

City Council Building
Chattanooga, Tennessee
October 6, 2009
6:00 p.m.

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

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, City Attorney McMahan gave invocation.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: MAYOR LITTLEFIELD

Mayor Littlefield stated last week at their regular meeting, the Hamilton County Board of Commissioners adopted a resolution referencing the City Council and the resolution entitled "A Resolution Evidencing Hamilton County's Disapproval with the City of Chattanooga's Action to Annex Certain Areas within Hamilton County" was numbered as 1009-21. He stated on the Council's agenda tonight is a resolution that refers to that and is entitled "***A Resolution respectfully requesting that the Hamilton County Board of Commissioners take action to equitably fund services for unincorporated areas of the county through local implementation of existing Tennessee State Law***". He asked that the matter by Council action be brought to the head of the agenda so it can be addressed and discussed.

On motion of Councilwoman Robinson, seconded by Councilman McGary, resolution 7(d) was moved forward on the agenda.

SPECIAL PRESENTATION: MAYOR LITTLEFIELD
(Continued)

Mayor Littlefield stated that the resolution addresses one of the principle issues that leads to annexation, putting aside for a moment the fact we are following a growth boundary plan and a plan for annexation for orderly annexation adopted and agreed to by all parties including the city of Chattanooga and Hamilton County and the other municipalities several years ago when we scrupulously followed the items that were set forth in that plan for how we should proceed. He stated the resolution tonight addresses the issue of tax equity. At this time he read the body of the resolution in its entirety which is spread upon the minutes:

WHEREAS, The Hamilton County Board of Commissioners has adopted Resolution Number 1009-21 expressing disapproval with the City of Chattanooga's actions to annex certain areas within Hamilton County; and

WHEREAS, The text of the resolution states, in part, "that said annexation would not provide those communities with any substantial services and benefits that are presently unavailable to them", and

WHEREAS, Provision of adequate services and the equitable sharing of financial responsibility is a critical issue to be considered in providing for the growth and development of the entire Chattanooga area including those areas proposed for annexation and other areas within municipal growth boundaries in Hamilton County, and

WHEREAS, Among other measures, Tennessee State Law, T.C.A. §§ 5-17-101, et seq., specifically authorizes the county legislative body to provide for the equitable funding of fire services through the establishment of one or more fire tax districts and the levying of an annual fire tax on those properties in unincorporated portions of the county.

NOW, THEREFORE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, That the City Council does hereby respectfully request that the Hamilton County Board of Commissioners take long-overdue action to begin to equitably fund services for unincorporated areas of the County through local implementation of existing provisions of Tennessee State Law.

Chairman Benson asked if the Mayor is saying overdue action is that they establish a local district tax for the fire halls rather than double taxing the city and volunteer fire halls.

Mayor Littlefield stated that is putting it in very simple, adequate and appropriate language.

Chairman Benson added "and volunteer fire halls".

SPECIAL PRESENTATION: MAYOR LITTLEFIELD
(Continued)

Mayor Littlefield responded "right"; that volunteer fire halls are funded by a number of sources. He stated many people think they are funded entirely by contributions from members; that he knows from recent conversations with officials of volunteer fire services that most people do not pay those annual dues they are to pay. He stated there is nothing that requires them to do it and sometimes if there is a fire and they are billed for services there are other ways of handling it. He stated the most important thing is that the county has not seen fit to utilize this section of state law which would eliminate the fact that those of us who live in this city and other cities in the county are helping to underwrite those services they talk about that are "all they need" because it is paid for largely by people who are in municipalities paying for all of their fire service and more than sixty percent depending upon whether you look at population, tax base or whatever for those areas outside of municipalities. He stated we are simply taking the opportunity since the county decided to take issue with our actions following the plan we all agreed to, to ask them respectfully to consider this part of state law which has been in place for a long, long time; that we have had these discussion for a long, long time and instead of criticizing our actions take actions themselves to eliminate one of the reasons for annexation, which is double taxation.

Chairman Benson asked if that is another reason for metro.

