

**CITY COUNCIL BUILDING
SEPTEMBER 28, 2010
6:00 P.M.**

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

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance, invocation was given by Councilman Murphy.

MINUTE APPROVAL

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

OVERFLOW ABATEMENT AWARD

Mayor Littlefield was in attendance for this Special Presentation, stating that he knew Councilmembers had the opportunity in committee meeting to hear Mr. Stewart talk about the Overflow Abatement Awards for work recently completed at Warner Park; that this was an unique project; that we always hear when things don't go right when dealing with stormwater and sewerage; that this was easy to get out of control; that many had helped make this unique project a success; that it was a complicated and longstanding need and that people from the University of Tennessee at Chattanooga were present; that we had been told by them to get the most out of this area around the stadium location that we needed to solve this stormwater problem; that this area included a railroad, which further complicated the situation but many had gotten together on this; that this project had been in the works as long as he could remember and probably as long as Councilman Benson could remember. He stated that we wanted to recognize all those who had been involved and asked Jerry Stewart and Steve Leach to join him.

The first group to be recognized were the Consultants—Arcadis, CTI, Lamar Dunn and Associates, and Lose and Associates. Mayor Littlefield stated that

OVERFLOW AWARD (CONT'D)

these were the people that helped us unravel the unique problem and worked together on the design. He expressed appreciation for their technical work.

The next group recognized were the construction companies—Caren Construction Co., Talley Construction, Thomas Brothers Construction, East Tennessee Grading, Callahan Mechanical Contractors, NABCO Electric, and Lawson Electric. Mayor Littlefield stated that these were the contractors and sub-contractors.

The next group to be recognized were governmental agencies—ISS: City Engineer, represented by Dennis Malone and Ron Simmons in the absence of Bill Payne; Parks and Recreation Dept. represented by Larry Zehnder and Greta Hayes; Chattanooga Zoo represented by Dardee Long; and UTC represented by Richard Brown and Janie Breaker.

These people were all given an ovation, with Mayor Littlefield stating that this was a long, stinky, nasty project; that we had to rebuild the Zoo and Park at the same time.

**AMEND CITY CODE/
NIGHTCLUB MORATORIUM**

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SECTIONS 38-527 SPECIAL EXCEPTIONS FOR NIGHTCLUBS OR SIMILAR USES, TO IMPOSE A NINETY (90) DAY MORATORIUM ON THE GRANTING OF ANY SPECIAL PERMITS IN ORDER FOR THE COUNCIL TO DISCUSS SPECIAL CONDITIONS WHICH MAY BE IMPOSED ON USES UNDER THIS SECTION

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

AGREEMENT

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH LAMAR DUNN AND ASSOCIATES, INC. FOR PROFESSIONAL SERVICES, RELATIVE TO CONTRACT NO. S-09-006-101, BRAINERD ROAD STORMWATER DRAINAGE PROJECT, IN AN AMOUNT NOT TO EXCEED SIXTY-SIX THOUSAND FIVE HUNDRED FIFTEEN DOLLARS (\$66,515.00)

was adopted.

AGREEMENT

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH CIVIC ENGINEERING AND INFORMATION TECHNOLOGIES, INC., FOR PROFESSIONAL SERVICES, RELATIVE TO CONTRACT NO. S-09-008-001, NORTH ST. ELMO DRAINAGE STUDY AND UPGRADE, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED FIFTEEN THOUSAND FIVE HUNDRED DOLLARS (\$315,500.00)

was adopted.

AGREEMENT

On motion of Councilman Gilbert, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH ARCADIS U.S., INC., FOR PROFESSIONAL SERVICES, RELATIVE TO CONTRACT NO. E-09-018-101, HIGHWAY 58 PEDESTRIAN AND BICYCLE FACILITIES (PIN #11201.00) IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY-NINE THOUSAND DOLLARS (\$139,000.00)

was adopted.

Councilman Murphy noted that this was Grant money.

AGREEMENT

On motion of Councilman Gilbert, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH VOLKERT & ASSOCIATES, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. E-03-044-101, OAKWOOD DRIVE AT JERSEY PIKE INTERSECTION IMPROVEMENT, IN AN AMOUNT NOT TO EXCEED SIXTY-TWO THOUSAND TWO HUNDRED DOLLARS (\$62,200.00)

was adopted.

Councilwoman Scott asked if this was for construction. Adm. Leach explained that this was for design only.

