

**HAMILTON COUNTY COMMISSION
REGULAR MEETING
JULY 10, 2024**

STATE OF TENNESSEE)
Regular Meeting

COUNTY OF HAMILTON)
July 10, 2024

BE IT REMEMBERED that on this 10th day of July 2024, 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: --

0:17 Present and presiding was the Honorable Jeff Eversole, Chairman. Chief Deputy Clerk Brooke Weaver called the roll of the County Commission, and the following, constituting a quorum, answered to their names: Commissioner Chip Baker, Commissioner Greg Beck, Commissioner Mike Chauncey, Commissioner Joe Graham, Commissioner Lee Helton, Commissioner Steve Highlander, Commissioner Warren Mackey, Commissioner David Sharpe, Commissioner Gene-o Shipley, and Chairman Jeff Eversole. Commissioner Ken Smith was absent. Total present - 10. Total absent - 1.

Also in attendance were members of the Mayor's administrative staff, County Attorney Rheubin Taylor, Assistant County Attorney Sharon Millings, and County Auditor Chris McCollough.

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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Commissioner Baker invited Attorney Taylor to offer the invocation.

0:37

Commissioner Baker led the pledge to the flag.

APPROVAL OF MINUTES

ON MOTION of Commissioner Chauncey, seconded by Commissioner Shipley,

1:56

that the minutes of the Recessed Meeting of June 12, 2024, the Agenda Preparation Session of June 12, 2024, and the Regular Meeting of June 26, 2024, be approved, treated the 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 Baker, "Aye," Commissioner Beck, "Aye," Commissioner Chauncey, "Aye", Commissioner Graham, "Aye," Commissioner Helton, "Aye," Commissioner Highlander, "Aye," Commissioner Mackey, "Aye," Commissioner Sharpe, "Aye," Commissioner Shipley, "Aye," and Chairman Eversole, "Aye." Commissioner Smith was absent. Total present – 10. Total absent – 1. Total "Aye" votes – 10. Total "Nay" votes – 0.

TRUSTEE REPORT

2:37

The Trustee's Monthly and Excess Fee Report for May 2024 was submitted and made a matter of record.

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REPORT- MAINTENANCE OF EFFORT EMAIL

A report detailing emails regarding the Maintenance of Effort requirements by state law.

REPORT – CTAS LETTER

A report detailing the letter from CTAS regarding the 1941 Private Acts.

2:55 Attorney Taylor read the letter from CTAS regarding the 1941 Private Act into the record. He stated a clarification email was received yesterday, July 9, 2024, at 3:03 PM and also read it into the record. A copy of the email has been filed with the Clerk's Office.

7:39 In response to Commissioner Sharpe's question, Attorney Taylor stated everything that has been told about the existence of the 1941 Act and the 1978 statutes is the same. The 1941 Act was not repealed by the passage of the 1978 statutes, which were enacted after the constitution was amended in 1978. He noted the only sections of the 1941 Act that are in conflict are chapters one, five, and six of Title Five of the General Statute in the Green Books. The 1941 Act is still good law to Hamilton County except if there is a contradiction between what the 1941 Act says and Chapters one, five, and six of the Tennessee Code title.

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9:04

Commissioner Sharpe stated that this continues to present concerns based on legal guidance. He noted that the Commission is still in violation of the 1941 Act. He also stated that the Comptroller stated the Commission needs to have internal controls in place. He noted potential personal liability could be placed upon Commissioners individually if they do not comply with the law.

10:01

In response to Commission Baker's question, Attorney Taylor stated this is the opinion of CTAS Manager of Legal Services, Attorney Kristy Godsey Brown. He noted they had not received correspondence from the Attorney General.

10:47

RESOLUTION NO. 724-3 A RESOLUTION TO APPROVE AND ACCEPT APPLICATIONS FOR NOTARY PUBLIC POSITIONS, THE BONDS AND OATHS OF NOTARIES PREVIOUSLY ELECTED, AND THE CERTIFICATE OF DISCHARGE BY THE BOARD OF EQUALIZATION.

ON MOTION of Commissioner Graham, seconded by Commissioner Beck, to adopt Resolution No. 724-3.

