

COUNTY COMMISSION MEETING, REGULAR SESSION, JANUARY 20, 2009

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**\*County Road List entered into the minutes on pages 629 thru 728  
and copies in the County Clerk's Office should you need or want  
a copy.**

BE IT REMEMBERED, that the County Commission of Carter County, Elizabethton, Tennessee, met in Regular Session on January 20, 2009, 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, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Sonja Culler, Richard Tester, Bill Armstrong, Robert Davis and Robert Gobble. Charlie Bayless 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) 842-1801  
(423) 842-8279 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 Monday, January 20, 2009, 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
- Acceptance of Minutes from Previous Meeting
- Recognition of Elected Officials/Guests
- Proclamation authorizing application for grant funds to the Fast Track Infrastructure Development Program – Borla Performance Industries
- Proclamation in Support of Radon Action Month in Carter County
- Public Comments
- Don Hurst, Carter County Tomorrow
- Notaries/Bonds
- Old Business
- Committee Reports/Recommendations
- Carter County Road Department Report 2008
- Commissioner Comments
- Adjourn

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

Motion was made by Robert Davis, seconded by Bill Armstrong to approve the minutes of the November 17, 2008, meeting of the County Commission as presented. By voice roll call vote motion duly carried.

Mayor Holder recognized the elected and appointed officials in the audience at this time.

The following Resolution No. 500 authorizing an application for grant funds to the Fast Track Infrastructure Development Program of the Tennessee Department of Economic and Community Development was read by the County Attorney. Motion was made by Jack Buckles, seconded by Jo Ann Blankenship 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, Sonja Culler, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: 0

PASSING: 0

ABSENT: Charlie Bayless & Lynn Tipton

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

**RESOLUTION BEFORE THE COUNTY COMMISSION      No. 500  
OF CARTER COUNTY**

This resolution authorizes an application for grant funds to the Fast Track 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 improvements 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 Tract 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 \$296,296 from the Fast Track Infrastructure Development Program, \$37,194 from Borla Performance Industries, and \$80,710 provided by Carter County (Atmos Energy will provide this through subsidy, engineering and inspection).

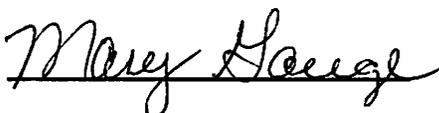
Now therefore, BE IT RESOLVED by Carter County to submit an application to Tennessee Department of Economic and Community Development FTDP program for the project.

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 IN OPEN MEETING ON THIS THE 20<sup>th</sup> DAY OF JANUARY, 2009

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

Attest:

  
\_\_\_\_\_  
Mary George

Keith Bowers read the following Proclamation in support of radon action month in Carter County, Tennessee, and by voice roll vote is was approved.

**PROCLAMATION  
IN SUPPORT OF RADON ACTION MONTH  
IN CARTER COUNTY, TENNESSEE**

**WHEREAS, radon is a colorless, odorless, naturally occurring radioactive gas that threatens the health of our citizens;**

**WHEREAS, radon is the second leading cause of lung cancer deaths in the United States and the number one cause among non-smokers;**

**WHEREAS, any home in Carter County may have an elevated level of radon, even if other homes in the same neighborhood do not;**

**WHEREAS, testing for radon is simple and inexpensive;**

**WHEREAS, identified radon problems can be fixed;**

**WHEREAS, The Tennessee Department of Environment and Conservation and the U.S. Environmental Protection Agency are supporting efforts to encourage Americans to test their homes for radon, mitigate elevated levels of radon, and build new homes with radon-resistant materials and features.**

**NOW, THEREFORE, the Carter County Commission and Johnny Holder, County Mayor of Carter County, Tennessee does hereby declare January, 2009, official Radon Action Month in Carter County, Tennessee to specifically encourage all Carter County residents to test their homes for radon to protect both themselves and their families.**

**IN WITNESS WHEREOF, I have hereunto set my hand this 20<sup>th</sup> day of January, in the year 2009.**

  
\_\_\_\_\_  
**Johnny L. Holder, Carter County Mayor**

The following Resolution No. 501 authorizing the incurrence of indebtedness not to exceed \$8,000,000 for certain jail projects set out in the resolution. Motion was made by Jo Ann Blankenship, seconded by Jack Buckles to approve the resolution as presented. Roll call vote as follows:

**AYES:** Jack Buckles, Gebe Ritchie, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L.C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Sonja Culler, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

**NAYS:** Lawrence Hodge and Nancy Brown

**PASSING:** 0

**ABSENT:** Charlie Bayless and Lynn Tipton

There being 20 ayes, 2 nays, 0 passing and 2 absent, motion duly carried.

