

**HAMILTON COUNTY COMMISSION  
REGULAR MEETING  
AUGUST 17, 2016**

**STATE OF TENNESSEE**            )            Regular Meeting  
**COUNTY OF HAMILTON**        )            August 17, 2016

**BE IT REMEMBERED**, that on this 17<sup>th</sup> day of August, 2016, 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:--

0:12            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 Fairbanks, Commissioner Fields, Commissioner Graham, Commissioner Haynes, Commissioner Mackey, Commissioner Smedley, and Chairman Bankston. Commissioner Boyd was absent. Total present – 8. Total absent – 1.

Chairman Bankston announced that Commissioner Boyd would be absent for today's meeting.

Mike Compton Chief of Staff to Mayor Coppinger was present. Also in attendance were members of the Mayor's administrative staff along with County Attorney Rheubin Taylor, and County Auditor Bill McGriff.

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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.

Commissioner Beck introduced Senior Pastor Sonny D. Wilkes, Dividing Ridge Church of God, who gave the invocation. Commissioner Beck led in the pledge to the flag.

4:03

**APPROVAL OF MINUTES**

**ON MOTION** of Commissioner Fields, seconded by Commissioner Mackey, that the minutes of the Recessed Meeting of July 27, 2016, the Agenda Preparation Session of July 27, 2016, and the Regular Meeting of August 3, 2016, be approved, treat same as read, made a matter of record and filed. 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 Beck, "Aye", Commissioner Fairbanks, "Aye", Commissioner Fields, "Aye", Commissioner Graham, "Aye", Commissioner Haynes, "Aye", Commissioner Mackey, "Aye", Commissioner Smedley, "Aye", and Chairman Bankston, "Aye". Commissioner Boyd was absent. Total present – 8. Total absent – 1. Total "Aye" votes – 8. Total "Nay" votes – 0.

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**JUVENILE COURT CLERK'S REPORT**

The Juvenile Court Clerk's report for May 2016 was submitted and made a matter of record.

**ORDER OF DESIGNATION**

An Order was recorded designating Todd Leamon to sit as the County Mayor's representative on the Planning Commission for the meeting of August 8, 2016.

**ORDER OF REAPPOINTMENT**

An Order reappointing Robert McKenzie to the Walden's Ridge Utility District Board, for a four-year term beginning August 18, 2016 and expiring August 18, 2020 was entered into the record.

4:48

**RESOLUTION NO. 816-28 A RESOLUTION TO APPROVE AND ACCEPT APPLICATIONS FOR NOTARY PUBLIC POSITIONS, THE BONDS AND OATHS OF NOTARIES PREVIOUSLY ELECTED, AND TO FILE THE BOND OF HAMILTON COUNTY 911 EMERGENCY COMMUNICATIONS DISTRICT.**

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**ON MOTION** of Commissioner Fields, seconded by Commissioner Smedley, to adopt Resolution No. 816-28. 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 Beck, "Aye", Commissioner Fairbanks, "Aye", Commissioner Fields, "Aye", Commissioner Graham, "Aye", Commissioner Haynes, "Aye", Commissioner Mackey, "Aye", Commissioner Smedley, "Aye", and Chairman Bankston, "Aye". Commissioner Boyd was absent. Total present – 8. Total absent – 1. Total "Aye" votes – 8. Total "Nay" votes – 0.

5:25

**RESOLUTION NO. 816-29 A RESOLUTION ACCEPTING THE PROPOSAL OF ROCK/CREEK FOR THE PROVISION OF CONVENIENT, AFFORDABLE ACCESS TO OUTDOOR RECREATIONAL OPPORTUNITIES, THROUGH THE ESTABLISHMENT OF PADDLESport AND BICYCLE RENTALS, AND ASSOCIATED PROGRAMMING WITHIN HAMILTON COUNTY PARKS, AND AUTHORIZING THE COUNTY MAYOR TO SIGN ANY CONTRACTS NECESSARY TO IMPLEMENT THIS RESOLUTION.**

**ON MOTION** of Commissioner Fields, seconded by Commissioner Graham, to adopt Resolution No. 816-29. 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 Beck, "Aye", Commissioner Fairbanks, "Aye", Commissioner Fields, "Aye", Commissioner Graham, "Aye", Commissioner Haynes,

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“Aye”, Commissioner Mackey, “Aye”, Commissioner Smedley, “Aye”, and Chairman Bankston, “Aye”. Commissioner Boyd was absent. Total present – 8. Total absent – 1. Total “Aye” votes – 8. Total “Nay” votes – 0.