Mayor Littlefield stated Councilman Benson used the inflammatory word! He stated it is another reason for consolidation or merging or unification or other measures to bring all this community together.

Councilman Murphy expressed thanks to the Mayor for bringing this section of Tennessee State Law that is being unused by our County Commissioners to the Council's attention. He stated in addition to the fire hall construction it is his belief Chief Parker could tell us that fire equipment, fire trucks are exorbitantly expensive; that most trucks start at a quarter of a million and for far, far higher. He asked if they are getting city municipal tax dollars paying for their equipment, also.

Mayor Littlefield stated that he could tell what his experience has been; that some years ago they bought ten fire trucks and he rode one of the "tongue in cheek" ladders and told them he was waiting on the steps of City Hall for five-or-six trucks to be delivered and they never came.

SPECIAL PRESENTATION: MAYOR LITTLEFIELD
(Continued)

Chief Parker stated Steve Leach was at the County Commission meeting a few weeks ago and they partially funded the purchase; that it is his thought they matched a grant on a purchase for the Sequoyah Volunteer Fire Department, so they do fund it somewhat.

Councilman Murphy stated his point is those are exorbitantly expensive pieces of equipment.

Chief Parker stated they are roughly \$300,000 for a pumper and up to \$500,000 to \$600,000 for a Quint.

Mayor Littlefield stated at the Planning Commission when they were passing the plan of services, he was sitting next to an individual who is on the other side of the annexation issue and he remarked to him (Mayor) he was an official of the Highway 58 Fire Department who said he really wished the county would enact those tax districts so that we all could have some reliable means of finance. He stated there is something to be said about our having fire departments out there in the rural areas that are well financed and well equipped and well supported and they can not do it on a \$100 a year -- or whatever it is -- average contribution that people are expected to make and two thirds of the people do not make it. He stated it is understandable why the county would be underwriting them, but if they at least enacted this existing law and required everybody to pay their subscription nothing more than that it would substantially improve the lot of volunteer fire departments; that it is his belief they would appreciate it and he would appreciate it.

Councilwoman Scott stated it is interesting the Mayor would bring this up; that it is her thought with the idea of annexation a lot of people, not only the people in the unincorporated areas, are thinking about what they have versus what they need; that she has received several calls over the last few weeks of city residents asking why are they funding through their county taxes fire hall construction in the unincorporated areas as well as the city at the same time when that really does not service them. She stated they are asking her how can she justify that; that quite frankly if general funds from the county are used to construct and equip fire halls she has not had a good answer for that. She stated this is an interesting way of perhaps looking at some equity at least with regard to fire.

SPECIAL PRESENTATION: MAYOR LITTLEFIELD
(Continued)

Councilwoman Robinson stated as she listens to the resolution the Mayor has brought to the Council and it becomes clear the reason people from the unincorporated areas have told us again and again “they do not need our fire services, that they have their own services”, when in fact city taxpayers are paying to build those fire halls and buy that equipment.

Mayor Littlefield replied “and not just Chattanooga” as there is Red Bank and East Ridge and the other municipals that are as shortchanged as we are in the process; that they do not get any help either.

Councilwoman Robinson guessed that would include East Ridge, Red Bank and asked what the others are ...

Mayor Littlefield continued the list by including Lookout Mountain, Signal Mountain, Soddy Daisy and any municipality with its own fire department. He stated as far as he has been able to determine it has been left out of the largest of the county.

Councilwoman Robinson stated she would just follow up by saying that we certainly all have received a lot of phone calls and e-mails, and it is her thought that message is starting to resonate with voters as they realize those of us that live in the city have always taken for granted that we pay our taxes and pay our Hamilton County taxes, of course, and we do not question that. She stated a lot of people who live in the city now are starting to understand why they are being shortchanged and why annexation is going to be necessary. She stated the thing that is interesting when looking at the growth boundaries is if we do not annex, the other municipalities that have their own growth boundaries are beginning their own annexations even as we speak; that Collegedale is ready.

