

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
JUNE 26, 2012
6:00 P.M.**

Chairman Ladd called the meeting of the Chattanooga City Council to order with Councilmen Benson, Berz, Gilbert, McGary, Murphy, Rico, 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**

Councilman Murphy led the Pledge of Allegiance. He followed this by saying that he had attended a Fire Academy graduation that was held in a church. In honor of the Police and Fire Department, he read the following scripture: **John 15:13** *“Greater love has no one than this: to lay down one’s life for one’s friends”*.

At this time, Chairman Ladd asked that everyone turn off their cell phones. She also explained that as the Council voted on the items before them tonight, that they had been discussed in committee; that the Council had done their research, and the items had been discussed thoroughly.

WEATHERIZATION PROGRAM

On motion of Councilman McGary, seconded by Councilman Rico,

AN ORDINANCE AUTHORIZING THE APPROPRIATION AND WRITE-OFF OF ONE HUNDRED TWENTY-EIGHT THOUSAND DOLLARS (\$128,000.00) DUE TO DISALLOWED COSTS UNDER THE ARRA-WEATHERIZATION PROGRAM CONTRACT NO. Z-09-000422-011 MANAGED BY THE CITY’S HUMAN SERVICES DEPARTMENT AND APPROPRIATE THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) FROM STATE STREET AID FUND RESERVES FOR CURRENT YEAR EXPENDITURES

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

AMEND CITY CODE
INT’N FIRE CODE

On motion of Councilman Rico, second by Councilwoman Scott,

AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 17, ARTICLE 1, SECTION 17-1, RELATIVE TO THE ADOPTION OF THE INTERNATIONAL FIRE CODE, 2012 EDITION, INCLUDING ALL REFERENCED STANDARDS AND PUBLICATIONS SPECIFIED THEREIN, AND KEEPING THE 2006 NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 101 LIFE SAFETY CODE IN ITS ENTIRETY FOR CERTAIN SPECIFIED OCCUPANCIES, INCLUDING EXISTING BUILDINGS, AS DEFINED BY THE 2006 NPA 101 LIFE SAFETY CODE, AS THE OFFICIAL FIRE CODE OF THE CITY OF CHATTANOOGA; AND TO AMEND SECTIONS 17-2, AS TO APPENDICES, AND 17-3 AS AMENDMENTS TO THE CODE

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

AMEND CITY CODE
TREE ORDINANCE

On motion of Councilman Rico, seconded by Councilwoman Robinson,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART 88, BY DELETING ARTICLE V, SECTIONS 26-101 THROUGH 26-419 AND RENUMBERING AND ADDING SAID SECTIONS TO CHAPTER 32, AS A NEW ARTICLE XIII, SECTIONS 32-300 THROUGH 32-319, RELATIVE TO THE TREE ORDINANCE

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

AMEND CITY CODE
HOTELS & ROOMING HOUSES

Councilwoman Scott stated that there was one section in this Ordinance that she was not sure about—it was **Section 11-195** where it says “*shall be inscribed the names of **all** guests renting or occupying rooms in his hotel*”. She wanted to know if this meant one had to list all the children with them or if it just had to be the person renting the room?

Attorney McMahan read **Section 11-195**, stating that he understood Councilwoman Scott’s point; that in a standard motel, only one person registers—not everyone that will be staying in the room.

Chief Parker referred to the Fire Code, stating that in case of an emergency, they go to the manager to find out how many are in a room for accountability; that this information is usually kept up with by way of a computer.

HOTELS & ROOMING HOUSES(CONT'D)

Attorney McMahan stated that this could be taken care of by striking the word “all”. Councilwoman Scott questioned maybe just registering the persons over 21 years of age. Attorney McMahan asked if someone would like to make a motion to amend **Section 11-195** by deleting the word “all”? **On motion of Councilwoman Scott, seconded by Councilwoman Berz, this amendment was made.**

On motion of Councilman Rico, seconded by Councilwoman Berz,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 11, SECTION 11-186 THROUGH 11-215, RELATIVE TO HOTELS AND ROOMING HOUSES

passed second and final reading, as amended, and was signed in open meeting.