INITIAL RESOLUTION AUTHORIZING THE INCURRENCE OF INDEBTEDNESS BY CARTER COUNTY, TENNESSEE, OF NOT TO EXCEED \$8,000,000, 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 Eight Million Dollars (\$8,000,000), 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 January, 2009.

  
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.

Keith Bowers read the following Resolution No. 502 approving the application of loans to fund certain public works projects. Motion was made by Bill Armstrong, seconded by Harry Sisk, 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, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Sonja Culler, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble
- NAYS: 0
- PASSING: 0
- ABSENT: Charlie Bayless & Lynn Tipton

There being 22 ays, 0 nays, 0 passing and 2 absent, motion duly carried.

**RESOLUTION NO. 502**

**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 The Bank of New York Mellon Trust Company, N.A., Atlanta, Georgia, as trustee (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 \$8,000,000; 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 January, 2009.



*Mary Hauge*  
COUNTY CLERK

*Johnny Holder*  
COUNTY MAYOR

Don Hurst reported on the recent activities of the Carter County Tomorrow Board, putting an emphasis once again on the importance of improving the county's infrastructure to facilitate future economic development.

On motion by Jack Buckles, seconded by Jim Whaley, the following Notaries were approved by voice roll call vote.

Michelle R. Lockhart  
Gregory L. Pierce  
Loretts G. Winters  
Kathleen R. Taylor  
Vanessa S. Reine  
Tina Clines  
Janet P. Denny

Carl Cable  
Laura K. Morris  
Nancy M. Byrd  
Lois Carty  
Emery Cordell  
Jada A. Blevins

On behalf of the Highway Committee, motion was made by Jerry Pearman, seconded by Dickie Renfro to approve the County Highway Department Road Report as presented. By voice roll call vote, motion duly carried. The County Road List is entered into the minutes on pages 629 to 728.

Jerry Pearman related to the Commission that the findings of the Special Investigations Committee concerning Crossroads had been turned over to the County Attorney. He stated that Mr. Bowers would give his opinion to the Commission in March.

Jerry Pearman told the Commission that an effort to recycle bottles and cans at two schools in the county. He stated that trailers were being built to contain the recycling materials. He added that there was very little money to be made in recycling but maybe it would help to clean up the area.

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Robert Davis to approve the following General Fund 101 Budget Amendment #5, Items 1-21, excluding item #22, 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, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Sonja Culler, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble  
 NAYS: 0  
 PASSING: 0  
 ABSENT: Charlie Bayless & Lynn Tipton

