

**HAMILTON COUNTY COMMISSION
REGULAR MEETING
JULY 15, 2015**

STATE OF TENNESSEE) Regular Meeting
COUNTY OF HAMILTON) July 15, 2015

BE IT REMEMBERED, that on this 15th day of July, 2015, a Regular Meeting 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:--

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

Also in attendance were County Mayor Jim Coppinger, members of his administrative staff, County Attorney Rheubin Taylor, and County Auditor Bill McGriff.

Attached hereto is a copy of the Public Notice of this meeting, which was published in a local newspaper and made a matter of record of this meeting.

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0:35

Commissioner Boyd introduced Ethan Nunes who gave the invocation. He is a student at Baylor School, and a member of the Spiritual Assembly of the Baha'is. Commissioner Boyd led in the pledge to the flag.

3:55

APPROVAL OF MINUTES

ON MOTION of Commissioner Bankston, seconded by Commissioner Haynes, that the minutes of the Recessed Meeting of June 24, 2015, the Agenda Preparation Session of June 24, 2015, and the Regular Meeting of July 1, 2015, be approved, treat same as read, made a matter of record and filed.

Chairman Fields asked if there was any discussion. There was none.

The foregoing Motion was unanimously adopted on a Roll Call vote, with the following members of the County Commission being present and voting as follows: Commissioner Bankston, "Aye", Commissioner Beck, "Aye", Commissioner Boyd, "Aye", Commissioner Fairbanks, "Aye", Commissioner Graham, "Aye", Commissioner Haynes, "Aye", Commissioner Mackey, "Aye", Commissioner Smedley, "Aye", and Chairman Fields, "Aye". Total present – 9. Total absent – 0. Total "Aye" votes – 9. Total "Nay" votes – 0.

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4:34

ORDER OF REAPPOINTMENT

An order was submitted for the record reappointing David J. Fulton for a four-year term as a Commissioner of Walden's Ridge Utility District, said term expiring July 6, 2019.

ORDER OF DESIGNATION

An order was submitted for the record designating Todd Leamon to sit as the County Mayor's representative on the Planning Commission for the meeting July 13, 2015.

CRIMINAL COURT CLERK REPORT

The Criminal Court Clerk report for May 2015 was submitted and made a matter of record.

4:54

**RESOLUTION NO. 715-18 A RESOLUTION TO APPROVE AND ACCEPT
APPLICATIONS FOR NOTARY PUBLIC POSITIONS, THE BONDS AND OATHS OF
NOTARIES PREVIOUSLY ELECTED, TO FILE THE BONDS OF HAMILTON**

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**COUNTY 911 EMERGENCY COMMUNICATIONS DISTRICT, AND THE
CERTIFICATE OF DISCHARGE BY THE BOARD OF EQUALIZATION.**

ON MOTION of Commissioner Graham, seconded by Commissioner Haynes, to
adopt Resolution No. 715-18.

Chairman Fields asked if there was any discussion. There was none.

The foregoing Resolution was unanimously adopted on a Roll Call vote, with the
following members of the County Commission being present and voting as follows:
Commissioner Bankston, "Aye", Commissioner Beck, "Aye", Commissioner Boyd, "Aye",
Commissioner Fairbanks, "Aye", Commissioner Graham, "Aye", Commissioner Haynes,
"Aye", Commissioner Mackey, "Aye", Commissioner Smedley, "Aye", and Chairman
Fields, "Aye". Total present – 9. Total absent – 0. Total "Aye" votes – 9. Total "Nay"
votes – 0.

Chairman Fields reported that Resolution Nos. 715-19 and 715-26 were heard by
a Committee of the Whole.

**RESOLUTION NO. 715-19 A RESOLUTION CONFIRMING THE JOINT
REAPPOINTMENT BY THE COUNTY MAYOR AND THE MAYOR OF THE CITY OF**

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**CHATTANOOGA OF ONE MEMBER TO THE CHATTANOOGA-HAMILTON COUNTY
AIR POLLUTION CONTROL BOARD FOR A TERM ENDING JULY 19, 2019.**

ON MOTION of Commissioner Graham, seconded by Commissioner Boyd, to
adopt Resolution No. 715-19.