CONTRACT C.O.

On motion of Councilman McGary, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. E-07-018-201, THE PASSAGE REPAIR PROJECT, WITH P & C CONSTRUCTION, INC., FOR AN INCREASE OF ONE HUNDRED FOUR THOUSAND NINE HUNDRED THIRTY-ONE AND 06/100 DOLLARS (\$104,931.06) AND A REVISED CONTRACT AMOUNT OF ONE MILLION TWO HUNDRED SIXTY-NINE THOUSAND NINE HUNDRED THIRTY-ONE AND 06/100 DOLLARS (\$1,269,931.06), AND RELEASING THE REMAINING CONTINGENCY AMOUNT OF ELEVEN THOUSAND FIVE HUNDRED SIXTY-EIGHT AND 94/100 (\$11,568.94)

was adopted.

Councilwoman Scott asked if there was remaining engineering work or if this was final? She wanted to know what was left. Adm. Leach explained that there was a hard-edged issue that needs to be corrected—that this Resolution was strictly the Passage.

Councilman Murphy explained what was meant by hard-edged—a sidewalk next to the river that was suspended and could cause erosion of the bank. Adm. Leach added that they had to do some “mud-jacking” several years ago; that this would all be tied together.

TEMP. R-O-W USE

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING FRANKLIN ARCHITECTS TO USE TEMPORARILY THE RIGHT-OF-WAY THAT ADJOINS TAX MAP NO. 127L-A-023.01 ALONG THE EASTERN MOST PROPERTY LINE FOR A REDESIGN OF SITE POINT INGRESS AND EGRESS AND TO COMPLY WITH THE FOUR-FOOT (4') SIDE YARD LANDSCAPE ORDINANCE REQUIREMENT, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

PROPERTY EXCHANGE

On motion of Councilwoman Ladd, seconded by Councilwoman Scott,
A RESOLUTION DECLARING SURPLUS FOR EXCHANGE CITY PROPERTY LOCATED AT 880 FOREST AVENUE; AUTHORIZING THE EXCHANGE OF SAID CITY PROPERTY FOR PROPERTY OWNED BY THOMAS A. AUSTIN AND LOCATED AT FRANCIS STREET AND WEST END AVENUE, BOTH PROPERTIES MORE PARTICULARLY DESCRIBED ON EXHIBITS "A" AND "B" ATTACHED HERETO; AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE THE PROPERTY EXCHANGE AGREEMENT AND ANY AND ALL OTHER DOCUMENTS NECESSARY RELATING THERETO
was adopted.

Councilwoman Scott wanted to make sure that everyone understands that this is a swap of property for another piece of property located in the Lookout Valley area that will be used for a firehall.

BROWNSFIELD CLEANUP

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE AWARD OF A BID TO THOMAS BROTHERS CONSTRUCTION FOR THE OHLS AVENUE AND ANCHOR GLASS BROWNSFIELD CLEAN-UP PROJECTS IN THE AMOUNT OF THREE HUNDRED SIXTY-SEVEN THOUSAND SEVENTEEN AND 50/100 DOLLARS (\$367,017.50), WITH A CONTINGENCY AMOUNT OF TEN THOUSAND DOLLARS (\$10,000.00), FOR A TOTAL AMOUNT OF THREE HUNDRED SEVENTY-SEVEN THOUSAND SEVENTEEN AND 50/100 DOLLARS (\$377,017.50)
was adopted.

GRANT CONT.AMENDMENT

On motion of Councilwoman Ladd, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE INTERIM EXECUTIVE DIRECTOR OF THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY AND THE CITY ATTORNEY OF THE CITY OF CHATTANOOGA TO ENTER INTO AN AMENDMENT FIVE OF THE GRANT CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE UNDERTAKING OF TRANSPORTATION PLANNING AND COORDINATION ACTIVITIES AS ASSIGNED IN THE CHATTANOOGA UNIFIED PLANNING WORK PROGRAM FOR FEDERAL FISCAL YEAR 2011, WITH THE GRANT CONTRACT NOT TO EXCEED TWO MILLION SEVEN HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED SEVENTEEN DOLLARS (\$2,717,517.00)
was adopted.

Councilwoman Scott stated that she wanted to make sure the public understands that the amount they are seeing here of the \$2,717,517.00 is a project that has been going on for awhile; that it is not city dollars but pass-through dollars, and the total amount is over a five year span leading up to this. She wanted to make sure that she was not mis-stated and asked that Karen Rennich, the Interim Executive Director of RPA, explain this further.

