

COUNTY COMMISSION MEETING, REGULAR SESSION, APRIL 18, 2011

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**BE IT REMEMBERED, that the County Commission of Carter County, Elizabethton, Tennessee, met in Regular Session on April 18, 2011, at 6:00 p.m. in the main courtroom of the Carter County Courthouse. Present and presiding were the Honorable Leon Humphrey, County Mayor/Chairman; the Honorable Keith Bowers, Jr., County Attorney; and the Honorable Mary Gouge, County Clerk. The following Commissioners were present: Paul Mottern, Gebe Ritchie, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenshiip, Charlie Bayless, Dickie Renfro, Steve Chambers, Ken Arney, John Lewis, Scott Sams, Sonja Culler, Russell Kyte, Bill Armstrong, Pat Hicks and Robert Gobble. Lawrence Hodge was absent.**

**ROLL CALL.....QUORUM PRESENT**

**PRAYER.....CHARLES VONCANNON**

**PLEDGE.....SCOTT SAMS**

**On motion by John Lewis, seconded by Harry Sisk, the minutes of the March 21, 2011, Regular Session of the County Commissioner were approved by voice vote. A nay vote was noted for Ken Arney.**

**The Mayor asked all elected officials and guests to stand to be recognized. He thanked them for all that they do in their respective capacities for the betterment of our county and asked they be given a round of applause.**

**Under Public Comments, the Mayor recognized Jeffrey Hughis who stated "I am here because I am tired of the negligent way the heads of the municipal departments and many of these commissioners here are doing their jobs and I want to speak out for the residents of the county that feel the same way." Tracy**

Herman of the Blue Springs area stated an old abandoned junk truck had set in front of his property for some time. He said he contacted the Mayor who in turn sent a memo to the commissioners of his district but he had not been contacted by anyone to date. Dale Williams asked that action be taken to resurface the parking lot at his business, Rainbow Realty, damaged by the unloading of heavy equipment used in the jail construction. Motion was made by Gebe Ritchie to pay for the paving from funds being held for Blaine Construction Company.

Commissioner Hick suggested the Mayor and the County Attorney meet with Blaine Construction to see where the liability for the damages lay and go from there. Mr. Williams stated that would be acceptable to him and the Mayor said he would have an answer by the meeting next month. Rod Whitehead of the Blue Springs area stated "people are not happy with what goes on here." He said the commissioners needed to do the people's business.

The Mayor read the Memorandum of Understanding between Carter County and Elizabethton defining the rights and responsibilities of each party with respect to the operation of a County garden by the Sheriff's Department on a parcel of land owned by the City. Motion was made by Nancy Brown, seconded by Ronnie Trivett to approve the memorandum as presented. Memorandum entered into the minutes on pages 136 - 140. Roll call vote as follows:

**AYES:** Nancy Brown, Ronnie Trivett, Harry Sisk, Charles VonCannon, L. C. Tester, Steve Lowrance, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks & Robert Gobble

**NAYS:** Paul Mottern, Gebe Ritchie, Joel Street, Richard Winters, Ken Arney, Steve Chambers, John Lewis & Sonja Culler

**PASSING:** 0

**ABSENT:** Lawrence Hodge & Tom Bowers

There being 14 ayes, 8 nays, 0 passing and 2 absent motion carried.

The Mayor read Resolution No. 542 honoring Robert "Bob" Burleson, former Tennessee Senator and member of the House of Representatives. The resolution requests the General Assembly designate the segment of State Route 143 from the Roan Mountain community at log mile 12.64 to Roan Mountain State Park headquarters at log mile 10.65 as the "Senator Robert "Bob" Burleson Parkway". Motion was made by Nancy Brown, seconded by Steve Lowrance to approve the resolution as presented. Roll call vote as follows:

**AYES:** Paul Mottern, Gebe Ritchie, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Steve Chambers, John Lewis, Scott Sams, Sonja Culler, Russell Kyte, Bill Armstrong, Pat Hicks & Robert Gobble

**NAYS:** 0

**PASSING:** Ken Arney

**ABSENT:** Lawrence Hodge

There being 22 ayes, 0 nays, 1 passing and 1 absent motion carried. Resolution entered into the minutes on pages 141 - 142.

The County Attorney read Resolution No. 543 repealing Resolution No. 530 approved by the commission on September 20, 2010, adopting the International Building Code, 2009 edition; the International Residential Code, 2009 edition; and the International Fire Code, 2009 edition. Attorney Bowers stated the resolution as adopted fell short of the state requirements and recommended the commission repeal it with the intention of starting over with necessary exceptions outlined. He explained the county had two options, either allow the Planning Office to be the issuing agent for the state inspectors or to certify staff to do IRC, IBC and IFC inspections. Motion was made by John Lewis, seconded by Scott Sams to adopt the resolution as presented. Roll call vote as follows;

**AYES:** Paul Mottern, Gebe Ritchie, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Steve Chambers, Ken Arney, John Lewis, Scott Sams, Sonja Culler, Russell Kyte, Bill Armstrong, Pat Hicks & Robert Gobble

**NAYS:** 0

**PASSING:** 0

**ABSENT:** Lawrence Hodge

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

Resolution No. 543 entered in the minutes on pages 143 - 144.

The Mayor stated that 53 building permits had been issued since January, including at least 21 homes, that were in jeopardy since the codes were adopted without exceptions in place. Motion was made by John Lewis, seconded by Robert Gobble for the county to pay for the issuance of state permits with the funds coming from the Planning Commission's budget. Roll call vote as follows:

**AYES:** Nancy Brown, Ronnie Trivett, Charles VonCannon, John Lewis, Scott Sams, Bill Armstrong & Robert Gobble

**NAYS:** Paul Mottern, Gebe Ritchie, Richard Winters, Harry Sisk, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Ken Arney, Steve Chambers, Russell Kyte & Pat Hicks

**PASSING:** Joel Street & Sonja Culler

**ABSENT:** Lawrence Hodge

There being 7 ayes, 14 nays, 2 passing and 1 absent motion failed to carry.

