

FILED

12-16-2015

MARY GOUGE
COUNTY CLERK

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APPROVED

NOTION WATER
SECOND WATSON

12-15-15

Carter County Planning Commission
Meeting Minutes
October 27, 2015

Members Present

Jerry Pearman, Chairman
Ralph Watson, Vice-Chairman
Steve Pierce
Ken Arney
Mary Ann Patton
Leon Humphrey, Mayor
Robert Carroll
Sonja Culler
Randall Jenkins
Ray Lyons

Members Absent

Jamie Hughes
Jerry Smith

Planning Staff Present

Chris Schuettler, Director
Diane Cannon, Secretary

Local Planning Staff Present

Ronda Sawyer

Chairman Pearman called the meeting to order and welcomed everyone in attendance. Roll call. Quorum met. Staff requested to move item 5 on the agenda between items 7 and 8. Sonja Culler made the motion to adopt the agenda with the change and Ken Arney seconded the motion. Motion passed unanimously. Sonja Culler made the motion to approve August 2015 minutes and Ken Arney seconded the motion. Motion passed unanimously. Mayor Humphrey questioned the need for Item 1 of the August minutes to have 8 pages. He stated he felt there was no need for all the information according to Roberts Rules of Order. He requested less information moving forward. (NOTE: The decision to record Item 1 verbatim was made by Secretary, Diane Cannon. During the August meeting a lengthy discussion with multiple motions was made and in the interest of having the utmost accuracy in recording of the proceedings she made the decision to type minutes verbatim)

1. Renewal of FTDD Contract of Services. Mr. Schuettler recommended the matter be tabled until the next monthly meeting due to discrepancies in the contract. Mayor Humphrey questioned why and stated the corrected copy he had was the contract that he, Chairman Pearman, and Chris Craig worked off of and that FTDD was waiting for payment. Chairman Pearman requested to see Mayor Humphrey's copy. Motion for approval was made by Robert Carroll, seconded by Ray Lyons. Mayor Humphrey left to get copies for all. Matter set aside until his return. Meeting continued. Mayor Humphrey and Mr. Schuettler discussed the matter further. Chairman Pearman questioned Ms. Sawyer if waiting for approval would be a problem. Ms. Sawyer stated waiting would not be a problem. Ms.

Sawyer asked the question who is "Community Staff", in the language of the contract with the FTDD? She stated that is "Not in any other contracts". Mayor Humphrey stated it is and Ms. Sawyer stated it is not in other communities contracts. She further stated she wanted to know who she was assisting and stated that the contract was for her and was what she had to live up to. Mr. Schuettler requested clarification also. Mayor Humphrey read contract and noted changes and insertions. Ms. Culler asked if we can strike community staff from verbiage. Mayor Humphrey elaborated on what his definition of "community staff" is. Motion by Ms. Culler to strike and Steve Pierce seconded motion. Mayor Humphrey requested to check verbiage of 2014 contract and if the verbiage is there to leave contract as it is. He later removed this motion to revise. Motion by Sonja Culler seconded by Steve Pierce to remove verbiage, Motion passed unanimously. Mayor Humphrey presented the invoice/contract and requested it be signed by Chairman Pearman. (Note: Roll Call vote was not held to approve contract)