Mayor Littlefield stated we have a case tonight that is related to a case last week that did not pass where we have to get out of the way of Collegedale so they can complete their annexation within their growth boundary so that a major development that they have waiting for that action can proceed and we want to do that, we do not want to get in their way. He stated there is a lot of coordination between the municipalities here; that we work closely with East Ridge and Red Bank because they are our internal cities and part of our landscape.

SPECIAL PRESENTATION: MAYOR LITTLEFIELD
(Continued)

Mayor Littlefield stated that he personally does not wish any ill will to the volunteer fire departments and would love to see them well funded, love to see them have a reliable source of income so they can budget, equip themselves and train people and, when it is necessary, to have a 24 hour per day, seven day a week manned operation they would be able to finance without having that to be financed "on the back" of city tax payers and other services that is outside the city that we should not have to support, when state law clearly gives them ability to do it in another fashion.

Chairman Benson stated as a point of information it does not mandate that they do it.

Mayor Littlefield stated it actually gives two ways to pay for such things and the fire district is one and the other is the sharing of revenue, but it specifies that the shared revenue should be shared with the municipalities, as well. He stated it should be the way, as he reads the law, as it clearly intends if it is general revenue then that general revenue should be shared with the municipalities on an equal basis; that in other words if they buy ten fire trucks, then those trucks should be shared with the municipalities.

Chairman Benson asked if the Mayor is saying in order to avoid the city, the people paying county taxes to pay for a volunteer fire hall out there can set up a fire tax district. He stated that means, the way he reads it, if they want to put one on Ooltewah-Georgetown Road they would draw a district around it and set a certain assessment per citizen out there or throughout the county.

Mayor Littlefield stated it would be throughout the area they serve, because different areas might have different levels of service, they do already. He stated the amount of money that people pay to be served by that fire department should be proportional but confined within the area receiving that service. He stated it does not mean we can not have agreements between fire departments as we have an agreement with Tri-Communities Fire Department and they have a number of ways that they are financed by private donations of companies, noting it is his belief McKee gives them some funds and so forth. He stated all he is saying is that for those areas that are being affected by our annexation, then the county clearly has a way to resolve this issue of double taxation as it relates to fire services.

SPECIAL PRESENTATION: MAYOR LITTLEFIELD
(Continued)

Councilman McGary stated he wanted to state for the record that it is his thought the county's actions of issuing a condemnation against the city of Chattanooga for moving forward with annexation without indicating some of the financial and tax inequities that exist is personally deplorable. He stated it is his belief the more we continue to make this a city versus county dialogue the more we will continue to only see this very shortsightedly and very narrow-mindedly. He stated we are all -- and repeated, we are all -- citizens of the county whether you live within the incorporated limits or outside -- we are all county residents and, therefore, it is his belief the more we are able to see ourselves as such the more we will be able to think as a unit and not one versus the other. He stated this act being initiated is in no way retaliation and in no way "tit for tat", but is certainly seeking to place to the forefront the financial issue that is driving the actions that we as a city have to take.

Councilwoman Robinson added, to follow up on what Councilman McGary said our responsibility as elected officials representing the city of Chattanooga is to represent our citizens within the city and preserve and protect and be good stewards of their tax dollars. She stated we are all finding ourselves without exception; that every person sitting at this table are representing people who are being taxed twice when there are a lot of people in Hamilton County who only pay once and it is her thought that is what is becoming clearer and clearer as we go forward. She stated it has been brought to us by the people who live in the unincorporated areas because they continue to tell us again and again "we do not need you, we already have what we need", and we have come to realize it is because our tax payers are providing it!

Chairman Benson stated our annexation has to go through, we can not stop and say let's look at metro government and get a study. He inquired as to the time pressures for annexation or metropolitan government.

Mayor Littlefield stated metropolitan government can be discussed toward the end of tonight's agenda; that we should go ahead and proceed with the items before us tonight. He stated there are issues as discussed having to do with next year's Census that we need to at least get to a stopping point; that he would be glad to propose an alternate plan to the Council and with this resolution to again respectfully request that the county sit down with us and join with us in talking about unification or whatever they wish to call it. He stated there are certain areas that need to be addressed and most of those areas are before the Council tonight.