Motion was made by Harry Sisk, seconded by Ronnie Trivett for the county to pay the cost of the issuance of state building permits affected by Resolution No. 530 and be referred to the Budget Committee to decide where the funds will come from. Roll call vote as follows:

**AYES:** Paul Mottern, Gebe Ritchie, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Dickie Renfro,

Steve Chambers, Ken Arney, John Lewis, Scott Sams, Russell Kyte, Bill Armstrong, Pat Hicks & Robert Gobble

**NAYS:** Nancy Brown

**PASSING:** Charlie Bayless & Sonja Culler

**ABSENT:** Lawrence Hodge

There being 20 ayes, 1 nay, 2 passing and 1 absent motion duly carried.

Carter County Tomorrow President Tom Anderson updated the commission on tourism and economic development activities at this time.

On motion by Gebe Ritchie, seconded by Jo Ann Blankenship, the following notaries/bonds were approved by voice vote:

Michael Trippeer

Peggy Presnell

Carolyn Gentry

Frances Goodwin

Letha Plank

April Miller

Helen Keller

Stephanie Michelle Ward

Heather Wiseman

Joe Alexander

Crissy Dee Salyer

Regina Shepherd

David L. Oiler

David Crosswhite

Clara Perkins

Ingrid Deloach-Bond for Financial Director

Shirley R. Ellis-Bond for Director of Schools

On recommendation of the Budget Committee, motion was made by Tom Bowers, seconded by Paul Mottern to enter into an agreement with the Electric System to pay for the lights installed at the boat ramp on Blevins Road until July 1, 2012. The funds to come from the Parks/Recreation Budget. Roll call vote as follows:

**AYES:** Paul Mottern, Gebe Ritchie, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, John Lewis, Scott Sams, Sonja Culler, Russell Kyte, Bill Armstrong, Pat Hicks & Robert Gobble

**NAYS:** L. C. Tester, Ken Arney & Steve Chambers

**PASSING:** 0

**ABSENT:** Lawrence Hodge

There being 20 ayes, 3 nays, 0 passing and 1 absent motion duly carried.

Tom Bowers said the Budget Committee voted to use funds for meth lab clean ups from the Drug Fund stating the Federal Government had cut off all funds for these clean ups. He stated they later found out from CTAS that using money from the Drug Fund for this was not allowed. Motion was made by Tom Bowers, seconded by John Lewis to have the County Attorney seek an opinion from the State's Attorney General in reference to this matter. Roll call vote as follows:

**AYES:** Paul Mottern, Gebe Ritchie, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Steve Chambers, Ken Arney, John Lewis, Scott Sams, Sonja Culler, Russell Kyte, Bill Armstrong, Pat Hicks & Robert Gobble

**NAYS:** 0

**PASSING:** 0

**ABSENT:** Lawrence Hodge

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

Commissioner-Bowers informed the commissioners there had been four (4) meth lab clean ups in the last week at a cost to the county of \$10,145.66. He said there were funds for reimbursement from the EPA but the county would have to pay these invoices prior to being reimbursed. Motion was made by John Lewis, seconded by Tom Bowers to continue to pay the cost of the meth lab clean ups from fund balance until direction was received from the Attorney General or reimbursements from the EPA were made. Roll call vote as follows:

**AYES:** Paul Mottern, Gebe Ritchie, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Steve Chambers, Ken Arney, John Lewis, Scott Sams, Sonja Culler, Russell Kyte, Pat Hicks & Robert Gobble

**NAYS: 0**

**PASSING: Bill Armstrong**

**ABSENT: Lawrence Hodge**

**There being 22 ayes, 0 nays, 1 passing and 1 absent motion duly carried.**

**On recommendation of the Budget Committee, motion was made by Tom Bowers, seconded by Harry Sisk to allocate \$10,323 as the county's part to pay for a new director at the Animal Shelter. Roll call vote as follows:**

**AYES: Nancy Brown, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L. C. Tester, Steve Lowrance, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, John Lewis, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks & Robert Gobble**

**NAYS: Paul Mottern, Gebe Ritchie, Joel Street, Tom Bowers, Steve Chambers & Sonja Culler**

**PASSING: 0**

**ABSENT: Lawrence Hodge & Ken Arney**

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

**On recommendation of the Budget Committee, motion was made by Tom Bowers, seconded by Harry Sisk to approve General Fund Budget Amendment #7, Items #1 - #9 as presented. Roll call vote as follows:**

**AYES: Gebe Ritchie, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Steve Chambers, John Lewis, Scott Sams, Sonja Culler, Russell Kyte, Bill Armstrong, Pat Hicks & Robert Gobble**

**NAYS: Paul Mottern**

**PASSING: 0**

**ABSENT: Lawrence Hodge & Ken Arney**

**There being 21 ayes, 1 nay, 0 passing and 2 absent motion duly carried. Budget amendment entered into minutes on pages 145 - 146.**

**On recommendation of the Budget Committee, motion was made by Tom Bowers, seconded by Sonja Culler to approve the Solid Waste Budget Amendment #4 Item #1 - #2 as presented. Roll call vote as follows:**

**AYES:** Paul Mottern, Gebe Ritchie, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Steve Chambers, John Lewis, Scott Sams, Sonja Culler, Russell Kyte, Bill Armstrong, Pat Hicks & Robert Gobble

**NAYS:** 0

**PASSING:** 0

**ABSENT:** Lawrence Hodge & Ken Arney

There being 22 ayes, 0 nays, 0 passing and 2 absent motion duly carried. Budget amendments entered into minutes on page 147.