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

**Carter County General Fund 101  
 Budget Amendment # 5 2008-09**

<b>Item #</b>	<b>1</b>	<b>44170</b>	<b>Misc Refunds</b>		<b>\$</b>	<b>971.85</b>	<b>Increase</b>
		<b>51500</b>	<b>435 Office Supplies (Elections)</b>	<b>\$</b>	<b>971.85</b>		<b>Increase</b>
			<b>Recognize reimbursement from the City of Watsuga for Election</b>				
<b>Item #</b>	<b>2</b>	<b>44170</b>	<b>Misc Refunds</b>		<b>\$</b>	<b>1,478.05</b>	<b>Increase</b>
		<b>51500</b>	<b>435 Office Supplies (Elections)</b>	<b>\$</b>	<b>1,478.05</b>		<b>Increase</b>
			<b>Recognize reimbursement from City of Elizabethton for Election</b>				
<b>Item #</b>	<b>3</b>	<b>44170</b>	<b>Misc Refunds</b>		<b>\$</b>	<b>1,471.34</b>	<b>Increase</b>
		<b>53400</b>	<b>348 Postage (Clerk &amp; Master)</b>	<b>\$</b>	<b>1,471.34</b>		<b>Increase</b>
			<b>Recognize reimbursement for postage Humphries case</b>				
<b>Item #</b>	<b>4</b>	<b>44170</b>	<b>Misc Refunds</b>		<b>\$</b>	<b>15.92</b>	<b>Increase</b>
		<b>51600</b>	<b>355 Travel (Register of Deeds)</b>	<b>\$</b>	<b>7.96</b>		<b>Increase</b>
		<b>53400</b>	<b>355 Travel (Clerk &amp; Master)</b>	<b>\$</b>	<b>7.96</b>		<b>Increase</b>
			<b>Recognize refund from Memphis Hilton</b>				
<b>Item #</b>	<b>5</b>	<b>44170</b>	<b>Misc Refunds</b>		<b>\$</b>	<b>74.85</b>	<b>Increase</b>
		<b>54110</b>	<b>435 Office Supplies ( Sheriff's Office)</b>	<b>\$</b>	<b>74.85</b>		<b>Increase</b>
			<b>Recognize reimbursement from Drug Fund for supplies</b>				
<b>Item #</b>	<b>6</b>	<b>44170</b>	<b>Misc Refunds</b>		<b>\$</b>	<b>224.50</b>	<b>Increase</b>
		<b>58400</b>	<b>505 Judgements</b>	<b>\$</b>	<b>224.50</b>		<b>Increase</b>
			<b>Recognize reimbursement for court cost on Nichols case</b>				

Item #	7	44170	Misc Refunds			\$	20.00	Increase
		51300	540 Tax Relief (County Mayor)		\$	20.00		Increase
Recognize reimbursement for Tax Relief								
Item #	8	44170	Misc Refunds			\$	250.00	Increase
		53900	194 Jury Costs		\$	250.00		Increase
Recognize reimbursement from State on Jury trial								
Item #	9	44170	Misc Refunds			\$	8.25	Increase
		54110	338 Maintenance & Repair - Vehicles (Sheriff)		\$	8.25		Increase
Sale of scrap metal								
Item #	10	44170	Misc Refunds			\$	885.00	Increase
		54110	399 Other Contracted Services (Sheriff)		\$	885.00		Increase
Recognize reimbursement from State for background check								
Item #	11	44170	Misc Refunds			\$	391.00	Increase
		54210	354 Prisoners Transport (Jail)		\$	391.00		Increase
Recognize reimbursement for transport of prisoner								
Item #	12	44170	Misc Refunds			\$	997.84	Increase
		54110	338 Vehicle Maintenance & Repair (Sheriff)		\$	997.84		Increase
Recognize insurance reimbursement								
Item #	13	48290	Other Public Safety Grants			\$	5,000.00	Increase
		54110	716 Law Enforcement Equipment		\$	5,000.00		Increase
Recognize Grant for Highway Safety								
Item #	14	48610	Donations			\$	1,150.00	Increase
		54110	716 Law Enforcement Equipment		\$	1,150.00		Increase
Recognize donations to purchase Security Alter Device for officers								
Item #	15	48610	Donations			\$	72.39	Increase
		54110	401 Animal Food and Supplies (Sheriff)		\$	72.39		Increase
Recognize designated donation from Citizes Police Academy								
Item #	16	32150	Bridge Reserve			\$	62,248.82	Decrease
		58900	791 Other Construction		\$	62,248.82		Increase
To allocate funds held in reserve for Siam Bridge construction								
Item #	17	47680	State Grant			\$	36,666.29	Increase
		58130	321 Engineering Services		\$	1,800.00		Increase
		58130	499 Other Supplies & Materials		\$	30,735.00		Increase
		58130	599 Other Charges		\$	4,131.29		Increase
To recognize funds from HOME Grant								
Item #	18	48420	State Aid Program			\$	32,115.00	Increase
		58190	399 Contracted Services		\$	23,490.00		Increase
		58190	599 Other Charges		\$	8,625.00		Increase
To recognize grant funds for water storage tank								
Item #	19	39000	Fund Balance			\$	22,376.17	Decrease
		51400	331 Legal Services		\$	22,376.17		Increase
To allocate funds for Sheriff's Legal Fees in County Lawsuit								
Item #	20	47680	Forest Service-Lake Patrol			\$	11,999.82	Increase
		54110	108 Deputies (Sheriff)		\$	11,999.82		Increase
To recognize funds from Forest Service for Lake Patrol								
Item #	21	40110	Property Tax			\$	7,211.00	Increase
		51300	540 Tax Relief		\$	7,211.00		Increase
To recognize revenue and expense related to County Tax Relief Program as of Jan 9, 2009								
Item #	22	39000	Fund Balance			\$	6,210.00	Decrease
		21100	Accounts Payable		\$	11,000.00		Decrease
		54490	599 Other Charges (EMA)		\$	17,210.00		Increase
To reimburse Washington County for Grant Funds used in remodel of City Police Station								
						Total Fund 101	\$ 202,837.89	\$ 202,837.89

