

**RECESSED MEETING
HAMILTON COUNTY BOARD OF COMMISSIONERS
OCTOBER 10, 2018**

STATE OF TENNESSEE)
COUNTY OF HAMILTON)

Recessed Meeting
October 10, 2018

BE IT REMEMBERED, that on this 10th day of October, 2018, a Recessed 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:--

0:14 Present and presiding was the Honorable Sabrena Smedley, Chairman. County Clerk Bill Knowles called the roll of the County Commission and the following, constituting a quorum, answered to their names: Commissioner Baker, Commissioner Bankston, Commissioner Boyd, Commissioner Fairbanks, Commissioner Geter, Commissioner Mackey, Commissioner Sharpe, and Chairman Smedley. Commissioner Martin was absent. Total present – 8. Total absent -1.

Chairman Smedley noted Commissioner Martin would be absent for today's Recessed Meeting and Agenda Session.

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

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Commissioner Fairbanks introduced Director Fred Bennett, Titus International, who gave the invocation. Commissioner Fairbanks led in the pledge to the flag.

Chairman Smedley reported there were several items discussed in last week's committee meetings to be considered today.

2:58

RESOLUTION NO. 1018-41 A RESOLUTION AMENDING RESOLUTION NO. 318-14 TO CORRECT CERTAIN CLERICAL ERRORS IN THE ECONOMIC IMPACT PLAN FOR THE M.L. KING BOULEVARD DEVELOPMENT AREA AS WAS ATTACHED TO SAID RESOLUTION.

Attorney Taylor advised it was brought to his attention Resolution No. 318-14, adopted on March 7, 2018, contained a clerical mistake in the description of the property. It was noted the City of Chattanooga has adopted the corrected property description.

ON MOTION of Commissioner Fairbanks, seconded by Commissioner Bankston, to adopt Resolution No. 1018-41. 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 Baker, "Aye", Commissioner Bankston, "Aye", Commissioner Boyd, "Aye", Commissioner Fairbanks, "Aye", Commissioner Geter, "Aye", Commissioner Mackey, "Aye", Commissioner Sharpe, "Aye", and Chairman

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Smedley, "Aye". Commissioner Martin was absent. Total present – 8. Total absent – 1.

Total "Aye" votes – 8. Total "Nay" votes – 0.

5:43 **RESOLUTION NO. 1018-45 A RESOLUTION AMENDING THE COUNTY
COMMISSION'S POLICY ON TRAVEL EXPENDITURES DURING AN ELECTION
YEAR AS TO SERVING COMMISSIONERS WHO ARE BEING CHALLENGED FOR
THEIR POSITION ON THE COMMISSION OR HAVE ANNOUNCED THEIR DECISION
NOT TO SEEK RE-ELECTION.**

This Resolution was originally presented as Resolution No. 1018-16. It was discovered 1018-16 was already assigned to another item therefore this item was designated Resolution No. 1018-45, which was the next available number.

Commissioner Boyd reported this Resolution would require a Commissioner to retain a minimum of \$4,000.00 in their travel account during an election year to ensure there are funds available to cover any travel expenses for the ensuing term.

In response to Commissioner Fairbanks' question, Attorney Taylor confirmed this item was discussed in last week's Legal and Legislative Committee Meeting.

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ON MOTION of Commissioner Boyd, seconded by Commissioner Mackey, to adopt Resolution No. 1018-45. 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 Baker, “Aye”, Commissioner Bankston, “Aye”, Commissioner Boyd, “Aye”, Commissioner Fairbanks, “Aye”, Commissioner Geter, “Aye”, Commissioner Mackey, “Aye”, Commissioner Sharpe, Aye”, and Chairman Smedley, “Aye”. Commissioner Martin was absent. Total present – 8. Total absent – 1. Total “Aye” votes – 8. Total “Nay” votes – 0.

9:14

RESOLUTION NO. 1018-42 A RESOLUTION AMENDING RULE 24 OF THE OFFICIAL PROCEEDINGS OF THE BOARD OF COMMISSIONERS OF HAMILTON COUNTY, TENNESSEE, AS MODIFIED ON JULY 19, 2017.

Commissioner Boyd stated Resolution No. 1018-42 was discussed in last week’s Legal and Legislative Committee. He reported Rule 24 of the Commission’s revised Rules of Order (*Resolution No. 717-28*) pertaining to a motion to reconsider did not specify the requirement of a second. This Resolution amends that procedure to provide that when a member (who voted on the prevailing side) moves to reconsider a matter previously brought before the body, said motion requires a second in order to be considered.