On recommendation of the Budget Committee, motion was made by Tom Bowers, seconded by John Lewis to approve the Carter County Highway Fund 131, Budget Amendment #3, Items #1 - #3 as presented. Entered on page 147.

**AYES:** Paul Mottern, Gebe Ritchie, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Steve Chambers, John Lewis, Scott Sams, Sonja Culler, Russell Kyte, Bill Armstrong, Pat Hicks & Robert Gobble

**NAYS:** 0

**PASSING:** 0

**ABSENT:** Lawrence Hodge & Ken Arney

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

On recommendation of the Budget Committee, motion was made by Tom Bowers, seconded by Steve Lowrance to approve Schools Fund 141, Budget Amendment #9, Item #1 as presented. Entered on page 148.

**AYES:** Paul Mottern, Gebe Ritchie, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Steve Chambers, John Lewis, Scott Sams, Sonja Culler, Russell Kyte, Bill Armstrong, Pat Hicks & Robert Gobble

**NAYS:** 0

**PASSING:** 0

**ABSENT:** Lawrence Hodge & Ken Arney

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

On recommendation of the Budget Committee, motion was made by Tom Bowers, seconded by Robert Gobble to approve Schools Fund 142, Budget Amendment #5, Items #1 - #2 as presented. Entered on page 148.

AYES: Paul Mottern, Gebe Ritchie, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Steve Chambers, John Lewis, Scott Sams, Sonja Culler, Russell Kyte, Bill Armstrong, Pat Hicks & Robert Gobble

NAYS: 0

PASSING: 0

ABSENT: Lawrence Hodge & Ken Arney

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

On recommendation of the Budget Committee, motion was made by Harry Sisk, seconded by Jo Ann Blankenship to approve \$100,000 coming from fund balance to cover the cost of the guard rail and smoke removal systems at the new jail. Roll call vote as follows:

AYES: Nancy Brown, Joel Street, Richard Winters, Harry Sisk, Charles VonCannon, L. C. Tester, Steve Lowrance, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks & Robert Gobble

NAYS: Paul Mottern, Gebe Ritchie, Ronnie Trivett, Tom Bowers, John Lewis, Steve Chambers & Sonja Culler

PASSING: 0

ABSENT: Lawrence Hodge & Ken Arney

There being 15 ayes, 7 nays, 0 passing and 2 absent motion duly carried.

Commissioner Blankenship introduced Melody Goff, the new director of the Elizaethton/Carter County Public Library who was hired in October 2010. Ms. Goff gave a brief history of the organization of the library and the services they offer to the public.

Jo Ann Blankenship reported for the Financial Management Committee stating the need for several changes to the Policy and Procedure Manual. On page 4, the organizational Structure would be changed to reflect Ingrid Deloach as Director of Finance and an open position for Deputy Director. On page 25, Jerome Kitchens would be removed. On page 36, a new section would be inserted titled Purchase of Used or Secondhand Goods. That section would be inserted as section 1.6 and the remaining existing sections would just be adjusted to reflect the next sequential number. On page 60, Jerome Kitchens would be replaced with Ingrid Deloach as a credit card holder. Motion was made by Jo Ann Blankenship, seconded by Sonja Culler to adopt these organization changes. By voice vote motion duly carried.

Jo Ann Blankenship reported for the Health and Welfare Committee stating a meth lab workshop would be held on April 21, 2011, from 6:00 p.m. to 9:00 p.m. in the main courtroom of the Courthouse. Guest speakers will be Captain Tom Smith from the Sheriff's Department and Tim Bailey with the Health Department. She also informed the commissioners Oak Street Baptist Church offered a program with a qualified counselor for chemically dependent individuals.

Jo Ann Blankenship reported for the Jail Task Force Committee stating CTAS had prepared a staffing analysis for the new jail. She said she contacted J. Mark Rodgers who would issue a staffing analysis to the commission using the American Jail Association guidelines, quoting a price of \$10,000 which is the price typically paid by counties. Motion was made by Steve Chambers, seconded by Tom Bowers to obtain the second staffing analysis. Motion was then made by Harry Sisk, seconded by Ronnie Trivett to TABLE the motion made by Steve

**Chambers stating obtaining a second analysis would just be duplicating a process that had already been done. Roll call vote to TABLE as follows:**

**AYES:** Paul Mottern, Gebe Ritchie, Nancy Brown, Ronnie Trivett, Harry Sisk, Charles VonCannon, L. C. Tester, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Steve Chambers, Sonja Culler, Russell Kyte, Scott Sams Bill Armstrong, Pat Hicks & Robert Gobble

**NAYS:** Joel Street, Richard Winter, Steve Chambers, Tom Bowers & John Lewis

**PASSING:** 0

**ABSENT:** Lawrence Hodge & Ken Arney

**There being 17 ayes, 5 nays, 0 passing and 2 absent motion to TABLE duly carried.**

Jo Ann Blankenship reported the Jail Task Force Committee voted to bring before the full commission the matter of auctioning off the PODS at the jail. The county has 180 days from the time the inmates are moved into the new jail to move the PODS and another 90 days to pave the parking area. During discussion a couple of commissioners stated they thought the company the PODS were purchased from had said they would buy them back from the county when they no longer needed them. Motion was made by Ronnie Trivett, seconded by Gebe Ritchie to contact the company the PODS were originally purchased from to see if they wanted to buy them back or help the county find an alternate source. Roll call vote as follows:

**AYES:** Paul Mottern, Gebe Ritchie, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Steve Chambers, Scott Sams, Sonja Culler, Russell Kyte, Bill Armstrong, Pat Hicks & Robert Gobble

**NAYS:** L. C. Tester & John Lewis

**PASSING:** 0

**ABSENT:** Lawrence Hodge & Ken Arney

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

Jo Ann Blankenship asked the Mayor to update the commission on the punch list for the jail. The Mayor referred the commissioners to a letter in their packet from Blaine Construction Corporation stating items #10 and #11 were voted on earlier in the meeting and said it was premature to discuss the other items on the list.

