

**City Council Building
Chattanooga, Tennessee
July 27, 2010
6:00 p.m.**

Chairman Rico called the meeting of the Chattanooga Council to order with Councilmen Benson, Gilbert, Ladd, McGary, Robinson and Scott present; Councilmen Berz and Murphy were absent due to personal commitment. City Attorney Michael McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilwoman Scott gave invocation.

MINUTE APPROVAL

On motion of Councilwoman Robinson, seconded by Councilwoman Scott, the minutes of the previous meeting were approved as published and signed in open meeting.

REZONING

2010-087: Frank Goodwin

On motion of Councilman McGary, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 625 EAST MAIN STREET AND 1402, 1412 AND 1430 JEFFERSON STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE AND M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

Passed second and final reading and was signed in open meeting.

REZONING

2010-060: Arvin H. Reingold, Attorney

On motion of Councilman McGary, seconded by Councilwoman Scott
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1109 FAIRVIEW AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

Was tabled.

AMEND CITY CODE

On motion of Councilman Gilbert, seconded by Councilman McGary,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 3, SECTION 3-55, RELATIVE TO SCENIC CORRIDORS AND RELATIVE TO THE PROHIBITION OF OFF-PREMISE SIGNS ALONG SCENIC CORRIDORS

Was deferred.

2010/2011 CAPITAL BUDGET

Councilwomen Ladd and Robinson made the motion and second to approve this Ordinance.

Councilwoman Scott stated that she has concerns about approving this budget because it includes \$23 million in bonds which will obviously mean the city will be having to borrow additional money, increase the debt; that it is her thought there are several things within this budget which are not necessarily emergency-type situations, noting for example there is a marina for almost a million dollars that the city would be building and some things in parks and recreation, mostly parks. She expressed that she did not think in this period of time this is the time to do this; that she has issues with allocating the money for the building of a parking deck for \$6.5 million.

Councilman Benson concurred with Councilwoman Scott's concern, especially about the parking deck. He stated that it is his thought it needs to be built and is a good investment for the future and it was to help TVA and our city to remain viable which is very important.

2010/2011 CAPITAL BUDGET (Continued)

Councilman Benson stated what he does not like about it is we are in the county -- that this is part of the county and even though this is the City Council it is his thought as a Councilman he needs to represent the best interest of the city residents who pay both county and city taxes. He stated he does not want to move into this at this time until we can see if we can get the county to partner with us on this, otherwise our citizens are going to be paying double. He stated he cannot vote for this until we know what the future will be on this parking deck; that it may not be possible right now this year to do it; that the deck can be delayed until we get some equity between the county funding and city funding for this project that is in the county.

Councilwoman Ladd stated that she views both projects as investments for economic development; that the building on the waterfront will further expand needed dock space that is being utilized fully for visitors who come and bring a boat and park it. She stated part of this will coincide with the dock that will be built by a developer that will be putting very nice million dollar condos on the waterfront; that it is her thought to combine those two projects would be cost efficient and if we invest in this later it will cost us more money to build it out; that she fully believes these spaces will be rented and will be revenue generating for our city; that in addition, it brings boaters here who will eat in our restaurants, go to our tourist attractions and spend their tourist dollars here; that she sees this as a good investment for economic development. She stated on the second issue with the parking garage if the county does not invest the county does not reap any benefit from rental revenue that may be there and future revenue that will exist coming from the use of that parking garage. She stated we will benefit greatly giving additional parking to folks on weekends and after hours that attend events at our Trade Center, as well as rental TVA employees will pay to park their cars there. She stated this is not a parking garage that is being built and given to anyone as it will be leased out and paid for; that she sees this as a good investment particularly right now while our interest rates are lower if we borrow the money to build it and our cost to built out this year will be less expensive than next year. She stated that she sees both of these projects as positives in building toward economic development.

Mayor Littlefield pointed out that the money for the parking deck is half of what is needed; that the footings and other necessary infrastructure for the parking deck was put in place when the Trade Center was expanded some years ago.

2010/2011 CAPITAL BUDGET (Continued)

Mayor Littlefield stated TVA did make a commitment to buy their building to stay downtown which was important to all of us, the city and county; that he encouraged the county to join us but did not compel them to join us. He stated he does not feel they have reneged on anything but feel it is important to be together on this and expressed that we ultimately will be; that we have been together on the riverfront and many things that have served this community well in terms of economic development. He stated we have over the years made these investments at times when the economy was in a bit of a “funk” and hard time; that there is nothing quite comparable to the recession we are coming out of now. He stated the TVA complex was built in the late 1970's when we had serious financial problems; that he is told by those who keep count there are 2,600 employees at TVA in this building and that an average wage of about \$100,000 can be figured – these are highly paid white collar engineers and others that are the kind we want to keep in the downtown area; that there would be \$260 million in impact and then a multiplication factor that would quickly take that to a billion dollars which is why we went to the extent that we did with city, county and private enterprise to encourage TVA to remain downtown.

