

**HAMILTON COUNTY COMMISSION  
AGENDA PREPARATION SESSION  
APRIL 13, 2016**

**STATE OF TENNESSEE                    )**                   Agenda Preparation Session  
**COUNTY OF HAMILTON                )**                   April 13, 2016

**BE IT REMEMBERED**, that on this 13<sup>th</sup> day of April, 2016, an Agenda Preparation Session of the Hamilton County Board of Commissioners was begun and held at the Courthouse, in the City of Chattanooga, in the County Commission Room, when the following proceedings were held, to wit:--

0:13

Present and presiding was the Honorable Chester Bankston, Chairman. County Clerk Bill Knowles called the roll of the County Commission and the following, constituting a quorum, answered to their names: Commissioner Beck, Commissioner Boyd, Commissioner Fairbanks, Commissioner Fields, Commissioner Graham, Commissioner Haynes, Commissioner Mackey, Commissioner Smedley, and Chairman Bankston. Total present - 9. Total absent – 0.

Also in attendance were County Mayor's Chief of Staff Mike Compton, members of his administrative staff, County Attorney Rheubin Taylor, and County Auditor Bill McGriff.

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### **COMMITTEE ASSIGNMENTS**

Chairman Bankston indicated the upcoming agenda items would be considered as follows:

- An Order of Designation to the Planning Commission would be submitted as a matter of record.
- Resolution No. 416-19 was the usual County Clerk item regarding notaries, etc. This required no committee assignment.
- Resolution Nos. 416-31A, 416-31B, and 416-32 were assigned to the Zoning Committee, chaired by Commissioner Haynes.
- Resolution Nos. 416-33 through 416-42 were assigned to the Finance Committee, chaired by Commissioner Boyd.
- Resolution Nos. 416-20 through 416-30 were heard by a Committee of the Whole.

Chairman Bankston stated that Resolution Nos. 416-20 through 416-30 would now be heard by the Committee of the Whole.

### **COMMITTEE OF THE WHOLE – RESOLUTION NO. 416-20**

This Resolution reappoints Gordon Anderson to the Hamilton County Health and Safety Hearing Board for a term beginning April 20, 2016 and ending April 20, 2020.

There were no questions from Commissioners.

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**COMMITTEE OF THE WHOLE – RESOLUTION NO. 416-21**

This Resolution reappoints Leroy Grant, Jesse Kukier, and Tom Tomisek to the Hamilton County Board of Equalization for two-year terms beginning June 1, 2016 and ending May 31, 2018.

There were no questions from Commissioners.

**COMMITTEE OF THE WHOLE – RESOLUTION NO. 416-22**

Commissioner Haynes spoke regarding this item, which appropriates \$3,000 from general fund discretionary monies, as allotted to district three, to Aegis Law Enforcement of Greater Chattanooga. He stated the funds will come out of his travel and expense account.

There were no questions from Commissioners.

**COMMITTEE OF THE WHOLE – RESOLUTION NO. 416-23**

Commissioner Fairbanks spoke regarding this item, which appropriates \$1,000.00 from general fund discretionary monies, as allotted to district one, to

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Partnership for Families, Children, and Adults, Inc. It was noted the funds will assist the non-profit with the Rape Crisis Center.

There were no questions from Commissioners.

**COMMITTEE OF THE WHOLE – RESOLUTION NO. 416-24**

Commissioner Mackey spoke regarding this item, which appropriates \$500.00 from general fund discretionary monies, as allotted to district four, to Girls Incorporated of Chattanooga. The funds will assist the non-profit with the UnBought and UnBossed program, which aims to honor women in the community for their achievements in improving the lives of young women.

There were no questions from Commissioners.

47:07

**COMMITTEE OF THE WHOLE – RESOLUTION NO. 416-25**

Hamilton County Trustee Bill Hullander spoke regarding this item, which accepts the proposal of First Tennessee Bank to provide banking services and lock box payment processing services for the Trustee's office for a four-year period beginning June 8, 2016, with the option to renew for four additional one year terms. He added that

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the current contract is with First Tennessee Bank, which offers 23 locations in Hamilton County for property tax bill payment.

There were no questions from Commissioners.

