

City Council Building  
Chattanooga, Tennessee  
January 19, 2010  
6:00 p.m.

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

#### **PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Councilwoman Scott gave invocation.

#### **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.

#### **APPROPRIATION**

On motion of Councilman Rico, seconded by Councilman Murphy,  
**AN ORDINANCE APPROPRIATING FROM THE GENERAL FUND  
CONTINGENCY TO THE CHATTANOOGA HAMILTON COUNTY  
REGIONAL PLANNING AGENCY THE ADDITIONAL AMOUNT OF  
SEVENTY-TWO THOUSAND EIGHT HUNDRED SEVENTY-TWO DOLLARS  
(\$72,872.00) IN ORDER TO COMPLETE THE "LONG-RANGE  
TRANSPORTATION PLAN DATA COLLECTION AND ANALYSIS" AS  
FEDERALLY MANDATED**

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

## CLOSE AND ABANDON

### **MR-2009-134: Mario Foote**

Barry Bennett, Executive Director of the Regional Planning Agency (RPA), stated during today's Committee meeting several points were raised that sent up a "red flag" in my mind and Councilwoman Ladd's. He stated after Committee meeting he and Councilwoman Ladd discussed the issues with the City Attorney; that what is actually being abandoned is the city's right to exercise the option to build a public road there. He stated whenever a subdivision is platted or a right-of-way is designated as a future road and platted as part of that subdivision, then that is an offer of dedication to the city. He stated it does not mean it has been accepted at this point but does establish an interest on the part of the city and gives the city the right to exercise the option if it so chooses to and at some point build a road to city specifications. He stated the main question to the City Attorney was who else has the right to build that road other than the city considering the underlying land is still private property and, in this case, the property of the original owners. He stated the answer is "no one"; so the adjoining property owned by Mr. Coppinger, based on that opinion from the City Attorney, is that the right-of-way, even if the city does abandon its interest, serves no purpose to Mr. Coppinger because he would still not have the right as an individual to build the road and it is not an access easement. He stated there is nothing that a right-of-way offers him and at this point he sees no reason not to proceed with the abandonment if the Council chooses to do so. He stated he and Councilwoman Ladd called Mr. Coppinger and informed him of the new information and he understands it at this point. He said Mr. Coppinger may at some time in the future look into it. He suggested that the Council move forward however the Council wishes.

Councilwoman Ladd stated Mr. Bennett covered what she wanted to make sure the Council knows which was that Mr. Coppinger has been contacted and he is aware of the change in interpretation.

Chairman Benson asked if Planning and Staff recommended approval.

Mr. Bennett stated that they saw no reason not to recommend approval.

**CLOSE AND ABANDON (Continued)**

On motion of Councilman Rico, seconded by Councilwoman Ladd,  
**AN ORDINANCE CLOSING AND ABANDONING THE RIGHT-OF-WAY  
OF AN ALLEY WHICH INTERSECTS WITH THE 2700 BLOCK OF BRYANT  
ROAD AND THE 4600 BLOCK OF CHARLOTTE DRIVE, MORE  
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
Passed second and final reading and was signed in open meeting; **Councilman  
Murphy voted "no"**.

**REZONING**

**2009-158: City of Chattanooga**

On motion of Councilman Murphy, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 6059 RELOCATION WAY AND WITHIN THE  
BOUNDARIES OF AREA 8B AS LISTED BY ORDINANCE NO. 12297,  
MORE PARTICULARLY DESCRIBED HEREIN, FROM TEMPORARY M-2  
LIGHT INDUSTRIAL ZONE TO PERMANENT M-2 LIGHT INDUSTRIAL ZONE**  
Passed second and final reading and was signed in open meeting.

**REZONING**

**2009-159: City of Chattanooga**

On motion of Councilman Rico, seconded by Councilman McGary,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED IN THE 7800 BLOCK OF INTERSTATE HIGHWAY 75 AND  
WITHIN THE BOUNDARIES OF AREA 9A AS LISTED BY ORDINANCE NO.  
12298, MORE PARTICULARLY DESCRIBED HEREIN, FROM TEMPORARY  
M-1 MANUFACTURING ZONE TO PERMANENT M-1 MANUFACTURING  
ZONE**  
Passed second and final reading and was signed in open meeting.