Mayor Littlefield continued by stating it is important that we make a step in the right direction; that it is important we lead the county as we have done before with the commitment this is not all the money; that the City Council will have another opportunity to consider this because we will not issue bonds until we have this all put together. He stated it is important that we show TVA that we are serious on following through on the plan that goes back to more than ten years to build onto the Trade Center parking grade to give them the additional parking needed when that complex was first built. He stated since they are now going to be leasing out the CIGNA property as they move to another building downtown, it is more important that we follow through and give people the assurance we are continuing to make commitments to this part of the city.

Councilwoman Robinson stated that she, too, feels this was a commitment made a long time ago when it really mattered to keep TVA downtown; that it is her thought we “stepped up to the bat” and made the commitment and showed our commitment as a government to our downtown when we agreed to these covenants with TVA. She stated later when Blue Cross-Blue Shield also made the statement that they were seriously considering leaving our downtown and had, in fact, purchased the acreage out in the Hixson area to move their headquarters, we vigorously came to the table and said we would work with Blue Cross-Blue Shield to keep them downtown.

2010/2011 CAPITAL BUDGET (Continued)

Councilwoman Robinson stated at that point we had a track record with another huge employer downtown with TVA and we “stepped up to the bat” and kept our word with that. She stated it is her thought we need to follow through for more reasons than just being able to park the 2,600 TVA employees there; that it says something about how we do business when we do not back-up and back-out when times are rough and they have been but they are getting better. She stated with regard to backing-out or backing-up or stepping back until the county comes to the table, she noted that she abhors that! She stated she does not want to be held hostage to whether or not Hamilton County is going to “step up to the bat” as Hamilton Countians! She stated we are all Hamilton Countians and we need to continue to lead and with them as equal partners; that it is her thought they have “come to the table” and they will “come to the table” and there are, as Mayor Littlefield indicated, opportunities for more persuasion as we go forward; that we have not voted on any bonding, yet.

Councilwoman Scott stated this essentially is the city building parking for a federal agency and with regard to revenue on this, the City Council, to her knowledge or at least she has not received any information whatsoever what revenue would be and what the costs would be, she is not sure how we would determine exactly that this would be a money making expense. She stated in fact most of the time she has been told parking decks do not really make a lot of revenue. She stated this is reported to be a promise that was made long time ago; that TVA operates every year and asked where has TVA been parking and why now -- why! She stated if we talk about being held hostage it is her thought the city was held hostage when the question was raised by an entity that they will leave if we do not build them a parking deck! She stated this is a very difficult time as our reserves are not up; that this city has just raised taxes and this is not an emergency because if it were it would have been built long time ago. She asked how does a \$13 million dollar parking deck be built with only \$6.5 million and why would we want to borrow half of it when there is not the other half in sight!

Mayor Littlefield stated this is not for a federal agency although it serves that purpose; that TVA asked us to build a parking deck on the Civic Forum lot next to their facility across from the library; that we have an option on the Civic Forum block but we do not own it, plus, those of us who have worked in the development of downtown for a long time did not want a big hulking parking deck sitting on one of the principal blocks in downtown. He stated parking should be tucked into corners, into places where it is not necessarily so obvious, not seen.

2010/2011 CAPITAL BUDGET (Continued)

Mayor Littlefield stated TVA wanted and needed parking and leased part of the parking now at the Trade Center because it does not require all of its parking in the middle of the day, it is required at night and on the weekends when there are major events. He stated the Trade Center was designed to have more parking associated with it; that the parking deck we are discussing now was designed originally as a part of that but was not completed or fully put in place; that in negotiating with TVA, he and the County Mayor along with Jon Kinsey convinced TVA to accept an alternative which was to build the remaining parking originally planned for the Trade Center because it is proximate to their location, as well. He stated "no", \$6.5 million will not build it; that he will have to come back to the Council for a financing plan before moving forward with this. He stated it is important to show TVA we are serious and challenge the county to help us find the other \$6.5 million as they actually have sources of income we do not; that they have a lot of hotel-motel tax that they spend on things important to them and we can ask them to spend some on this, as well. He stated we are very cooperative with the county and do not wish to get into a contentious situation with them and (he) does not think we should sit around and wait for the county to act before we act.

Councilman Benson stated he was here when some of the negotiations were made and agreed this is not an emergency; that we need to spend more time and separate this out from the Capital Budget. He stated he wanted to make it clear that the board slips are an important investment and we will get a return on those but we will not get a return if we have to pay for all the parking deck as nobody builds a parking deck to make money anymore. He stated we build it because there is a need and there has been a need but it is in the county as well as the city. He stated he cannot face citizens in his district and continue to let them pay twice for every once when the county people are paying; that he will vote for the Capital Budget but will not "draw a line in the sand" on being double taxed so much and will not vote for this amount of money during these hard times this year when it is not an emergency this year until we can get some assurance that we can get some other funding to match with this, preferably that our city tax payers are going to get some of the county money to pay for this rather than doubling up on the city money to pay for it.

