APPROVED 3-19-12

CARTER COUNTY COMMISSION MEETING
TUESDAY, JANUARY 17, 2012 – 9:00 A.M.

Chairman, Tom Bowers call the meeting to order.

Roll Call: Buford Peters, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L.C. Tester, Steve Lowrance, Tom Bowers, JoAnn Blankenship, Charlie Bayless, Dickie Renfro, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Bill Armstrong, Pat Hicks and Robert Gobble. (23 Present)

Absent: Scott Sams (1 Absent)

Opening Prayer – Lawrence Hodge

Pledge of Allegiance – Ronnie Trivett

Motion was made by John Lewis, seconded by Ken Arney to **accept the minutes of the December 19, 2011** meeting with the exception of corrections being: page 408 spelling of Police changed to Policy.

By majority voice vote motion carried.

Motion made by John Lewis, seconded by Nancy Brown to **amend the agenda** and place Public Comments Item # XII to after Item VIII being prior to Approval of County Road List.

Roll Call Vote as follows:

Ayes: Nancy Brown, Ronnie Trivett, Charles VonCannon, and John Lewis. (4 Ayes)

Nays: Buford Peters, Gebe Ritchie, Lawrence Hodge, Richard Winters, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, Charlie Bayless, Dickie Renfro, Ken Arney, Steve Chambers, Russell Kyte, Bill Armstrong, and Robert Gobble. (15 Nays)

Passing: Joel Street, JoAnn Blankenship, Sonja Culler, and Pat Hicks. (4 Passing)

Absent: Scott Sams (1 Absent)

Motion failed.

APPROVED

Motion made by Lawrence Hodge, seconded by Steve Chambers to approve the following **notaries/bonds:**

Teresa Chambers	Rebecka L. Bowers	Kellie D. Blackburn
Linda K. Honeycutt	Richard M. Barker	Lisa C. Jarrett
Carmen D. Nelson	Amber Conley	Robert Carroll
Charles J.Whaley	Teresa Cole	Charlene Michelle Penix

Jim Burrough – Deputy Coroner Bond
Larry Michael Presnell, Jr. - Constable Bond

By majority voice vote, all ayes, motion carried.

Recognition of Elected and Appointed Officials and Guest was made by Chairman Bowers at this time. Chairman Bowers thanked them for their services.

Motion by Steve Lowrance, seconded by Charles VonCannon to request that County Attorney Keith Bowers, Jr. draft a letter and send to the appropriate agencies stating that the Carter County Commission respectfully **opposes the closing of the local U.S. Department of Agriculture** office located at 419 West Elk Avenue Elizabethton and that the closing of this office be reconsidered.

By majority voice vote, all ayes, motion carried.

Motion by Sonja Culler, seconded by Joel Street that **Wildrose Lane** be accepted as a graveled road and be added to the 2011 Road List and also noting it is to be accepted at its present length of 0.13 and width of sixteen (16) feet.

By majority voice vote, all ayes, motion carried.

Motion by Sonja Culler, seconded by Joel Street to approve the 2011 Road List.

By majority voice vote, all ayes, motion carried.

Please note that the 2011 Road List is on file in the Carter County Clerks office and is available for viewing upon request.

Mayor's Report consisted of the following items:

1. Robert Lee Goodwin, a local cattleman & businessman passed away unexpectedly January 11, 2012. Moment of silence in his memory.

2. Household Solid Waste Program Event
   Date: May 19, 2012
   Location: Carter County Recycling Center
   411 Cherokee Drive
   Elizabethton, TN
   Time: 9:00 a.m. - 1:00 p.m.

3. Veteran's Service Office – Memorandum of understanding between the Tennessee Department of Veteran Affairs and the Veterans Service Office of Carter County. Plans to replace the current Veterans Service mandate system and replace with Vetra Spec, a web-based system. It was noted that during 2012 -2013 funding will be the responsibility of Carter County.
   Due to Memorandum of Understanding needing to be filed promptly, authorization to do so was made the mayor's office and a memorandum was filed in order not do delay process.

