

**Carter County Commission Meeting  
Regular Session  
May 20, 2013**

**APPROVED**  
6-17-13

Chairman, Tom Bowers called the meeting to order at 9:00 A.M.

**Roll Call as follows:**

Present: Buford Peters, 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, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks, and Robert Gobble. (22 Present)

Absent: Gebe Ritchie and Bill Armstrong. (2 Absent)

Quorum Present.

Prayer was led by Lawrence Hodge, followed by Ronnie Trivett leading the Pledge to the American flag.

Public Comments were voiced by the following on various issues.  
Dora Kinser - Trash and discarded tire issues at 122 Big Sandy

Motion was made by Nancy Brown, seconded by John Lewis, to accept as printed, the minutes of the last meeting, March 18, 2013.

By majority voice vote, all ayes, motion carried.

Motion was made by Sonja Culler, seconded by Lawrence Hodge, to accept the following Notaries/Bonds as presented.

**Notaries/Bonds as presented May 20, 2013**

Kimberly G. Garrett	Cameron L. Hyder	Jeremy S. Dular	Lance C. Simerly
Amy C. Bryan	Dustin Tester	Nora Peters	Sonja Ferguson
Steve J. Head	Beverly Ann White	Deborah S. Morton	Kristina D. Cruz

By majority voice vote, all ayes, motion carried.

Elected and Appointed Officials/Guest in attendance were recognized and thanked for their service.

Leisa Wright, Deputy Trustee presented for approval the listing of the Additions and Deletions of Property from the tax rolls for the period of October 1, 2011 through March 31, 2013. Record on pages 51 - 57.

Motion was made by JoAnn Blankenship, seconded by Nancy Brown, to accept Additions and Deletions of Property as presented.

Roll Call Vote as follows:

Ayes: Buford Peters, 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, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks, and Robert Gobble. (22 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie and Bill Armstrong. (2 Absent)

By majority roll call vote, motion carried.

Plaques were presented by Mayor Humphrey to the following:

**Blake Walsh** -- Hampton High School senior who is accomplished in Technical and Drafting skills.

**Emma Hopson** -- Teacher of the Year, American Technical Association

**John Large** (unable to attend) -- Director of Watauga Valley Fife and Drum Corp.

**Paul Jones** -- (unable to attend) -- Retirement after ten (10) years of service to Carter County

**Sandra Richardson** -- (unable to attend) -- Retirement after twelve (12) years of service to Carter County.

#### **NOMINATING COMMITTEE**

Chairman Harry Sisk, presented the following committee appointments and confirmations for consideration.

##### Agriculture Committee (2 year term)

**Motion** was made by Harry Sisk, seconded by Ken Arney to accept for re-appointment to the **Agriculture Committee** the following: Harry Sisk, Joel Street, Buddy Farmer, Terry Hubbard, Mike Nidiffer and Sonja Culler.

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

##### Audit Committee (2 year term)

**Motion** was made by Harry Sisk, seconded by Pat Hicks, to accept the confirmation, as recommended by Mayor Humphrey the following to the **Audit Committee**: David Wortman and Travis Holly.

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

##### Equalization Board (2 year term)

**Motion** was made by Harry Sisk, seconded by John Lewis, to accept for re-appointment the following to the **Equalization Board** (2 year term): Melvin Jack and Cathy Milhorn.

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

##### Records Committee

**Motion** was made by Harry Sisk, seconded by Ronnie Trivett, to accept and confirm the Mayor's appointment of **Judge Jean Stanley**, to the **Records Committee**, to succeed Judge Lynn Brown.

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

##### Judicial Commissioner (4 year term)

The following applicants, upon recommendation of the Nominating Committee, were recognized and allowed to address the Commission. Bill Peters, Suzanne E. Galyon, and Larry M. Presnell, for **Judicial Commissioner**.

Chairman Bowers, asking each commissioner to vote for one (1) applicant, called for a Roll Call Vote as follows:

Voting for Bill Peters: Ronnie Trivett, Harry Sisk, Charles VonCannon Charlie Bayless, Bobbie Gouge-Dietz, John Lewis, Scott Sams, and Robert Gobble. (8 Votes)

Voting for Suzanne E. Galyon: Buford Peters, Lawrence Hodge, Nancy Brown, Joel Street, Richard Winters, L.C. Tester, Steve Lowrance, Tom Bowers, JoAnn Blankenship, Steve Chambers, Sonja Culler, Russell Kyte, and Pat Hicks. (13 Votes)

Voting for Larry M. Presnell, Jr.: Ken Arney (1 Vote)

Absent: Gebe Ritchie and Bill Armstrong. (2 Absent)

**Suzanne E. Galyon**, receiving thirteen (13) votes was **appointed Judicial Commission** (4 year term).

Planning Commission (4 year term)

Nominations were taken from the floor as follows:  
Robert G. Carroll was nominated by John Lewis.  
Jamie D. Hughes was nominated by Russell Kyte.  
Ralph W. Watson was nominated by Ken Arney.

Chairman Bowers called for a roll call vote at this time. He noted that two positions were open, and therefore ask for two votes from each Commissioner.

Roll Call Vote as follows:

Voting for Robert G. Carroll: Lawrence Hodge, Nancy Brown, Ronnie Trivett, L.C. Tester, John Lewis, Scott Sams, Pat Hicks, and Robert Gobble. (8 Votes)

Voting for Jamie D. Hughes: Buford Peters, Lawrence Hodge, Nancy Brown, Joel Street, Richard Winters, Ronnie Trivett, Harry Sisk, Charles VonCannon, Steve Lowrance, Tom Bowers, JoAnn Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks, and Robert Gobble. (21 Votes)

Voting for Ralph Watson: Buford Peters, Joel Street, Richard Winters, Harry Sisk, Charlie VonCannon, L.C. Tester, Steve Lowrance, Tom Bowers, JoAnn Blankenship, Charlie Bayless, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, Sonja Culler, and Russell Kyte. (15 Votes)

Absent: Gebe Ritchie, and Bill Armstrong. (2 Absent)

**Jamie D. Hughes**, receiving 21 votes, and **Ralph Watson**, receiving 15 votes, were appointed to the **Planning Commission (4 year term)**.

**County Officials Training Program Certificate** was presented by JoAnn Blankenship, Robert Gobble and Nancy Brown, to **Mayor Leon Humphrey** upon becoming a Certified Public Administrator. He was noted as being one (1) out of twenty-four (24) receiving the certification in the State of Tennessee.

**MAYOR'S REPORT**

*Paint the Town Purple Proclamation* was declared on May 9, 2013, more specifically, June 15, - June 22, 2013 in Carter County by Mayor Humphrey. This is an activity of the American Cancer Society that promotes cancer awareness by purchasing and displaying of purple ribbons. Recorded on Page 58.

*Courthouse Parking Lot and the repainting, and landscaping of the Courthouse* were discussed. Work is scheduled to began June 11, and be completed by June 13, (weather permitting).

*Street Scapes & Pavement Replacement Project* update was presented. A formal request for the federal funds available and a contract has been received. It was noted that many phases are yet to be completed before work can begin, hopefully during 2014.

*Emergency Water Shed Protection Program* update concerning request for federal funding for assistance with damaged streams and waterways occurring January 2013. Mayor Humphrey stated that we were still waiting on the army corp of engineers permits.

*Liquidation of County Owned Excess Properties* were presented. It was suggested that they be sold. It was a recommendation that five to six properties be researched and sold at auction approximately every six (6) months until the properties are liquidated.

**Motion** was made by John Lewis, seconded by Nancy Brown, to instruct County Attorney, Keith Bowers Jr., to begin the process concerning the **sell of properties owned by Carter County that are deemed no longer useful**. Selling in six (6) month increments, one (1) property which is to be reviewed and presented to the full Commission for recommendation prior to being sold at auction.

**APPROVED**

Roll Call Vote as follows:

Ayes: Buford Peters, 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, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks, and Robert Gobble. (22 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie, and Bill Armstrong. (2 Absent).

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

**Motion** was made by Ronnie Trivett, seconded by Nancy Brown, to enter into a ten (10) minute recess.

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

Following the ten (10) minutes recess, Chairman Tom Bowers called the meeting **back to order** with the Mayor's Report continuing.

Mayor Humphrey stated that 911 has stated that a contract has not yet been received with the Carter County Rescue Squad. They desired a list of protocol concerning services should agreement not be reached by July 1, 2013.

#### **COMMITTEE REPORTS AND RECOMMENDATIONS**

Monthly Committee Minutes are placed on file in the County Clerk's Office and are available for review upon request.

#### **BUDGET COMMITTEE**

**Motion** was made by Harry Sisk, seconded by Nancy Brown, to accept the donations totaling \$280.00 for the Animal Shelter. Recorded on page 57.

Roll Call Vote as follows:

Ayes: Buford Peters, 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, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks, and Robert Gobble. (22 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie and Bill Armstrong. (2 Absent)

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

**Motion** was made by Harry Sisk, seconded by Nancy Brown, to refund \$17,195.39 received on behalf of Deep Ocean Engineering, Inc. back to the Bankruptcy Trustee per the advice of the County Attorney.

Roll Call Vote as follows:

Ayes: Buford Peters, 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, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks and Robert Gobble. (22 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie and Bill Armstrong. (2 Absent)

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

**Motion** was made by Harry Sisk, seconded by Ronnie Trivett, to **transfer funds** from the General Fund Undesignated Fund Balance, **not to exceed \$30,000 for the benefit of the annex re-roofing project.**

Roll Call Vote as follows:

**Ayes:** Buford Peters, Lawrence Hodge, Nancy Brown, Richard Winters, 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, Pat Hicks, and Robert Gobble. (20 Ayes)

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

**Absent:** Gebe Ritchie, and Bill Armstrong. (2 Absent)

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

**Motion** was made by Harry Sisk, seconded by Nancy Brown, and upon request from EMA Director Andrew Worley, to approve the requested amendment for the **purchase of a new SUV vehicle for the Emergency Management Agency.** No new money.

Roll Call Vote as follows:

**Ayes:** Buford Peters, 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, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks, and Robert Gobble. (22 Ayes)

**Nays:** None (0 Nays)

**Absent:** Gebe Ritchie and Bill Armstrong. (2 Absent)

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

**Motion** was made by Harry Sisk, seconded by Pat Hicks, to approve **General Fund 101 Amendment # 7 with 29 items, for a total of \$515,435.05 with \$42,786.16 coming from Fund Balance.** No new money. Recorded on pages 59-62.

Roll Call Vote as follows:

**Ayes:** Buford Peters, 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, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks, and Robert Gobble. (22 Ayes)

**Nays:** None (0 Nays)

**Absent:** Gebe Ritchie, and Bill Armstrong. (2 Absent)

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

**Motion** was made by Harry Sisk, seconded by Ken Arney, to approve **Solid Waste Fund 116 Amendment #4 with 1 item, for a total of \$1,000 with \$0 coming from Fund Balance.** Recorded on Page 63.

