

MOTION R. Watson 2nd K. Arney

Carter County Planning Commission Meeting Minutes

APPROVED

September 24, 2019

Members Present

Ralph Watson

Ken Arney

Ray Lyons

Sonja Culler

Jerry Smith

Randall Jenkins

Robert Acuff

Steve Pierce

Bobbie Dietz

Kelly Collins

Members Absent

Jerry Pearman

Office Staff in Attendance

Chris Schuettler, Director

Mel McKay, Building Inspector

Diane Cannon, Adm. Assistant

Jay Cook, Codes Enforcement Officer

Kristin Powell, Stormwater Coordinator

County Officials in Attendance

Mayor Russell "Rusty" Barnett

Abby Frye, Adm. Assistant to Mayor Barnett

Brad Johnson, Chairman, Board of Zoning Appeals

1. **Roll Call.** Quorum met. Mr. Schuettler stated Chairman Pearman was absent due to illness. (Kidney Stones) Vice Chairman Ralph Watson presided over today's meeting.

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2. **Adoption of the Agenda.** Motion to approve by Sonja Culler. Second by Steve Pierce. Motion passed unanimously.
3. **Approval of July 23, 2019 Meeting Minutes.** Motion by Sonja Culler to approve as written. Second by Bobbie Dietz. Motion passed unanimously.
4. **Rezoning Request, Doe River Gorge Road.** This is the former McCloud Lumber Co. currently zoned A-1/A-1B. It will continue to operate as a lumber yard for a few years. Request to rezone to B-2. Staff recommends approval. Sonja Culler made motion to rezone and Kelly Collins seconded the motion. Motion passed unanimously.
5. **R & B RV Park.** (Postponed) Engineering work yet to be completed.
6. **Jack Hampton Report.** Kristin Powell presented the report for August. \$20,933.00 deposited into General Fund in August. Fiscal Year 2019/2020 \$38,043.00 has been deposited into the General Fund.
7. **Codes Enforcement Report.** The overhead screen was not working in the main courtroom, so Mr. Cook gave his report without the use of PowerPoint. He advised any members were welcome to come to the front and look at the laptop to view pictures. He stated that on August 21st he was in court with 11 cases and Chancellor Rambo gave 30 days to clean properties. Jay stated he had gone to each property and inspected them again. He feels seven of the eleven will be held in contempt. Mr. Cook also stated that Billy Joe Miller's property, 2235 Elizabethton Hwy., was a mess again. Motion made by Ken Arney to take back to court and seconded by Sonja Culler. Motion passed unanimously. Several other properties were discussed. Mr. Jenkins stated during a recent Town Hall Meeting in his district the problem of noise had been brought up and the need for a noise ordinance was discussed. Mr. Brad Johnson, Chairman of the Board of Zoning Appeals Board and commissioner, stated that if we don't have rules and regulations for enforcement then trying to control noise, litter, junk autos are ridiculous. "Let's get some regulations to help with control of litter, noise, etc." Mr. Schuettler stated the Planning Office will address this in the coming months.

Director's Report. A.) Recovery Soldiers Ministry: Mr. Schuettler stated he met with Mr. Joshua Scalf, Director of RSM and looked at records and leases. Residents cannot be on any medications such as suboxone. No sex offenders were found in the program and specifically on Piedmont Street. Once the men complete the 12-month program and are clean of drugs they can lease a residence for \$300.00 month. They have a five page "code of conduct" they must adhere to as well as only having approved visitors only. No nicotine, vaping, drugs, alcohol or tobacco use is tolerated. The residents are subject to search and cleanliness inspections at any time. Mr. Schuettler stated he is more than satisfied with what is going on. The location meets all zoning criteria. Mr. Arney stated he goes to church with four of the individuals currently residing in one of the Recovery Ministry's residences and stated he would have no problem with them as his neighbors. Mr. Schuettler stated he will continue to monitor. Mr. Jenkins thanked Mr. Schuettler for checking this out and noted it had been brought up two times in County Commission meetings. B.) As requested by Commission, (FROM THIS POINT MINUTES

ARE VERBATIM) Mr. Schuettler: Next the minutes you requested, Mr. Lyons. (Schuettler gives out packets)

Mr. Lyons: I asked Mr. Pearman for the minutes.

