

Carter County Planning Commission
Meeting Minutes
April 25, 2017

APPROVED ✓
Motion Culler
Second Arney

Members Present

Jerry Pearman, Chairman
Ralph Watson, Vice Chairman
Ray Lyons
Randal Jenkins
Ken Arney
Jerry Smith
Steve Pierce
Leon Humphrey, Mayor
Sonja Culler
Robert Carroll

Members Absent
Mary Ann Patton

Planning Staff Present

Chris Schuettler, Director
Mel McKay, Assistant Director
Justyn Markland, Codes Enforcement

Local Planning Staff Present

Ronda Sawyer

1. Chairman Pearman called the meeting to order and welcomed everyone in attendance. Motion made by Ken Arney to approve agenda, seconded by Ralph Watson. Miss Culler made the motion to approve the March 2017 meeting minutes, Ray Lyons seconded the motion. Motion passed by majority vote with Robert Carroll voting no on motion to approve.
2. **IPMC/Environmental Court.** Mr. Schuettler stated the International Property Maintenance Code was ordered but had not arrived and there was no need to move forward until the information was in hand. Mr. Schuettler requested Mayor Humphrey give the presentation discussed at the prior meeting regarding Environmental Court. Mayor Humphrey stated it was his understanding Mr. Schuettler was to reach out to Mr. Brad Johnson to give the presentation. (NOTE: March minutes reflect Steve Pierce requested Mayor Humphrey give a report on Environmental Court & funding options during the March meeting and Mayor Humphrey stated he could). Following a heated discussion the chairman recognized Brad Johnson, commissioner and member of the Board of Zoning Appeals, who made a presentation on the need for an environmental court and passage of the International Property Maintenance Code. Mr. Johnson reported the closest county with an environmental court is Washington County. He stated he had also contacted our County Attorney, Joshua Hardin, regarding this matter. Originally this endeavor had a \$250,000 price tag which Mr. Johnson stated seemed a bit pricey. The biggest portion of this cost would be in the sessions court judgeship. At the time this matter was first looked into Mr. Keith Bowers, Jr. was a newly elected judge and to expect him to give an evaluation less than 30

days into his judgeship was not right. At the present time sessions court does not have the time to take on this due to one day being used for juvenile cases, one day for civil matters and the remaining three days a week being used for criminal court. According to Attorney Hardin, we have 2 or 3 options: 1.) Private Act which would be no problem here in this county. 2.) Sessions Court part 2. This could either be full or part time or contracted . If judicial system shows proof of an overwhelming caseload and awards another sessions court judge then a portion of Environmental Court could be a part of Part 2. If cannot afford to have second judge then put out an RFP . Somebody would need to write scope of work such as hours to be worked a week duties, surroundings, and authorities and come back with a price. The numbers (\$250,000) still stands according to Mr. Johnson. 3.) Environmental Court brings in those who do damage to neighbors because of their inability to take care of their junk cars and trash. In some cases being good neighbors, people don't call to report the properties in their community that are in violation. Mayor Humphrey stated we have been dealing with this since early 2011. We hosted Judge Potter, we had judges, planners, and sheriffs from surrounding counties. "Judge Larry Potter started the first environmental law court in the state, in the nation actually" Mayor Humphrey said. Judge Potter made it clear their will be NO court costs to the county because these fines and other court charges will offset the cost to the county. Washington County Mayor Dan Eldridge and I went to Bradley County Cleveland and met with the judge. Their program works and we have a desperate need in this county to put together that information along with the adoption of the property maintenance code we can put a stop to a lot of what we are seeing in this county. "Time is of the essence" he stated. We need to have the enforcement. In Bradley County they would go out and make contact. If needed they can recommend assistance for those who need it. Maybe we should get Judge Potter back. Brad Johnson stated he agreed we need this but Mayor Humphrey made motion Brad Johnson start working on that and follow up with Bradley County. Second requested by Chairman Pearman. Mr. Pierce question the Mayor's statement regarding it paying for itself. Chairman Pearman stated that was what Mr. Johnson was being asked to do. Following discussion a request for second was made. Randall Jenkins seconded. Mr. Schuettler asked to speak and requested that the motion reflect that Mr. Johnson is being asked to compile information to be presented but he did not have to do so as he is not a member of the board. Mayor Humphrey said he would. Vote was taken and all present except Mr. Pierce and Mr. Watson voted in favor. Motion passed by majority vote.