**AMEND CITY CODE**

On motion of Councilman Rico, seconded by Councilwoman Ladd,  
**AN ORDINANCE TO AMEND THE CHATTANOOGA CITY CODE, PART II,  
CHAPTER 2, SECTION 2-553, RELATIVE TO LOCAL PREFERENCE**  
Was deferred two weeks.

**CHANGE ORDER**

On motion of Councilman Rico, seconded by Councilwoman Ladd,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER  
NO. 1 WITH EARTHWORX, LLC, RELATIVE TO CONTRACT NO. S-06-009-  
103, CHATTANOOGA COMBINED SANITARY SYSTEM (CSS) MAPPING,  
WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY  
THREE HUNDRED NINETY-SEVEN THOUSAND FIVE HUNDRED DOLLARS  
(\$397,500.00) FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED  
ONE MILLION SEVENTY-TWO THOUSAND FIVE HUNDRED DOLLARS  
(\$1,072,500.00)**  
Was adopted.

**ACCEPT FUNDS**

On motion of Councilman McGary, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE  
DEPARTMENT OF PUBLIC WORKS TO ACCEPT FUNDS FROM  
CHATTANOOGA NEIGHBORHOOD ENTERPRISES, INC. RELATIVE TO THE  
JEFFERSON HEIGHTS COMMUNITY IN THE AMOUNT OF EIGHT  
THOUSAND DOLLARS (\$8,000.00) FOR THE INSTALLATION OF CURBING  
ALONG 18<sup>TH</sup> STREET**  
Was adopted.

**CONTRACT**

On motion of Councilman Rico, seconded by Councilwoman Berz,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-09-  
008-201, PAVEMENT SURFACE CONDITION, PAVEMENT SURFACE  
CONDITION DATA COLLECTION AND ANALYSIS, TO ENGINEERING  
AND RESEARCH INTERNATIONAL, INC. (ERI) IN AN AMOUNT NOT TO**

EXCEED THREE HUNDRED SEVENTY-SIX THOUSAND TWO HUNDRED  
FIFTY DOLLARS (\$376,250.00)

Was adopted.

**AGREEMENT**

Councilwoman Scott clarified that this work is being done in the annexed areas that are not subject to litigation.

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH EARTHWORX, LLC RELATIVE TO CONTRACT NO. S-09-007-101, CHATTANOOGA STORM SYSTEM AS FOUND GIS PHASE VII ANNEXATION AREAS, IN AN AMOUNT NOT TO EXCEED SEVENTY-FIVE THOUSAND FIVE HUNDRED SIXTY-FIVE DOLLARS (\$75,565.00)**

Was adopted; Councilman Gilbert voted "no".

**CHANGE ORDER**

On motion of Councilman McGary, seconded by Councilman Murphy,

**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. E-08-016, WAREHOUSE ROW IMPROVEMENT PROJECT, WITH JAMESTOWN WAREHOUSE ROW, LP, RELATIVE TO RESOLUTION NO. 25573, WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY TWENTY-FOUR THOUSAND FOUR HUNDRED EIGHTY-SIX DOLLARS (\$24,486.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED THREE HUNDRED THOUSAND FIVE HUNDRED FOURTEEN DOLLARS (\$300,514.00)**

Was adopted.

**CHANGE ORDER**

Councilman McGary inquired as to the reason for the deferment.

Dan Johnson, Chief of Staff, stated in light of the chronology of events that were brought forth in Committee today the Purchasing Department has been asked to check a few items.

On motion of Councilwoman Scott, seconded by Councilman Murphy,

**A RESOLUTION AUTHORIZING THE POLICE CHIEF TO EXECUTE A CHANGE ORDER RELATIVE TO RESOLUTION NO. 25768 INVOLVING A CONTRACT WITH BILLINGSLEY ARCHITECTURE, IN AN AMOUNT NOT TO EXCEED ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500,00.00) TO COVER THE EXPENSE FOR NUCLEAR ROOF SCANNING AND OTHER**

INCIDENTAL EXPENSES, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED FOURTEEN THOUSAND THREE HUNDRED DOLLARS (\$14,300.00)  
Was deferred one week.

