

CARTER COUNTY COMMISSION MEETING, REGULAR SESSION, MARCH 16, 2009

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BE IT REMEMBERED, that the County Commission of Carter County, Elizabethton, Tennessee, met in Regular Session on March 16, 2009, at 10:00 A.M. in the main courtroom of the Carter County Courthouse. Present and preseiding 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: Gebe Ritchie, Lawrence Hodge, Nancy Brown, R. L. Miller, 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, Sonja Culler, Bill Armstrong and Robert Gobble. Jeff McKinney, Jim Whaley, Richard Tester and Robert Davis were absent.

ROLL CALL.....QUORUM PRESENT
PRAYER.....LAWRENCE HODGE
PLEDGE.....DICKIE RENFRO



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 16th, 2009, 10:00 a.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
- Public Comments
- Impact of Tourism in Carter County-Dr. Morse, UT
- Progress Report of Chamber of Commerce Environmental Committee-Candy Craig
- Carter County Tomorrow-Don Hurst
- Carter County Agriculture Committee Member Appointments
- Notaries/Bonds
- Old Business
- 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 the Mayor recognized the elected and appointed officials in the audience by asking them to stand.

Several people addressed the Commission under Public Comments on the agenda. Rhonda Cable expressed her concern over random burning in the County. She stated that a fire was started in the yard of a neighbor and when the Fire Department came she was informed that they did not have to put the fire out unless the call was from the owner of the property. She questioned whether or not if a fire started outside of her house and she was not at home would the Fire Department put the fire out. She was displeased with the way she was treated and the Mayor asked Commissioner Pearman to look into the situation.

Nathaniel Stewart addressed the Commission concerning a road off of Smalling Road that was in violation of the County Code. He stated that he had previously questioned the County as to why the County Road Department did not maintain this road. He was told by Commissioner Pearman that the road in question was not a County road and that if the residents on that road would pave it and bring it up to County standards, then the County Road Department would maintain it. The road is named Humphreys Lane and still a private road.

Roy Livingston addressed the Commission stating that he had been observing the Landfill for the past six (6) months and questioned why it keeps losing money. He said that the Landfill activities needed to be investigated. He also relayed his disapproval of the City shutting down the car show in downtown Elizabethton three (3) weekends out of the month. He stated that this action would make a big dent in tourism.

Juanita Miller addressed the Commission as to why a Commissioner not living in the District he was elected to serve could still serve on the Commission. She was told fourteen (14) months ago that as soon as the Commissioner in question finished remodeling his house he would be moving back and had since finished the remodeling and rented the house.

Motion was made by Gebe Ritchie, seconded by Nancy Brown to have the County Attorney write a letter to the City asking in a nice way to allow the car shows to continue using the downtown area for their events on the weekends, which is a boost to tourism for the entire county. By voice roll call vote, motion duly carried.

Larry Gobble introduced Dr. Steve Morse, Director and Economist with the Tourism Institute of the University of Tennessee, who gave a presentation on Tourism's economic significance on the Carter County economy. His slide show cited figures showing the growth of tourism in our county and the various sources of the increase in revenue from tourism. His presentation was unique

because the compilation was strickly for Carter County and not the entire State, making it plain to see the growth in tourism in our County. The presentation showed that compared to several other counties in Northeast Tennessee, Carter County had the second highest growth in tourism for the year 2006-2007.

Candy Craig, Executive Director of the Chamber of Commerce, spoke on the Keep America Beautiful program. She explained the seven (7) sources of litter and the savings and benefits of recycling. She stated that the county residents needed to be educated on waste reduction and recycling in an effort to keep litter in the right places. She informed the Commissioners that a meeting would be held at the Truman Clark Annex on March 24, 2009, at 9:00 A.M. to kick off the Great American Cleanup Day asking that anyone interested in helping in the cleanup to attend.

Carter County Tomorrow President Don Hurst spoke on the need for continuing to recruit business and industry. He stated that state and federal funding to clean up the "brown fields" and remodel old, unused buildings to attract new business needed to be looked into.