2. **O. F. White Farm, Section II, Subdivision. Plat 1.** Containing 6 lots. All have proper road frontage, soils, and water requirements. Lot #6 has an existing home which did not need soils, do to existing system. Staff recommends approval. Steve Pierce made motion to approve and Ralph Watson seconded the motion. Motion passed by majority vote. **Plat 2.** Staff recommended approval of plat 2 which contained lots 7, 8, 9, & 10. Steve Pierce made motion to approve and Ralph Watson seconded the motion which passed by majority vote. (Note: Mayor Humphrey was absent from voting for each Plat)
3. **Design Approval, Elliott/Edens Subdivision.** This lot is located at the end of Southgate Dr. and totals 2.9 acres. This is in the urban growth area of Carter County. Local Planner, Ronda Sawyer, stated that City Planner Jon Hartman had requested she represent the City of Elizabethton's interest. Mayor Humphrey (who had returned to the meeting) questioned whether or not she has been asked to assist in such a matter before. She stated she had not, "We attend meetings and we advise our clients." Mr. Carroll asked if the county has a minimum size for homes in areas zoned R-1. Mr. Schuettler stated no, the county has no restrictions regarding size, aesthetics, etc. of a dwelling built in R-1 areas (most restrictive areas). Such restrictions are at the discretion of the home owners associations or restrictions placed in deeds. Such restrictions are not enforced by planning staff. Mr. Carroll said, "So if someone buys a lot in areas zoned R-1 and builds a house costing \$1,000,000.00 the person who owns the adjoining property can build a 'shack'?" Again Mr. Schuettler stated the Planning Office did not have control over aesthetics. He further stated the majority of your R-1 areas where a dwelling with a price tag of \$1,000,000.00 would have restrictive measures in place to insure that surrounding homeowners construct dwellings similar in nature – in most cases but not always. Ms. Sawyer stated that State laws do not allow counties to have such control. Staff recommended motion to approve and send to City Planner for approval. Steve Pierce made the motion and Ralph Watson seconded the motion which was unanimously approved by roll call vote.
4. **Jack Hampton's Report.** Mr. Schuettler presented the report. (ATTACHED). Mr. Jenkins asked about the cell tower line with a total of over \$10,000 in fees collected. Mr. Schuettler stated \$10,000.00 was charge for a new tower being constructed and the

remainder was for upgrades and/or co-locations. He asked where the monies received went and Mr. Schuettler advised they went into the General Fund.

5. **Codes Enforcement Report.** Mr. Schuettler advised no report would be presented as usually is, and turned the floor over to Mr. Brad Johnson, County Commissioner and member of the Health and Welfare Committee. Mr. Johnson spoke to the members regarding the need for an Environmental Court and explained the steps necessary to move forward in Carter County and utilization of such. He noted the additional man-hours required and the differences in current codes procedures compared to how an Environmental Court would proceed. It would require adoption of International Property Maintenance Codes, additional staff in the form of a full time Codes Enforcement Officer for Carter County, and precise records kept by the planning staff to insure a smooth procedure if the violators are taken before the Environmental Court Judge. Mr. Schuettler advised the new Codes Enforcement Officer was to start work later this week and expanded on Mr. Johnson's presentation and stated records are currently kept to insure those in violation and continually ignoring requests for clean-up can be taken to court and the case decided with proper documentation necessary to do so. Mayor Humphrey state it is exactly what we need. We need to be proactive. Mayor Humphrey makes the motion that the resolution be drawn up for review and consideration in November meeting. Seconded by Steve Pierce. No discussion. Motion passed unanimously.
6. **Director's Comments.** A.) Mr. Schuettler presented the 2015 MS4 stream sampling report and explained the samplings of the streams are complete and are "not very good". Staff recommended approval of an action plan to be draw up by TDEC or our contracted Environmental Firm. Sonja Culler made the motion. Ralph Watson seconded. Motion passed unanimously. Mr. Schuettler further explained stream evaluations and actions. All three streams in Carter County have problems. An action plan will be available at the November meeting if possible. Also, future storm water issues were discussed such as Green Infrastructures and QLP Program. B.) Mr. Schuettler addressed the minutes from the Health and Welfare Committee Meeting in which several "anonymous complaints" regarding the planning office and the planning staff were discussed, as of this meeting no written record of the complaints have been received as requested by the Director from the said committee and/or the Carter County Equalization Board/ Assessor of Property whom stated the complaints in the said committee meeting.
7. **Public Comments.** No one had requested to speak during this time.
8. **Adjournment.** Ray Lyons made the motion to adjourn and Randall Jenkins seconded the motion. Meeting adjourned.