The Mayor informed the commission that the county was allowed to accept charitable contributions to the General Fund. However if the funds are subject to certain conditions as to their use the county legislative body must approve the acceptance of the gift and it must be used for such purposes. He state on April 1, 2011, Mike Melton made a contribution to the county in the amount of \$1,300 to be used for repairs or replacement of the damaged planters at the monument. Motion was made by Ronnie Trivett, seconded by Robert Gobble to accept Mr. Melton's contribution under these terms. Roll call vote as follows:

**AYES:** Paul Mottern, Gebe Ritchie, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Steve Chambers, John Lewis, Scott Sams, Sonja Culler, Russell Kyte, Bill Armstrong, Pat Hicks & Robert Gobble

**NAYS:** 0

**PASSING:** 0

**ABSENT:** Lawrence Hodge & Ken Arney

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

The Mayor stated a thank you letter would be mailed to Mr. Melton.

At the request of the Library Board, motion was made by Harry Sisk, seconded by Ronnie Trivett to remove John Tolejko from the Elizabethton/Carter County Library Board and approve his membership on the Watauga Regional Library Board. By voice vote motion duly carried.

**Steve Lowrance reported for the Education Committee stating Mickey**

Taylor had addressed the members of the committee on April 4, 2011, to discuss the need for additional Health Science teachers. He said a number of students had indicated their choice of Program of Study to be Health Science and with the Federal Law stating there can only be 25 students to a class they could not meet the needs of these students.

In reference to the Health & Welfare Committee, the Mayor stated that in July 2009 the smoking area at the courthouse was moved across the street. He said that motion in action fell short because there was no provisions made for a shelter for the smokers. He asked if the commission would like to take action on or amend this policy to allow smoking only in personal vehicles. Motion was made by John Lewis, seconded by Steve Chambers to amend the present smoking policy and limit the use of tobacco to each person's private vehicle. Roll call vote as follows:

**AYES:** Paul Mottern, Nancy Brown, Richard Winters, Harry Sisk, Charles VonCannon, L. C. Tester, Steve Lowrance, Jo Ann Blankenship, Dickie Renfro, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks & Robert Gobble

**NAYS:** Gebe Ritchie, Ronnie Trivett, Tom Bowers & Charlie Bayless

**PASSING:** Joel Street & Bill Armstrong

**ABSENT:** Lawrence Hodge & Ken Arney

There being 16 ayes, 4 nays, 2 passing and 2 absent motion duly carried.

Gebe Ritchie reported the county wide clean up would be on April 29-30 and residents could take items to the landfill at no charge. He said there would be a trash container at the Covered Bridge and at Persinger Bridge in Watauga. He stated people could use the landfill as many times as needed but there was a limit of eight (8) on the disposal of tires. He asked that if anyone knew someone

that was unable to get rid of their household trash they could call the Chamber of Commerce to assist them.

Charles VonCannon reported for the Investigations Committee stating that in August 2008, thirty-nine (39) bridges were deemed structurally deficient and that today 33 bridges in the county were still deemed structurally deficient.

On behalf of the Planning Committee, Gebe Ritchie stated the commissioners of the 1<sup>st</sup> District requested their representative on the Planning Commission to remain to be Steven G. Pierce. The Mayor stated this appointed was a Mayoral appointment and would be addressed at the next meeting.

The County Attorney updated the commission at this time on the various situations and correspondence he had been working on for the county in the last month.

Mayor Humphrey stated effective immediately his office would no longer be responsible for the minutes of the committee meetings. He suggested each committee elect a secretary at their next meeting and have them record the minutes in the future. These minutes are to be filed in the office of the County Clerk. He further stated the County Clerk serves as the Clerk for the Legislative Body and has certain duties that in the past had been performed by his office. He said the County Clerk would be responsible for those duties in the future.

Motion was made by John Lewis, seconded by Nancy Brown that when a *notice of suit is filed* settlement is reached in a lawsuit involving the county, the commissioners be notified by correspondence outlining the details. Roll call vote as follows:

AYES: Paul Mottern, Gebe Ritchie, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless,

**Dickie Renfro, Steve Chambers, John Lewis, Scott Sams, Sonja Culler,  
Russell Kyte, Bill Armstrong, Pat Hicks & Robert Gobble**

**NAYS: 0**

**PASSING: 0**

**ABSENT: Lawrence Hodge & Ken Arney**

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

**Motion was made by John Lewis, seconded by Robert Gobble to adjourn.**

**By voice vote motion carried.**

**MEMORANDUM OF UNDERSTANDING BETWEEN  
CARTER COUNTY, TENNESSEE  
AND THE CITY OF ELIZABETHTON, TENNESSEE**

This the 18th day of April, 2011, this Memorandum of Understanding ("agreement") is entered into by Carter County, Tennessee (hereinafter "County") and the City of Elizabethton, Tennessee (hereafter "City") for the purpose of defining the rights and responsibilities of each party with respect to the operation of a County garden by Carter County Sheriff's Department, on a parcel of land owned by the City, identified as Area "A" per the attached exhibit to this agreement.

Both parties agree to bind themselves according to the provisions herein as applicable to the individual parties.