Roll Call Vote as follows:

**Ayes:** Buford Peters, 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, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks, and Robert Gobble. (22 Ayes)

**Nays:** None (0 Nays)

Absent: Gebe Ritchie and Bill Armstrong. (2 Absent)

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

**Motion** was made by Harry Sisk, seconded by Ken Arney, to approve **Highway Fund 131 Amendment # 1 with 1 item, for a total of \$1,400.00 with \$0 coming from Fund Balance.** No new money. Recorded on Page 63.

Roll Call Vote as follows:

Ayes: Buford Peters, 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, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks, and Robert Gobble. (22 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie, and Bill Armstrong. (2 Absent)

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

**Motion** was made by Harry Sisk, seconded by Steve Chambers, to approve **General Purpose School Fund 141 Amendment #7, with 3 items, for a total of \$173,947.37 with \$0 coming from Fund Balance.** Recorded on Pages 63.

Roll Call Vote as follows:

Ayes: Buford Peters, Lawrence Hodge, Nancy Brown, \*Joel Street, Richard Winters, 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, Pat Hicks, and Robert Gobble. (21 Ayes)  
(\*Indicates that Disclaimer for Employees of Carter County, Tennessee was read before voting.)

Nays: Ronnie Trivett (1 Nay)

Absent: Gebe Ritchie and Bill Armstrong. (2 Absent)

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

**Motion** was made by Harry Sisk, seconded by Russell Kyte, to approve **General Purpose School Fund 141 Amendment # 8 with 4 items for a total of \$962,186.19 with \$0 coming from Fund Balance.** Recorded on Pages 64-66.

Roll Call Vote as follows:

Ayes: Buford Peters, Lawrence Hodge, Nancy Brown, \*Joel Street, Richard Winters, 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, Pat Hicks, and Robert Gobble. (21 Ayes)  
(\*Indicates that Disclaimer for Employees of Carter County, Tennessee was read before voting.)

Nays: Ronnie Trivett (1 Nay)

Absent: Gebe Ritchie and Bill Armstrong (2 Absent)

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

**Motion** was made by Harry Sisk, seconded by John Lewis, to approve **General Purpose School Fund 141 Amendment #9 with 1 item, for a total of \$108,790.00 with \$0 coming from Fund Balance.** Recorded on Page 66.

Roll Call Vote as follows:

Ayes: Buford Peters, 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, Bobbie Gouge-Dietz, \*Ken Arney, Steve Chambers, John Lewis, \*Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks, and Robert Gobble. (21 Ayes)

Nays: Ronnie Trivett (1 Nay)

Absent: Gebe Ritchie and Bill Armstrong. (2 Absent)

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

**Motion** was made by Harry Sisk, seconded by Lawrence Hodge, and upon referral from the Health and Welfare Committee, to **entertain negotiations with the Carter County Rescue Squad for the limited time of two (2) weeks.**

Roll Call Vote as follows:

Ayes: Buford Peters, Lawrence Hodge, Richard Winters, 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, Pat Hicks, and Robert Gobble. (19 Ayes)

Nays: Nancy Brown and John Lewis. (2 Nays)

Passing: Joel Street

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

**HEALTH & WELFARE COMMITTEE**

JoAnn Blankenship introduced Melodi Goff, Director of the Elizabethton Carter County Library. Ms. Goff presented a brief report concerning the Library Board By-Laws. She made the recommendation that the Commission approve the By-Laws presented today, combining the City of Elizabethton and Carter County Boards as one.

**Motion** was made by JoAnn Blankenship, seconded by L.C. Tester to approve the **By-laws of the Elizabethton-Carter County Public Library** as presented. Recorded on Pages 67-69.

Chairman Bowers called for a voice vote on the motion. By majority voice vote, all ayes, **motion carried.**

**Motion** was made by JoAnn Blankenship, seconded by Steve Chambers to **accept the following nominations to the Elizabethton-Carter County Public Library Board:**

**Dan Winters, with the Carter County School System  
Bill Armstrong, Carter County Commissioner**

A voice vote was called for by Chairman Bowers. By majority voice vote, all ayes, **motion carried.**

Andrew Worley, EMA Director and Safety Director, was recognized by Health & Welfare Chairwoman, JoAnn Blankenship. Mr. Worley presented the Resolution establishing an updated OSHA program and made the recommendation that this be approved by the Commission.

**Motion** was made by Ronnie Trivett, seconded by Nancy Brown to accept as presented **"Resolution to Establish an Updated Occupational Safety and Health (OSHA) Program Plan, Devise Rules and Regulations, and to Provide for a Safety Director and the Implementation of Such Program Plan."**  
**RESOLUTION No. 585.** Recorded on Pages 70-93

**Motion** was made by Joel Street, seconded by Steve Chambers to **suspend the reading of the above stated OSHA Resolution presented.**

Voice vote was called for by Chairman Bowers to suspend the reading of the Resolution.

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

Chairman Bowers called for a Roll Call Vote on the OSHA Resolution as presented. Vote follows:

Ayes: Buford Peters, 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, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks, and Robert Gobble. (21 Ayes)

Nays: John Lewis (1 Nay)

Absent: Gebe Ritchie and Bill Armstrong. (2 Absent)

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

**BUILDING & GROUNDS COMMITTEE**

**Motion** was made by L.C. Tester, seconded by John Lewis and upon recommendation from the Building and Grounds Committee, to approve a request from Richard Lewis, Mothers Against Drunk Driving (MADD), to **place a plaque near the parking area of the Courthouse Annex, in memory/honor of victims of all crimes.**

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

**Motion** was made by Ken Arney, seconded by Ronnie Trivett and upon recommendation from the Building and Grounds Committee, to approve a request from Circuit Clerk gifting them the **awning, (previously attached to PODS that have been removed) and permitting them to install and place it near the Circuit Clerk's Office private entrance.** All installation cost coming from the Circuit Clerk's budget.

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

**LAW ENFORCEMENT COMMITTEE**

**Motion** was made by Buford Peters, seconded by Lawrence Hodge, and upon recommendation from Law Enforcement Committee to **set storage fees of \$20.00 per day for seized vehicles.** Fees will be billed to the owner of the vehicle. This fee of \$20.00 remains in the county funds.

Roll Call Vote as follows:

Ayes: Buford Peters, Lawrence Hodge, Richard Winters, 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, Pat Hicks, and Robert Gobble. (20 Ayes)  
(\* Indicates that Disclaimer for Employees of Carter County, Tennessee was read before voting)

Nays: Nancy Brown (1 Nay)

Passing: Joel Street (1 Passing)

Absent: Gebe Ritchie and Bill Armstrong (2 Absent)

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

Chairman Bowers presented "**Resolution to Accept and Authorized the Grant from the State of Tennessee Department of Transportation for the Carter County Litter Grant Program for Fiscal year 2013-2014**" for consideration. **RESOLUTION No. 586.**  
Recorded on Pages 94-95.

**Motion** was made by Pat Hicks, seconded by Lawrence Hodge to **wave the reading and accept as presented the above Litter Grant Resolution.**

Roll Call Vote as follows:

Ayes: Buford Peters, 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, Bobbie Gouge-Dietz, Ken Arney, Steve Chambers, John Lewis, Sonja Culler, Russell Kyte, Scott Sams, Pat Hicks, and Robert Gobble. (22 Ayes)

Nays: None (0 Nays)

Absent: Gebe Ritchie, and Bill Armstrong. (2 Absent)

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

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

**COUNTY ATTORNEY'S REPORT-KEITH BOWERS, JR.** Items included the following:

OSHA Resolution – that was approved during this meeting.

Litter Grant Resolution – that was approved during this meeting.

Deep Ocean Engineering, Inc.- refund that was approved during this meeting.

Beer Board - research for Beer Permits approved.

Litigation – two pieces. One has a motion to dismiss pending, the other has been dismissed.

Resolution - “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 Constitution of the State of Tennessee” has been advanced to the State.

Animal Shelter Donation – Estate donation possibly forthcoming.

County Firing Range – New rules and regulations concerning usage.

Tennessee Department of Transportation – Two contracts forwarded to TDOT for execution.

Industrial Bond Board - Borla Industries and STL Distribution extensions.

Pauper Burial – Commission must make changes to current policy if changes are desired.

Seat Belt Fines – Concerning state and local laws as to setting of fees.

Gifts of Historical Items &/or Documents – Revisions being made concerning acceptance.

Judge Jean Stanley – Appointment to the Records Committee.

Litter Complaints – two complaints currently being reviewed.

Landfill Private Act – Received for further consideration.

Park and Recreation Private Act – No consideration during this term, possibly early next year.

Litigation – C. Schuettler and Mayor Humphrey, case dismissed. Motion to reconsider filed.

COMMISSIONER COMMENTS were voiced concerning the following issues.

Ronnie Trivett - Funds in the Circuit Clerks office.

Buford Peters – Park and Recreation Committee members

JoAnn Blankenship – Energy 101 training available.

Nancy Brown – Committee Minutes.

John Lewis – Agenda.

Scott Sams - Agenda.

Sonja Culler – Courthouse security.

Mayor Leon Humphrey – Industrial Development Board.

Steve Lowrance – School Complaints - I am not, nor I have never worked for Carter County Schools.

Charles VonCannon – School Security, County Bridge Reports and Safety issues.

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

By majority voice vote, **motion carried** and meeting adjourned at 11:45 AM.

Randal Lewis  
Trustee



801 Elk Avenue  
(423) 542-1811  
FAX: (423) 547-1505

CARTER COUNTY  
STATE OF TENNESSEE  
ELIZABETHTON

TO THE HONORABLE COUNTY COURT OF CARTER COUNTY, TENNESSEE SUBMITTED HERewith  
IS A SCHEDULE OF PROPERTY ADDED TO THE TAX ROLLS FOR THE PERIOD OCTOBER 1, 2011  
THROUGH MARCH 31, 2013.