**COMMITTEE OF THE WHOLE – RESOLUTION NO. 416-26**

Criminal Court Clerk Vince Dean spoke regarding this item, which appropriates \$300,000.00 in previously unbudgeted general government funds to the Criminal Court Clerk fund to assist the office in generating revenues to cover salaries and certain other operating costs.

5:54 In response to Commissioner Haynes question, Mr. Dean explained that Sessions Court judges are able to waive fees for indigent persons. He noted that he would report back to Commissioners with the exact amount in waived fees.

Mr. Dean gave a brief presentation regarding the operation of the Criminal Court Clerk's office. He began by introducing several members of his senior staff that were present at today's meeting, Chief Accountant Hunter Kirkpatrick, Chief of Staff Brad Tucker, Administrator Alicia Merriwether, and Chief Deputy Clerk Edna Camp, who has been with the office for 55 years. He went on to explain that the Criminal Court Clerk's

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office operates under two different budgets: the operating budget, which he stated is on track to come in almost \$80,000 under what it was when he took office in 2014, and the personnel budget. He explained that the Criminal Court Clerk's office is a fee-based office, and currently the fees collected by the office are not sufficient to cover the necessary salaries. It was noted that the office is only able to keep 5% of fines and fees collected during the first six months after they are ordered. The percentage increases if the fees remain unpaid for more than six months. The entire amount collected is remitted to the state, which in turn sends the Criminal Court Clerk's office their percentage. Mr. Dean explained that the state has been as far behind as 14 months in remitting funds to his office. It was noted that the state currently owes the office \$170,000.00.

Mr. Dean outlined a few of the proactive measures he has taken to improve the office's monetary situation, including a change in law that will require the state to reimburse county offices within 180 days.

14:30            In response to Chairman Bankston's request a copy of Mr. Dean's presentation was given to the commission and the clerk's office.

In response to Commissioner Fields' question regarding Felony Cost Bills, Mr. Dean explained that when an individual is arrested for a felony, the cost is submitted to

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the state, and the state pays the office up front for the court costs. Most of these cases go through Criminal Court, a court of record.

In response to Commissioner Fields question, Albert Kiser, Administrator of Finance, confirmed that the \$300,000.00 will come out of the fund balance. He added that the Finance Department has been working with Mr. Dean regarding the financial condition of the office.

16:45

In response to Commission Smedley's question, Mr. Dean confirmed that the funds will be used to cover the deficit in the personnel budget. He added that overtime and certain part time positions were eliminated and while some essential employees have been replaced upon their resignation, no additional positions have been added. He noted that the personnel budget is \$100,000.00 below what it was in 2015 with one less position.

In response to Commissioner Boyd's question, Mr. Dean explained that the fiscal situation of the office has continued to improve over the last year, and if he had come before the Commission sooner he would have been asking for a larger sum of money.

18:20

Commissioner Boyd expressed his hesitation in supporting unbudgeted items. He explained his frustration that a six-figure deficit in the personnel budget was not

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brought to the attention of Commissioners sooner so they may understand the measures being taken to prevent spending unbudgeted funds.

Mr. Dean responded to Commissioner Boyd's comments stating that the Finance Department recommended against bringing this before the Commission sooner. He referenced Tennessee Code Annotated 8-24-108, which requires that compensation and expenses "shall be paid out of public funds" in the event that collections are insufficient to do so.

Commissioner Haynes offered his support in working with state legislation on the matter. Mr. Dean noted that he was working on a remedy for consideration by the legislature and he would present it to Commissioners when he was more prepared to do so.

Commissioner Graham responded to a joke Mr. Dean made during his comments to the Commission. He explained that taking \$300,000.00 out of the emergency fund was serious business and not a joking matter. He echoed Commissioner Boyd's frustration that the Commission was not made aware of the deficit sooner. He added that he would support this item one time, but that measures needed to be taken to prevent the deficit from occurring in the future.



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In response to Commissioner Graham's question, Mr. Dean explained that funds cannot be transferred between the operating budget and the personnel budget. Mr. Kirkpatrick added that they do not expect the state to pay the entire \$170,000.00 they owe in time for the office to balance their books for the year.

29:39 Lee Brouner, Assistant Administrator of Finance, explained that unless something changes on the state level, he foresees the deficit as a recurring problem for the office. The fees the office charges per case have not been increased by the Legislature since they were initially set in 2006. He added that without an increase in fees, there is no feasible way for the office to generate enough revenue to cover the deficit.

