

**City Council Building
Chattanooga, Tennessee
February 22, 2011**

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

**PLEDGE OF ALLEGIANCE/
INVOCATION**

The Pledge of Allegiance was led by Councilman Murphy, followed by invocation.

MINUTE APPROVAL

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

ADOPTION OF FIRE CODE

The motion was made by Councilman Murphy to deny this Ordinance. It was seconded by Councilman Gilbert.

A Roll Call Vote was taken as follows:

Councilwoman Ladd “No”

Councilman Benson “Yes”

Councilman Gilbert “Yes”

Councilman McGary “No”

Councilman Murphy “Yes”

Councilwoman Scott “No”

Councilwoman Robinson “No”

Chairman Rico “No”

FIRE CODE (CONT'D)

The motion to deny the Ordinance failed.

Councilman Benson made the motion to approve the Ordinance, changing the number of people from 100 to 200. This was seconded by Councilman Gilbert and a Roll Call Vote was taken as follows:

Councilman Gilbert	“Yes”
Councilman McGary	“No”
Councilman Murphy	“Yes”
Councilwoman Scott	“No”
Councilwoman Robinson	“No”
Councilwoman Ladd	“No”
Councilman Benson	“Yes”
Chairman Rico	“No”

The motion failed.

On motion of Councilman Murphy, seconded by Councilman Benson

AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 17, ARTICLE I, SECTION 17-1, RELATIVE TO THE ADOPTION OF THE INTERNATIONAL FIRE CODE, 2006 EDITION, INCLUDING ALL REFERENCED STANDARDS AND PUBLICATIONS SPECIFIED THEREIN, AND 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 NFPA 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

was deferred for two months until a study on the economic impact on the community could be accomplished, on roll call vote as follows:

FIRE CODE (CONT'D)

Councilman Gilbert	“Yes”
Councilman McGary	“No”
Councilman Murphy	“Yes”
Councilwoman Scott	“No”
Councilwoman Robinson	“No”
Councilwoman Ladd	“Yes”
Councilman Benson	“Yes”
Chairman Rico	“Yes”

Councilwoman Scott questioned who would do the Study? Councilwoman Robinson questioned how the economic impact would be determined.

CLOSE AND ABANDON

MR-2010-161 (Memorial Health Care System)

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
AN ORDINANCE CLOSING AND ABANDONING TWO UNOPENED RIGHTS OF WAY BEGINNING AT THE INTERSECTION WITH THE WEST LINE OF THE 800 BLOCK OF NORTH CHAMBERLAIN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN
 passed second and final reading and was signed in open meeting, with Councilwoman Scott abstaining.

GAS COMPANY FRANCHISE

Attorney McMahan explained that this was a Public Hearing for a 10-Year Franchise for the Gas Company with a percentage of the gross receipts received from sales of any type to the Company’s customers within the city limits of the City based on 3.15% for the years 2011 and 2012; 4.15% for 2013 and 2014; and 5.15% for 2015 and beyond. Anyone wishing to speak should speak at this time.

GAS CO. FRANCHISE(Con't):

On motion of Councilwoman Scott, seconded by Councilman Murphy,
AN ORDINANCE GRANTING UNTO CHATTANOOGA GAS COMPANY, A TENNESSEE CORPORATION, A FRANCHISE FOR THE PURPOSE OF OPERATING A SYSTEM OF GAS DISTRIBUTION AND SERVICE WITHIN THE CITY OF CHATTANOOGA SO AS TO FURNISH GAS SERVICE WITHIN THE CITY TO ITS INHABITANTS FOR DOMESTIC, COMMERCIAL, INDUSTRIAL AND MUNICIPAL GENERAL USE
passed first reading.

CLOSE AND ABANDON

MR-2010-158 (Janet Brooks)

On motion of Councilman Murphy, seconded by Councilman Benson,
AN ORDINANCE CLOSING AND ABANDONING THE UNOPENED 1700 BLOCK OF WEST 49TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

INTERLOCAL AGREEMENT

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY, HAMILTON COUNTY, THE INDUSTRIAL DEVELOPMENT BOARD, THE HEALTH, EDUCATIONAL, AND HOUSING FACILITY BOARD, AND VOLKSWAGEN RELATIVE TO THE VOLKSWAGEN PROJECT
was deferred for one week.

