

City Council Building
Chattanooga, Tennessee
March 16, 2010
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 Michael McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Murphy gave the invocation for the evening.

**AMEND CITY CODE: DUMPING BRUSH/LEAVES,
FEES FOR WOOD CHIPS/LEAF COMPOST**

On motion of Councilman Rico, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
CHAPTER 18, SECTION 18-124, RELATIVE TO FEES FOR THE DUMPING
OF BRUSH AND LEAVES, AND FEES FOR THE SALE OF WOOD CHIPS
AND LEAF COMPOST**

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

AMEND CITY CODE: VEHICLE LICENSE FEES

On motion of Councilman Rico, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
CHAPTER 24, SECTIONS 24-392, 24-393, AND 24-395, RELATIVE TO
VEHICLE LICENSE FEES**

Passed second and final reading and was signed in open meeting; **Councilman Murphy voted "no"**.

AMEND CITY CODE: LANDFILL FEES

On motion of Councilman McGary, seconded by Councilwoman Berz,
AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 18, SECTION 18-123, RELATIVE TO LANDFILL FEES
Passed second and final reading and was signed in open meeting.

AMEND CITY CODE: DOWNTOWN RESIDENTIAL/MIXED USE DISTRICT

On motion of Councilman McGary, seconded by Councilwoman Berz,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, BY REMOVING IN ITS ENTIRETY DIVISION 27, DOWNTOWN RESIDENTIAL/MIXED USE DISTRICT
Passed second and final reading and was signed in open meeting.

REZONING

2010-016: Alberta Cantrell

On motion of Councilman McGary, seconded by Councilman Gilbert,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 2711 BENTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
Passed second and final reading and was signed in open meeting.

REZONING

2010-022: Deb Royal

On motion of Councilman McGary, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 1409, 1411, AND 1413 ADAMS STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS
Passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2009-176: Rodger N. Ingram

Councilmen Murphy and Rico made the initial motion to approve this ordinance on final reading, however, both withdrew their motion and second to allow for a motion to substitute.

Councilman Murphy and Robinson made the motion and second to substitute the amendment to this Ordinance; the motion carried.

On motion of Councilwoman Robinson, seconded by Councilman McGary,
AN ORDINANCE CLOSING AND ABANDONING TWO UNOPENED ALLEYS LOCATED IN THE 2900 BLOCK OF ROANOKE AVENUE AND THE 2000 BLOCK OF CUSHMAN STREET WITH TENNESSEE AMERICAN WATER COMPANY TO MAINTAIN THE EASEMENT IN THE FULL WIDTH, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
Passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2009-166: Race Trac Petroleum

On motion of Councilman Rico, seconded by Councilwoman Ladd,
AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY LOCATED IN THE 300 BLOCK OF WEST 25TH AND WEST 26TH STREETS, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

Passed first reading; **Councilman McGary abstained.**

AMEND CITY CODE: FEES

City Attorney McMahan stated that there is a section of the State Law entitled 68 which provides before changing water quality fees it needs to be advertised at least 30 days in the newspaper. He stated the matter is scheduled for first reading tonight, it will be advertised and the final reading would be five weeks from tonight (April 20).

Chairman Benson stated there are people who asked to speak tonight and noted the official public hearing is scheduled for five weeks from now.

AMEND CITY CODE: FEES (Continued)

Councilman McGary made the motion to amend; instead of the 50 percent cap rate on the credit increase that to a cap rate of 100 percent, so we accept the Mayor's rate for businesses but then we amend the cap rate from currently being 50 percent to 100 percent; Councilman Murphy seconded the motion.

Chairman Benson asked if it is agreeable with the Council to have people discuss this and give them three minutes each or ask them to come back in five weeks.

Councilman McGary suggested the speakers be limited to three people "for" and three people "against". The Council expressed agreement for this process.

Councilwoman Berz stated she wanted to make it clear for the record that the ordinance itself, unless it has been changed, goes all the way through 2014; that she does not know if that language has been changed.

City Attorney McMahan stated the ordinance itself is set up with what is called an ERU, equivalent residential unit, and the draft before the Council now has a projected ERU for this year and the succeeding four years. He stated in municipal government every year the Council has to pass a budget and raise revenues sufficient to support the budget, so even though this ordinance has a four year cycle or five year cycle, it will be subject to amendment every year.

Councilwoman Berz stated that is very important; that in effect we can approve tonight even though the projections are there is the one for 2010; that she wants to make it very clear that even though we are putting people on notice that these are our best guesstimates of what might come forward later on, the only thing we are doing is for 2010 and that may change the complexion a little bit of this discussion.