AMEND CITY CODE

ROSSVILLE AVE. FIRE DISTRICT

On motion of Councilman Rico, seconded by Councilwoman Berz,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 10, SECTION 10-5, AS AMENDED, TO EXCLUDE CERTAIN PROPERTIES FROM THE ROSSVILLE AVENUE FIRE DISTRICT BOUNDARY

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

FISCAL YEAR 2012-2013 BUDGET

Councilman Murphy stated that he would like to make an amendment to this Ordinance—**On line 6 of Section 7(a) on Page 23**, he would like it to read, ***“authorized to apply a one and one-half percent (1 ½%) increase in base pay for eligible permanent civilian and sworn personnel”***. ***He made this amendment in the form of a motion, and it was seconded by Councilman McGary.***

Councilman Benson asked Mr. Dan Johnson to capsule what the Council is being asked to approve as it relates to salaries of employees. Mr. Johnson explained that in the Budget it refers to schedules, and the Council had Options A, B, and C. Option A was the Career Ladder for the Police Dept.; Option B was 3% increase for civilian employees; and Option C was an additional \$25 longevity pay. Longevity is part of compensation for years of service and has to be five years or longer to apply; those who qualify will get \$75.00 per year of service up to a maximum of 30 years. This will be delivered in December for Christmas time. Mr. Johnson explained that this was a way to increase the percentage of those employees at the end of the salary scale. Councilman Benson confirmed that civilian employees would get 3% plus this longevity.

FY 2012-2013 BUDGET (CONT'D):

Chairman Ladd asked that Councilman Murphy repeat his amendment to make sure everyone understood.

Councilman Murphy referred to **Page 23, Section 7(a), noting that he was supplanting 3% with 1 ½% and inserting the word “sworn” between the word “civilian” and “personnel”.**

Councilwoman Berz confirmed that this was the only change—that instead of 3% for “unsworn” employees, we would be giving 1 ½% to all and keep the Police Career Ladder.

Councilman Murphy confirmed that the rest of the Budget stays effective and that the money “jives”.

Councilman Benson asked Mr. Johnson to speak to this—reducing the amount from 3% to 1 ½%.

Councilman Murphy stated that all employees are not equal—that the entire Fire Dept. will not get anything.

Councilman Benson confirmed that Councilman Murphy wanted to lower it to 1 ½% for all. Councilman Murphy responded that that was correct, unless we could find a “money tree”. Councilman Benson responded that he was not talking about finding a “money tree”; that he just wanted to know what Councilman Murphy was talking about.

Mr. Johnson explained that the Police Career Ladder was instituted three years ago, after the Pay Plan was studied in 2008—that there were problems with the Pay Plan, and we started a three year program, and this Career Ladder was instituted the first year, and we took care of anomalies in the Fire Dept. the second year, and this 3rd year was devoted to civilian employees, who make up 2/3rds of our work force; that Councilman Murphy’s amendment would take 1 ½% away from civilian employees and spread it to others whose problems have been rectified—that civilian employees are on the short end of the deal.

Councilman Murphy pointed out that a lot did not get raises last year; that some got promotions and additional responsibilities and additional work but no additional pay; that this pay raise is looked at as a cost-of-living raise, which was not his way of thinking of a compensation plan; that he was hard pressed to see how the cost-of-living would not be the same for a Public Works’ employee and someone in the Fire Dept.—that if the cost-of-living goes up, it goes up for everyone, and he questioned why we would exclude one group; that there is a difference in philosophy between himself and Administration—that honest people can disagree.

FY' 2012-2013 BUDGET (CONT'D):

Councilman McGary stated that Council had continued to look at civilian employees and also Fire and Police employees and how they are compensated; that his opinion and impression was that all police officers and firefighters are not benefited by the Career Ladder; that if civilian employees had a similar program, some would also be excluded, but we would have a better understanding of this situation. He stated that he did not think the Career Ladder program totally took care of policemen and firemen. He stated that the amendment made by Councilman Murphy and seconded by himself, he thought, was in the best interest of all employees; however this body believes otherwise—that a lot of thought had gone into this.