Ms. Rennich explained that this was federal highway dollars filtered through TDOT to our area as MPO project money; that these funds pass through and

GRANT CONT.AMEND.(CONT'D)

these are federal dollars; that there is a 20% match, and she stated that she was hesitant about speaking to the budget cycle; that the Federal Budget runs from October to September and our budget cycle is not the same; that other parts of this will be in the next budget cycle; that it comes off the top of the RPA funding and is budgeted for a 20% match. She was asked by Councilman Murphy to explain what MPO stands for. She responded that it stands for Metropolitan Planning Organization and is a federally designated area; that TPO handles federal dollars for our area for long-range planning.

Councilman Benson added that this is MPO, which included 10 or 12 municipalities; however only Hamilton County and the City are paying this 20% match; that we are not getting anything from the other beneficiaries; that he sure hoped we could get them to pay their fair share—that this was not right.

Ms. Rennich explained that the majority of the money goes for projects in the City and Hamilton County.

Councilman Benson indicated that he still felt we should get something from everyone involved.

CONTRACT

On motion of Councilman McGary, seconded by Councilman Murphy,
**A RESOLUTION AUTHORIZING THE CHATTANOOGA-HAMILTON
COUNTY REGIONAL PLANNING AGENCY TO ENTER INTO A
CONTRACT WITH THE GEOGRAPHIC TECHNOLOGIES GROUP,
INC. (“GTG”) FOR ZAIS SOFTWARE UPGRADE IN AN AMOUNT
NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS
(\$25,000.00)**

was adopted.

Councilwoman Scott asked if this software upgrade was accessible to the public? Ms. Rennich responded that it was not—that it does all the mapping and stamps the zoning map out and closes the case and produces a file that is made public; that they were hoping to get the real thing updated. Councilwoman Scott verified that the final file is accessible to the public. Ms. Rennich went on to say that this is not the official map, but it is for the public; that it creates a pending file where one can see the zoning cases in a particular area.

CONTRACT (CONT'D)

Councilwoman Scott stated that she thought this was a wonderful move forward; that it provides clarity for real estate people and neighborhood people; that the software benefits the RPA office and also benefits others across the board, and she was glad to vote for this. Ms. Rennich added that it was also available for city employees.

AGREEMENT

Councilman Murphy asked that this Resolution that enters into an Agreement with Chattanooga Golf and Country Club for improvements to Sterling Ave. Storm Drainage System be deferred until Public Works can give us a policy. This was seconded by Councilman McGary.

Councilman McGary asked Adm. Leach what the timeframe would be for such a policy? Adm. Leach responded that he had no clue—that he did not know how detailed the Council wanted to go into a policy; that a lot of different occasions will occur; that they would strive to come up with a policy quickly; that he hated that this was on hold until they could come up with a policy because it needs to be done; that they would get a policy quickly; that his department is dealing with Water Quality issues, also, and would be very busy.

Councilman McGary stated that his concern was not with the creation of a policy but a policy that allows public input.

Adm. Leach responded that they would draft something for the Council to look at, and we could then have a Public Hearing if the Council wished; that the Chairman of the Council could call for a Public Hearing; that he thought his department needed to draft something for the Council to look at first.

Secondly, Councilman McGary stated that he knew holding up this project was a concern that Adm. Leach had; that he echoed this concern as well; that this affects water quality, and he wanted to know how holding up on this could damage the city?

Adm. Leach responded that they had already identified the issue and were working with the owners; that if they delayed too long, they will have lost the opportunity until next spring—that it really depends—that it could have to wait until next spring.

AGREEMENT (CONT'D)

Councilman McGary asked if we passed this Resolution tonight and put a freeze on others, when would we see the next such project?

Adm. Leach responded that there were already a series of projects; that the City Attorney had issues with this Agreement, and we could look at this Agreement over the next week to tighten the Agreement up; that if a Policy was needed, so be it, even if we had to wait until next spring.

Councilman McGary asked if we waited to vote on this until next week, when would we see another such project?

Adm. Leach responded that there were numerous projects.

Mr. Norris added that there is one off of Rossville Blvd where the roof has collapsed; that there is another one on Chapman Rd. where there is a large ditch that is flooding; that there are numerous buildings.