SPECIAL PRESENTATION: MAYOR LITTLEFIELD
(Continued)

On motion of Councilman Murphy, seconded by Councilman McGary,
**A RESOLUTION RESPECTFULLY REQUESTING THAT THE HAMILTON
COUNTY BOARD OF COMMISSIONERS TAKE ACTION TO EQUITABLY
FUND SERVICES FOR UNINCORPORATED AREAS OF THE COUNTY
THROUGH LOCAL IMPLEMENTATION OF EXISTING TENNESSEE STATE
LAW**
was adopted.

AMEND CITY CODE

City Attorney McMahan stated the Statute requires a public hearing on this issue.

Ray Childers, President of the Chattanooga Manufacturers Association came forward and read a prepared statement, which has been spread upon the minutes:

The Chattanooga Manufacturers Association (“CMA”) appreciates the efforts undertaken by the City of Chattanooga over the past 16 years to meet the requirements of the U.S. Environmental Protection Agency (“EPA”) with respect to stormwater runoff and pollution control, and the CMA supports the proposed change in the rate structure through the use of measurements of impervious surface area, which is more equitable than the current “intensity of use” rate structure. The CMA further appreciates the fact that the fees imposed for the City’s Stormwater Program (now known as the Water Quality Program) have not increased for many years.

Although it is understandable and, perhaps, inevitable that the fees must be increased to comply with additional EPA requirements, CMA believes that the extraordinary increase currently sought is not justified and must be moderated. The proposed increase to \$9.60 per Equivalent Residential Unit (“ERU”) – which will rise another 42% to \$13.60 per EDU in the fifth year via automatic fee increases under the current proposal -- is three to four times what property owners are now paying, and it will result in thousands of dollars in increased annual payments by CMA members and other property owners in the City. This will likely lead to job losses and further economic difficulties in an already challenging business climate.

AMEND CITY CODE (Continued)

Specifically, the CMA believes that the water quality fee should be set no higher than \$6.00 per EDU. This is the amount that the City's personnel have stated is needed to comply with EPA requirements. Any amount above \$6.00 per EDU is revenue that the Water Quality Program would like to have but does not need. In the current economy, the City should lead by example, and the CMA would applaud efforts by the City, and specifically the City's Water Quality Program, to cut costs, raise efficiency, and become a "lean" operation. Indeed, the CMA regularly runs workshops and provides guidance to its members on lean management and business operations, and the CMA would be pleased to assist the City in such an endeavor.

In addition to capping the water quality fee at \$6.00 per EDU, the CMA believes that no automatic annual fee increase should be built into the system. Rather, any future proposed fee increases should be required to be appropriately justified and approved in accordance with the procedures being undertaken today. This mechanism allows for the input and participation of the affected property owners, and it requires the Water Quality Program personnel to keep close track of its own activities, expenses, and cost projections.

The CMA further proposes that the fee credit system should be revised to allow a greater than 50% reduction for facilities with enhanced quantity and quality control measures. An 80% or even 90% reduction should be offered to businesses that install equipment and detention facilities to treat and control stormwater runoff. More significant credits will lead to more significant pollution control by property owners.

Again, the CMA appreciates the work of the City's Water Quality Program, but we believe that the program must be run more like a business – it must be accountable, efficient, and as lean as possible.

Councilwoman Scott stated the City Council has undergone a lot of education from public works with regard to what the requirements are federally and what kinds of obligations we have to meet the requirements that have been placed upon us and what kinds of things we have done in the past and the areas we need to improve on in order to avoid stringent fines. She stated with those responsibilities and with the idea of passing a fee to gather money to address those issues, it is her thought there is also a responsibility that public works and the people that will be administering the water quality issue have for laying out what the plan is and laying out what the policy is and describing the organizational structure and how it will function. She requested that the individuals within the city that have the responsibility to monitor this and oversee it give a presentation to the City Council with all the policies and procedures that are inherent in that program in a very quick timeframe, and asked if that is possible within the next three-to-four weeks.