Keith Hart with the Agricultural Extension Office requested replacements for the expiring terms of commissioners and area farmers on the Agriculture Board stating they needed to be appointed. At his request, motion was made by Dickie Renfro, seconded by Steve Lowrance to appoint Commissioners Sonja Culler and Harry Sisk, along with Buddy Farmer and Terry Hubbard to serve on the Agriculture Board. By voice roll call vote motion duly carried.

Motion was made by Nancy Brown, seconded by Jo Ann Blankenship to approve the following Notaries as presented. By voice roll call vote motion duly carried.

Richard Norris	Cynthia S. Cave
Tina M. Byrd	Cynthia Karen Morgan
Chris Guy	Robert W. Coffman
Kenneth Lambert	Connie E. Harrald
Linda M. Shouse	Jennifer Grindstaff
Teresa Parlier	Richard Z. Gray
Timothy Scott Peer	Melissa D. Moreland
Alan Carroll Stapleton	Kimberly D. Ensor
Herman David King, Sr.	

At this time the floor was opened for nominations for a replacement for Commissioner Jack Buckles of the 1st District who recently resigned from the Commission. The four (4) applicants for the position addressed

the Commission at this time. The applicants were Art Smithdeal, Bob Robinson, Dwight Lacey and Paul Mottern. After hearing from the applicants, motion was made by Lawrence Hodge to nominate Paul Mottern, Gebe Ritchie nominated Bob Robinson, L. C. Tester nominated Dwight Lacey and Terry Montgomery nominated Art Smithdeal. Motion was made by Bill Armstrong, seconded by Robert Gobble for nominations to cease and by voice roll call vote, motion duly carried.

The vote by the Commissioners as follows:

ART SMITHDEAL: 0
BOB ROBINSON: Gebe Ritchie, Steve Lowrance, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Larry McKinney, Sonja Culler and Bill Armstrong
DWIGHT LACEY: L. C. Tester and Lynn Tipton
PAUL MOTTERN: Lawrence Hodge, Nancy Brown, R. L. Miller, Harry Sisk, Jerry Pearman, Tom Bowers and Robert Gobble & Terry Montgomery

Art Smithdeal received 0 votes, Bob Robinson received 8 votes, Dwight Lacey received 2 votes and Paul Mottern received 8 votes. The Commissioners next voted on the two (2) applicants receiving the most votes as follows:

BOB ROBINSON: Gebe Ritchie, L.C. Tester, Steve Lowrance, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Ken Arney, Sonja Culler and Bill Armstrong
PAUL MOTTERN: Lawrence Hodge, Nancy Brown, R. L. Miller, Harry Sisk, Jerry Pearman, Tom Bowers, Terry Montgomery, Larry McKinney, Lynn Tipton and Robert Gobble

Bob Robinson received 9 votes and Paul Mottern received 10 votes. As neither one received a majority, the vote was taken again as follows:

BOB ROBINSON: Gebe Ritchie, L. C. Tester, Steve Lowrance, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Ken Arney, Sonja Culler and Bill Armstrong
PAUL MOTTERN: Lawrence Hodge, Nancy Brown, R. L. Miller, Harry Sisk, Jerry Pearman, Tom Bowers, Terry Montgomery, Larry McKinney, Lynn Tipton and Robert Gobble

Again the vote was 9 for Robinson and 10 for Mottern. As a majority was not received the Mayor postponed any further voting for the position of Commissioner until the next term of Court.

Motion was made by Jerry Pearman, seconded by Steve Lowrance to nominate Tom Bowers to replace Jack Buckles on the Financial Management Committee. Motion for nominations to cease was made by Dickie Renfro and Tom Bowers was duly elected by voice roll call vote.

The County Attorney reported on the special investigation of Crossroads stating his findings showed nothing out of line. Gebe Ritchie asked that the County form its own Probation Board because Crossroads generated very little revenue for the County. The Mayor recommended that this matter be referred to the Rules/By Laws Committee.