There were no questions from the Commissioners or the audience.

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

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Commissioner Baker, “Aye,” Commissioner Beck, “Aye,” Commissioner Chauncey, “Aye”, Commissioner Graham, “Aye,” Commissioner Helton, “Aye,” Commissioner Highlander, “Aye,” Commissioner Mackey, “Aye,” Commissioner Sharpe, “Aye,” Commissioner Shipley, “Aye,” and Chairman Eversole, “Aye.” Commissioner Smith was absent. Total present – 10. Total absent – 1. Total “Aye” votes – 10. Total “Nay” votes – 0.

11:34

RESOLUTION NO. 724-4 A RESOLUTION TO CONFIRM THE APPOINTMENT BY THE COUNTY MAYOR OF WADE BATSON AS DIRECTOR OF HAMILTON COUNTY EMERGENCY MEDICAL SERVICES.

ON MOTION of Commissioner Graham, seconded by Commissioner Highlander, to adopt Resolution No. 724-4.

There were no questions from the Commissioners or the audience.

The foregoing Motion 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 Beck, “Aye,” Commissioner Chauncey, “Aye”, Commissioner Graham, “Aye,” Commissioner Helton, “Aye,” Commissioner Highlander, “Aye,” Commissioner Mackey, “Aye,” Commissioner Sharpe, “Aye,” Commissioner Shipley, “Aye,” and Chairman Eversole, “Aye.” Commissioner Smith was

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absent. Total present – 10. Total absent – 1. Total “Aye” votes – 10. Total “Nay” votes – 0.

12:16

RESOLUTION NO. 724-11 A RESOLUTION AMENDING THE SHORT-TERM VACATION RENTAL ('STVR") REGULATIONS AS ADOPTED BY RESOLUTION NUMBERS 423-27 AND 423-39 BY PROHIBITING THE OWNERSHIP AND OPERATION OF SAME ON LOTS OF LESS THAN ONE (1) ACRE ON RESIDENTIALLY-ZONED PROPERTIES, AND OF LESS THAN TWO (2) ACRES IN SIZE WITHIN AGRICULTURALLY-ZONED PROPERTIES (WITH A MINIMUM SIDE-BY-SIDE BUFFER OF 50 FEET) WITHIN THE UNINCORPORATED AREAS OF HAMILTON COUNTY, TENNESSEE.

ON MOTION of Commissioner Baker, seconded by Commissioner Shipley, to adopt Resolution No. 724-11.

13:09

Commissioner Highlander stated he would like to amend Resolution 724-11.

ON MOTION of Commissioner Highlander, seconded by Commissioner Shipley, to amend Resolution 724-11 to require a minimum of 2.5 acres within agriculturally zoned properties.

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14:07 In response to Commissioner Sharpe's question, Commissioner Helton stated he was trying to split the difference between the original proposal (*Resolution No. 624-6*). Commissioner Sharpe stated uniformity would be more appropriate.

ON MOTION of Commissioner Sharpe to amend Resolution No. 724-11 for both A-1 and R-1 to be 1 acre failed due to a lack of a second.

16:58 Commissioner Graham stated that this resolution discriminates against people who buy houses with less than an acre, favors the rich over the poor, and tramples on property rights. He noted he would not support it and recommended that commissioners vote "NO."

20:05 Commissioner Shipley stated that property rights go both ways and that this is a great compromise.

21:36 Commissioner Highlander called for the question, seconded by Commissioner Baker.

The foregoing Motion failed on a Roll Call vote to amend Resolution No. 724-11, with the following members of the County Commission being present and voting as follows: Commissioner Baker, "Aye," Commissioner Beck, "Abstain," Commissioner Chauncey, "Nay", Commissioner Graham, "Nay," Commissioner Helton, "Aye,"

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Commissioner Highlander, “Aye,” Commissioner Sharpe, “Nay,” Commissioner Shipley, “Aye,” and Chairman Eversole, “Aye.” Commissioner Mackey stepped away during the vote and did not return. Commissioner Smith was absent. Total present – 9. Total absent – 2. Total “Aye” votes – 5. Total “Nay” votes – 3. Total “Total “Abstentions” – 1.

