

**CITY COUNCIL BUILDING
May 5, 2009
6:00 P.M.**

Chairman Benson called the meeting of the Chattanooga City Council to order with Councilpersons Berz, Gilbert, Ladd, McGary, Murphy, Rico, Robinson, and Scott present. City Attorney Michael McMahan and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance, the invocation was given by Councilwoman Robinson.

**NATIONAL BICYCLE MONTH
MAYOR LITTLEFIELD**

Mayor Littlefield was present to present the following Proclamation to Outdoor Chattanooga in honor of National Bicycle Month:

Whereas: For more than a century, the bicycle has been an important part of the lives of many Americans, and

Whereas: Today, millions of Americans engage in bicycling because it is a viable and environmentally-sound form of transportation, an excellent form of fitness, and provides quality family recreation, and

Whereas: The education of cyclists and motorists adds to the proper and safe operation of bicycles and is important to ensure the safety and comfort of all users, and

Whereas: Law enforcement, bicycle advocacy organizations, and independent cyclists throughout the city and state are promoting greater public awareness of bicycle operation and safety education in an effort to reduce accidents, injuries and fatalities for all; and

Whereas: We honor and recognize the outstanding work that all these groups are doing to make bicycling an integral part of our community

Now Therefore,

I, Ron Littlefield, Mayor of the City of Chattanooga, do hereby
Proclaim the month of May, 2009 as

NATIONAL BICYCLE MONTH IN CHATTANOOGA

NAT'L BICYCLE MONTH
(CONT'D)

Mayor Littlefield introduced Phillip Pugliese with Outdoor Chattanooga, stating that there has just been a big bike event and new signage and symbols as we expand and respond to the recent tragic events. He asked Mr. Pugliese if he would like to speak.

Mr. Pugliese thanked the Mayor for the Proclamation and the City for promoting bicycling and the economic development that it brings with it. He mentioned that many visited Chattanooga last weekend for the bicycling event. He talked about their update on their Master Plan and another event that they would be hosting later this month to promote education of bicyclists and road users. He again expressed his appreciation to the Mayor and the Council.

Chairman Benson stated that he thought for the last two weekends bicyclists had had our streets blocked. Mr. Pugliese stated that he was not sure about two weekends ago—just this last weekend. Chairman Benson expressed appreciation to Mr. Pugliese for his recognition of Chattanooga as a good place for bicyclists.

JENNY LASS
NATIONAL EXERCISE MONTH

Ms. Lass was present and read from a prepared statement that is made a part of this minute material. She explained that the City of Chattanooga has established a worksite wellness program, known as the WellAdvantage, whose mission is to provide employees, retirees, and their families with education, resources, support, and encouragement for maintaining a healthful lifestyle. She proceeded with some history of the Program, noting that it was started in 2006 in conjunction with CareHere with two on-site clinics. Employees can utilize the services provided at the clinics at no cost and can receive a free Health Risk Assessment. The clinics provide convenient care at a real cost savings. The fitness center opened in 2007. All employees, regardless of insurance coverage, can take advantage of the free fitness center. This fitness center offers group fitness classes and educational programs. This past December, the third component was added, which is the WellAdvantage pharmacy, which saves employees money on prescription medicines. Ms. Lass noted that this is “Exercise is Medicine” month, and there are on-going efforts to provide support and encouragement for maintaining a healthier lifestyle. This is an initiative of the American College of Sports Medicine and the American Medical Association. During this month, all Chattanooga citizens are encouraged to talk with their doctor about an exercise plan that best fits their needs. The physicians of the city’s on-site clinics continuously emphasize the importance of physical activity and encourage patients to participate in at least 30 minutes of physical activity five days per week. She ended by saying that a healthier population means cost savings, greater participation in the workforce, and other benefits to society at large.

**“NATIONAL EXERCISE FOR
MEDICINE” MONTH (CONT’D)**

Rick O’Rear of Parks and Recreation was also present and wished to speak, stating that he was amazed and quite excited and honored by this program; that he had been in this industry for 26 years and had been involved with some outstanding programs and corporate programs. He has spent the last 16 years here in Parks and Recreation and been able to encompass the leisure components and recognition of our wellness program. He stated that we were on the cutting-edge, and he was also involved in the history of this program—that this was started in the 1970’s, and the whole City will benefit. He noted that he was the manager of the Power House that had served over one billion people in their first year of opening and had been very useful and life saving for us.