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ON MOTION of Commissioner Boyd, seconded by Commissioner Mackey, to adopt Resolution No. 1018-42.

In response to Commissioner Mackey's question, Attorney Taylor stated he has reviewed and approved the language in this Resolution.

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 Baker, "Aye", Commissioner Bankston, "Aye", Commissioner Boyd, "Aye", Commissioner Fairbanks, "Aye", Commissioner Geter, "Aye", Commissioner Mackey, "Aye", Commissioner Sharpe, "Aye", and Chairman Smedley, "Aye". Commissioner Martin was absent. Total present – 8. Total absent – 1. Total "Aye" votes – 8. Total "Nay" votes – 0.

12:38

RESOLUTION NO. 1018-43 A RESOLUTION AMENDING RULE 8 AND RULE 17 OF THE OFFICIAL PROCEEDINGS OF THE BOARD OF COMMISSIONERS OF HAMILTON COUNTY, TENNESSEE, AS MODIFIED ON JULY 19, 2017.

ON MOTION of Commissioner Boyd, seconded by Commissioner Geter, to adopt Resolution No. 1018-43.

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Commissioner Boyd stated Resolution No. 1018-43 was discussed in last week's Legal and Legislative Committee. He reported this Resolution clears up an inconsistency that occurred in Rule 8 and Rule 17 of the Commission's revised Rules of Order (*Resolution No. 717-28*) pertaining to a motion to Move the Previous Question (or "Call for the Question").

Attorney Taylor clarified a previous version of this Resolution was put on the October 17th agenda and numbered Resolution No. 1018-20. He stated without objection Resolution No. 1018-20 should be pulled and replaced with Resolution No. 1018-43. There was no objection.

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 Baker, "Aye", Commissioner Bankston, "Aye", Commissioner Boyd, "Aye", Commissioner Fairbanks, "Aye", Commissioner Geter, "Aye", Commissioner Mackey, "Aye", Commissioner Sharpe, "Aye", and Chairman Smedley, "Aye". Commissioner Martin was absent. Total present – 8. Total absent – 1. Total "Aye" votes – 8. Total "Nay" votes – 0.

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16:37

**RESOLUTION NO. 1018-44 A RESOLUTION APPOINTING _____
AS JUDICIAL COMMISSIONER TO FILL THE VACANCY CREATED BY THE
TERMINATION OF OWEN STUART BROWN, FOR THE PERIOD COMMENCING
OCTOBER 10, 2018 AND EXPIRING APRIL 30, 2020, AND ESTABLISHING THE
COMPENSATION TO BE RECEIVED.**

Commissioner Sharpe, Chairman of the Security and Corrections Committee, stated three individuals were interviewed last week and asked that the names of all three candidates be considered for the vacant Judicial Commissioner position.

Chairman Smedley read the names of the three candidates into the record: Blake F. Murchison, Robert Davis, and Robert Widerkehr, Jr.

County Clerk Bill Knowles called the roll for the nomination to fill the vacancy of Judicial Commissioner. Commissioner Baker, "Blake F. Murchison", Commissioner Bankston, "Blake F. Murchison", Commissioner Boyd, "Pass", Commissioner Fairbanks, "Blake F. Murchison", Commissioner Geter, "Blake F. Murchison", Commissioner Mackey, "Blake F. Murchison", Commissioner Sharpe, "Blake F. Murchison", and Chairman Smedley, "Blake F. Murchison". Commissioner Martin was absent. Total present – 8. Total absent – 1.

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Per the Commission's Rules of Order, any member of the Commission having announced "Pass" at the first call of the vote should subsequently be called on the Clerk to vote a second time. Clerk Knowles called the roll of the member having previously announced "Pass". Commissioner Boyd announced "Blake F. Murchison" on the second call of the vote.

Blake F. Murchison was elected Judicial Commissioner with eight votes.

At this time, Resolution No. 1018-44 was read into the record with name of Blake F. Murchison inserted in the blank.

ON MOTION of Commissioner Fairbanks, seconded by Commissioner Baker, to adopt Resolution No. 1018-44 with the name of Blake F. Murchison inserted in the blank. 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 Baker, "Aye", Commissioner Bankston, "Aye", Commissioner Boyd, "Aye", Commissioner Fairbanks, "Aye", Commissioner Geter, "Aye", Commissioner Mackey, "Aye", Commissioner Sharpe, "Aye", and Chairman Smedley, "Aye". Commissioner Martin was absent. Total present – 8. Total absent – 1. Total "Aye" votes – 8. Total "Nay" votes – 0.

