

Carter County Commission Meeting
Regular Session
February 19, 2013

3-18-2013

APPROVED

Chairman, Tom Bowers called the meeting to order at 6:00 PM.

Roll Call as follows:

Present: Buford Peters, Lawrence Hodge, Nancy Brown, Joel Street, Ronnie Trivett, Harry Sisk, Charles VonCannon, L.C. Tester, Steve Lowrance, Tom Bowers, JoAnn Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (22 Present)

Absent: Gebe Ritchie, and Richard Winters. (2 Absent)

Quorum Present.

Prayer was led by Pastor Bill Younce, followed with the Pledge of Allegiance to the American Flag led by Robert Gobble.

Motion was made by Ken Arney, seconded by Sonja Culler to **accept the agenda as presented.**

By majority voice vote, **motion carried.** It is noted that "no" votes were voiced by, Nancy Brown, John Lewis, Scott Sams, Charles VonCannon, and Ronnie Trivett.

Elected and Appointed Officials/Guest and Veterans that were present were recognized at this time and thanked for their service.

Landfill Private Act Resolution 581 which had been approved by County Commission during the January 22, 2013, Regular Session, was noted by Chairman Bowers as being Vetoed by Leon Humphrey, County Mayor on January 23, 2013.

County Attorney Keith Bowers, Jr. presented to the Commission regulations concerning a potential Veto Override of Resolution 581 - Landfill Private Act.

Motion was made by Sonja Culler, seconded by Ken Arney to present **Resolution 581 Landfill Private Act** for an Override of Veto vote.

Roll Call Vote as follows:

Ayes: Buford Peters, Lawrence Hodge, Joel Street, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, JoAnn Blankenship, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, Sonja Culler, and Russell Kyte. (13 Ayes)

Nays: Nancy Brown, Ronnie Trivett, Charles VonCannon, John Lewis, Scott Sams, Bill Armstrong, and Robert Gobble. (7 Nays)

Passing: Charlie Bayless and Pat Hicks. (2 Passing)

Absent: Gebe Ritchie, and Richard Winters. (2 Absent)

By a majority roll call vote **motion carried.** **RESOLUTION No. 581** Recorded on Pages 11-12.

Planning Committee Nominations were taken from the floor at this time.

Bobbie G. Blevins was nominated by Charlie Bayless.

Walter Jerry Pearman was nominated by Steve Chambers.

Being that there were no other nominations from the floor, Chairman Bowers moved that the nominations cease and called for a roll call vote.

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Roll Call Vote as follows:

Voting for Bobby G. Blevins:

Charles VonCannon, JoAnn Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, John Lewis, Scott Sams, Bill Armstrong, Pat Hicks and Robert Gobble. (9 Votes for Bobby G. Blevins)

Voting for Walter Jerry Pearman:

Buford Peters, Lawrence Hodge, Joel Street, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, Ken Arney, Steve Chambers, Sonja Culler, and Russell Kyte. (11 Votes for Walter Jerry Pearman)

Passing: Nancy Brown, and Ronnie Trivett. (2 Passing)

Absent: Gebe Ritchie and Richard Winters. (2 Absent)

A majority vote was not received, therefore Chairman Bowers asked for the vote to be taken again.

Roll Call Vote as follows (Second Vote):

Voting for Bobby G. Blevins:

Nancy Brown, Ronnie Trivett, Charles VonCannon, JoAnn Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, John Lewis, Scott Sams, and Robert Gobble. (9 Votes for Bobby G. Blevins)

Voting for Water Jerry Pearman:

Buford Peters, Lawrence Hodge, Joel Street, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, Ken Arney, Steve Chambers, Sonja Culler, Russell Kyte, Bill Armstrong, and Pat Hicks. (13 Votes for Walter Jerry Pearman)

Passing: None (0 Passing)

Absent: Gebe Ritchie and Richard Winters. (2 Absent)

APPROVED

Walter Jerry Pearman was elected to the Planning Commission receiving the majority vote.

Motion was made by John Lewis, seconded by Steve Chambers to accept the minutes of the last meeting, January 22, 2013, as printed with noted correction as requested by Joel Street changing the date on page number 767 concerning Carter County Expenditures (bottom of page) to December 31, 2012.

By majority voice vote, all ayes, motion carried.

Motion was made by Sonja Culler, seconded by Steve Lowrance to accept the following Notaries/Bonds (with clerk's note attached) as presented.

By majority voice vote, all ayes, motion carried.

Notaries/Bonds as presented February 19, 2013

** Clerk's Note: The name of Thomas E. Cowan, Jr. that appeared on the January 2013 list for notary approval was not eligible for renewal. This name is to be rescinded from the approved January list of Notaries.

Whitney Blevins	Kristie C. Bowling	Heather Creed
Amanda Little	Samantha N. Shomaker	Michael Kilian
Lois A. Carty	Herman King, Sr.	Emery G. Cordell
Connie E. Harrell	Cynthia S. Cave	Robert W. Coffman
Robert W. Coffman	Tina M. Byrd	Jennifer Grindstaff
Teresa Parlier	Kimberly Ensor	Kenneth Wandell
Richard Z. Gray	George Papantoniou	Myra Kaye Cable
Rebecca C. Proffitt	Ingrid Deloach- Finance Director, Bond	-----

APPROVED

Plaques were presented by Mayor Leon Humphrey to James Grindstaff in recognition of him receiving the East Tennessee State University's Roan Scholarship Award. James a senior at Unaka High School, is the first from Unaka to receive this award. A career in environmental science is being pursued by Mr. Grindstaff.

Pat Gagan, a Roan Mountain State Park Ranger was also presented a plaque from Mayor Humphrey. This plaque was presented in recognition of his years of service to Roan Mountain State Park. Mr. Gagan invited everyone to visit the park, "the crown jewel of the Tennessee State Parks."

Mayor's Report was presented and included the following:

Storm Damage Reports concerning recent flooding of Laurel Fork and many roadways. It was noted that federal assistance had been requested.

Secure Rural Schools Title III Program-Search and Rescue Project (refer to minutes of 9-17-12)
Paving of Dennis Cove Road was completed as a result of this funding.

Elizabethton/Carter County Animal Shelter permits and necessary requirements for construction have been obtained. Mayor Humphrey stated that today, February 19, 2013, is noted as being the first day of the 120 day contract with weather being the only delay factor.

Parking Lot Issues at the Jail Annex are still being review.

Roofing Project at the Jail Annex is still ongoing, update at the March meeting.