Chairman Benson acknowledged that Mr. O’Rear does a good job; that he often had visited this facility but had not been able to do so lately because he had been in too many meetings. He thanked both Ms. Lass and Mr. O’Rear for helping kick this effort off—that it helps with employee wellness. He acknowledged that when he first heard about the Power House that he had looked at it with skepticism.

Mr. O’Rear stated that within the next two years they hoped to get data to support this; that the facility is free for city employees.

Councilwoman Berz also thanked Ms. Lass and Mr. O’Rear. She noted that she was a city employee but also a personal trainer and asked if she would be able to use her facilities’ complete physical? Ms. Lass responded that everyone has to receive medical clearance from a doctor and then go through a fitness assessment. Councilwoman Berz stated that at the “Y” they had them sign a waiver. She questioned if the City does anything like this as to responsibility before we do the testing? Ms. Lass responded that we also ask them to sign a waiver form so our name is cleared; that there is also a Health Risk Assessment where blood work is done, and a doctor sees if their bodies can withstand the physical exercise. Councilwoman Berz again stated that she was a city employee and would she have to do this? She wanted to know if it did not make a difference if she had already been seen by her doctor? Ms. Lass indicated that such a physical clearance would be fine—that it would be okay for Councilwoman Berz to bring a clearance from her doctor.

Chairman Benson pointed out that this was not required at the Power House.

Councilwoman Berz stated that she was just thinking about invasion of privacy and our responsibility. Ms. Lass responded that most such clinics do require that there be medical clearance.

PROVIDENT FRANCHISE

2009-012 (Provident Life and Accident Ins. Co.)

Chairman Benson noted that this was final reading and had been thoroughly discussed in committee, as well as the other Ordinances and Resolutions that will follow—that everyone is welcome to come to the committee sessions.

On motion of Councilwoman Robinson, seconded by Councilman Rico,

AN ORDINANCE GRANTING UNTO PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY A FRANCHISE TO CONSTRUCT AND MAINTAIN A PEDESTRIAN BRIDGE OVER THE 100 BLOCK OF EAST FIFTH STREET IN THE CITY OF CHATTANOOGA AND ANY BELOW GRADE FOUNDATIONS AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

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

AMEND CITY CODE
TRANSPORTATION BD.

Chairman Benson explained that this was just “tweaking” what was formerly known as the Taxi Board.

On motion of Councilman Rico, seconded by Councilwoman Ladd,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 35, VEHICLES FOR HIRE, SECTION 35-17, TO RECONSTITUTE THE TRANSPORTATION BOARD, AND SECTION 35-55 RELATIVE TO DRIVER’S PERMITS

passed first reading, with Councilman McGary voting no.

CLOSE AND ABANDON

Mr-2009-028 (Jimar Sanders)

On motion of Councilman Rico, seconded by Councilman Murphy,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF
THE UNOPENED 4400 BLOCK OF CALHOUN AVENUE, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON
THE MAP ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

**PAYMENT
FIREMAN'S MEMORIAL**

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,
**A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT
OF TWENTY-FIVE THOUSAND NINE HUNDRED DOLLARS
(\$25,900.00) TO HAMILTON COUNTY GOVERNMENT AS THE
CITY'S PORTION OF THE COST TO REFURBISH THE
FIREMAN'S MEMORIAL FOUNTAIN AS PER AN AGREEMENT
DATED MAY 16, 1988**
was adopted.

**ALLOCATION ACCEPT.
NEIGHBORHOOD SER.**

On motion of Councilman Rico, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE CITY OF
CHATTANOOGA TO AMEND THE CONSOLIDATED PLAN 2008
ACTION PLAN TO ACCEPT AN ALLOCATION OF FOUR
HUNDRED SIXTY-FIVE THOUSAND SIX HUNDRED SEVENTY-
EIGHT DOLLARS (\$465,678.00) OF COMMUNITY
DEVELOPMENT BLOCK GRANT FUNDS FROM THE U.S.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
AWARDED UNDER THE AMERICAN RECOVERY AND
REINVESTMENT ACT OF 2009 (STIMULUS FUNDS), AND
AUTHORIZING THE DEPARTMENT OF NEIGHBORHOOD
SERVICES AND COMMUNITY DEVELOPMENT TO
DISTRIBUTE AND MANAGE FUNDS**
was adopted.