Bill Payne, City Engineer, stated he is speaking in opposition primarily to the cap credit; that as he understands it if all we did is change item "C" from 50 percent to 100 percent the concern he has is currently the ordinance would allow any property owner to combine multiple credits already to get 50 percent and realigning it to 100 percent would allow any property owner currently to go to 100 percent and suggested the number be . . .

Chairman Benson interrupted Mr. Payne at this point to ask if the Council understood Mr. Payne's comments and asked that he repeat his comments.

AMEND CITY FEES (Continued)

Mr. Payne stated the ordinance as it is currently worded are 10 different credits and some of them have sub-parts to those credits which can be combined in any combination and currently as drafted the administration's version capped it at 50 percent and the Blue Ribbon Committee's version is capped at 75 percent; that multiple credits together can be added together at 75 percent or 50 percent. He stated after Committee meeting today there was a discussion between himself, Mike Price and the Mayor and there seemed to be some general agreement that 65 percent might be a number that could be agreed upon; that what we have to do is have some way to limit that because otherwise any property could essentially exempt themselves the way it is currently written.

Chairman Benson thanked Mr. Payne for making that clear; that for whatever is done here tonight we will have 30 days to amend and reconsider; that we are just getting this on the table tonight.

Mr. Payne stated he did not want to wait five weeks and wanted to get it out today!

Mike Price stated he is "for" and "against" the issue and would split the difference! He expressed concurrence with what Mr. Payne indicated; that if 100 percent credit were given, even with all the requirements spelled out here, there still would be an impact on the public infrastructure because water will still be released from the site and would have water quality issues, even if the measure of cleaning it up to the degree might be economically feasible. He stated as Mr. Payne stated, we both would be happy at 65 percent; that that is the middle ground and knows all the angst going on between administration and Blue Ribbon, they are in agreement and "holding hands" subject to City Council. He stated it is his thought 100 percent may overtax the system, but 65 percent, if that would be agreeable, they are in agreement with that subject to the Council.

Councilman McGary stated it was witnessed to the Council this afternoon during Committee that certainly 100 percent seems as if it is quite a high figure, however, the number of individuals that would be able to apply for such a figure would be every limited and we certainly do not want to exclude those who would be able to apply; that the majority of people would not be able to apply and that was the testimony given to the Council this afternoon. He stated if he has heard the "magic words" that the Blue Ribbon Committee and administration agree at 65 percent, we will take the expert witness of those two bodies. He **withdrew his previous motion; the seconder withdrew, as well.**

AMEND CITY FEES (Continued)

Councilman McGary then made the motion to have a 65 percent cap rate; Councilman Murphy seconded the motion.

Carol Gaddy of 2605 East 45th Street stated she is neither with any organization nor any tax exempt organization, just simply a city tax payer and citizen of this city. She stated she has been lax about coming and watching these meetings and speaking out and apologized because every citizen is responsible and if they do not come up and speak and watch what the city is doing all their rights would be taken away. She stated she was offended the last time she spoke when Mrs. Robinson asked the Chair to call her to order; that it was a rude thing to do as she should have her three minutes and does not like any of the other Council people saying "call her to order" because they do not like her voice or how loudly she speaks. . .

At this point Chairman Benson asked Ms. Gaddy to speak to the water quality issue.

Ms. Gaddy continued by stating when Mr. Tim Gobble was on the Cleveland City Council he saved the city of Cleveland from having this thing put on that city; that she has heard it like a mantra "this is Congress mandated, we are all suffering together"; he did something on his City Council that saved citizens from having this "come down on their head" and she wanted this City Council to know it was possible, it is still possible and does not know how a citizen, one little woman, can have an effect, but we need a resolution that repeals this thing. She stated she has lived in this city and has watched the throw away and mismanagement of money and right now if someone would assess the empty desk in this building and the big building on Market Street that are drawing paychecks and no one is at that desk, she is sure this city could find the money it needs to do the water quality that needs to be done without further putting more oppression upon the people of this city. She stated even though the water thing is the topic, she would like to tell whoever the city's attorney is, she did go to the Clerk and Master's office and got a court summons that referenced receipt and executed on same day issued, stamped July 15 and it was never mailed to her. She stated an excuse was given why it was never mailed but she wanted the Council to know because within six months her taxes were paid and she was charged court costs; that this is an atrocity and she called it a "money grab" last year when she called and talked to the Council and still thinks it is a "money grab".