On recommendation of the County Attorney regarding \$17,000 dispursed from the Homeland Security Fund by Washington County for renovations to the Elizabethton Police Department facilities, motion was made by Jerry Pearman, seconded by Terry Montgomery to pay back the \$17,000 to Washington County. Mr. Bowers stated that the funds had been dispursed to area agencies and was spent without official State approval. He stated that the County was not entirely responsible for the error but did not want to jeopardize any future funds available to the County by not paying this back. Roll call vote as follows:

AYES: Gebe Ritchie, Lawrence Hodge, Nancy Brown, R. L. Miller, 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, Sonja Culler, Bill Armstrong and Robert Gobble

NAYS: 0

PASSING: 0

ABSENT: Jeff McKinney, Jim Whaley, Richard Tester & Robert Gobble

There being 19 ayes, 0 nays, 0 passing and 4 absent, motion duly carried.

At the request of Jerry Pearman, Jerome Kitchens explained the processes that he had been taking to determine the direction of the landfill. These are outlined in the minutes of the February 2, 2009, Landfill Committee minutes on file in the Clerk's Office. Ken Arney told the Commission that the Landfill could not continue to operate with the present management stating that their operations needed to be audited and investigated. Several Commissioners questioned why the landfill did not generate enough money to be self funding. Mr. Kitchens offered several reasons as to why enough revenue to fund the landfill was not generated by them and recommended that the Commissioners approve \$25,000 to keep the landfill afloat for another month. Commissioner Arney went on to say that the landfill was being "gouged" on maintenance bills and that \$30,000 in lost gas sales had just been reported to the Sheriff's Department that took place two years ago.

Reporting for the Financial Management Committee, Jo Ann Blankenship stated that there had been a change in the travel policy at their February 2, 2009, meeting that the Commissioners needed to look at.

On motion by Jerry Pearman, seconded by Steve Lowrance, Richard Tester was elected to serve on the Carter County Tomorrow Board. By voice roll call vote, motion duly carried with a "no" vote recorded for Nancy Brown.

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Harry Sisk to transfer \$12,000 from fund balance to the Circuit Clerk's budget for computer maintenance. Roll call vote as follows:

AYES: Gebe Ritchie, Lawrence Hodge, Nancy Brown, R. L. Miller, 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, Sonja Culler, Bill Armstrong & Robert Gobble
 NAYS: 0
 PASSING: 0
 ABSENT: Jeff McKinney, Jim Whaley, Richard Tester & Robert Davis

There being 19 ayes, 0 nays, 0 passing and 4 absent, motion duly carried.

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Tom Bowers to approve the annual inflation adjustment of the financial assurance for the Carter County Landfill with the Tennessee Department of Environment and Conservation as required by the regulations of the Division of Solid Waste Management. Roll call vote as follows:

AYES: Gebe Ritchie, Lawrence Hodge, Nancy Brown, R. L. Miller, 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, Sonja Culler, Bill Armstrong & Robert Gobble
 NAYS: 0
 PASSING: 0
 ABSENT: Jeff McKinney, Jim Whaley, Richard Tester & Robert Davis

There being 19 ayes, 0 nays, 0 passing and 4 absent, motion duly carried.

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Charlie Bayless to approve the following General Fund Budget Amendment #5, items 2 - 10. Roll call vote as follows:

AYRS: Gebe Ritchie, Lawrence Hodge, Nancy Brown, R. L. Miller, 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, Sonja Culler, Bill Armstrong & Robert Gobble
 NAYS: 0
 PASSING: 0
 ABSENT: Jeff McKinney, Jim Whaley, Richard Tester & Robert Davis

There being 19 ayes, 0 nays, 0 passing and 4 absent, motion duly carried.