3. **Re-zoning Request: Sycamore Shoals Drive, from A-1 to M-2.** The property owner was not in attendance therefore, Ray Lyons made the motion to postpone the rezoning request until next month and Miss Culler seconded. Following discussion the motion passed.
4. **Division of David Bowers' Property.** Hwy. 91, 5 lots, septic approval, Staff recommended approval. Motion by Steve Pierce, Ralph Watson seconded. Following discussion regarding sewage disposal system vote was taken. Motion passed by unanimous vote.

5. **Downsizing Planning Commission.** Director Schuettler stated " This resolution has been brought before several Carter County Commissions and voted down. The last time it was brought before the finance committee and it was voted to send it back to Carter County Regional Planning and Zoning Board for us to look at. It was requested by Mr. Ronnie Trivette to be written moving our Planning Commission from 12 members, one being the chairman of the County Commission, one being a county commissioner, we currently have four county commissioners sitting on our board and we also have Mayor Humphrey who is the Chairman of the Carter County Board of Commissioners. With this resolution, if it is to be adopted, one member would be the Chairman of the Carter County Commission (currently the Mayor), one member would be a county commissioner and then seven additional members that go out throughout the school districts within Carter County. No more than four would be county commissioners that would put, if the chairman of the Carter County Board of Commissioners is an elected officials. five members as elected officials which would be a majority of the board. "That is pretty much the extent of it. Ronda would you like to chime in on this in any way, shape or form?" Ms. Ronda Sawyer stated that per state law Carter County is set as a Private Act and cannot have the majority of members be elected officials. Randall Jenkins stated the current number is no more than four (4) but "it is a possibility it could happen" to which Mr. Schuettler stated it was a large possibility and that State law says elected officials it does not say elected commissioners. Mayor Humphrey stated "We are not dealing with State law, we are dealing with Carter County Private Act again (Mr. Schuettler stated he was well aware of that) and I (Mayor Humphrey) move we go ahead and advance this resolution to the full commission. Motion was seconded by Robert Carroll Further discussion (with several members speaking at once without recognition by the chair) was held. Mayor Humphrey stated, regarding the Private Act that created the Carter County Regional Planning Board. it was his opinion that it made sense to go ahead and reduce the planning board to match other sub commissions and match other legislative districts. "When this planning commission was created by private act in 1972 it was based on the number of schools in the county at the time there were four districts. This was an odd calculation This (new resolution) gives us the opportunity at the very least to cut the members from 12 to 9 which computes to a savings of \$1,800 and could be even more, it could be \$2,400 per year. You'd have equal representation - one commissioner from each of the eight legislative districts. It just makes sense that we go ahead and adjust now this planning commission so its like all the others and Attorney Josh Hardin has spent a lot of time researching this matter has been discussed numerous times but never brought to the full commission and "I'm convinced that if taken before them, they would understand the logistics of this and it would pass." Mr. Schuettler stated that we have a motion and second on the floor to advance the resolution to reduce the size of the Carter County Regional Planning Commission back to the full commission. Mayor Humphrey interjected that "For the record, this has never been taken to the full commission." Mr. Arney addressed the chairman for the floor and stated "I think we all know with the attitude you had when you sat

