

City Council Building
Chattanooga, Tennessee
July 28, 2009
6:00 p.m.

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

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, City Attorney McMahan gave the invocation for the evening.

MINUTE APPROVAL

On motion of Councilman Rico, seconded by Councilman Murphy, the minutes of the previous meeting were approved as published and signed in open meeting.

AMEND CITY CODE

Chairman Benson stated all Ordinances and Resolutions on tonight's agenda have been thoroughly discussed in Committee.

On motion of Councilman Rico, seconded by Councilwoman Berz,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 3, SECTION 3-7, RELATIVE TO SIGN PERMITS, LOCATION
RESTRICTIONS, AND PROJECTIVE SIGNS**
passed first reading.

AMEND CITY CODE

On motion of Councilman Murphy, seconded by Councilman Rico,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTION 10-1 AND 10-2, SO AS TO ADOPT THE 2006 EDITION OF THE INTERNATIONAL BUILDING CODE AND TO RETAIN THE 2003 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE AND CERTAIN APPENDICES OF THOSE CODES AS REVISED AND AMENDED AS THE OFFICIAL BUILDING CODE OF THE CITY OF CHATTANOOGA; TO AMEND SECTION 10-3 CONCERNING SPECIAL AMENDMENTS TO THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL RESIDENTIAL CODE CONCERNING DRAWINGS AND SPECIFICATIONS, PERMIT FEES, EXISTING BUILDINGS OR STRUCTURES, MOVED STRUCTURES, EMPLOYEE QUALIFICATIONS, AND SIGNS; TO AMEND SECTIONS 2-625 AND 2-626 CONCERNING THE CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS; AND TO AMEND SECTION 20-7 CONCERNING THE ADOPTION OF THE ANSI NATIONAL STANDARD AS THE OFFICIAL HANDICAP AND ACCESSIBILITY CODE OF THE CITY OF CHATTANOOGA

passed first reading.

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTION 10-33, SO AS TO ADOPT THE 2006 EDITION OF THE ENERGY CONSERVATION CODE, IN ITS ENTIRETY, AS THE OFFICIAL ENERGY CODE OF THE CITY OF CHATTANOOGA

passed first reading.

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 17, ARTICLE I, SECTIONS 17-1 AND 17-2, RELATIVE TO THE ADOPTION OF THE INTERNATIONAL FIRE CODE, 2006 EDITION, AND ALL REFERENCED STANDARDS AND PUBLICATIONS SPECIFIED THEREIN, INCLUDING THE 2006 NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 101 LIFE SAFETY CODE IN ITS ENTIRETY FOR CERTAIN SPECIFIED OCCUPANCIES, AS THE OFFICIAL FIRE CODE OF THE CITY OF CHATTANOOGA; TO AMEND SECTION 17-2 AND APPENDICES TO CODE ADOPTED; AND TO AMEND SECTION 17-3 AS AMENDMENTS TO CODE

passed first reading.

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTIONS 19-1 AND 19-2, SO AS TO ADOPT THE 2006 EDITION OF THE INTERNATIONAL FUEL GAS CODE AND CERTAIN APPENDICES AS REVISED AND AMENDED AS THE OFFICIAL GAS CODE OF THE CITY OF CHATTANOOGA; TO AMEND SECTION 19-3 CONCERNING AMENDMENTS TO SAID CODE; AND TO DELETE THE LAST SENTENCE IN SECTION 19-91 REGARDING "ISSUANCE OF A COPY OF THE CURRENT GAS CODE WITHOUT CHARGE" TO ALL MASTER GAS FITTERS
passed first reading.

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilwoman Berz,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTIONS 22.5-1 THROUGH 22.5-3, SO AS TO ADOPT THE 2006 EDITION OF THE INTERNATIONAL MECHANICAL CODE AND CERTAIN APPENDICES AS REVISED AND AMENDED AS THE OFFICIAL MECHANICAL CODE OF THE CITY OF CHATTANOOGA AND TO AMEND SECTION 22.5-3 CONCERNING AMENDMENTS TO SAID CODE REGARDING SCOPE, PERMITS, PERMIT FEES, EXPIRATION, AND VIOLATION PENALTIES
passed first reading.

