

April 10, 2017

**Highway Committee Meeting Agenda  
Carter County Highway Department**

Roll Call: Present: Collins, Dietz, Hill, Miller, Peters, Ward, VonCannon  
Absent: Simerly

**1) Approve minutes of previous session.**

Motion was made by Miller, seconded by Dietz to approve the minutes of the previous session. Motion passed by acclamation with all ayes, except for Commissioner VonCannon who mentioned that approval could not be given because the minutes were not present. The Chair pointed out that the minutes were included in the full commission packets each month, but from now on he would be sure to include them also with the committee agenda.

**2) Approve and current meeting agenda.**

Motion was made by Ward, seconded by VonCannon to approve the meeting agenda. Commissioner Hill noted the need to correct his spelling of "Jim McGee" for the permanent record. Motion passed by acclamation.

**3) Recess for public hearing: Bridge dedication for LCP Harold W. Wilson**

The meeting recessed for a public hearing on the proposed naming of a bridge in Happy Valley district after LCP Harold Wilson. Mr. Clayton Wilson, who was in attendance with several family members of the decedent, spoke in support of this proposal. Commissioner Lewis, who was in attendance asked for clarification as to where the bridge was located. There were no other comments on the matter. Once the meeting reconvened, Commissioner Dietz thanked Clayton and Don Wilson for coming out to support the measure. She then moved to direct County Attorney Hardin to prepare a resolution to make the naming request of the State Legislature. Motion was seconded by Ward, and after brief discussion, passed by unanimous rollcall vote.

**4) Citizen road concerns and other communications**

Mr. Todd Smith was recognized by the Chair. He addressed the committee regarding Appalachian Trail/Laurel Falls lower trail head parking & trail access issues on highway 321 in Hampton. He detailed the number of cars parking in the right of way, fender benders and encroachments on private property that occur there weekly, and asked that some resolution be put forth before there is a fatality in Carter County as a result. Next, before committee action was initiated, the Chair recognized Ms. Jean Rhea. Ms. Rhea then addressed the committee in a very impassioned manner regarding Appalachian Trail/Laurel Falls access issues at the upper access point in Dennis Cove, primarily problematic parking in the roadway, and lack of parking availability.

The Chair reminded the committee of their resolution from late 2016 to designate the upper Dennis Cove roadway as a no parking zone in response to a request by the US Forest Service. The Chair further reminded the committee that when the no parking resolution was advanced from committee to the full commission, it failed after heavy objection from the Hampton District Commissioners. The Chair then directed the committee's attention to a letter from Mr. Doug Byerly (attached) stating the US Forest Service's desire to explore opportunities for problem solving the Dennis Cove issue with "stakeholders", pointing out that Hampton District Commissioners would definitely qualify as a "stakeholder". In a recent discussion between Mr. Byerly and Chairman Hill, Mr. Byerly stated that no inquiries have been made to his office by any Carter County Commissioners in effort to find a mutually agreeable solution to the Dennis Cove/Hampton situation. Commissioner Lewis made some more statements expressing his numerous opinions on the Forest Service.

Commissioner VonCannon made motion to direct the Forest Service to remove the fencing and create parking in the Dennis Cove area. Motion failed for lack of a second. More discourse followed from Commissioner Lewis. The Chair referred back to the letter from Mr. Byerly who is looking to meet with stakeholders about the problem, and asked Commissioner Lewis repeatedly if he would be interested in liaising with the Forest Service in order to problem solve. More statements by Commissioner Lewis expressing opinions about Forest Service practices were made. Chairman Hill asked once again when was the last time anyone present had actually communicated with the

#### 4) Citizen Concerns, Continued

Forest Service, and was anyone interested in responding to Byerly's request to meet with stakeholders in order to problem solve.