**PAYMENT AUTHORIZATION**

On motion of Councilwoman Berz, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF THIRTY-THOUSAND DOLLARS (\$30,000.00) TO BARGE, WAGGONER, SUMNER & CANNON, INC. FOR CHARGES INCURRED FOR RENDERING ENGINEERING AND ENVIRONMENTAL SERVICES IN THE AREA OF THE CHATTANOOGA COMMUNITY RESOURCE CENTER (CCRC) AND SURROUNDING PROPERTIES**

Was adopted.

**PAYMENT AUTHORIZATION**

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,  
**A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00) TO THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC) FOR CHARGES INCURRED FOR CONTINUING INSPECTIONS IN THE AREA OF THE CHATTANOOGA COMMUNITY RESOURCE CENTER (CCRC) AND SURROUNDING PROPERTIES**

Was adopted.

**HATE CRIMES RESPONSE POLICY**

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,  
**A RESOLUTION APPROVING THE CITY OF CHATTANOOGA HATE CRIMES RESPONSE POLICY AS ATTACHED HERETO**

Was deferred one week.

**OVERTIME**

Overtime for the week ending January 14, 2010 totaled \$57,097.89.

**PERSONNEL**

The following personnel matters were reported for the various departments:

NEIGHBORHOOD SERVICES:



**DESHARLA LAVETTE** – Resignation, Neighborhood Relations Specialist, effective January 7, 2010.

**PERSONNEL (Continued)**

PUBLIC WORKS:

- **JAMES A. NEELY, Jr.** – Retirement, Plant Maintenance Supervisor, effective December 31, 2009.
- **MARY L. TANKERSLEY** – Retirement, Crew Worker 2, effective December 31, 2009.
- **PERRY T. FERGUSON, JR.** – Deceased, Sewer Project Coordinator, effective January 13, 2010.

CHATTANOOGA POLICE DEPARTMENT:

- **JONATHAN MANCE** – Resignation, Police Officer 2, effective January 14, 2010.
- **RONALD BESS** – Resignation, Police Officer 1, effective January 10, 2010.

**REFUNDS**

On motion of Councilman McGary, seconded by Councilman Rico, the following refunds of gross receipts tax and personalty tax, respectively, were approved:

<b>N K &amp; EDWARDS</b>	\$1,042.42
<b>DHL EXPRESS USA, INC.</b>	3,089.57

**PURCHASE**

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

**ACTION ALARMS OF CHATTANOOGA, INC. (Best bid)**  
**R21436**

Purchase and Installation of Closed Circuit Television Equipment at Avondale Head Start Center

\$16,900.00

### HEARING: SHAWN CUNNINGHAM

City Attorney McMahan stated that he sent an e-mail to members of the Council advising he had received an offer of settlement with respect to Mr. Shawn Cunningham, an employee who was dismissed from the Police Department, who presently has a hearing pending before a three-member Council Committee on the 25th and 26th of this month. He stated the problem is he cannot tell the Council what the offer is or cannot make a recommendation with respect to settlement without compromising the Council's quasi-judicial responsibilities to determine the merits of his appeal. He stated Councilman Benson has recused himself on this matter and Mr. Rico cannot hear the matter; that there are four members already tied up in the case and whatever twists and turns may come. He stated his recommendation in this limited one circumstance is that the Council authorize the Mayor to make a response to the settlement offer received from Cunningham's attorney.

Councilwoman Scott stated the hearing is coming up very soon and inquired as to the time frame.

City Attorney McMahan stated the Mayor is out of town but he communicated with him briefly this morning and can communicate with him by e-mail. He stated we could probably make a response to his attorney tomorrow and give him a very short deadline to let us know in return whether or not he will accept whatever it is we may offer him.

Councilwoman Scott asked the downside of waiting until after the hearing.