NAME	VALUE	TAX
A-1 Auto Care Center	3,000.00 \$	65.00
Arnold, William Heath	25,525.00 \$	550.00
Bowers, Keith	Rollback Tax \$	385.00
Burleson, Richard	3 Year Rollback \$	85.00
Calbert, Pearce	10,400.00 \$	224.00
China King Buffet	2,161.00 \$	47.00
Clark, Robert L & Carol	24,425.00 \$	626.00
Clemons, Coy Roger	2,900.00 \$	62.00
Fritts, Glenda	14,300.00 \$	308.00
Harmon, Juanita	2,450.00 \$	53.00
Hayes, Jerry H	725.00 \$	15.00
Heaton, Earnest	1,550.00 \$	33.00
Hensley, Kenneth	2,650.00 \$	57.00
Hoitsclaw, Kenneth	775.00 \$	17.00
Jolie, Buffy L	8,300.00 \$	179.00
Lance, Inc	1,973.00 \$	42.00
Loper, George	1,975.00 \$	43.00
Martinez, Baltazar	16,000.00 \$	344.00
McElroy Truck Lines	130,013.00 \$	2,799.00
McInturff, Troy	1,275.00 \$	28.00
McKinney, Jimmy	725.00 \$	16.00
Pritchard, Betty	3 Year Rollback \$	1,020.00
Sheets, Glen	4,525.00 \$	98.00
Shoemake, Sandra	800.00 \$	18.00
Slimp, Jake and Carolyn	5,200.00 \$	112.00
Smith, Gary	3 Year Rollback \$	487.00
Stevens, Sherie	13,900.00 \$	300.00
Williams, Harold	675.00 \$	15.00
Williams, Tina	19,150.00 \$	412.00
<b>TOTALS</b>	<b>295,372.00 \$</b>	<b>8,340.00</b>

Randal Lewis  
Trustee



801 Elk Avenue  
(423) 542-1811  
FAX: (423) 547-1505

CARTER COUNTY  
STATE OF TENNESSEE  
ELIZABETHTON

TO THE HONORABLE COUNTY COURT OF CARTER COUNTY, TENNESSEE SUBMITTED HEREWITH  
IS A SCHEDULE OF PROPERTY DELETED FROM THE TAX ROLLS FOR THE PERIOD OCTOBER 1, 2011  
THROUGH MARCH 31, 2013.

NAME	VALUE	TAX AMOUNT
Ace Electric	(315.00) \$	7.00
Adkins, Patricia	(54,900.00) \$	1,182.00
Adkins, Patricia	(12,775.00) \$	275.00
Allen, Michael	(10,225.00) \$	220.00
American Tanning Supplies	(25,862.00) \$	557.00
Arctic Air	(117.00) \$	3.00
Arrow Home Improvements	(1,593.00) \$	34.00
Ball, Joshua	(950.00) \$	20.00
Bargain Cabinets	(300.00) \$	6.00
Barnett, Jerry	(175.00) \$	3.00
Barnett, Judy	(3,600.00) \$	77.00
Barrett, James	(950.00) \$	21.00
Bennett Lee R	(2,750.00) \$	59.00
Better Heating and Air	(224.00) \$	5.00
Birkner, Dan	(5,250.00) \$	113.00
Birkner, Daniel	(1,425.00) \$	31.00
Blockbuster, Inc.	(14,555.00) \$	313.00
Bob's Market	(300.00) \$	6.00
Boone, Ernest	(5,050.00) \$	109.00
Boone, Mary Lou	(4,450.00) \$	96.00
Bowers, James R	(5,025.00) \$	108.00
Bradford, Carlos	(3,925.00) \$	85.00
Bradley, John C	(6,475.00) \$	139.00
Brewer, Gary	(2,750.00) \$	59.00
Brewer, Harold	(125.00) \$	3.00
Brown, Dennis	(975.00) \$	21.00
Buck, Robert K	(150.00) \$	4.00
Buckles, Danny	(2,300.00) \$	50.00
Burger Hut	(32,791.00) \$	706.00
Burleson, Richard	Rollback Tax \$	85.00
Bush Leasing Trust	(2,449.00) \$	52.00
Bush Leasing Trust	(2,450.00) \$	53.00
Business Acceleration	(300.00) \$	6.00
Byers, Jimmy	(3,050.00) \$	66.00
Cable, Betty	(3,025.00) \$	65.00

Cable, Gather	(16,800.00) \$	362.00
Campbell, Jeffrey	(1,775.00) \$	38.00
Campbell, Robert	(125.00) \$	3.00
Campbell, Robert	(425.00) \$	9.00
Carangi, David	(2,600.00) \$	56.00
Carden's Garage	(300.00) \$	6.00
Carolina Quality Frazier Fir Farms	(16,675.00) \$	359.00
Cash Builders Supply	(7,898.00) \$	170.00
Casteel, Nancy C	(2,750.00) \$	59.00
Church, David Allen	(7,500.00) \$	161.00
Clark, Bill J	(1,425.00) \$	30.00
Clark, Bill J	(30,880.00) \$	665.00
Clark, Robert L & Carol	(20,750.00) \$	447.00
Clemons, Coy Roger	(2,650.00) \$	57.00
Clemons, Coy Roger	(650.00) \$	14.00
Clemons, Coy Roger	(5,875.00) \$	126.00
Cole, William	(1,475.00) \$	32.00
Combs, Doug	(875.00) \$	19.00
Cooke, Mack	(14,400.00) \$	310.00
Cooke, Mack	(22,280.00) \$	479.00
Courtney & Mia's Garden	(300.00) \$	6.00
Creech Natalee Photography	(275.00) \$	6.00
Crowe, Delores M	(3,125.00) \$	67.00
Culbert, Kenneth	(850.00) \$	19.00
Culbert, James Kenneth	(3,525.00) \$	76.00
Culbert, Kenneth	(4,750.00) \$	102.00
Curry, Carl	(6,150.00) \$	132.00
D. Shelton Trucking	(1,995.00) \$	43.00
Davis Danny Photography	(3,291.00) \$	71.00
Davis, Wayne	(4,175.00) \$	90.00
Degennaro, Gregory	(33,080.00) \$	712.00
Degennaro, Gregory	(31,600.00) \$	680.00
Degennaro, Gregory	(16,600.00) \$	357.00
Discount Online Parts	(999.00) \$	22.00
Doe River Gorge Christian Camp	(193,680.00) \$	4,170.00
Doggie Doo's	(171.00) \$	4.00
Dream Works Beds	(300.00) \$	6.00
Dugger, Richard	(1,600.00) \$	34.00
Dunavent, Ben	(1,325.00) \$	29.00
Elizabethton Plaza Association	(26,800.00) \$	577.00
Ellis, Jack C	(500.00) \$	11.00
Ellis, Samie Olee Jr.	(24,050.00) \$	518.00
Fields, Dock	(1,275.00) \$	27.00
Fletcher, Charles L/E	(4,550.00) \$	98.00
Foster, Gary B	(2,425.00) \$	52.00
Fraley, William	(4,075.00) \$	88.00
Frazier, Martha	(1,250.00) \$	27.00
Furniture Plaza	(480.00) \$	10.00
G R Remodeling	(375.00) \$	8.00
Garver, Phillip	(1,500.00) \$	32.00
Grandma Bessie's Custom Treadz	(1,547.00) \$	33.00
Grindstaff, A Earl	(4,720.00) \$	101.00

Grindstaff, Arthur	(4,825.00) \$	104.00
Grindstaff, Lloyd	(20,300.00) \$	437.00
Grindstaff, Luther	(11,535.00) \$	248.00
Gwaltney, William C	(8,750.00) \$	188.00
HT Tennessee I LLC	(153,720.00) \$	3,309.00
Hall, Kevin	(200.00) \$	4.00
Hammitt, Kenneth	(2,275.00) \$	49.00
Hare, Alayna	(191.00) \$	4.00
Harmon, Juanita	(9,120.00) \$	196.00
Harris, William Bartley	(7,425.00) \$	160.00
Hartley, R L	(2,350.00) \$	50.00
Hartley, R L	(975.00) \$	21.00
Hatley, Gary	(350.00) \$	7.00
Hatley's Flooring	(375.00) \$	8.00
Hecht, David Scott	(41,825.00) \$	901.00
Henry, William	(2,400.00) \$	51.00
Hensley, Anna	(3,325.00) \$	72.00
Hill, Raymond	(5,225.00) \$	112.00
Hill, Raymond	(425.00) \$	9.00
Hill, Ruth V	(2,351.00) \$	51.00
Holz, Thomas	(10,925.00) \$	235.00
Honeycutt, Buster	(3,250.00) \$	70.00
Hubbard, William	(11,000.00) \$	237.00
Hughes, Tammy	(7,375.00) \$	158.00
Hughes, Tammy	(1,800.00) \$	39.00
Hyder Marketing Service	(71.00) \$	2.00
Hyder, Katherine	(20,200.00) \$	435.00
Hyder, Stephen	(4,000.00) \$	86.00
Hyder, Steven	(14,125.00) \$	304.00
Instant Replay Sports	(494.00) \$	11.00
J C Medical Center	(20,160.00) \$	434.00
Jenkins, Gerald	(300.00) \$	7.00
Johnson, Jerry	(4,675.00) \$	100.00
Johnson, Jerry	(3,050.00) \$	66.00
Johnson, Montie JR.	(2,150.00) \$	46.00
Jones, Anthony	(2,375.00) \$	51.00
Jordan, Christopher	(14,475.00) \$	311.00
J's Franks and Things	(285.00) \$	6.00
K C B Consulting	(8,303.00) \$	179.00
Kelley's Concessions	(335.00) \$	7.00
Kid's World Learning Center	(2,175.00) \$	47.00
Lake Road Storage	(79.00) \$	2.00
Laurel Highlands Development Co.	(5,700.00) \$	123.00
Ledford, Kathy	(3,125.00) \$	67.00
Lee's Auto Sales	(68.00) \$	1.00
Leonard, April	(850.00) \$	18.00
Lewis, David	(9,950.00) \$	214.00
Lewis, Richard	(4,900.00) \$	105.00
Lewis, Timothy	(8,400.00) \$	181.00
Licata, Rose	(3,375.00) \$	73.00
Lindstrom, Danny	(1,975.00) \$	43.00
Little John	(2,200.00) \$	47.00

