 season.

**APPROVED and ADOPTED** this the 17<sup>th</sup> day of March 2008.

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

**Resolution Honoring  
Central Elementary Boys Basketball Team**

**WHEREAS**, the Central Elementary Boys Basketball Team finished the 2007-2008 season with an overall record of 23-3 and Conference Champions at 8-0, and

**WHEREAS**, the Central Elementary Boys Basketball Team are District Tournament Champions and were runner-up at Daniel Boone High School, Trailblazer/McDonalds Christmas Tournament, and

**WHEREAS**, under the leadership of Head Coach Lamont Barnett and Assistant Coach David Buck, the team displayed exceptional skills, unselfishness and sportsmanship on and off the court, and

**WHEREAS**, the Carter County Commission wishes to recognize the following team members; **8<sup>th</sup> Grade, Gabe Oxendine**, All Conference, All District Tourney Team, **John Johnson**, Co-Most Valuable Player in Conference, All Tourney Team, Christmas Tournament, All District Tourney Team, **Cory Walker**, All Conference and All District Tourney Team, **Donivan Grindstaff**, Co-Most Valuable Player in Conference, all Tourney Team, Christmas Tournament, Most Valuable Player, District Tournament, **Justin Reagan**, All Conference. **7<sup>th</sup> Grade, Chris Burks**, Most Valuable Player, **Anthony Cable**, All Conference, **Matthew Reynolds**, All Conference and Tournament and **Joshua Ferrell**. **6<sup>th</sup> Grade, Luke Hughes**, All Conference, **Job Davis**, **Brandon Murray** and **Zeke Clark**, All Conference, and

**WHEREAS**, All four Central Elementary Basketball Teams, Varsity and Junior Varsity, were Conference Champions for the 1<sup>st</sup> time in the Central Elementary School's history.

**NOW, THEREFORE, BE IT RESOLVED** that the Carter County Commission meeting in regular session extends its heartiest congratulations to the coaches & team members of the Central Elementary Boys Basketball Team on their extraordinary accomplishments.

APPROVED and ADOPTED this the 17<sup>th</sup> day of March 2008.

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

At this time Don Hurst, President of Carter County Tomorrow, gave an update on their recent activities. He ended his comments by recommending a series of meeting with the State, County, City and local utility representatives be set to resolve the water issue. He once again stated that the House bill which would force regional water compliance by December 31, was likely to soon become law.

Motion was made by Ken Arney, seconded by Nancy Brown to allow the Hampton Utility District to opt out if the WRRWA. Motion was then made by Jerry Pearman, seconded by Robert Davis to TABLE Commissioner Arney's motion. Roll call vote to TABLE as follows:

AYES: R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Larry McKinney, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis and Robert Gobble

NAYS: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown Jeff McKinney Terry Montgomery and Ken Arney

PASSING: 0

ABSENT: Lynn Tipton

There being 16 ayes, 7 nays, 0 passing and 1 absent, motion to TABLE duly carried this March 17, 2008.

Motion was made by Lawrence Hodge, seconded by Gebe Ritchie to have the County Attorney amend the current water resolution and reword it to allow for the spirit of cooperation among the concerned agencies and be brought back before the Commission in April for consideration. Roll call vote as follows:

AYES: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney R. L. Miller, Jim Whaley, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Jack Campbell, Robert Davis & Robert Gobble

NAYS: Harry Sisk, Jerry Pearman, Richard Tester & Bill Armstrong

PASSING: 0

ABSENT: Lynn Tipton

There being 19 ayes, 4 nays, 0 passing and 1 absent, motion duly carried this March 17, 2008.

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

On motion by Jerry Pearman, seconded by Robert Gobble the following Notaries were approved by voice roll call vote this March 17, 2008.

John Froggatt	Greg Mathes
Kim Haney	Ellen Huber
Brenda G. Rhea	Diane Dugger
Deborah Shepherd	Glen E. Simerly
Kellie D. Blackburn	Linda K. Honeycutt
Amber Conley	

On motion by Lawrence Hodge, seconded by Robert Davis the minutes of the February 19, 2008, meeting of the County Commission were approved as presented by voice roll call vote this March 17, 2008.