AMEND 2008 ACTION PLAN

On motion of Councilwoman Ladd, seconded by Councilman McGary,

A RESOLUTION AUTHORIZING THE CITY OF CHATTANOOGA TO AMEND THE CONSOLIDATED PLAN 2008 ACTION PLAN TO ACCEPT AN ALLOCATION OF SEVEN HUNDRED TWELVE THOUSAND NINE HUNDRED FORTY-SIX DOLLARS (\$712,946.00) FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AWARDED UNDER THE HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM (STIMULUS FUNDS), AND AUTHORIZING THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO DISTRIBUTE AND MANAGE THE FUNDS

was adopted.

SURPLUS/MEIGS CO.

On motion of Councilman Rico, seconded by Councilman Gilbert,

A RESOLUTION DECLARING AS SURPLUS AND AUTHORIZING CONVEYANCE OF TWO (2) 2006 POLICE PATROL VEHICLES TO THE MEIGS COUNTY SHERIFF'S DEPARTMENT FOR THE SUM OF SEVENTEEN THOUSAND SIX HUNDRED DOLLARS (\$17,600.00)

was adopted.

CONTRACT

On motion of Councilwoman Ladd, seconded by Councilman Rico,

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-08-028-201, OLD HIXSON PIKE ROADWAY IMPROVEMENTS TO THOMAS BROTHERS CONSTRUCTION, INC., IN THE AMOUNT OF SIX HUNDRED FORTY-FOUR THOUSAND TWO HUNDRED ELEVEN AND 65/100 DOLLARS (\$644,211.65), PLUS A CONTINGENCY AMOUNT OF SIXTY-FOUR THOUSAND FOUR HUNDRED EIGHTY-EIGHT AND 35/100 DOLLARS (\$64,488.35), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED SEVEN HUNDRED EIGHT THOUSAND SEVEN HUNDRED DOLLARS (\$708,700.00), SUBJECT TO CONTINUING APPROPRIATION IN FISCAL YEAR 2010 BUDGET, AND AUTHORIZING ACCEPTANCE OF FUNDS FROM THE HAMILTON COUNTY BOARD OF EDUCATION IN THE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000.00) AND FROM HIXSON DEVELOPMENT PARTNERS, LLC IN THE AMOUNT OF TWENTY-FIVE THOUSAND (\$25,000.00) FOR SAID PROJECT

was adopted.

TEMP. ROW USAGE

On motion of Councilman McGary, seconded by Councilman Rico,

A RESOLUTION AUTHORIZING JAMES C. HUDSON, III, ON BEHALF OF REGIONS BANK, TO USE TEMPORARILY THE RIGHT-OF-WAY AT THE 345 FRAZIER AVENUE TO INSTALL A DIRECTIONAL SIGN, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMP. ROW USAGE

On motion of Councilman McGary, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING MITCHELL BELL, ON BEHALF OF THE SWEET PEPPERS DELI, TO USE TEMPORARILY 407 BROAD STREET TO INSTALL A CANOPY ALONG A PORTION OF THE RIGHT-OF-WAY, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMP. ROW USAGE

On motion of Councilwoman Scott, seconded by Councilman Gilbert,

A RESOLUTION AUTHORIZING KAREN L. LOVELESS TO USE TEMPORARILY THE RIGHT-OF-WAY AT 116 CROSS STREET TO INSTALL A SIX (6') FOOT WIDE HANDICAP RAMP THAT WILL SERVICE A NEW BANQUET SPACE CURRENTLY UNDER CONSTRUCTION, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-04-036-201, ENTERPRISE SOUTH ROADWAY EXTENSION PHASE 1, TO TALLEY CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF TWO MILLION TWENTY-NINE THOUSAND EIGHT HUNDRED FIVE AND 16/100 DOLLARS (\$2,029,805.16), PLUS A CONTINGENCY AMOUNT OF TWO HUNDRED TWO THOUSAND NINE HUNDRED SEVENTY-NINE AND 84/100 DOLLARS (\$202,979.84), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED TWO MILLION TWO HUNDRED THIRTY-TWO THOUSAND SEVEN HUNDRED EIGHTY-FIVE DOLLARS (\$2,232,785.00), WITH THE CITY'S PORTION ESTIMATED AT TWO HUNDRED TWENTY-THREE THOUSAND TWO HUNDRED SEVENTY-EIGHT AND 50/100 (\$223,278.50)

was adopted.