AGREEMENT

On motion of Councilman Murphy, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH SCENIC CITY AQUATIC CLUB FOR THE USE OF THE WARNER PARK SWIMMING POOL FOR THE PURPOSES OF THE QUAD SWIMMING MEET FOR A RENTAL FEE OF SEVEN HUNDRED FIFTY DOLLARS (\$750.00)
was adopted.

AGREEMENT

On motion of Councilman Murphy, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH THE SCENIC CITY AQUATIC CLUB FOR THE USE OF THE WARNER PARK SWIMMING POOL FOR PURPOSES OF PRACTICE FOR A RENTAL FEE OF TWO THOUSAND DOLLARS (\$2,000)
was adopted.

AGREEMENT

On motion of Councilman Murphy, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH THE CHATTANOOGA SWIM LEAGUE FOR THE USE OF THE WARNER PARK SWIMMING POOL FOR THE PURPOSE OF HOSTING THE CHATTANOOGA AREA SWIM LEAGUE CHAMPIONSHIP FOR A RENTAL FEE OF TWO THOUSAND DOLLARS (\$2,000.00)
was adopted.

SURPLUS PROPERTY

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE GENERAL SERVICES DIRECTOR TO ACCEPT AN OFFER TO SELL 3218 7TH AVENUE AS SURPLUS PROPERTY FOR FIVE THOUSAND DOLLARS (\$5,000.00)
was adopted.

SURPLUS PROPERTY

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE GENERAL SERVICES DIRECTOR TO ACCEPT AN OFFER TO SELL 3306 MONTVIEW DRIVE AS SURPLUS PROPERTY FOR THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00)
was adopted.

AGREEMENT

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH LAMAR DUNN AND ASSOCIATES FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-10-007-101, ALTAMONT PUMP STATION AND SEWER BASIN PROJECT, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED ELEVEN THOUSAND FOUR HUNDRED FORTY DOLLARS (\$211,440.00)

was adopted.

AGREEMENT

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH BARGE, WAGGONER SUMNER AND CANNON, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. 10-005-101, ESIP SEWER BASIN, COLLECTION SYSTEM AND PUMP STATION EVALUATION AND UPGRADE, IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED TWENTY-NINE THOUSAND SIX HUNDRED DOLLARS (\$729,600.00)

was adopted.

TEMPORARY USE

On motion of Councilwoman Ladd, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING CHATTANOOGA FIRST SEVENTH-DAY ADVENTIST CHURCH TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 7450 STANDIFER GAP ROAD TO INSTALL AN ID SIGN AND MESSAGE CENTER, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

CONTRACT

On motion of Councilman Gilbert, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. E-03-007-201, WILCOX BOULEVARD TUNNEL MODIFICATIONS, TO TOWER CONSTRUCTION COMPANY, IN THE AMOUNT OF FOUR HUNDRED FOURTEEN THOUSAND THREE HUNDRED THIRTY-TWO AND 93/100 DOLLARS (\$414,332.93), WITH A CONTINGENCY AMOUNT OF FORTY-ONE THOUSAND FIVE HUNDRED DOLLARS (\$41,500.00) FOR AN AMOUNT NOT TO EXCEED FOUR HUNDRED FIFTY-FIVE THOUSAND EIGHT HUNDRED THIRTY-TWO AND 93/100 DOLLARS (\$455,832.93)
was deferred until March 22nd.

CONTRACT

On motion of Councilman Gilbert, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. E-09-021-201, INTERSECTION IMPROVEMENT SR153 NORTHBOUND OFF-RAMP AT BONNY OAKS DRIVE, TO EAST TENNESSEE GRADING, INC., IN THE AMOUNT OF TWO HUNDRED TEN THOUSAND FOUR HUNDRED SEVEN DOLLARS (\$210,407.00), WITH A CONTINGENCY AMOUNT OF TWENTY-ONE THOUSAND NINETY-THREE DOLLARS (\$21,093.00), FOR AN AMOUNT NOT TO EXCEED TWO HUNDRED THIRTY-ONE THOUSAND FIVE HUNDRED DOLLARS (\$231,500.00)
was adopted.