Councilman McGary stated he unfortunately finds himself in a difficult situation of having to make a decision between economic development and difficult times without having assurance individuals in his district properly understand not only what is in the Capital Budget but whether or not they are for it.

2010/2011 CAPITAL BUDGET (Continued)

Councilman McGary stated at this time he is not prepared to vote for the Capital Budget; that perhaps within in a week or two after having had more opportunity to talk with his constituents he would be in a better place, but as of today he is not prepared to vote for it.

At this point the question was called on the motion and second by Councilwomen Ladd and Robinson to approve on first reading.

On roll call vote:

MCGARY	NO
SCOTT	NO
ROBINSON	YES
LADD	YES
BENSON	NO
GILBERT	NO
RICO	YES

The motion failed. Chairman Rico stated the matter would be revisited.

AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 2010/2011 AND TO AMEND THE FISCAL YEAR 2010/2011 BUDGET ORDINANCE NO. 12410

Failed.

CLOSE AND ABANDON

MR-2010-090: City of Chattanooga

There was no opposition in attendance to this request.

CLOSE AND ABANDON (Continued)

On motion of Councilman McGary, seconded by Councilwoman Ladd,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE
600 BLOCK OF WEST 18TH STREET AND AN UNNAMED ALLEY LOCATED
IN THE EAST LINE OF THE 400 BLOCK OF HIGHWAY 27, SUBJECT TO
CERTAIN CONDITIONS**

Passed first reading.

APPOINTMENT OF ALTON M. CHAPMAN

Councilman McGary stated the packet Council members received have the date of July 1 as the start date and asked if that is the correct date. Mayor Littlefield confirmed that the date is correct.

Mayor Littlefield stated that he does not know of any finer individual who more than Al Chapman has it in his DNA to do what he does! He stated Mr. Chapman has a long history -- including working for the city once or twice along the way -- in dealing with the needs of the people who are down and out in their community; that he has done it as a minister with non-profit organizations and it is a family thing. He stated everyone knows Mr. Chapman's mother, Callie, has a wonderful ministry that she has had in the city for so long. He stated it is a great pleasure to nominate him for this position and expressed hope it would be unanimous.

On motion of Councilman McGary, seconded by Councilman Benson,
**A RESOLUTION APPROVING THE APPOINTMENT OF ALTON M.
CHAPMAN AS ADMINISTRATOR OF HUMAN SERVICES**

Was adopted.

WAIVE FEES

Councilmen Benson and Gilbert made the initial motion and second to approve this request.

Councilwoman Ladd stated Resolutions (b) – (f) on the agenda are non-profit organizations that are asking the Council to waive the landfill fees and there is a caveat they must have a thrift shop, must be only the refuse from their thrift shop that can be brought to the landfill and it must be in a vehicle that the organization owns; that they cannot hire a vehicle to transport the refuse for them.

WAIVE FEES (Continued)

Councilwoman Ladd stated in the past we have been accepting their refuse free of any fees, but we have to do some paying ourselves to the State for accepting that refuse and it is costing us money in what we need to do to move it around in labor and management of the landfill. She stated we had a philosophy this year of moving toward users of the services we provide paying for those services and it is her thought all saw the huge mess we got into with water quality fees when we had churches and non-profits not participating in the paying of that service for water quality. She expressed concern that this is another example of something that can get away from us; that she is concerned we will have a problem monitoring the non-profits who are really in the business of thrift shops versus those who are not and how do we define what the business of thrift shops are as it can be a slippery slope. She expressed concern that we are going back on our philosophy of charging user fees when we provide a service; that she has a concern with the approval of these for user fees. She stated she would rather see an amendment to the ordinance and close the loop so that we do not waive these and do not have a request come to us for waiver.

Councilman McGary asked if the applicant would approach the podium. It was noted the person who came forth was not from the Food Bank but from the Samaritan Center.

Councilman McGary stated he was a little confused last week as to what exactly the organizations were asking for; that he heard about the reality they are receiving more donations at this time and this would place a particular hardship on the organization. He stated that he is not quite sure he understands what exactly they are wanting and asked that the gentleman simply state whether he wants or does not want the waiver.

Tony Dahlberg of the Samaritan Center stated that they would like to see the recommendation for the fees not pass, not be voted through.

Councilman McGary clarified that they would not like to have the waiver. Mr. Dahlberg stated that their issue is different as their issue is with the waiver due to their size; that they have a compactor and cannot buy a roll off vehicle that costs approximately \$100,000 to transport. He stated they have to use a for-profit transfer company to take their refuse to the landfill; that for their situation he is requesting that it not be approved.