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

Item #	1	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

Item #	2	51800 167 Maintenance Personnel		\$ 29,800.00	Decrease
		51800 335 Maintenance & Repair Services -Building		\$ 8,200.00	Decrease
		51800 307 Communication	\$ 10,000.00		Increase
		51800 415 Electricity	\$ 21,000.00		Increase
		51800 599 Natural Gas	\$ 7,000.00		Increase

To adjust budget for utilities in Courthouse Maintenance Account

Item #	3	52100 204 Retirement		\$ 3,000.00	Decrease
		52100 207 Medical Insurance	\$ 3,000.00		Increase

To adjust budget for benefits to projected End of Year in Accounts & Budgets

Item #	4	52100 119 Accountants/Bookkeepers		\$ 1,300.00	Decrease
		52100 599 Other Charges	\$ 1,300.00		Increase

To adjust budge for costs associated Civil Service Handbook

Item #	5	53400 162 Clerical Personnel		\$ 20,000.00	Decrease
		53400 719 Office Equipment	\$ 20,000.00		Increase

To purchase Record Storage System - Clerk & Master

Item #	6	54210 507 Medical Claims		\$ 3,172.00	Decrease
		54110 340 Medical & Dental Services	\$ 3,172.00		Increase

To adjust budget for medical exams for new hires in the Jail

Item #	7	54110 335 Maintenance/Repairs - Building		\$ 11,500.00	Decrease
		54210 335 Maintenance/Repairs - Building	\$ 11,500.00		Increase

To adjust budget for building maintenance Sheriff's Dept to Jail

Item #	8	54110 336 Maintenance/Repairs - Equipment		\$ 2,200.00	Decrease
		54210 336 Maintenance/Repairs - Equipment	\$ 2,200.00		Increase

To adjust budget for equipment maintenance Sheriff's Dept to Jail

Item #	9	44170 Miscellaneous Refunds		\$ 2,500.00	Increase
		54110 108 Investigators - Sheriff's Dept	\$ 2,500.00		Increase

Salary Supplement from Drug Task Force

Item #	10	40110 Property Tax		\$ 10,797.00	Increase
		51300 540 Tax Relief	\$ 10,797.00		Increase

2008 Carter County Tax Relief

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Tom Bowers to approve the Solid Waste Fund Budget Amendment #3, Item #1, the Sports and Recreation Fund Budget Amendment #4, Item #1 and the General Debt Service Fund Budget Amendment #1, Item #1 as presented. Roll call vote as follows:

AYES: Gebe Ritchie, Lawrence Hodge, Nancy Brown, R. L. Miller, 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, Sonja Culler, Bill Armstrong & Robert Gobble

NAYS: 0

PASSING: 0

ABSENT: Jeff McKinney, Jim Whaley, Richard Tester & Robert Davis

There being 19 ayes, 0 nays, 0 passing and 4 absent, motion duly carried.

**Solid Waste Fund 116
Budget Amendment # 3 2008-09**

Item #	1	44170 Reimbursement		\$ 4,134.65	Increase
		55754 322 Testing	\$ 4,134.65		Increase

City share of cost of closed Landfill

**Carter County Sports and Recreation Fund 123
Budget Amendment # 4 2008-09**

Item #	1	44570	Contributions & Gifts		100	Increase
		55700	599 Other Charges	100		Increase

To recognize donations to Park & Rec

**Carter County General Debt Service Fund 151
Budget Amendment # 1 2008-09**

Item #	1	39000	Debt Service Fund Balance		108,544	Decrease
		82110	802 Principal on Note	107,000		Increase
		82210	804 Interest on Note	1,544		Increase

To pay off note on loader at Solid Waste

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Lawrence Hodge to approve the School Fund Budget Amendment #5, Items #1 - 5 as presented. Roll call vote as follows:

- AYES:** Gebe Ritchie, Lawrence Hodge, Nancy Brown, R. L. Miller, 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, Sonja Culler, Bill Armstrong & Robert Gobble
- NAYS:** 0
- PASSING:** 0
- ABSENT:** Jeff McKinney, Jim Whaley, Richard Tester & Robert Davis

There being 19 ayes, 0 nays, 0 passing and 4 absent, motion duly carried.