AMEND CITY FEES (Continued)

Jim Faulkner spoke in opposition to the issue and stated that he came tonight with a heavy heart and knows the Council will pass this fee on to them; that in Council members' hearts he knows they do not want to pass this and does not see how they possibly could; that he knows they have heard from the non-profits, the churches and orphanages who say they will not be able to feed children because of this and that is serious. He stated churches will not be able to send missionaries out and we have unemployed people in this city. He stated some on the Council have said very clearly we have not raised this fee in a long time and what will the people be told who have not had a raise in a long time; people who have had wage cuts, people without a job; that people are hurting in this city and the Council wants to raise the fee because it has not been raised in a long time is not a good reason. He stated there will never be a good reason and he knows the city government wants this money; that the Mayor has said he wants the money and knows Chairman Benson is concerned. He stated Councilman Benson's concern is he is concerned to hear people say this will allow them to do things they have wanted to do for some time. He stated there are a lot of things he wants to do and a lot of things he wants to do with his money and is afraid the things they want to do are not the things the people in this city want to do with their money. He stated he does not know what they want to do and agrees with Councilman Benson he does not know what they want to do; that a bailout plan was brought last October and Ron Littlefield had a letter back in April, June and certified letters years before; that he (Faulkner) has dealt with TDEC for 15 years and has a lot of respect for TDEC and Richard Urban. He stated there are three things in life: things that get better if you ignore them, those that get worse and those that stay the same; that the problem with TDEC falls into the category "they get worse if they are ignored". He stated this is not our problem in Chattanooga and the fact that the Mayor has not bothered to confront this issue during the last four years when it has been a continuing deteriorating issue should not be put upon the people of Chattanooga to solve a problem that is not a problem to be solved in this fashion. He stated his conversation with Dr. Urban indicated there was not a large infrastructure component of this permit and Mayor Littlefield has said this letter was "pity" but he wants \$100 million over four years and not getting that he wants to raise all our fees and permits for everything else.

Milton Jackson also spoke in opposition to this issue stating that he represents Stop Toxic Pollution and is against this and against any form of taxes the Council wants to raise because the community has not understood what this money is going to be spent for.

AMEND CITY CODE: FEES (Continued)

Mr. Jackson stated one thing he has been thinking about was that the ground water coming from the Tennessee Products, the old Coke plant, was owned by the federal government and asked if they have been notified; that millions of dollars are right there and asked if the money has been searched for without putting it on the poor people; that the people are being taxed too much and there are a lot of people out of work and the Council knows it. He stated as for the TNT plant, who knows where the underwater current is going and asked if it has been tested, as well as the Chattanooga Creek, noting they have not been tested. He asked if the manhole covers and drain water covers been tested; that these are things we should look at before imposing taxes upon people; that if the Council cared about the people they would not "hop" at everything they see as this is something that is to the peoples' heart. He stated poor people can hardly buy medicine and groceries and asked that other ways be found as there are other means besides just taxing people on water. He stated who knows what runs off a person's yard; that God sent this water down to us and He does not want man to abuse His people who use this water.

Chairman Benson assured Mr. Jackson that every person on this Council and probably in this city does care about "us", the term Mr. Jackson used. He stated the Council cares which is why the Blue Ribbon Committee was appointed with citizens to look into this; that several have been to the meetings and the Committee has tried to come up with just what is necessary as that is all we want to do to show we care about everyone, which is to do what is necessary. He expressed sorrow that it is going to be a hardship but noted the Council is trying to make it the least amount of hardship as possible.

Bill Raines, Chairman of the Blue Ribbon Committee, stated he was quite moved and shares the compassion. He stated he has gotten more calls than he can count; that the Committee has put more hours into it than he can count; that they have a lot at stake and expressed how glad he is that administration did come down \$10 million and that is a relief, an adjustment spreading the cost out over time and that is appreciated. He stated that today in the Committee meeting \$375,000 more dollars were found that does not have to be put on the people of Chattanooga and it was suddenly revealed and available; that progress has been made and there is still room for improvement. He applauded the opportunity to get together on the credits and stated that is a definite step in the right direction; that through this dialogue we have learned more about water quality. He stated he has tremendous compassion and appreciation for all nine Council people.

AMEND CITY CODE: FEES (Continued)

Mr. Raines stated it confirms the need in his mind to have good dialogue and transparency; that it is only in that way we really realize the democracy that some of us have fought for. He again expressed appreciation for the sincere consideration to look at making an improvement in this current ordinance.

Chairman Benson expressed thanks to the entire Blue Ribbon Committee and staff for getting together and working with this. (Applause was given at this time.)

At his point the question was called.

Councilman Gilbert stated that he knows the Council is getting ready to vote on this and expressed hope within the next 30 days we will look at residential again; that Mr. Jackson was correct when it comes to the fee for some people that \$115 is a lot of money and to some it is a "drop in the bucket". He stated we do need to look at it more closely within 30 days to see what we can do to relieve some of the people that it does have a burden on.

On roll call vote on Councilman McGary and Murphy's motion to cap at 65 percent:

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

The motion carried.