Melodi Goff with the Elizabethton/Carter County Public Library presented an update concerning a joint library board. Currently there are two separate boards. She stated that the State Library Board and Archivist were very much in favor of the completion of a joint board. Fiscal year 2013-2014, has been set as a deadline goal for the above mentioned board.

Motion to suspend the reading of all of the following: Resolution- naming of the bridge on Hwy 321
Resolution – Storm Water Resolution
Resolution - 2nd Amendment Rights

was made by Steve Lowrance, seconded by L.C. Tester.

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

Motion was made by Steve Lowrance, seconded by Scott Sams to approve as presented:

"A RESOLUTION DESIGNATING THE BRIDGE SPANNING THE ELK RIVER LOCATED ON U.S. HIGHWAY 321 IN THE ELK MILLS COMMUNITY OF CARTER COUNTY AS THE "E.C. MILLER BRIDGE," IN MEMORY OF E.C. MILLER."
RESOLUTION No. 582 Recorded on pages 13-14.

It was noted that during discussion, this matter had already passed. It was stated that a written resolution had been requested. It was noted if additional payment occurs for signage, the families will be responsible for such.

Roll Call Vote as follows:

Ayes: Lawrence Hodge, Nancy Brown, Joel Street, Ronnie Trivett, Harry Sisk, Charles VonCannon, L.C. Tester, Steve Lowrance, Tom Bowers, JoAnn Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (21 Ayes)

Nays: None (0) Nays

Absent: Buford Peters, Gebe Ritchie, and Richard Winters. (3 Absent)

By majority roll call vote, **motion carried**.

Chairman Bowers presented the following Resolution for Amending the Storm Water Resolution of Carter County, Tennessee. It was noted during discussion that the Tennessee Department of Environment and Conservation (TDEC) had required the changed amendment. Also, stated that item number 3, section c and section d, wordage to be corrected by County Attorney concerning provisions and guidelines as set forth by TDEC.

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Motion was made by Ronnie Trivett, seconded by Charles VonCannon to accept (with corrected wordage) as presented: **"RESOLUTION FOR AMENDING THE STORM WATER RESOLUTION OF CARTER COUNTY, TENNESSEE".**
RESOLUTION No. 583 Recorded on pages 15-18.

Roll Call Vote as follows:

Ayes: Lawrence Hodge, Nancy Brown, Ronnie Trivett, Harry Sisk, Charles VonCannon, L.C. Tester, Steve Lowrance, Tom Bowers, JoAnn Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, Sonja Culler, Russell Kyte, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (19 Ayes)

Nays: Joel Street, and John Lewis. (2 Nays)

Absent: Buford Peters, Gebe Ritchie, and Richard Winters. (3 Absent)

By majority roll call vote, **motion carried.**

Chairman Bowers presented to the Commission for consideration at this time (2nd Amendment Rights):
"A RESOLUTION TO PRESERVE AND DEFEND THE RIGHTS OF THE CITIZENS OF CARTER COUNTY, TENNESSEE TO KEEP AND BEAR ARMS AS GRANTED BY THE CONSTITUTION OF THE UNITED STATES OF AMERICA AND THE CONSITUTION OF THE STATE OF TENNESSEE."

Motion to Table the foregoing Resolution (2nd Amendment Rights) was made by Steve Lowrance, seconded by Ken Arney.

Roll Call Vote as follows:

Ayes: Lawrence Hodge, Steve Lowrance, Tom Bowers, Ken Arney, Steve Chambers, Bill Armstrong, and Pat Hicks. (7 Ayes)

Nays: Nancy Brown, Ronnie Trivett, Harry Sisk, Charles VonCannon, L.C. Tester, Charlie Bayless, Bobbie Gouge-Dietz, John Lewis, Russell Kyte, Scott Sams, and Robert Gobble. (11 Nays)

Passing: Joel Street, JoAnn Blankenship, and Sonja Culler. (3 Passing)

Absent: Buford Peters, Gebe Ritchie, Richard Winters. (3 Absent)

By majority roll call vote, **motion to table failed.**

Motion was made by Scott Sams, seconded by Nancy Brown to accept as presented:
A RESOLUTION TO PRESERVE AND DEFEND THE RIGHTS OF THE CITIZENS OF CARTER COUNTY, TENNESSEE TO KEEP AND BEAR ARMS AS GRANTED BY THE CONSTITUTION OF THE UNITED STATES OF AMERICA AND THE CONSITUTION OF THE STATE OF TENNESSEE."

Roll Call Vote as follows:

Ayes: Lawrence Hodge, Nancy Brown, Joel Street, Ronnie Trivett, Harry Sisk, Charles VonCannon, L.C. Tester, Charlie Bayless, John Lewis, Scott Sams, Bill Armstrong, and Robert Gobble. (12 Ayes)

Nays: Steve Lowrance, Tom Bowers, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, Sonja Culler, Russell Kyte, and Pat Hicks. (8 Nays)

Passing: JoAnn Blankenship. (1 Passing)

Absent: Buford Peters, Gebe Ritchie, and Richard Winters. (3 Absent)

Motion failed due to not receiving a majority vote.

Motion for a short recess was made by Ronnie Trivett, seconded by Ken Arney. **Motion carried,** all ayes.

APPROVED

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

MEMORANDUM OF UNDERSTANDING (Elizabethton National Little League- parking area) was presented for consideration.

Motion to approve as presented a MEMORANDUM OF UNDERSTANDING (Elizabethton National Little League – Paving of Parking Area agreement) was made by Scott Sams, seconded by Sonja Culler. Recorded on Pages 19-20.

Roll Call Vote as follows:

Ayes: Lawrence Hodge, Nancy Brown, Joel Street, Harry Sisk, Charles VonCannon, L.C. Tester, Steve Lowrance, Tom Bowers, JoAnn Blankenship, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (18 Ayes)

Nays: None (0 Nays)

Absent: Buford Peters, Gebe Ritchie, Richard Winters, Ronnie Trivett, Charlie Bayless, and Russell Kyte. (6 Absent)

By majority roll call vote, **motion carried.**

COMMITTEE REPORTS/RECOMMENDATIONS

Committee Reports/Minutes are filed monthly with the County Clerks Office and are available to review upon request.

BUDGET COMMITTEE

APPROVED

Motion was made by Harry Sisk, seconded by John Lewis to approve a **line item request and move \$600.00** from Fund Balance to cover the additional cost of the claim that is being held for payment for **Pauper's Burials.**

Roll Call Vote as follows:

Ayes: Lawrence Hodge, Nancy Brown, Joel Street, Harry Sisk, Charles VonCannon, L.C. Tester, Steve Lowrance, JoAnn Blankenship, Bobbie Gouge-Dietz, John Lewis, Sonja Culler, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (15 Ayes)

Nays: Tom Bowers, Ken Arney, and Steve Chambers. (3 Nays)

Absent: Buford Peters, Gebe Ritchie, Richard Winters, Ronnie Trivett, Charlie Bayless, and Russell Kyte. (6 Absent)

By majority roll call vote, **motion carried.**

Motion was made by Harry Sisk, seconded by John Lewis to **approve the Annual Landfill Financial Assurance Document.** It was noted that this was not a request for transfer of funds. Recorded on pages 21-22.