Chairman Fields asked if there was any discussion. There was none.

The foregoing Resolution was unanimously adopted on a Roll Call vote, with the
following members of the County Commission being present and voting as follows:
Commissioner Bankston, "Aye", Commissioner Beck, "Aye", Commissioner Boyd, "Aye",
Commissioner Fairbanks, "Aye", Commissioner Graham, "Aye", Commissioner Haynes,
"Aye", Commissioner Mackey, "Aye", Commissioner Smedley, "Aye", and Chairman
Fields, "Aye". Total present – 9. Total absent – 0. Total "Aye" votes – 9. Total "Nay"
votes – 0.

6:26

**RESOLUTION NO. 715-26 A RESOLUTION TO AUTHORIZE PAYMENT TO WILL
DENAMI TO REPRESENT THE INTERESTS OF HAMILTON COUNTY BEFORE THE
TENNESSEE GENERAL ASSEMBLY AND OTHER GOVERNMENTAL ENTITIES
DURING FISCAL YEAR 2015-2016.**

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ON MOTION of Commissioner Boyd, seconded by Commissioner Bankston, to adopt Resolution No. 715-26.

Chairman Fields asked if there was any discussion. There was none.

The foregoing Resolution was unanimously adopted on a Roll Call vote, with the following members of the County Commission being present and voting as follows:

Commissioner Bankston, "Aye", Commissioner Beck, "Aye", Commissioner Boyd, "Aye", Commissioner Fairbanks, "Aye", Commissioner Graham, "Aye", Commissioner Haynes, "Aye", Commissioner Mackey, "Aye", Commissioner Smedley, "Aye", and Chairman Fields, "Aye". Total present – 9. Total absent – 0. Total "Aye" votes – 9. Total "Nay" votes – 0.

**RESOLUTION NO. 715-20A A RESOLUTION TO REZONE FROM A-1
AGRICULTURAL DISTRICT AND R-2A RURAL RESIDENTIAL DISTRICT TO M-2
WHOLESALE AND LIGHT INDUSTRY DISTRICT, PROPERTY LOCATED AT 1221
BIRMINGHAM HIGHWAY.**

NO ACTION WAS TAKEN ON RESOLUTION NO. 715-20A.

**RESOLUTION NO. 715-20B A RESOLUTION TO REZONE FROM A-1
AGRICULTURAL DISTRICT AND R-2A RURAL RESIDENTIAL DISTRICT TO M-2**

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**WHOLESALE AND LIGHT INDUSTRY DISTRICT, PROPERTY LOCATED AT 1221
BIRMINGHAM HIGHWAY.**

Commissioner Haynes, Chairman of the Zoning Committee provided details regarding Resolution Nos. 715-20A and 715-20B. He stated the Zoning Committee reviewed and recommended approval without the 20 foot evergreen buffer condition.

ON MOTION of Commissioner Haynes, seconded by Commissioner Bankston, to adopt Resolution Nos. 715-20B.

Chairman Fields asked if there was any discussion.

Commissioner Haynes noted a typo and stated that the property located at 1221 Birmingham Highway was located in district 4 not district 6.

The foregoing Resolution was unanimously adopted on a Roll Call vote, with the following members of the County Commission being present and voting as follows: Commissioner Bankston, "Aye", Commissioner Beck, "Aye", Commissioner Boyd, "Aye", Commissioner Fairbanks, "Aye", Commissioner Graham, "Aye", Commissioner Haynes, "Aye", Commissioner Mackey, "Aye", Commissioner Smedley, "Aye", and Chairman Fields, "Aye". Total present – 9. Total absent – 0. Total "Aye" votes – 9. Total "Nay" votes – 0.

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Chairman Fields instructed Clerk Knowles to enter into the record that no action was taken on Resolution No. 715-20A. (See page 12 for further discussion on this item).

Chairman Fields asked that Resolution Nos. 715-21 through 715-25 be considered together at this time.

RESOLUTION NO. 715-21 A RESOLUTION AUTHORIZING THE COUNTY MAYOR TO SIGN A CONTRACT IN THE AMOUNT OF \$60,000 WITH THE CITY OF CHATTANOOGA FOR THE HAMILTON COUNTY COURTS COMMUNITY SERVICE PROGRAM WITH A TERM BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016.