The County agrees to the following restrictions and requirements:

1. The County agrees to annually provide proof of a one million (\$1,000,000) dollar policy for liability insurance, naming the City as an additional insured for any claim rising from the operation of the County Garden.
2. The County Agrees to assume liability for any fuel spill or uncontrolled use of herbicides, pesticides and fertilizers. All herbicides, pesticides and fertilizers will be EPA approved and will be applied strictly according to the manufacturer's instructions.
3. The County agrees to use the land for the stated purpose in this agreement until such time as the City requires the land for a wastewater treatment plant expansion or any other reason. The County understands and acknowledges that the City acquired the land, and is reserving it in perpetuity, for future use by the City for the purpose of expanding the wastewater treatment facility to account for growth in the community, as well as the establishment of

additional treatment processes that may be mandated by the Federal Government or the State of Tennessee.

4. The County agrees to vacate the premises after receiving reasonable notice from the City at the end of a harvest season.

5. The County agrees to abide by the environmental rules related to the small spring fed stream that transgresses said property. Examples of these rules include but are not limited prohibiting the removal of trees or root ball grubbing; further, there shall be no use of herbicide in and around the stream, as the same is prohibited.

6. The County shall abide by all environmental and other rules related to the withdrawal of water from the Watauga River for irrigation purposes. The County shall obtain all the necessary permits and approvals before a pumping operation is started. The County shall locate the pumps, pipelines and appurtenances in such a way that there will be no interference with wetlands between the tree line on the South side of the site and the Watauga River. Further, the County agrees to place pipelines underground as needed to allow City service vehicles and equipment access to sewer easement service roads and trails. The County agrees to remove all related pumps, pipelines and appurtenances when the gardening operations and this agreement are terminated.

7. The County agrees to install a lockable gateway for road access off Sycamore Shoals Drive in a position approved by the City Engineering Department to ensure that sight distance requirements are met. The gate will be locked in the absence of gardening staff to maintain the security of the wastewater treatment facility and grounds.

8. The County agrees to limit the planting and/or cultivation to non-invasive or nonintrusive plants, and annual edible plants, flowers, and herbs, etc. All garden supervision will be the responsibility of Carter County Sheriff's Department and the County agrees to keep the garden neat and orderly, with no storage of gardening materials or totes. There will be no

storage sheds allowed except with the written approval of both County and the City as to type, design, and location.

9. No tools and equipment will be stored at the garden, unless in an approved storage building.

10. When the gardening operations and the agreement are terminated, the County shall be responsible for the cost of the removal of structures and resulting building rubble, or the County shall provide the City a choice to keep the structures.

11. The County shall refrain from mining topsoil and transporting it off site. This also precludes the cultivation and harvesting of sod grass.

12. The County shall maintain the contours of the land materially as is and not to perform bulk earthworks or significant contour altering landscaping.

13. The term of this agreement shall be five (5) years from the date of its execution. The agreement shall automatically renew for successive one year terms after the initial five (5) year term, unless a written notice not to renew is given to the other party within sixty (60) days of the expiration of the agreement.

The City agrees to the following restrictions and requirements:

1. The City shall provide Area "A" per the attached exhibit to this agreement to Carter County for the purpose of maintaining a County Garden. The County may also utilize City land directly outside the fence on the side of Sycamore Shoals Drive, up to the edge of the right-of-way for the County road.

2. The City agrees to provide the land free of charge.

3. The City shall allow access across City land to the north bank of Watauga River, should Carter County decide to install pumps, pipelines and appurtenances to withdraw water from the Watauga River for irrigation purposes.

4. The City agrees to make electrical service available, as well as water and sewer taps at the customary tap/connection fees and monthly rates.

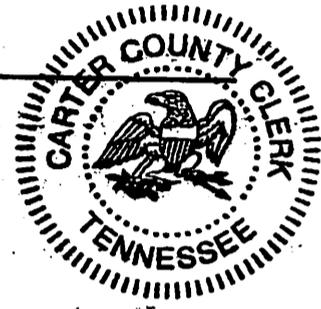
5. The City shall allow the construction of approved semi-permanent structures in approved locations following City building regulations.