**RESOLUTION NO. 816-30 A RESOLUTION TO REZONE FROM A-1  
AGRICULTURAL DISTRICT & R-2 URBAN RESIDENTIAL DISTRICT TO R-1  
SINGLE-FAMILY RESIDENTIAL DISTRICT, PROPERTY LOCATED AT 2333  
OOLTEWAH-RINGGOLD ROAD.**

Chairman Bankston announced that Resolution No. 816-30 submitted last week in the Agenda Session was being pulled and would not be considered. There was no objection.

Chairman Bankston asked that Resolution Nos. 816-31 through 816-33 be considered together at this time.

**RESOLUTION NO. 816-31 A RESOLUTION TO REZONE FROM A-1  
AGRICULTURAL DISTRICT & R-2 RESIDENTIAL DISTRICT TO R-1 SINGLE  
FAMILY RESIDENTIAL DISTRICT, PROPERTIES LOCATED AT 3503, 3603 & 3635  
OOLTEWAH-RINGGOLD ROAD.**

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**RESOLUTION NO. 816-32 A RESOLUTION GRANTING A SPECIAL EXCEPTIONS PERMIT FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT OF PROPERTIES AT 3503, 3603 & 3635 OOLTEWAH-RINGGOLD ROAD.**

**RESOLUTION NO. 816-33 A RESOLUTION GRANTING ABANDONMENT OF A PORTION OF THE UNNUMBERED BLOCK OF SCOGGINS CIRCLE.**

7:10

Commissioner Haynes, Chairman of the Zoning Committee, stated that without objection the Zoning Committee recommended that Resolution No. 816-31 and 816-32 be delayed until the September 14<sup>th</sup> Agenda Session, to be voted on at the September 21<sup>st</sup> Regular Meeting. He explained that the request to delay was due to the pending results of a traffic study by the developer.

Commissioner Haynes provided details regarding Resolution No. 816-33, and stated that the Zoning Committee reviewed and recommended approval. He noted that another portion of Scoggins Circle was abandoned in 2012 (per Resolution No. 1212-12B, adopted on December 19, 2012).

**ON MOTION** of Commissioner Haynes, seconded by Commissioner Smedley, to adopt Resolution No. 816-33.

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9:16 In response to Commissioner Graham's question, Administrator of Public Works and County Engineer Todd Leamon stated that the Engineering Department reviewed the Resolution and gave a recommendation to deny. He stated that an apartment complex uses a gated entrance located on Scoggins Circle for a secondary entrance into the complex. It was noted that the Engineering Department does not recommend approving the abandonment of any road that provides a public benefit.

In response to Commissioner Fields question, Mr. Leamon clarified that it was the position of the Engineering Department that the road should not be abandoned. He stated that the Resolution was to approve the abandonment of the 10 feet of Scoggins Circle, a County owned road, adjacent to a gated access to the apartment complex. He further explained that if the road is abandoned, the apartment complex will no longer have that option for egress from the facility.

11:57 In response to Commissioner Mackey's question, Mr. Leamon confirmed that an affirmative vote would be in favor of abandoning 10 feet of Scoggins Circle. He added that the road provides a public benefit as a secondary entrance into the apartment complex; a main entrance is located on Ooltewah-Georgetown Road.

Commissioner Haynes reported that the applicants are suffering property damage by those using the road as an entrance into the apartment complex.

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Attorney Taylor clarified that a “yes” vote would be in favor of granting the abandonment of the road.

13:43

In response to Commissioner Fairbanks questions, Commissioner Haynes reported that it was in the best interest of the property owners on Scoggins Circle to abandon the road.

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

Commissioner Beck, “Aye”, Commissioner Fairbanks, “Aye”, Commissioner Fields, “Nay”, Commissioner Graham, “Nay”, Commissioner Haynes, “Aye”, Commissioner Mackey, “Nay”, Commissioner Smedley, “Aye”, and Chairman Bankston, “Aye”.