4. Ethics and Campaign Finance Report filing. Forms must be completed and filed no later than January 31, 2012.

5. Animal Shelter Membership Board.

Motion by Steve Lowrance, seconded by Pat Hicks to confirm membership and appointment of **Bill Armstrong to the Animal Shelter Board** (two year term ending 09-30-2013).

By majority voice vote, all ayes, motion carried.

6. Park and Recreation. Board vacancies were discussed. By-Laws to be researched by County Attorney Keith Bowers, Jr. and reported back to Commission.

7. Animal Shelter staffing, files and payment for services by Chris Schuettler and Jimmy Church during the past nineteen (19) months.

Motion by Russell Kyte, seconded by Ken Arney to **refer any action concerning compensation due for services concerning the Animal Shelter provided during the past nineteen (19) months to the Planning Commission** and report back to the County Commission for further recommendation.

By majority voice vote, motion carried. It is noted that a "no" vote was voiced by Nancy Brown and John Lewis.

Motion made by Ronnie Trivett, seconded by Harry Sisk to allow Chris Schuettler to continue as Animal Shelter Director for the next sixty (60)

days or until a Director can be hired.

By majority voice vote, all ayes, motion carried.

Discussion followed concerning possible uses for the pods currently being used at the Sheriffs Department. It was noted that it may be feasible to use these at the Animal Shelter and/or the Landfill if possible.

COMMITTEE REPORTS

Chairman Bowers noted that several committees did not meet during the past month therefore no report given.

Motion by Harry Sisk on behalf of the Budget Committee and seconded by Lawrence Hodge to move **$25,000.00** from the General Fund Balance to line item 51100-191 to allocate **additional funds for committee and commission meetings.**

Discussion followed concerning the need for numerous committees and meetings. Member were encouraged to meet only when necessary.

Following discussion Chairman Bowers called for a roll call vote as follows:

Ayes: Buford Peters, Gebe Ritchie, Lawrence Hodge, Richard Winters, Harry Sisk, L.C. Tester, Tom Bowers, JoAnn Blankenship, Dickie Renfro, Ken Arney, Steve Chambers, John Lewis, Russell Kyte, and Bill Armstrong. (14 Ayes)

Nays: Nancy Brown, Ronnie Trivett, Charles VonCannon, Steve Lowrance, Charlie Bayless, Pat Hicks, and Robert Gobble. (7 Nays)

Passing: Joel Street and Sonja Culler. (2 Passing)

Absent: Scott Sams (1 Absent)

By majority roll call vote motion carried.

Motion by Harry Sisk on behalf of the Budget Committee and seconded by Nancy Brown to move **$2,400.00** from the General Fund Balance to line item 51100-332 **to allocate additional funds for legal notices for the County Commission** for the remainder of fiscal year 2011-2012.

Roll Call Vote as follows:

Ayes: Buford Peters, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L.C. Tester, Steve Lowrance, Tom Bowers, JoAnn

Blankenship, Charlie Bayless, Dickie Renfro, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Bill Armstrong, Pat Hicks and Robert Gobble. (23 Ayes)

Nays: None (0 Nays)

Absent: Scott Sams (1 Absent)

Motion passed.

Motion made by Nancy Brown, seconded by Steve Lowrance to **reduce the** pay for **Commission meetings to $70.00 and for committee meetings $35.00 for the remainder of the 2011-2012 fiscal year.**

Motion to table the forgoing motion concerning pay for meetings made by Gebe Ritchie, seconded by John Lewis.

Roll Call Vote as follows:

Ayes: Buford Peters, Gebe Ritchie, Lawrence Hodge, Harry Sisk, L.C. Tester, Tom Bowers, JoAnn Blankenship, Dickie Renfro, Ken Arney, Steve Chambers, John Lewis, and Russell Kyte. (12 Ayes)

Nays: Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Charles VonCannon, Steve Lowrance, Sonja Culler, Bill Armstrong, Pat Hicks, and Robert Gobble (10 Nays)

Passing: Charlie Bayless (1 Passing)

Absent: Scott Sams (1 Absent)

Motion to Table Failed.