On recommendation of the Carter County Health Department, motion was made by Tom Bowers, seconded by Harry Sisk to approve the appointment of Douglas Cole, DDS, Larry Clark and Jo Ann Blankenship to serve on the Carter County Board of Health. By voice roll call vote, motion duly carried this March 17, 2008.

The following Resolution No. 477 adopting a fine of \$12.50 to defray costs incurred by the Public Defender's Office was read by the County Attorney. Motion was made by Jack Buckles, seconded by Tom Bowers to adopt 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, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis and Robert Gobble

NAYS: 0

PASSING: 0

ABSENT: Lynn Tipton

There being 23 ayes, 0 nays, 0 passing and 1 absent, motion duly carried this March 17, 2008.

**BEFORE THE COUNTY COMMISSION**

**OF CARTER COUNTY, TENNESSEE**

**REGULAR MEETING**                      March 17, 2008

**RESOLUTION NO.** 477

**"A RESOLUTION APPROVING AND ADOPTING A FINE TO DEFRAY COSTS INCURRED BY THE PUBLIC DEFENDER'S OFFICE"**

WHEREAS, Tennessee Code Annotated, § 40-14-210 is a statute which authorizes counties to institute a twelve dollar and fifty cent (\$12.50) charge on every misdemeanor and felony cost bill which shall be remitted to the county government and in turn shall be used to provide legal representation and support services to indigent defendants in criminal proceedings; and,

WHEREAS, the statute directs the clerk of every court having jurisdiction of state misdemeanors and felonies to collect the twelve dollar and fifty cent (\$12.50) charge and remit the same to the County Government; and,

WHEREAS, the Carter County Legislative Body has determined that it is in the best interest of Carter County that the county adopt the implementation of this fee;

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Carter County, Tennessee, meeting in regular session on this the 17 day of March, 2008, with a lawful two-thirds (2/3) majority of said Commission voting in the affirmative as follows:

Section 1. The Carter County Commission does hereby approve and adopt the implementation of a twelve dollar and fifty cent (\$12.50) charge on every misdemeanor and felony charge which shall be in accordance with Tennessee Code Annotated § 40-14-210.

Section 2. The Carter County Commission does hereby direct the clerks of every court in Carter County having jurisdiction of state misdemeanors and felonies to include in every misdemeanor and felony cost bill the twelve dollar and fifty cent (\$12.50) charge and remit the same to the County General Fund.

Section 3. The Carter County Commission does hereby direct that funds collected shall be used to provide legal representation and support services to indigent defendants in criminal proceedings through the District Public Defender's Office.

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

ADOPTED THIS 17 DAY OF March, 2008.

CARTER COUNTY, TENNESSEE

APPROVED:

By: Johnny Holder  
Mayor

ATTEST:

By: Mary Geese  
County Clerk

Motion was made by Jim Whaley, seconded by Nancy Brown to adopt the following Resolution No. 478 authorizing the application for grant funds to the Fast Tract Infrastructure Development Program (FIDP) of the Tennessee Department of Economic and Community Development. 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, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis and Robert Gobble

NAYS: 0  
PASSING: 0  
ABSENT: Lynn Tipton

There being 23 ayes, 0 nays, 0 passing and 1 absent, motion duly carried this March 17, 2008

**RESOLUTION BEFORE THE COUNTY COMMISSION  
OF CARTER COUNTY, TENNESSEE**

This resolution authorizes an application for grant funds to the Fast Tract Infrastructure Development Program (FIDP) of the Tennessee Department of Economic and Community Development. The FIDP program was formerly known as the Tennessee Industrial Infrastructure Program (TIIP). The program will be used for infrastructure improvement to assist Borla Performance Industries.

**WHEREAS**, the project will provide the necessary natural gas infrastructure improvements for Borla Performance Industries to move its operations within Carter County; and

**WHEREAS**, Fast Track Infrastructure Development Program (FIDP) funds can be used to provide the necessary improvements; and

**WHEREAS**, the estimated cost of the project is \$414,200 with proposed funding of \$389,348 from the Fast Track Infrastructure Development Program and \$24,852 provided by Carter County (Atmos Energy will provide engineering for the project as the local match).