Mr. Schuettler: You asked me for them but that's still cool, I have them right here. I highlighted this information and put a red star beside it. Ray, this is during the time period you were broke down after your [inaudible]...and then of course if you turn to the second page [inaudible] at the top, Randall that situation that happened with you. And then we move down to the motions that were made and things of this nature. And then the last is the covering of that monies of course you have don't have every word that was put in here. And as far as the stipulations of the situation that we're in, you know, whether it was meeting the criteria of the agreement that was made or whether it was a bonus. It was never considered a bonus until Financial Director moved it from payroll line items to bonus line items. Did he have the right to do that? No. Did he request the right to do that this year? Yes. Was that granted? Yes. Did he meet with me and tell me that he was going to move those line items? No, he did not. Did he meet with the chairman [Pearman]? No, he did not. And that's the situation we're in. Did he make a mistake? Yes, he did. He admitted it, yes sir. I hope this information will help you all out some on that and the reason it was called a bonus is because that came directly out of financial office.

Mr. Lyons: I think what I was questioning, Chris...

Mr. Schuettler: Sir.

Mr. Lyons: I think what I was questioning (is) did this board, this commission, approve the bonus, and did they approve the letter that Mr. Pearman sent to the finance director? I don't see anywhere and correct me if I'm wrong, I don't see anywhere where he was authorized to send a letter as the chair for finance director to write a check to you and that not go through the budget committee process. That's what I was concerned with.

Mr. Schuettler: Alright, and uh, I understand what you're...

Mr. Lyons: Did anyone authorize him to write that letter?

Mr. Schuettler: The authorization and the way the chairman took it was the way it was being added on to provide the services that would pay for the months that were provided by me to the county and that's where that came from and that was to agree to the price. And there's a letter from August 27. Do you remember that letter that was sent out? I actually have copies here that basically break that down.

Lyons: No, I think we're missing the point. I want this behind us, Chris. We have new committees in place, we have a chair and vice chair in place we need to move past this whole thing. But what I asked this question and I still don't have an answer to it. Who authorized Jerry Pearman, as the chairman, to send a letter to Brad Burke, the Financial Director, authorizing him to write a check to you as a bonus.

Mr. Schuettler: That would have come from this meeting here for closure of the problem of monies that was granted to me under discussion and plus...

Mr. Lyons: The question I am asking is not here. The answer is not here.

Mr. Schuettler: That meets the criteria of what you're asking because you know it had to have something from the chair or the director. You know I could have written the letter but...

Mr. Lyons: Chris this is what I'm trying to say to get this past us we need ...Mr. Pearman is not here to address this. I'm sorry he's sick but what he said at the closing part of that meeting last month when I asked the question "Do you have the minutes that authorized you to write this check I mean this letter to approve this bonus? We have these minutes and then the next thing we see is this letter going to the finance director telling him to write a check and Brad Burke stood up and said, "I'm sorry, I should have never have done that." And what I guess I'm trying to say ...

Mr. Schuettler: I think we're sorry he changed from a payroll line item to a bonus line item.

Mr. Lyons: That's two different issues Chris

Mr. Schuettler: Sir?

Mr. Lyons: It's two different issues. One is Mr. Pearman did not have the authority to write a letter to the finance director and tell him to write you a check for \$14,000.

Mr. Schuettler: I think ...

Mr. Lyons: He doesn't have that authority. It has to go through the budget process.

Mr. Schuettler: No Ray, it doesn't.

Mr. Lyons: Ok, you tell me why it doesn't.

Mr. Schuettler: It's because under the '81 Act once a budget is approved it is the sole discretion of the director to handle that money. I could have requested that money myself.

Mr. Jenkins: I think... (Inaudible)

Mr. Schuettler: I'm not trying to argue with you.

Mr. Lyons: I don't want to argue with you. I want to put this to bed. I was hoping Jerry would be here because I don't think he had the authority to write that letter back door to the finance director.

Mr. Schuettler: I don't think it is considered back door, it has always been front door.

Mr. Lyons: It was not discussed in this meeting.

Mr. Schuettler: You weren't here Ray.

Mr. Lyons: I wasn't here for this one, but I was in follow-up meeting where the minutes indicate an authorized meeting with Brad Burke, yourself, ...

Mr. Schuettler: That was on this year's budget not last year's budget.

Mr. Lyons: The letter was pertaining to last year's (budget).