City Attorney McMahan stated the only up side of trying to settle a case is to avoid the hearing and any potential appeal from that hearing if the Council wants to hear it and does not want to entertain any settlement offer, that is one decision the Council can make without knowing what the settlement offer is.

**Councilman Murphy** stated that he is zealous in his authority as a Council person but he is an alternate for the hearing. He **made the motion that we delegate our authority in this one limited instance to the Mayor; Councilwoman Ladd seconded the motion.**

Chairman Benson clarified that the motion is not to settle. City Attorney McMahan stated that it is to respond and make a final decision with respect to the settlement.

Councilman McGary stated an offer has been made to us and we are going to respond in the event that we do not reach an agreement we still will have the hearing and we will know by when.

### HEARING: SHAWN CUNNINGHAM (Continued)

City Attorney McMahan stated that is correct and hopefully we will know by Wednesday.

Councilwoman Berz asked the City Attorney if the Council can delegate its legal responsibility to the Mayor.

City Attorney McMahan stated that it is his thought the answer is you can; that it would be almost impossible for the Council to exercise its own authority in this case without compromising their quasi-judicial function for a fair and impartial hearing for the members who are there. He stated the only other option would be for the Council to delegate its settlement authority to a subset of the Council to a committee of three not currently involved in that case.

Councilwoman Berz stated since this is a case that received a lot of notoriety; that she had to recuse herself from the panel because of a case she had in another hearing that was brought in tangentially.

City Attorney McMahan stated that she is glad Councilwoman Berz mentioned that; that the other case was Goodine and there may be others who may have facts on that case.

Councilwoman Berz stated she was concerned irrespective of the outcome; that if the outcome is not satisfactory to Mr. Cunningham would not one of the faults be that we delegated authority that we could not rightly delegate to the Mayor; that it is just a concern she has.

City Attorney McMahan stated if he accepts the settlement offer, he will be releasing any claims he might have; that he has no right to settlement and his only right is to a hearing. He stated he really does not think he has any right to force a settlement directly or indirectly.

**On the motion and second by Councilmen Murphy and Ladd, authorization was delegated to the Mayor; the motion carried with Councilwoman Berz voting "no".**

### HEARING: LOYD LEMLEY

City Attorney McMahan stated that a hearing was held on yesterday regarding Loyd Lemley's dismissal and it is his understanding Mr. Lemley did not show up. He stated by a vote of two-to-one the panel confirmed his dismissal; that Mr. Lemley had actually already retired.

## COMMITTEES

Councilwoman Scott scheduled a meeting of the **Economic Development Committee for Tuesday, February 2 following Public Works**; that the topic will involve de-regulation of cable rates for Comcast.

Councilman Murphy scheduled a meeting of the **Legal and Legislative Committee for Tuesday, January 26** to discuss items within the Committee's jurisdiction.

In the absence of Councilwoman Robinson, Chairman Benson reminded Council members the meeting of the **Health, Human Services and Housing Opportunities Committee scheduled for Tuesday, January 26 at 2:30 p.m.** for a presentation by the Chattanooga Housing Authority regarding the Fairmount Avenue project.

Councilwoman Ladd scheduled a **Safety Committee for Tuesday, January 26** for a presentation regarding the Hate Crimes Response Policy.

Councilwoman Berz scheduled a meeting of the **Budget, Finance and Personnel Committee for Tuesday, January 26** for a presentation regarding the Well Advantage Employees Pharmacy **and for Tuesday, February 2** for the first report of the Council Audit Committee's summary report of activities. She stated the Council will be pleased with their work.

## HERB COHN

**Herb Cohn**, of 1128 Carter Drive, stated that he is Past Chair of the Library Board and current Library Board member. He introduced David Turner, current Chair of the Library Board. He commended the Council for being the front runners in leadership in funding the library. He stated the library numbers and usage is "off the charts"; that some of it is due to the current economic conditions. He stated another valid reason is their opening on Sunday; that now the downtown branch is open seven days a week which gives access to everybody who wants to use the library. He stated whether it is children's materials, research or job search they have a lot of young people who do not have personal computers at home who have access to computers at the Library.