Councilman McGary asked when these would be presented to the Council, and Mr. Norris responded within the next month or two. Councilman McGary stated that he wanted to be sure they had enough of a buffer after the policy is created. Mr. Norris stated that they needed to be able to continue as fast as possible—that there are flooding issues and damages will occur; that he did not want to delay too long.

Councilman Murphy spoke to the time issue, stating that we had no articulable Policy whatsoever of work done on private property. He asked that Public Works at least bring us a policy of the minimum criteria; that he would then feel comfortable on this basis with this particular project as to what we can do on private property and what we can't do on private property; that he wanted to get some clarity so that we would not be "waving in the breeze". He reiterated that he would be satisfied with minimum criteria with this project and then move forward with other details; that suffice it to say, businesses and institutions are important; that private property involves a large number of residents and impacts a lot of people.

Adm. Leach indicated that they could provide a policy with minimum standards and hoped that this would suffice for some of the questions; that not everything could be seen from the public side.

AGREEMENT (CONT'D)

Councilwoman Berz stated that the issue is much bigger—that there are watershed problems and these need to go forward and not be held hostage; that she did not have a doubt but that these should go forward; however she feared that if Public Works were rushed that the policy would not be thorough; that there are Water Quality funds and Watershed areas; another issue has to do with taxpayers getting help on their personal property; that getting this help is another issue; that she would hope that we could go ahead and pass this tonight where a watershed is affected; that she would hope that there could be enough time for Public Works to give thorough consideration to a policy; that she would hope they could make a deliberate and thoughtful policy without hampering what needs to be done, and she hoped that this could go forward.

Councilwoman Scott stated that we may be mis-interpreting working on private property, mentioning an easement for a ditch; that we are not creating a ditch or restructuring a lot; that “yes”, we do need a thoughtful policy to be useful on other basis; that this should be thorough enough to think ahead as to how we will do things; that the knowledge should be fair and equal, and we should not treat some any better or any worse or neglect others. She stated that she would like to see a rough draft of a policy and would like to see this soon.

Councilman McGary stated that he would like to hear from the City Attorney concerning this.

Attorney McMahan mentioned a public-private partnership; that there should be a procedural process; that at present he was unable to certify this contract and would ask that this be re-bid.

Councilman Gilbert stated that the Council needs guidelines to know what needs to be done first; that a lot of areas are flooding, mentioning that off of Shallowford Rd. overflows; that growth is causing this; that he would love to see a Study of the guidelines.

Councilman Murphy asked for an understanding about the easements; that easements are filed at the Courthouse and questioned the length of time for easements. Attorney McMahan responded that under government contracts they are for one year; that normally they are 20 years; that we claim WPA ditches as ours. Councilman Murphy mentioned an easement that ran across his property for more than 20 years; that the issue is not as simple as an easement for a ditch; that if this has to be re-bid, we are looking at a delay anyway.

AGREEMENT (CONT'D)

Councilman Benson stated that he did not want to defer this unless we have to; that there will be a lot of rain and this is “shovel ready”; that the engineering has been done, and we don’t need to “stack” these things up; that he thought we needed to go ahead and proceed and put everyone on notice that we need a policy; that the policy could be amended later on. He made this in the form of a motion. It was seconded by Councilwoman Robinson.

Councilwoman Scott asked if we owned this ditch? Adm. Leach responded that there is an easement. She asked if we were working on this and the answer was “yes”. She reminded Councilman Benson that the City Attorney had told us that this needed to be re-bid because it does not meet the requirements. She questioned his wanting to approve this tonight.

Councilman Benson responded that he just wished we could; that if the City Attorney felt we should not do it, then he would say “no”.

Attorney McMahan advised that this be delayed for three weeks.

On motion of Councilman Murphy, seconded by Councilman McGary,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN
AGREEMENT WITH CHATTANOOGA GOLF AND COUNTRY CLUB
FOR IMPROVEMENTS TO THE STERLING AVENUE STORM
DRAINAGE SYSTEM IN AN AMOUNT NOT TO EXCEED SEVEN
HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00)
was deferred for three weeks with Councilwoman Robinson voting no.**

OVERTIME

Overtime for the week ending September 23, 2010, totaled \$23,189.73

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA FIRE DEPARTMENT:

- ✓ **KENNETH ATKINS**—One day suspension without pay for Fire Captain, 9/20/10.
- ✓ **STEVE L. TATE**—Retirement of Senior Firefighter, 9/23/10.