FIREFIGHTERS GRANT

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,

A RESOLUTION AUTHORIZING THE FIRE CHIEF TO APPLY FOR AND, IF AWARDED, ACCEPT AN ASSISTANCE TO FIREFIGHTERS GRANT (AFG) FOR TWO (2) FIRE ENGINES AND SEVEN (7) EMERGENCY POWER GENERATORS IN THE AMOUNT OF NINE HUNDRED NINETY-FOUR THOUSAND DOLLARS (\$994,000.00) WITH THE CITY'S PORTION OF ONE HUNDRED NINETY-EIGHT THOUSAND EIGHT HUNDRED DOLLARS (\$198,800.00)

was adopted.

OVERTIME

Overtime for the week ending April 30, 2009, totaled \$5,750.81.

PERSONNEL

The following personnel matters were reported for the various departments:

GENERAL SERVICES DEPARTMENT:

- ❖ **DONALD TONEY**—FMLA of Crew Worker 1, effective 4/10/09—6/18/09.

CHATTANOOGA HUMAN SERVICES DEPT.:

- ❖ **TIFFANY BROWN**—Resignation of Health Technician in Head Start, effective 4/09/09.
- ❖ **TENA MCCLURKIN**—Resignation of Intake Specialist in Social Services, effective 5/1/09.

CHATTANOOGA FIRE DEPARTMENT:

- ❖ **MARK NORMAN**—FMLA for Firefighter, effective 4/29/09
- ❖ **EDGAR MONTGOMERY & WILLIAM GASTON**—FMLA for Fire Lieutenants, effective 4/29/09.
- ❖ **JUMANNE LANIER**—Two Days Suspension w/o pay for Senior Firefighter, effective 5/2/09 & 6-7-09.
- ❖ **LESLEY MORGAN**—FMLA for Staff Captain, effective 5/4/09.

INFORMATION SERVICES DEPT.:

- ❖ **STEVEN G. MORRISON**—Hire as Telecommunications Coordinator, Range 17, \$54,500.00, effective 5/4/09.

PUBLIC WORKS DEPARTMENT:

- ❖ **ROBERT W. MCDONALD**—Retirement of Inventory Technician, effective 4/23/09.
- ❖ **MATTHEW BROOM**—FMLA for Survey Instrument Technician, Range 9, \$27,411.55 annual salary, effective 3/19-6/11-09.
- ❖ **ROY BARNETTE**—Retirement of Plant Maintenance Lubricator, effective 4/30/09.

HOTEL PERMITS

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

DAYS INN – 101 E. 20TH Street, Chattanooga, TN

SUPER 8 – 20 Birmingham Rd. Hwy, Chattanooga, TN

PURCHASES

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

INFORMATION SERVICES:

HEWLETT PACKARD SERVICES (City Wide Contract)
Requisition R0121469

Contract for Servers & Software for Time Clocks

\$23,128.00

PUBLIC WORKS DEPT.:

TEMPLE, INC. (Single Source Purchase)
Requisition R0121894

Five (5) Eagle EPAC Controllers for Traffic Engineering

\$12,640.00

CROWN LIFT TRUCKS (Change Order to Contract)
Requisition P0029821

Electric Utility Vehicles Change Order #1 in the amount of \$2,075

\$46,525 amended purchase price.

**RUN-OFF ELECTION
CERTIFICATION**

Attorney McMahan read the following letter from the Hamilton County Election Commission: *Enclosed please find the Certification of Results for the City of Chattanooga Municipal Run-Off Election held on April 14, 2009. The Certificates of Election for the three winners will be signed at the Election Commissions next meeting on May 13, 2009.*

He stated that three new members had joined us on the Council and the Certifications shows the representative from District 1, Councilwoman Deborah Scott with 60.91% of the votes; the representative from District 8, Councilman Andrae McGary with 70.69% of the votes; and the representative from District 9, Councilman Peter Murphy with 58.78% of the votes.