AMEND CITY CODE: FEES (Continued)

Councilman Murphy made the motion to amend the multiple ERU rate from \$6.50 to \$6.15 based on what was solicited at Committee today with regard to employees funded for a full year but not hired for a full year, .35 cents below \$6.50; Councilman McGary seconded the motion.

Councilwoman Berz addressed Mr. Raines and stated that she understands there was compromise on the credits to 65 percent and with Mr. Murphy's amendment, the differences between \$5.00 and \$6.15, is that livable for the first year which is all we can vote on right now. Mr. Raines responded that it is "a very admirable step in the right direction, yes".

On roll call vote on Councilmen Murphy and McGary's motion to amend the ERU rate from \$6.50 to \$6.15:

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

The motion carried.

On motion of Councilman McGary, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 31, ARTICLE VIII, DIVISION 1, GENERALLY, SECTION 31-302
AND DIVISION 7, WATER QUALITY FEES AND ADJUSTMENTS, SECTIONS
31-354 AND 31-356, AND 31-359**

Passed first reading; second reading would be held on April 20, 2010, five weeks from this date.

AMEND CITY CODE: TWO-FAMILY DWELLINGS

Councilman Murphy made the motion to defer the matter three weeks; Councilman Gilbert seconded the motion.

Councilwoman Robinson stated the ordinance was brought back for reconsideration by the City Council because there was confusion; that it dealt with a special exception relative to two family dwellings that are located in neighborhoods that are now zoned R-1 and in a discussion this afternoon with Planning the suggestion was made that we could adopt the change and revisit the provisions of what was formerly known as, and still known as, special exception permits. She asked if anyone was present for this particular reading as it was discussed in great length this afternoon; no one from the audience responded.

Councilman McGary stated we also heard in Committee the longer we keep this ordinance "on the books" the more we create the potential for a loop hole and we already have one such case that will be approaching this Council, and as a result, he asked if the time could be limited from three weeks to one week so we can move this in haste and make a decision one way or the other.

Councilman Murphy asked if the Housing Committee plans to meet next week. Councilwoman Robinson confirmed the Committee would meet next week.

The motioner and seconder both amended their motion to defer one week.

On motion of Councilman Murphy, seconded by Councilman Gilbert,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, BY REMOVING IN THEIR ENTIRETY
SECTIONS 38-43(4) AND 38-524, RELATIVE TO TWO-FAMILY
DWELLINGS IN AN R-1 RESIDENTIAL ZONE**

Was deferred one week.

AGREEMENT

On motion of Councilman Gilbert, seconded by Councilwoman Ladd,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN
AGREEMENT WITH FAMILY CONCESSION, LLC TO PROVIDE
CONCESSIONS AT WARNER PARK FIELDS, WARNER PARK AQUATICS
CETNER, FROST STADIUM COMPLEX, AND ALL RECREATION CENTER
SPECIAL EVENTS AND PROGRAMS**

Was adopted.

AGREEMENT

Councilwoman Scott requested that in subsequent contracts such as these and like these where concessions are sold or items sold, that future requests for proposals include a request for a percentage of the concessions. She stated resolution (a) had a percentage of concessions included in the contract and the one at Summit of Softball does not; that it is hard for her to understand why we would not include that. She stated that she realizes this is a contract that people would like to go forward and she is not asking for this particular contract, but for future contracts when it goes out for proposal it should include that and this one does not; that it would be her suggestion for the next one.

Councilman Murphy asked if that is a percentage of the gross. Councilwoman Scott responded "yes".

Councilwoman Robinson stated that she would like to confirm that this contract is just for one year for Fun Time. Admin. Zehnder responded "yes, just for one year".

City Attorney McMahan stated the contract states it can be renewed for three additional terms for one year, so it is a one year term with possibilities of three one year renewals.

Admin. Zehnder stated it will be evaluated after one year and if they meet our expectations and our survey of information on how well the customers respond to the service, they will extend it provided that opportunity.

Councilman Rico asked Admin. Zehnder to explain why the percentage is in one contract and not in the other.

Admin. Zehnder stated when we go out for requests for proposals the companies have the opportunity to make their bid higher or lower and in this one particular place they provided a monthly fee which the other company did also, but they went above and beyond that and indicated when a certain level is reached they will contribute a percentage of the gross. He stated it was a competitive bid situation and in the years past they have had a percentage requirement and it created somewhat of an issue as far as checking their books, making sure records are being kept properly and making sure the proper amount of materials are being accounted for; that it became an issue.

AGREEMENT (Continued)

Admin. Zehnder stated it also would require cash registers and other things needed to document how much is actually spent and how much is actually sold; that in some respects it is a very good idea and in some respects it adds to the administration of trying to check and, of course, we would have an audit and can do all that. He stated he is fine with it either way; that the experience has been sometimes a flat fee is beneficial; that they would do it either way the Council would like to see it done.