NEIGHBORHOOD SERVICES:

- ✓ **JASON W. CHAUNCEY & DAVID A. KOWALSKI**—Hire as Code Enforcement Inspectors I, Range 12, \$31,021.00 annually, effective 9/20/10.

PARKS AND RECREATION DEPARTMENT:

- ✓ **ZANE FOX**—Promotion to Crew Supervisor 1, Range 8, \$25,521.00 annually, effective 9/24/10.

CHATTANOOGA POLICE DEPARTMENT:

- ✓ **KEVIN MOSES**—FMLA for Police Officer, effective 9/17/10.
- ✓ **BRYAN WOOD**—Military Leave for Police Officer, effective 9/17/10.
- ✓ **ODESSA O. MCCULLOUGH**—Resignation of School Patrol Officer, effective 9/17/10.
- ✓ **DUSTON E. FINLEY, JOHN I. BARNETT & JUSTIN L. BRUMBAUGH--**
Hire as Police Cadets, Range P1, \$34,118.00 annually, effective 9/24/10.

INFORMATION SERVICES:

- ✓ **JEROD WINDBERRY**—Hire as Network Manager, Range 27, \$68,000.00, effective 9/23/10.

REFUNDS

On motion of Councilwoman Ladd, seconded by Councilman McGary, the City Finance Officer was requested to make the following Property Tax Refunds for 2009:

SPECIALIST IN PULMONAY CRITICAL CARE & SLEEP MEDICINE--\$1,368.35.

HICKORY LAND CO. LP--\$6,024.73.

TAMMY DEVELOPMENT COMPANY, LLC--\$1,869.96.

PURCHASES

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

PUBLIC WORKS DEPARTMENT:

COS BUSINESS PRODUCTS & INTERIORS (Only Bidder)
Requisition 27550/300492

Cubical Re-Spacing

\$10,482.37

CHATTANOOGA FIRE DEPT.:

CARE SAFETY (Only Bidder)
Requisition 31023/300476

RAE system Multi-RAE & RAF Link

\$22,144.04

KAY UNIFORMS (Lowest and best bid)
Requisition 32700/300542

Blanket Contract for Tri-Mountain Mountaineer Jackets

\$15,196 annually, approximately

PURCHASES (CONT'D)

HUMAN SERVICES:

GRASSCAPES, INC. (Best and Lowest bid)
Requisition R-32893

Lawn Care Services

\$25,000 annually, approximately

PUBLIC WORKS DEPT.:

NATURAL LAND CLEARING, INC. (Only Bidder)
Requisition 31821/300500

Blanket Contract for Goat Browsing

\$20,000 annually, approximately

CHATTANOOGA POLICE DEPT.:

DEPARTMENT ISSUE, INC. (Lowest and best bid)
Requisition 33046/300586

Liberator Wireless System w/Helmet Kit

\$12,692.00

MOUNTAIN GEAR, INC. (Lowest and best bid)
Requisition 33034/300569

Asolo Fugitive Gtx 416 Boots

\$10,470.24

BOARD APPOINTMENTS

On motion of Councilman McGary, seconded by Councilwoman Robinson, the following Board Appointments were approved:

TREE COMMISSION:

Appointment of **Dr. Hill Craddock**, filling the unexpired term of Ms. Karna Levitt, term to expire **June 30, 2013**.

BOARD OF SIGN APPEALS:

Appointment of **Ms. Jackie Thomas**, as the District 9 representative, for a three-year term, filling the expired term of Pat Robinson, term expiring **September 28, 2018**.

INTERVENTION/WATER CO.

Attorney McMahan stated that the City had been asked to intervene in the 28% increase rate increase by the Tennessee American Water Co.; that the rate increases for 2006 and 2008 are still pending. He stated that 28% is mighty high and he would be prepared to discuss this, along with a Resolution, next week in the Legal and Legislative Committee.

Councilman Benson questioned why we had to wait until next week; that he was ready to join in the intervention right now; that he thought a representative from the Water Company had talked to Councilmembers individually, and he questioned waiting.

Attorney McMahan stated that 28% was excessive, and he thought we had grounds to contest this; that it was not on tonight's agenda.

Councilman Murphy stated that in view of next week's agenda, the Council might need something to talk about; that it could be discussed next week, along with a Resolution asking that others cooperate with us; that most citizens are affected and our brothers in other municipalities should also combine with us and participate; that it is an inter-governmental question; that he would approve discussing this next week.