AMEND CITY CODE (Continued)

Bill Payne, City Engineer, responded "yes, it would"; that in order to get to the point we are with this great conversion and the proposed rate increase there are organizational charts that do establish additional crews and staffing necessary to carry out the new regulations, as well as comply with the existing ones we currently have under federal and state law.

Councilwoman Scott continued by asking that it be explained on a very basic level that her mother and any one else's mother can understand what this will do and what this will not do.

Mr. Payne stated they can be prepared to do that within the next few weeks, "yes".

Chairman Benson stated he has been informed the tax bills are ready to go out tomorrow and we have to vote this up or down in order to get the tax bills out tomorrow. He stated it does not mean if we approve it that we can not amend it for the next year or the next year because it is his belief this motion includes multiple years.

City Attorney McMahan responded "no"; that at the insistence of his office they did not think it would be lawful for this body to pass a multi-year fee; that this is only through this one year, it is passed for one time; that it can be changed next year. He stated that he knows the department would request it be increased next year as they have a five year plan, but the one the Council is voting on tonight, 31-354 says "... the fee shall be \$115.20 per ERU as of the adoption of this ordinance" and does not say anything about next year.

Councilman Murphy addressed Mr. Childers by stating as discussed in Committee part of his statement is that he is troubled we could have a commercial user that did an exceptional job of storage and treatment of their storm water and, yet, the credits top out at 50 percent. He stated that troubled him, too, and addressed Mr. Payne by stating the public understands what other things have to be done as a result of the EPA and Tennessee State Environmental restrictions on us for storm water, and even if a property owner were to successfully detain and treat all of their runoff from impervious service for once or twice a year there are deluges that would overwhelm any system. He asked what are the types of things that have to be done anyway and what percentage of these requested funds would that be.

AMEND CITY CODE (Continued)

Mr. Payne stated the best way to address that is Mr. Childers referenced a \$6 per month value and that is the anticipated cost to meet all of the regulatory requirements which is 62.5 percent of the total fee. He stated that portion of the fee and this is really where you have to look at what is detained and the examples Mr. Childers used as there are other examples; that any type of detention requirement currently, whether commercial or industrial, are required to perform certain maintenance practices. He stated the credit program allows them to get a reduction for doing the things they are required to do; however, whether it is industrial inspections or detention pond inspections meeting the standard required for the credit improves water quality but does not eliminate the city's need to do that inspection. He stated the Code of Federal Register at the federal level requires that the city of Chattanooga have a program to inspect and implement enforcement on detention ponds and we are required to have a program to review the plans for those new units. He stated the fact that the people that construct those ponds do the proper maintenance and are able to get a credit back from us for doing the things that are necessary does not eliminate our requirement to have a plans reviewer and our requirements to go out and do those detention pond inspections and there are many other samplings, industrial inspections, field screening and other things we are required to go to certain locations to perform certain monitoring on a regular recurring basis that are necessary and that, essentially, is about 60 percent of the program. He stated currently the proposed credit system of 50 percent is not exactly on par with that, but very close and considered to be equitable in this case.

Councilman Murphy stated he wanted to be sure there is an educational requirement that has been proposed by federal law, as well.

Mr. Payne responded "that is correct"; that he does not recall the exact number of requirements in the Federal Register; that there are 131 requirements in the city's permit and that permit is issued pursuant to the Clean Water Act at the federal level and the Tennessee Water Quality Control Act.

Councilman Murphy stated Mr. Payne ran through quite a "ticker list" of some of the things that are probably some of the more expensive ongoing things like stream sampling, flow rate measurements and things like that, so those are costs that we all bear as tax payers and/or residents of this area regardless of whether we are able to convert every drop of water that falls on our roof.

Mr. Payne stated "that is correct".