Mr. Schuettler: No Sir, it was pertaining to

Mr. Lyons: Let me say this, "It was pertaining to either year." How can he as chairman of this Commission, the Planning Commission, send a letter with his signature on it authorizing the finance director to write a \$14,000 check? He doesn't have that authority.

Mr. Schuettler: It is the same authority as an elected official.

Mr. Lyons: Our attorney says he does not have that authority.

Mr. Schuettler: Huh?

Mr. Lyons: Our attorney says he does not have that authority.

Mr. Schuettler: I beg to differ on it.

Mr. Lyons: You can differ if you want to. I talked with him as well. We need to put it behind us, but I was hoping I would see something authorizing Jerry Pearman to write a letter to Brad Burke to write a check. It would be like any other director in the county sending a letter to Brad Burke saying, "I authorize a check to Randall Jenkins \$10,000 on work he did on McKeehan Ridge."

Mr. Schuettler: But you have had some officials and department heads that have done that.

Mr. Jenkins: But they're not Chairman. It would be different if it came from you.

Mr. Schuettler: It could have come from me.

Mr. Jenkins: But it didn't and that is what my point is.

Mr. Schuettler: If you look at recent pay increases it had to come from the Chairman of that board. So, the 3 percent I got had to come from the Chairman of the Board.

Mr. Lyons: I just asked the Chairman of the Financial Management Committee and he agrees with me that it's a process. The '81 Act is clear about processes with County Government. You set a process and you go to it. Chairman Johnson if you would chime in, I would appreciate it Chairman Johnson. No Chairman can write a letter authorizing payment to an employee from another department unless it goes through the process.

Mr. Schuettler: If I give one of my employees a pay raise, I have to present a letter.

Mr. Lyons: You can do that, it's in your department.

Mr. Schuettler: Alright this year the 3 ½ percent we got. Jerry had to sign to allow me to have that.

Mr. Lyons: The County Commission approved that.

Mr. Schuettler: The County Commission approved last year's budget also.

Mr. Lyons: Yeah, but it did not approve...

Mr. Schuettler: I understand what you are saying....

Mr. McKay: County Commission cannot discuss individual employee salary per the '81 Act.

Mr. Lyons: Excuse me Sir, I am talking to the Director, OK? And I would like for him to address it.

Mr. Schuettler: This is where consensus was. It went as multiple letters to Mr. Burke. It was sent as a bonus. That is what we did, we set it as a bonus and the check was written and that's where that came from.

Mr. Lyons: Who said to send it as a bonus?

Mr. Schuettler: That came out of Financial Management Office, Mr. Kennedy.

Mr. Schuettler: Yes Sir, Mr. Jenkins (who had raised his hand to be recognized)

Mr. Jenkins: I just think it could have come from permission of this Board, it's just my opinion. Maybe if it had been addressed to the whole Planning Office and everybody got a cut from that and came from this Board as a whole, but instead it just came from one person on this board is what I'm trying to say.

Mr. Schuettler: Doctor Acuff made the motion. I can get verbatim, Diane do you still have it on computer? the tape from this meeting (Diane's response is inaudible). (Mr. Schuettler)" I will try to get you a verbatim recording of that."

Dr. Acuff: The other thing I would caution this Board about, we've done it at nauseum. Commission has already made a form of action on this. I think we are way off base and if the County Attorney was here, he would say this is a possible legal issue and you shouldn't be talking about it.

Mr. Schuettler: And I have to agree, my attorney keeps saying that too. That's the situation.

Mr. Jenkins: Well I would say that the Chair hasn't been brought up and that's what we're bringing up right now.

Mr. Schuettler: Say again, I'm sorry.

Mr. Jenkins: The Chair hasn't been brought up yet. What I'm questioning and I think Ray's questioning is the letter wrote by the Chair and I don't think that...

Mr. Schuettler: Do you want copies of all the letters that were sent?

Mr. Jenkins: I would like to see them. I don't like even if I did leave this meeting, which I did, that letter still doesn't state that we voted to have the chair send that letter. It doesn't say that in these minutes right here. Black and white it doesn't say it and that is what I'm upset about.

Mr. Schuettler: That was the intention of the vote in the motion. Dr. Acuff, do you remember that part? (Dr. Acuff nodded his head "Yes".) We will get verbatim. Mr. Johnson were you getting ready to say something?

