

COUNTY COMMISSION MEETING, REGULAR SESSION, AUGUST 20, 2007

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BE IT REMEMBERED, that the County Commissioners of Carter County, Elizabethton, Tennessee, met in Regular Session on August 20, 2007, at 7:00 PM in the main courtroom of the Carter County Courthouse. Present and presiding were the Honorable Johnny Holder, County Mayor/Chairman; the Honorable Keith Bowers, Jr., County Attorney; and the Honorable Mary Gouge, County Clerk. The following Commissioners were present: Gebe Ritchie, Jack Buckles, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis and Robert Gobble. Dickie Renfro was absent.

ROLL CALL.....QUORUM PRESENT

PRAYER.....RON OWENS

PLEDGE.....ROBERT DAVIS



Carter County Commission

Johnny L. Holder
County Chairman
Lawrence Hodge
Vice-Chairman

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PUBLIC NOTICE OF A REGULAR SESSION OF THE CARTER COUNTY COMMISSION

NOTICE IS HEREBY GIVEN to all members of the Carter County Commission, to all residents of the County of Carter, Tennessee, and to all persons interested, that the Regular Session of the Carter County Commission will be held Monday, August 20, 2007, 7:00 p.m., Main Courtroom, Carter County Courthouse, 801 E. Elk Avenue, Elizabethton, Tennessee.

Agenda

- Call to Order
- Roll Call
- Opening Prayer
- Pledge of Allegiance
- Judge John Walton
- Public Comments
- Recognition of Elected Officials/Guests
- Acceptance of Minutes from Previous Meeting
- Notaries/Bonds
- Appointment of Coroner
- Appointment of Judicial Commissioner
- Committee Reports/Recommendations
- Commissioner Comments
- Adjourn

All matters that may be normally considered by the Commission may be taken up and acted on at such meetings.

Johnny Holder, County Chairman
Carter County, Tennessee

At this time, Mayor Holder recognized General Sessions Court Judge, John Walton, present in the audience. Judge Walton addressed the Commissioner as a result of a motion that was passed at the June County Commission meeting directing the Special Investigations Committee to look into the services provided by Cross-Roads as well as their policies, procedures, fees charged for their services and where that money goes. Judge Walton explained that what is now called Cross-Roads was established in May 1973 and was registered with the IRS as a 501(3)(c) nonprofit organization and required to follow strict regulations to maintain certification. He explained that the fees charged by Cross-Roads had increased in January 2007 from \$25.00 plus a \$2.00 Clerk's fee to \$32.00 plus a \$3.00 Clerk's fee and that the fees charged by the Clerk went to the County. He stated that the Constitutions of the United States and the State of Tennessee provided for the separation of powers and in his opinion the County Commission, the legislative branch, had no authority to investigate a nonprofit agency working for the judicial branch. He displayed his displeasure with the investigation by calling it a "Witch Hunt" that resulted in giving Cross-Roads an undeserved black eye in the community. At the request of the Special Investigations Committee, Judge Walton agreed to be present at their next meeting.

Under Public Comments on the agenda, Ken Arney recognized Roy Livingston who questioned the proper steps to be taken for the County to pass a Private Act, specifically the one passed to create the Watauga River Regional Water Authority. His opinion was that the proper procedure had not been followed and the WRRWA was illegal. Nancy Brown recognized George Papantoniou who voiced his concern over the Rescue Squad's charges for their services. Robert Davis invited Papantoniou to attend the next Rescue Squad Board meeting on August 21, 2007. Nancy Brown recognized Glenn McCloud who was dissatisfied with the county's funding of the Sheriff's Department stating he had been vandalized and threatened by juveniles in his neighborhood and the Sheriff's Department was much needed for his protection.

Motion was made by Steve Lowrance, seconded by Robert Davis to amend the agenda to allow Don Hurst, President of Carter County Tomorrow, to report on economic development. Mr. Hurst discussed his plans for economic growth in Carter County stating that you have got to focus on your infrastructure and your water. He stated that he would be coming back to tell the Commission

what is required to do business in the 21st century and would be attending the County Commission each month as well as City Council, Planning Commission, School Board meetings and any and all meetings he was able to attend.

On motion by Lynn Tipton, seconded by Lawrence Hodge the minutes of the July 16, 2007 County Commission were approved by voice roll call vote this August 20, 2007.

The appointment of a Coroner was deferred at the request of the County Attorney who informed the Commission that Carter County is required to have a Medical Examiner. He recommended that the Coroner position not be filled but a Medical Examiner be appointed instead.