AMEND CITY CODE

On motion of Councilwoman Robinson, seconded by Councilman Rico,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTION 27-1 THROUGH 27-3, SO AS TO ADOPT THE 2006 EDITION OF THE INTERNATIONAL PLUMBING CODE AS REVISED AND AMENDED AS THE OFFICIAL PLUMBING CODE OF THE CITY OF CHATTANOOGA AND TO AMEND SECTION 27-3 CONCERNING AMENDMENTS TO SAID CODE
passed first reading.

AGREEMENT

On motion of Councilman McGary, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH HAMILTON COUNTY FOR THE HAMILTON COUNTY COURTS COMMUNITY SERVICE PROGRAM TO PICK UP LITTER ALONG CITY RIGHT-OF-WAY USING FIRST-TIME, NON-VIOLENT OFFENDERS
was adopted.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING JAMES STINNETT TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT THE 3800 BLOCK OF CHURCH STREET TO USE THE EXISTING PAVED SURFACE OF THE ROADWAY FOR PARKING, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMPORARY USE

On motion of Councilman Murphy, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING GARY GILBREATH TO USE TEMPORAIRLY THE RIGHT-OF-WAY AT 737 MCCALLIE AVENUE TO INSTALL AN AWNING OVER THE DOOR ENTRANCE AND WINDOWS OF THE BUILDING, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING GUS NOLL TEMPORARY USAGE TO MAINTAIN AN ALLEY THAT RUNS ALONG THE WEST SIDE OF 4201 ST. ELMO AVENUE TO INSTALL A MOVABLE FENCE TO PREVENT TRESPASSING AND TO MAINTAIN THE OVERGROWTH, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

SPECIAL POLICEMEN (UNARMED)

On motion of Councilman Rico, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF SHARON BLANKS, CYNTHIA BROOKS, SUZETTE CARPENTER, SHARON FEATHERS, PATRICIA GIBSON, MICHAEL S. GLENN, JR., OLIVIA KAREN GLENN, TONY HUDSON, DONALD JAMISON, GLORIA JOHNSON, TANYA KIMBELL, CONNIE LEWIS, MARVIN MATHEWS, THELBERT J. MORRIS, LIBERTY MUSE, CHRISTIE TONY, LATOYA WILLIAMS, AND JANICE SUE WRIGHT AS SPECIAL POLICE OFFICERS (UNARMED) FOR THE CHATTANOOGA POLICE DEPARTMENT AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS

was adopted.

MANAGEMENT/DISTRIBUTION OF STIMULUS FUNDS

On motion of Councilman Gilbert, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO MANAGE AND DISTRIBUTE SEVEN HUNDRED TWELVE THOUSAND NINE HUNDRED FORTY-SIX DOLLARS (\$712,946.00) FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND RAPID RE-HOUSING PROGRAM (HPRP) UNDER THE RECOVERY AND REINVESTMENT ACT OF 2009 (STIMULUS FUNDS)

was adopted.

DECLARE SURPLUS

MR-2009-107: City of Chattanooga c/o Dan Thornton

Councilman McGary acknowledged that this Resolution is for the new Gestamp facility at Enterprise South and welcomed them to the City of Chattanooga!

On motion of Councilman Rico, seconded by Councilwoman Berz,
A RESOLUTION DECLARING SURPLUS PROPERTY ON PARTS OF TWO UNPLATTED TRACTS OF LAND LOCATED IN THE 3000 BLOCK OF HICKORY VALLEY ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAPS ATTACHED HERETO

was adopted.

AGREEMENT

On motion of Councilman Murphy, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH BOWATER PAPER COMPANY ("BOWATER") RELATIVE TO THE SALE OF WOOD MULCH TO BOWATER AT AN AGREED UPON PRICE PER TON

was adopted.

OVERTIME

Overtime for the week ending July 16, 2009 totaled \$80,394.70 and for the week ending July 23, 2009 totaled \$7,383.70, for a total of \$87,778.84 for the two weeks.

Councilman McGary inquired as to the violent upswing in overtime totals.

OVERTIME (Continued)

Adm. Donna Kelley explained that most employees are on a biweekly pay schedule and most departments with a large number of employees run biweekly. She stated the weekly overtime report has many fewer employees on that payroll that work overtime.

Councilwoman Scott stated that she would like to know if a breakdown of overtime by department could be received or whether Council members already have that.