CONTRACT

On motion of Councilman McGary, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE DIRECTOR OF THE OFFICE OF SUSTAINABILITY OUTREACH COORDINATOR TO CONTRACT WITH HDR, INC., IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000.00), TO REVIEW ENERGY AND UTILITY USED IN THE CITY OF CHATTANOOGA BUILDINGS; TO OUTLINE GOALS AND INITIATIVES FOR REDUCING ENERGY AND UTILITY USE WITHIN CHATTANOOGA

OPERATIONS; TO PRODUCE AN ENERGY/UTILITY POLICY, PROCEDURE, AND UNIFORM FORMS FOR LOCAL CONTRACTORS TO COLLECT DATA TO BE USED IN COMPARATIVE ANALYSIS; TO DRAFT A CITY SUSTAINABILITY POLICY FOR PRELIMINARY ANALYSIS OF EXISTING BUILDING INVENTORY AND RECOMMENDATIONS; AND FOR ANALYSIS OF AN ALTERNATIVE ENERGY/WATER CONSERVATIONS PROJECT FOR FINANCING AND DELIVERY METHODS

was adopted.

Councilman Murphy noted that he heard “tinkerbell”??

Councilwoman Ladd stated that she wanted to make a comment concerning this Resolution; that some in the audience had not had the benefit of knowing that this is a Grant to evaluate the operation of our buildings at a lower cost and a saving cost on energy; that this is a funded Grant.

RESCIND RES. 26583
PUBLIC ART PROGRAM

Councilwoman Robinson made the motion to approve this. Upon further understanding, she rescinded her motion. Councilwoman Scott moved to approve the Resolution to rescind, with Councilman Benson seconding the motion. Councilman Benson explained his reason for asking for this Resolution and why he was voting the way he was; that this means \$20,000 for the City and \$40,000 in Grant money; that he did not want this matter pushed out of the Budget cycle; that he had heard some say that this is just a “drop in the bucket”, but he wanted to look at “every drop”; that the Council had had no chance to prioritize their needs; that we don’t know how much revenue we will have or whether we will be in the “red or black”. He stated that this was more than just the money—that it was a principle, and we were destroying our budget process if we take something and approve it before we look at the total budget.

Councilman Murphy stated that Councilman McGary had said it well—that this was a small investment to work on an intangible that makes our city more attractive; that we had spent millions of dollars to promote our city; that none of this is new; that we promote our city, and this amount would be multiplied by 200%; that we would be “idiots” not to take this opportunity; that it was only one thousandth of 1% of our operating budget, and this is a priority for our community; that anyone who does not see this does not have their “eyes open”.

PUBLIC ART (CONT'D):

Councilwoman Robinson stated that in the early 1980's we started deciding what we wanted our future to be like; that there had been hundreds of volunteers and millions of dollars spent and foundations had provided millions of dollars; that many had partnered in creating a blueprint of Chattanooga; that this was the intangibles that Volkswagen was talking about; that they even made their big announcement at the Hunter Museum, overlooking the Riverpark, Walnut Street Bridge, the Aquarium, BellSouth Park and many new hotels; that hundreds of thousands of dollars had been spent on condos in this area because we wanted downtown housing that would be clean and safe; that sales tax payments have increased eight times over; that this was a good investment, and she agreed with Councilman Benson that this is more than money—that it is the principle of the thing if we were going to grow and progress; that like all other great cities, art has a place, and we need to reclaim our city.

Dan Johnson stated that Ms. Madison had told him that this \$20,000 is in this year's budget fiscal year.

Councilman McGary stated that he was glad this was clarified; that he would echo the points that his colleagues had made; that we as a Council make our budget based on priorities; that this is a question of investment; that we do not force foundations to deposit funds, but we do see the value of foundations such as Benwood and Lyndhurst providing funds and our matching with \$20,000; that he thought without a shade of a doubt that this is a sound investment; that most of the art is downtown—that it is attractive and is a drawing point. He mentioned that Heritage House that is located in District 4 is an Art and Civic Center where we have invested over \$62,000 plus, and he did not see how leveraging \$20,000 had any less value than the \$62,000 spent at Heritage House.