Councilwoman Scott stated this was a request for proposal and if we put it in the beginning and ask for that is not an uncommon thing; that in looking at stadiums and other places across the country this is a very common thing that we should consider in requesting it from the front end.

Admin. Zehnder stated this is the first time it has been a set fee, a flat fee in eighteen years; that they went this route because of the experience they had, however, they will go back to the way they used to do it and provide a percentage if that pleases the Council.

Councilman Murphy asked if everything they sell is subject to sales tax and if they are filing a State sales tax return. Admin. Zehnder responded "correct".

Councilman Murphy stated one would think they would give us that and then we would know what they owe.

Councilwoman Scott clarified that her issue was a flat fee for the right of concession plus a percentage, not that we go straight percent.

Councilman Murphy called for the question.

On motion of Councilman Gilbert, seconded by Councilwoman Berz,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN
AGREEMENT WITH FUN TIME FOODS TO PROVIDE CONCESSIONS AT
THE SUMMIT OF SOFTBALL FACILITY**

Was adopted.

GRANT

On motion of Councilman McGary, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND ACCEPT A GRANT FROM THE METLIFE FOUNDATION FOR COMMUNITY-POLICE PARTNERSHIP AWARDS IN THE AMOUNT OF FIFTEEN THOUSAND DOLLARS (\$15,000.00) WHICH WILL BE USED FOR TRAINING AND TO PURCHASE UNIFORMS AND EQUIPMENT FOR SECTOR THREE BIKE PATROL

Was adopted.

SPECIAL POLICEMEN

On motion of Councilman Rico, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF NICHOLAS COOKSTON, DON GREEN, DILLON JENNINGS, QUINN LEWIS, AND JOSHUA ROGERS AS SPECIAL POLICE OFFICERS (UNARMED) FOR THE PUBLIC WORKS WATER QUALITY PROGRAM TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

Was adopted.

AGREEMENT

Councilmen Rico and Ladd made the initial motion and second to adopt this resolution.

Councilman Murphy inquired as to the number of phases there would be.

Admin. Steve Leach responded that he could not answer that; that it is his understanding from staff there will be this phase and then they would have to see how it will work after that as they would be combining the data; that there may be data that does have to be manipulated, so, there could be a phase two.

Councilman Murphy asked if True North Geographic Technologies has done this for other cities.

Admin. Leach stated he was not aware; that we did the RFP and this was the result of the RFP.

AGREEMENT (Continued)

Councilman Murphy asked if we have inquired whether other cities have a system that would do everything they want them to do.

Lee Norris, Deputy Public Works Administrator, stated he wanted to share information with the Council that he had shared with Councilwoman Scott; that when they came to the conclusion they needed some way to integrate all the documents, the first thing they did was go to the city's Information Services (IS) to come over and look at what they were talking about and do a needs analysis. He stated IS searched for possible commercial off-the-shelf products that were already there and there was not one that would integrate all the programs; that they had to write the RFQ and they were very instrumental in evaluating this for our use. He stated we have had the IS experts on board from day one doing this; that he has to take a leap and say they probably did look for other cities and other solutions because they did evaluate commercial off-the-shelf products. He stated as far as Mr. Murphy's question about phases, it is his understanding this phase one should be the end of it; that it may be the initial evaluation and programming is phase one, but the cost should not exceed what is in the contract right now.

City Attorney McMahan confirmed the amount is \$104,880.00

Councilwoman Scott stated we have had phase one and has never known phase two not to have a dollar amount attached to it. She asked if Mr. Norris is saying phase two will not have a dollar amount.

Mr. Norris stated it is his understanding this is a single phase contract and is not aware of a phase two.

Councilwoman Scott asked if the resolution could be amended to leave out the "phase one". Mr. Norris stated that would be his recommendation.

Councilwoman Scott made the motion to delete "phase I" from the resolution; Councilwoman Robinson seconded the motion; the motion carried.

At this point Councilmen Robinson and Rico made the motion and second to adopt the amended resolution.

AGREEMENT (Continued)

On motion of Councilwoman Robinson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH TRUE NORTH GEOGRAPHIC TECHNOLOGIES, LLC FOR PROFESSIONAL SERVICES, RELATIVE TO CONTRACT NO. S-09-003-101, DATA MANAGEMENT SYSTEM DEVELOPMENT FOR WATER QUALITY, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FOUR THOUSAND EIGHT HUNDRED EIGHTY DOLLARS (\$104,880.00)

Was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO APPROVE THE AWARD OF CONTRACT NO. W-10-001-101, TECHNICAL ASSISTANCE IN SUPPORT OF REGULATORY NEGOTIATIONS, TO JORDAN, JONES AND GOULDING, INC., IN AN AMOUNT NOT TO EXCEED THREE HUNDRED EIGHTY THOUSAND DOLLARS (\$380,000.00)

Was adopted.