A Roll Call Vote was taken on Councilman Murphy's amendment:

COUNCILMAN MURPHY	"YES"
COUNCILWOMAN SCOTT	"NO"
COUNCILWOMAN ROBINSON	"NO"
COUNCILMAN BENSON	"NO"
COUNCILMAN GILBERT	"NO"
COUNCILWOMAN BERZ	"NO"
COUNCILMAN RICO	"NO"
COUNCILMAN MCGARY	"YES"
CHAIRMAN LADD	"NO"

The amendment failed.

On motion of Councilman Rico, seconded by Councilwoman Berz,

AN ORDINANCE, HEREINAFTER ALSO KNOWN AS "THE FISCAL YEAR 2012-2013 BUDGET ORDINANCE", TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, AND ENDING JUNE 30, 2013; APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY

FY' 2012-2013 BUDGET (CONT'D):

SHALL BECOME DELINQUENT; PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES; AND TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 2, SECTION 2-267, RELATIVE TO PAID LEAVE FOR ACTIVE-DUTY TRAINING AND TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, SECTIONS 31-36, 31-37, 31-41, AND 31-43

passed second and final reading on Roll Call Vote as follows:

COUNCILWOMAN SCOTT	"NO"
COUNCILWOMAN ROBINSON	"YES"
COUNCILMAN BENSON	"YES"
COUNCILMAN GILBERT	"YES"
COUNCILWOMAN BERZ	"YES"
COUNCILMAN RICO	"YES"
COUNCILMAN MCGARY	"NO"
COUNCILMAN MURPHY	"NO"
CHAIRMAN LADD	"NO"

REPEAL CITY CODE/
WEIGHTS AND MEASURES

On motion of Councilman Murphy, seconded by Councilman Rico,
**AN ORDINANCE TO REPEAL CHATTANOOGA CITY CODE, CHAPTER 37, WEIGHTS
AND MEASURES, IN ITS ENTIRETY**
passed first reading.

CAPITAL BUDGET

On motion of Councilwoman Berz, seconded by Councilwoman Scott,
**AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO
THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 2012/2013 AND
TO AMEND THE FISCAL YEAR 2012/2013 BUDGET ORDINANCE NO. 00000**
was deferred.

AMEND BUDGET ORD./
S.E. TN. DEVELOP. DIST.

On motion of Councilman Rico, seconded by Councilwoman Robinson,

AN ORDINANCE TO AMEND ORDINANCE 12523 KNOWN AS "THE FISCAL YEAR 2011-2012 BUDGET ORDINANCE" TO APPROPRIATE AN ADDITIONAL TWO THOUSAND FOUR HUNDRED NINETY-SIX AND 80/100 DOLLARS (\$2,496.80) TO THE SOUTHEAST TENNESSEE DEVELOPMENT DISTRICT/CHATTANOOGA AREA REGIONAL COUNCIL OF GOVERNMENTS FOR A TOTAL AMOUNT OF THIRTY-EIGHT THOUSAND FIVE HUNDRED THIRTY-FOUR AND 80/100 DOLLARS (\$38,534.80) FOR THE CITY'S ASSESSMENT DUES BASED ON THE 2010 CENSUS POPULATION DATA

passed first reading.

CONTRACT C.O.

On motion of Councilman Rico, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR GRIGGS & MALONEY, INC. TO PROVIDE CONTINUATION OF ENGINEERING SERVICES FOR GROUNDWATER SAMPLING, MONITORING, AND REPORTING SERVICES AT THE SUMMIT LANDFILL, CITY LANDFILL ON BIRCHWOOD PIKE, AND THE FORMER J.H. HOLDING SITE

was adopted.