A roll call vote was called for by Chairman Bowers at this time on the **motion** made by Nancy Brown concerning the commission ($70.00) and meeting ($35.00) pay cut for the remainder of the 2011-2012 fiscal year which follows.

Ayes: Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Charles VonCannon, Steve Lowrance, Sonja Culler, Pat Hicks and Robert Gobble. (9 Ayes)

Nays: Buford Peters, Gebe Ritchie, Lawrence Hodge, Harry Sisk, Tom Bowers, Dickie Renfro, Ken Arney, Steve Chambers, John Lewis, and Russell Kyte. (10 Nays)

Passing: L.C. Tester, JoAnn Blankenship, Charlie Bayless, and Bill Armstrong. (4 Passing)

Absent: Scott Sams (1 Absent)

Motion Failed.

County Attorney's Report consisted of the following item:

1. Bank of America settlement - Class Action lawsuit.

2. Overcharge of Prescription Fees- Class Action lawsuit.

3. 911 Lease Agreement – Request change from 30 days to 120 day notice. Referred back to Building and Grounds Committee for consideration.

4. Courthouse Office Hours and Control of the Courthouse Building - Office holders have control of setting the office hours for their office according to CTAS. Management, custody and control of the Courthouse is charged with the Sheriff of the County unless specifically named to another by the County Commission. The County Commission nor the County Mayor are vested with statutory authority to establish uniform office hours for the Courthouse.

5. Fireworks Private Act - Still in the draft stages.

6. Landfill Brush Service – Editing and receiving the proposed contract for Brush Service.

7. D.H. Hampton Drainage/Water Problems – Case was dismissed in Circuit Court in 2011. It was noted that this is private property. Repair work on this property could cause possible litigation for the County if the County so chooses to pursue.

8. Lawsuit / Janet Peters - Received a demand letter for $750,000 correspondence from Janet Peters. Correspondence was advanced to County Mayor, Chairman of Commission, Attorney for Insurance Company, and to Insurance Carrier. A conflict exists so most likely Attorney Ward would represent County if suit is filed.

9. Highway Superintendent – Utility Districts - Request that agreement be made prior to repairs being made concerning properties and roadway. Letter to be drafted and sent to Utility Districts.

10. Ethic Committee – Membership can vary in number. Pursuit to conversation with Steve Austin, counties have varying number of members on Committee. The decision lies with the County Commission.

Due to a time limitation concerning the two Class Act Law suits and upon request from Attorney Bowers a **motion** was made by JoAnn Blankenship, seconded by Pat Hicks to **authorize Finance Director, Ingrid Deloach along with Attorney Bowers and his Associates to fill out and send the necessary documentation allowing Carter County to enter as a member of both law suits.**

By majority voice vote, all ayes, motion carried.

Motion was made by John Lewis, seconded by L.C. Tester to **extend the 911 Lease Agreement from thirty (30) days to one hundred twenty (120) days.**

By majority voice vote, all ayes, motion carried.

Motion was made by Joel Street, seconded by Steve Lowrance to enter into a ten (10) minute recess.

By majority voice vote, all ayes, motion carried.

Following the recess, the meeting was called back to order by Chairman Bowers.

Carter County Tomorrow report was presented by Steve Lowrance on behalf of Tom Anderson as follows:

Project West - Announcement is forthcoming very soon. It was noted that approximately seventy jobs should be available thru a new manufacturing plant.

Project Red Energy – Located in the ALCOA building. If this opens, it would will help solve the tire problem in the landfill.

Steve Lowrance noted that approximately twenty (20) projects are in the making and urged everyone to thank Mr. Anderson for his hard work in this area.

Motion was made by Steve Lowrance on behalf of the Education Committee, and on recommendation from Finance Director, Ingrid Deloach and seconded by Sonja Culler that **$550.00 covering cost of ten(10) GED Test/Adult Education (Re: Commission Meeting Minutes 11-21-2011)** be re-directed to Carter County Tomorrow to supplement funds for that same program.