Roll Call Vote as follows:

Ayes: Lawrence Hodge, Nancy Brown, Joel Street, Harry Sisk, Charles VonCannon, L.C. Tester, Steve Lawrence, Tom Bowers, JoAnn Blankenship, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (18 Ayes)

Nays: None (0 Nays)

Absent: Buford Peters, Gebe Ritchie, Richard Winters, Ronnie Trivett, Charlie Bayless, and Russell Kyte. (6 Absent)

By majority roll call vote, **motion carried.**

Motion was made by Harry Sisk, seconded by Lawrence Hodge to **approve General Fund 101 Amendment # 5 with 8 items and \$29,436.99 coming from Fund Balance.**

Recorded on page 23.

It was noted that this was part of the Little Milligan Fish Springs Waterline Extension Grant that was received in 2011-2012, but not reserved as a payable. Money went into Fund Balance and must be taken out to cover payment.

Roll Call Vote as follows:

Ayes: Lawrence Hodge, Nancy Brown, Joel Street, Harry Sisk, Charles VonCannon, Steve Lowrance, Tom Bowers, JoAnn Blankenship, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Scott Sams, Bill Armstrong, Pat Hicks and Robert Gobble. (17 Ayes)

Nays: L.C. Tester (1 Nay)

Absent: Buford Peters, Gebe Ritchie, Richard Winters, Ronnie Trivett, Charlie Bayless, and Russell Kyte. (6 Absent)

By majority roll call vote, **motion carried.**

Motion was made by Harry Sisk, seconded by Pat Hicks to **approve Carter County Schools General Fund Amendment #141 with 2 items.** This is to reallocate funds within the Vocational Budgets and to provide for E-Rate Services. Recorded on Page 10.

Roll Call Vote as follows:

Ayes: Lawrence Hodge, Nancy Brown, Harry Sisk, Charles VonCannon, L.C. Tester, Steve Lowrance, Tom Bowers, JoAnn Blankenship, Bobbie Gouge-Dietz, *Ken Arney, *Steve Chambers, John Lewis, *Sonja Culler, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (17 Ayes) (*Indicates that Disclaimer for Employees of Carter County, Tennessee was read before voting.)

Nays: None (0 Nays)

Passing: Joel Street (1 Passing)

Absent: Buford Peters, Gebe Ritchie, Richard Winters, Ronnie Trivett, Charlie Bayless, and Russell Kyte. (6 Absent)

By majority roll call vote, **motion carried.**

APPROVED

BUILDING & GROUNDS COMMITTEE

L.C. Tester, Chairman stated that the old jail still has surplus items and the schools stated that they were not interested. It was also stated that these items could be donated from one government agency to another government agency (per opinion from CTAS) if commission approves.

The Elizabethton Fire Department has expressed a desire to obtain some of these items.

Motion was made by L.C. Tester, seconded by John Lewis to **donate surplus items from the old jail to the Elizabethton Fire Department.** They would also be responsible for removing the items.

Discussion followed concerning items that could be used by Carter County Volunteer Fire Departments.

Motion to table the foregoing was made by Charles VonCannon, seconded by Pat Hicks, so that **additional research could be made concerning donations of items to Volunteer Fire Departments.**

Roll Call Vote as follows:

Ayes: Lawrence Hodge, Nancy Brown, Joel Street, Harry Sisk, Charles VonCannon, Steve Lowrance, Tom Bowers, Bobbie Gouge-Dietz, Ken Arney, John Lewis, Sonja Culler, Bill Armstrong, Pat Hicks, and Robert Gobble. (14 Ayes)

Nays: L.C. Tester and Scott Sams. (2 Nays)

Passing: JoAnn Blankenship, and Steve Chambers. (2 Passing)

Absent: Buford Peters, Gebe Ritchie, Richard Winters, Ronnie Trivett, Charlie Bayless, and Russell Kyte. (6 Absent)

By majority roll call vote, **motion to table carried.**

Chairman Tom Bowers asked that he go on record as stating the following. "I love the Elizabethton Fire Department, I worked there at one time. They deserve anything they can get, but we've got to take care of (Carter) County stuff before we can give it to the City (of Elizabethton)."

HIGHWAY COMMITTEE

Upon recommendation from the Highway Committee, a **motion** was made by Joel Street, seconded by Sonja Culler to **lower the speed limit on Judge Ben Allen Road to 25 MPH.**

By majority voice vote, all ayes, **motion carried.**

Upon recommendation from the Highway Committee, a **motion** was made by Joel Street, seconded by Sonja Culler, to **lower the speed limit to 20 MPH from the entrance of John Lewis Road, to the intersection of Bishop Road and Ridgeland Drive.**

By majority voice vote, all ayes, **motion carried.**

Upon recommendation from the Highway Committee and following a Public Hearing held on February 11, 2013, a **motion** was made by Joel Street, seconded by John Lewis to **name the bridge located on Swimming Pool Road, Hampton, TN the "Robert "Tub" Rainbolt Bridge,"** in honor of Robert "Tub" Rainbolt, a lifelong resident of Hampton, TN.

It is noted that the expense for the signage will be covered by the family.

By majority voice vote, all ayes, **motion carried.**

Upon recommendation from the Highway Committee and following a Public Hearing held on February 11, 2013, a **motion** was made by Joel Street, seconded by John Lewis to name the **Southwest end of the Siam Community Bridge over the Watauga River the "William "Bill" Allen Bridge,"** in memory of William "Bill" Allen, a long time resident and farmer who gave some land for the bridge approach(s),

and the

Northeast end of the Siam Community Bridge over the Watauga River the " John L. Curtis Bridge" in memory of John L. Curtis, one of the original visionaries that raised one via stock sales to develop Horseshoe Dam.

It is noted that cost involved in the signage production, will be assisted by DTOC and the families.