CARTER COUNTY, TENNESSEE

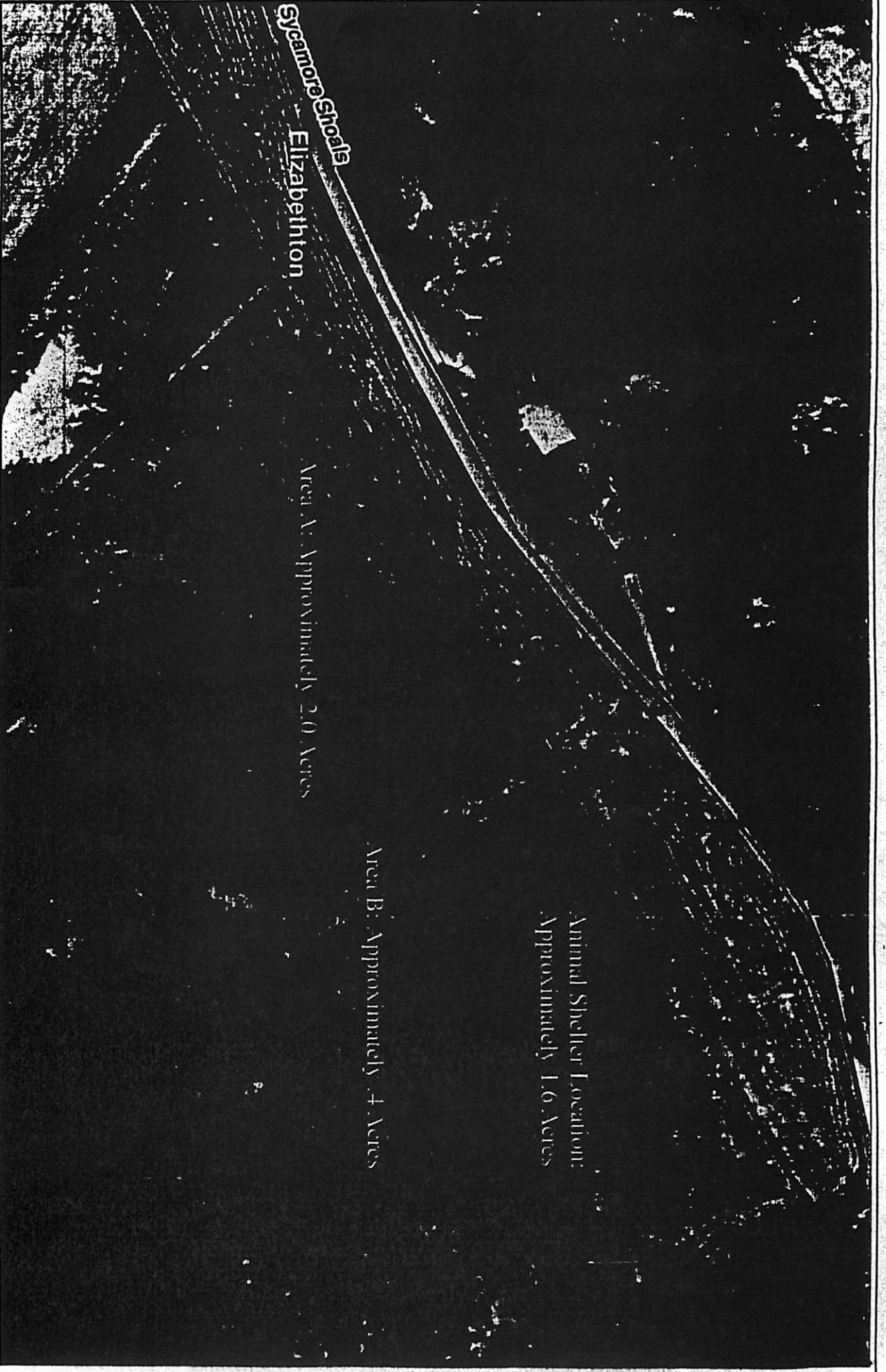
By: *Sam Humphrey* Date 4/21/11

THE CITY OF ELIZABETHTON, TENNESSEE

By: \_\_\_\_\_ Date \_\_\_\_\_



Z:\Carter County - Attorney\Sheriff Jail Garden\Memorandum of Understanding-county garden.docx



LAND AVAILABLE FOR A COMMUNITY GARDEN  
ELIZABETHTON ENGINEERING DEPARTMENT

03/22/2011



**BEFORE THE COUNTY COMMISSION**

**OF CARTER COUNTY, TENNESSEE**

**REGULAR MEETING APRIL 18, 2011**

**RESOLUTION NO. 542**

**Whereas, from time to time the Carter County Commission has seen fit to name certain highways and bridges to honor those exemplary public servants who have contributed significantly to the growth and prosperity of Carter County and their respective communities; and**

**Whereas, no one is more deserving of this honor than Robert "Bob" Burleson of Roan Mountain who was a valuable member of the Tennessee Senate for eight years, serving his constituents in Carter, Greene, Johnson and Unicoi counties with purpose and commitment; and**

**Whereas, few people have touched as many lives as Bob Burleson, a gentleman who has attained excellence both as a public servant and a human being; and**

**Whereas, Bob Burleson is as a person of impeccable morals and irreproachable integrity, and he worked diligently to establish a brighter future for the people of Carter County during his three terms as their legislator in the Tennessee House of Representatives, as well as during his tenure in the Senate; and**

**Whereas, this legislative body wishes to name the segment of State Route 143 that provides access to Roan Mountain State Park to honor Senator Burleson and his bountiful life of purpose and commitment to the citizens of Carter County and the Roan Mountain Community; now therefore the Carter County Commission requests that the General Assembly of the State of Tennessee Enact the following:**

**1. Not with standing any provision of law to the contrary, the segment of State Route 143 in Carter County from the Roan Mountain community at log mile 12.64 to Roan Mountain State Park headquarters be designated the "Senator Robert "Bob" Burleson Parkway" in appreciation of an excellent public servant and even more accomplished human being.**

**2. The department of transportation be directed to erect suitable signs or to affix suitable markers designating the segment of State Route 143 described in Section 1 as the "Senator Robert "Bob" Burleson Parkway".**

3. The erection of such signs shall be within the guidelines prescribed by the Manual or Uniform Traffic Control Devices.

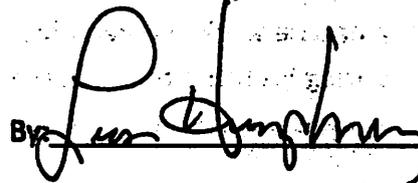
4. This shall become operative only if the federal highway administrator advises the commissioner of transportation in writing that the provisions of this act shall not render Tennessee in violation of federal laws and regulations and subject to penalties prescribed therein.

5. The "Senator Robert "Bob" Burleson Parkway" provided for in this resolution is for honorary purposes only and nothing contained herein shall be constructed as requiring the alteration of any address, or the governmental system for assigning addresses, in any governmental entity affected.

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Carter County, Tennessee meeting in regular session on this 18<sup>th</sup> day of April, 2011 with a lawful quorum of said Commission being present and with a two thirds majority voting in the affirmative.

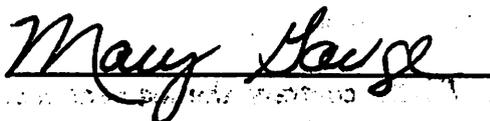
This Resolution shall be effective upon adoption.