Carol O'Neal, Clerk of Council, informed the Council that she receives the weekly report of overtime which is sometimes as many as 90+ pages long. She stated that she would begin forwarding the document to each Council member when it is electronically received.

Councilwoman Scott stated that she knows some of the numbers are in the police department and some overtime is due to unavoidable circumstances periodically. She wondered if a spot check could be done to see if the amounts are really as they should be.

Chairman Benson stated that one of the answers given in the past is that this is a cost effective measure to pay overtime in a lot of cases rather than hire more employees.

Adm. Kelley stated there is documentation in certain places in the city. Chairman Benson added "for certain positions".

Councilwoman Scott expressed if it is known where we are in the budget year for overtime, what the total is to date.

Chairman Benson inquired if the city is over budget in overtime.

Adm. Daisy Madison stated the budget has not been passed for the current fiscal year and we have not overspent that expenditure. She assured the Council departments are doing all they can to monitor routinely; that they may see sporadic spikes because at the same time they are holding back on the ability to fill positions and many in periods of time overtime compensates for the fact departments are not allowed to fill all vacant positions. She stated if the Council wants more data regarding government, they can communicate and she will try to get it to them.

Councilman McGary stated that he was curious about the five percent decrease in departmental budgets and how that will affect overtime.

OVERTIME (Continued)

Adm. Madison responded that is in the works; that there will likely be an ordinance that will allow the city to come into compliance or change overtime rules to comply with the Fair Labor Standards Act. She stated now overtime policies are generous with fair labor standards; that she and Donna Kelley plan to bring a proposal to bring this in compliance with the Fair Labor Standards Act, which should impact overtime.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **MARGARET GRIER** – Family Medical Leave, Waste Resources, Administrative Support Asst. 2, effective July 24-August 25, 2009.
- **JIMMY WATTS** – Hire, Inventory Clerk, Waste Resources, Range 5, \$22,046.00 annually, effective July 17, 2009.

HUMAN SERVICES DEPARTMENT:

- **THELMA CHANEY** – Retirement, Director, Social Services, effective July 30, 2009.

CHATTANOOGA POLICE DEPARTMENT:

- **CYNTHIA CLARK** – Leave of absence (to be paid up to 12 weeks), Police Service Technician, effective July 23, 2009.

CHATTANOOGA FIRE DEPARTMENT:

- **JAMES HANEY** – Demotion, Captain, Pay Grade FD4A, \$55,905.55 annually, effective July 22, 2009.
- **DAVID ANDERSON** – Family Medical Leave, Captain, effective July 20, 2009.

INQUIRY

Chairman Benson asked Adm. Beverly Johnson if a copy of the new proposal for the "Back to Nature" for front yards has been distributed to the Council.

Adm. Johnson responded "no"; that she did not provides copies for the Council and only shared it with Chairman Benson and Councilman Murphy. She stated the document is in the very, very, very rough stages and she did not want to bring it now as most likely there would be a lot of modifications.

Chairman Benson commended Adm. Johnson noting that this is a very creative approach to solving a rare problem and appreciates what she has done. He expressed hope that the rest of the Council would see the document soon.

Adm. Johnson acknowledged that the Council could look forward to it!

HOTEL PERMITS

Councilman Murphy inquired as to the hotel permits that were before him and other members of the Council and asked why they were not being presented.

Chief Flint stated that he left the documents at his office and the permit approvals would be resubmitted at next week's Council meeting.

DONATION

The donation of \$13,000 by Getac Incorporated to the Chattanooga Police Department's SWAT team for the 2009 SWAT Tactical World Cup in San Antonio, Texas to cover the entry fee, cost of the hotel, gas, per diem and miscellaneous costs was duly reported.

PURCHASES

On motion of Councilman Rico, seconded by Councilman Murphy, the following purchase was approved for use by General Services:

COLEMAN TECHNOLOGIES, INC. (Single source) R0125282

Purchase of Network Equipment per TCA 6-56-304.6

\$10,021.77

PURCHASE

On motion of Councilman Rico, seconded by Councilwoman Ladd, the following purchase was approved for use by the Public Works Department:

FAIRWAY OUTDOOR ADVERTISING (Best offer)
R0125239

Ratification of Unauthorized Billboard Rental Purchases

\$14,880.00

Councilwoman Scott stated the Council is being asked to ratify a purchase already made, but had this not been already been made it would be her suggestion in the future when the goal is to educate wide numbers of people for this particular project, perhaps for public relations purposes to be able to address more people to meet the goal of education about water quality we consider alternative means than billboards. She stated she does not think they reach all the numbers of people who could be reached and suggested doing a one-on-one mailing directly to people which many other cities do that can be done in a cost effective manner through bulk mailing. She stated this is a very important issue that more people need to know of and be more educated on; that more information would get to them if it is directly mailed.