Roll Call Vote as follows:

Ayes:Buford Peters, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, L.C. Tester, Steve Lowrance, Tom Bowers, JoAnn Blankenship, Charlie Bayless, Dickie Renfro, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Bill Armstrong, Pat Hicks, and Robert Gobble. (23 Ayes)

Nays: None (0 Nays)

Absent: Scott Sams (1 Absent)

By majority roll call vote motion carried.

Motion was made by Nancy Brown, seconded by Robert Gobble to authorize County Attorney, Keith Bowers, Jr. to draft and present the necessary documentation to the General Assembly concerning a Private Act authorizing a non-binding referendum concerning downsizing of the County Commission allowing it to be placed on the 2012 ballot.

Objection to consideration of the motion at this time was voiced by Harry Sisk. Chairman Bowers stated that the proper motion would be that this be referred to the Reapportionment Committee for reconsideration which he entertained for a motion at this time. No motion to that fact was made, therefore no action was taken.

Public Comments: The following approached the Commission to discuss their viewpoints on various issues:
Aaron VonCannon: Commission Downsizing.
D.H. Hampton: Water/Drainage Problems on Carl Smith Road.
Jim Dabbondanza: Citizens In Action, Representative request that Commission Sub-Committee agenda's and approved minutes be posted on the Carter County Website by the County Clerk.
Roy Livingston: Respect, Hate, and Loyalty.
Paul Tolley: Park and Recreation Issues
Jeff Hughis: Road List

Commission Comments

Chairman, Tom Bowers announced that the February meeting of the County Commission was canceled. Should a need arise a Special Called Meeting would be called, otherwise the next County Commission Meeting will be Monday, March 19, 2012 at 9:00 am.

Several Commissioners voiced opinions concerning the erosion problems with Mr. D.H. Hampton property located along Laurel Creek in

Hampton. It was noted during this discussion that the county was not authorized to use government money on private property. During the discussion County Attorney Keith Bowers, Jr. also noted that if the county chooses to pursue this they could be open to legal action. Ideas of using grant money was discussed also.

Motion was made by John Lewis, seconded by Sonja Cullen to allow Chris Schuettler, County Planning Director to search for a **Grant**, if available, to address the problem with **Laurel Creek on Mr. D.H. Hampton** property located in Hampton, Tennessee and report back to the Commission for further action.

Following much discussion a roll call vote was called for as follows:

Ayes:Lawrence Hodge, Ronnie Trivett, Harry Sisk, Charles VonCannon, L.C. Tester, Steve Lowrance, Charlie Bayless, John Lewis, Sonja Culler, Bill Armstrong, and Robert Gobble. (11 Ayes)

Nays: Buford Peters, Gebe Ritchie, Nancy Brown, Joel Street, Richard Winters, Tom Bowers, JoAnn Blankenship, Dickie Renfro, Russell Kyte, and Pat Hicks. (12 Nays)

Absent: Scott Sams (1 Absent)

Motion Failed.

Motion was made by John Lewis, seconded by Charles VonCannon to authorize County Attorney, Keith Bowers, Jr. to pursue the transfer of **property** presently owned by the Carter County Board of Education located **near Hampton High School to be transferred for use as a Park by Carter County.**

Discussion followed with several commissioner stating pro's and con's concerning the issues. It was also noted that the Board of Education did not want to transfer ownership of the property.

By majority voice vote, being no, motion failed. It is noted that John Lewis and Nancy Brown voiced a "aye" vote.

Gebe Ritchie informed that the Highway Committee that a Special Called Meeting may be necessary. Members will be contacted as to such.

Steve Lowrance reported that no Education Committee meeting would be held February.

Motion to adjourn made by Gebe Ritchie, seconded by Ken Arney.

By majority voice vote, being all ayes, meeting adjourned at 12:20 p.m.