Mr. Cohn stated something unusual has happened since the city has been the leaders in setting forth funding; that hopefully the county matches it since it is joint funding.

### HERB COHN (Continued)

Mr. Cohn stated this is the first time he could remember since his ten year involvement with the library that we have had two Hamilton County Commissioners who have committed and sent \$19,000 which has no restriction to it. He stated this is the first time they have asked the Council to match those funds; that the question is specifically what would the library do with the \$19,000. He stated in one word it would be used for books proportionally to Eastgate, Northgate, South Chattanooga, Downtown and to Ooltewah-Collegedale. He stated each would receive new books as determined by the library staff based on circulation nationally. He stated new books will be on the shelves so that every one of the Council members' constituents would visibly see and be able to use the new books.

### DAVID TURNER

**David Turner** stated that he wanted the Council to understand how very, very grateful they are for everything that both the city and county do for the library; that they are absolutely committed to giving the citizens the best library possible. He stated they have just finalized a marketing plan that will be privately funded; that they will do the fundraising themselves to spruce up the library. He stated it will not be a new building but there will be new lighting, signage and just sprucing it up. He stated they are making the best use of private funding in this case.

### WALTER HITCHCOCK

**Walter Hitchcock** of 404 Tunnel Boulevard stated that he was present in the capacity as Board Chairman of the Tennessee Multicultural Chamber of Commerce. He asked the Council to revisit the perspective they made before the budget was approved and the cuts they made to be restored, which was 50 percent. He stated that he understands other organizations have asked for money from the contingency and wanted to know the Council's position in getting the funding restored.

Councilman Murphy stated that he spoke with another Council member earlier about the Chamber and asked where the office is located. Mr. Hitchcock responded "Chestnut Street".



Councilman Murphy asked if they were leasing, to which Mr. Hitchcock responded "yes".

### DAVID HITCHCOCK (Continued)

Councilman Gilbert expressed appreciation to them for coming to make the Council again aware of their promise to look into trying to find funds they are lacking. He stated it is his hope the Council would look into this seriously as we do need funds for the organization that provides opportunities for minorities in Chattanooga.

Councilwoman Berz stated that her concern is that Mr. Hitchcock said we have funded other agencies from contingency funds. She asked where Mr. Hitchcock received that information. Mr. Hitchcock responded "through the local newspapers".

Councilwoman Berz stated we very much support the work they are doing and would hate for misinformation to be out there. She stated contingency funds are extremely low and she does not know that we have funded anything other than a federal mandate from contingency funds. She stated that she just wanted to make sure Mr. Hitchcock is not under the impression we are "hitting" the contingency funds or picking and choosing agencies because that is not true.

Councilman McGary stated that his concern is whether we fund the library or not, whether we find funds for the Multicultural Chamber or not, it is his thought there needs to be some equity in how we go about finding funding for various organizations. He stated when the library funding issue came up, the question among the Council was where is the money coming from and last week there was a big question mark as we did not know where our current financial standing was and this week we found out we are no looking at pulling that money from another place. He stated whether or not we fund the library or whether or not we fund the Multicultural Chamber, there needs to be from this Council some equity in how we go about finding additional dollars. He stated if we tell one organization there are no additional dollars, yet tell another there is, whether white, black, red, blue or yellow, rich or poor, his fear is that we are not being equitable how we go about treating local organizations. He stated it is his hope as we deliberate who and how we fund, we as a Council should be very equitable in how we do so.

Councilman Murphy stated the needs of the Multicultural Chamber are budgetary recurring needs and are no recurring funds in this budget available to restore those cuts; that there may be some money late this budget year that is one time money; money that does not come but around every once in a while.