Chairman Benson asked if Councilwoman Scott is suggesting that we look at other alternatives.

Councilwoman Scott responded "in the future".

Councilwoman Berz stated that it is her thought Councilwoman Scott's comments were important and extremely well taken. She stated that she received a number of calls and e-mails about brush collection and the fact is this was very poorly advertised; that one-on-one would have been more effective. She stated irrespective of the truth of that or not, we need to really think about getting to households of Chattanooga if we really want them to get the information. She stated it would help us a lot more when responding to complainants to say "on such and such day a notice was received" and maybe review; that this is something to put in the record and the point is well taken.

Chairman Benson stated the matter should be in *Common Ground*.

Adm. Johnson responded "not any more"; that it is now an online newsletter because that is one of the consequences of the budget cut.

PURCHASE (Continued)

Chairman Benson clarified the newsletter is on the computer. Adm. Johnson responded "yes", the newsletter is on the computer.

Councilman McGary expressed his curiosity that the matter is also included in the weekly handout newspaper in neighborhood circulars, and inquired as to who is responsible for the circular; that various neighborhoods receive inserts certain parts of the week.

Adm. Johnson stated that she knows what Councilman McGary is referencing as they are neighborhood specific; that it is her belief the *Times-Free Press* is the responsible entity that publishes that circular.

Councilman McGary asked if it is possible we could see if there is a way they could print this.

Adm. Steve Leach stated he would make note of this and talk to Kim tomorrow as to what we can do about that.

PURCHASE

On motion of Councilman Rico, seconded by Councilman Murphy, the following purchase was approved for use by the Public Works Department; **Councilwoman Scott voted "no"**:

WALLINGFORD SOFTWARE, INC. (Best proposal) R012533

Purchase of Sanitary Sewer Dynamic Hydraulic Modeling Software System

\$94,265.00

BOARD RE-APPOINTMENTS

On motion of Councilman Rico, seconded by Councilwoman Berz, the following Board re-appointments were approved:

CHATTANOOGA METROPOLITAN AIRPORT AUTHORITY:

- Re-appointment of **JAMES "JIM" E. HALL** for a three year term expiring July 28, 2012.

BOARD RE-APPOINTMENTS (Continued)

STORMWATER REGULATIONS BOARD:

- Re-appointment of ***DOUG STEIN, DON WALLIS*** and ***KEN DEFOOR*** for a three year term expiring July 28, 2012.

HEARING: MICKEL HOBACK

City Attorney McMahan reported that a request for hearing from Atty. Gerald Tidwell has been received requesting a hearing for his client, Mickel Hoback, who was terminated from the Chattanooga Police Department:

A hearing for Mr. Hoback was scheduled for Monday, September 14 beginning at 9 a.m. with Councilmen McGary, Ladd and Berz serving as the panel and Councilwoman Berz as Chair; Councilman Gilbert volunteered as alternate.

HEARING: LLOYD G. LEMLEY

City Attorney McMahan reported the request for hearing from Lloyd G. Lemley regarding his termination from the Chattanooga Police Department. He noted that Mr. Lemley's communication did not reference representation by Counsel.

A hearing for Mr. Lemley was scheduled for Monday, September 28 beginning at 9 a.m. with Councilmen Murphy, Scott and McGary serving as the panel, with Councilman Murphy as Chair; Councilman Benson volunteered as alternate.

COMMITTEES

Councilwoman Robinson scheduled a meeting of the **Health, Human Services and Housing Opportunities Committee for Tuesday, August 4, immediately following the Agenda session.**

Councilman Murphy stated that the Legal and Legislative Committee took up two ordinances, one proffered by the Building and Trades Council which is on the agenda for next week, as well as an ordinance governing regulation in terms of zoning of sports bars, nightclubs and dance halls which will be on the agenda next week. He stated this ordinance was vigorously discussed and was revisited today in committee and wanted the public to be aware the matter is coming up for a vote on first reading next week.