INTERVENTION (CONT'D)

Councilwoman Scott wanted to know exactly what this entails?

Attorney McMahan stated that some of the Councilmembers are new to the process of Water Company rate increase cases; that he would be prepared with a briefing next week; that they are on a fast track, and we need to intervene soon.

Councilman Benson agreed that they were indeed on a fast track and were advertising on the radio about how much they need the money (which was costing money). He went on to say that other municipalities have more to gain by intervening with us—that some would be more and some would be less. He stated that he agreed with Councilman Murphy that we do need to try to encourage others to share in the intervention with us; that it would cost us money to intervene. He stated that we could wait a week, but he would like to vote tonight.

Councilwoman Scott stated that not everyone had had the opportunity to look at this and not everyone had had a conversation with someone from the Water Company; that she would feel uncomfortable voting on something that she had not examined. She asked Attorney McMahan if he had reviewed all of the data, and he responded “no”.

Councilwoman Berz stated that she would not vote on this tonight.

COMMITTEES

Councilwoman Robinson scheduled a **Health, Human Services and Housing Opportunities Committee to immediately follow the Agenda Session on October 5, 2010.**

Councilman Murphy reminded everyone of the **Legal and Legislative Committee** scheduled to **immediately follow the Health, Human Services and Housing Opportunities Committee on Tuesday, October 5th.** He stated that the intervention would be discussed.

COMMITTEES (CONT'D)

Councilman McGary stated that in committee today it was discussed that the Audit Committee would be directed to look into the **Education, Arts & Culture** issue of the Be Magazine and use of city time; that after the Audit Committee had made their determination, he would call a meeting of the **Education, Arts & Culture Committee** to talk to Missy Crutchfield.

Councilman Gilbert scheduled a meeting of the **Parks and Recreation Committee to be held immediately following the Health, Human Services and Housing Opportunities Committee on Tuesday, October 5, 2010**, for a discussion on various issues.

Councilman Benson asked Councilman Murphy if he would also be discussing chickens in his committee next week. Councilman Murphy stated that he thought he would.

NEXT WEEK'S AGENDA:
October 5, 2010

Chairman Rico stated that the agenda for October 5, 2010 was discussed earlier during the Agenda session.

GARY BALL

Mr. Gary Ball of E. 14th Street approached the podium. He stated that three years ago Sylvia Bennett, who is the past president of the Neighborhood Association, called him about a derelict piece of property, and he purchased it and tore the house down. He talked about a large amount of city equipment at 3917 and 3919 Grace Ave.; that this property was left with a big hole and in need of a permit, and he got himself and Mrs. Bennett a Land Disturbance Permit and had renewed it for two more years. He stated that now everything has "blown" up, and he was here to protect his business and save his reputation. He went on to say that Mr. Colston had insisted that he was doing something wrong on his property—that he was not correct, and he found this very strange. He stated that he tried his hardest to do things right—that few

GARY BALL (CONT'D)

people in the city even take out this permit. He added that Mr. Colston is the grandson of the people who owned the property that he had been working on for three years. He stated that he took care of his property and had met with the Stormwater people and tried to do the right thing; however Mr. Colston was insisting that they were doing wrong. He stated that he tried to talk privately with him and thought it was a travesty—that with all that equipment, they were doing something to the piece of property.

Councilman Murphy thanked Mr. Ball for e-mailing him. He stated that he drove by over the weekend; that the people from Public Works were sitting in the back of the room and would talk to Mr. Ball. He noted that the City does look for places for fill material, but he could not speak to the adjacent property.

Mr. Ball stated that he had had a conversation with Adm. Leach and Mr. Norris but that Mr. Colston had said “no”. He stated that he was trying to keep from getting “dinged” by the City; that Mrs. Bennett would be here next week; that he thought this was a no-brainer; that they had never asked the City to do anything. He stated that he would be glad to talk to the Public Works’ people.

Councilwoman Berz stated that she had one question—Who is Mr. Colston and does he work for the City?

Mr. Ball responded that Mr. Colston would inherit the property; that he was a General Supervisor for the City and was “high” up.

Councilwoman Berz stated that she would hate to think that any citizen is treated egregiously by a City employee.

Councilman Benson stated that he thought Sylvia Bennett lived in East Chattanooga and strongly urged that she come to a Council meeting.