### DAVID HITCHCOCK (Continued)

Councilman Murphy stated one time money really needs to be used for one time needs and he wondered whether we could assist the Multicultural Chamber if they could develop a reasonable plan for a permanent business address to relieve them from lease payments. He stated if it is a one-time expenditure to help with the purchase of the building or a capital expense that may be something we could look at with one time money; that it is a very bad practice as our finance officer can tell all of us to find repetitive recurring expenses with one time money. He stated that would also include taking funds that are left over from a prior budget year for a specific purpose and rededicating them to another that is a recurring expense. He stated as Ms. Gilchrist and others know he very much supports the work they are doing and would like point out this is not an organization that serves by any stretch of the imagination only minority owned business, also veteran businesses, women owned businesses, and, in fact, their invaluable resource for our many larger corporations when they seek to achieve their requirements with certain federal laws and grants. He applauded them for the work they do and expressed that a lot of people do not understand exactly why they are so vital, for example, to Blue Cross and many of our large corporate citizens. He expressed his wish that people understood fully the full panoply of what they bring to the table and probably need to do a better job of educating people together.

**At this point Chairman Benson gave the gavel to Vice Chairman Rico to conduct the meeting.**

Chairman Benson stated this is something that cannot be compared with the library; that Channel 45 cannot be compared with the library. He stated the city of Chattanooga had a joint agreement made back during Ralph Kelley's term that we would equally fund the library with Hamilton County giving the same amount as the City of Chattanooga which is a moral obligation that we must and should fulfill. He stated we always have since Kelley was Mayor and have met or exceeded that; that it is his thought we exceeded it two years in a row and the county would not match us and the library got behind in about \$50,000 in circulating books and we let them know we were not going to continue with overfunding. He stated they then matched us for two years and this year the Mayor recommended \$50,000 more than we gave and the reason we cut them back is because the county cut them back \$50,000. He stated we said "no more"; that we would meet our local and legal obligation and now the county has come in and started saying if they get discretionary funds sent to the library, will we match it.

### DAVID HITCHCOCK (Continued)

Councilman Benson stated he talked to their chairman and told him he would be an advocate of it but there would have to be a cut off time; that one came in with \$15,000 and another \$4,000. He stated this could not drag on and inquired as to the final number as the city would try to match it; that he is trying to live up to his moral obligation and would advocate that in any way he can. He stated we have other organizations and in fact Councilwoman Robinson came to him and said if this comes up can we get more for Channel 45; that it is "apples and oranges". He stated the library is separate and apart and is part of our legal, binding, moral agreement and this would be the first Council that has fallen short of living up to the moral agreement of the previous Council; that each has a right to vote any way they like but he will not; that he will vote to find that money to match what the county has given.

### SHERRIE GILCHRIST

**Sherrie Gilchrist**, Executive Director of the of the Tennessee Multicultural Chamber, stated they are the only organization listed under economic development that was cut 50 percent and the city of Chattanooga depends on them to identify people to meet their Title VI mandate. She stated they have never had an increase since the inception of the Multicultural Chamber and are in the process of building on the 400 block of M. L. King Boulevard that will give them sustainable resources and anticipates the day will come when they will not have to come to the City Council or county to ask for additional funding. She stated the \$750,000 that the city allocated has generated \$233 million dollars back to the city. She stated 600 or more jobs and 11,000 more individuals were given technical assistance on how to prepare a business plan 101. She stated they do not consider themselves any different; that the Chattanooga Area Chamber of Commerce works with large corporations and does a fantastic job in recruiting; that you have to work from the foundation up. She stated small businesses are 70 percent of the businesses in this city and someone should be working at both ends so we have an economic empowerment situation where all companies are growing and able to compete. She stated that is their mission and does not see it as recurring; that they are the only one in economic development that received any cuts. She expressed appreciation for the Council's attention; that the information they were given was printed in the local newspaper about requests for contingency funds; that it was quoted that the finance office was willing and able to provide these funds and that is why they came back this evening because several Council members indicated the

Council would be willing to restore the funding if additional funding was available.

**SHERRIE GILCHRIST (Continued)**

Councilman Gilbert stated we did say we would try to find the money and that is what we need to try to do. He stated the library is wonderful and he believes in it, however at the same time we did say we would try to find funds for this organization which has done a lot of things for a lot of people who do not have the funds to do things with and we need to try to find it.

Councilman McGary added that we said we would find dollars for the Multicultural Chamber first and thinks that is very important. He stated we dare not put one organization above another if we have already given a commitment to one.