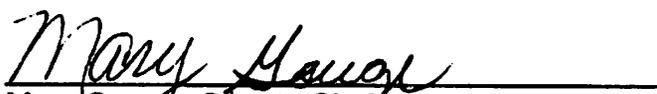
**NOW THEREFORE, BE IT RESOLVED** by Carter County to submit an application to Tennessee Department of Economic and Community Development FIDP program for the project.

The County Mayor is authorized to enter into any and all necessary agreements and assurances to implement this application and the subsequent award.

**APPROVED BY THE BOARD OF COMMISSIONERS OF CARTER COUNTY,  
TENNESSEE IN OPEN MEETING THIS THE 17<sup>TH</sup> DAY OF MARCH, 2008.**

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

ATTEST:

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

Motion was made by Jerry Pearman, seconded by R. L. Miller to defer the Resolution on the agenda to develop a communtiy partnership to develop the water resources of the City and County until a later date. By voice roll call vote, motion duly carried this March 17, 2008.

Jerry Pearman reported for the Landfill Committee stating that the County-wide Cleanup would be the last weekend in April.

After several motion were made, amended and then recinded, motion was made by Harry Sisk, seconded by Jerry Pearman for the County to borrow \$1,024,700 to fund the renovations to Unaka High School in the amount of \$755,000 with the rest to cover City School projects. Roll call vote as follows:

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

NAYS: Jim Whaley, L. C. Tester, Tom Bowers & Richard Tester

PASSING: 0

ABSENT: Lynn Tipton

There being 19 ayes, 4 nays, 0 passing and 1 absent, motion duly carried this March 17, 2008. The Clerk noted conflict of interest disclaimers from Jim Whaley, Charlie Bayless, L. C. Tester, Dickie Renfro and Ken Arney prior to the vote.

Jo Ann Blankenship reported for the Financial Committee. A copy of their March 3, 2008, meeting was put in the Commissioner's packets and is on file in the office of the County Clerk.

Robert Davis reported for the Jail Task Force stating that hard facts and figures would be presented to the Commission in the near future.

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Harry Sisk to approve the following General Fund Budget Amendments as presented. Roll call vote as follows:

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

NAYS: 0

PASSING: 0

ABSENT: Lynn Tipton,

There being 23 ayes, 0 nays, 0 passing and 1 absent, motion duly carried this March 17, 2008.

17-Mar-08  
General Fund Amendments

Item # 1	34161	Reserve for Computer System - Register		\$ 11,050.00	Decrease
	51600-719	Office Equipment	\$ 11,050.00		Increase

To allocate funds from Register of Deeds Reserve account to purchase scanner/plotter

Item #2	44520	Insurance Recovery		\$ 216.48	Increase
	54110-338	Vehicle Maintenance & Repairs	\$ 216.48		Increase

Reimbursement for accident at Sheriff's Dept

Item #3	44990	Other Local Revenues		\$ 2,500.00	Increase
	54110-106	Sheriff's Deputies	\$ 2,500.00		Increase

Drug Task Force Salary Supplement Reimbursement

Item #4	48610	Donations		\$ 200.00	Increase
	54110-401	Animal Food & Supplies	\$ 200.00		Increase

Personal donation for K-9 Unit

Item #5	44170	Miscellaneous Refunds		\$ 75.00	Increase
	54110-338	Vehicle Maintenance & Repairs	\$ 75.00		Increase

Refund on tow bill

Item #6	43395	Sex Offender Registrations Fee		\$ 1,904.14	Increase
	54110-719	Office Equipment	\$ 1,904.14		Increase

Purchase 2 computers

Item #7	48610	Donations		\$ 2,500.00	Increase
	54110-716	Law Enforcement Equipment	\$ 2,500.00		Increase

Donation to purchase tasers

Item #8	39000	Fund Balance		\$ 10,000.00	Decrease
	54240-309	Contracts with Government Agencies	\$ 10,000.00		Increase