WAIVER OF FEES

On motion of Councilman McGary, seconded by Councilman Rico,

A RESOLUTION AUTHORIZING THE WAIVER OF FEES FOR CERTAIN FACILITIES AND PROGRAMS AS AN INCENTIVE FOR PARTICIPANTS TO COMPLETE A SURVEY FOR CHATTANOOGA PLAYS, IN THE AMOUNT OF SIX HUNDRED SIXTY-FOUR DOLLARS (\$664.00)

was adopted.

AGREEMENT

On motion of Councilman McGary, seconded by Councilman Gilbert,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH CHAZLER CONSTRUCTION FOR THE REPLACEMENT OF EXISTING PIPE AND TUBE RAILINGS; WALL-MOUNTED HANDRAIL WITH STAINLESS STEEL CURVED PIPE HANDRAIL; AND REPLACEMENT OF IN-GRADE WALKWAY LIGHTS WITH LED MODELS AT THE TENNESSEE AQUARIUM, FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY-THREE THOUSAND FOUR HUNDRED TWENTY-EIGHT DOLLARS (\$153,428.00)

was adopted.

SPECIAL POLICE OFFICER APP'T.

On motion of Councilman McGary, seconded by Councilman Gilbert,

A RESOLUTION AUTHORIZING THE APPOINTMENT OF KENNETH M. ELWOOD AS A SPECIAL POLICE OFFICER (UNARMED) FOR THE CITY OF CHATTANOOGA DEPARTMENT OF NEIGHBORHOOD SERVICES, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TAWC INTERVENTION

Councilman McGary asked if there was a representative of Tennessee American Water Co. here tonight? He stated that one of the Water Company's employees had indicated to him, concerning the current rate case, that this case was different from the one in the past because they desired a compromise in order to take it out of the legal arena.

The representative, who was present, approached the podium and confirmed that they had talked to the City and would be happy to sit down and talk to the City again.

Councilman McGary stated that what he was driving at was "had the effort been made to sit down with Administration and the City Attorney, with files in hand, prior to other action in order to keep this out of the legal situation"?

The representative stated that that was correct; that if the City wished to sit down that they were willing—that there were several thousand pages of documents.

Councilman McGary asked him to state the primary cause of the rate increase. He responded that it was a capital investment that involved equipment that they were using every day.

Councilman McGary asked the latest date that we could take legal action? Attorney McMahan responded that it was July 6th, and if we were going to participate, we should start now.

Councilman Murphy stated that if we could negotiate this out before it required an attorney that that would be "peaches"; that as a ratepayer, we need to get this in in a timely manner and not delay; that delaying was not good "lawyering" nor would we have a good outcome; that he thought we should give Attorney McMahan our blessing and then see what might could be hammered out in the next 24 hours.

Councilwoman Scott asked the representative if they had asked to meet with the City and what the response was? He responded by referring to an article in the newspaper, stating that they

TAWC INTERVENTION (CONT'D)

were willing to sit down and talk; that had it happened yet “no”; that the Mayor’s Office had been contacted prior to filing; that if the City chose to talk, they would be open to do this.

Councilwoman Scott asked Attorney McMahan what we had done to keep this from becoming so expensive? He responded that he had talked to Mr. Allen ahead of time; that he would not go into details; that he had talked to him this morning, and they would be meeting in Nashville to see if it were possible to handle this in an “unexpensive” way. He went on to explain that if we don’t intervene, we have no “bargaining chip”.

Councilman Benson stated that we had to make this move! He went on to say that we had been down this road before and maybe had a prejudiced feeling and scar tissue; that we needed to start fresh. He asked the representative of the Water Co. if there was good faith in bargaining with the City? He also asked if this was negotiable? The representative responded that this was not for him to say. He would just say they were willing to talk. Councilman Benson asked him if he understood why we have to go ahead with this? He responded that this was a decision for the Council to make—that they were elected, and he was not.

On motion of Councilman Benson, seconded by Councilman Murphy,

A RESOLUTION AUTHORIZING INTERVENTION IN THE PENDING RATE INCREASE FILED BY TENNESSEE-AMERICAN WATER COMPANY BEFORE THE TENNESSEE REGULATORY AUTHORITY AND TO INCUR REASONABLE AND NECESSARY EXPENSES

was adopted, with Councilmen McGary, Scott and Ladd voting “no”.