**At this point the gavel was returned to Chairman Benson to continue conducting the meeting.**

**TANGELA WOODRUFF**

**Tangela Woodruff** of 1204 Wheeler Avenue stated that she is President of the Wheeler Avenue Neighborhood Watch. She stated she and others are present regarding their streets; that they are trying to get them paved and have been before the Council before. She stated someone from the city was to get in touch with her as the street has not been paved since 1963. She stated she has been told they are "on the books" but no one has contacted them or has come out; that they have lumps and bumps and had a flood, after which they came out and patched the street. She stated they are trying to revitalize the neighborhood and the street plays an important part but cannot seem to get anything done. She asked the Council for help.

Chairman Benson stated the Council received a report on that today and expressed his wish that the entire audience could have heard how they are measuring the street in an effort to see what their "base life" is. At this point Adm. Leach responded that he would meet with Ms. Woodruff following the meeting.

Councilwoman Scott that the comment about the roads and the issues in the neighborhoods is not one that has not been brought up before; that it is a big issue in many parts of the city in neighborhoods with regard to road repair. She stated this Council is very much aware work needs to be done and the studies going on now are trying to prioritize road; that she, personally, is very encouraged by the fact we are doing this so that one of the things we can focus on in our next budget will be allocating money so that roads can be

prioritized

and

addressed.

### TANGELA WOODRUFF (Continued)

Councilwoman Scott stated there is no way at this time she knows of a specific date for the repair of road in Ms. Woodruff's neighborhood, however, prioritizing them and allocating money in next year's budget will be key to doing that and hopes to be able to do more of that.

### GAY CRUTCHER

**Gay Crutcher** of 1211 North Chamberlain Avenue stated that her concerns are the same as Wheeler Avenue's problems. She stated the problem she is having is speeding in front of her house; that she realizes the ambulances do a lot of traveling back and forth to Memorial Hospital and wondered if there is something that can be done about speeding for those that are not with the ambulance services. She stated it is hard to get in and out of the driveway because the speeding is unbelievable; that they are also experiencing a flooding area in the 1235 area of Chamberlain Avenue. She asked if something could be done about parking on the sidewalks because persons cannot walk on the sidewalks as cars are lined up directly on the sidewalk.

Chairman Benson stated Captain Blame is present and knows parking on the sidewalk is illegal. Captain Blame stated she would meet with them following the meeting and take care of that.

Chairman Benson stated this Council has been working with the State Legislature on speed cameras and other things and does not want to lose the ability to make our local decisions about speed cameras. He stated there is a threat from the State level to prohibit them and as long as we have people breaking the law we are going to have to exercise whatever we can to make them follow the legal limits. He suggested that the speakers call 311 and report this excessive speeding and maybe they can get the camera out there with radar.

### MINNIE SMITH

**Minnie Smith** stated she was present with the Wheeler Avenue Neighborhood Watch. She stated she was present three-to-four months ago and made a request regarding speeding on Wheeler Avenue; that an officer was assigned who never got in touch with her.

Chairman Benson asked Ms. Smith to talk with Captain Blame.



**MEETING RECESS**

Chairman Benson recessed the meeting of the Chattanooga Council until **Wednesday, January 20, 2010 at 12:00 noon** to discuss a bond issue.

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

**City Council Building  
Chattanooga, Tennessee  
January 20, 2009  
12:00 Noon**

Chairman Benson called the recessed session of the Chattanooga Council to order with Councilman Berz, Murphy, Rico and Scott present. City Attorney Mike McMahan and Council Clerk Carol O'Neal were also present.