WAIVE FEES (Continued)

Admin. Leach clarified that the fees are already in place based on the ordinance that was passed recently; that these folks are all requesting that all their fees for essentially tipping fees at our landfill be waived. He stated they could not do that as a staff and had a prior practice to do that; that the Council has said that was not appropriate. He stated the ordinance was passed to require all non-profits that operate these small shops within their facility that they would have to pay fees. He stated the only stipulation was that they could request a waiver of these fees to dump by coming to the Council which is why they sent out 13 notices to the organizations telling them this fee would be applied July 1; that it was applied July 1 and these are the ones that have asked for a waiver to the fee. He stated this is a waiver to a fee that is already in place by ordinance.

Councilman McGary stated somehow it seemed some of the gentlemen last week in their presentation expressed some reserves; that from what they have requested everyone is asking for the waiver to be applied.

Admin. Leach responded "correct"; that they can tell essentially the tonnage per organization as they keep those kinds of records; that they are pretty aware, particularly in the Samaritan Center's case it is 508 tons a year for about \$15,500 which are fees they will be responsible for paying plus their own fees; that it is expensive but it is paying a fee that is felt is appropriate. He stated the question asked today is whether we can afford to waive the fees; that the Council can choose to waive the fee as he does not know if there is any answer to whether we can afford to do it or not at this point. He stated they have done it in the past and essentially can continue at the same level; that Goodwill has always made a request and will be the next one the Council will consider.

Councilwoman Scott expressed agreement with Councilwoman Ladd that if we do not define what the entities are this could wind up getting out of hand; that it is her thought we probably know pretty much what these organizations represent, but it would be very easy for almost every non-profit organization in town to set aside a room that has items in it for sale and then be covered. She stated as Mr. Leach mentioned essentially what we are saying is it is a subsidized service that would be provided and it does have costs attached to it and while we may not disagree with these organizations here, it is her thought the ordinance might need to be a little more specific so it is clearer that is the primary type of thing we are trying to assist with and not every single entity out there as there are thousands.

WAIVE FEES (Continued)

Admin Leach stated we know who we had business with before, again noting they sent out 13 notices. He stated every one of them will come to the Council if the waiver is granted; that the staff does not make that decision and at that point due diligence will be asked regarding those questions.

Councilwoman Scott stated she would rather have that written down ahead of time than answer those questions and go back and forth after the fact, especially since we will be on record as having done this this way on this night.

Councilwoman Robinson expressed agreement with Councilwomen Ladd and Scott that it may not be explicit enough. She stated the thing that worries her most about it is that we know we cannot allow one organization to do something and then when another has the same mission and an activity comes in and not allow them; that it has to be one for all or none for all. She stated at the very least it is her thought this should be postponed; that it is her thought we might discuss a couple of things if we want to opt to take the "sting" out of it and have some kind of sliding scale fee rather than just a complete across-the-board waiver. She stated the other thing is since Mr. Leach knows what it is going to cost each of the organizations anyway, there are five here to vote on tonight and there are eight more that will come in right after this noting she would like to know what the total impact is going to be on revenues that we are electing not to collect on the rest of the people that pay fees at the landfill and the rest of the taxpayers.

Councilman Benson expressed agreement and stated he did not think the Council is ready; that the matter was discussed in Committee today noting that it is his thought there should be a special committee meeting for this and no other topic. He stated before the Council considers these, the Samaritan Center has one position that they are against the waiving because it is required that the organization not rent a truck and own their own truck; that the others will probably want the waiver in Resolutions (d) – (f). He stated he does understand the issue of owning their own truck as it seems renting or paying someone to deliver solves it; that we have to watch what we are doing here as these are wonderful, altruistic organizations that some people really need their merchandise to recycle in their homes and are organizations that give a choice of whether to put items on the street and let the city pick it up and pay for doing it themselves or call the organization to pick it up. He stated it could not be cost effective if we do not give some type of sliding scale as suggested by Councilwoman Robinson; that we cannot put these people out of business as he has been told two of them will have to go out of business.

WAIVE FEES (Continued)

Councilman Benson stated we need them in the total community services of what they give back to the people and expressed that it should go back to the "drawing table"; that something could be put in and qualify it with other things.

Admin. Leach stated he does not disagree with the sliding scale; that it was talked about today to have a base that anything over an amount would be exempt or not exempt; that anything below 100 tons a year would be exempt and would take care of some of the small ones. He stated these six represent about \$32,000 of possible fees.

Councilman Gilbert asked Mr. Leach to repeat how much money is involved with these waivers. Mr. Leach responded the total fees for (b) – (f) represent about 1,052 tons totaling about \$32,000 per year.