RESOLUTION NO. 715-22 A RESOLUTION ACCEPTING THE BID OF THOMAS CONSULTANTS, INC. FOR ONE (1) YEAR CONTRACT UNIT PRICING, BEGINNING JULY 15, 2015, THROUGH JULY 14, 2016, WITH THE OPTION TO RENEW FOR ONE (1) ADDITIONAL ONE (1) YEAR TERM FOR MICROSOFT SQL SERVER SOFTWARE LICENSES FOR THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT AND AUTHORIZING THE COUNTY MAYOR TO SIGN ANY CONTRACTS NECESSARY TO IMPLEMENT THIS RESOLUTION.

RESOLUTION NO. 715-23 A RESOLUTION AUTHORIZING THE COUNTY MAYOR ON BEHALF OF HAMILTON COUNTY, TENNESSEE, THE HEALTH SERVICES

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DIVISION, OPERATING AS THE CHATTANOOGA-HAMILTON COUNTY HEALTH DEPARTMENT TO SIGN A CONTINUATION CONTRACT WITH THE TENNESSEE DEPARTMENT OF HEALTH TO PROVIDE PRIMARY CARE SERVICES TO UNINSURED ADULTS AGES 19 – 64 YEARS AT THE BIRCHWOOD HEALTH CENTER FOR THE TIME PERIOD JULY 1, 2015 THROUGH JUNE 30, 2016 IN THE AMOUNT OF \$15,000.00.

RESOLUTION NO. 715-24 A RESOLUTION AUTHORIZING A CONTINUATION AGREEMENT BETWEEN HAMILTON COUNTY, TENNESSEE, THE HEALTH SERVICES DIVISION, OPERATING AS THE CHATTANOOGA-HAMILTON COUNTY HEALTH DEPARTMENT AND THE CHATTANOOGA HUMAN SERVICES HEAD START/EARLY HEAD START PROGRAM FOR THE PERIOD ENDING JUNE 30, 2016.

RESOLUTION NO. 715-25 A RESOLUTION AUTHORIZING THE COUNTY MAYOR TO SIGN A CONTINUATION CONTRACT WITH THE TENNESSEE DEPARTMENT OF HEALTH AND HAMILTON COUNTY, TENNESSEE, THE HEALTH SERVICES DIVISION, OPERATING AS THE CHATTANOOGA-HAMILTON COUNTY HEALTH DEPARTMENT, FOR THE TIME PERIOD OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2016, IN AN AMOUNT NOT TO EXCEED \$360,500.00 TO PROVIDE PARENTS ARE FIRST TEACHERS (PAFT) SERVICES IN ACCORDANCE

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**WITH THE DEPARTMENT OF HEALTH'S MATERNAL, INFANT AND EARLY
CHILDHOOD HOME VISITING PROGRAM (MIECHV).**

Commissioner Graham provided details regarding Resolution Nos. 715-21 through 715-25 and stated that the Finance Committee reviewed and recommended approval.

ON MOTION of Commissioner Graham, seconded by Commissioner Boyd, to adopt Resolution Nos. 715-21 through 715-25.

Chairman Fields asked if there was any discussion. There was none.

The foregoing Resolutions were unanimously adopted on a Roll Call vote, with the following members of the County Commission being present and voting as follows: Commissioner Bankston, "Aye", Commissioner Beck, "Aye", Commissioner Boyd, "Aye", Commissioner Fairbanks, "Aye", Commissioner Graham, "Aye", Commissioner Haynes, "Aye", Commissioner Mackey, "Aye", Commissioner Smedley, "Aye", and Chairman Fields, "Aye". Total present – 9. Total absent – 0. Total "Aye" votes – 9. Total "Nay" votes – 0.

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ANNOUNCEMENTS

Chairman Fields asked for announcements from members of the Commission.

13:37

Commissioner Beck spoke about an incident involving an inmate at the courts building yesterday. He put emphasis on the need for video conferencing in all court rooms.