Little Stoney Auto Repair	(1,232.00) \$	27.00
Loper, George	(3,800.00) \$	82.00
Lovelace, Maynard	(3,000.00) \$	65.00
Lyons, Cleo L/E	(500.00) \$	11.00
Lyons, Monty K	(35,050.00) \$	755.00
M C H Service Co.	(93.00) \$	2.00
Mabry, Mary	(1,150.00) \$	25.00
Mabry, Perry	(3,025.00) \$	65.00
Mabry, Perry	(1,850.00) \$	35.00
Mark's Auto Repair	(748.00) \$	16.00
Massey, Fredia	(4,625.00) \$	100.00
Master Chimney Sweeps	(1,917.00) \$	42.00
McClain, Bobby	(1,400.00) \$	30.00
McCloud Lumber Co.	(171,874.00) \$	3,700.00
McDowell, Gerald	(500.00) \$	10.00
McGinns	(375.00) \$	8.00
McInturff, Troy	(1,275.00) \$	27.00
McNeil, Cecil Joe	(25.00) \$	-
McQueen, George	(2,475.00) \$	53.00
Metz, Craig	(2,450.00) \$	52.00
Micale, Stacy	(1,175.00) \$	25.00
Miller, Donald	(3,300.00) \$	71.00
Milligan College	(31,500.00) \$	678.00
Milligan College	(6,160.00) \$	133.00
Moin & Pop's Speciality	(895.00) \$	19.00
Montgomery, Terry	(2,550.00) \$	55.00
Mountain Hawgs BBQ	(3,632.00) \$	78.00
Mountain States Health Alliance	(282,280.00) \$	6,077.00
Mullins, Christopher	(1,375.00) \$	29.00
Nana's Kids Shop	(188.00) \$	4.00
Nidiffer, JoAnn	(2,050.00) \$	44.00
Nussen, Rebecca	(7,760.00) \$	167.00
Nutter, Michael	(6,200.00) \$	133.00
Oxendine, John	(3,200.00) \$	69.00
Palmer, Eddie	(4,700.00) \$	102.00
Palmer, Henry	(2,350.00) \$	51.00
Parker, Price and Wolf	(1,120.00) \$	24.00
Pattycakes Diner	(3,694.00) \$	80.00
Pearce, Calbert	(14,975.00) \$	322.00
Pearce, Vickie	(375.00) \$	8.00
Phillips, Gary	(8,450.00) \$	182.00
Pierce, Stephen	(1,625.00) \$	35.00
Pierce, William	(1,575.00) \$	34.00
Potter, Billy Jack	(1,825.00) \$	39.00
Premier Respiratory	(28,292.00) \$	609.00
Proffitt, Pauline	(7,050.00) \$	152.00
Proplastix International Inc.	(266,203.00) \$	5,731.00
Realty Executive Stout	(8,271.00) \$	179.00
Renfro, Dewey	(700.00) \$	15.00
Richardson, Kem	(5,800.00) \$	125.00
River Bend Enterprises	(225.00) \$	5.00
S.S Distributing	(1,363.00) \$	29.00

Sams, Robert Lewis	(6,175.00) \$	133.00
Sams, Stephen	(3,000.00) \$	64.00
Savage, Anthony	(1,375.00) \$	30.00
Scalf, Pat	(550.00) \$	12.00
Schell, Jack E	(7,625.00) \$	164.00
Schultz, Joseph L	(11,775.00) \$	254.00
Sclaf, Pat	(600.00) \$	13.00
Sheets, Glen	(3,850.00) \$	83.00
Sheets, Glen	(3,700.00) \$	80.00
Sheets, Glen	(3,700.00) \$	80.00
Shell, Myrtle M	(1,900.00) \$	41.00
Shelton, Bob	(19,960.00) \$	429.00
Simerly, Nicky	(1,525.00) \$	33.00
Simerly, Nicky	(2,150.00) \$	46.00
Slagle, Douglas	(350.00) \$	8.00
Slem, Jack	(2,025.00) \$	44.00
Sloan's Automotive	(3,215.00) \$	69.00
Smith, Eugene	(3,625.00) \$	78.00
Smith, Verlin	(600.00) \$	13.00
Southern Garage Doors	(1,503.00) \$	32.00
Stetler, Thomas	(2,700.00) \$	58.00
Stevens, Bruce	(1,275.00) \$	28.00
Stevens, Sherry	(14,775.00) \$	318.00
Sticksef, Donald	(19,350.00) \$	416.00
Storie, Floyd	(1,750.00) \$	38.00
Street, Clifford	(4,760.00) \$	103.00
Street, Clifford	(950.00) \$	20.00
Street, Clifford	(4,100.00) \$	88.00
Street, Clifford	(825.00) \$	17.00
Street, Clifford	(4,175.00) \$	90.00
Street, Harold and Sandra	(3,625.00) \$	78.00
Street, Sandra	(4,600.00) \$	99.00
Street, Tommy	(1,925.00) \$	41.00
Suess, Phillip	(1,200.00) \$	25.00
Summertime Tans	(3,596.00) \$	77.00
Suntrust Bank	(178,760.00) \$	3,848.00
Sweet Addictions	(2,604.00) \$	56.00
Talk of the Town Beauty Shop	(375.00) \$	8.00
Taylor, Brenda	(4,050.00) \$	87.00
Taylor, Hubert	(2,800.00) \$	60.00
Tennessee Valley Auto Sales	(375.00) \$	8.00
Tester, Silas	(7,375.00) \$	159.00
Tetrick Interests	(11,425.00) \$	246.00
The Courtyard #7118	(316,960.00) \$	6,823.00
Tiny People Kare	(1,066.00) \$	23.00
Tri City Sheds	(300.00) \$	6.00
Vest, Eddie	(3,650.00) \$	78.00
W V Builders	(1,691.00) \$	36.00
Ward, Margaret	(1,100.00) \$	23.00
Ward, Margaret	(1,720.00) \$	37.00
Waters, James	(2,525.00) \$	54.00
Watkins, Peter	(975.00) \$	21.00

Waugh, Rodney	(1,675.00) \$	36.00
We Sale Fun	(300.00) \$	6.00
Weberg, Douglas	(2,500.00) \$	54.00
White, George	(3,600.00) \$	78.00
White, Mark	(125.00) \$	3.00
White, William C	(2,475.00) \$	54.00
Whitehead, Jeffery Robert	(150.00) \$	3.00
Wild, Scott	(19,575.00) \$	421.00
Williams, Albert G	(4,625.00) \$	100.00
Williams, Harold	(800.00) \$	17.00
Williams, Perry	(15,050.00) \$	324.00
Williams, Raymond	(5,025.00) \$	108.00
Winston Jewelry	(190.00) \$	4.00
Wiseman, Jimmie	(3,050.00) \$	66.00

<b>TOTALS</b>	<b>(2,899,536.00)</b>	<b>62494.00</b>
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**March 2013 Donations**

Animal Shelter Donation-Frances Vanlandingham	100.00
Animal Shelter Donation-Chad Allara	20.00
	<u>\$ 120.00</u>

**April 2013 Donations**

Animal Shelter Donation-Leanne Clemmons	10.00
Animal Shelter Donation-Brian Robers	25.00
Animal Shelter Donation-Rex Tomlinson	30.00
Animal Shelter Donation-Kelli Grindstaff	25.00
Animal Shelter Donation-Cassandra Egensdorf	10.00
Animal Shelter Donation-David Williams	30.00
Animal Shelter Donation-Mark Jones	10.00
Animal Shelter Donation-Tina Cline	20.00
	<u>\$ 160.00</u>



## **PAINT THE TOWN PURPLE PROCLAMATION**

WHEREAS, Paint the Town Purple is an activity of the American Cancer Society that promotes cancer awareness, gives individuals and communities an opportunity to fight back against cancer, and

WHEREAS, money raised during Paint the Town Purple Days in Carter County supports the American Cancer Society's mission of saving lives and creating a world with less cancer and more birthdays; by helping people stay well, by helping people get well, by finding cures for cancer and by fighting back; and

WHEREAS, the American Cancer Society funded more than \$150 million in cancer research last year through money raised in communities across the United States;

NOW, THEREFORE, BE IT RESOLVED, that I, Leon Humphrey, Mayor of Carter County Tennessee, on this 9<sup>th</sup> day of May 2013 do hereby proclaim the month of June 2013 more specifically, June 15<sup>th</sup> through 22<sup>nd</sup>, 2013 as, "PAINT THE TOWN PURPLE DAYS" in Carter County and encourage all citizens to participate in the extremely worthy cause.

Leon Humphrey

Carter County Mayor

Ribbons such as the one displayed at the front of the courthouse are available for \$20.00 each if you are interested please contact the Mayor's office. Thank you

**GENERAL FUND BUDGET AMENDMENT #7  
20-May-13**

**FUND 101**

Item #1	54210-196	In-Service Training	\$ 3,000.00	Decrease
	54110-355	Travel		\$ 3,000.00 Increase

Reallocate funds for travel - Sheriff's Dept

Item #2	54110-170	Resource Officers	\$ 700.00	Decrease
	54110-353	Tow-In Services		\$ 700.00 Increase

Reallocate funds for tow-in services - Sheriff's Dept

Item #3	44170	Miscellaneous Refunds	\$ 600.00	Decrease
	54110-353	Tow-In Services		\$ 600.00 Increase

Reimbursement from various people for tow-in services

Item #4	44170	Miscellaneous Refunds	\$ 1,590.00	Decrease
	54110-716	Law Enforcement Equipment		\$ 1,590.00 Increase

Reimbursement from the State for Handgun Background Checks

Item #5	44170	Miscellaneous Refunds	\$ 110.00	Decrease
	54110-307	Communications		\$ 110.00 Increase

Refund from TCS Wireless

Item #6	44170	Miscellaneous Refunds	\$ 50,124.20	Decrease
	54210-507	Medical Claims		\$ 50,124.20 Increase

Refund from state for inmate medical claims

Item #7	40110	Current Property Tax	\$ 16,121.00	Decrease
	51300-540	Tax Relief		\$ 16,121.00 Increase

2012 Tax Relief

Item #8	47660	FHA Grant	\$ 2,955.93	Decrease
	58130-599	Other Charges		\$ 2,955.93 Increase

2010 HOME Grant / Close-out payment

Item #9	46420	State Aid Program	\$ 196,249.85	Decrease
	58190-399-61	Other Contracted Services		\$ 196,249.85 Increase

Recognize payments for Water Line Grant

Item #10	46990	Other State Revenue	\$ 124,164.57	Decrease
	58900-399	Other Contracted Services		\$ 124,164.57 Increase

Recognize payment through Railroad Authority

Item #11	44170	Miscellaneous Refunds	\$ 992.00	Decrease
	54110-196	In-Service Training		\$ 992.00 Increase

Reimbursement for training for David Muncy-Sheriff's Dept

Item #12	53900-194	Jury & Witness Fees	\$ 150.00	Decrease
	53900-599	Other Charges		\$ 150.00 Increase

Reallocate funds to cover legal notices- Juries

Item #13	44150	Sale of Animals	\$ 70.00	Decrease
	55120-599	Other Charges		\$ 70.00 Increase

Refund on adopted puppy-Animal Shelter

Item #14	46210	Law Enforcement Training	\$ 7,600.00	Decrease
	54110-140	Salary Supplements		\$ 7,600.00 Increase

St of TN Officers Salary Supplements

Item #15	41590	Other Permits	\$ 12,345.00	Decrease
	58900-361	Permits		\$ 12,345.00 Increase

State Building Permits

Item #16	43395	Sexual Offender Reg Fee	\$ 550.00	Decrease
	54110-599	Other Charges		\$ 550.00 Increase

Registration Fees for Sexual Offenders

Item #17	47235	Homeland Security Grant	\$ 19,016.90	Decrease
	54490-599-31	Other Charges		\$ 19,016.90 Increase

Reallocate Homeland Security Grant Funds

Item #18	34161	Reserved for Register	\$ 5,200.00	Decrease
	51600-317	Data Processing Services		\$ 5,200.00 Increase

Transfer from reserve for scanning of survey books.