Councilman Gilbert stated that he has a problem with that as the Council just passed a budget for non-profits coming to us for millions of dollars, not just \$1,000; that we have more non-profits in this city besides those that came to the Council for money; that we have thousands more. He stated we have certain ones we give money to, not all of them; that this money we are looking at here is not that much money and (he) cannot understand why we are bickering about this amount of money and we just spent millions of dollars with companies that are non-profit, but not all of them. He stated we can say certain things for certain non-profits and asked why we cannot give them the waiver as we have been doing in the past.

Admin. Leach clarified that this was brought to them from an internal audit report noting these kinds of services cannot be given away for free to organizations; that essentially they had to go back through the ordinance and figure out how to approach these types of local non-profit organizations that were receiving a benefit from the city at no cost.

Councilman Gilbert stated we can charge them one dollar for this service like we do for buildings sometimes.

Mr. Leach stated whatever fee the Council comes up with; that the State charges us \$1.25 per ton to fund some of their programs; that they have to pass the fee along to the State.

WAIVE FEES (Continued)

Councilman Gilbert expressed his understanding explaining we have spent millions of dollars on non-profits, not just a little but millions; that we are talking about \$30,000+ on these particular ones which is a “drop in the bucket”; that they also do services for the community just as the others.

Mr. Leach stated no one is disagreeing with that; that it is a service we provide them and they are responsible for collecting a fee; that the exception is if the Council chooses to waive it.

Councilman McGary made the motion to defer the matter one week for discussion in Committee; Councilwoman Robinson seconded the motion. Councilmen Benson and Gilbert withdrew their previous motion and second.

On motion of Councilman McGary, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE WAIVER OF THE LANDFILL FEES FOR
THE CHATTANOOGA AREA FOOD BANK, A NON-PROFIT
CORPORATION**

Was deferred.

WAIVE FEES

Councilman McGary asked if the remaining Resolutions involving the waiver of fees could be taken as a unit as opposed to being read individually. City Attorney McMahan stated he did not think there would be any harm to the rules if the Resolutions are taken as a unit for deferral until the next Council meeting.

On motion of Councilwoman Robinson, seconded by Councilman McGary,
**A RESOLUTION AUTHORIZING THE WAIVER OF THE LANDFILL FEES FOR
THE SAMARITAN CENTER, A NON-PROFIT CORPORATION**

Was deferred.

WAIVE FEES

On motion of Councilwoman Robinson, seconded by Councilman McGary,

**A RESOLUTION AUTHORIZING THE WAIVER OF THE LANDFILL FEES FOR
THE SALVATION ARMY, A NON-PROFIT CORPORATION**

Was deferred.

WAIVE FEES

On motion of Councilwoman Robinson, seconded by Councilman McGary,
**A RESOLUTION AUTHORIZING THE WAIVER OF THE LANDFILL FEES FOR
THE BETHEL BIBLE VILLAGE, A NON-PROFIT CORPORATION**
Was deferred.

WAIVE FEES

On motion of Councilwoman Robinson, seconded by Councilman McGary,
**A RESOLUTION AUTHORIZING THE WAIVER OF THE LANDFILL FEES FOR
THE ORANGE GROVE CENTER, INC., A NON-PROFIT CORPORATION**
Was deferred.

CONTRACT

On motion of Councilwoman Ladd, seconded by Councilman McGary,
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. T-09-
003-201, CBD SIGNALIZATION UPGRADE TO STANSELL ELECTRIC
COMPANY, IN THE AMOUNT OF ONE MILLION ONE HUNDRED
SEVENTY-TWO THOUSAND, FORTY-SEVEN AND 80/100 DOLLARS
(\$1,172,047.80), WITH A CONTINGENCY AMOUNT OF FIFTY-EIGHT
THOUSAND SIX HUNDRED TWO AND 20/100 DOLLARS (\$58,602.20),
FOR AN AMOUNT NOT TO EXCEED ONE MILLION TWO HUNDRED
THIRTY THOUSAND SIX HUNDRED FIFTY DOLLARS (\$1,230,650.00)**
Was adopted.

DESIGNATE FUNDS

On motion of Councilman McGary, seconded by Councilwoman Ladd,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PUBLIC WORKS TO DESIGNATE FUNDS FROM THE
TENNESSEE DEPARTMENT OF TRANSPORTATION CONTRACT NO.
090158, PIN NO. 111205.00, SIGNALIZATION: CHATTANOOGA
CENTRAL BUSINESS DISTRICT TO THE CITY OF CHATTANOOGA
INFORMATION SERVICES DEPARTMENT, IN THE AMOUNT OF TWO
HUNDRED THOUSAND DOLLARS (\$200,000.00), FOR THE BUILD OUT OF
THE REGIONAL PUBLIC SAFETY WIRELESS NETWORK (RPSWN), AS IT
RELATES TO CITY CONTRACT NO. T-09-003-201, THE CBD
SIGNALIZATION UPGRADE PROJECT**
Was adopted.