AGREEMENT

On motion of Councilman Murphy, seconded by Councilman Rico,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO AN AGREEMENT WITH INNOVATIVE CONSTRUCTION FOR THE ROOF REPAIR OR REPLACEMENT AND RELATED SERVICES, FOR AN AMOUNT NOT TO EXCEED FORTY-FOUR THOUSAND DOLLARS (\$44,000.00), INCLUDING CONTINGENCIES.

was adopted.

GUARANTY RELEASE

On motion of Councilman McGary, seconded by Councilman Murphy,

A RESOLUTION AUTHORIZING A RELEASE OF THE GUARANTY FROM CHATTANOOGA NEIGHBORHOOD ENTERPRISES, INC. IN FAVOR OF THE CITY OF CHATTANOOGA, TENNESSEE, RELATING TO A TWO MILLION SIX HUNDRED THOUSAND DOLLARS (\$2,600,000.00) LOAN FOR DOGWOOD MANOR, LLC CONTINGENT UPON CLOSING THE TRANSFER OF THE DOGWOOD MANOR PROPERTY TO THE CHATTANOOGA HOUSING AUTHORITY

was adopted.

INTERLOCAL 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 INTERLOCAL AGREEMENT WITH THE CHATTANOOGA METROPOLITAN AIRPORT AUTHORITY RELATIVE TO TASKS 2 AND 3 OF THE SUPPLEMENTAL ENVIRONMENTAL PROJECT WHICH SATISFIES A PORTION OF THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION COMMISSIONER'S ORDER NO. WPC10-0055

was adopted.

CONTRACT

On motion of Councilwoman Berz, second by Councilman Benson,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD A CONTRACT TO ARCADIS, INC. FOR SITE AND LANDSCAPE DESIGN FOR THE CHATTANOOGA METROPOLITAN AIRPORT AUTHORITY SOUTH WEST GREENWAY RELATIVE TO TASKS 2 AND 3 OF THE SUPPLEMENTAL ENVIRONMENTAL PROJECT, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED THIRTY-FOUR THOUSAND TWO HUNDRED EIGHTY DOLLARS (\$334,280.00)

was adopted **with Councilwoman Scott voting "no"**.

CONSENT DECREE

On motion of Councilwoman Berz, seconded by Councilman Rico,

A RESOLUTION AUTHORIZING THE MAYOR, THE CITY ATTORNEY, AND/OR THEIR DESIGNEE(S) TO ENTER INTO A CONSENT DECREE WITH THE UNITED STATES OF AMERICA, THE STATE OF TENNESSEE, AND THE TENNESSEE CLEAN WATER NETWORK RELATIVE TO ALLEGED VIOLATIONS OF THE CLEAN WATER ACT AND THE TENNESSEE WATER QUALITY CONTROL ACT

was adopted, with **Councilwoman Scott "abstaining"**.

CAPITAL IMPROVEMENT PLAN

On motion of Councilwoman Berz, seconded by Councilman Rico,
A RESOLUTION ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2013-2107, SUBJECT TO FUTURE REVISION; A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
was deferred for one week.

OVERTIME

Overtime for the week ending June 21, 2012, totaled \$10,396.39.

PERSONNEL

The following personnel matters were reported for the various departments:

EDUCATION, ARTS AND CULTURE:

- ✓ **DAVID E. JOHNSON**—Resignation of Deputy Administrator, effective 6/14/12.

CHATTANOOGA FIRE DEPT.:

- ✓ **DAVID POWELL**—Retirement of Fire Captain, effective 6/14/12.

PUBLIC WORKS DEPARTMENT:

- ✓ **DANIEL REYNOLDS**—Promotion to Chief Maintenance Mechanic, Range 19, \$43,650 annually, effective 6/15/12.
- ✓ **JACK PICKETT**—Resignation of Plant Operator 1, effective 6/18/12.
- ✓ **HARRY WOODS, JR.**—Retirement of Plumbing Inspector 2, effective 6/29/12.
- ✓ **AMRO HELWA**—Hire Project Engineer, Range 22, \$55,008 annually, effective 6/15/12.