On motion by Lynn Tipton, seconded by Jo Ann Blankenship the following Notaries were approved as presented. By voice roll call vote this July 20, 2007.

Penelope Stidham Kyte
Patricia A. Whitehead
Mary Reed
Patricia Fouts
Elaine Fair
Sue H. Skidmore
Elizabeth S. Wright
Mary Richardson

Jenifer M. Woods
Sherri L. Stout
Joan M. Smith
Randal Kelly Crain
Mary Evelyn Buck
Lynda K. Vaughn
Lana Garrison
Shelly Trivette

Mayor Holder opened the floor for nominations for a Judicial Commissioner and Mike Peters and Bob Hooks were nominated. Motion was made by Lawrence Hodge, seconded by Lynn Tipton to cease nominations. Roll call vote as follows:

MIKE PETERS: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, Harry Sisk, Jerry Pearman, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

BOB HOOKS: L.C. Tester & Jim Whaley

Mike Peters receiving 21 votes and Bob Hooks receiving 2 vote, Mike Peters was duly appointment as Judicial Commissioner for Carter County.

Motion was made by Jerry Pearman, seconded by Harry Sisk to approve the appointment of Sonny Mottern as the County's new Veteran's Service Officer to begin his duties the first of September 2007. By voice roll call vote motion duly carried this August 20, 2007.

Motion was made by Jerry Pearman, seconded by Robert Davis to change the speed limit on Long Hollow Road and Chambers Hollow Road from 35 mph to 25 mph. By voice roll call vote motion duly carried this July 20, 2007.

Jo Ann Blankenship gave an update on the Library relating repairs that have been made recently. She gave a list of grants that the Library had received and what was purchased with this money. Also she informed the Commissioners that the Library provided online access to 1.8 million items, comparable to the systems provided at ETSU and NESU, and was available to anyone needing this service. She also gave a report of the items discussed at the August 7, 2007, Financial Management Committee. (A copy of the minutes of this meeting were in the Commissioner's packets.)

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Lynn Tipton to approve the following General Fund Budget Amendment #1. Roll call vote as follows:

- AYES: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, Harry Sisk, Jerry Pearman, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble
- NAYS: Jim Whaley & L.C. Tester
- PASSING: 0
- ABSENT: Dickie Renfro

There being 21 ayes, 2 nays, 0 passing and 1 absent, motion duly carried this August 20, 2007.

**Carter County General Fund 101
Budget Amendment # 1 2007-08**

Item #1	52500	106	County Clerk Deputy		450	Decrease
	52500	119	Accountants Bookkeepers	450		Increase

To reallocate funds for a raise for Molly Teilhet.

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Harry Sisk to approve the following budget amendments as presented. Roll call vote as follows:

- AYES: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Terry Montgomery, Ken Arney, Larry McKinney,

Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong,
Robert Davis & Robert Gobble

NAYS: 0
PASSING: 0
ABSENT: Dickie Renfro

There being 23 ayes, 0 nays, 0 passing and 1 absent, motion duly carried
this August 20, 2007.