Councilwoman Ladd said that “one of the idiots” was speaking; that she agreed that it was a small fraction of the budget, but she still had a “rub”—that she had promised her constituents that she would look at every penny we could save; that she had voted for the tax increase, and she had promised her constituents she would look for every penny and would watch out for anything we can hold off on; that she was not against art but not for it right now. She explained that she did not agree with bringing this subject up for another vote, emphasizing that she was not against art, but she could not support this right now because she had promised her constituents and with them it is a “hot button” issue. She again stated that she was not for bringing this back up again.

PUBLIC ART (CONT'D)

Councilwoman Scott stated that she was not concerned whether it was the upcoming budget or the last budget—that the dollar amount is the same. She agreed that \$20,000 was not that much money but when you look at the average amount of taxes paid when this money was appropriated, it maxes out expenses of 25 people. She stated that she could not justify this now or last week.

Councilman Benson wanted to make sure that everyone understood where he was coming from—that he did not want to make an allocation outside of the budget process; that he did not know how everyone had gotten off on the value of art—that that was not in question; that if Mr. Johnson could tell him that this amount had been through the budget process and could be justified as a priority expenditure that he would agree; that no one had said that art is not valuable; that he just was not in support of this prior to a full exposure of our revenue. He asked anyone if they thought that was “unsound”?

Councilman McGary stated that this was not outside of the budget process; that the Public Art Program had been funded at \$100,000 and was cut by 80% down to \$20,000 a year; that we were practically doing away with the art program. He questioned what other entity had taken an 80% reduction in one year; that we were “starving” the art program, and partners were willing to join us.

Councilman Murphy stated that he was as watchful of a penny as the next person, but we had been debating this issue for two weeks, and we had “bigger fish” that we could “fry”; that there were a lot more issues that needed the Council’s attention rather than spending this kind of effort on something that was one thousandth of 1% of the operating budget. He urged to go after the “real” dollars first.

Councilman Benson asked to let Mr. Johnson answer if this was in the budget process.

Mr. Johnson responded “it is there”—it was in last year’s budget.

PUBLIC ART (CONT'D)

On motion of Councilwoman Robinson, seconded by Councilman Benson,

A RESOLUTION TO RESCIND RESOLUTION NO. 26583, ENCAPTIONED, "A RESOLUTION AUTHORIZING THE DEPARTMENT OF PARKS AND RECREATION TO ACCEPT A GRANT FROM THE LYNDHURST FOUNDATION THROUGH THE COMMUNITY FOUNDATION OF GREATER CHATTANOOGA IN THE AMOUNT OF FORTY THOUSAND DOLLARS (\$40,000.00) TO SUPPORT THE ADMINISTRATIVE COSTS OF THE PUBLIC ART PROGRAM"

was denied on roll call vote as follows:

Councilman McGary	"No"
Councilman Murphy	"No"
Councilwoman Scott	"Yes"
Councilwoman Robinson	"No"
Councilwoman Ladd	"No"
Councilman Benson	"No"
Councilman Gilbert	"No"
Chairman Rico	"No"

OVERTIME

Overtime for the week ending February 17, 2011, totaled \$8,096.65.

PERSONNEL

The following personnel matters were reported for the various departments:

PERSONNEL (CONT'D):

PUBLIC WORKS DEPARTMENT:

- **YURI KULAKEVICH**—Promotion to General Supervisor; R/12, \$31,021 annually, effective 2/11/11.
- **ROBERT R. BARTOL**—Hire as Equipment Operator 2, R/6, \$23,149 annually, effective 1/28/11.
- **CHARLES J. WHITLOCK**—Retirement of Crew Worker 1, effective 1/27/11.
- **ROBERT L. ALLEN, III**—Hire as Crew Supervisor 3, R/14, \$34,201 annually, effective 1/14/11.
- **TROY V. JONES**—Hire as Equipment Operator 2, R/6, \$23,149 annually, effective 1/14/11.
- **SHANNON R. LONG**—Hire as Equipment Operator 4, R/10, \$28,137 annually, effective 1/4/11.
- **TIM L. MILLER**—FML for Crew Worker 3, effective 2/10/11—5/5/11.
- **DARLENE DAVIS**—FML for Crew Worker 1, effective 2/1/11—4/26/11.
- **CLAYTON E. HARWOOD**—FML for Crew Supervisor 3, effective 2/1/11—4/26/11.
- **LEROY FITCH**—Promotion to Crew Supervisor 1, R/8, \$38,512.79 annually, effective 2/11/11.