LOCAL SALES TAX AGREEMENT NEGOTIATIONS

On motion of Councilwoman Robinson, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING COUNCILWOMAN DEBORAH SCOTT TO REPRESENT THE CHATTANOOGA CITY COUNCIL WITH RESPECT TO NEGOTIATIONS WITH HAMILTON COUNTY AND OTHER MUNICIPALITIES ON THE LOCAL SALES TAX AGREEMENT

Was adopted.

FORMATION OF REGIONAL WASTEWATER, STORM WATER AND WATER UTILITY

Chairman Benson stated this resolution and the one preceding are two most important committees for the future of Chattanooga citizens and their future tax rates and expressed appreciation to Councilmen Scott and Murphy. He stated the local sales tax agreement needs to be renegotiated, which was negotiated when Ralph Kelly was Mayor, and we need to look at combining the regional wastewater, storm water and water utility; that they are ambitious goals that need to be realized.

**FORMATION OF REGIONAL WASTEWATER, STORM
WATER AND WATER UTILITY (Continued)**

On motion of Councilwoman Robinson, seconded by Councilwoman Berz,
**A RESOLUTION AUTHORIZING COUNCILMAN PETER B. MURPHY TO
REPRESENT THE CHATTANOOGA CITY COUNCIL IN AN EFFORT TO
FORM A REGIONAL WASTEWATER, STORM WATER, AND WATER UTILITY**
Was adopted; **Councilman Murphy abstained.**

OVERTIME

Overtime for the week ending March 11, 2010 totaled \$40,357.95.

PERSONNEL

The following personnel matters were reported for the various departments:

GENERAL SERVICES:

- **RUBEN TORRES** – Family Medical Leave, Electronics Communication Technician I, effective March 4 – April 21, 2010.

CHATTANOOGA POLICE DEPARTMENT:

- **JAMES D. PENDERGRASS** – Resignation, Police Officer, effective March 9, 2010.
- **PAMELA TALLEY-HICKMAN** – Family Medical Leave, Police Service Technician, effective March 10 – June 8, 2010.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- **TRACY BAILEY** – Termination, Teacher, Head Start, effective January 28, 2010.

PERSONNEL (Continued)

CHATTANOOGA FIRE DEPARTMENT:

- **MICHAEL BATTLE, DAVID BISHOP, TIMOTHY BRYANT, CHRISTINA HENSLEY, DEREK GARCIA, JAMES GUERRIERI, LIBERTY MUSE, MICHAEL RUSH, TYLER SWINDELL** – Promotion, Firefighter, Range F1A, \$32,077.00 annually, effective March 12, 2010.
- **FRED SEWELL** – Voluntary Demotion, Battalion Chief, Range F5A, \$65,350.00 annually, effective March 12, 2010.

PARKS AND RECREATION:

- **VICKY HICKS** – Resignation, Crew Worker 1, effective March 1, 2010.
- **FREDDIE PAYNE** – Termination, Recreation Facility Manager 1, effective March 2, 2010.
- **JOAQUIN EAVES** – Resignation, Park Ranger, effective March 11, 2010.

AMEND RESOLUTION 25514

Admin. Zehnder stated as he commented in Committee this afternoon, in Resolution 25514 approved on May 6, 2008 a part was left out of that and there is the need to renew the contract for an additional year and would appreciate a motion from the Council to do so.

Chairman Benson stated a copy was distributed during Committee.

Councilmen Robinson and Gilbert made the motion and second to approve one year.

Councilwoman Scott asked if this is a 2008 contract to which Admin. Zehnder responded “yes”. Councilwoman Scott stated she would abstain from this; that not being on the Council in 2008 and not having read it she abstained as she has not had a chance to read it.

The vote on Councilmen Robinson and Gilbert’s motion to approve one year passed; Councilwoman Scott abstained.