COMMITTEES

Councilman Murphy scheduled a meeting of the **Legal and Legislative Committee for Tuesday, May 12th to immediately follow the Agenda Items meeting.** He stated that we would be taking up several Ordinances on first reading and also discuss compliance review of the City Charter as it regards to such issues as the Council Auditor to make sure we are dotting all our “i’s” and crossing all our “t’s”.

Councilman Gilbert announced that at 12:00 noon next Tuesday, **May 12th**, that the new members of the Council will be meeting with Adm. Larry Zehnder for an overall orientation of the Department of Parks and Recreation.

Councilwoman Berz stated that there had been several changes on the schedule, and she wanted this made a part of the record. She stated that Thursday, **May 7th**, the Council was scheduled to have a Budget and Finance meeting following the Joint Budget Hearings at the County—that the County had changed their time and a memo would follow concerning this and on that same day, **May 7th**, there will be a Budget and Finance meeting starting at **12:30 p.m. until 2:30 p.m.** and Ms. Madison will make a presentation. She added that several Councilmembers had asked for a copy of the Council’s Budget; however Management Analyst Randy Burns has been sick, and she would be sure that when he returns that this will be made available. She continued, stating that on **Tuesday, May 12th at 2:00 p.m.** there will be a meeting of the **Budget, Finance and Personnel Committee** for a continuation of discussion regarding the Auditor position and also to discuss strategic planning. **On May 14th from 10:00 a.m. to 12:00 noon** there will be continuation of budget discussions. **On May 19th at 2:00 p.m.** there will be a **Budget, Finance and Personnel Committee** for a discussion regarding the Council’s Mission Statement.

NEXT WEEK'S AGENDA
MAY 12TH, 2009

Chairman Benson asked Dan Johnson to briefly go over next week's agenda. Mr. Johnson stated that we had already alluded to Ordinances under final reading concerning an amendment to the City Code to reconstitute the Transportation Board and also a Closure and Abandonment for Jimar Sanders of the unopened 4400 Block of Calhoun Ave. **Ordinances (a) through (e)** are amendments to the Chattanooga City Code and will be discussed fully in next week's **Legal and Legislative** committee on **May 12th**. **Ordinances (f) and (g)** are zoning matters.

Mr. Johnson then proceeded to go over **Resolutions**. **Resolution (a)** concerns an Edward Byrne Grant for \$1,129,869 to be used to hire and buy uniforms for 20 part-time police service technicians. **Resolutions (b), (c), and (d)** are Public Works' related and were discussed in today's **Public Works Committee**. **Resolution (e)** concerns an easement and license agreement with Cameron Harbor, LLC and Harbor Lodging for Marina Slips 1-37 in reference to the marina expansion. **Resolution (f)** authorizes the appointment of Robert Christopher Clark and Kiri Krupp as special police officers for Animal Care Trust d/b/a McKamey Animal Care and Adoption Center, Inc. **Resolutions (g), (h), and (i)** are zoning matters.

SEAN MOSS

Mr. Sean Moss of 904 Brynewood Park Drive addressed the Council concerning the construction on Northpoint Blvd. in Hixson. He stated that the construction had essentially reduced traffic for businesses in the area and slowed development in sales. The completion date for this phase of construction was to have been March 31, 2009, and this was extended for three weeks; that it had been extended three times in the last eight weeks. He stated that his business Pet Care Warehouse, alone, had suffered a 25% loss in sales; that Five Guys and Fries had seen a 19% drop in sales; and Let Us Light Your World had seen a 40% loss in sales. He stated that they were trying to see what their recourse might be, referring to Sections 32-67 (b) (c) and (d) of the City Code that states the work being done should be done in such a manner as to cause a minimum of interference with traffic, adequate signage for the purpose of warning and guiding traffic in positions of maximum effectiveness, the use of flagmen, sufficient traffic lanes being kept open to permit substantially normal traffic flow. He stated that these issues have largely remained unresolved and unaddressed. He noted that all public access has been cut off for over two months and only inconvenient private drives can be used, resulting in no roads for the taxes they pay; that these businesses might not live to see the completion of this construction. He stated that they would like to see a plan and budget to reimburse businesses for unreasonable losses of revenue during future construction and that they be grandfathered in, stating they were not sure they would be able to reap the benefits once this is completed.