PARKS AND RECREATION DEPARTMENT:

- **ROBBIN SPIVEY**—Return from FML of Crew Worker 1, effective 2/16/11.

PERSONNEL (CONT'D):

CHATTANOOGA FIRE DEPARTMENT:

- **JOEL BUSTOS**—Two Day Suspension without pay for Senior Firefighter, effective 2/14/11.
- **KENNETH HARDEN, HAROLD MANNING, MICHAEL MONTIETH, & DENNIS WITT**—Promotion to Captain, FD4A, \$49,132.00 annually, effective 2/11/11.
- **DAVID MCBURNETT, ANTHONY MOORE & CARLOS TIBBS**—Promotion to Staff Captain, FD4A, \$52,132.00 annually, effective 2/11/11.
- **ALFRED O'DELL**—Promotion to Captain, FD4A, \$54,330.28, effective 2/11/11.

CHATTANOOGA POLICE DEPARTMENT:

- **LUCRETIA PARKER**—Termination of Police Service Technician 2, effective 2/15/11.
- **SHEILA JETTON**—Leave without pay for Police Officer, effective 2/16/11—3/15/11.
- **PAM HICKMAN**—Leave without pay for Police Service Technician, effective 2/20/11—3/19/11.
- **TAMMY BOSTICK-MCCLINTOCK**—Return to Duty from FML of Police Service Technician, effective 2/14/11.

PERSONNEL (CONT'D)

FINANCE DEPARTMENT:

- **SHARON MORRIS**—Promotion to Assistant Treasurer, Range 22, \$51,533.00 annually, effective 2/25/11.
- **GREG ANDERSON**—Hire as Business Systems Analyst, Range 24, \$63,000.00 annually, effective 2/11/11.

PERSONNEL DEPARTMENT:

- **JULIE BROWN & GAIL SCHRODT**—Hire as Human Resources Generalists, Range 17, \$40,000.00 annually, effective 2/25/11.

PURCHASES

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

CHATTANOOGA POLICE DEPARTMENT:

MOTOROLA SOLUTIONS, INC. (Single Source Purchase)
Requisition 39435

Radios and Accessories

\$99,358.56

KNOWLEDGE COMPUTING CORP. (Single Source Purchase)
Requisition 39540

Annual software Maintenance & Support

\$31,875.00

PURCHASES (CONT'D)

PUBLIC WORKS DEPARTMENT:

HUDSON MATERIALS CO. (Best Bid meeting specs.)
Requisition 38456

Blanket Contract for emulsified Asphalt

\$45,000 annually (estimated)

DER-KEL, LLC (Best Bid meeting specs.)
Requisition 38015/300820

Blanket Contract for Cooling Tower & Hot Water Systems Maintenance

\$10,000 annually (approximately)

ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE (ESRI) (Sole Source
Purchase)
Requisition 39429

Software Licenses for Engineering & Water Quality Programs

\$69,615.00

INFORMATION SERVICES:

DLT SOLUTIONS (Contract Agreement with State)
Requisition 38210

Blanket Contract for Oracle/ERP Software Update License & Support

\$118,342.07

COS BUSINESS PRODUCTS (Only complete bid meeting specs.)
Requisition 36301

Office furniture

\$24,116.50

PURCHASES (CONT'D)

PARKS AND RECREATION DEPT.:

ADS SECURITY (Lowest and best bid meeting specs.) **Requisition 36973**

Blanket Contract for Alarm, Monitoring, Repairs, Maintenance and Supplies

\$10,000 annually (approximately)