COMMITTEES (Continued)

Councilwoman Berz stated there was a lot of really good discussion about the building trades ordinance and requested that it be deferred until all people who want to can sit down and work on it; that it is a good idea that needs some work.

Councilman Murphy stated the Council's Rules states two Council persons can put something on or off the agenda; that it was advertised on the published agenda.

Councilwoman Berz stated that it is her belief in the past when it is announced if we want to take something off to defer for more work we were able to do that.

On motion of Councilwoman Berz, seconded by Councilwoman Ladd the Building Trades Ordinance was removed from the agenda for August 4, 2009 for further discussion; the motion carried with Councilmen Murphy and Rico voting "no".

Councilman Gilbert scheduled a meeting of the **Parks and Recreation Committee for Tuesday, August 4 immediately following the Health and Human Services Committee**. He stated the agenda includes the development of a park naming policy; park rules in regard to prohibition of dogs; State LPRF Grant in reference to the development of a Spraypark connected to the Warner Park Pool; Convention and Visitors Bureau's State Historical Marker Program and current Resolutions.

"BACK TO SCHOOL BOOGIE"

Councilman McGary stated Chattanooga Parent Magazine is sponsoring a "Back to School Boogie" on Saturday, August 1 from 11 a.m. – 3 p.m. at the Loose Cannon Studio on Rossville Boulevard. He stated this event is scheduled in conjunction with the Department of Education, Arts and Culture.

NEXT WEEK'S AGENDA: AUGUST 4, 2009

Next week's agenda appears below:

Ordinances - Final Reading:

- a) An ordinance to amend Chattanooga City Code, Part II, Chapter 3, Section 3-7, relative to sign permits, location restrictions, and projective signs.

NEXT WEEK'S AGENDA: AUGUST 4, 2009
(Continued)

- b) An ordinance to amend Chattanooga City Code, Part II, Sections 10-1 and 10-2, so as to adopt the 2006 Edition of the International Building Code and to retain the 2003 Edition of the International Residential Code and certain appendices of those codes as revised and amended as the Official Building Code of the City of Chattanooga; to amend Section 10-3 concerning special amendments to the International Building Code and the International Residential Code concerning drawings and specifications, permit fees, existing buildings or structures, moved structures, employee qualifications, and signs; to amend Sections 2-625 and 2-626 concerning the Construction Board of Adjustments and Appeals; and to amend Section 10-7 concerning the adoption of the ANSI National Standard as the Official Handicap and Accessibility Code of the City of Chattanooga.
- c) An ordinance to amend Chattanooga City Code, Part II, Section 10-33, so as to adopt the 2006 Edition of the Energy Conservation Code, in its entirety, as the Official Energy Code of the City of Chattanooga.
- d) An ordinance to amend Chattanooga City Code, Part II, Chapter 17, Article I, Sections 17-1 and 17-2, relative to the adoption of the International Fire Code, 2006 Edition, and all referenced standards and publications specified therein, including the 2006 National Fire Protection Association (NFPA) 101 Life Safety Code in its entirety for certain specified occupancies, as the Official Fire Code of the City of Chattanooga; to amend Section 17-2 as appendices to Code adopted; and to amend Section 17-3 as amendments to Code.
- e) An ordinance to amend Chattanooga City Code, Part II, Sections 19-1 and 19-2, so as to adopt the 2006 Edition of the International Fuel Gas Code and certain appendices as revised and amended as the Official Gas Code of the City of Chattanooga; to amend Section 19-3 concerning amendments to said Code; and to delete the last sentence in Section 19-91 regarding "issuance of a copy of the current Gas Code without charge" to all Master Gas Fitters.
- f) An ordinance to amend Chattanooga City Code, Part II, Sections 22.5-1 through 22.5-3, so as to adopt the 2006 Edition of the International Mechanical Code and certain appendices as revised and amended as the Official Mechanical Code of the City of Chattanooga and to amend Section 22.5-3 concerning amendments to said Code regarding scope, permits, permit fees, expiration, and violation penalties.
- g) An ordinance to amend Chattanooga City Code, Part II, Sections 27-1 through 27-3, so as to adopt the 2006 Edition of the International Plumbing Code as revised and amended as the Official Plumbing Code of the City of Chattanooga and to amend Section 27-3 concerning amendments to said Code.