Carter County Schools Fund 141
Budget Amendment # 1 2007-08

Item #1					
71100	116	Teachers - Regular	122,025	Increase	
71100	128	Homebound Teachers	380	Increase	
71100	201	Social Security	7,590	Increase	
71100	204	Retirement	7,638	Increase	
71100	212	Medicare	1,775	Increase	
71150	116	Teachers - Alternative	754	Increase	
71150	201	Social Security	47	Increase	
71150	204	Retirement	47	Increase	
71150	212	Medicare	11	Increase	
71200	116	Teachers - Special Education	14,665	Increase	
71200	128	Homebound Teachers	432	Increase	
71200	171	Speech Pathologists	3,132	Increase	
71200	201	Social Security	1,130	Increase	
71200	204	Retirement	1,137	Increase	
71200	212	Medicare	264	Increase	
71300	116	Teacher Vocational	9,661	Increase	
71300	201	Social Security	599	Increase	
71300	204	Retirement	603	Increase	
71300	212	Medicare	140	Increase	
72120	131	Medical Personnel	781	Increase	
72120	201	Social Security	48	Increase	
72120	204	Retirement	49	Increase	
72120	212	Medicare	11	Increase	
72130	123	Guidance	5,231	Increase	
72130	201	Social Security	324	Increase	
72130	204	Retirement	326	Increase	
72130	212	Medicare	76	Increase	
72210	105	Supervisor	2,695	Increase	
72210	129	Librarians	5,102	Increase	
72210	189	Other	462	Increase	
72210	201	Social Security	512	Increase	
72210	204	Retirement	515	Increase	
72210	212	Medicare	120	Increase	
72215	105	Director	468	Increase	
72215	201	Social Security	29	Increase	
72215	204	Retirement	29	Increase	
72215	212	Medicare	7	Increase	
72220	105	Supervisor	676	Increase	
72220	124	Psychological	475	Increase	
72220	135	Assesment	779	Increase	
72220	201	Social Security	119	Increase	
72220	204	Retirement	121	Increase	
72220	212	Medicare	28	Increase	
72230	105	Supervisor	5,861	Increase	
72230	201	Social Security	35	Increase	
72230	204	Retirement	35	Increase	
72230	212	Medicare	8	Increase	
72410	104	Principal	6,689	Increase	
72410	139	Assistant Principal	1,284	Increase	
72410	189	Other	3,640	Increase	
72410	201	Social Security	720	Increase	
72410	204	Retirement	725	Increase	
72410	212	Medicare	170	Increase	
72810	121	Data Processing	826	Increase	
72810	201	Social Security	80	Increase	
72810	204	Retirement	80	Increase	
72810	212	Medicare	19	Increase	
71100	207	Insurance	32,185	Decrease	
71100	499	Other Supplies & Materials	16,000	Decrease	
72210	499	Other Supplies & Materials	15,000	Decrease	
72710	729	Transportation Equipment	48,000	Decrease	
76100	304	Architects	10,000	Decrease	
76100	706	Building Construction	50,000	Decrease	
76100	799	Other Capital Outlay	40,000	Decrease	

To reallocate funds for an additional 1% raise for Professional Employees

Item #2	72410	139	Assistant Principal		366,884	Decrease
	72410	189	Other Wages & Salaries	366,884		Increase

To reassign personnel from assistant principal position to Curriculum/Attendance

Item #3	71100	429	Instructional Supplies		3,000	Decrease
	71100	599	Other Charges	3,000		Increase

To reallocated funds for student attendance incentives

Item #4	71100	429	Instructional Supplies		8,000	Decrease
	72130	322	Evaluation & Testing	8,000		Increase

To reallocated funds for ACT Plan & ThinkLink

Item #5	71100	429	Instructional Supplies		5,000	Decrease
	72130	322	Evaluation & Testing	5,000		Increase

To reallocated funds for Parent Broadcast

Item #5	71100	429	Instructional Supplies		40,000	Decrease
	71100	116	Teachers	40,000		Increase

To reallocate funds for RTI Coaches

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Terry Montgomery for the County Employees to receive their annual raise, an amount of \$565.00, in one lump sum on the September 7, 2007 pay day. After much discussion, motion was made by Ken Arney, seconded by Lynn Tipton, to TABLE the motion. Roll call vote to TABLE as follows:

AYES: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Robert Davis & Robert Gobble

NAYS: Terry Montgomery & Bill Armstrong

PaSSING: 0

ABSENT: Dickie Renfro

There being 21 ayes, 2 nays, 0 passing and 1 absent, motion to TABLE duly carried this August 20, 2007.

Motion was made by Lynn Tipton, seconded by Ken Arney to give the County Employees raise bi-weekly. Roll call vote as follows:

AYES: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Jo Ann Blankenship, Charlie Bayless, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Robert Davis & Robert Gobble

NAYS: Tom Bowers, Terry Montgomery & Bill Armstrong

PASSING: 0

ABSENT: Dickie Renfro.

There being 20 ayes, 3 nays, 0 passing and 1 absent, motion duly carried this August 20, 2007.

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Harry Sisk that \$3,000 from the revenue generated by the Work Release Program be put into the Sheriff's budget item 54210-413 to purchase drug testing kits for inmates on work release. He explained that it was now required for each person on work release to be tested once a week with the inmate responsible for the \$10.00 fee. Sheriff Mathes asked that the \$10.00 turned into the County as fees be put back into his budget for the charge of these drug testing kits and to be reviewed in December for a possible additional \$3,000.00. Roll call vote as follows:

AYES: Lawrence Hodge, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Jo Ann Blankenship, Charlie Bayless, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: Jack Buckles, Gebe Ritchie, Nancy Brown, Jeff McKinney & Tom Bowers

PASSING: 0

ABSENT: Dickie Renfro

There being 18 ayes, 5 nays, 0 passing and 1 absent, motion duly carried this August 20, 2007.