In response to Chairman Eversole, Attorney Taylor stated the amendment had failed.

The foregoing Motion 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 Beck, “Nay,” Commissioner Chauncey, “Nay”, Commissioner Graham, “Nay,” Commissioner Helton, “Aye,” Commissioner Highlander, “Aye,” Commissioner Sharpe, “Aye,” Commissioner Shipley, “Aye,” and Chairman Eversole, “Aye.” Commissioner Mackey stepped away during the vote. Commissioner Smith was absent. Total present – 9. Total absent – 2. Total “Aye” votes – 6. Total “Nay” votes – 3.

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25:03

RESOLUTION NO. 724-12 A RESOLUTION TO AMEND RESOLUTION 722-52 IN ORDER TO REALLOCATE TEN THOUSAND DOLLARS (\$10,000 IN FUNDS RECEIVED FROM THE FEDERAL AMERICAN RESCUE PLAN ACT TO THE CHAMBLISS CENTER FOR CHILDREN TO BE USED FOR THE ESTABLISHMENT OF A DAYCARE CENTER AT EAST HAMILTON MIDDLE/HIGH SCHOOL.

ON MOTION of Commissioner Graham, seconded by Commissioner Beck, to adopt Resolution No. 724-12.

There were no questions from the Commissioners or the audience.

The foregoing Motion 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 Beck, "Aye," Commissioner Chauncey, "Aye", Commissioner Graham, "Aye," Commissioner Helton, "Aye," Commissioner Highlander, "Aye," Commissioner Sharpe, "Aye," Commissioner Shipley, "Aye," and Chairman Eversole, "Aye." Commissioner Smith and Commissioner Mackey were absent. Total present – 9. Total absent – 2. Total "Aye" votes – 9. Total "Nay" votes – 0.

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26:10

**RESOLUTION NO. 724-5 A RESOLUTION AUTHORIZING THE SHERIFF'S OFFICE
TO APPLY FOR A GRANT FROM THE TENNESSEE CORRECTIONS INSTITUTE.**

Commissioner Baker, a member of the Finance Committee, provided details regarding Resolution No. 724-5 and stated the Finance Committee reviewed and recommended approval.

ON MOTION of Commissioner Highlander, seconded by Commissioner Graham, to adopt Resolution No. 724-5.

There were no questions from the Commissioners or the audience.

The foregoing Motion 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 Beck, "Aye," Commissioner Chauncey, "Aye", Commissioner Graham, "Aye," Commissioner Helton, "Aye," Commissioner Highlander, "Aye," Commissioner Sharpe, "Aye," Commissioner Shipley, "Aye," and Chairman Eversole, "Aye." Commissioner Smith and Commissioner Mackey were absent. Total present – 9. Total absent – 2. Total "Aye" votes – 9. Total "Nay" votes – 0.

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26:55

RESOLUTION NO. 724-6 A RESOLUTION TO APPROPRIATE \$200,000 FROM THE HOTEL MOTEL FUND TO THE TIVOLI FOUNDATION IN ORDER TO ASSIST WITH THE COMPLETION OF THE RESTORATION OF THE TIVOLI THEATRE AND THE CREATION OF THE TIVOLI PERFORMING ARTS CENTER.

Commissioner Baker, a member of the Finance Committee, provided details regarding Resolution No. 724-6 and stated the Finance Committee reviewed and recommended approval.

ON MOTION of Commissioner Graham, seconded by Commissioner Shipley, to adopt Resolution No. 724-6.

There were no questions from the Commissioners or the audience.

The foregoing Motion 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 Beck, "Aye," Commissioner Chauncey, "Aye", Commissioner Graham, "Aye," Commissioner Helton, "Aye," Commissioner Highlander, "Aye," Commissioner Sharpe, "Aye," Commissioner Shipley, "Aye," and Chairman Eversole, "Aye." Commissioner Smith and Commissioner Mackey were absent. Total present – 9. Total absent – 2. Total "Aye" votes – 9. Total "Nay" votes – 0.