Commissioner Smedley reported that various public officials and county departments who were in attendance at the July 13th district seven quarterly community forum meeting held in East Brainerd.

She also stated that she had attended Mt. Zion Missionary Baptist Church in Lafayette, Georgia last Sunday. She spoke highly of Pastor Rheubin Taylor's sermon as well as the welcome she received from the congregation. She thanked Attorney Taylor for his sermon and encouraged everyone to attend Pastor Taylor's church.

16:55

Commissioner Boyd invited everyone to attend a community meeting at East Ridge Community Center, July 27th at 6:30 pm. He spoke about a recent Chattanooga.com article published in the opinions section. The opinion article insinuated that the Wastewater Treatment Authority (WWTa) has an open ended

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contract with CTI Engineering, Inc. He asked that WWTa's procurement practices be addressed.

19:53

Commissioner Graham asked for an update on the emergency HVAC replacement at the Hamilton County Medical Examiner's office. ~~The~~ Todd Leamon, Administrator of Public Works and County Engineer addressed this topic later during announcements.

Commissioner Haynes spoke regarding Resolution No. 715-20B, which was adopted during today's meeting. He noted that Resolution No. 715-20B includes conditions that were specific to a 20 foot green space buffer. He requested the conditions be removed from the resolution.

21:17

John Bridger, head of the Chattanooga-Hamilton County Regional Planning Agency noted that the Planning Committee recommended Resolution No. 715-20A, which did not include conditions.

Chairman Fields stated that once everyone has made their announcements a motion to reconsider Resolution No. 715-20B may be made.

29:31

Mr. Leamon gave an update about the Medical Examiner's Center HVAC replacement project. He noted the specifications are being finalized and a resolution for

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the emergency purchase will be on the August 5th agenda. He later corrected this statement and noted that the commission will be verbally updated at the August 5th meeting. A resolution will not be submitted to the commission because such is not required for an emergency purchase.

ON MOTION of Commissioner Haynes, seconded by Commissioner Boyd, to reconsider Resolution No. 715-20B.

Chairman Fields asked if there was any discussion. There was none.

The foregoing motion to reconsider Resolution No. 715-20B was unanimously adopted on a Roll Call vote, with the following members of the County Commission being present and voting as follows: Commissioner Bankston, "Aye", Commissioner Beck, "Aye", Commissioner Boyd, "Aye", Commissioner Fairbanks, "Aye", Commissioner Graham, "Aye", Commissioner Haynes, "Aye", Commissioner Mackey, "Aye", Commissioner Smedley, "Aye", and Chairman Fields, "Aye". Total present – 9. Total absent – 0. Total "Aye" votes – 9. Total "Nay" votes – 0.

Attorney Taylor indicated that Resolution No. 715-20B will be revised and the 20 foot green space buffer condition will be removed. The revised resolution will be submitted in proper format to the Clerk's office.

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In response to Clerk Knowles inquiry, Chairman Fields stated the Resolution No. will remain the same, 715-20B.

ON MOTION of Commissioner Graham, seconded by Commissioner Haynes, to adopt Resolution No. 715-20B without any conditions.

Chairman Fields asked if there was any discussion or opposition present in the audience. There was none.

The foregoing motion to adopt Resolution No. 715-20B as amended was unanimously adopted on a Roll Call vote, with the following members of the County Commission being present and voting as follows: Commissioner Bankston, "Aye", Commissioner Beck, "Aye", Commissioner Boyd, "Aye", Commissioner Fairbanks, "Aye", Commissioner Graham, "Aye", Commissioner Haynes, "Aye", Commissioner Mackey, "Aye", Commissioner Smedley, "Aye", and Chairman Fields, "Aye". Total present – 9. Total absent – 0. Total "Aye" votes – 9. Total "Nay" votes – 0.

Mayor Coppinger reported that an ambulance station on Highway 58 had to immediately evacuate their building for health reasons. During repairs to the building walls a tremendous amount of mold was discovered. They are temporarily operating out of Fire Station No. 7 at Enterprise South Industrial Park. In closing, he noted that the 60' x 60' ambulance station may have to be rebuilt completely.

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DELEGATIONS

32:02

Chairman Fields asked for delegations on matters other than zoning.