Commissioner Boyd was absent. Total present – 8. Total absent – 1. Total “Aye” votes – 5. Total “Nay” votes – 3.

At this time, the applicant, who was not identified for the record, approached the podium. She thanked the Commission for granting the abandonment.

17:53

**RESOLUTION NO. 816-34 A RESOLUTION APPROVING THE PURCHASE OF AN ANNUAL MAINTENANCE CONTRACT FOR MOBILE LAW VEHICLE WORKSTATION SOFTWARE AND FBR WORKSTATION SOFTWARE AMOUNTING TO \$51,860.24 FROM TRITECH SOFTWARE SYSTEMS FOR THE SHERIFF’S**



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**DEPARTMENT AND AUTHORIZING THE COUNTY MAYOR TO SIGN ANY  
CONTRACTS NECESSARY TO IMPLEMENT THIS RESOLUTION.**

**ON MOTION** of Commissioner Beck, seconded by Commissioner Smedley, to adopt Resolution No. 816-34. 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 Beck, "Aye", Commissioner Fairbanks, "Aye", Commissioner Fields, "Aye", Commissioner Graham, "Aye", Commissioner Haynes, "Aye", Commissioner Mackey, "Aye", Commissioner Smedley, "Aye", and Chairman Bankston, "Aye". Commissioner Boyd was absent. Total present – 8. Total absent – 1. Total "Aye" votes – 8. Total "Nay" votes – 0.

18:38

**RESOLUTION NO. 816-35 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, 2016 THROUGH SEPTEMBER 30, 2017, IN AN AMOUNT NOT TO EXCEED \$360,500.00 TO PROVIDE PARENTS ARE FIRST TEACHERS (PAFT) SERVICES IN ACCORDANCE WITH THE DEPARTMENT OF HEALTH'S MATERNAL, INFANT AND EARLY CHILDHOOD HOME VISITING PROGRAM (MIECHVP).**

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**ON MOTION** of Commissioner Graham, seconded by Commissioner Fields, to adopt Resolution No. 816-35. 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 Beck, "Aye", Commissioner Fairbanks, "Aye", Commissioner Fields, "Aye", Commissioner Graham, "Aye", Commissioner Haynes, "Aye", Commissioner Mackey, "Aye", Commissioner Smedley, "Aye", and Chairman Bankston, "Aye". Commissioner Boyd was absent. Total present – 8. Total absent – 1. Total "Aye" votes – 8. Total "Nay" votes – 0.

19:32

**RESOLUTION NO. 816-36 A RESOLUTION REPEALING RESOLUTION NUMBER 1284-40 (AS ADOPTED ON OCTOBER 19, 1984) WHICH RESTRICTED THE SALE AND CONSUMPTION OF BEER AND WINE AT CHESTER FROST PARK, RIVERPARK AND ENTERPRISE SOUTH NATURE PARK AND AUTHORIZING SAID SALE AND CONSUMPTION THEREOF DURING SPECIAL EVENTS.**

**ON MOTION** of Commissioner Graham, to adopt Resolution No. 816-36.

The foregoing Motion to adopt Resolution No. 816-36 failed due to lack of a second.

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20:32 **RESOLUTION NO. 816-37 A RESOLUTION AMENDING THE RULES,  
REGULATIONS, AND RATES AS PERTAIN TO THE OPERATION OF THE  
HAMILTON COUNTY PARKS AND RECREATION DEPARTMENT.**

**ON MOTION** of Commissioner Haynes, seconded by Commissioner Graham, to adopt Resolution No. 816-37.

**RESOLUTION NO. 816-38 A RESOLUTION ESTABLISHING A “HAMILTON  
COUNTY PARKS SPECIAL EVENTS COORDINATING COMMITTEE” TO  
REGULATE AND OVERSEE SPECIAL EVENTS IN CERTAIN DESIGNATED AREAS  
OF THE THREE HAMILTON COUNTY RECREATIONAL PROPERTIES, NAMELY,  
CHESTER FROST PARK, ENTERPRISE SOUTH NATURE PARK, AND CERTAIN  
PARTS OF THE RIVER WALK.**

Commissioner Fields stated that the revised rules pertaining to alcohol sales and consumption in Resolution No. 816-37 and 816-38 would need to be revisited by the Parks and Recreation Department after the Motion to adopt Resolution No. 816-36 failed due to lack of a second.