SEAN MOSS (CONT'D)

Chairman Benson stated that Councilwoman Ladd brought this up in committee today and asked her if she would like to speak to this issue.

Councilwoman Ladd stated that she had talked with Mr. Moss several times and had taken the issue up with Public Works concerning signage; that in driving out there Sunday, she followed the detour signs and got into these lots; that the route she took had formerly been shut off; however now the detour signs seemed to be effective. She stated that she had talked at length with Public Works, and they had outlined that several things had made this a difficult process such as not having site plans for the utilities and the annexation in the 1970's where the Plan had not been completed—that they were running into surprises also. They also mentioned the quality of the soil and the foundation for the traffic light. She stated that unplanned problems had occurred and that Public Works was trying to address them. She stated that she knew this was very frustrating for business owners but thought they were on better footing. She went on to say that several Councilmembers had these same problems in their districts, and this had been more complex and convoluted than expected; that this had been discussed at length, and there was new signage out there now.

Chairman Benson stated that everybody in every district had had this problem—that something like this killed small businesses, mentioning the same thing in his district with Shallowford Rd. and Hickory Valley where there was a Dry Cleaners that had suffered; that everyone understood the frustration.

Adm. Leach stated that as Councilwoman Ladd had mentioned, they had appropriate signage out, and this should be completed by May 23rd and things should be back to normal; that they faced this issue in every district and were trying to re-route roads and utilities so that they would not “kill” businesses, and this was not an easy task.

Chairman Benson reiterated that all had experienced this, and it was very sad, and he hoped the future would be better; that we would think about this but did not know if there were any answers.

MIKE LANGLEY

Mike Langley of 1726 Crestwood Drive spoke next. He stated that he talked to Chairman Benson, and he wanted to commend the City Council and the Hamilton County Commission for getting Volkswagen here; that it was a tremendous positive for this City and a great thing; that Volkswagen had agreed to do a lot of things; that he represented 30-40 contractors who did everything from carpeting to building schools; that Volkswagen had said they would hire local contractors, and he thought they would—that they needed to be fair to all; that one of the projects was paid for by the City or State funding and was coming out in parts and pieces; that some of the bidders were not in Chattanooga. He stated that the law should prevail; that in this case it involves money that our people are paying for in their pay checks, and it is difficult to buy and sell throughout the City in this case—that it was a \$10 to \$12 million dollar project, and the low bidder was from Michigan; that this could have been done by a local contractor, who was the second lowest bidder with just a \$2 million dollar difference. He stated that this project was a lot of money.

He asked that the Council think about this; that the pay would go to a Michigan contractor, and he would pay local taxes in Michigan and buy his materials in Michigan and his employees would come from Michigan and be put in a Chattanooga plant costing billions of dollars and would result in very little for the local economy. The other side of the picture is if a local company could do the job and do it well and were qualified it would result in local taxes, local suppliers, gas being brought in Chattanooga and hiring Chattanooga employees to do the work and put more of our people on the job and all of that money would stay in Chattanooga. He stated that he was not an Economics major, but the dollars would be spent in Chattanooga, Tennessee, and we would get future revenue. He stated that he really believed that the City of Chattanooga was in control of this and should give every avenue to local contractors in Chattanooga.

Chairman Benson stated that many of the Council have the same worries. He asked Adm. Leach to speak to where we were on this.

Adm. Leach explained that when building this particular project, all specifications were sent out by Volkswagen with the City's review, and we go through the proper purchasing procedures; that there may be a 16% difference between a good local company; however Volkswagen is looking for the best value on their construction and the City's Purchasing Dept. handles this according to State Law, and we do it properly; that he respected Mr. Langley's opinion, but we were using public money as wisely as we can. He reiterated that he respected Mr. Langley's concern, but this is handled through normal City Purchasing procedures.