HOTEL PERMITS

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

LOOKOUT LAKE BED & BREAKFAST -- 3408 Elder Mountain Road, Chattanooga, TN

THE MURPHY BUNGALOW B & B – 28 S. Germantown Road, Chattanooga, TN

NORTHSIDE MOTEL – 442 Cherokee Boulevard, Chattanooga, TN

PURCHASES

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

CHATTANOOGA FIRE DEPARTMENT:

MARION ENVIRONMENTAL, INC. (Lowest and best bid)
R22570/B0006508

Blanket Contract for Hazardous Waste Removal

\$11,100.00 (Estimated)

PUBLIC WORKS DEPARTMENT:

QED ENVIRONMENTAL SYSTEMS (Best bid)
R24229

Purchase of Five (5) Auto Pumps

\$10,822.50

CHATTANOOGA POLICE DEPARTMENT:

PEN-LINK LTD. (Single Source)
R25242

PURCHASES (Continued)

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

\$18,375.00

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

FLAV-O-RICH DAIRIES, LLC (Based upon unit prices bid)
R21809/B300108

Blanket contract for Milk Products

\$52,000.00 (Estimated)

REJECT ALL BIDS

On motion of Councilwoman Robinson, seconded by Councilwoman Berz, the all bids on R23507 for four (4) Dezurik Plug Values was duly rejected; specifications will be revised and re-advertised.

BOARD RE-APPOINTMENT

On motion of Councilwoman Robinson, seconded by Councilwoman Berz, the following Board re-appointment was approved:

ENTERPRISE CENTER BOARD OF DIRECTORS

- Re-appointment of *JIM HALL* for a three year term expiring at the annual meeting in 2013 (generally in April) or otherwise in accordance with the Bylaws of The Enterprise Center.

HEARING: GLENDA WILSON

City Attorney McMahan reminded Council members of the hearing for Glenda Wilson scheduled for Monday, March 22 beginning at 9 a.m. with Councilmen Berz, Gilbert and Ladd. He noted Councilwoman Berz is scheduled to serve as Chair and Councilman Rico as Alternate.

HEARING: GLENDA WILSON (Continued)

Councilman Gilbert stated he would not be able to serve on the panel and would be happy to serve on an evening panel; Councilman Rico, as Alternate, was added to the panel hearing the request.

HEARING: MICHAEL DOUGLAS

City Attorney McMahan called the Council's attention to the need to schedule a hearing date for Michael Douglas in reference to his termination from the Parks and Recreation Department.

A hearing for Mr. Douglas was scheduled for Monday, April 5 beginning at 4 p.m. with Councilmen Gilbert, Rico, and Benson; Councilman Murphy volunteered as Alternate. Councilman Gilbert is to serve as Chairman for the hearing.

ORDINANCES/RESOLUTIONS WEBSITE UPDATE AND OUTSTANDING FINES

Councilwoman Scott asked that we have our ordinances and resolution updated on the website within a week of our doing it. She stated we have a situation of passing ordinances and resolutions and unless they are put on the website or updated, people do not have any way of knowing what they are, researching them or trying to clarify what they are if they do not go on the website; that that is so important. She stated we have a lag time on that and it is her thought it needs to be done better.

City Attorney McMahan stated that it is his thought a week schedule is probably tighter than his office will be able to meet a lot of the time. He stated work schedules sometimes can be quite demanding and we have meetings on Tuesdays here on the Council; that Wednesdays, Thursdays and Fridays are his office staff's time of the week to get ready for the next week. He stated there is not a lot of time to get things organized in one week; that he is really short staffed right now in terms of people in the hospital. He stated once they catch up it is probably reasonable to make it within two weeks; that one week is virtually impossible.

Councilwoman Scott asked what the link is between the effective dates of people having to follow these ordinances. City Attorney McMahan responded "two weeks".

**ORDINANCES/RESOLUTIONS WEBSITE UPDATE AND
OUTSTANDING FINES (Continued)**

Councilwoman Scott asked if City Attorney McMahan is guaranteeing he would put them on before they actually had to follow the ordinance.

City Attorney McMahan stated he would do the best of his ability to get it done within two weeks.

Councilwoman Scott stated the second thing she wanted to mention was that in September of 2009 Councilman Murphy brought up the fact that the city was owed \$9 million dollars in back fees by different people, everything from some owing \$30,000, others \$29,000 to the city. She stated she read in the newspaper, which city is where she got the information, that we were doing some catching up and about to proceed legally to go after these people for outstanding fines and know there will be some issues and difficulties with that. She stated she wants to understand what the process is, whether we have an internal process that is going to not only catch us up but keep us caught up with this. She asked if someone could tell her who is responsible for it and how it works because she does not truly understand and wants to understand.

Admin. Daisy Madison responded when a fine is assessed, paper work is processed and the individual either pays voluntarily, goes to court and pays or has it dismissed, deferred or something. She stated if it is not paid within 90 days that account is turned over to the collection agency, Alliance One; that once the collection agency gets the account, within 24 hours they will call the individual and advised them of the outstanding account and send the letter to that individual. She stated they will send the individual three notices/letters telling them this is outstanding and each letter is followed-up with a phone call – they are called, they receive the correspondence. She stated by the third letter they are advised that the account is sent to the credit bureau and their credit rating is impacted by their failure to pay. She stated as of now that is about as far as they have gone as they have not authorized them to litigate these claims; that going forward, based upon our need to aggressively pursue and the fact some have been somewhat ignoring the account, they have advised the credit agency we would like for them to litigate some of the claims. She stated they are in the process of doing a tracking system whereby they will determine whether or not the individual has enough assets to pursue in court because once a claim is pursued in court there are some costs upfront that may not be recouped.