At this time, Commissioner Ward asked if Ms. Rhea could leverage her citizen group to communicate with the Forest Service as a group, and she stated that she could do that. Mr. Lewis addressed the Chair with more instructions on communicating with Congressmen and Senators. The Chair then informed the committee that the problem consisted of three parts: parking on the roadway, trail access for visitors and outdoor enthusiasts, and finding someone to step up and liaise with the Forest Service to find a solution. Ms. Rhea spoke again regarding speeding, drinking and driving and parking in the roadway. (Chairman's note: Highway Committee addressed a speed limit reduction for Dennis Cove Road in 2016). After more discussion occurred about "wilderness experiences" and the Forest Service, Commissioner Ward requested that the committee move on.

Commissioner VonCannon restated his motion to direct the Forest Service to remove the fence and develop a parking lot. Motion failed for lack of a second. After more thoughts about the Forest Service were expressed by Commissioner Lewis, the Chairman asked the committee to consider revisiting the previously defeated no-parking resolution, since the committee does actually have jurisdiction over the right of way parking issue. Commissioner Lewis then stated that this was a forest service road (chairman's note: Dennis Cove Road is listed on the County Road List) and spoke about estimates on the cost of enforcement. At this time the Chair passed the imaginary gavel to Vice-Chairman Peters so that he could engage in the discussion.

Commissioner Hill's thoughts on the matter were as follows:

Roan Mountain is now an AT Community, which will result in increased trail participation "bubbles" between Roan Mountain and Hampton periodically each season. Ranger Kelly made the no parking sign "ask" of the committee, following orders from higher up in the US Forest Service organization, and holds no known grudge against the county. In a demonstration of forward-thinking, the Forest Service made the no parking request of the county, recognizing a problem that was going to be created on a county roadway as a result of the directive to fence off the open pasture near the Dennis Cove Trailhead. Roan Mountain's "hiker bubbles", coupled with the US Forest Service directive to fence off the meadow previously used for overflow parking have made this issue worse than previous years. Although (in his opinion) the Highway Committee made the correct decision in the matter, the Hampton District Commissioners voiced strong opposition to the resolution at the full commission, with Commissioner Jenkins speaking longest and loudest in opposition to the proposal. He went on to point out that no action had been taken to leverage the title "Commissioner" in seeking a solution to the problem by working with the Forest Service. He stated that he was happy to liaise with the Forest Service if no one from Hampton District was willing to step up, but that the liaison really ought to be someone from Hampton District. He concluded by saying that action on the matter was overdue, and that we owe the citizens of Dennis Cove, our visitors and the Forest Service a good answer.

An exchange occurred between Commissioner Lewis and County Attorney Hardin about liability and jurisdiction. The conclusion was that the road was ours to make decisions about but we cannot force the Forest Service to do anything. Sheriff Lunceford, who was in attendance stated that if a no parking zone was established, his office would have to enforce it.

Commissioner VonCannon removed his motion from the floor, and Commissioner Hill moved to resubmit the no parking resolution to the full commission to be reconsidered. Motion was seconded by Commissioner Dietz, and passed on roll call vote. Voting for: Hill, Peters, VonCannon, Ward, Dietz, Collins. Voting against: Miller.

Chairman Hill re-assumed the chair at this point. He then asked for action regarding the bottom trailhead issue along Highway 321. Commissioner Peters moved that County Attorney Hardin draft a letter to TDOT asking for an assessment of parking and traffic at that location. Motion was seconded by Commissioner Ward, and passed unanimously by roll call vote.

Chairman Hill once again asked that a liaison from Hampton District step up to work with the Forest Service. Commissioner Miller volunteered, at which time the Chair pledged to assist in any way.

#### 5) Old Business

- Ditching and drainage work has been initiated on 750 & 754 Bear Cage Road. r

• Commissioner Ward gave an update on the Parks & Rec/IDEAS group Hampton project site, commending all parties involved and making the ask of Highway Department for additional grading, stump removal and materials hauling as needed. Superintendent Colbaugh indicated that they could help once it is transferred to become county property. Sheriff Lunceford indicated that his department could work on it prior to the transfer. Ward then asked for an update on the Lynn Valley drainage issue. Superintendent Colbaugh detailed plans for piping runoff over to the river and shared beginning cost estimates.