In response to Commissioner Graham's question, Mr. Brouner confirmed that the only solution besides cutting staff would be to have the fees inflation adjusted on the state level. It was noted that in previous years, former Criminal Court Clerk Gwen Tidwell came before the Commission asking for an appropriation out of excess fees her office had generated. Mr. Brouner added that Mr. Dean had not been in office long enough to generate excess fees.

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Commissioner Graham expressed the need to come up with a long-term plan to prevent such a large deficit year after year. He stated that he would be committed to helping Mr. Dean fix the problem going forward.

34:07            In response to Commissioner Mackey's question, Commissioner Graham responded that he was not telling Mr. Dean how to run his department, but pledging his support in fixing the issues.

35:10            Commissioner Fairbanks added that the main issue lies with the state rather than with Mr. Dean. He expressed his appreciation to the Finance Department and thanked Mr. Dean for his presentation.

36:26            Commissioner Beck reiterated that this problem existed before Mr. Dean took office. He noted that Commissioner Graham's suggestion to help Mr. Dean improve the fiscal situation of the office was valid, and thanked him for suggesting it.

Mr. Dean thanked members of the Commission and reassured them that the door to his office is always open, and that constructive criticism is always welcome.

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**COMMITTEE OF THE WHOLE – RESOLUTION NO. 416-27**

38:36 Administrator of Finance Albert Kiser spoke regarding this Resolution, which authorizes Republic Parking System to revise the fee schedule for parking in the Hamilton County garage. He explained that Republic Parking manages the garage and periodically they will suggest fee increases to keep rates competitive with other parking garages in the area. He added that the increase will generate approximately \$163,000.00 in additional revenue.

In response to Commissioner Fairbanks question, Gail Roppo, Director of Purchasing, responded that this contract went out for bid several years ago and expires in February 2017.

40:16 In response to Commissioner Boyd's question, Ms. Roppo noted that the last rate adjustment occurred four years ago. She added that the \$163,000.00 estimation was gross revenue on collections, and the payment to Republic Parking would be approximately 4 to 6 percent of that.

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**COMMITTEE OF THE WHOLE – RESOLUTION NO. 416-28**

Justin Witt, Director of Maintenance and Operations for Hamilton County Department of Education, spoke regarding this item, which approves the entering into an agreement between the Hamilton County Board of Education and Tower Assets Newco IX, LLC for the lease of a tract of land at East Ridge High School. The land will be used for the erection of a cellular phone tower over a twenty-five year initial period.

41:55                In response to Commissioner Fields question, County Attorney Rheubin Taylor explained that the county legislative body must first approve this type of lease per a statutory requirement. He confirmed he would send a copy of the statute to Commissioner Fields per his request.

43:23                In response to Commissioner Boyd's question, Mr. Witt explained that the exact location of the tower will depend on the results of boring sample tests that will take place once this item is approved by the Commission. He added that if the tests revealed that no suitable location existed, the lease agreement would be invalid.

In response to Commissioner Boyd's question, Attorney Taylor reported that if the property is sold, the lease will remain applicable to the new owners.

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45:26            In response to Commissioner Graham's question, Mr. Witt explained that the tower company will have to go through the proper steps to meet zoning regulations. He also reported that according to the lease, the School Board will receive a \$10,000.00 one-time cash donation from the Tower Company, plus \$1500.00 base rent per month and 35% of any additional gross revenue collected after the third installed carrier per month. The monthly rent will be split between East Ridge High School and the technology fund, which has provided phone, internet, and computer upgrades in the past.

                 In response to Commissioner Fairbanks question, Mr. Witt confirmed that the initial \$10,000.00 as well as half of the monthly rent will go to East Ridge High School.

48:40            In response to Commissioner Mackey's question, Mr. Witt stated that any health concerns or liability would be the responsibility of the tower company. Commissioner Mackey suggested that voting on the Resolution be delayed until proper research concerning potential health hazards is completed.

                 In response to Commissioner Smedley's question, Mr. Witt noted that any opposition to the location of the tower would be addressed during zoning meetings. He added that due to competition of surrounding areas for location of the tower he was anxious to see this Resolution move forward.

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Chairman Bankston responded to Commissioner Mackey's concerns about the potential health hazards of the cell tower. He reported that studies and thorough research was done on health effects when previous towers were erected in the area.