NEXT WEEK'S AGENDA: AUGUST 4, 2009
(Continued)

Ordinances – First Reading:

- a) An ordinance to amend Chattanooga City Code, Part II, Chapter 24, Sections 24-474, 24-476, 24-477, 24-482, and add Section 24-483 relative to bicycles.

Resolutions:

- a) A resolution authorizing the Mayor to apply for and, if approved, accept a Climate Showcase Communities Grant from the U.S. Environmental Protection Agency in an amount up to and including \$500,000.00 for the Warm Mix Asphalt Project, which grant requires a local match from the City in an amount up to and including \$250,000.00.
- b) A resolution authorizing Wade R. Verble to use temporarily an unpaved right-of-way located at the rear of 4374 Guild Trail (a/k/a Forty-Fourth Street), as shown on the maps attached hereto and made a part hereof by reference, during construction on 4374 Guild Trail, subject to certain conditions.
- c) A resolution declaring the area in and around Enterprise South Industrial Park an Economic Development Zone.

SCOTT BISHOP

Scott Bishop of 6775 Buchanan Lane in Hixson stated that he was truly humbled to be able to approach elected officials voted in by the people and expressed appreciation to each of them. He stated that he was present with a lot of persons from the neighborhood because they are against the plan for annexation the Mayor has put forward. He stated they were present because the timing of this ill conceived plan is just not right; that most of all they were present because they need the Council's help. He stated every day the Council helps people who are hurting; that they are hurting people and need the Council's help. He stated the Council needs to be their voice as they were voted in for the people and by the people and to please consider them as people they represent on a daily basis. He stated those present are the Council's people and asked the Council to be their voice as now is not the time for annexation. He stated under the Mayor's plan they get nothing, "zilch", "nada" that they do not already have. He stated everyone in his neighborhood has sewers, street lighting, garbage pickup, and a tremendous emergency service – that there is nothing in this plan they do not already have!

SCOTT BISHOP (Continued)

Mr. Bishop stated without so much as a vote they are going to watch their house notes go up \$100-\$200 per month, again reiterating they are hurting. He stated contrary to what the Mayor may think they do not have money trees growing in their subdivision; that these are tough economic times. He stated they have senior adults that live in Stonewall Farms, seniors on fixed incomes who have seen their retirement "go down the drain" and they have taken a big hit. He stated that he lost his job in December after eleven years and is now making half of what he was making before; that he knows others in the subdivision are going through the same thing, again reiterating people are hurting! He stated now is not the time to annex and asked that they consider this again; that if they do that and look at the issues the right thing to do would be not to vote for this annexation.

LEWIS HUDSON

Lewis Hudson of 1323 Jacksonville Road in Hixson addressed the Council next and stated that he has lived at his address for four years and in Hamilton County for over 40 years. He stated he was present because 500 families live in his area in Hixson, not just in Stonewall Farms but others that are represented by himself and Mr. Bishop. He stated they are present pleading for more information about the plan to annex their area; that they are not present to protest and they want to understand what they are getting into as much as they can. He likened the matter to a pie – plan it first, implement it and then execute. He stated the problem he has is there is a plan to annex his home into the City of Chattanooga and no one he has talked to knows where the plan is! He stated every person he has talked with says the plan is sketchy and is being worked on. He stated right now they do not need a plan; that they live in an area that has sidewalks, sewers, street lights, underground electrical facilities – everything they need that the city could possibly provide is already there as he paid for it when he bought his home four years ago.

Mr. Hudson stated the homeowners he talked to are happy with the police county patrol, happy with the fire service provided by Dallas Bay as they have rapid response to every call. He stated the Sheriff's department not only responds when called but are on patrol daily, sometimes two-to-three times a day in each subdivision. He stated the Dallas Bay Fire Department is top rated in the whole state, noting that one of the people from the city is their new Chief which makes the Department even better! He stated he would not get into the economics of Class 5 of Class 2 station and asked what the quid pro quo is for what they are getting.