Item #19	53400-355	Travel	\$ 1,510.00	Decrease
	53400-435	Office Supplies		\$ 1,000.00 Increase
	53400-334	Maintenance Agreements		\$ 510.00 Increase

Reallocate for purchase of supplies and annual support for Laserfiche LSAP in Chancery.

Item #20	64000-160	Guards	\$ 13,300.00	Decrease
	64000-429	Instructional Supplies & Materials		\$ 8,000.00 Increase
	64000-499	Other Supplies & Materials		\$ 3,000.00 Increase
	64000-599	Other Charges		\$ 2,300.00 Increase

Reallocate funds in Litter Program (see attached letter).

Item #21	54610-499	Other Supplies & Materials	\$ 1,000.00	Decrease
	54610-199	Other Per Diem & Fees		\$ 1,000.00 Increase

Reallocate funds in Coroner's Budget.

Item #22	55120-599	Other Charges	\$ 30.00	Decrease
	55120-338	Maintenance & Repair-Vehicles		\$ 30.00 Increase

Reallocate funds within the Animal Shelter Budget.

Item #23	43370	Telephone Commissions	\$ 11,333.04	Decrease
	54110-399	Other Contracted Services		\$ 11,333.04 Increase

Allocate Securis payments for Pamet and Jail Tracker fees.

Item #24	51720-162	Clerical Personnel	\$ 3,500.00	Decrease
	51720-189	Other Salaries & Wages		\$ 3,500.00 Increase
	51720-338	Maintenance & Repair Vehicles		\$ 150.00 Increase
	51720-719	Office Equipment	\$ 150.00	Decrease

To reallocate funds within the Planning Budget.

Item #25	54240-355	Travel	\$ 187.40	Decrease
	54240-435	Office Supplies	\$ 99.00	Decrease
	54240-719	Office Equipment		\$ 286.40 Increase

To Reallocate Funds within the Youth Services Budget.

Item #26	39000	Fund Balance	\$ 21,000.00	Decrease
	54240-309	Contracts with Government Agencies		\$ 21,000.00 Increase

Additional funds for housing juveniles

Item #27	39000	Fund Balance	\$ 21,000.00	Decrease
	51400-331	Legal Fees		\$ 21,000.00 Increase

Additional funds for Legal Fees

Item #28	39000	Fund Balance	\$ 453.50	Decrease
	58400-505	Judgments		\$ 453.50 Increase

Additional cost for Minton court case.

Item #29	39000	Fund Balance	\$ 332.66	Decrease
	54900-191	Board & Committee Fees		\$ 300.00 Increase
	54900-201	Social Security		\$ 9.30 Increase
	54900-204	State Retirement		\$ 21.18 Increase
	54900-212	Employer Medicare		\$ 2.18 Increase

Allocate additional funds for Civil Service Board.

Total			\$ 515,435.05	Decrease
				\$ 515,435.05 Increase

**Solid Waste Fund #116**  
**Budget Amendment #4**  
 20-May-13

<b>Item #1</b>	55754-599 Other Charges		\$	1,000.00	Decrease
	55754-451 Uniforms		\$	1,000.00	Increase

To reallocate funds to cover uniform costs.

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<b>Total</b>		\$	1,000.00	\$	1,000.00
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**Carter County Highway Department**  
**Fund 131**  
**Budget Amendment #1**

<b>Item #1</b>	61000-719 Office Equipment		\$	1,400.00	Decrease
	61000-708 Commnication Equipment		\$	1,400.00	Increase

To reallocate funds for purchase of radios.

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<b>Total</b>		\$	1,400.00	\$	1,400.00
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**Carter County Schools**  
**General Fund 141**  
**Budget Amendment #7**

<b>Item #1</b>	47990 Other Direct Federal Revenue		\$	151,200.36	Increase
	71100-195-810 Substitute Teachers	\$	8,447.31		Increase
	72210-355-810 Travel	\$	3,979.80		Increase
	72210-399-810 Other Contracted Services	\$	119,293.01		Increase
	72210-435-810 Office Supplies	\$	128.97		Increase
	72210-524-810 In-Service/Staff Development	\$	18,631.27		Increase
	72210-599-810 Other Charges	\$	720.00		Increase

To recognize Teaching American History Grant.

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<b>Item #2</b>	72810-355-190 Travel		\$	2,700.00	Decrease
	72810-336-190 Maintenance & Repair Sys-Equip	\$	2,700.00		Increase

To reallocate funds within the Technology Budget.

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<b>Item #3</b>	72210-524 Staff Development		\$	4,094.23	Decrease
	71100-722 Instructional Equipment		\$	15,952.78	Decrease
	71100-499 Other Supplies & Materials	\$	20,047.01		Increase

To reallocate funds within the Technology Budget.

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<b>Total</b>	\$	173,947.37	\$	173,947.37
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**Carter County Schools**  
**General Fund 141**  
**Budget Amendment #8**

Item #1	71100-116	Teachers		\$	123,500.00	Decrease
	71100-163	Educational Assistants		\$	2,500.00	Decrease
	71100-198	Non-Certified Substitutes	\$	45,000.00		Increase
	71100-201	Social Security		\$	300.00	Decrease
	71100-204	State Retirement		\$	600.00	Decrease
	71100-206	Life Insurance		\$	50.00	Decrease
	71100-207	Medical Insurance		\$	10,100.00	Decrease
	71100-208	Dental Insurance		\$	10,850.00	Decrease
	71100-210	Unemployment Compensation		\$	50.00	Decrease
	71100-299	Other Fringe Benefits		\$	49,350.00	Decrease
	71100-449	Textbooks		\$	5,000.00	Decrease
	71150-201	Social Security		\$	280.00	Decrease
	71150-207	Medical Insurance	\$	242.00		Increase
	71150-208	Dental Insurance	\$	38.00		Increase
	72120-131	Medical Personnel	\$	7,500.00		Increase
	72120-201	Social Security	\$	300.00		Increase
	72120-204	State Retirement	\$	600.00		Increase
	72120-206	Life Insurance	\$	30.00		Increase
	72120-207	Medical Insurance	\$	10,100.00		Increase
	72120-208	Dental Insurance	\$	750.00		Increase
	72120-210	Unemployment Compensation	\$	50.00		Increase
	72130-123	Guidance Personnel	\$	1,300.00		Increase
	72130-127	Career Ladder Extended Contracts		\$	1,300.00	Decrease
	72130-164	Attendants	\$	7,500.00		Increase
	72130-189	Other Salaries and Wages		\$	5,000.00	Decrease
	72130-201	Social Security		\$	1,000.00	Decrease
	72130-204	State Retirement		\$	4,075.00	Decrease
	72130-207	Medical Insurance	\$	9,600.00		Increase
	72130-208	Dental Insurance	\$	35.00		Increase
	72130-210	Unemployment Compensation	\$	40.00		Increase
	72210-129	Librarians		\$	300.00	Decrease
	72210-189	Other Salaries and Wages	\$	300.00		Increase
	72210-201	Social Security		\$	850.00	Decrease
	72210-204	State Retirement	\$	850.00		Increase
	72210-336	Maintenance & Repair Svs-Equip	\$	23,000.00		Increase
	72210-362	Penalties	\$	200.00		Increase
	72210-399	Other Contracted Services	\$	3,000.00		Increase
	72210-432	Library Books	\$	5,000.00		Increase
	72210-499	Other Supplies & Materials		\$	9,000.00	Decrease
	72210-599	Other Charges		\$	3,200.00	Decrease
	72215-189	Other Salaries and Wages		\$	300.00	Decrease
	72215-207	Medical Insurance	\$	250.00		Increase
	72215-208	Dental Insurance	\$	40.00		Increase
	72215-210	Unemployment Compensation	\$	10.00		Increase
	72230-204	State Retirement		\$	75.00	Decrease
	72230-207	Medical Insurance	\$	60.00		Increase
	72230-208	Dental Insurance	\$	15.00		Increase

72310-204	State Retirement		\$	10.00	Decrease
72310-210	Unemployment Compensation	\$	10.00		Increase
72310-320	Dues and Memberships	\$	2,320.00		Increase
72310-331	Legal Services		\$	2,320.00	Decrease
72320-161	Secretary	\$	23,000.00		Increase
72320-201	Social Security	\$	250.00		Increase
72320-204	State Retirement	\$	6,000.00		Increase
72320-207	Medical Insurance	\$	3,000.00		Increase
72320-212	Employer Medicare	\$	100.00		Increase
72320-307	Communications		\$	14,000.00	Decrease
72320-435	Office Supplies		\$	1,050.00	Decrease
72320-499	Other Supplies & Materials	\$	50.00		Increase
72320-524	In Service/Staff Development	\$	1,000.00		Increase
72410-104	Principals	\$	62,750.00		Increase
72410-139	Assistant Principals		\$	52,000.00	Decrease
72410-161	Secretary	\$	9,000.00		Increase
72410-189	Other Salaries and Wages	\$	41,000.00		Increase
72410-201	Social Security	\$	1,450.00		Increase
72410-204	State Retirement	\$	8,300.00		Increase
72410-206	Life Insurance	\$	20.00		Increase
72410-207	Medical Insurance	\$	22,000.00		Increase
72410-208	Dental Insurance	\$	500.00		Increase
72410-210	Unemployment Compensation	\$	150.00		Increase
72410-212	Employer Medicare	\$	350.00		Increase
72610-166	Custodial Personnel	\$	32,000.00		Increase
72610-201	Social Security	\$	1,500.00		Increase
72610-210	Unemployment Compensation	\$	250.00		Increase
72610-212	Employer Medicare	\$	400.00		Increase
72610-359	Disposal Fees	\$	100.00		Increase
72610-399	Other Contracted Services	\$	62,800.00		Increase
72610-434	Natural Gas		\$	104,950.00	Decrease
72610-454	Water and Sewer	\$	7,900.00		Increase
72620-105	Supervisor/Director	\$	4,000.00		Increase
72620-167	Maintenance Personnel		\$	7,000.00	Decrease
72620-204	State Retirement		\$	1,500.00	Decrease
72620-207	Medical Insurance	\$	1,500.00		Increase
72620-208	Dental Insurance	\$	100.00		Increase
72620-210	Unemployment Compensation		\$	100.00	Decrease
72620-329	Laundry Service	\$	3,000.00		Increase
72620-359	Disposal Fees	\$	200.00		Increase
72620-426	Construction Materials		\$	200.00	Decrease
72710-146	Bus Drivers		\$	2,500.00	Decrease
72710-204	State Retirement		\$	1,000.00	Decrease
72710-207	Medical Insurance	\$	2,500.00		Increase
72710-208	Dental Insurance	\$	450.00		Increase
72710-210	Unemployment Compensation	\$	550.00		Increase
72710-313	Contracts with Parents	\$	500.00		Increase
72710-315	Contracts with Vehicle Owners		\$	2,500.00	Decrease
72710-329	Laundry Service	\$	2,000.00		Increase
72710-425	Gasoline		\$	14,000.00	Decrease
72710-450	Tires and Tubes	\$	7,000.00		Increase

72710-499	Other Supplies & Materials	\$	1,000.00	Increase
72710-599	Other Charges	\$	6,000.00	Increase
72810-121	Data Processing Personnel	\$	1,250.00	Increase
72810-204	State Retirement	\$	75.00	Increase
72810-207	Medical Insurance	\$	650.00	Increase
72810-208	Dental Insurance	\$	25.00	Increase
72810-355	Travel	\$	2,000.00	Decrease
72810-499	Other Supplies & Materials	\$	100.00	Decrease
72810-524	In Service/Staff Development	\$	100.00	Increase

To reallocate funds within the 12-13 Budget.