AMEND CITY CODE (Continued)

Councilwoman Scott stated it was suggested that perhaps through these mediation efforts that businesses might be able to lessen their cost and Mr. Childers suggested he would like to see that go down to perhaps 90 percent if that can be done. She asked what effect would that have on the overall need for funding with regard to residents; how would that affect them if most companies could mediate 90 percent of their storm water runoff – what effect or what would have to be taken with regard to residents.

Mr. Payne stated if we were to look at this through a purely regulatory standpoint, because our regulatory needs will not change, it will ultimately result in having to reassess the water quality fees on a regular basis to offset those credits. He stated we would have to effectively raise the rates for other users that are either not able to or are only getting partial credits; that the underlying base rate would have to be increased and there are certain property types that are not eligible under the credit system as it is proposed. He stated only properties that are charged three or more equivalent residential units are able to apply for and receive a credit, so single family and two-family properties that are only charged one equivalent residential unit is something that would have to be factored in if we were to offer a larger credit and we would have to make sure those funds are still available to perform the mandated requirement.

Councilwoman Scott stated “so residents would pay more”. Mr. Payne responded “that is one impact”.

Councilwoman Ladd stated she has two questions: (1) is there not also in this ordinance an opportunity for credit for elderly and those that have disabilities so there is some credit consideration for some residents.

Mr. Payne responded “yes” that is in the existing ordinance and currently applies. He deferred to the City Attorney on the exact wording as “senior and disabled home owners” who currently get an abatement on their property taxes and will also get an abatement on this water quality fee, as well.

Councilwoman Ladd stated her second question is what are the consequences if we do not vote in a fee increase and we are not able to meet the federal requirements we have been given that we are going to have to spend the money to bring about; what happens to the city of Chattanooga and residents we serve.

AMEND CITY CODE (Continued)

Mr. Payne stated basically our existing program is funded from multiple sources and we are currently under a notice of violation from the state of Tennessee and also under a consent order; that the most recent joint inspection by the state and EPA can still consider our program as not in compliance and they have indicated they intend to enter into negotiations with the city over the coming year to enter into a new consent order if we do not put a good faith effort forward. He stated at this point it is their belief that will not be favorable for us in those negotiations over the coming year.

City Attorney McMahan responded further and stated basically what happens is if you do not follow the law you get taken to Federal court and the judge tells you what to do. He stated the federal judge decides what the city needs to do and how much money they need to raise taxes to pay for it; that you try to maintain these things under your own control.

Chairman Benson asked if Knoxville and Birmingham have been fined.

Mr. Payne stated it is actually the Knoxville Utilities Board that is responsible for their sewer system which has had problems and other communities like Birmingham and Atlanta are also under consent orders.

Councilwoman Ladd directed her comment to the City Attorney and stated the charges and court costs would be extremely expensive to the taxpayers of this city.

City Attorney McMahan stated that it is always better off in an environmental situation to try to manage your own program in a good and efficient manner within the bounds of law so you do not end up paying court fines and having some judge make decisions for you that you can better make for yourselves.

Councilman McGary stated that he wanted to make clear, in case it has been missed, that this ordinance before the Council tonight has not been initiated by the city of Chattanooga or by the department of public works or any person that works for the city; this ordinance has come upon us by increased regulations by the federal government. He noted as it has been stated tonight either we comply or we don't and those are the only two options; that if we choose not to we risk a higher fee than what we are currently initiating. He stated let it be said each on the Council are voting and if, indeed, we vote in favor we are voting to increase our own water rate, so we are not imposing anything on anyone that we are not also being affected by.

AMEND CITY CODE (Continued)

Councilman McGary stated it is in that same vein that he would say the department of public works is also taking great consideration to make sure they are being as equitable as possible and for that very reason they are also initiating a raise that will affect them, as well. He made the **motion to approve**.

Chairman Benson stated this is a non-funded mandate; that there are no funds from the federal government or EPA.