CITY ATTORNEY

City Attorney Michael McMahan asked for approval from the Council for a proposed settlement for an accident that happened in March of the past year. A Police Officer struck the vehicle of Rosetta Crutcher resulting in medical bills of \$28,035. He noted that this was unusual because a lawsuit had not been filed, and we were fortunate to have a settlement offer of \$60,000. **On motion of Councilwoman Robinson, seconded by Councilman Murphy, authorization was given to proceed with the settlement.**

HEARING: MICHAEL DOUGLAS

A hearing date of March 28th at 4:00 P.M. had been suggested. The panel consisted of Councilmen Murphy, Gilbert and Scott. Because of an ancillary issue, Councilman Murphy had to step off this panel. In trying to determine an alternate in his place, Councilman Benson asked if he was eligible to serve. He was told "no" because Jack Benson, Jr. is representing Mr. Douglas. Councilman McGary agreed to be on the panel, and the time was changed to **4:15 P.M.**

COUNCILWOMAN SCOTT

Councilwoman Scott sought suggestions as to how to solve a particular problem. She stated that the wrong districts were attached to several agenda items; that whomever was attaching the district numbers must be looking at the Hamilton County GIS site. She noted that the issues involving surplus property on 7th Ave. and Montview Drive both stated that they were in District 1, which was her district, and they are not in her district. She questioned what data base was being used, as in regards to deeds this is wrong. She wanted to know how this could be solved.

COUNCILWOMAN SCOTT (CONT'D)

Attorney McMahan stated that they got their information for the agenda from the Planning Commission Staff and the Public Works Staff—that they told them what district to use; that this seemed to be a persistent problem.

Councilwoman Scott stated that the Assessor's Office has these listed, and they are consistently wrong for District 1.

Attorney McMahan responded that he would look into the matter with Steve Leach.

COUNCILMAN MCGARY/ SPRINKLER ISSUE

Councilman McGary noted that we have deferred the Sprinkler Issue for two months; that he thought as a matter of developing honesty, fairness, and goodwill, we were deferring this because of a financial hardship. He suggested that the Council sincerely consider a financial initiative and “put our money where our mouth is”; that we had two months to think through this issue.

Councilman Murphy stated that he brought this idea up when the matter was first debated; that the investment of sprinklers did nothing for their property value—that it is all about public safety; that this was the only incident in history where we were asking for a systematic retrofit; that this was brand new territory. He reiterated that it was for public safety and did not improve their property values. He commended Councilman McGary for bringing this up, stating that it was easy for government to dictate when it is someone else's money.

Councilman Benson stated that this was a great idea; that we often take peoples' property value away and pay them so much for it, taking note of a \$100,000 sprinkler system, adding that the Palms would not make it. He asked what the possibilities of a tax abatement would be for those having to retrofit?

Councilwoman Scott asked Fire Marshall Whitmire to come to the podium. Upon his arrival, she asked him to name the locations from memory that would be affected by this. He responded that he could not name all of them but a few that came to mind were the Comedy Catch, Bud's on Brainerd Rd., and the Skating Rink at the Choo Choo. He stated that he did not have a list with him

SPRINKLER ISSUE (CONT'D)

Chairman Rico asked if this discussion could not be continued in a committee meeting?

Councilwoman Scott reminded him that she had the floor. She asked if some on the Council were saying that taxpayers could finance the sprinklers in the nightclubs? She said if this was the case, it was very poor judgement.

Councilman Gilbert stated that since this had been brought up, that we have PILOTS for large corporations; that small businesses should have the same opportunities—that if we give to the big companies, we should give to the small companies as well.

Councilman McGary asked what the economic impact would be if we instituted such an Ordinance; that tax abatement could be examined in committee.

Councilman Benson addressed Councilwoman Scott, stating that if we put them out of business, we will lose a lot of money.

Councilwoman Scott stated that she had heard earlier today that some businesses are selling \$20 million dollars in alcohol sales—that we are not talking about a destitute thing or someone running a charitable agency—that it did not seem like that to her; that she just did not see this—that she did not “get it”—that it was safety guidelines.

COMMITTEES

Councilman Gilbert scheduled a meeting of the **Parks and Recreation Committee to immediately follow** the Health, Human Services and Housing Opportunities Committee on **Tuesday, March 8th** for a Friends of the Zoo review.