Cost for housing juvenile offenders

Item #9	39000	Fund Balance		\$ 4,200.00	Decrease
	64000-399	Litter Program	\$ 4,200.00		Increase

Funds for Highway Dept for Carter County Clean-up Day  
Fuel and Over-time hours

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Robert Davis to approve the following School Department Budget amendment #6, Items 1 - 5. 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, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis and Robert Gobble

NAYS: 0  
PASSING: 0  
ABSENT: Lynn Tipton

There being 23 ayes, 0 nays, 0 passing and 1 absent, motion duly carried

Carter County Schools Fund 141  
Budget Amendment # 6 2007-08

<b>Item #1</b>	76100	799 Other Capital Outlay	14,800		Increase
	39000	Undesignated Fund Balance		14,800	Decrease
To budget funds for replacement cafeteria tables at Unaka High					
<b>Item #2</b>	71100	599 Other Charges	7,050		Increase
	46590	Other State Education Funds		7,050	Increase
To recognize reading grant "Touching the Lives of Children, Inc."					
<b>Item #3</b>	46590	Other State Education Funds	5,000		Decrease
	72120	355 Travel	800		Increase
	72120	413 Supplies		6,030	Decrease
	72120	599 Other		3,270	Decrease
	72120	735 Equipment	3,500		
To recognize change of Coordinated School Health Grant from State					
<b>Item #4</b>	72220	524 Inservice/Staff Development	7,300		Increase
	72220	790 Equipment		7,300	Decrease
To reallocate funding per Special Ed Supervisor's request					
<b>Item #5</b>	71200	116 Teacher- Special Education	123,000		Increase
	71200	171 Teacher -Speech Pathologist		123,000	Decrease
To reallocate funding per State's Teacher classification					

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Jo Ann Blankenship to approve the following School Department Budget Amendment #7 to use a surplus in BEP money in the amount of \$88,000 to give teachers a one time bonus. Roll call vote as follows:

**AYES:** Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, 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 and Robert Gobble

**NAYS:** Jim Whaley and Tom Bowers

**PASSING:** 0

**ABSENT:** Lynn Tipton

There being 21 ayes, 2 nays, 0 passing and 1 absent, motion duly carried this March 17, 2008

**Carter County Schools Fund 141  
Budget Amendment # 7 2007-08**

46511	Basic Education Program		88,000	Increase
71100	116 Teacher/Regular Ed	60,460		Increase
71100	128 Homebound Teachers	170		Increase
71100	189 Other Wages	170		Increase
71150	116 Teacher/Alternative	340		Increase
71200	116 Teacher/Special Ed	6,970		Increase
71200	128 Homebound Teachers	170		Increase
71200	171 Speech Pathologist	1,020		Increase
71200	189 Other Wages	510		Increase
71300	116 Teacher/Vocational	4,250		Increase
72120	131 Medical Personnel	170		Increase
72130	123 Guidance Personnel	2,210		Increase
72130	130 Social Workers	170		Increase
72130	189 Other Wages	170		Increase
72210	105 Supervisor	1,190		Increase
72210	129 Librarians	2,210		Increase
72210	189 Other Wages	340		Increase
72215	105 Supervisor	170		Increase
72220	105 Supervisor	170		Increase
72220	124 Psychological Personnel	170		Increase
72220	135 Assessment Personnel	340		Increase
72220	189 Other Wages	170		Increase
72230	105 Supervisor	170		Increase
72410	104 Principals	2,380		Increase
72410	139 Assistant Principals	680		Increase
72410	189 Other Wages	1,360		Increase
73300	105 Supervisor	170		Increase
73400	105 Supervisor	170		Increase
73400	116 Teacher/Preschool	1,190		Increase
73400	189 Other Wages	340		Increase

To recognize additional funds from State BEP to be used as one time Teacher Bonus

Bill Armstrong informed the Commissioners that the Budget Workshop schedule was in their packet.

On motion by Jerry Pearman, seconded by Robert Davis and by voice roll call vote, Court adjourned.