DONATION

Adm. Zehnder reported a donation in the amount of \$2,000 from Friends of East Brainerd.

EMERGENCY REPAIR

Adm. Leach reported that there is a sinkhole on Hickory Valley Rd., near the Ridgedale Baptist Church that will have to be repaired on an emergency basis and that this will be coming to the Council.

EDUCATION,ARTS & CULTURE

Adm. Crutchfield announced that there was a free Patriotic Concert at the Memorial Auditorium tonight; that the World Class Pipe Organ will be featured and a black and white silent film with Buster Keaton and Laurel and Hardy.

PURCHASES

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

PUBLIC WORKS DEPARTMENT:

GREENLEAF 3D, LLC (Lowest bid meeting specs.)
Requisition R58884

AutoCAD Civil 3D Software Training

\$40,925.00

ERMC II, L.P. (Lowest bid meeting specs.)
Requisition R58743

Security Camera System

\$10,997.32

eMap INTERNATIONAL (Lowest bid meeting specs.)
Requisition R58824

Satellite Imagery

\$59,683.40

PURCHASES (CONT'D)

FIRE DEPARTMENT:

MOTOROLA SOLUTIONS, INC. (State Wide Contract)
Requisition R61185

Six (6) Motorola Radios and Accessories

\$17,904.36

PARKS AND RECREATION DEPARTMENT:

TEXTRON, INC. (Single Source Purchase)
Requisition R61188

Four (4) Electric 2-Seat 4 Volt ATV's

\$22,800.00

POLICE DEPARTMENT:

KNOWLEDGE COMPUTING CORP. (Single Source Purchase)
Requisition R61027

Software Maintenance & Support

\$31,875.00

REFUND

On motion of Councilman McGary, seconded by Councilman Rico, the City Finance Officer was authorized to make the following refund on 2011 Property Taxes:

MEMORIAL HOSPITAL GROUP **\$113,968.46**

COMMITTEES

Councilman Rico announced that there would be a **Public Works Committee** meeting next week, following the Agenda Session on **July 3, 2012**.

Councilman Murphy announced that there **may** be a **Legal and Legislative and Safety Committee** meeting on **July 3, 2012**, immediately following the Public Works Committee.

Councilwoman Berz announced that there would be a **Budget and Finance Committee** Work Session next week, **July 3, 2012, from 1:00 P.M. to 3:00 P.M.** to go over the Capital Budget.

Councilman Benson announced that there would be an **Economic Development Committee** meeting on **July 3, 2012**, immediately following the Legal and Legislative and Safety Committee to go over TIF guidelines for future TIF's and also a discussion on PILOTS. He stated that someone from the Chamber of Commerce will be present and also asked that the lawyer that was involved in the first TIF, who was present at tonight's meeting, be invited.

NEXT WEEK'S AGENDA:
JULY 3, 2012

Chairman Ladd asked if there were any questions regarding next week's agenda; being none, the meeting continued.

RULES OF PROCEDURE FOR ADDRESSING
THE COUNCIL

City Attorney Michael McMahan read from the Council's Rules of Procedure with reference to persons wishing to address the Council on non-agenda matters.

STEVEN PERLAKY

Stephen Perlaky of 283 West. Hills Drive addressed the Council with concerns about the TIF and the \$9 million dollar road. He stated that Lee Norris had told him that it costs \$1 million dollars per mile, and this is costing \$9 million dollars for a road half the size. He stated that the Developers will buy the Bonds and questioned why a TIF was needed. He noted that landowners on Aetna Mtn. have to go through here and that they had been in a 10-Year Court Battle concerning this. He noted that as he saw it, the City was contributing \$9 million dollars and questioned why this should cost the taxpayers anything. He viewed this TIF as a disguise to

STEVEN PERLAKY (CONT'D)

take his property by eminent domain. He mentioned several endangered species; that if the water goes into the sewer, it will bypass the cave. He questioned what effect the chemicals will have on the cave wildlife—that the chemicals will enter the soil and eventually get into the cave. He mentioned a species of Spider, where this is the only place on the planet that they live. He went on to talk about environmental concerns. Mr. Perlaky also wanted to know who would be accountable for this project to see that the funds are used like they are supposed to be used? He mentioned a letter that he had sent to all of the Council (copy is made a part of this minute material) and stated that he was very opposed to this for the reasons outlined in the letter.