down here today that this is a witch hunt. Chairman Pearman admonished Mr. Arney to watch what he said. Mr. Arney Continued "It's been a witch hunt against the director. With the change in this resolution right here with the commissioners that you can put on there with yourself on there then you would have a majority and that's what it is all about" Mayor Humphrey "With all due respect Mr. Arney you are as far out in the dark as possible that was never the intent" Mr. Arney stated he knew what the mayor's intent was. Ralph Watson asked to be allowed to ask a question and questioned the Mayor about the money savings earlier mentioned. A heated discussion ensued regarding downsizing of the Planning board and not the County Commission Board. Mr. Randall Jenkins advised Mr. Watson that as chairman of the Rules and By-Laws they were looking very hard at downsizing the full commission. Once the chairman and director regained control of the floor Mr. Schuettler clarified the motion and roll call vote was taken: YES: Mayor Humphrey, Robert Carroll, Randall Jenkins, Ray Lyons, Jerry Smith. NO: Sonja Culler, Steve Pierce, Ralph Watson, Ken Arney. Motion failed due to a tie vote. Director Schuettler asked if anyone wished to change their vote. Mayor Humphrey stated that could not be done once votes were disclosed. Mr. Schuettler requested the vote be taken again and requested another motion be made. Mayor Humphrey made the motion. Request for a second was made. Randall Jenkins stated he would make that second and had questions afterwards. Discussion: Randall Jenkins questioned to change the number of elected officials and Mayor Humphrey stated he would amend his motion "Mr. Lyons asked what can we do? Chris what would you feel comfortable with? How can we negotiate down so you will feel comfortable? Chris: "If you want to go down to what the original Private Act was it will drop it down to one county commissioner. And the chairman of the County Commission Board. Mayor will you take your motion to one member of the commission? A discussion followed and Mr. Lyons asked for amendment to two commissioners. Mayor Humphrey requested to amend to 3, no more than 3 commissioners. "With the chairman of the Carter County Commission you will have no more than 4 members which is not a majority". Mr. Schuettler clarified the motion on the floor to amend the motion to not more than 3 elected officials and the Chairman of the Carter County Commission. Roll Call Vote: YES: Mayor Humphrey, Robert Carroll, Randall Jenkins, Ray Lyons, Jerry Smith, and Chairman Pearman. NO: Sonja Culler, Steve Pierce, Ralph Watson, Ken Arney. Mr. Schuettler stated he would send this to Attorney Hardin for revision and bring it back to the Planning Commission for approval.

6. **Jack Hampton's Report.** Mr. Markland presented the reports for March. Miss Culler made the motion to request the board proceed to bring building inspections back to the Carter County Planning and Zoning Office. Ken Arney seconded the motion which passed. Mr. Schuettler stated he would request Attorney Hardin write the resolution needed to do so and commended Assistant Director McKay on passing three of the certification exams thus far.
7. **Codes Enforcement Report.** Mr. Mel McKay presented the Codes Enforcement Report by power point presentation.

8. **Public Queries: a.)** Betty Grindstaff, Plazz Avenue, represented by Charles Von Cannon, commissioner from her district. Mr. Von Cannon stated he had been to the Carter County Regional Planning Office and was given the "rope-a-dope" and did not get the answer he wanted. He stated he was asked how he knew someone was living in one of the storage buildings in question (Mrs. Grindstaff had been to the office to complain about her neighbor having too many buildings and that according to her none met setback requirements. Planning Office Staff advised her we have no control over the number a person can own - so long as they acquire permits and meet proper setback requirements.) Commissioner VonCannon further stated that he had made several attempts to come to the planning office and inquire about this matter to no satisfaction. Mr. Von Cannon said he was going to turn the floor over to Mrs. Grindstaff at which time Mr. Schuettler asked him if he did not speak with Mr. McKay at the office. Mr. Von Cannon didn't answer but again kept stating he was going to let Mrs. Grindstaff speak but never answered Mr. Schuettler's question although he asked numerous times. Mrs. Grindstaff addressed the board and stated the buildings were placed with no permits, dogs barking and messing, burning trash and someone living in the building. She continued to mention problems regarding matters we have no control over (Dogs, roads, etc). Mr. McKay asked what she wanted him to do? And addressed the matters we could do something about and referred her to the proper office for matters we cannot (animal shelter, and the Carter County Highway Dept.) Mr. McKay addressed the matter of someone living in a storage unit and told her he could not violate the fourth amendment right. She said she could never get any help from the commissioners and was going above them if something was not done this time. Mr. Schuettler requested Mayor Humphrey give her the animal shelter number to call about the dogs and directed her to Roger Colbaugh, the Carter County Road Superintendent. Mr. McKay gave a detailed report of the work he had put into the matter and stated it was not a county road. Mrs. Grindstaff stated the county says it is not a county road but the deed says it is. Mr. McKay said he wished he could tell her what she wanted him too but could not. Chairman Pearman asked what can you do to help her and Mr. McKay responded that we don't have authority to go out and see if someone is living there. A lengthy discussion followed with Mrs. Grindstaff saying someone told her you had to be 50 feet off the road. Mr. McKay stated he had not said that to her and she stated one of them in the office said that. Discussion followed. Mrs. Grindstaff asked how many building you could have on one piece of property. Mr. Schuettler answered that it depends on several variables: Size of property, size of building, Zoning of the property. At this time several conversations ensued at one time. (Unable to clarify) mayor Humphrey stated "Mr. Chairman this is another example of where common sense should be in play this lady has been here on multiple occasions, she has raised an issue that's currently affecting her and the other neighbors in that community and we the planning commission and codes enforcement should be doing everything we can and we are sitting here badgering this lady. At this time Mr. Schuettler stated he did not feel that anyone was badgering her and asked Mrs. Grindstaff if she felt like she was being badgered. She stated she did not. Mayor Humphrey continued, "I see