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<b>Item #2</b>	34330 Reserved for Capital Outlay		\$	316,778.00	Decrease
	76100-707 Building Improvements	\$	300,158.00	Increase	
	76100-304 Architects	\$	16,620.00	Increase	

To budget roof projects from Referendum Reserve.

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<b>Item #3</b>	35120 Reserved for Energy Savings Projects		\$	50,523.19	Decrease
	72620-712 Heating and A/C Equipment	\$	6,647.69	Increase	
	76100-707 Building Improvements	\$	43,875.50	Increase	

To budget from JCI Reserve for Hunter Elementary gym heaters and High School gym lighting.

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<b>Item #4</b>	34330 Reserved for Capital Outlay		\$	161,975.00	Decrease
	76100-708 Communication Equipment	\$	161,975.00	Increase	

To budget Security Equipment Upgrades from Referendum Reserve.

---

Total \$ 962,186.19 \$ 962,186.19

**Carter County Schools**  
**General Fund 141**  
**Budget Amendment #9**

<b>Item #1</b>	76100-706 Building Construction		\$	108,790.00	Decrease
	72710-729 Transportation Equipment	\$	108,790.00	Increase	

To reallocate funds for purchase of two 29-passenger buses.

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Total \$ 108,790.00 \$ 108,790.00

## By-laws of the Elizabethton-Carter County Public Library

### ARTICLE I: NAME AND PURPOSE

The Elizabethton-Carter County Public Library Board is established in accordance with Tennessee Code Annotated 10-5-101, *et seq.*, as amended.

The Elizabethton-Carter County Public Library (ECCPL) shall serve the City of Elizabethton and Carter County, as well as surrounding areas.

The Board's duties and responsibilities are in accordance with the State of Tennessee law.

The mission of ECCPL is to provide a full range of library services to residents and guests of all ages, aiding and supporting their civic, cultural, educational, intellectual, and recreational endeavors.

### ARTICLE II: MEMBERS

As specified in the Tennessee Code Annotated 10-3-103 (2012):

Except as provided in subdivision (a)(2), where a county legislative body and/or the governing body of a city or town, in lieu of giving support to a free public library already established, or of contracting with another library for library service, or of contracting with other counties and/or cities for joint operation of a free public library, establishes an independent free library of its own, it shall appoint a board of not less than seven (7) nor more than eleven (11) members. Not more than one (1) official each of the county or the city governing bodies shall serve on this board. The members shall serve without salary, at least three (3) for one (1) year, two (2) for two (2) years, and two (2) for three (3) years. If the board expands to more than seven (7) members as provided in this subdivision (a)(1), the additional members shall be appointed by the county legislative body and/or the governing body of a city or town to terms of one (1), two (2) or three (3) years. All successors shall serve for terms of three (3) years.

The Elizabethton-Carter County Public Library Board shall be comprised of nine (9) members. Five (5) members of the Board shall be appointed by the Mayor of the City of Elizabethton. Two (2) members shall be appointed by the Carter County Commission. The Business & Professional Women's Club of Elizabethton shall get one seat, and the Friends of the Library shall get one seat.

A member may be replaced following three consecutive unexcused absences from regular board meetings.

### ARTICLE III: OFFICERS

The elected officers of the Board shall be a Chair, a Vice-Chair, and a Secretary. Their term of office shall be for two (2) years, coinciding with the City's fiscal year and shall remain in office until their successors are elected and installed. The Chairman of the Board shall preside at all meetings, appoint all committees, authorize calls for any special meetings, and generally perform the duties of a presiding officer. In the absence of the Chairman from a board meeting, the Vice-chairman shall preside. Officers shall be elected at the last meeting of the year to take office July 1. They shall be elected at the last regular meeting of the fiscal year, assume office at the beginning of the ensuing fiscal year, and remain in office until their successors are elected.

Any individual elected to the position of Chair must have at least one year of service on the Board prior to installation as Chair. A vacancy in any office may be filled at any regular meeting of the Board, or at any special meeting of the Board to which the notice includes the intent to fill an officer vacancy. No officer shall be elected for more than three successive terms not to exceed six consecutive years. The Chair may appoint an Executive Committee to make such necessary decisions and recommendations as arise between regular Board meetings. The Library Director shall be a non-voting member of the Executive Committee. Decisions of the committee must be reviewed and be approved by the entire Board at the next meeting. The Secretary shall keep a true and accurate account of all proceedings of the board meetings; shall have custody of the minutes and other records of the board; shall notify the appointing body of any vacancies on the board. The minutes and records, once approved, shall be housed at the Library.

### ARTICLE IV: COMMITTEES

The Chair may appoint committees as needed including: Long-Range Planning, Minimum Standards and Library Compliance, and/or other committees for program review, investigation, or recommendations concerning relevant special library issues.

The Chair shall be an ex officio member of all committees.

The Library Director shall be a non-voting member of all committees.

### ARTICLE V: MEETINGS

Meetings of the Board shall be held bi-monthly. All members will be notified at least one week before the meeting.

Special meetings may be held at any time at the call of the Chair, provided that notice with the reason for the meeting thereof is given to all members at least one week in advance of the special meeting.

Adequate public notice of meetings should be given. All meetings of the Board and its committees shall be open to the public and shall be held in compliance with the Tenn. Code Ann. 8-44-101, *et seq.*, as amended.

#### ARTICLE VI: QUORUM

A quorum for the transaction of business shall consist of a simple majority of members of the board.

Once a quorum is established at a meeting, it shall remain in effect until the meeting is adjourned.

#### ARTICLE VII: ORDER OF BUSINESS

The agenda at all regular meetings of the Board may include the following items:

- Call to order
- Public comment
- Disposition of the minutes of previous meeting
- Financial report
- Report of the library director
- Staff reports
- Other reports
- Reports of committees
- Communications
- Unfinished business
- New business
- Adjournment

#### ARTICLE VIII: LIBRARY DIRECTOR

The Library Director shall be the chief administrative officer for the Board, acting in compliance with Tenn. Code Ann. 10-5-101, *et seq.*, and all other appropriate municipal, state and federal laws, rules, and regulations.

#### ARTICLE IX: PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Board may adopt.

#### ARTICLE X: AMENDMENTS

Amendments to these bylaws may be proposed at any regular meeting but may become effective only after a majority vote at the next regular meeting at which a quorum is present. Any of the forgoing rules may be temporarily suspended by a unanimous vote of all the members present at any meeting at which a quorum is present and the vote on such suspensions shall be taken by yeas and nays and entered in the official record.

BEFORE THE COUNTY COMMISSION

OF CARTER COUNTY, TENNESSEE

REGULAR MEETING, May 20, 2013

RESOLUTION NO. 585

**RESOLUTION TO ESTABLISH AN UPDATED OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN, DEVISE RULES AND REGULATIONS, AND TO PROVIDE FOR A SAFETY DIRECTOR AND THE IMPLEMENTATION OF SUCH PROGRAM PLAN**

WHEREAS, in compliance with Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, the Carter County Commission hereby updates the Occupational Safety and Health Program Plan for our employees.

WHEREAS, due to various changes in subsequent years, it has become necessary to amend the program plan to comply with more recent state requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Carter County Commission, meeting in regular session, on this 20th day of May, 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 occupational safety and health program plan is hereby adopted and amended to read as follows:

**TITLE:**

This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of Carter County.

**PURPOSE:**

The Carter County Commission, in electing to update the established Program Plan will maintain an effective and comprehensive Occupational Safety and Health Program Plan for its employees and shall:

- 1) Provide a safe and healthful place and condition of employment that includes:
  - a) Top Management Commitment and Employee Involvement;
  - b) Continually analyze the worksite to identify all hazards and potential hazards;
  - c) Develop and maintain methods for preventing or controlling the existing or potential hazards;  
and
  - d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- 2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- 3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

4) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

5) Consult with the Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the State.

6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this Program Plan, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this Program Plan.

#### COVERAGES:

The provisions of the Occupational Safety and Health Program Plan for the employees of Carter County shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent.

#### STANDARDS AUTHORIZED:

The Occupational Safety and Health standards adopted by the Carter County Commission are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (T.C.A. Title 50, Chapter 3).

#### VARIANCES FROM STANDARDS AUTHORIZED:

Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized by T.C.A., Title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees.

#### ADMINISTRATION:

For the purposes of this resolution, the County Mayor will designate the Safety Director of Occupational Safety and Health to perform duties and to exercise powers assigned to plan, develop, and administer this Program Plan. The Safety Director shall develop a plan of operation for the Program Plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by T.C.A., Title 50.

#### FUNDING THE PROGRAM PLAN:

Sufficient funds for administering and staffing the Program Plan pursuant to this resolution shall be made available as authorized by the Carter County Commission.

BE IT FURTHER RESOLVED, that if any section, sub-section, sentence, clause, phrase, or portion of this resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

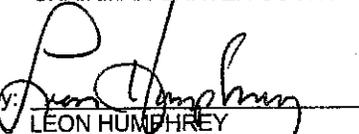
BE IT FURTHER RESOLVED, that this resolution shall take effect from and after the date it shall have been passed, properly signed, certified, and has met all other legal requirements, and as otherwise provided by law, the general welfare of the County requiring it.

- Adopted this 20th day of May, 2013.