### **BONDS**

Adm. Daisy Madison stated the Council has recessed to approve a bond sale; that six bids were received with Morgan Keegan and Company, Inc. presenting the lowest bid of 3.66 rounded off. She stated this sale is to fund several projects which are compared to \$34,265,000 in refunding of two existing issues, one being the hotel/motel tax bonds and the second being a 2003 general obligation bonds. She stated in addition we have \$6,725,000 in new money that is to fund the current year capital projects which presents a value savings from refunded bonds in the amount of \$1,885,000 which can be used to fund or finance the additional dollars or bonds we are having to issue. She stated we have to do financing for the capital budget this year in two phases as the Council recalls and was mentioned the prior week because we are using stimulus financing for Volkswagen this year and there is an additional \$6.8 million that is not included here that will be issued later in February. She stated the tentative date is February 9 and we have to wait fifteen days in between this issue and that issue according to the law. She stated that issue will be back before the Council at that time.

Councilwoman Berz stated that she does not have a question; that Adm. Madison said the interest was 3.66 and the document reflects 3.67.

Adm. Madison stated that 3.67 is the interest cost of the bonds; that it should be 3.671672.

Councilwoman Berz stated the premium amount of the bonds in interest is 3.671672 and that is great; that Adm. Madison said 3.66 and she wanted the numbers to "jibe".

Councilwoman Scott asked if that is the interest rate that was expected.

## BONDS (Continued)

Adm. Madison stated that it is actually close to what we got in the last bond issue; that we are about a few points off what PFM had anticipated.

**Lauren Lowe** of PFM stated they were "on top of it"; that she checked and the last bond was 3.81 with a slightly better rate.

Chairman Benson asked that we have \$6.8 million coming in February; Adm. Madison responded "yes".

Chairman Benson asked what will this make our bonded indebtedness for the city, now.

Adm. Madison stated she did not have that number; that we are essentially retiring about \$32 million in bonds; that this \$40 million increases our indebtedness by about \$8 million.

Chairman Benson asked what will that be.

Adm. Madison stated if we take the city as a whole there is over \$430 million in outstanding bonds; that our bonds are divided into pots of financing based upon the revenue stream; that the bonds are supported by general funds of about \$115 million and increased by \$8 million.

Chairman Benson stated we still have bonds out there with \$315 million on top of that.

Adm. Madison responded "yes"; around \$115 million for the Chattanooga Redevelopment Corporation supported totally by economic development and an additional \$54 million supported by the hotel/motel tax dollars. She stated then we have over \$100 million in the interceptor sewer system supported by those dollars totally.

Councilwoman Scott stated when we look at our revenues coming in how do we compare with what our expectations were for this time.

Adm. Madison asked if Councilwoman Scott was referred to last year. Councilwoman Scott responded "yes".

Adm. Madison stated as mentioned a couple weeks ago we are in the process of doing revenue to budgetary status on our operations for the general fund;

that we are in the process of implementing software.

## BONDS (Continued)

Adm. Madison stated that we are at least over half way through the year and can tell the sales tax is coming in slightly less than anticipated and our expenditures are coming in less than we budgeted. She stated once we do a budgetary update we will decide what needs to be done if anything to make sure of the dollars we received this year.

Councilwoman Scott asked if we have the time frame in terms of working out whatever software issues there might be.

Adm. Madison stated that is true with any software; that we just "came up" in October and it will take us a year or at least a year-and-a-half; that we are working on it.

Councilwoman Scott asked if that is using the software or doing it manually.

Adm. Madison stated there are reports that will help and using the software helps with projection. She stated no software is going to be able to do any projection without manual involvement.

On motion of Councilman Rico, seconded by Councilwoman Berz,  
**A RESOLUTION AUTHORIZING SIX MILLION SEVEN HUNDRED AND TWENTY-FIVE THOUSAND DOLLARS (\$6,725,000.00) CITY OF CHATTANOOGA, TENNESSEE GENERAL OBLIGATION BONDS, SERIES 2010A, AND AUTHORIZING CERTAIN ACTIONS RELATED THERETO.**

Was adopted.

## BONDS

On motion of Councilwoman Berz, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF THIRTY FOUR MILLION TWO HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$34,265,000) CITY OF CHATTANOOGA, TENNESSEE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010B AND AUTHORIZING CERTAIN ACTIONS RELATED THERETO.**

Was adopted.

**ADJOURNMENT**

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, January 26, 2010 at 6:00 p.m.

---

CHAIRMAN

---

CLERK OF COUNCIL