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Robert Davis to approve the following Solid Waste Fund 116, 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, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Sonja Culler, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble  
 NAYS: 0  
 PASSING: 0  
 ABSENT: Charlie Bayless & Lynn Tipton

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

**Solid Waste Fund 116  
Budget Amendment # 2 2008-09**

Item #	1	44170	Reimbursement		\$ 648.13	Increase
		55764	322 Testing	\$ 648.13		Increase
City share of cost of closed Landfill						

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Robert Gobble, to approve the following Drug Control Fund 122, Budget Amendment #1, 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, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Sonja Culler, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble  
 NAYS: 0  
 PASSING: 0  
 ABSENT: Charlie Bayless & Lynn Tipton

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

**Drug Control Fund-122  
Budget Amendment # 1 2008-09**

Item #	1	46290	Reimbursement		\$ 3,750.00	Increase
		54110	499 Testing	\$ 3,750.00		Increase
To recognize reimbursemen for Bullet Proof Vest Grant						

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Dickie Renfro to approve the following Sports and Recreation Fund 123, Budget Amendment #3, Items #1 and #2 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, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Sonja Culler, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble  
 NAYS: 0  
 PASSING: 0  
 ABSENT: Charlie Bayless & Lynn Tipton

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

**Carter County Sports and Recreation Fund 123  
Budget Amendment # 3 2008-09**

<b>Item #</b>	<b>1</b>	44570	Contributions & Gifts		250	Increase
		56700	599 Other Charges	250		Increase
To recognize donations to Park & Rec from Mountain State Health Alliance						
<b>Item #</b>	<b>2</b>	43340	Contributions & Gifts		1,691	Increase
		56700	599 Other Charges	1,691		Increase
To recognize funds from recreational fees						
				<b>Total Fund 123</b>	<b>1,941</b>	<b>1,941</b>

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by R. L. Miller, to approve the following School Fund 141, Budget Amendment #4, Items #1 - #4 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, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Sonja Culler, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

**NAYS:** 0

**PASSING:** 0

**ABSENT:** Charlie Bayless & Lynn Tipton

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

**Carter County Schools Fund 141  
Budget Amendment # 4 2008-09**

<b>Item #</b>	<b>1</b>	48610	Donations- Citizens Group		1,750	Increase
		72210-599-952	Other Charges	1,750		Increase
To recognize donation to Head Start children from Kiwanis Club						
<b>Item #</b>	<b>2</b>	72310	506 Liability Insurance		18,600	Decrease
		72310	513 Workers Comp Insurance	18,600		Increase
To reallocate funds for insurance per actual costs						
<b>Item #</b>	<b>3</b>	49700	Insurance Reimbursement		1062	Increase
		72620	338 Maint. and Repair - Vehicle	1062		Increase
To recognize insurance reimbursement fro maintenance truck						
<b>Item #</b>	<b>4</b>	82230	611 Capitalized Leases Interest		19,000	Decrease
		82130	610 Capitalized Lease Principal	19,000		Increase
To adjust budget to actual payout on energy management lease						

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Robert Gobble to approve the auction to be held by Sheriff Mathes on February 14, 2009, to sell confiscated weapons and vehicles. By voice roll call vote, motion duly carried.