MIKE LANGLEY
(CONT'D)

Councilman Gilbert stated that with just a \$2 million dollar difference that Mr. Langley had made a good point—that with just this difference, we should be looking at local companies and see which would be better; that he thought money would be saved overall, and we would be employing local people here—that they would buy groceries here and pay taxes here, and all of this should be considered.

Councilwoman Robinson stated that she would like to add to what Councilman Gilbert had said; that when you calculate the lowest and best, it might be the second bidder; that we need to factor in the “bounce back” in benefits to sales in Chattanooga and also property taxes, which we depend on; that it might be interesting to take a look at the “bounce back” in doing business locally; that she thought this was a very legitimate concern and that we should run a test on this new project—that the way we have always done it might not be the best way.

Councilwoman Berz stated that she was glad that Mr. Langley had brought this up; that she had held a recent Summit in her district concerning responsive contracts; that a real Cost Benefit Analysis should be done, and she agreed with Councilwoman Robinson and Councilman Gilbert—that this \$2 million dollar factor would be spent here and the money would stay here. She mentioned looking at the Pilot Programs that we do with the Chamber and turn this around and give our people jobs instead of tax breaks for companies; that we have excellent craftsmen and unions here. She stated that she thought Mr. Langley’s point was well taken, and she was concerned about this and appreciated him coming forward. She went on to say that Volkswagen is wonderful, but we might need to rethink how we do contracts here in order to boost our economy. She stated that she met the Michigan company developer, and the money would be going back to Michigan, and she just smiled at him.

Councilwoman Ladd stated that as a business woman she pays back to the City and County on revenue that she generates; that when you do business with local businesses you pay back to the City; that with giving a tax break to Volkswagen there should be some leverage in looking first at local companies.

Chairman Benson stated that he thought Mr. Langley had made quite an impression on the Council.

MIKE LANGLEY
(CONT'D)

Councilman McGary stated that he had asked the City Attorney as to our power to review the contract process, and he mentioned that there is a Review Process with Volkswagen; that he agreed with the comments that had been made; however ultimately these decisions do not originate from this body (City Council). He stated that the Council could make suggestions.

MONTY BELL

Mr. Monty Bell stated that he was a **United States citizen**; that he could not give the Council an address because he was homeless and usually gave the Community Kitchen as his address; that he had caught up with Councilman McGary and had only one copy of his letter, and he gave him this copy to read in hopes that he would share it with other councilmembers.

Councilman McGary assured him that all had received a copy of this letter, which is made a part of this minute material.

Mr. Bell stated that he was a journalist and filmmaker; that his letter was quite long, and he would read just a portion of it: *“Chattanooga’s African American students continue to endure, without interruption, failing grades in all social skills areas of education. Blacks routinely face double digit unemployment, coupled with massive imprisonment. Who’s truly holding our affluent citizens accountable, as well as responsible, for the decisions they’re making on behalf of 95% of Chattanooga’s African American citizens?”* He went on to say that in October of 2008, Judge Bob Moon reported *“Hamilton County government spends more than thirty-three million dollars annually in taxpayer money to support the criminal justice system and to pay for the rising costs of corrections and medical care for inmates”*. Mr. Bell stated that to-date, statistics show that black males account for 80% of the over-all sentenced population, and they lead in the imprisonment rate, which is 6.5 times that of white males and 2.5 times that of Hispanics males. He stated that in his article it showed that more African American youth are attending juvenile court or in juvenile detention facilities than are in classrooms. He stated that the Council could read what is before them. Mr. Bell stated that he had been in Chattanooga for a long time and had produced quality material for radio and television; that he would liked to have been a part of the City Council—that when he came back to Chattanooga, he was just a youngster, and this never happened. He reiterated that he was homeless and a large percentage of African American males are behind bars; however African American females are flourishing.

MONTY BELL
(CONTINUED)

Mr. Bell's time was up and Chairman Benson stated that everyone has a copy of this; that if Mr. Bell needed more time to explain his situation that it could be taken up in committee; however he was not sure which committee should handle this.

Councilwoman Robinson stated that she would like to have further conversation with Mr. Bell and would get with him after this meeting.

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga City Council until Tuesday, May 12, 2009, 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)**