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27:56 **RESOLUTION NO. 724-7 A RESOLUTION TO ENTER INTO AN AGREEMENT WITH WSP USA ENVIRONMENT & INFRASTRUCTURE TO PROVIDE PROFESSIONAL SERVICES FOR UPDATES TO THE HAMILTON COUNTY WATER QUALITY PROGRAM AND DEVELOPMENT OF A STORMWATER BEST MANAGEMENT PRACTICES MANUAL FOR COMPLIANCE WITH THE SMALL MUNICIPAL STORMWATER SEPARATE SEWER SYSTEM (MS4) GENERAL PERMIT AND IMPLEMENTATION OF CERTAIN FLOOD ABATEMENT POLICIES, IN THE AMOUNT OF \$58,910.**

Commissioner Baker, a member of the Finance Committee, provided details regarding Resolution No. 724-7 and stated the Finance Committee reviewed and recommended approval.

ON MOTION of Commissioner Graham, seconded by Commissioner Sharpe, to adopt Resolution No. 724-7.

There were no questions from the Commissioners or the audience.

The foregoing Motion 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 Beck, "Aye," Commissioner Chauncey, "Aye", Commissioner Graham, "Aye," Commissioner Helton, "Aye," Commissioner

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Highlander, “Aye,” Commissioner Sharpe, “Aye,” Commissioner Shipley, “Aye,” and Chairman Eversole, “Aye.” Commissioner Smith and Commissioner Mackey were absent. Total present – 9. Total absent – 2. Total “Aye” votes – 9. Total “Nay” votes – 0.

29:01

RESOLUTION NO. 724-8 A RESOLUTION TO AUTHORIZE THE COUNTY MAYOR TO EXPEND GRANT FUNDS AND TO ENTER INTO AND EXECUTE A CONTRACT WITH BARGE DESIGN SOLUTIONS FOR AN AMOUNT NOT TO EXCEED \$1,000,000.00.

Commissioner Baker, a member of the Finance Committee, provided details regarding Resolution No. 724-8 and stated the Finance Committee reviewed and recommended approval.

ON MOTION of Commissioner Graham, seconded by Commissioner Beck, to adopt Resolution No. 724-8.

There were no questions from the Commissioners or the audience.

The foregoing Motion 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 Beck, “Aye,” Commissioner Chauncey, “Aye”, Commissioner Graham, “Aye,” Commissioner Helton, “Aye,” Commissioner

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Highlander, “Aye,” Commissioner Sharpe, “Aye,” Commissioner Shipley, “Aye,” and Chairman Eversole, “Aye.” Commissioner Smith and Commissioner Mackey were absent. Total present – 9. Total absent – 2. Total “Aye” votes – 9. Total “Nay” votes – 0.

29:57

RESOLUTION NO. 724-9 A RESOLUTION AUTHORIZING THE COUNTY MAYOR TO SIGN A RECURRING CONTRACT BETWEEN THE TENNESSEE DEPARTMENT OF HEALTH AND HAMILTON COUNTY TENNESSEE, THE HEALTH SERVICES DIVISION OPERATING AS THE HAMILTON COUNTY HEALTH DEPARTMENT, TO ACCEPT THE ANNUAL CONTRACT FUNDS FROM OCTOBER 1, 2024, THROUGH SEPTEMBER 30, 2027, IN AN AMOUNT NOT TO EXCEED \$1,578,420.00 FOR FY25 THROUGH FY27 TO PROVIDE PARENTS AS TEACHERS (PAT) MODEL SERVICES IN ACCORDANCE WITH THE EVIDENCE-BASED HOME VISITING PROGRAM WITH THE DEPARTMENT OF HEALTH'S MATERNAL, INFANT, AND EARLY CHILDHOOD HOME VISITING (MIECHV) PROGRAM.

Commissioner Baker, a member of the Finance Committee, provided details regarding Resolution No. 724-9 and stated the Finance Committee reviewed and recommended approval.

ON MOTION of Commissioner Helton, seconded by Commissioner Beck, to adopt Resolution No. 724-9.

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There were no questions from the Commissioners or the audience.