**ORDINANCES/RESOLUTIONS WEBSITE UPDATE AND
OUTSTANDING FINES (Continued)**

Admin. Madison stated they have the ability and it has to be verified under State law if there are multiple accounts they may be able to combine them to make it worthwhile to litigate, but they are not actually sure whether that is legal in the state of Tennessee. She stated right now what they are doing is checking into Tennessee state law with respect to the right to litigate those claims and go forward from there.

Chairman Benson stated the bottom line is we are going to get tougher on that Admin. Madison responded "yes".

Councilwoman Scott asked what we would anticipate the timeframe to where we would know what was going on; that she would like to ask that this matter be brought up again and she does not know whether to ask for it within a three or six months timeline where we are in this \$9 million; that we need to follow this to make sure it gets where it needs to go.

Admin. Madison stated that it is her thought the \$9 million represents accounts that go back past ten years, which means they are not going to be impacted by this action. She stated once the agency gets the litigation process in place, before they actually file the claim they will have to approve it and they will send us a list of the ones they recommend, which will not be all of them.

Councilwoman Scott asked if she would request this come back in three months or six months.

Councilman Murphy stated actually there will be something coming before the Council before long getting authorization for a "crack down" and some other measures; that it will be very shortly.

Chairman Benson stated it would be premature to get Admin. Madison committed right now; that it could interfere with what the plans are.

COMMITTEES

Councilwoman Robinson stated the **Health, Human Services and Housing Opportunities Committee would meet next Tuesday, March 23, following the Agenda session** to discuss the special exceptions permit issue that was deferred tonight.

COMMITTEES (Continued)

Councilman Murphy scheduled a meeting of the **Legal and Legislative Committee for Tuesday, March 23** and noted that the Committee would take up something other than the water quality issue!

NEXT WEEK'S AGENDA: MARCH 23, 2010

Chairman Benson stated the agenda for next week was discussed earlier today during the Agenda Session.

CAROL GADDY

Carol Gaddy of 2605 East 45th Street stated Councilman Rico is her district Council person and she was present on a matter of great urgency and importance. She stated that she researched her own property and noted a suit was filed against her for taxes and stamped as July 15, 2009; that she believes it was in error and in researching her own cause at the Clerk and Master's Office she accidentally discovered not only was she failed to be notified, no mailing was sent and the other was not mailed, but what she was alarmed about was that the Council passed Resolution 25721 dated November 4, 2008 for \$2,113,757; that there are some Council members who care about "the people". She stated this copy is from the 2000 Census track for low-to moderate income Census tracts; that in her experience in the old days in Atlanta it was called "red lining" where there are different neighborhoods that have been lined out indicating the risk of people losing their homes. She informed Councilman Rico the root of trouble in her district is when there is out-of-state ownership of houses that are duplexes. She referenced a friend by the name of "Miss Judy" who is a widow living alone who is constantly terrorized daily; that there were ten vacant lots when the houses were built and appraised at \$95,000 with out-of-state owners purchasing them and eight families on Section 8 terrorized the neighborhood. She stated this seems to be a policy that is okay with the City because it "beefs up" the tax rolls; that she recently got a mortgage on her house for an appraisal of \$37,000. She stated the Council needs to take a second look at the grant and quoted from the document; that it "sounds" like the city will draw a deed on peoples' houses like hers in order to buy it and sell to investors who rent it to other people. She invited Council members to call her noting she is not a radical person and would like to bring them up-to-date on the "behind the scenes theft".

CAROL GADDY (Continued)

Chairman Benson directed Ms. Gaddy to Admin. Beverly Johnson. Ms. Gaddy noted that she received the papers from Ms. Johnson's office.

JOHN BARBER

John Barber of 6611 East Brainerd Road stated when the water quality ordinance was discussed, discussion was allowed for the credit portion of the ordinance before the fee was announced and then discussion was closed. He asked if he would have an opportunity to address his concerns in regard to the fee.

Chairman Benson responded "yes, in five weeks", once it has been advertised in the newspaper. He encouraged Mr. Barber to come back and reminded him the fee, as of tonight, might go up or it could very well come down; that it has come down quite a bit from the original and to be thankful for a little progress!

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, March 23, 2010.

CHAIRMAN

CLERK OF COUNCIL

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