CARTER COUNTY, TENNESSEE

By 

Mayor Leon Humphrey

ATTEST:



Mary Gouge, County Clerk



BEFORE THE COUNTY COMMISSION  
OF CARTER COUNTY, TENNESSEE  
REGULAR MEETING, APRIL 18, 2011  
RESOLUTION NO. 543

WHEREAS, this is a Resolution to repeal Resolution No. 530 of the Carter County Commission;

WHEREAS, said Resolution No. 530 was adopted by the Carter County Commission on September 19, 2010 and later executed by the Carter County Mayor and County Court Clerk on September 20, 2010;

WHEREAS, said Resolution No. 530 was recorded in the minutes of the Commission in order to adopt the International Building Code, 2009 edition; the International Residential Code, 2009 edition, the International Fire Code, 2009 edition, as prepared and adopted by the International Code Council;

WHEREAS, the repeal of Resolution No. 530 is made pursuant to Tennessee Code Annotated 5-20-102;

WHEREAS, the original adoption of Resolution No. 530 did not comply with the requirements of Tennessee Code Annotated 5-20-102 and Tennessee Code Annotated 5-1-116; therefore, the adoption of said Code shall not be binding on any construction originated after the adoption through the repeal of said code.

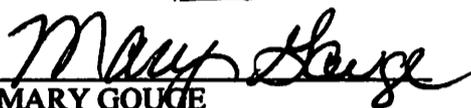
NOW, THEREFORE, BE IT RESOLVED, by the Carter County Commission, that the previous adoption of Resolution No. 530 which adopted the International Building Code, 2009 edition; the International Residential Code, 2009 edition, the International Fire Code, 2009 edition, as prepared and adopted by the International Code Council is specifically repealed pursuant to non-compliance with the requirements of Tennessee Code Annotated 5-20-102 and Tennessee Code Annotated 5-1-116; therefore, the adoption of said Code shall not be binding on any construction originated after the adoption through the repeal of said code, as the adopted County Code;

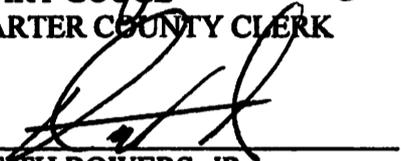
BE IT FURTHER RESOLVED by the County Commission of Carter County, Tennessee, meeting in a regular session on this the 18th day of April, 2011, with a lawful quorum of said Commission voting in the affirmative approves and adopts this Resolution. This Resolution shall be effective from and after its adoption, the public welfare requiring such.

CARTER COUNTY, TENNESSEE

By:   
HONORABLE LEON HUMPHREY  
CARTER COUNTY MAYOR

ATTEST:

  
MARY GOUGE  
CARTER COUNTY CLERK

  
KEITH BOWERS, JR.  
CARTER COUNTY ATTORNEY



**GENERAL FUND BUDGET AMENDMENT #7**  
**18-Apr-11**

**FUND 101**

|         |           |                      |             |             |          |
|---------|-----------|----------------------|-------------|-------------|----------|
| Item #1 | 40110     | Current Property Tax | \$ 3,740.00 | Decrease    |          |
|         | 51300-540 | Tax Relief           |             | \$ 3,740.00 | Increase |

Funds for Carter County Tax Relief

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|         |           |                              |              |             |          |
|---------|-----------|------------------------------|--------------|-------------|----------|
| Item #2 | 58900-348 | Postage                      | \$ 26,990.00 | Decrease    |          |
|         | 52100-348 | Postage Finance Dept         |              | \$ 2,936.50 | Increase |
|         | 54110-348 | Postage Sheriff's Dept       |              | \$ 2,370.69 | Increase |
|         | 53110-348 | Postage Circuit Court        |              | \$ 7,517.81 | Increase |
|         | 53400-348 | Postage Clerk & Master       |              | \$ 1,992.79 | Increase |
|         | 52400-348 | Postage Assessor of Property |              | \$ 3,119.12 | Increase |
|         | 51300-348 | Postage County Mayor         |              | \$ 295.11   | Increase |
|         | 52500-348 | Postage County Clerk         |              | \$ 7,341.23 | Increase |
|         | 51720-348 | Postage Planning             |              | \$ 1,416.75 | Increase |

To post postage to the correct accounts

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|         |           |                            |              |              |          |
|---------|-----------|----------------------------|--------------|--------------|----------|
| Item #3 | 49951     | Special Revenue            | \$ 29,946.83 | Increase     |          |
|         | 58120-499 | Other Supplies & Materials |              | \$ 29,946.83 | Increase |

Funds for Borla Grant

---

|         |           |                            |              |              |          |
|---------|-----------|----------------------------|--------------|--------------|----------|
| Item #4 | 39000     | Fund Balance               | \$ 30,442.00 | Decrease     |          |
|         | 58120-499 | Other Supplies & Materials |              | \$ 16,934.84 | Increase |
|         | 58120-791 | Other Construction         |              | \$ 13,507.16 | Increase |

Funds to close out Borla Grant (these funds were held from 2009-10 year)

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|         |           |                           |             |             |          |
|---------|-----------|---------------------------|-------------|-------------|----------|
| Item #5 | 46900     | Other State Revenue       | \$ 9,749.04 | Increase    |          |
|         | 58900-399 | Other Contracted Services |             | \$ 9,749.04 | Increase |

Funds received for Railroad Authority

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|         |                           |           |           |          |
|---------|---------------------------|-----------|-----------|----------|
| Item #6 | 58300-355 Travel          | \$ 300.00 | Decrease  |          |
|         | 58300-435 Office Supplies |           | \$ 300.00 | Increase |