- Commissioner Miller arranged for a site evaluation on guard rail and right of way issues on Heaton Branch.
- Work on estimating has begun on Charmaine Gentz' 270 Ingram Branch Rd. water issue
- Mr. Colbaugh will install Tweetsie Extension signage on county roadway bike routes.

## 6) New Business

At Commissioner VonCannon's request, new data was presented on Mr. Jim McGee's right of way issue on Ridgecrest drive. The new data is that all contiguous property deeds indicate that Ridgecrest is a 50' road. After more testimony from Mr. McGee and discussion, motion was made by Peters and seconded by Ward to confer with Attorney Hardin on the legal implications for the County. Motion passed unanimously by voice vote. The committee recessed, cleared the room and went into executive session with County Attorney Hardin, due to the expressed threat of potential litigation from McGee. When the committee reconvened, due to it being an interpersonal dispute between two neighbors, motion was made by Peters, seconded by Collins to take no action on the McGee matter. Motion passed on roll call vote. Voting for: Hill, Peters, Ward, Dietz, Collins. Voting no: VonCannon, Miller.

Commissioner Peters excused himself at the conclusion of this matter.

Next, Mr. Albert Parrish made request of the committee for adoption of Rhododendron Lane to the county road list, presenting a petition signed by all the residents. Mr. Colbaugh indicated that in his opinion the road was suitable for adoption. Motion was made by Collins, seconded by Ward to proceed with the adoption process and schedule a public hearing on the matter for the May committee meeting. Motion passed unanimously on roll call vote, after which the Chair informed Mr. Parrish that he would be in touch with the list of official county requirements and instructions.

Commissioner Miller excused himself from the meeting at this time.

In the next matter, Commissioner Hill made the request of the Highway Department on behalf of Back Country Horsemen for periodic mowing/grading, etc. of a newly cleared parking area on county property near Railroad Grade Road. Superintendent Colbaugh stated that they would help with mowing.

Planning and Director Chris Schuettler made a brief presentation to the committee regarding residential and maintenance codes.

And finally, Mr. Kenny Johnson made a request for reattachment of an unopened county right of way bisecting his properties in Roan Mountain. Motion by Ward, seconded by VonCannon to hold the required public hearing at the May meeting and for Commissioner Hill to bring forward all needed documentation and research at that time. Motion passed unanimously by roll call vote.

## 7) Report from Highway Superintendent Colbaugh

Mr. Colbaugh shared information with the committee about several projects (attached). He asked for the committee to approve a state aid bridge project on Main Street over the Doe River. The project will cost the county \$20,000 for a \$995,986 project. Approximately six property owners will have to agree to sell 250 square feet of right of way to the county at 50 cents per square foot. This project sheet is also attached.

## 3) Commissioner Comments

## 3) Adjournment

Commissioner Dietz moved for adjournment at 4:15 pm.

**Subject:** RE: collaboration - A.T. and other trail opportunities  
**From:** Byerly, Doug -FS (dbyerly@fs.fed.us)  
**To:** mikehillcommish@yahoo.com;  
**Cc:** kpkelley@fs.fed.us; cgingle@fs.fed.us; mjfusco@fs.fed.us; ldifiore@fs.fed.us;  
**Date:** Wednesday, April 5, 2017 12:32 PM

Mike,

Thanks for keeping the Forest Service informed of any complaints or input that you receive concerning Dennis Cove. The other trailhead that provides access to Laurel Fork Falls is located in Hampton directly off US Highway 321. It has crowding issues too.

Other potential access points in the Dennis Cove area could be developed with connector trails, but require planning, design and construction. These opportunities are located toward Dennis Cove Campground. Our intention is to discuss these opportunities with interested stakeholders in May or early June. Matt Fusco will be coordinating this effort.

If you have any names of interested stakeholders to share, please do. Thanks, Doug



**Doug Byerly**  
Staff Officer

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