Councilwoman Ladd reminded everyone of the **Public Works Committee that will meet on Tuesday, March 1st immediately following** the Budget, Finance and Personnel Committee.

Councilman Murphy noted that a **Legal and Legislative Committee was scheduled for Tuesday, March 1st to immediately follow** the Public Works Committee; that there was the possibility that this meeting would not happen.

COMMITTEES (CONT'D)

Councilwoman Scott scheduled a meeting of the **Economic Development Committee on Tuesday, March 8th to immediately follow the Parks and Recreation Committee meeting.** She stated that PILOTS would be discussed, as well as funding sprinklers for nightclubs on taxpayers' dollars.

At this point, Attorney McMahan read the rules of procedure for those wishing to address the Council.

JAMES FOLKNER

Mr. Folkner gave his address as Mountain Creek Rd. He first stated that he was glad the Council was deferring the sprinkler issue that could cost citizens \$100,000. He then stated that his reason for speaking was that he did not get a chance to talk about the Gas Company Franchise renewal, and there was no discussion about this; that this has critical implications and asked if fees are passed on to citizens of the city? Attorney McMahan responded "yes", they are passed to ratepayers.

Councilman Murphy explained to Mr. Folkner that there was a Public Hearing earlier in the meeting, and he could have been recognized at that point.

Mr. Folkner responded that in all fairness, this was gaveled down quickly; that he was the only one wishing to talk about this; however 45% of people are worried about utilities. He went on to say that he was not saying this was a bad decision but just that more time should have been spent dealing with this so that it would not wind up like the Water Company. He stated that we were all in this together, and it was disturbing to him that a lot of people were not here to talk about gas fees.

Councilwoman Scott explained that there had been a lot of discussion about this; that it had been covered with a multitude of people taking part in the negotiation of the contract; that the City had to have some way of accommodating the expenses, like street cuts; that the franchise fee recoups some of these costs; that something is added to the gas bill, but it would be billed to the taxpayer if the City had to make the repairs; that the City of Chattanooga has to control the losses we incur, and this is one way to do that—that nothing is free—that gas costs, but we can't give away repair service.

Mr. Folkner stated that he thought if we did a road cut that we fixed it ourselves.

JAMES FOLKNER (CONT'D)

Chairman Rico stated that Mr. Folkner needed to talk to Steve Leach about this.

Again, Mr. Folkner emphasized that he was not saying this was a bad decision, but he really wished there had been more public input; that not many people had read about this, and people could accept it better if it had been discussed.

Councilwoman Scott noted that we had a Public Hearing today, and this had been on the schedule for two weeks; that this fee of 3.15% is a lower fee than that of Cleveland and Knoxville; that if we look and relate it to other places, it seems like a fair exchange.

CLARENCE WILLIAMS

Mr. Clarence Williams with the Neighborhood Association in District 9 was present. He stated that his concern was the abandonment of an alleyway where you can't go through at Menlo and McDowell; that there had been a lot of break-ins and the stealing of televisions. He stated that his question was "is this in the Public Works Department's arena or the Council's arena?"

Councilman Murphy stated that both he and Mr. Williams knew each other, and he could call him by his name. He acknowledged that there had been dumping that had been reported to him, and he, in turn, passed this on to Public Works; that they don't have cameras, and it is hard to know who is doing the dumping; that the best thing they could do as a neighborhood was to keep it as clean as possible; that he, personally, would participate in a clean-up and asked that Mr. Williams give him a call, and he would be there in his "jeans and sweatshirt".

Mr. Williams asked if someone wanted to extend their property into the alleyway, would a tax be added on? Councilman Murphy explained that it would be from the center line of the alley, and there would be an adjustment in taxes, but it would not be much at all; that the best outcome might be to close the alley—that this could be a viable solution—that the tax bill would be little.

Mr. Williams mentioned that the community of Ridgeside brings their debris over to the city side, and the City has to clean it up. He urged to let them clean up their own mess.

Councilman Murphy stated that he did not agree and asked Mr. Williams to please call 311 when he sees this.