FRANKLIN DAVIS

Mr. Davis gave his address as 807 Bell Circle. He stated that he was forced to get a survey of his property; that his neighbor was taking over his property, and he got a survey for property on Hillside Drive. He stated that he was having a problem accessing a dump on Hillside Drive; that it was covered over with trees,

and he needed to get access to go into the ravine where illegal dumping is taking place; however he can't because the trees are grown up.

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FRANKLIN DAVIS (CONT'D)

Councilman Murphy stated that he had talked to Public Works about this situation. He stated that the City would not open this road, and he was not sure what Mr. Davis could do about the trees; that he needed to talk to the Public Works' people about this—that it does not exist as a platted road.

Mr. Davis went on to mention another problem—a neighbor who was operating an automobile shop on his property and was towing cars without a license, and he had not been cited.

Councilman Murphy noted that he had talked to the Police; that this would be Zoning Enforcement; that Mr. Davis should talk to the Public Works' people about this, as well.

TOBIAH TILLMAN

Mr. Tillman stated that he was speaking on behalf of community members in the College Hill Courts about a food crisis; that the Ochs Center had done a Research Study about the lack of access to food—that it was huge crisis. He mentioned the elderly and disabled people in Gateway Towers, stating that the Dollar General Store was their only access to a grocery store and even then they had to roll in on scooters, which was a bit of an effort. He stated that he was conducting interviews with some of these people and would make the interviews available to the Council. He went on to say that this is a real crisis, and it is not just on the West side but all over the City in poorer neighborhoods; that there were not that many grocery stores that were accessible to people without cars. He stated that he was hoping to hear from the Council as to a solution and what we can do as a city. He reiterated that he would like to hear from the Council on how to address this crisis; that people are scared and can't afford food and also transportation to grocery stores; that there is a need for more cars, but there is also a parking crisis. He stated that we had to address the food issue.

Councilman Murphy noted that the people from Harriett Tubman were also a long ways from food; that it is a problem; that when we dealt with East Chattanooga, we heard that they wanted a grocery store. He added that he did

not work for Bi-Lo; that one of the problems we have to address is how to induce food stores to locate in certain places; that there was not much he could

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TOBIAH TILLMAN (CONT'D)

do to force a store who does not want to be there. He stated that he was well aware of the problem and would welcome a creative solution to bring food stores closer to the people; that this is a problem in his and Councilman McGary's districts.

Councilwoman Robinson stated that she would like to update Mr. Tillman about work that was occurring; that there was a group of refugees that were working with Father Peter Kanyi; that it was the Neema Group, and they were in the process of having a garden on their campus—that it was taking root and was a community garden to serve as a model; that the city has a lot of vacant land, and there was a way to do this. She also made reference to downtown at Main and Market Street where there are plans on the drawing board for a grocery store, and it is already permitted. She stated that she thought Mr. Tillman was on to something.

Councilwoman Ladd thanked Mr. Tillman for sharing his time with the Council. She mentioned the Board of Directors for Human Services and Mr. Al Chapman. She urged Mr. Tillman to get in touch with him because he had folks who could address some of these issues; that there needed to be some relief for people who need access to grocery stores; that Mr. Tillman was going in the right direction, and she urged him to contact Al Chapman.

Councilman Benson stated that we were seeing improvement in this area and in meeting these needs; that he thought the census would demand larger stores; that we lost stores because of urban sprawl. He also noted that when a store was going into one neighborhood, the people were angry about beer being sold—that they did not want a store that sold beer—that this was all a very complex problem; that there was a resurgence of mobile stores, which might be a big help and might be something that Mr. Tillman would be interested in getting started.

Councilman McGary mentioned public/private ventures—that he appreciated members of the Council making their reports; that we need to talk about what we as a Council can do; that Councilman Murphy said it the best—that we were not in the business of forcing a grocery store to locate in a particular area; that we were held captive by the free market. He tossed out an idea about a PILOT, noting that the Council does not control the formula—that the Chamber of

Commerce does; that there might be a way we can enlarge the PILOT agreement and would like further dialog about this—that we had dealt with major

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TOBIAH TILLMAN (CONT'D)

corporations and major dollars. He stated that he would like a full conversation about doing something like this for smaller businesses; that he was happy we had had this conversation.

ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga City Council until Tuesday, October 5, 2010, at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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