By majority voice vote, all ayes, **motion carried.**

Upon recommendation from the Highway Committee and on **motion** by Joel Street, seconded by Ken Arney to accept and add to the Carter County Road List, **Landon Ford Road, and Jena Avenue.**

By majority voice vote, all ayes, **motion carried.**

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LANDFILL COMMITTEE

Upon recommendation from, Landfill Director Benny Lyons, Finance Director Ingrid Deloach, and the Landfill Committee, a **motion** was made by Joel Street, seconded by Sonja Culler to **accept Advanced Disposals bid, subject to terms and conditions and reserving the right to negotiate final contract. Also, if not agreed upon, reserving the right to enter into negotiations with the next lowest bid, being Allied Waste.**

Motion to table the foregoing was made by John Lewis, seconded by Charles VonCannon.

Roll Call Vote as follows:

Ayes: Nancy Brown, Charles VonCannon, John Lewis, Scott Sams, and Robert Gobble. (5 Ayes)

Nays: Lawrence Hodge, Joel Street, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, JoAnn Blankenship, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, Sonja Culler, Bill Armstrong, and Pat Hicks. (13 Nays)

Absent: Buford Peters, Gebe Ritchie, Richard Winters, Ronnie Trivett, Charlie Bayless, and Russell Kyte. (6 Absent)

By majority roll call vote, **motion to table failed.**

Motion to approve the original motion as previously stated was once again presented for a roll call vote as follows:

Ayes: Lawrence Hodge, Nancy Brown, Joel Street, Harry Sisk, L.C. Tester, Steve Lowrance, Tom Bowers, JoAnn Blankenship, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, Sonja Culler, Bill Armstrong, Pat Hicks, and Robert Gobble. (15 Ayes)

Nays: Charles VonCannon, and John Lewis. (2 Nays)

Passing: Scott Sams. (1 Passing)

Absent: Buford Peters, Gebe Ritchie, Richard Winters, Ronnie Trivett, Charlie Bayless, and Russell Kyte. (6 Absent)

By majority roll call vote **motion carried.**

APPROVED

PLANNING COMMITTEE

Steve Chambers on behalf of the Planning Committee, presented to the Commission, a copy of the Attorney General Opinion No. 12-015, **Testimony Under Oath**. It was stated in the opinion, that the Planning Commission does not have the authority to require citizens to be under oath when they wish to address the Planning Commission.

Following receipt of the opinion, and a unanimous vote by the Planning Commission, the following changes concerning the Public Comments portion of the Carter County Planning Commission was announced by Mr. Chambers. He stated that from this point forward, the Carter County Planning Commission will not require an oath to be sworn by the citizen that wishes to speak.

Mr. Chambers stated in view of the opinion and following a unanimous vote by the Planning Commission, a **Public Query Form completed ten (10) days before the meeting will be required by anyone who wishes to speak**. This will allow time for researching the item(s) in question.

It was also noted that anyone wishing to speak on any item on the Planning Commissions *agenda*, arriving ten (10) minutes before the scheduled meeting and completing the form, will have the right to speak and address the Commission.

Much discussion followed concerning the availability of the form.

Motion was made by Nancy Brown, seconded by John Lewis, to take no action concerning the Carter County Planning Commission Public Query Form, until they (the forms) are conveniently located and made more easily available to the citizens.

Discussion followed concerning how and where these should be placed. Chairman Bowers asked for a roll call vote.

Roll Call Vote as follows:

Ayes: Nancy Brown, and John Lewis. (2 Ayes)

Nays: Lawrence Hodge, L.C. Tester, Steve Lowrance, Tom Bowers, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, and Sonja Culler. (8 Nays)

Passing: Harry Sisk, Charles VonCannon, JoAnn Blankenship, Scott Sams, Bill Armstrong, Pat Hicks, and Robert Gobble. (7 Passing)

Absent: Buford Peters, Gebe Ritchie, Joel Street, Richard Winters, Ronnie Trivett, Charles Bayless, and Russell Kyte. (7 Absent)

By majority vote, **motion failed.**

COUNTY ATTORNEY'S REPORT-KEITH BOWERS, JR.

APPROVED

Items reported on and discussed by Attorney Bowers included the following:

Railroad Authority agreement issues concerning the railroad tracks;

Deep Ocean Engineering – search and rescue equipment;

Park and Recreation Private Act – advanced to State for approval;

Autopsy Fund Reimbursement – Submitted to District Attorney Tony Clark for consideration;

Judicial Districts Reassignment - Changes may be implemented, fees should be a state charge;

Assessor of Property – Assessment refunds to be presented in March;

Litigation – Two claims that were turned over to the insurance carrier were denied.

Chairman Bowers announced that at this time, the Commission would recess and enter into a **Attorney/Client-Commission closed session** to discuss pending litigation on two issues.

Following the closed session, Chairman Bowers called the meeting back to order.

County Attorney's report continued with Attorney Bowers discussing issues concerning the two pending lawsuits. Due to the provisions of the insurance policy, concerning the fact that monetary damages are not requested, the carrier ask the client for representation. Two law firms that does work in the area, have been contacted and have agreed to represent the County so desired.

Motion was made by Ken Arney, seconded by Sonja Culler to **allow County Attorney, Keith Bowers, Jr.**, using his best judgment, to **hire an Attorney**, at his discretion and to negotiate the best rates for theses services **concerning the pending lawsuits.**

Roll Call Vote as follows:

Ayes: Lawrence Hodge, Nancy Brown, Harry Sisk, Charles VonCannon, Steve Lowrance, Tom Bowers, JoAnn Blankenship, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Scott Sams, Pat Hicks, and Robert Gobble. (15 Ayes)

Nays: None (0 Nays)

Passing: L.C. Tester (1 Passing)

Absent: Buford Peters, Gebe Ritchie, Joel Street, Richard Winters, Ronnie Trivett, Charlie Bayless, Russell Kyte, and Bill Armstrong. (8 Absent)

By majority roll call vote, **motion carried.**

PUBLIC COMMENTS were voiced by the following on various issues.

- Bill Peters-Freedom of Speech
- Scott Snell-Mobile Home permits and codes
- Hansel Winters-Downsizing of the Commission
- Dock Miller-Setting of good examples
- Joanne Jarrett-Planning Commission Issues
- Anthony Townsend-Egotism
- Roy Livingston-Downsizing of the Commission, Abuse of Power, and Hatred

COMMISSIONER COMMENTS were voiced by the following on various issues.

- Nancy Brown - Second Amendment Rights
- Charles VonCannon - Second Amendment Rights
- JoAnn Blankenship - Participation in County Government
- Robert Gobble - In Haiti on Mission Trip in March

Carter County Expenditure Budget Reports for the month of January 2013 was provided to Commissioners by Ingrid Deloach, Financial Director. Included in the reports was the Account Numbers, Account Description, Budget Amounts, Budget Amendments, Amended Budgets, Month-to-Date Expenditures, Year-to-Date Expenditures, Outstanding Encumbrances, and Unencumbered Balances.