CARTER COUNTY, TENNESSEE

APPROVED:

By:   
THOMAS BOWERS  
CHAIRMAN CARTER COUNTY COMMISSION

By:   
LEON HUMPHREY  
CARTER COUNTY MAYOR

VETOED:

By: \_\_\_\_\_  
LEON HUMPHREY  
CARTER COUNTY MAYOR

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

VETO OVERRIDE VOTE:

\_\_\_\_\_ YES VOTES  
\_\_\_\_\_ NO VOTES  
\_\_\_\_\_ ABSTAIN VOTES

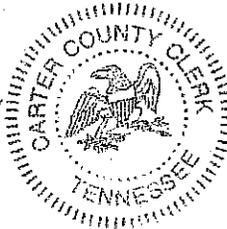
APPROVED WITH SUCCESSFUL OVERRIDE VOTE:

By: \_\_\_\_\_  
THOMAS BOWERS  
CHAIRMAN CARTER COUNTY COMMISSION

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

ATTEST:

*Mary Gouge*  
\_\_\_\_\_  
MARY GOUGE  
CARTER COUNTY CLERK



APPROVED AS TO FORM:

*Keith Bowers, Jr.*  
\_\_\_\_\_  
KEITH BOWERS, JR.  
CARTER COUNTY ATTORNEY

PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND HEALTH  
PROGRAM PLAN FOR THE EMPLOYEES OF CARTER COUNTY, TENNESSEE

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I. PURPOSE AND COVERAGE

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program Plan for the employees of Carter County, Tennessee.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

Carter County, Tennessee in electing to update and maintain an effective Occupational Safety and Health Program Plan for its employees,

- a. Provide a safe and healthful place and condition of employment.
- b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Safety Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.
- e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
- f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine Program Plan effectiveness and compliance with the occupational safety and health standards.
- g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the Occupational Safety and Health Program Plan.
- h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this Program Plan, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health.

II. DEFINITIONS

For the purposes of this Program Plan, the following definitions apply:

- a. COMMISSIONER OF LABOR and Workforce Development means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the

Commissioner of Labor and Workforce Development.

- b. **EMPLOYER** means Carter County, Tennessee and includes each administrative department, board, commission, division, or other agency of the Carter County, Tennessee.
- c. **SAFETY DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH** or **SAFETY DIRECTOR** means the person designated by the establishing resolution, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the Occupational Safety and Health Program Plan for the employees of Carter County, Tennessee.
- d. **INSPECTOR(S)** means the individual(s) appointed or designated by the Safety Director of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Safety Director of Occupational Safety and Health.
- e. **APPOINTING AUTHORITY** means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal there from for a specific department, board, commission, division, or other agency of this employer.
- f. **EMPLOYEE** means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as volunteers provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.
- g. **PERSON** means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.
- h. **STANDARD** means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.
- i. **IMMINENT DANGER** means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.
- j. **ESTABLISHMENT** or **WORKSITE** means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
- k. **SERIOUS INJURY** or **HARM** means that type of harm that would cause permanent or prolonged impairment of the body in that:
  - 1. A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
  - 2. A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

- l. **ACT** or **TOSH Act** shall mean the Tennessee Occupational Safety and Health Act of 1972.

- m. GOVERNING BODY means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.
- n. CHIEF EXECUTIVE OFFICER means the chief administrative official, County Judge, County Chairman, County Mayor, Mayor, City Manager, General Manager, etc., as may be applicable.

### III. EMPLOYER'S RIGHTS AND DUTIES

Rights and duties of the employer shall include, but are not limited to, the following provisions:

- a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.
- b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
- c. Employer shall refrain from and unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employers place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.
- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- f. Employer is entitled to protection of its legally privileged communication.
- g. Employer shall inspect all worksites to insure the provisions of this Program Plan are complied with and carried out.
- h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
- i. Employer shall notify all employees of their rights and duties under this Program Plan.

### IV. EMPLOYEE'S RIGHTS AND DUTIES

Rights and duties of employees shall include, but are not limited to, the following provisions:

- a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this Program Plan and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
- b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSH Act or any standard or regulation promulgated under the Act.
- c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the

Act.

- d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this Program Plan may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.
- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- f. Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Safety Director or Inspector at the time of the physical inspection of the worksite.
- g. Any employee may bring to the attention of the Safety Director any violation or suspected violations of the standards or any other health or safety hazards.
- h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this Program Plan.
- i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Safety Director. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.
- j. Nothing in this or any other provisions of this Program Plan shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety or others or when a medical examination may be reasonably required for performance of a specific job.
- k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the Safety Director within twenty-four (24) hours after the occurrence.

## V. ADMINISTRATION

- a. The Safety Director of Occupational Safety and Health is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program Plan.
  - 1. The Safety Director may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this Program Plan.
  - 2. The Safety Director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Safety Director.
  - 3. The Safety Director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this Program Plan.
  - 4. The Safety Director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this

Program Plan.

5. The Safety Director shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.
  6. The Safety Director shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.
  7. The Safety Director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
  8. The Safety Director shall maintain or cause to be maintained records required under Section VIII of this plan.
  9. The Safety Director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees insure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours.
- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this Occupational Safety and Health Program Plan within their respective areas.
1. The administrative or operational head shall follow the directions of the Safety Director on all issues involving occupational safety and health of employees as set forth in this plan.
  2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Safety Director within the abatement period.
  3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
  4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Safety Director along with his findings and/or recommendations in accordance with APPENDIX IV of this plan.

#### VI. STANDARDS AUTHORIZED

The standards adopted under this Program Plan are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees. Note: 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; and the Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, CHAPTER 0800-01-1 through CHAPTER 0800-01-11 are the standards and rules invoked.

#### VII. VARIANCE PROCEDURE

The Safety Director may apply for a variance as a result of a complaint from an employee or of his

knowledge of certain hazards or exposures. The Safety Director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

- a. The application for a variance shall be prepared in writing and shall contain:
  1. A specification of the standard or portion thereof from which the variance is sought.
  2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
  3. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
  4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
  5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.
- b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.
- c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
  1. The employer
    - i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.
    - ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
    - iii. Has an effective Program Plan for coming into compliance with the standard as quickly as possible.
  2. The employee is engaged in an experimental Program Plan as described in subsection (b), section 13 of the Act.
- d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.
- e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.
- f. The order or interim order granting a variance shall be posted at the worksite and employees

notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

#### VIII. RECORDKEEPING AND REPORTING

Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet. You can get a copy of the Forms for Recordkeeping from the internet. Go to [www.osha.gov](http://www.osha.gov) and click on Recordkeeping Forms located on the home page.

The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix IV to this plan.

Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix IV to this plan. The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, OCCUPATIONAL SAFETY AND HEALTH RECORD-KEEPING AND REPORTING, CHAPTER 0800-01-03, as authorized by T.C.A., Title 50.

#### IX. EMPLOYEE COMPLAINT PROCEDURE

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Safety Director of Occupational Safety and Health.

- a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).
- b. Upon receipt of the complaint letter, the Safety Director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Safety Director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.
- c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.
- d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken

or to be taken.

- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the Safety Director and the Chief Executive Officer or the representative of the governing body.
- f. Copies of all complaint and answers thereto will be filed by the Safety Director who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

#### X. EDUCATION AND TRAINING

##### a. Safety Director and/or Compliance Inspector(s):

1. Arrangements will be made for the Safety Director and/or Compliance Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies. A list of Seminars can be obtained.
2. Access will be made to reference materials such as 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; The Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, and other equipment/supplies, deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

##### b. All Employees (including supervisory personnel):

A suitable safety and health training program for employees will be established. This program will, at a minimum:

1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employees work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.
2. Instruct employees who are required to handle or use poisons, acids, caustics, toxicants, flammable liquids, or gases including explosives, and other harmful substances in the proper handling procedures and use of such items and make them aware of the personal protective measures, person hygiene, etc., which may be required.
3. Instruct employees who may be exposed to environments where harmful plants or animals are present, of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.
4. Instruct all employees of the common deadly hazards and how to avoid them, such as Falls; Equipment Turnover; Electrocution; Struck by/Caught In; Trench Cave In; Heat Stress and Drowning.
5. Instruct employees on hazards and dangers of confined or enclosed spaces.

- i. Confined or enclosed space means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks,

boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4)-in depth such as pits, tubs, vaults, and vessels.

- ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.
- iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

#### XI. = GENERAL INSPECTION PROCEDURES

It is the intention of the governing body and responsible officials to have an Occupational Safety and Health Program Plan that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

- a. In order to carry out the purposes of this Resolution, the Safety Director and/or Compliance Inspector(s), if appointed, is authorized:
  1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;
  2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.
- b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Safety Director or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.
- c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Safety Director or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.
- d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.
- e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.
- f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.
- g. Advance Notice of Inspections.

1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create misleading impression of conditions in an establishment.
  2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.
- h. The Safety Director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:
1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Safety Director.
  2. Records are made of the inspections, any discrepancies found and corrective actions taken. This information is forwarded to the Safety Director.
- i. The Safety Director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Those inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

## XII. IMMEDIATE DANGER PROCEDURES

- a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
1. The Safety Director shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.
  2. If the alleged imminent danger situation is determined to have merit by the Safety Director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.
  3. As soon as it is concluded from such inspection that conditions or practices exist which constitutes an imminent danger, the Safety Director or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
  4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Safety Director or Compliance Inspector and to the mutual satisfaction of all parties involved.
  5. The imminent danger shall be deemed abated if:
    - i. The imminence of the danger has been eliminated by removal of employees from the area of danger.
    - ii. Conditions or practices which resulted in the imminent danger have been eliminated or

corrected to the point where an unsafe condition or practice no longer exists.

6. A written report shall be made by or to the Safety Director describing in detail the imminent danger and its abatement. This report will be maintained by the Safety Director in accordance with subsection (i) of Section XI of this plan.

b. Refusal to Abate.

1. Any refusal to abate an imminent danger situation shall be reported to the Safety Director and Chief Executive Officer immediately.
2. The Safety Director and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

### XIII. ABATEMENT ORDERS AND HEARINGS

a. Whenever, as a result of an inspection or investigation, the Safety Director or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Safety Director shall:

1. Issue an abatement order to the head of the worksite.
2. Post or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.

b. Abatement orders shall contain the following information:

1. The standard, rule, or regulation which was found to be violated.
2. A description of the nature and location of the violation.
3. A description of what is required to abate or correct the violation.
4. A reasonable period of time during which the violation must be abated or corrected.

c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Safety Director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Safety Director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Safety Director shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

### XIV. PENALTIES

- a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this Program Plan.
- b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject

to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:

1. Oral reprimand.
2. Written reprimand.
3. Suspension for three (3) or more working days.
4. Termination of employment.

#### XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the Safety Director pursuant to this plan of operation or the legislation (resolution, or executive order) enabling this Occupational Safety and Health Program Plan which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this Program Plan or when relevant in any proceeding under this Program Plan. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

#### XVI. DISCRIMINATION INVESTIGATIONS AND SANCTIONS

The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, DISCRIMINATION AGAINST EMPLOYEES EXERCISING RIGHTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 0800-01-08, as authorized by T.C.A., Title 50. The agency agrees that any employee who believes they have been discriminated against or discharged in violation of Tenn. Code Ann § 50-3-409 can file a complaint with their agency or Safety Director within 30 days, after the alleged discrimination occurred. Also, the agency agrees the employee has a right to file their complaint with the Commissioner of Labor and Workforce Development within the same 30 day period. The Commissioner of Labor and Workforce Development may investigate such complaints, make recommendations, and/or issue a written notification of a violation.