AGREEMENT

On motion of Councilman Gilbert, seconded by Councilwoman Scott,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH TERRACON CONSULTANTS, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. E-10-009-301, FOR LIMITED GEOPHYSICAL, SUBSURFACE INVESTIGATION OF LIGHTFOOT MILL ROAD, IN THE AMOUNT OF FOUR THOUSAND NINE HUNDRED FIFTY DOLLARS (\$4,950.00)

Was adopted.

EXPRESSION OF GRATITUDE

On motion of Councilman McGary, seconded by Councilwoman Ladd,
A RESOLUTION EXPRESSING GRATITUDE OF THE CITY COUNCIL FOR A DONATION BY PLAYCORE WISCONSIN INC. FOR AN EXERCISE EQUIPMENT DISPLAY WITH A VALUE OF APPROXIMATELY NINETY-FIVE THOUSAND DOLLARS (\$95,000.00)

was adopted.

FIVE-YEAR CAPITAL IMPROVEMENT PLAN

On motion of Councilwoman Scott, seconded by Councilman McGary
A RESOLUTION ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT PLAN, SUBJECT TO FUTURE REVISION, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

Was deferred.

ALLOCATION OF NEIGHBORHOOD STABILIZATION PROGRAM FUNDS

On motion of Councilwoman Robinson, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ALLOCATE UP TO ONE HUNDRED FIFTEEN THOUSAND DOLLARS (\$115,000.00) OF NEIGHBORHOOD STABILIZATION PROGRAM FUNDS TO GLOBAL IMPACT CONSTRUCTION SERVICES, INC., FOR THE PURPOSE OF DEVELOPING AFFORDABLE HOUSING AND AUTHORIZING AN AGREEMENT WITH THE ORGANIZATION FOR THE SAME

Was adopted.

**ALLOCATION OF NEIGHBORHOOD STABILIZATION
PROGRAM FUNDS**

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ALLOCATE UP TO TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) OF NEIGHBORHOOD STABILIZATION PROGRAM FUNDS TO CHATTANOOGA HOUSING AUTHORITY FOR THE REDEVELOPMENT OF THE EDWARD STEINER APARTMENTS AND AUTHORIZING AN AGREEMENT WITH THE ORGANIZATION FOR THE SAME

Was adopted.

**ALLOCATION OF NEIGHBORHOOD STABILIZATION
PROGRAM FUNDS**

Councilwoman Scott explained that the past three Resolutions involve federal funds.

On motion of Councilman McGary, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO AWARD SIXTY THOUSAND DOLLARS (\$60,000.00) OF HOMEAGAIN PROGRAM FUNDS TO ROSEWOOD SUPPORTIVE SERVICES, INC., FOR THE PURPOSE OF CREATING AFFORDABLE, PERMANENT, SUPPORTIVE HOUSING AND AUTHORIZING AN AGREEMENT WITH THE ORGANIZATION FOR THE SAME

Was adopted.

MORATORIUM

City Attorney McMahan explained there is on the agenda within two weeks an amendment which will basically extend the scenic corridor primarily along I-75 to the areas that were recently annexed out toward Hunter Road, Old Cleveland Pike, Snow Hill Road, Jersey Pike and Bonny Oaks; that some of the roads are not currently identified in our Ordinance. He stated the purpose is to cover that area of town however there is one controversial feature the ordinance deals with signs in and around the Eastgate area. He stated that the purpose of the moratorium is to keep people from rushing in trying to get a sign permit before the City Council can fully consider the ordinance and decide whether or not to extend the limitations on off-site premise signs for this scenic corridor.

MORATORIUM (Continued)

Councilwoman Robinson stated in effect this would shut down the process of application until the Council can deal with the issue. City Attorney McMahan responded "until the Council can deal with the ordinance which will come before the Council on August 10".

On motion of Councilman Gilbert, seconded by Councilwoman Scott,
A RESOLUTION ENACTING A MORATORIUM ON ALL OFF-SITE SIGN PERMITS ALONG SCENIC CORRIDORS FOR THIRTY (30) DAYS UNTIL AUGUST 27, 2010

Was adopted.

CHANGE ORDER

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO CONTRACT NO. E-03-028-103, HAMILL ROAD IMPROVEMENTS (HIGHWAY 153 TO HIXSON PIKE PHASE 3 AND 4), WITH VOLKERT AND ASSOCIATES, FOR AN INCREASED AMOUNT OF TWENTY-FIVE THOUSAND FIVE HUNDRED DOLLARS (\$25,500.00), FOR A REVISED CONTRACT AMOUNT OF NINETY THOUSAND DOLLARS (\$90,000.00)

Was adopted.