Motion to adjourn was made by Lawrence Hodge, seconded by Ken Arney.

By majority voice vote, all ayes, motion carried and meeting adjourned at 10:00 PM

APPROVED

**Carter County Schools
General Fund 141
Budget Amendment #5**

Item # 1	71300-336 Maintenance & Repairs-Equipment	\$	4,000.00	Decrease
	71300-399 Other Contracted Services	\$	2,713.64	Decrease
	71300-449 Textbooks	\$	1,323.00	Decrease
	71300-730 Vocational Equipment	\$	4,000.00	Decrease
	71300-429 Instructional Supplies & Materials	\$	2,000.00	Decrease
	72230-336 Maintenance & Repairs-Equipment	\$	6.00	Decrease
	72230-524 Staff Development	\$	1,500.00	Decrease
	72230-355 Travel	\$	5,000.00	Decrease
	72230-599 Other Charges	\$	20,542.64	Increase

To reallocate funds within the Vocational Budgets.

Item #2	72320-307 Communications	\$	4,500.00	Decrease
	72320-399 Other Contracted Services	\$	4,500.00	Increase

To reallocate funds to provide for E-Rate Services.

Total \$ 25,042.64 \$ 25,042.64

FEBRUARY TERM 2013

BEFORE THE COUNTY COMMISSION

OF CARTER COUNTY, TENNESSEE

REGULAR MEETING, TUESDAY, JANUARY 22, 2013

RESOLUTION NO. 581

"A RESOLUTION OF CARTER COUNTY, TENNESSEE, REQUESTING LT. GOVERNOR RON RAMSEY, STATE SENATOR RUSTY CROWE, STATE REPRESENTATIVE KENT WILLIAMS, AND STATE REPRESENTATIVE TIMOTHY HILL TO SPONSOR A PRIVATE ACT FOR PASSAGE IN THE STATE LEGISLATURE ON BEHALF OF CARTER COUNTY GRANTING SUPERVISION OF ALL OPERATIONS OF THE CARTER COUNTY LANDFILL TO A SUB-COMMITTEE OF THE CARTER COUNTY COMMISSION KNOWN AS THE CARTER COUNTY LANDFILL COMMITTEE"

WHEREAS, T.C.A. § 5-6-106 is the general statute which grants the county mayor the power to appoint members of county boards, commissions, and county department heads absent a specific statute otherwise or the passage of a private act; and

WHEREAS, the Commission of Carter County, Tennessee has established a sub-committee of the Carter County Commission known as the Landfill Committee, with said committee currently charged with overseeing the operations of the Carter County Landfill as performed by the Landfill Director; and

WHEREAS, the Commission of Carter County, Tennessee, finds that it is in the best interest of the citizens of Carter County to vest the power of appointment and retention of the Director of the Carter County Landfill with the Carter County Landfill Committee; and

WHEREAS, it is essential to the health and wellbeing of the community and future generations that the Carter County Landfill is effectively operated and managed; and

WHEREAS, it is in the best interest of the citizens and residents of Carter County, Tennessee, that the Carter County Landfill Committee be given the power to oversee all aspects of the operation of the Carter County Landfill, which shall include, but not be limited to, the power to hire and fire the landfill director, directly supervise the landfill director, oversee the landfill budget, and oversee all day-to-day operations of the landfill; and

WHEREAS, the County Commission of Carter County, Tennessee does hereby request that a Private Act be passed by the State Legislature and signed by the Governor of the State of Tennessee vesting the powers described herein in connection with the operation of the Carter County Landfill and the supervision of the Carter County Landfill Director with the Carter County Landfill Committee, which is a sub-Committee of the Carter County Commission; and

WHEREAS, the citizens of Carter County, Tennessee are represented in the State Legislature by Lt. Governor Ron Ramsey, State Senator Rusty Crowe, State Representative Kent Williams, and State Representative Timothy Hill, all of whom Carter County requests to support the private act described herein for passage in the state legislature.

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Carter County, Tennessee, meeting in regular session on this the 22nd day of January, 2013, with a lawful quorum of said Commission being present and with a two-thirds (2/3) majority voting in the affirmative as follows:

1. That the County Commission of Carter County, Tennessee hereby requests that a Private Act be passed by the State Legislature and signed by the Governor of the State of Tennessee vesting the powers described herein in connection with the operation of the Carter County Landfill and the supervision of the Carter County Landfill Director with the Carter County Landfill Committee, which is a sub-Committee of the Carter County Commission.
2. That said private act shall specifically grant the Carter County Landfill Committee the power to oversee all aspects of the operation of the Carter County Landfill, which shall include, but not be limited to, the power to hire and fire the landfill director, directly supervise the landfill director, oversee the landfill budget, and oversee all day-to-day operations of the landfill.

BE IT FURTHER RESOLVED that this Resolution shall take effect from and after the date of its approval the welfare of the county demanding, and further that any part of past

FEBRUARY TERM 2013

resolutions in conflict with this Resolution are hereby rescinded to the extent that a such conflict exists.

Adopted this 22nd day of January, 2013.

CARTER COUNTY, TENNESSEE

APPROVED:

By: Thomas Bowers
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

By: _____
LEON HUMPHREY
CARTER COUNTY MAYOR

VETOED:

By: Leon Humphrey
LEON HUMPHREY
CARTER COUNTY MAYOR

Date: 1/23/13

VETO OVERRIDE VOTE:

APPROVED

13 YES VOTES

7 NO VOTES

2 ABSTAIN VOTES

APPROVED WITH SUCCESSFUL OVERRIDE VOTE:

By: Thomas Bowers
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

Date: 2/19/2013



ATTEST:

Mary Gouge
MARY GOUGE
CARTER COUNTY CLERK

APPROVED AS TO FORM:

Keith Bowers, Jr.
KEITH BOWERS, JR.
CARTER COUNTY ATTORNEY

STATE OF TENNESSEE
COUNTY OF CARTER

I, Mary Gouge, Clerk of the County Court of
Carter county, Tennessee, do hereby certify that the fore-
going is a true and complete copy of the

Board of Res. # 581

as the same appears of record in my office in Elizabethton,
Tennessee.

This the 20th day of Feb 2013

Mary Gouge
Mary Gouge
County Clerk

FEBRUARY TERM 2013

BEFORE THE COUNTY COMMISSION
OF CARTER COUNTY, TENNESSEE
REGULAR MEETING, TUESDAY, FEBRUARY 19, 2013

RESOLUTION NO. 582

"A RESOLUTION DESIGNATING THE BRIDGE SPANNING THE ELK RIVER LOCATED ON U.S. HIGHWAY 321 IN THE ELK MILLS COMMUNITY OF CARTER COUNTY AS THE "E.C. MILLER BRIDGE" IN MEMORY OF E.C. MILLER."