Commissioner Graham expressed his support of this item. He noted that enough hurdles were in place going forward to address any potential concerns. He thanked Mr. Witt for bringing the item before the Commission.

**COMMITTEE OF THE WHOLE – RESOLUTION NO. 416-29**

52:54 Finance Administrator Albert Kiser spoke regarding this Resolution, which authorizes the County Mayor to sign an amendment to the contract with Corrections Corporation of America (CCA) for the management of Silverdale Correctional Facility. He reported that this item will extend the agreement with CCA through April 30, 2017 at the same rates and per diems until Hamilton County can develop a new corrections arrangement.

54:09 Commissioner Graham voiced his support for this Resolution and commended the Finance Department for being able to extend the agreement at the same price. Mr. Kiser acknowledged that Lee Brouner, Assistant Administrator of Finance, negotiates well with CCA.

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**COMMITTEE OF THE WHOLE – RESOLUTION NO. 416-30**

55:24 Commissioner Smedley spoke regarding this item, which approves the transferring of \$2,000.00 in discretionary bond funds as allotted to County Commission district eight to County Commission district seven, and the transeferring of a like amount in general fund discretionary funds as allotted to County Commission district seven to County Commission district eight. She noted that the funds would be used to buy a flagpole for East Hamilton Middle School.

There were no questions from Commissioners.

56:12 Commissioner Haynes, Chairman of the Zoning Committee, announced that the Zoning Committee would be meeting in the adjacent Conference Room immediately following today's Agenda Session.

56:38 Commissioner Boyd, Chairman of the Finance Committee, announced that the Finance Committee would be meeting in the Commission Room immediately following today's Agenda Session.

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### **ANNOUNCEMENTS**

Chairman Bankston asked for announcements from members of the Commission.

57:01 Commissioner Fairbanks announced a community meeting will take place Thursday, April 21<sup>st</sup> at 6:00 pm at Mile Straight Baptist Church regarding Chattanooga 2.0. He noted that a panel will be there to help explain to community members what they can do to help with public education in Hamilton County. He thanked Commissioner Smedley for the work she has done to organize meetings with members from Chattanooga 2.0.

58:02 Commissioner Smedley thanked Commissioner Fairbanks for his appreciation. She announced a community meeting on Tuesday, April 19<sup>th</sup> at 6 pm at Woodland Park Baptist Church regarding Chattanooga 2.0. She thanked Sheriff Jim Hammond for his help in securing the facility for the meeting and several Commissioners for joining in the effort. She encouraged everyone to attend the meeting and for Commissioners to reach out to their constituents about the meeting. She reported that Chattanooga 2.0 Project Leader Dr. Jared Bingham, would be present to explain what Chattanooga 2.0 is and aims to do. She added that a panel of community members would be there to help with facilitating the meeting.



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- 58:02 Commissioner Smedley announced a school facilities meeting with the Department of Education and Commission will take place Tuesday, May 10<sup>th</sup> at 6:00 pm at the Department of Education located at 3074 Hickory Valley Road in Chattanooga.
- 1:00:08 Attorney Taylor announced the dates for the budget workshop meetings on behalf of Mayor Coppinger. The dates will be Monday, April 18<sup>th</sup> at 1:00 pm, Monday, April 25<sup>th</sup> at 9:00 am, and Thursday, April 28<sup>th</sup> at 9:00 am. All three budget hearings will take place in the McDaniel Building.
- 58:02 In response to Commissioner Smedley's question, Mr. Kiser reported that the workshops will involve discussion of portions of the budget, but not the entire budget.
- In response to Commissioner Graham's question, Chairman Bankston confirmed that the customary Commission budget hearings will take place on a separate date.
- 1:02:17 In response to Commissioner Haynes question, Mr. Kiser reported that the workshops will last about 3 hours.
- 1:02:51 Chairman Bankston thanked Commissioner Smedley for her work in organizing the Chattanooga 2.0 meetings. He reported he would be attending the meetings.

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**DELEGATIONS**

Chairman Bankston asked for delegations on matters other than zoning. There were none.

Being no further business, Chairman Bankston declared the meeting adjourned until Wednesday, April 20<sup>th</sup> at 9:30 AM.

Respectfully submitted:



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William F. (Bill) Knowles, County Clerk

Approved:

05-04-16  
Date

W.F.K.  
Clerk's Initials