Commissioner Armstrong informed the Commissioners that the Budget Committee would meet one week before the regular Commission meeting instead of on the Thursday before the meeting.

Reporting for the Budget Committee, Bill Armstrong told the Commission that there was a shortfall in the Landfill budget for the month of January in the amount of \$26,883. He stated that because the Budget Committee could not agree on what to do about this situation, it was decided to present this issue to the full Commission without a recommendation for their guidance. After much discussion of the reasons for this situation and a solution for it, motion was made by Gebe Ritchie, seconded by Jerry Pearman, to allocate the funds to the Landfill to carry it through January and very quickly advertise for the landfill to be leased out to a private industry. Roll call vote as follows:

AYES: Gebe Ritchie, Lawrence Hodge, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Larry McKinney, Sonja Culler, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: Jack Buckles, Nancy Brown, Jeff McKinney, Dickie Renfro, Terry Montgomery & Ken Arney

PASSING: 0

ABSENT: Charlie Bayless & Lynn Tipton

There being 16 ayes, 6 nsys, 0 passing and 2 absent, motion duly carried.

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Harry Sisk to approve the request of John Paul Mathes, Circuit Clerk, for \$12,000 for computer maintenance. Roll call vote as follows:

AYES: Harry Sisk, L. C. Tester, Tom Bowers, Terry Montgomery & Bill Armstrong

NAYS: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Jerry Pearman, Steve Lowrance, Jo Ann Blankenship, Dickie Renfro, Ken Arney, Larry McKinney, Sonja Culler, Richard Tester, Robert Davis & Robert Gobble

PaSSING: 0

ABSENT: Charlie Bayless & Lynn Tipton

There being 5 ayes, 17 nays, 0 passing and 2 absent, motion failed to carry.

Steve Lowrance informed the Commissioners of a concept he has been looking into called the Taxpayers Transparency and Accountability Act. He stated that it was a website that posted all financial transactions made by the County including expenditures, grants and any budget activity for public access. He stated that it would be easily accessed with the details of how their tax dollars were being spent. Motion was then made by Steve Lowrance, seconded by Nancy Brown to turn this issue over to the Rules and

By Laws Committee for consideration and study, having them report their findings to the Commission in March. Motion was then made by Gebe Ritchie, seconded by Jerry Pearman to TABLE Commissioner Lowrance's motion as the County already had its own website in place. Roll call vote to TABLE as follows:

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

There being 12 ayes, 10 nays, 0 passing and 2 absent, motion to TABLE failed and the original motion carried by voice roll call vote.

Under Commissioner Comments on the agenda, no action was taken on a motion by Jim Whaley to repair a red light on Stoney Creek. Jo Ann Blankenship asked that the two Commissioners on the Carter County Tomorrow Board supply the Commission with minutes and reports from that Board. Jack Buckles apologized for not doing that in the past stating that it would be done in the future.

Richard Tester questioned the County Attorney regarding the funds dispursed by the State Homeland Security Department in an amount of approximately \$17,000 for improvements to the Elizabethton Police Department building. The County Attorney said he had received a notice from the State office stating the the funding was not approved and the project should not have been allowed. Mr. Bowers cited lack of communication between the State and the Director of Emergency Management for the problem. He recommended that the Commission investigate the situation. Motion was made by Terry Montgomery, seconded by R. L. Miller to refer the matter to the Special Investigations Committee to research. By voice roll call vote motion carried.

Jack Buckles publicly congratulated State Representative Kent Williams' election as Speaker of the House in the State Legislature stating that is was a huge accomplishment for any representative especial one from Carter County.

After clearing the courtroom in order that the County Attorney could discuss the Jail lawsuit with the Commissioners the meeting was brought back to order. On motion by Terry Montgomery, seconded by Ken Arney Court was adjourned by voice roll call vote.