**ON MOTION** of Commissioner Fields, seconded by Commissioner Graham, to defer Resolutions No. 816-37 and 816-38 for 30 days.

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The foregoing Motion to defer was unanimously adopted on a Roll Call vote, with the following members of the County Commission being present and voting as follows: Commissioner Beck, "Aye", Commissioner Fairbanks, "Aye", Commissioner Fields, "Aye", Commissioner Graham, "Aye", Commissioner Haynes, "Aye", Commissioner Mackey, "Aye", Commissioner Smedley, "Aye", and Chairman Bankston, "Aye". Commissioner Boyd was absent. Total present – 8. Total absent – 1. Total "Aye" votes – 8. Total "Nay" votes – 0.

**ANNOUNCEMENTS**

Chairman Bankston asked for announcements from members of the Commission.

22:56

Commissioner Haynes distributed for the record copies of his letter of resignation from the Board of Commissioners indicating the effective date, Thursday, August 31, 2016, pending certification of the election that was held on August 4<sup>th</sup>. A copy of the letter was filed with the Clerk's office.

23:41

Commissioner Graham announced that on September 10<sup>th</sup>, the Lookout Valley Lions Club will be holding its annual golf tournament at the Trenton Golf Club. He reported that 100% of the proceeds are used to provide food, toys, and gifts for children and families at Christmas. He stated that Commissioner Fields will also be participating

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in the golf tournament. It was noted that Commissioner Graham has been a board member for the Lookout Valley Lions Club for many years.

Commissioner Graham also spoke about the District 3 Commission seat vacancy, and stated that the Commission should appoint an interim to serve until the November election to represent the 37,000 residents of District 3. He expressed his concerns of potential issues it could cause to leave the seat vacant until the election. He added that if the Commission begins the process immediately, they could have a caretaker who agrees not to run for the position in place soon.

29:29

Commissioner Fairbanks stated that the Commission should defer to Commissioner Haynes regarding filling the District 3 Commission seat.

No action was taken on appointing an interim Commissioner.

**DELEGATIONS**

Chairman Bankston asked for delegations on matters other than zoning.

30:54

Eric Alexander Atkins, residing at 2705 Riverside Drive Chattanooga, TN 37406, addressed the Commission as a representative of the Chattanooga-Hamilton County NAACP. He spoke about the state of the criminal justice system, and the current focus

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of punishment and retribution as opposed to restorative justice. He emphasized the importance of complying with the United States Constitution, and having open discussions regarding criminal justice reform. He stated that the NAACP was displeased with the Commission's August 3, 2016 approval of Resolution No. 816-11, which approved establishing a victim's assistance assessment of \$45.00 against those found guilty of certain criminal offenses, and submitted a public dissent regarding the Commission action.

Mr. Atkins cited several examples of racial disparity in the criminal justice system, and asked for the Commission's cooperation in having an open discussion regarding criminal justice reform in Hamilton County. He noted that too many walls of inequality and injustice exist that need to be broken down, and when this happens positive changes will occur.

35:38 In response to Commissioner Mackey's question, Mr. Atkins stated that the Chattanooga-Hamilton County NAACP will hold a public forum to discuss criminal justice reform. Commissioner Mackey requested an invitation to the public forum.

37:11 Commissioner Beck thanked Mr. Atkins for his presentation and stated that he agreed with Mr. Atkins' comments about having a discussion regarding criminal justice reform in Hamilton County.

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Mr. Atkins reported that 95% of those incarcerated are serving time for non-violent offenses, and that 40% of those are suffering from some type of mental illness. He stressed the importance of addressing mental health in the community. He noted that it was a collective responsibility of the entire community to initiate change.

40:05 Commissioner Mackey reported that focusing on rehabilitation rather than incarceration could alleviate some of the burden on Hamilton County taxpayers.

Mr. Atkins once again emphasized the importance of using the Constitution as a guiding principle in criminal justice.

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There being no further business, Chairman Bankston declared the meeting in recess until Wednesday, August 31, 2016 at 9:30 AM.

Respectfully submitted:



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William F. (Bill) Knowles, County Clerk

Approved:

09-07-16

W.F.K.

Date

Clerk's Initials