WHEREAS, the Commission of Carter County, Tennessee has the authority to name bridges within the county in honor of individuals who have made significant contributions to the rich culture and history of Carter County; and

WHEREAS, at the regular monthly meeting of the Commission of Carter County on the 18th day of June 2012, by majority vote, the Commission decided to take the appropriate action to name the bridge spanning the Elk River located on U.S. Highway 321 in the Elk Mills community of Carter County the "E.C. Miller Bridge" in memory of Mr. E.C. Miller who was a famous banjo player and instructor from east Tennessee; and

WHEREAS, the minutes of said commission meeting were advanced to the State Representatives of Carter County, Tennessee so that the appropriate action could be taken in regard to officially dedicating and naming the bridge in honor of Mr. Miller; and

WHEREAS, it was learned that in order to officially name the bridge in honor of Mr. Miller the Commission of Carter County, Tennessee would be required to adopt a resolution documenting the action that was taken at the commission meeting on the 18th day of June 2012 whereby the commission voted to name said bridge in honor of Mr. Miller.

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Carter County, Tennessee, meeting in regular session on this the 19th day of February, 2013, with a lawful quorum of said Commission being present and with a majority voting in the affirmative as follows:

1. That the County Commission of Carter County, Tennessee hereby adopts this Resolution officially documenting the passage of the motion before the commission on the 18th day of June 2012, whereby the commission voted to name the bridge spanning the Elk River located on U.S. Highway 321 in the Elk Mills community of Carter County the "E.C. Miller Bridge" in memory of Mr. E.C. Miller who was a famous banjo player and instructor from east Tennessee.
2. That the County Commission of Carter County, Tennessee requests that the State Representatives for Carter County take the appropriate action on behalf of Carter County to ensure said bridge is officially designated the "E.C. Miller Bridge".

BE IT FURTHER RESOLVED that this Resolution shall take effect from and after the date of its approval the welfare of the county demanding, and further that any part of past resolutions in conflict with this Resolution are hereby rescinded to the extent that a such conflict exists.

Adopted this 19th day of February, 2013.

CARTER COUNTY, TENNESSEE

APPROVED:

By: 
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

FEBRUARY TERM 2013

By: *Leon Humphrey*
LEON HUMPHREY
CARTER COUNTY MAYOR

VETOED:

By: _____
LEON HUMPHREY
CARTER COUNTY MAYOR

Date: _____

VETO OVERRIDE VOTE:

_____ YES VOTES
_____ NO VOTES
_____ ABSTAIN VOTES

APPROVED WITH SUCCESSFUL OVERRIDE VOTE:

APPROVED

By: _____
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

Date: _____



Mary Gouge
MARY GOUGE
CARTER COUNTY CLERK

APPROVED AS TO FORM:

Keith Bowers, Jr.
KEITH BOWERS, JR.
CARTER COUNTY ATTORNEY

BEFORE THE COUNTY COMMISSION
OF CARTER COUNTY, TENNESSEE
REGULAR MEETING, FEBRUARY 19th, 2013

RESOLUTION NO. 583

**"RESOLUTION FOR AMENDING THE STORM WATER RESOLUTION OF
CARTER COUNTY, TENNESSEE"**

WHEREAS, Carter County has adopted a Storm Water Resolution for Carter County, Tennessee; and

WHEREAS, the Carter County Commission realizes that the Storm Water Resolution must be amended periodically to remain in compliance with applicable Tennessee state statutes; and

WHEREAS, the Tennessee Department of Environment and Conservation is the state agency charged with the authority to promulgate rules and regulations pertaining to storm water compliance.

WHEREAS, in order to fully comply with the requirements of the State of Tennessee Department of Environment and Conservation, Carter County must periodically amend the current Storm Water Resolution; and

WHEREAS, the Tennessee Department of Environment and Conservation has indicated that the current Carter County Storm Water Resolution requires the addition of several provisions to remain in compliance with the current requirements; and

WHEREAS, a proposal has been made to amend the current Storm Water Resolution in order to fully comply with the requirements of the State of Tennessee Department of Environment and Conservation; and

WHEREAS, the Carter County Regional Planning Commission did study this proposal on November 27, 2012 and recommended that the Carter County Commission amend the Storm Water Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the County Commission of Carter County, Tennessee, meeting in regular session at Elizabethton, Tennessee, on this 19th day of February, 2013, with a lawful quorum of said Commission being present and with a majority of said Commission voting in the affirmative, that the Carter County Storm Water Resolution is hereby amended as follows:

1. Two additional definitions shall be added to the Definitions section of the current Storm Water Resolution as follows:

"(12) Covenants for permanent maintenance of water quality facilities and best management practices: A legal document executed by the property owner, or a homeowners' association as owner of record, and recorded with the Register of Deeds in Carter County, Tennessee, which guarantees perpetual and proper maintenance of water quality management facilities and best management practices."

"(13) Hotspot: An area where the land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water."

2. A new section shall be added to the current Storm Water Resolution which shall read as follows:

"Illicit Discharges.

- (1) Applicability. This section shall apply to any discharge entering the municipal separate storm sewer system that is not composed entirely of storm water.
- (2) Prohibition of illicit discharges.

- (a) No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of storm water. The commencement, conduct, or continuance of any non-storm water discharge to the municipal separate storm sewer system is prohibited.
- (b) Exceptions. Uncontaminated discharges from the following sources are permitted:
 - (i) Landscape irrigation or lawn watering with potable water or water from a natural surface water source;
 - (ii) Diverted stream flows permitted by the State of Tennessee;
 - (iii) Rising groundwater;
 - (iv) Groundwater infiltration to separate storm sewers;
 - (v) Pumped groundwater;
 - (vi) Foundation or footing drains;
 - (vii) Water discharged from crawl space pumps;
 - (viii) Air conditioning condensate;
 - (ix) Springs;
 - (x) Individual noncommercial residential washing of vehicles; or vehicle washing for a charity, non-profit fundraising or similar noncommercial purpose;
 - (xi) Flows from natural riparian habitat or wetlands;
 - (xii) Swimming pools (if dechlorinated—typically less than one part per million chlorine);
 - (xiii) Street wash waters resulting from normal street cleaning operations;
 - (xiv) Discharges resulting from emergency firefighting activities;
 - (xv) Discharges pursuant to a valid and effective NPDES permit issued by the State of Tennessee;
 - (xvi) Discharges necessary to protect public health and safety, as specified in writing by the County;
 - (xvii) Discharges related to de-icing operations;
 - (xviii) Dye testing permitted by the County;
 - (xix) Discharges resulting from emergency public utility repair activities for breaks in water and sewer lines, discharges from water line flushing and blow-offs."