The foregoing Motion 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 Beck, "Aye," Commissioner Chauncey, "Aye", Commissioner Graham, "Aye," Commissioner Helton, "Aye," Commissioner Highlander, "Aye," Commissioner Sharpe, "Aye," Commissioner Shipley, "Aye," and Chairman Eversole, "Aye." Commissioner Smith and Commissioner Mackey were absent. Total present – 9. Total absent – 2. Total "Aye" votes – 9. Total "Nay" votes – 0.

31:14

RESOLUTION NO. 724-10 A RESOLUTION AUTHORIZING THE COUNTY MAYOR ON BEHALF OF HAMILTON COUNTY, TENNESSEE, THE HEALTH SERVICES DIVISION OPERATING AS THE HAMILTON COUNTY HEALTH DEPARTMENT, TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PHYSICIAN SERVICES WITH JOHN A. SCHULL, MD, TO PROVIDE OB/GYN SERVICES TO THE CLIENTS OF THE HAMILTON COUNTY HEALTH DEPARTMENT.

Commissioner Baker, a member of the Finance Committee, provided details regarding Resolution No. 724-10 and stated the Finance Committee reviewed and recommended approval.

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ON MOTION of Commissioner Beck, seconded by Commissioner Chauncey, to adopt Resolution No. 724-10.

There were no questions from the Commissioners or the audience.

The foregoing Motion 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 Beck, "Aye," Commissioner Chauncey, "Aye", Commissioner Graham, "Aye," Commissioner Helton, "Aye," Commissioner Highlander, "Aye," Commissioner Sharpe, "Aye," Commissioner Shipley, "Aye," and Chairman Eversole, "Aye." Commissioner Smith and Commissioner Mackey were absent. Total present – 9. Total absent – 2. Total "Aye" votes – 9. Total "Nay" votes – 0.

ANNOUNCEMENTS

Chairman Eversole asked for announcements from members of the Commission.

32:35 Commissioner Highlander thanked everyone for their thoughts and prayers for his grandson, who left for boot camp.

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33:01 Commissioner Graham recognized Chuck O'Merry, a constituent from District 11, in the audience. He also spoke about the huge success of the John A. Patton July Fourth Celebration.

34:23 Commissioner Highlander recognized Lebron James in the audience.

34:30 Chairman Eversole stated the 1941 Act continues to be discussed and needs to be resolved. He noted that the Legislative and Executive Bodies need to come together and develop questions to send to the court for a ruling.

38:12 Commissioner Graham stated the 1941 Act is still in play and does not understand why the Commission needs a ruling from a Judge.

40:18 Commissioner Sharpe stated the Commission received an email clarifying the Commission can not overrule/override state law on a resolution. The Clerk's Office did not receive a copy of this email due to attorney/client privilege.

Chairman Eversole announced that Collegedale would host a community breakfast at the Commons on July 21, 2024, at 8:00 a.m.

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42:04 Commissioner Graham announced the passing of former Assessor of Property Bill Bennett's wife, Marguerite Ann Cooper Bennett. He asked everyone to keep the family in their prayers.

43:32 Commissioner Sharpe announced the passing of his 94-year-old uncle yesterday. He acknowledged the example he bestowed on his family and the service to his country as a volunteer for the United States Navy during wartime. He stated he is a true patriot and man of honor.

44:35 Commissioner Highlander requested a moment of silence to honor Mrs. Bennet and Commissioner Sharpe's uncle.

DELEGATIONS

Chairman Eversole asked for delegations on matters other than zoning.

45:05 Monty Bell, a homeless journalist for the Grey-Haired Foxx, resides at 625 Georgia Avenue and 1000 Lindsey Street. He apologized to the commissioners who were suffering a loss at this time.

45:55 Governmental Affairs Director for Greater Chattanooga Realtors Josh Branum, residing at 2963 Amnicola Highway, invited Commissioners to the "Red, White, and

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Thank You” event on August 22, 2024, for members of Greater Chattanooga Realtors to meet with members of the County Commission and City Council.

There being no further business, Chairman Eversole declared the meeting in recess until Wednesday, July 17th, 2024, at 9:30 AM.

Respectfully submitted:



William F. (Bill) Knowles, County Clerk

Approved:

<u>07-31-24</u>	<u>W.F.K</u>
Date	Clerk’s Initials