On recommendation of the Budget Committee, motion was made by Bill Armstrong, seconded by Lawrence Hodge to add Don Hurst, the new President of Carter County Tomorrow, as a County employee in order to be included on the insurance and retirement. He stated that all costs would be reimbursed to the County by Carter County Tomorrow. After much discussion as to whether or not it would be appropriate for an employee of a separate entity to be considered a County employee and if the Agreement with the City was legally binding, motion was made by Tom Bowers, seconded by Robert Davis to TABLE the motion from the Budget Committee. Roll call vote to TABLE as follows:

AYES: Gebe Ritchie, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Jerry Pearman, L. C. Tester, Tom Bowers, Jo Ann Blankenship, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: Jack Buckles, Lawrence Hodge, Harry Sisk, Steve Lowrance, Charlie Bayless, Terry Montgomery & Richard Tester

PASSING: 0

ABSENT: Dickie Renfro

There being 16 ayes, 7 nays, 0 passing and 1 absent, motion to TABLE duly carried this August 20, 2007.

Motion was made by Terry Montgomery, seconded by Ken Arney to refer the matter back to the City because they shared in paying Hurst's salary. Motion was then made by Robert Davis, seconded by Jeff McKinney to TABLE Commissioner Montgomery's motion. Roll call vote to TABLE as follows:

AYES: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Jo Ann Blankenship, Charlie Bayless, Terry Montgomery, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Robert Davis & Robert Gobble

NAYS: Jim Whaley, Tom Bowers & Ken Arney

PASSING: Bill Armstrong

ABSENT: Dickie Renfro

There being 19 ayes, 3 nays, 1 passing and 1 absent, motion to TABLE duly carried this August 20, 2007.

Motion was then made by Gebe Ritchie, seconded by Jim Whaley to refer the matter of Mr. Hurst to the County Attorney to review. By voice roll call vote, motion duly carried this August 20, 2007.

Under Commissioner Comments on the agenda, Larry McKinney stated that the air conditioning system in the kitchen of Cloudland School was not properly working and needed to be looked into. Jerry Pearman made the same request for Valley Forge School.

Commissioner Lawrence Hodge, speaking on behalf of the First Utility District, said members of the utility have declared their desire to opt out of the WRRWA.

Commissioner Gebe Ritchie made a motion to declare the WRRWA "null and void" due to the fact that the resolution voted on by the Commission to send to the state legislature included the City of Elizabethton but that the resolution actually passed by the State excluded the City. Nancy Brown seconded Mr. Ritchie's motion. Motion was then made by Bill Armstrong, seconded by Robert Davis to TABLE Commissioner Ritchie's motion. Roll call vote to TABLE as follows:

AYES: Jim Whaley, Harry Sisk, Jerry Pearman, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, L. C. Tester, Terry Montgomery, Ken Arney
R. L. Miller

PASSING: 0

ABSENT: Dickie Renfro

There being 14 ayes, 9 nays, 0 passing and 1 absent, motion to TABLE duly carried this August 20, 2007.

Jo Ann Blankenship commended the Road Department for the good job they had done clearing the roadsides of overbrush.

Motion was made by Ken Arney, seconded by Nancy Brown to declare the Planning Commission "null and void" due to the fact that the majority of that body was made up of Commissioners and was in violation of the 81 Act. Motion was then made by Jack Buckles, seconded by Lawrence Hodge to TABLE Commissioner Arney's motion. Roll call vote to TABLE as follows:

AYES: Jack Buckles, Lawrence Hodge, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Jo Ann Blankenship, Charlie Bayless, Terry Montgomery, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, & Robert Davis

NAYS: Gebe Ritchie, Nancy Brown, Jeff McKinney, Tom Bowers, Ken Arney & Robert Gobble

PASSING: 0

ABSENT: Dickie Renfro

There being 17 ayes, 6 nays, 0 passing and 1 absent, motion to TABLE duly carried this August 20, 2007.

Motion was made by Jack Buckles, seconded by R. L. Miller to refer the matter of the Planning Commission to Keith Bowers, County Attorney, for investigation. By voice roll call, motion duly carried this August 20, 2007.

Steve Lowrance expressed his desire that the County Commission be downsized from 24 members to 16 members by the year 2010. This matter was referred to the Rules and By-Laws Committee.

On recommendation of the County Attorney, the personal "disclaimer" which is to be stated by each Commissioner employed in any way by the County when voting on any motion that may affect them personally, be read at the beginning of each Commission meeting and declared by each Commissioner when the roll call is taken by the Clerk.

Motion was made by Lynn Tipton, seconded by Bill Armstrong to adjourn. By voice roll call vote, motion duly carried this August 20, 2007.