#### XVII. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

- a. Compliance with any other law, statute, resolution, or executive order, which regulates safety and health in employment and places of employment, shall not excuse the employer, the employee, or any other person from compliance with the provisions of this Program Plan.
- b. Compliance with any provisions of this Program Plan or any standard, rule, regulation, or order issued pursuant to this Program Plan shall not excuse the employer, the employee, or any other person from compliance with the law, statute, resolution, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, resolution, or executive order, as applicable, is specifically repealed.

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Signature: Safety Director, Occupational Safety and Health and Date

**APPENDIX - I WORK LOCATIONS  
(ORGANIZATIONAL CHART)**

<b>LOCATION</b>	<b>NUMBER OF EMPLOYEES</b>
Carter County Courthouse 801 East Elk Avenue Elizabethton, TN 37643 423-542-1801	63
Carter County Courthouse Annex 901 East Elk Avenue Elizabethton, TN 37643 423-542-1825	20
Carter County Sheriff's Department 900 East Elk Avenue Elizabethton, TN 37643 423-542-1845	137
Carter County Health Department 403 East G Street Elizabethton, TN 37643 423-543-2521	11
Carter County Highway Department 1246 Stateline Road Elizabethton, TN 37643 423-543-2331	36
Carter County Landfill 169 Landfill Road Elizabethton, TN 37643 423-543-6626	10
Carter County School System Central Office 305 Academy Street Elizabethton, TN 37643 423-547-4000	78

Central Elementary School 252 Taylortown Road Johnson City, TN 37601 423-547-4045	42
Cloudland Elementary School 8540 Highway 19E Roan Mountain, TN 37687 423-772-5310	53
Cloudland High School 476 Cloudland Drive Roan Mountain, TN 37687 423-772-5300	44
Hampton Elementary School 408 Highway 321 Hampton, TN 37658 423-725-5220	93
Hampton High School 766 1 <sup>st</sup> Avenue Hampton, TN 37658 423-725-5220	51
Happy Valley Elementary 1840 Milligan Highway Johnson City, TN 37601 423-547-4028	73
Happy Valley Middle School 163 Warpath Lane Elizabethton, TN 37643 423-547-4070	56
Happy Valley High School 121 Warpath Lane Elizabethton, TN 37643 423-547-4094	62

Hunter Elementary School 145 Hope Street Elizabethton, TN 37643 423-547-4074	78
Keenburg Elementary School 139 Keenburg Road Elizabethton, TN 37643 423-547-4047	64
Little Milligan Elementary School 4226 Hwy 321 Butler, TN 37640 423-768-4400	26
Range Elementary School 655 Watauga Road Watauga, TN 37694 423-547-4037	24
Siam Learning Center Siam Road Elizabethton, TN 37643	7
Unaka Elementary School 120 Unaka Drive Elizabethton, TN 37643 423-474-4110	49
Unaka High School 119-A Robinson Lane Elizabethton, TN 37643 423-	52
Valley Forge Elementary School 1485 Riverview Drive Elizabethton, TN 37643 423-547-4085	52

School Transportation Department (Bus Garage) 81  
Stateline Road  
Elizabethton, TN 37643

School Maintenance Department 12  
305 Academy Street  
Elizabethton, TN 37643  
423-547-4000

TOTAL NUMBER OF EMPLOYEES : 1274 (as of April 8, 2013.)

#### APPENDIX – II NOTICE TO ALL EMPLOYEES

##### NOTICE TO ALL EMPLOYEES OF CARTER COUNTY, TENNESSEE

The Tennessee Occupational Safety and Health Act of 1972 provide job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Program Plan which are applicable to his or her own actions and conduct.

Each employee shall be notified by the placing upon bulletin boards or other places of common passage of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this Program Plan, may file a petition with the Safety Director or County Executive/Mayor.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this Program Plan.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program Plan for the Employees of Carter County, Tennessee is available for inspection by any employee at the County Executive/Mayor and Superintendent of Carter County Schools during regular office hours.

\_\_\_\_\_  
Leon Humphrey, Carter County Mayor

\_\_\_\_\_  
Date

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## APPENDIX - III PROGRAM PLAN BUDGET

### STATEMENT OF FINANCIAL RESOURCE AVAILABILITY

Be assured that Carter County has sufficient financial resources available or will make sufficient financial resources available as may be required in order to administer and staff its Occupational Safety and Health Program Plan and to comply with standards.

### APPENDIX - IV ACCIDENT REPORTING PROCEDURES

Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Safety Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor or the administrative head shall notify the Safety Director of the accident within seventy-two (72) hours after the accident occurred (four (4) hours in the event of accidents involving a fatality or the hospitalization of three (3) or more employees).

Records shall be maintained by the Safety Director and/or Safety Coordinator in the office of the Carter County School Superintendent if involving an employee of the Carter County School System. All fatalities or accidents involving hospitalization of three (3) or more employees shall be reported by the Safety Director or Coordinator in the office of the Carter County School Superintendent if involving employees of the Carter County School System to the Commissioner of Labor and Workforce Development within eight (8) hours.

Since Workers Compensation Form 6A or OSHA NO. 301 Form must be completed; all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employer's mailing address and state whether accident occurred on premises owned or operated by employer.
2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.

There are six important steps required by the OSHA recordkeeping system:

1. Obtain a report on every injury/illness requiring medical treatment (other than first aid);
2. Record each injury/illness on OSHA Form No. 300;
3. Prepare a supplementary record of occupational injuries and illnesses for recordable cases on either OSHA Form NO. 301 or worker's compensation reports giving the same information;
4. Every year, prepare the annual summary (OSHA Form No. 300A), post it by February 1 and keep it posted until April 30;
5. Retain these records for at least five (5) years;
6. Complete the Occupational Injury/Illness Survey, mail to OSHA upon request.

**APPENDIX – V EMPLOYEE DISCIPLINE PROCEDURES**

**CARTER COUNTY, TENNESSEE EMPLOYEE DISCIPLINE POLICY**

It is the policy of Carter County, Tennessee to be fair and uniform in the discipline of employees. It is the responsibility of the supervisor to counsel and instruct employees in order to help them develop safe work habits and satisfactory job performance. Employees may be discharged for misconduct and unsatisfactory work performance.

It is the responsibility of the supervisor to keep the department head informed of any Misconduct and unsatisfactory work performance of any employee in the department. Supervisors shall give written examples of misconduct and/or unsatisfactory performance, utilizing an Employee Discipline Form, and review the document with the employee involved. Both the employee and supervisor shall sign and date the document to indicate the matter was discussed during the performance review with the employee. If the employee refuses to sign the Employee Discipline Form, it shall be so noted by the supervisor. A copy of the document shall be given to the employee and the original copy placed in the employee's personnel file.

In the event disciplinary action is required, the department head, along with the employee's supervisor, will determine the appropriate disciplinary action to be taken. Each situation will be reviewed and handled by the supervisor, with the concurrence of the department head, on an individual case basis.

The following disciplinary actions may be taken:

First offense, if not serious enough to warrant suspension or discharge, an oral or written warning may be issued but a record of the oral warning will be placed in the employee's personnel file.

Second offense, if oral warning was given on the first offense, a written warning will now be given. If a written warning is given for the first offense, the employee will be suspended three (3) days without pay and issued a written warning that the third offense may result in termination of employment.

Third offense, the employee may be terminated and may not be eligible for rehire.

**CARTER COUNTY, TENNESSEE EMPLOYEE DISCIPLINE FORM**

1. Describe situation:

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2. Action taken to improve performance: (warning given, type additional training deeded.)

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3. Employee Remarks:

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Date

Signature of Supervisor

Date

Signature of Department Head

My signature indicated that the above matter was discussed with me. It does not indicate Agreement or disagreement with the report

Date

Signature of Employee

BEFORE THE COUNTY COMMISSION  
OF CARTER COUNTY, TENNESSEE  
REGULAR MEETING, MONDAY, MAY 20, 2013

RESOLUTION NO. 586

"RESOLUTION TO ACCEPT AND AUTHORIZE THE GRANT FROM THE STATE OF  
TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE CARTER COUNTY LITTER  
GRANT PROGRAM FOR FISCAL YEAR 2013 - 2014"

WHEREAS, Carter County has participated in a Litter Grant Program funded through the State of Tennessee Department of Transportation for several years; and

WHEREAS, the County intends to submit an application for fiscal year 2013 - 2014 for the Tennessee Department of Transportation Litter Grant Program; and

WHEREAS, the contract for the Grant for fiscal year 2013 - 2014 will impose certain legal obligations upon Carter County.

NOW, THEREFORE, BE IT RESOLVED, by the County Commission of Carter County, Tennessee, meeting in regular session at Elizabethton, Tennessee, on this 20<sup>th</sup> day of May, 2013, with a lawful quorum of said Commission being present and with a majority of said Commission voting in the affirmative, and;

SECTION 1. The legislative body of Carter County authorizes the Carter County Mayor to submit an application on behalf of Carter County for a Litter Grant Program for fiscal year 2013 - 2014 from the State of Tennessee Department of Transportation.

SECTION 2. That should said application be approved by the State of Tennessee Department of Transportation, then the legislative body of Carter County authorizes the Carter County Mayor to execute the contracts and/or other necessary documents, which may be required to signify acceptance of the Litter Grant Program by Carter County.

SECTION 3. All resolutions in conflict herewith be and the same are rescinded insofar as such conflict exists.

Adopted this 20<sup>th</sup> day of May, 2013.

CARTER COUNTY, TENNESSEE

APPROVED:

By: Thomas Bowers  
THOMAS BOWERS  
CHAIRMAN CARTER COUNTY COMMISSION

By: Leon Humphrey  
LEON HUMPHREY  
CARTER COUNTY MAYOR

VETOED:

By: \_\_\_\_\_  
LEON HUMPHREY  
CARTER COUNTY MAYOR

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

3 18 8  
VETO OVERRIDE VOTE:

\_\_\_\_\_ YES VOTES

\_\_\_\_\_ NO VOTES

\_\_\_\_\_ ABSTAIN VOTES

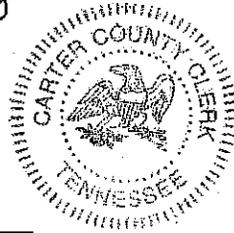
APPROVED WITH SUCCESSFUL OVERRIDE VOTE:

By: \_\_\_\_\_  
THOMAS BOWERS  
CHAIRMAN CARTER COUNTY COMMISSION

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

ATTEST:

*Mary Gouge*  
\_\_\_\_\_  
MARY GOUGE  
CARTER COUNTY CLERK



APPROVED AS TO FORM:

*Keith Bowers, Jr.*  
\_\_\_\_\_  
KEITH BOWERS, JR.  
CARTER COUNTY ATTORNEY