CLARENCE WILLIAMS (CONT'D)

Councilman Benson assured Mr. Williams that this was happening everywhere at the city taxpayers' expense.

ADAIR DARLAND

Ms. Darland stated that she lived at 959 Gateway Ave., and that she had been selected by her neighbors to act as the chairwoman for the Dogwood Manor Election Committee; that Dogwood Manor is in Chattanooga's Westside, and they were faced with many challenges; that the residents had to be 55 years or older, which made going three miles to get groceries particularly difficult. She stated that they were working hard to organize into a Resident Council, which would allow them to create a safe, inclusive space for residents to share their difficulties with one another and provide a way for them to speak as a unified voice as they proposed solutions.

As the Chairwoman of the Dogwood Election Committee, she asked to introduce the residents who have stepped forward to run as candidates in the upcoming election. She stated that running for President was Kenny Wilson and Roxann Larson; for the Office of Vice President there was Pat Howard and Lebron Leek; for Secretary there is Melody Maloy; for Treasurer there is Fred Brown and Barbara Clark; and for the Office of Parliamentarian, John Claridy and Johnathan Sutton.

Lastly, Ms. Darland stated that the election would be taking place from 7:00 a.m. to 7:00 p.m. on Thursday, March 17th, and they would like to invite everyone on the City Council to come out that night and celebrate democracy with them as the votes are tallied and the officers announced. She thanked the Council for their time.

Councilman McGary commended them for organizing themselves and serving as leaders; that this was very commendable and showed that they were here to stay and admonished "that God be with you".

CAMILLE MARTIN

Ms. Martin was present to express her concerns about EPB. She stated that her last month's bill was \$700, and the previous one was \$300—that it had gone up over twice as much in one month. She asked the Council what they could do

CAMILLE MARTIN (CONT'D)

about this? She noted that she had to pay over \$1,000 this month and again asked what the Council could do about this?

Chairman Rico noted that these were the coldest months we have had for this long a period, stating that was what he was being told by the Electric Power Board.

Councilwoman Scott suggested that Ms. Martin contact the customer service representative, Diana Bullock; that she might be able to help Ms. Martin get in touch with the right people to get an explanation and work out a payment plan. She acknowledged that there could be a mistake and that she would get Ms. Bullock's number for her. She explained that the City didn't control the rates at EPB, and she would try to get Ms. Bullock's number so that Ms. Martin could call her.

Ms. Martin indicated that she had talked to EPB, and they had told her that there was nothing wrong with her meter. She stated that she even heated with wood, which should lessen her electric bill.

Councilwoman Scott stated that she would get her the telephone number after the meeting.

Councilwoman Robinson mentioned an Energy Audit that could be done on a dwelling to show what the problems might be.

APRIL EIDISON

Ms. Edison stated that she resided on Englewood Ave. She stated that Councilwoman Ladd had referred to herself as an "idiot", but she was never an "idiot"; that she was listening to her constituents, and they were speaking loud; that we need to take care of essential services first and then cover the non-essentials; that Councilwoman Ladd was representing her constituents well.

Councilwoman Ladd stated that she was making fun of herself but that she did hear Ms. Edison.

Ms. Edison continued, stating that she had listened to this meeting and was concerned about the Council's priorities; that they needed to prevent extravagant spending. She acknowledged that the Arts add to a good quality of life, but we have police having to park their cars, and some of the

APRIL EIDISON (CONT'D)

councilmembers are not representing their constituents; that the essential services are picking up garbage and the essentials to health and well being; that we are taking money from people who can barely pay for their groceries, and these are the ones that are being asked to fund Art; that \$380,000 had been spent on Art and government should be about essential services first.

Councilman McGary suggested to Ms. Eidison that many of the Council have a wide variety of people that they represent; that there are artists downtown, who might not feel this is extravagant, as they are buying homes, buying food, and purchasing cars; that they pay for public art—that we all pay for it; that we have paid for Volkswagen coming with all of their benefits; that put very simply, “to make a broad brush statement might not be true”.

Ms. Eidison asked to be able to rebut to Councilman McGary’s remarks; however she was told that she and Councilman McGary could continue the conversation after the meeting.

ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga City Council until Tuesday, March 1, 2011, 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)**