APPROVED

3. A new section shall be added to the current Storm Water Resolution which shall read as follows:

"Special pollution abatement requirements.

- (a) A special pollution abatement plan shall be required for the following land uses, which are considered pollutant hotspots:
 - (i) Vehicle, truck or equipment maintenance, fueling, washing or storage areas including but not limited to: automotive dealerships, automotive repair shops, and car wash facilities;
 - (ii) Recycling and/or salvage yard facilities;
 - (iii) Restaurants, grocery stores, and other food service facilities;
 - (iv) Commercial facilities with outside animal housing areas including animal shelters, fish hatcheries, kennels, livestock stables, veterinary clinics, or zoos;
 - (v) Developments or redevelopments occupying potentially hazardous locations as follows:
 - (A) Any site on a list, register, or database compiled by the United States Environmental Protection Agency (EPA), the State of Tennessee Department Environment and Conservation (TDEC), or the county, for investigation, cleanup, or other action regarding contaminants under any federal or state environmental law shall be a potentially hazardous location under this subsection. When the EPA or TDEC removes the site from the list, register or database, or when the owner otherwise establishes that contaminants do not pose a present or potential threat to

human health or the environment, the site will no longer be considered a potentially hazardous location.

(B) The following properties may also be designated by the County Commission as potentially hazardous locations:

- (1) Existing and abandoned solid waste disposal sites;
- (2) Hazardous waste treatment, storage, or disposal facilities, all as defined by the Federal Solid Waste Disposal Act, 42 USC 6901, et seq.

(3) Sites in which historical knowledge of land use or known past land use activity on the site requires designation as a potentially hazardous location. When the owner provides evidence satisfactory to the County Commission that contaminants do not pose a present or potential threat to human health or the environment, the site will no longer be considered a potentially hazardous location.

(vi) Other producers of pollutants identified by the County Commission as a pollutant hotspot using information provided to or collected by the County Commission or their authorized representatives, or reasonably deduced or estimated by the County Commission or their authorized representatives from engineering or scientific study.

(b) A special pollution abatement plan may be required for land uses or activities that are not identified by this chapter as hotspot land uses, but are deemed by the County Commission to have the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.

APPROVED

(c) The special pollution abatement plan shall be submitted as part of the water quality management plan, and the BMPs submitted on the plan shall be subject to all other provisions of this chapter. Technical requirements for the plan shall be based on the provisions and guidelines set forth in the Tennessee Department of Environment and Conservation water quality BMP manual.

(d) Best management practices specified in the special pollution abatement plan must be appropriate for the pollutants targeted at the site and must be approved with the water quality management plan as specified by the Environmental Protection Agency and/or the Tennessee Department of Environment and Conservation.

(e) A special pollution abatement plan will be valid for a period of five (5) years, at which point it must be renewed. At the time of renewal, any deficiency in the pollutant management method must be corrected.

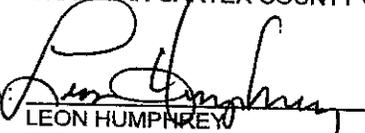
BE IT FURTHER RESOLVED, this amendment shall be effective from and after its adoption, the welfare of the county demanding.

Adopted this 19th day of February, 2013.

CARTER COUNTY, TENNESSEE

APPROVED:

By: 
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

By: 
LEON HUMPHREY
CARTER COUNTY MAYOR

FEBRUARY TERM 2013

VETOED:

By: _____
LEON HUMPHREY
CARTER COUNTY MAYOR

Date: _____

VETO OVERRIDE VOTE:

_____ YES VOTES
_____ NO VOTES
_____ ABSTAIN VOTES

APPROVED WITH SUCCESSFUL OVERRIDE VOTE:

By: _____
THOMAS BOWERS
CHAIRMAN CARTER COUNTY COMMISSION

Date: _____



Mary Gouge **APPROVED**
MARY GOUGE
CARTER COUNTY CLERK

APPROVED AS TO FORM:

KA

KEITH BOWERS, JR.
CARTER COUNTY ATTORNEY

MEMORANDUM OF UNDERSTANDING

WHEREAS, the City of Elizabethton currently owns the property upon which the Elizabethton National Little League plays baseball; and

WHEREAS, Mr. Larry Brown of the Elizabethton National Little League has approached Carter County to provide the equipment and personnel to build a parking lot at the Elizabethton National Little League Baseball Field; and

WHEREAS, the City of Elizabethton has agreed that Carter County may provide the materials, equipment and personnel to build this parking lot subject to certain requirements; and

WHEREAS, the parking lot construction must be completed according to a plan approved by the City of Elizabethton Parks and Recreation Department, all work to be performed shall be subject to inspection by the Elizabethton Parks and Recreation Department, the Elizabethton National Little League will be responsible for all of the work completed, that appropriate erosion and sediment control measures will be installed if soil is to be exposed for a period greater than twelve (12) hours and, further, that no work, permanent or construction, will interfere with the established storm water buffer along Buffalo Creek.

W-I-T-N-E-S-S-E-T-H:

NOW, THEREFORE, the parties hereto agree as follows:

1. That the City of Elizabethton does hereby agree to allow Carter County, Tennessee, to provide the materials, equipment and personnel to build a parking lot on City of Elizabethton property located at the Elizabethton National Little League Field.
2. The parking lot construction will be completed according to a plan approved by the City of Elizabethton Parks and Recreation Department.
3. That all work will be subject to inspection by the City of Elizabethton Parks and Recreation Department.
4. That the Elizabethton National Little League will be responsible for all of the work completed.
5. That appropriate erosion and sediment control measures will be installed if the soil is to be exposed for a period greater than twelve (12) hours.

6. That no work (permanent or construction) will interfere with the established storm water buffer along Buffalo Creek.

EXECUTED in duplicate originals on this the 19th day of February, 2013.

CITY OF ELIZABETHTON, TENNESSEE

BY: Curt Alexander
CURT ALEXANDER, MAYOR

COUNTY OF CARTER COUNTY, TENNESSEE

APPROVED

BY: Leon Humphrey
LEON HUMPHREY, MAYOR



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Financial Responsibility
Eighth Floor, L & C Annex
401 Church Street
Nashville, TN 37243
(615) 532-0851

January 28, 2013

The Honorable Curt Alexander
City of Elizabethton Mayor
136 South Sycamore
Elizabethton, Tennessee 37643

The Honorable Leon Humphrey
Carter County Mayor
Courthouse, 801 East Elk Avenue
Elizabethton, Tennessee 37643

APPROVED

RE: Annual Inflation Adjustment of the financial assurance for *the City of Elizabethton / Carter County Sanitary Landfill, Permit #SNL 10-0186* as required by the Regulations of the Division of Solid Waste Management.