Request from Veteran's Services to purchase office supplies  
(see attached letter)

|         |                            |             |             |          |
|---------|----------------------------|-------------|-------------|----------|
| Item #7 | 51300-355 Travel           | \$ 1,000.00 | Decrease    |          |
|         | 51300-719 Office Equipment |             | \$ 1,000.00 | Increase |

Reallocate funds for office equipment - County Mayor

|         |                                     |             |             |          |
|---------|-------------------------------------|-------------|-------------|----------|
| Item #8 | 53100-162 Clerical Personnel        | \$ 5,000.00 | Decrease    |          |
|         | 53100-399 Other Contracted Services |             | \$ 5,000.00 | Increase |

Funds to cover Audit Services-Circuit Court

|         |                                      |             |             |          |
|---------|--------------------------------------|-------------|-------------|----------|
| Item #9 | 53100-719 Office Equipment           | \$ 6,350.00 | Decrease    |          |
|         | 53100-351 Rentals                    |             | \$ 3,475.00 | Increase |
|         | 53100-499 Other Supplies & Materials |             | \$ 700.00   | Increase |
|         | 53100-435 Office Supplies            |             | \$ 1,250.00 | Increase |
|         | 53100-334 Maintenance Agreements     |             | \$ 925.00   | Increase |

Reallocate funds for Circuit Court

\$ 113,517.87

\$ 113,517.87

**SOLID WASTE BUDGET AMENDMENT #4**  
**18-Apr-11**

**Fund 116**

|         |           |                       |              |                       |
|---------|-----------|-----------------------|--------------|-----------------------|
| Item #1 | 49700     | Insurance Recovery    | \$ 17,050.42 | Increase              |
|         | 55754-733 | Solid Waste Equipment |              | \$ 17,050.42 Increase |

Insurance Recovery

|         |           |                       |             |                      |
|---------|-----------|-----------------------|-------------|----------------------|
| Item #2 | 49800     | Transfer In           | \$ 6,500.00 | Increase             |
|         | 55754-733 | Solid Waste Equipment |             | \$ 6,500.00 Increase |

County funds voted March 2011 to purchase compactor

|  |              |              |
|--|--------------|--------------|
|  | \$ 23,550.42 |              |
|  |              | \$ 23,550.42 |

**Carter County Highway Fund 131**  
**Budget Amendment #3 2010-2011**

|         |           |                           |             |                      |
|---------|-----------|---------------------------|-------------|----------------------|
| Item #1 | 62000-351 | Rentals                   | \$ 1,590.00 | Increase             |
|         | 39000     | Undesignated Fund Balance |             | \$ 1,590.00 Decrease |

To reallocate funds to cover expense of equipment rental for landslide.

|         |           |                           |              |                       |
|---------|-----------|---------------------------|--------------|-----------------------|
| Item #2 | 62000-409 | Crushed Stone             | \$ 60,000.00 | Increase              |
|         | 39000     | Undesignated Fund Balance |              | \$ 60,000.00 Decrease |

To reallocate funds to cover increased need for crushed stone.

|         |           |                               |              |                       |
|---------|-----------|-------------------------------|--------------|-----------------------|
| Item #3 | 63100-327 | Freight Expenses              | \$ 1,500.00  | Increase              |
|         | 63100-353 | Tow-In Services               | \$ 700.00    | Increase              |
|         | 63100-418 | Equipment and Machinery Parts | \$ 25,000.00 | Increase              |
|         | 63100-424 | Garage Supplies               | \$ 2,000.00  | Increase              |
|         | 63100-450 | Tires and Tubes               | \$ 17,000.00 | Increase              |
|         | 39000     | Undesignated Fund Balance     |              | \$ 46,200.00 Decrease |

To reallocate funds to cover increased expense of operation and maintenance of equipment.

|              |  |               |               |
|--------------|--|---------------|---------------|
| <b>Total</b> |  | \$ 107,790.00 | \$ 107,790.00 |
|--------------|--|---------------|---------------|

**Carter County Schools Fund 141  
Budget Amendment # 9 2010-11**

|                |           |                           |       |       |          |
|----------------|-----------|---------------------------|-------|-------|----------|
| <b>Item #1</b> | 72710 399 | Other Contracted Services | 1,875 |       | Increase |
|                | 39000     | Undesignated Fund Balance |       | 1,875 | Decrease |

**To budget funds for school choice expenses.**

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**Carter County Schools Fund 142  
Budget Amendment # 5 2010-11**

|                |                  |                                    |          |          |          |
|----------------|------------------|------------------------------------|----------|----------|----------|
| <b>Item #1</b> | 71200-210-00-90S | Unemployment Compensation          | \$19     |          | Increase |
|                | 71200-725-00-90S | Special Education Equipment        | \$25,000 |          | Increase |
|                | 71200-524-00-90S | In-Service/Staff Development       | \$18,000 |          |          |
|                | 71200-116-00-90S | Teachers                           |          | \$2,000  | Decrease |
|                | 71200-429-00-90S | Instructional Supplies & Materials |          | \$40,000 | Decrease |
|                | 71200-499-00-90S | Other Supplies & Materials         |          | \$1,019  | Decrease |

**To reallocate funds for the additional cost of equipment and staff development.**

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|                |                  |                              |          |             |          |
|----------------|------------------|------------------------------|----------|-------------|----------|
| <b>Item #2</b> | 72210-790-00-10S | Other Equipment              | \$ 7,500 |             | Increase |
|                | 72210-499-00-10S | Other Supplies and Materials |          | \$ 5,800.00 | Decrease |
|                | 72210-524-00-10S | In-Service/Staff Development |          | \$ 1,700.00 | Decrease |

**To reallocate funds for additional cost of equipment.**

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