EXPRESSION OF GRATITUDE

Councilwoman Scott stated that she knows where the first donation is going but does not know where the second is going. Adm. Zehnder responded that this donation is for Warner Park.

On motion of Councilman McGary, seconded by Councilwoman Ladd,
A RESOLUTION EXPRESSING GRATITUDE OF THE CITY COUNCIL FOR A DONATION BY PLAYCORE WISCONSIN INC. FOR AN EXERCISE EQUIPMENT DISPLAY WITH A VALUE OF APPROXIMATELY TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)

Was adopted.

OVERTIME

Overtime for the week ending July 22, 2010 totaled \$13,034.56.

PERSONNEL

The following personnel matters were reported for the various departments:

INFORMATION SYSTEMS:

- **DARRYL F. SHEPPARD** – Suspension (3 days without pay), Systems & Database Specialist 1, effective July 23-27, 2010.

PUBLIC WORKS DEPARTMENT:

- **GERALD W. HARRINGTON** – Voluntary Demotion, Crew Worker 1, City Wide Services, Range 2, \$28,308.80 annually, effective July 16, 2010.
- **HARRY J. BRADLEY** – Voluntary Demotion, Equipment Operator 3, City Wide Services, Range 8, \$29,806.40 annually, effective July 23, 2010.
- **RONNIE C. BURT** – Family Medical Leave, Crew Supervisor 3, Waste Resources, effective June 18-July 21, 2010.
- **RONNIE C. BURT** – Leave of Absence without pay, Crew Supervisor 3, Waste Resources, effective July 22 – September 22, 2010.

CHATTANOOGA FIRE DEPARTMENT:

- **PERRY STEPHENS** – Return to Duty from Military Leave, Fire Lieutenant, effective July 8, 2010.

CHATTANOOGA POLICE DEPARTMENT:

- **CHRISTOPHER LAWSON** – Military Leave, Police Officer 2, effective July 25 – September 17, 2010.

PERSONNEL (Continued)

- **CHRIS POLICASTRO** – Resignation, Police Officer, effective July 26, 2010.

HOTEL PERMITS

On motion of Councilman McGary, seconded by Councilwoman Scott, the following hotel permits were approved:

QUALITY INN/COMFORT INN – 4833 Hixson Pike, Hixson, TN

HAMPTON INN – 1920 Hamill Road, Hixson, TN

HOLIDAY INN EXPRESS HOTEL & SUITES – 4820 Hixson Pike, Hixson, TN

PURCHASES

On motion of Councilwoman Scott, seconded by Councilman McGary, the following purchases were approved for use by the various departments:

PUBLIC WORKS DEPARTMENT:

ACCELA, INC. (Single source)

R30862

Contract for Accela Software Maintenance per TCA 6-56-304.2

\$39,140.90

INFORMATION SYSTEMS:

ROSS SYSTEMS (Single source)

R31004

Contract for Annual GEMBASE Maintenance per TCA 6-56-304.6

\$11,801.77

PURCHASES (Continued)

ACS GOVERNMENT SYSTEMS (Single source)

R31322

Contract for Annual Banner Maintenance per TCA 6-56-304.6

\$66,307.64

TIME CLOCK PLUS (Single source)

R28900

Blanket Contract for the Purchase of Time Entry Hardware and Software per TCA 6-56-304.6

\$210,000.00 – Estimated annual

CHATTANOOGA POLICE DEPARTMENT:

VISIONAIR (Single source)

R31341

Renewal Agreement for Annual Software Maintenance and Support Services per TCA 6-56-304.2

\$199,900.00

BOARD APPOINTMENT

On motion of Councilman McGary, seconded by Councilman Gilbert, the following Board appointment was approved:

BOARD OF SIGN APPEALS:

- Appointment of **ROBERT K. OSTEEN** as the District 7 representative for a term expiring July 27, 2013.

COMMITTEES

In the absence of Councilwoman Berz, Chairman Rico announced a meeting of the **Budget, Finance and Personnel Committee for Tuesday, August 10 following Agenda Session** to discuss amendments to the Personnel Ordinance. Later in the meeting City Attorney McMahan stated Mrs. Madison has indicated that the Mayor has asked that the Council consider holding a **Budget meeting on Tuesday, August 3** to further explore the Capital Budget ordinance deferred tonight. Chairman Rico asked that the Clerk of Council schedule a time for the meeting on next Tuesday.

Councilwoman Ladd stated the **Public Works Committee is scheduled to meet on Tuesday, August 3 following the Agenda Session.**

Councilman McGary reminded Council members of the meeting of the **Education, Arts and Culture Committee for Tuesday, August 3** for presentation of the proposal and cost benefit analysis regarding alcohol and wine sales at the Tivoli and Memorial Auditorium.