this every day my phone rings every day people are not getting service, they are due an answer, we need to investigate to the fullest extent, get our facts in order, let's not worry about the constitution of the United States right now and violating somebody's rights, we need to worry about the property owners' rights." He continued to speak about investigating the problem and letting people know point blank yes we can do something for this reason or no we can't for this reason. But we've got toat this time Chairman Pearman requested that Mr. McKay go down there tomorrow and Mr. McKay said he would. Mr. Pearman requested he give Mr. Von Cannon an answer. Mr. Von Cannon spoke in defense of Mr. McKay and Mr. Markland stating he knew what they were up against and had to represent his constituents such as Karen Sams, Old Lacy Hollow Road, she and several others are here today , he continued by stating the road was one of the worst in the area and requested we listen to Ms. Sams who has a beautiful home but she's telling me the entrance to the area has trailers which have insulation blowing everywhere from being in various degrees of being torn down. Mr. Von Cannon went on to elaborate on Judge Potter's environmental court and how well it works. Ms. Sams addressed the board. She stated she wanted us to be aware, lived there since 1951. She stated those here with her had invested their life savings and have beautiful homes valued at \$250,00 but can't sell because of the problem areas..... she mentioned the junky trailers and the truck on the road. "These are all section 8. They may not be able to afford to have garbage hauled off. They live there 8 months and move off and leave the trash." So my question is "Is there anything that the property owner, can be responsible for trash, junk on the porches, etc. Is there anything that can be done?" It is a mess, Section 8 people move in and then leave and leave a mess that the owner does not clean up. We just need your help. Chairman Pearman asked if she ever called about the cars on the road. She stated she had called (Sheriff) Dexter. At this time a man in the audience stated he had seen a policeman with an AK47. Assumed it was a drug bust. Discussion continued with several conversations at one time. (Unable to decipher) Mr. Schuettler stated we can't do anything about the dope, cars need to call the sheriff. Several homes have been cleaned but some have declared bankruptcy so we can't move forward with them. The Mayor mentioned using faith based organizations and we use to use the Southern Baptist Men's organization, etc. but all those contacts are gone now. Ms. Sams asked if they needed to carry this off. Mr. Schuettler stated he had taken garbage bags to people and gone back three days later and the trash was still in the yards. Ms. Sams questioned whether someone could talk to the people who can't afford to maintain the homes they live in and get them to move into a housing project where they could live much better lives. Mr. Schuettler stated that a lot of times they don't want to move into such housing because of the rules that must be followed. He told Ms. Sams they would be back out there. c.) Ray Williams asked what could be done about his road,, problem with school bus traveling it. Mr. Schuettler advised him to contact the highway committee. Earl and Mr. Williams gave Mr. Schuettler their numbers. Mr. Williams asked what could be done about trash also on the road. Mr. Schuettler stated we need to pass International Property Maintenance Code because currently we can't go any

further than 50 feet from the county road. Mr. Williams mentioned abandoned problems in his area and asked something be done about old house, campers, etc. on Old Lacy Hollow Road. Conversation continued with Mr. Schuettler telling Mr. Pearman he would be out there tomorrow. (Wednesday)

9. **Adjournment.** Mr. Watson made motion to adjourn and Mr. Smith seconded. Meeting adjourned.
-
-