Dear Mayor Alexander and Mayor Humphrey:

All county and municipal "Contracts in Lieu of Performance Bonds" must be adjusted annually for inflation by no later than the anniversary date of the issuance of the contract.

The staff of the Financial Responsibility Group utilizing data published by the U. S. Department of Commerce has projected the GNP (Gross National Product) inflation factor to be used for the inflation adjustments and renewals required before *March 31, 2013*. Our projection of the inflation factor to be used is **1.9%**. The amount of your financial assurance instrument(s) from the Year 2012 must be multiplied by **1.019**. The permitted facility and/or the Department may reserve the right to adjust this figure later based upon the actual inflation factor published by the U.S. Department of Commerce. The U. S. Department of Commerce does not make this information available until late March of each year.

Effective immediately, any County or Municipal Contract in Lieu of Performance Bond incurring an annual inflation adjustment shall not be processed by amendment until the cumulative amount of the adjustment(s) equals or exceeds TEN THOUSAND DOLLARS (\$10,000.00). This is a change from the previous threshold of Five Thousand Dollars (\$5,000). For example, if the inflation adjustment is \$4,000 in year one, \$5,000 in year two, and \$6,000 in year three, the amendment will be processed in year three when the total of adjustments exceeds \$10,000. We will continue to send your inflation adjustment figures annually for your records whether or not a contract amendment is required.

Please review the amount(s) listed for each permit listed below. If any changes or modifications to your permit(s) have occurred, please contact us as soon as you receive this letter. The due date(s) and projected amount(s) for the inflation adjustment(s) of your financial instrument(s) are as follows:

FEBRUARY TERM 2013

Mayor Alexander
 Mayor Humphrey
 City of Elizabethton /Carter County
 January 28, 2013
 Page 2

Inflation Adjustments **REQUIRED** for 2013

Facility Permit #:	Financial Instrument Type & No.:	Financial Instrument Anniversary Due Date:	Present Amount of Financial Assurance "On File"	Inflation Adjustment / Increase Required:	Inflation Adjustment and Allowable Post-Closure Reduction:	Total "Required" Amount of Financial Assurance:
SNL10-0186	Contract	01-31-13	\$ 2,580,021.00	\$	\$ 94,150.00	\$ 2,485,871.00

Please see the attached spreadsheets, which list in detail the amount of financial assurance required due to the 2013 annual inflation adjustment and/or post closure reduction (if applicable) for your permit(s). The spreadsheets also list the current amount of financial assurance on file for each permit.

PLEASE NOTE

- (1) Any County and/or Municipal Contract In Lieu of Performance Bonds incurring an annual inflation adjustment ~~shall not be processed by amendment~~ until the amount of the adjustment equals or exceeds TEN THOUSAND DOLLARS (\$10,000.00).

Mayor Alexander, please note that the contract and blanks have been included in your packet. If you would be so kind as to review the contract and after your approval, sign and forward it to Mayor Humphrey for his signature and return of the same to this office.

APPROVED

If you have any questions, please call me at (615) 532-0848. Please submit the inflation adjusted financial instrument to the Financial Responsibility Group at the address listed on the letterhead as indicated above.

Respectfully,

James Marks
 James Marks, ASA IV
 Municipal & County Contract Administrator
 TDEC - Financial Responsibility

CC: Fred Willingham, Manager of Solid Waste Management, Johnson City Field Office, TDEC

Enclosure: Customer Information Spreadsheet

**#5 GENERAL FUND BUDGET AMENDMENTS
FEBRURY 19, 2013**

Fund 101

Item #1	39000	Fund Balance	\$ 29,436.99	Debit	
	58190-399-61	Other Contracted Services		\$ 29,436.99	Credit
<hr/>					
Funds Received in 2012 for Little Milligan Fish Springs Water Line Extension					
Item #2	44150	Sale of Animals	\$ 35.00	Debit	
	55120-599	Other Charges		\$ 35.00	Credit
<hr/>					
Refund on adopted puppy - Animal Shelter					
Item #3	40110	Current Property Tax	\$ 3,117.00	Debit	
	51300-540	Tax Relief		\$ 3,117.00	Credit
<hr/>					
2012 Tax Relief					
Item #4	46420	State Aid Program	\$ 98,646.96	Debit	
	58190-399-61	Other Contracted Services		\$ 98,646.96	Credit
<hr/>					
Water Line Extension CBDG Grant					
Item #5	44170	Miscellaneous Refunds	\$ 1,209.04	Debit	
	58130-599	Other Charges		\$ 1,209.04	Credit
<hr/>					
Refund bond to contractor for HOME Grant					
Item #6	51720-719	Office Equipment	\$ 2,165.00	Debit	
	51720-351	Rentals		\$ 2,165.00	Credit
<hr/>					
Reallocate funds to cover copier rental in Planning Dept					
Item #7	54110-335	Maintenance & Repairs-Build	\$ 20,000.00	Debit	
	54210-160	Guards	\$ 150,600.00	Debit	
	54110-162	Clerical Personnel		\$ 3,400.00	Credit
	54110-307	Communication		\$ 3,000.00	Credit
	54110-338	Maintenance & Repairs-Vehicles		\$ 23,000.00	Credit
	54110-340	Medical & Dental Services		\$ 9,500.00	Credit
	54110-351	Rentals		\$ 4,900.00	Credit
	54110-435	Office Supplies		\$ 8,800.00	Credit
	54110-718	Motor Vehicles		\$ 3,000.00	Credit
	54210-335	Maintenance & Repairs-Build		\$ 50,000.00	Credit
	54210-410	Custodial Supplies		\$ 25,000.00	Credit
	54210-422	Food Supplies		\$ 40,000.00	Credit
<hr/>					
Reallocate funds to cover cost at Sheriff's Dept & Jail					
<hr/>					
Item #8	54240-112	Youth Service Officer	\$ 1,400.00	Debit	
	54240-719	Office Equipment		\$ 1,400.00	Credit
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Reallocate funds to purchase computer & equipment in Juvenile Services Office					
<hr/>					
TOTAL			\$ 306,609.99	Debit	
				\$ 306,609.99	Credit

FEBRUARY TERM 2013