NATHANIEL ROSHELL

Nathaniel Roshell of 2002 E. 34th St. was the next speaker. He mentioned pages of complaints on E. 34th St. involving a business of working on cars and read from a prepared statement. He stated that he would like for Councilman Rico to hand deliver his statement to the resident in question, and if this resident did not comply with regulations, he would ask that this resident be brought to court and that a severe fine be imposed. He stated that he was demanding this.

Chairman Ladd related to Mr. Roshell that a representative from Neighborhood Services was present—Mr. Tony Sammons-- and that Adm. Leach with Public Works was also present, and she asked him to please speak to these two men after the meeting, and they could give him some direction. She thanked him for coming out.

KARL EPPERSON

Mr. Karl Epperson addressed the Council. He referred to maps shaped like a pork chop that had appeared in the newspaper that points out expansion of the Riverwalk, which is known as the “Jewel of Chattanooga”. He went on to say that the Council and the Mayor’s office had said nothing was happening on the West Side and that they were making an uproar over nothing. He stated “imagine my surprise when I saw this “pork chop map” and the “Jewel of Chattanooga”—that this made him as nervous as “a long-tailed cat in a room filled with rocking chairs”. He went on to say that there was a lot of opposition in Councilman Benson’s district to public housing; that the people there did not want it and Councilman Benson was instrumental in keeping it out. He asked the Council where they did want it? He went on to offer his solution concerning the CHA land swap—swap the Poss Home site for comparable size property at Enterprise South, and then the City could take the money and go out and build public housing in a foreign country. He asked if this Council could come to some consensus as to where they would like to see public housing? He noted that all will say we need public housing, but no one wants it in their backyard.

KARL EPPERSON (CONT'D)

Chairman Ladd thanked Mr. Epperson for coming.

Councilwoman Scott stated that she would like to let him know that District 1 does have public housing—Fairmount; that it is not missing in her district, even though it may not be in every area. She went on to say that Fairmount was completed with a modification and not because it was public housing; that it was because the site it was on had limited access and traffic was modified to fit the infrastructure there.

Mr. Epperson responded that “whether it is a duck or a chicken—it will still quack”.

MEGAN SPOONER

Ms. Spooner addressed the Council in regards to the TIF that was approved last week. She stated that she shared Councilman McGary’s concern that there needed to be a lot more research on this; that the decision was made hastily and under pressure by the developers. She referred to an article that appeared in the Chattanooga in 2011 concerning the 2,400 acre preserve on Aetna Mountain; that it was to be a wildlife preserve and the Trust for Public Land said that \$1 million dollars would go to purchase 1,200 acres from the developer and that the Chapin group would donate another 1,200 acres. Mr. Davenport had indicated in the article that the 2,400 acre parcel will eventually be transferred to the State and was expected to be made a unit of the Prentice Cooper State Forest—that the State was interested in having an unbroken stretch of woodland for wildlife protection. She also referenced another article that appeared a couple of months ago that stated that developers want city taxes to fund Aetna Mountain Road. She stated that they would be getting land from the Federal Government and money from City Government and all of this was very abstract. She mentioned the name of Brant Enderle, who will head up the project on behalf of York Capital, who stated that the 3,000-acre project also included about 1,200 acres of land donated to conservation; however he said that there was some confusion over the exact amount of land donated to that cause. Ms. Spooner stated that this was all very vague.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga City Council until Tuesday, July 3, 2012, 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)**