**Carter County Schools Fund 141
Budget Amendment # 5 2008-09**

Item #	1	49700	Insurance Recovery		76,019	Increase
		76100	790 Other Charges	76,019		Increase

To recognize insurance recovery Hampton Elementary Library Fire

Item #	2	49700	Insurance Recovery		4,175	Increase
		76100	790 Other Charges	4,175		Increase

To recognize insurance recovery 2003 Mower

Item #	3	72610	415 Electricity	100,000		Increase
		39000	Undesignated Fund Balance		100,000	Decrease

To budget additional funds for utilities

Item #	4	72610	434 Natural Gas	40,000		Increase
		39000	Undesignated Fund Balance		40,000	Decrease

To budget additional funds for utilities

Item #	5	72220	399 Other Contracted Services	1,564		Increase
		72220	499 Other Supplies an Materials	5,940		Increase
		72220	790 Other Equipment		7,504	Decrease

To realocate funds within Special Education Account

Motion was made by Charlie Bayless, seconded by Harry Sisk, to approve the calendar of budget workshops for the Budget Committee as presented. By voice roll call vote, motion duly carried.

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Tom Bowers to fund the Landfill in the amount of \$11,535.73 to keep them running. Motion was amended by Harry Sisk, seconded by Jo Ann Blankenship to fund the Landfill in the amount of \$25,000 to keep them afloat for an additional month. Roll call vote as follows:

AYES: Gebe Ritchie, Lawrence Hodge, Nancy Brown, R. L. Miller, Harry Sisk, Jerry Pearman, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Ken Arney, Larry McKinney, Lynn Tipton, Sonja Culler, Bill Armstrong & Robert Gobble

NAYS: L. C. Tester, Steve Lowrance, Tom Bowers & Terry Montgomery
ABSENT: Jeff McKinney, Jim Whaley, Richard Tester & Robert Davis

There being 15 ayes, 4 nays, 0 passing and 4 absent, motion duly carried.

At this time the County Attorney addressed the Commission regarding the current elevator contract for the Courthouse. Presently the contract is with ThyssenKrupp Elevator and according to this contract they are the only company allowed to maintain the elevators. He explained that problems with the Courthouse were experienced during early voting last year due to overheating. ThyssenKrupp recommended two (2) solutions coming to a total of approximately \$9,000. The Buildings and Grounds Committee decided to request bids for a maintenance agreement to include the two elevators in both buildings. They received bids from Tri-Cities Elevator in the amount of \$8,450, United Services Elevator in the amount of \$3,240 and the current contractor ThyssenKrupp in the amount of \$9,847.52. Mr. Bowers explained that ThyssenKrupp admitted that the County had been overcharged in the past for their services. Mr. Bowers said that the present contract was ambiguous and that a termination letter had been sent to ThyssenKrupp on March 6, 2009. Motion was made by Tom Bowers, seconded by Nancy Brown to stop any future payments and renegotiate the present contract. By voice roll call vote, motion duly carried.

Bill Armstrong addressed the Commission at this time regarding the East Tennessee Railroad Authority. He stated that the ETRA was established in April 1992 and a joint endeavor with the City of Elizabethton to obtain from the State for repairs and maintenance on railroad tracks and bridges. He explained the operations of the ETRA and stated that there were no longer any railroads to be maintained in Carter County. He said that he understood that the County has establish the ETRA and could also dissolve it.

Motion was made by Mr. Armstrong, seconded by Jerry Pearman to have the County Attorney research how to properly do away with the ETRA. By voice roll call vote, motion duly carried.

Keith Bowers, County Attorney, informed the Commission that the County had been named as a "defendant" in a lawsuit involving the white building next to the Courthouse purchased by the Peters. He said he had filed a motion to dismiss and had copies for anyone that wanted them.

At this time, Nancy Brown asked Jerome Kitchens what items can be bought with money from the Maintenance Fund and was told items that support maintenance. She then asked who was responsible for checking the receipts before paying the bills and was told that once a purchase was made they required the Mayor to sign off on them. She then presented a list that she had compiled of purchases over the last two years with money from the Maintenance Fund. She read a list of items she had highlighted which included soft drinks, candy and toiletries. Mayor Holder explained that these items were purchased for inmates that were doing the maintenance in the place of a previous maintenance man who had not been replaced. She asked what could be done to stop this and the Mayor said he would look into the situation and put a halt to it if the Commission so desired. He further stated that these inmates gave the county 40-50 hours a week of work.

On motion by Lawrence Hodge, seconded by Jerry Pearman, Court was adjourned by voice roll call vote this March 16, 2009.