Mr. Johnson: (Inaudible at first) 24 commissioners...the majority are going to say is expecting to see a single document give authority to the chair according to our '81 act and our rules and regulations of our commission a chairman does not have sole authority for obligations of anything unless it is presented, debated and approved by a majority vote in the subcommittees. What the majority of this commission (County Commission) is saying is, "Show me where it went through your committee giving him authority.

Mr. Schuettler: That's what we need verbatim. I will go ahead and get that for you.

Mr. Johnson: (Inaudible due to voice volume at first) We have beat that horse to death until it's done. and we need to stop.

Mr. Schuettler: I have no problem with us stopping right here. I would really like for us to stop.

Mr. Lyons: I know you would.

(Too many speaking at once to make out what is said by whom)

Mr. Johnson: The solution is not satisfying to me, but I am just one vote. I can't tell you what I think other than it's stupid. Think about that before it's over you're going to spend more money to do what we have to if you had originally approved it. I know I am singing to the choir, I can't conceive it, and I am not the brightest light bulb in the pack but if I can figure it out 75% done past that. To look at the numbers and see what is being accomplished to provide those additional services to our taxpayers, it really gets me how they can. It's ludicrous.

Mr. Schuettler: I agree.

Mr. Lyons: That \$14,000 Chris, as far as I'm concerned that is history. What I am hoping we can do is learn from this. And that is the chair (County Commission) trying to make sure that we are very specific in the future if we are dealing with money in terms of what we are talking about. That's all I am trying to do. That is the only point I am trying to make. And I understand budgets and how they can be changed around. That was a mistake on their (Finance Dept.) part I'm sure. Brad Burke has stood up and owned his mistake in the full commission and I respect him for that. I think he realized he made a mistake by not requesting that letter giving him the authority to go ahead and write that. That's what I am trying to make sure in the future and as far as I'm concerned, I don't need no more verbatim. I've got what I need.

Mr. Schuettler: Any further discussion?

Mr. Arney: I'd like to ask one question. I'm probably out of order but I'd like to know who gave Brad Burke the authority to remove money from a budget. I'd like to know that question.

Mr. Lyons: That's a question but thank you.

Mr. Arney: No, he removed it his self. I'd like to know who give him the authority other than himself

Mr. Lyons: I'm saying that's two issues. One, that is a great question you're exactly right but the other one I brought up is also a question. Two questions that we need answered.

Mr. Arney: Yeah. But he's going back and removing money that you all have already approved when he removed this money.

Mr. Lyons: But he also wrote a check that shouldn't have been wrote. Without getting a letter

Mr. Arney: Did you all not approve the budget?

Mr. Lyons: Yeah, we approved the budget.

Mr. Arney: And then he took the money out of it. Who give him the authority to remove that money from the budget?

Mr. Lyons: It wasn't me.

Mr. Johnson: Did he put it.....

Mr. Schuettler: What he did, he put it in a receivable line item

Mr. Johnson: But your budget, your bottom budget number did not change.

Mr. Schuettler: Exactly.

Mr. Johnson: A Finance Director can amend that budget. He can't take away from it. He can't add anything to it unless he has the Director's

Mr. Arney: I think the problem here Brad (Johnson), is removing money from a line item and removing it from a budget. Because if it does come from a line item, that takes money out of that line item that he cannot move.

Mr. Johnson: (Inaudible at first) If you submit the item to me, I will present it to Financial Management Committee. I will be happy to present it and get an exact answer and find out if there was a violation. We'll find out the legality of it. It is not that I'm so efficient, it's that I've got a chemo brain. (Inaudible)

Mr. Jenkins: (Inaudible at first) On a different note, when do we vote for Chairman. We just voted for Chairs in all the other committees.

Mr. Schuettler: April

Mr. Jenkins: In April?

Mr. Schuettler: Yes sir.

Mr. Johnson: And Chris that Financial Management Committee is the one that regulates that Finance Department. The Financial Director is employed by our committee. We hired him and we can make our recommendation if there is due cause to take corrective action right down to a summons, legal counsel. I mean right down to removal. (Inaudible) If warranted, I can guarantee you I will dance from the floor. He's a great man but (inaudible).

8. **Public Query.** No one requested to speak.
9. **Adjournment.** Motion to adjourn by Ken Arney. Seconded by Ray Lyons. Meeting adjourned.