32:09

Rick Carpenter reported that he resided at 711 Signal Mountain Road. During discussion it was later discovered that the address he provided was a United Parcel Service (UPS) box. Commissioner Graham asked for his physical address and Mr. Carpenter reported that he resided at 1548 North Concord Road. Mr. Carpenter once again addressed the commission about his conflict with the Water and Wastewater Treatment Authority (WWTA). He requested an itemized billing statement from Chris Clem, the attorney representing WWTA. He stated that he had found that Chairman Fields worked for the same firm, Samples, Jennings, Ray & Clem, PLLC. Mr. Carpenter wondered if Commissioner Fields shared in Attorney Clem's WWTA legal fee.

Chairman Fields responded to Mr. Carpenter's comments and reported that he is a partner not an associate of Samples, Jennings, Ray & Clem, PLLC. As a partner of the firm he receives no profits from Attorney Clem's billings. All of Attorney Clem's billings go to him after all expenses are paid.

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34:10

Commissioner Boyd spoke highly of the Chairman's honesty, and thanked Chairman Fields for leading the commission with impeccable integrity.

37:54

Alex Williams residing at 4822 Glenmar Circle addressed the commission about Oakhill Drive being in disrepair. He noted that the road is used to access three churches, an apartment complex, a large shopping center, and several other businesses. He asked the commission for help in getting the road repaired. He specifically asked Commissioner Mackey to use his discretionary funds to assist in repairing the road. Commissioner Mackey reminded Mr. Williams that the City of Chattanooga is responsible for Oakhill Drive. In closing, Attorney Taylor clarified that discretionary money cannot be spent on road repairs. Commissioner Haynes and Commissioner Mackey announced that they will both discuss the issue at hand with Councilman Ken Smith.

42:36

Commissioner Mackey questioned recent Hamilton County issues involving discretionary spending. He also questioned the Office of Comptroller suddenly wanting to provide an opinion on the issue. He expressed concern about how pertinent information is handed down to Commissioners and asked that information of such importance be relayed directly to Commissioners, not relayed through Commission office staff.

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49:31

Chairman Fields informed Commissioner Mackey that Albert Kiser, Finance Director is putting together a memo detailing the legal usage of discretionary fund spending and the corresponding laws.

50:38

Mayor Coppinger stated that he disapproved of any commissioner questioning the finance director's credibility. He reminded everyone that the State of Tennessee Comptroller regulates and controls where and when the county can spend money. Due to the ongoing controversy over discretionary spending the Comptroller's office has reiterated the proper and legal way discretionary monies can be spent. Any prior spending habits have no relevance on today. In closing he was adamant about the commission following the Comptroller's guidelines.

54:16

Commissioner Smedley noted that she had ongoing school projects she committed to with last year's discretionary funds. Commissioner Smedley understood that general fund monies can't be used for such project but it was legal to use bond funds. Mr. Kiser clarified that bond issued funds can be used for the ongoing school projects.

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55:06

Lengthy discussion between the Mayor, Commissioner Mackey, and Commissioner Beck continued at this time. Topics covered included discretionary spending guidelines and communication issues between the finance team and the commission.

1:04:17

Gene Shipley residing at 11668 Walker Road Soddy Daisy, TN 37379, once again addressed the commission regarding plumbing contractors and the unfair treatment they are experiencing with WWTa. He spoke about escalating usage fees and quoted a recent permit fees. He stated that permit fees for a remodel sewer job in the City of Chattanooga are \$95. That same job in East Ridge has permit fees in the amount of \$2,350. He acknowledged that Kay Keefe, owner of Keefe Plumbing was also present in today's audience. He sympathized with local plumbers and their ability to continue to operate.

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Next week is a scheduled off week for the commission. Chairman Fields indicated his desire to recess the meeting to their off week. If there is no business, the County Attorney will open and close the meeting and the commission will officially meet on July 29th.

There being no further business, Chairman Fields declared the meeting in recess until Wednesday, July 22, 2015 at 9:30 AM.

Respectfully submitted:



William F. (Bill) Knowles, County Clerk

Approved:

08-05-15
Date

WJK
Clerk's Initials