LEWIS HUDSON (Continued)

Mr. Hudson stated they are being told that their taxes are going to double and that may be swell for a lot of people, however as one who has been retired for four years, it is not a good thing for him. He stated Dan Johnson told the Hixson Chamber one of the big perks to be received was the reduction of fire insurance costs. He stated that he checked with a real estate agent who stated he would save \$40 a year, which is less than ten percent; that he checked with another and was told he would save \$20 a year. He stated if there is a plan somewhere to annex them to please, please be sure that "day one" it takes effect, it is implemented and fully funded with all services in place as they do not want to have to wait three years. He stated if the city can not do that he asked that the Council vote "no" on annexation.

At this point persons present in support of Messrs. Bishop and Hudson's comments were asked to raise their hands; a large number of those assembled raised their hands.

Chairman Benson thanked everyone for their citizenship participation and stated as far as a plan is concerned no one on the Council has seen the final plan, noting that those in attendance know just about as much as the Council does about it. He stated the plan is part of the city's growth service plan which the State made us identify in 2002 and if we do not annex certain areas by when we told them we would by the end of the year, the areas would be subject to annexation by the adjacent incorporated community according to the State Legislature; that if we back out Collegedale would back in and incorporate, reiterating that the city was forced by State law in 2002 to identify a plan. He stated that he needed to correct what was told to Mr. Hudson and advised that he may need to get a new insurance man, maybe! He stated he was annexed and his (fire insurance) was lowered. He expressed that he knew how those in attendance feel as he felt the same way, however, time he quit paying the high rate and found out only one other city in the state has a better rating than this city he felt better; that it was reduced quite a bit. (It was acknowledged that Germantown, Tennessee was the city Chairman Benson was referring.)

Councilman Murphy stated that he responded to some e-mail inquiries that were sent to him noting that we do not have a plan; that one had not been presented to him and (he) does not know what areas are going to be brought forth for annexation. He stated that he wanted to make one statement - that he received an e-mail that denigrated him for saying he would critically look at each parcel for annexation as brought forth and there are very compelling reasons.

LEWIS HUDSON (Continued)

Councilman Murphy stated Councilman Benson made the point that another city may wind up annexing the area anyway. He reminded everyone opposed to this just because someone does not say the answer they want them to say – “no, I won’t annex” -- please do not denigrate us or be disingenuous. He stated he did not know if this neighborhood would be in one of the plans and suggested everyone take a deep breath until the plan is presented when there will be several opportunities for comment. He stated that he does not appreciate being threatened, “If you annex you can be sure we will organize against you,” noting that is not the “Chattanooga way”. He told them they are “our people and I am yours” and asked that they not try to threaten or intimidate. He stated as a response to one person he put a different spin on it -- “if you do not work to implement our shared vision it is still a threat”.

Councilman McGary expressed concurrence with Councilman Murphy’s comments and invited the public to join the Council in this process and to recognize the responsibility in having been elected to look out for the greater good of the entire city. He stated, yes, that means everything is not all pluses, however unfortunately that is not always the case. He stated the Council’s job is to try to put forth as many pluses as possible and they are headed in that direction, again inviting them to join in that process.

Councilwoman Ladd stated that she met with the folks represented tonight on last Friday evening; that they invited her to a meeting they were having to ask questions and gather information. She addressed Councilman Murphy and stated that some of the e-mails have been aggressive, and told the Council from the meeting she had with the group they could not have been more gracious to her and more open to listening to what she had to say; that it is her thought they are grappling to get information. She stated that one of the most important decisions she made in her life, and she knows others in attendance have made, is where she would buy a home as it is the largest investment she would make in her life and is more important to her than any other investment financially she would make in her life. She stated those in attendance are carefully trying to gather the facts, have compelling information and are asking for the Council’s consideration. She stated that she wanted the Council to make sure they knew this group she is seeing and met with on Friday were very gracious and very open and they just need information. She thanked them for their presence and expressed appreciation for the way they were presented and the way they have treated her.

GENE HAY

Gene Hay of Stonewall Farms stated years ago he lived in Knoxville and ran into the same situation and they came up with a good idea of annexing only commercial land. He asked that the city look at something like that in this area rather than affecting residential housing.

Chairman Benson stated that when his area was annexed they were brought into the city "kicking and screaming", but they do not want to be de-annexed now; that no one on his street wants to "go back".

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, August 4, 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)**