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RESOLUTION NO. 1018-46 A RESOLUTION RE-APPOINTING RON POWERS AND ANDREW S. BASLER AS JUDICIAL COMMISSIONERS FOR A TWO (2) YEAR TERM COMMENCING NOVEMBER 1, 2018, AND EXPIRING OCTOBER 31, 2020; RE-DESIGNATING LORIE MILLER AS CHIEF JUDICIAL COMMISSIONER FOR A TERM BEGINNING NOVEMBER 1, 2018, AND ENDING OCTOBER 31, 2018; AND ESTABLISHING THE COMPENSATION TO BE RECEIVED, RESPECTIVELY.

ON MOTION of Commissioner Fairbanks, seconded by Commissioner Baker, to adopt Resolution No. 1018-46. 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 Baker, "Aye", Commissioner Bankston, "Aye", Commissioner Boyd, "Aye", Commissioner Fairbanks, "Aye", Commissioner Geter, "Aye", Commissioner Mackey, "Aye", Commissioner Sharpe, "Aye", and Chairman Smedley, "Aye". Commissioner Martin was absent. Total present – 8. Total absent – 1. Total "Aye" votes – 8. Total "Nay" votes – 0.

RESOLUTION NO. 818-32A A RESOLUTION GRANTING A SPECIAL EXCEPTIONS PERMIT FOR A TELECOMMUNICATIONS TOWER ON PROPERTY AT 9031 JENNIFER LANE.

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ON MOTION of Commissioner Fairbanks, seconded by Commissioner Baker, to adopt Resolution No. 818-32A.

24:56

Chairman Smedley reported this Resolution was originally presented as Resolution No. 818-32 and was denied by the Commission on August 15, 2018. She stated at last week's meeting a federal law suit along with several legal issues have arisen requiring the Commission to reconsider their action, specifically relating to the criteria the Telecommunications Act establishes for basis for denial of permits. Chairman Smedley noted certain conditions have been agreed upon and added to the Resolution, which has been presented as Resolution No. 818-32A.

Chairman Smedley asked that the conditions in Resolution No. 818-32A be read into the record. She thanked Vogue Towers for their willingness to include the conditions.

25:37

Commissioner Boyd questioned why the matter was brought before Commissioners. He stated the presentation and follow up by Vogue Towers did not convince him of the need for the tower and noted his intent to pass on the vote.

Chairman Smedley requested that regulations requiring these types of permits to be approved by the Commission be researched. She suggested the policies and procedures be revised granting the Regional Planning Agency authority to approve

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future cell tower permits. Attorney Taylor stated the County Technical Assistance Service (CTAS) has reported federal regulations may soon change to limit county government's involvement.

28:40

Commissioner Fairbanks noted for the record that he initially did not support the special permit and today's vote is strictly based on the legal requirement that they approve it.

In response to Commissioner Mackey's question, Attorney Taylor stated current regulations require county government approval; however, federal legislation heavily regulates the process.

30:54

Hal North, Attorney with Chambliss, Bahner, & Stophel, P.C., addressed Commissioners regarding one of the conditions in Resolution No. 818-32A. He asked the language of condition #3 be revised to say that professional landscaping will be installed at the portion of the fence that faces the adjoining subdivision if the fenced portion of the tower compound is visible from the nearest subdivision lot line. Attorney Taylor confirmed he would add the additional verbiage and submit and revised Resolution to the Clerk's Office.

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31:51

In response to Chairman Smedley's question, Attorney North stated a representative would visit the nearest residential property to see the view from their property line.

The foregoing Motion to adopt Resolution No. 818-32A was adopted on a Roll Call vote, with the following members of the County Commission being present and voting as follows: Commissioner Baker, "Aye", Commissioner Bankston, "Aye", Commissioner Boyd, "Pass", Commissioner Fairbanks, "Aye", Commissioner Geter, "Aye", Commissioner Mackey, "Aye", Commissioner Sharpe, "Aye", and Chairman Smedley, "Aye". Commissioner Martin was absent. Total present – 8. Total absent – 1. Total "Aye" votes – 7. Total "Nay" votes – 0. Total "Pass" votes – 1.

Clerk Knowles called the roll of the member having previously announced "Pass". Commissioner Boyd announced "Pass" on the second call of the vote. Total "Aye" votes – 7. Total "Nay" votes – 1.

Time Code
Position

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Being no further business Chairman Smedley declared the Recessed Meeting
adjourned.

Respectfully submitted:



William F. (Bill) Knowles, County Clerk

Approved

11-07-18
Date

W.F.K.
Clerk's Initials