Councilwoman Scott stated a presentation was scheduled for an **Informational Session for a newsletter** that was to have occurred today, but it is her understanding there have been some questions about the legality of that; that she would like to have a brief discussion and some information from the City Attorney and Mr. Dan Johnson to clarify what the issues are this next **Tuesday, August 3, and** then have the presentation on **August 10** to follow Legal and Legislative Committee.

SPEAKERS DURING NON-AGENDA MATTERS

Councilwoman Ladd spoke in reference to the number of people in the audience tonight and clarified one of the Council's Resolutions regarding how Council meetings are conducted. She stated persons can come before the Council during non-agenda matters after the regular business has been completed and speak, noting that they can do that twice within a 30 day period. She stated the last time the person speaks they must wait 30 days before being allowed to come before the Council to speak again. She stated she wanted to make that notice as there might be people in the audience who want to address the Council who may still be within the 30 day limit. She reiterated that the policy is part of the Council's adopted Resolution and they are trying to stick to that to assure the public is aware.

**REMINDER: CANCELLATION OF AUGUST 3, 2010
COUNCIL MEETING**

Chairman Rico reminded everyone of the cancellation of the Council meeting scheduled for Tuesday, August 3, due to "National Night Out" activities, noting residents in the respective District neighborhoods would like for Council members to attend.

Admin. Beverly Johnson stated that the announcement of "National Night Out" prompted her to remind Council members that the Neighborhood Services Department is compiling the list in connection with the Police Department and are waiting until Friday or Monday to distribute it due to the changes that happen to the list. She stated the complete list will be hand delivered to Council members either mid-day Friday afternoon or Monday identifying all of the locations for the "National Night Out" events by District.

Chairman Rico indicated that Council members received the listing. Admin. Johnson stated that Council members might have one however it is constantly updated. Councilman Gilbert asked that the updated list be electronically mailed. Admin. Johnson acknowledged Councilman Gilbert's comment and indicated the Clerk of Council would receive a copy of the document, as well.

BILLY POWELL

Billy Powell of 2201 Mae Dell Road read from a prepared statement and stated members of Chattanooga Organized for Action are requesting that the City Council investigate the Mayor and his staff for failure to comply with three separate open records requests. He stated that they are soliciting the Chattanooga City Council to see this investigation set as an agenda item at the next Legislative Committee meeting and then the following Council meeting or they will take legal action to protect the rights of citizens. He stated non-compliance under State law is illegal pursuant to Tennessee Code Annotated 10-7-503. He stated they have asked for transparency in the budget and the workings of our government and instead have found a pattern of cover-ups and corruption from the Mayor's staff; that the Mayor's office is withholding a copy of the budget in its entirety and will not satisfy simple aspects of their request such as how many part-time workers the city employs and will not estimate how much it costs citizens in taxes for the city government to mow our public grasses.

BILLY POWELL (Continued)

Mr. Powell stated they are concerned about the lack of accountability because it means citizens are getting “hammered” with an increase in taxes via a budget they cannot scrutinize, which is a “low blow” especially in a recession. He stated this is a disconcerting failure of public servants especially with an increasing number of citizens struggling with record unemployment and home foreclosures. He stated one clear solution is to start recalling corrupt and derelict public servants starting with the top elected official, Ron Littlefield. He stated they can easily clean up Chattanooga but the City Council has to prove it works for them and not the Mayor’s office. He invited everyone to join them at the recallron.com website noting they will be at the Northgate Mall branch of the library all week, at the polls from 10-6 p.m. through Saturday, July 31 and then August 5 at every city polling location. *(A copy of Mr. Powell’s written statement is filed with minute material of this date.)*

JIM FOLKNER

Jim Folkner came to the lectern to speak, however Chairman Rico informed him that he was on the list of persons who had spoken twice within a 30 day period and could not speak at this time. Mr. Folkner expressed belief that it has not been twice.

Chairman Rico noted Mr. Folkner yielded his time to another lady, wherein several within the audience began loudly stating they would yield their time to Mr. Folkner. Chairman Rico stated “that would not work” noting someone else who has not spoken should talk, to which Mr. Folkner indicated he would be speaking on another subject.

Several within the audience continued to voice loudly that they would yield their time, wherein Chairman Rico added “the Council is not going to do that”. Mr. Folkner stated Chairman Rico was changing the rules and asked if that is the rule today and whether it would be the rule next week.

Chairman Rico cautioned Mr. Folkner that if he did not leave the lectern (to allow someone else to speak) he would adjourn the meeting noting that the Council does not have to listen to anyone. As those in attendance continued to speak out loudly, Chairman Rico adjourned the meeting.

AGENDA: AUGUST 10, 2010

Chairman Rico stated that the agenda for August 10, 2010 was discussed previously during the Agenda Session.

ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga Council until Tuesday, August 10, 2010 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

**(A LIST OF NAMES OF PERSONS IN ATTENDANCE IS FILED
WITH MINUTE MATERIAL OF THIS DATE)**