On motion of Councilman McGary, seconded by Councilwoman Rico,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, ARTICLE VIII, SECTIONS 31-302, 31-352, 31-354, 31-356 AND 31-357, TO ADD DEFINITIONS, REVISE THE WATER QUALITY FEE (FORMERLY KNOWN AS STORM WATER USER'S FEE) RATE STRUCTURE, AND PROVIDE A SCHEDULE OF CHARGES FOR THE FUNDING OF THE OPERATION, MAINTENANCE, AND IMPROVEMENT OF THE STORM WATER SYSTEM WITHIN THE CITY LIMITS

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

REZONING

2009-090: Gurdeep K. Madan, Broker

Councilman Gilbert stated that he would like to bring forward more people to discuss this as the community leaders are for this. He stated there was a little confusion last week and there were areas for two different things and some people stood up that were not really for or against this. He asked that the persons come forward now to speak on behalf of the community and any one else who would like to speak.

Chairman Benson stated this is final reading and a few more restrictions would be placed on the time by making it a minute statement.

Isabella Lane of 3008 Pope Drive stated that she lives in District 9 and is President of the Foxwood Heights Association and a member of the North Brainerd Council that includes nine neighborhoods east of Missionary Ridge on the north side. She stated they voted and recommended ten conditions to the property before accepting it and is present in support the proposed business at 3467 Wilcox Boulevard.

Chairman Benson asked those in support to raise their hands and a few persons in the audience did so.

REZONING (Continued)

On motion of Councilman Gilbert, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 3467 WILCOX BOULEARD, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-5 NEIGHBORHOOD COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed second and final reading and was signed in open meeting; on roll call vote:

SCOTT	"Yes"
ROBINSON	"No"
LADD	"Yes"
GILBERT	"Yes"
RICO	"No"
MCGARY	"No"
MURPHY	"Yes"
BENSON	"Yes"

ANNEXATION AND PLAN OF SERVICES: AREA 8A

On motion of Councilman McGary, seconded by Councilman Rico,
AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF CHATTANOOGA KNOWN AS AREA 8A, BEING CERTAIN PARCELS ADJACENT TO INTERSTATE 75 AND HUNTER ROAD WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMITON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

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

ANNEXATION AND PLAN OF SERVICES: AREA 8B

City Attorney McMahan stated that this is a single parcel and asked if the owner or anyone is present from area 8B.

Phil Noblett stated the map shows area 8B as a single parcel that is Armstrong Relocation, which is a large warehouse right now and the only involvement and is directly adjacent to Interstate 75.

On motion of Councilman Rico, seconded by Councilman Murphy,

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF CHATTANOOGA KNOWN AS AREA 8B, BEING CERTAIN PARCELS ADJACENT TO INTERSTATE 75 AND RELOCATION WAY WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

passed second and final reading and was signed in open meeting; **Councilman Gilbert voted “no”**.

ANNEXATION AND PLAN OF SERVICES: AREA 9A

City Attorney McMahan stated there area actually three-to-four parcels there, a narrow strip of land north of Interstate 75; that he understands there is nothing there but billboards and asked if anyone were present who owns that property who wishes to speak about area 9A.

On motion of Councilwoman Robinson, seconded by Councilman Murphy,

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF CHATTANOOGA KNOWN AS AREA 9A, BEING CERTAIN PARCELS ADJACENT TO THE ENTERPRISE SOUTH PROPERTY AND THE RIGHT-OF-WAY OF INTERSTATE 75 WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATATNOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

passed second and final reading and was signed in open meeting; **Councilman Gilbert voted “no”**.

ANNEXATION AND PLAN OF SERVICES: AREA 11A

Councilmen Rico and Robinson made the initial motion and second to approve this Ordinance.

Councilwoman Scott stated that this area of Morris Hills Road, also known as 11A is an area that is contiguous with the border of Chattanooga and she is certain a lot of individuals in this neighborhood benefit by their close location to the city, however, this area has significant infrastructure needs that would need to be addressed. She stated that she understands there are other areas of annexation scheduled later on the agenda and had requested some information numbers on the altered numbers for the area known as 10B which she has not received. At this point she **made the motion to defer the vote on this one (11A) until we get the figures for the one below (10B); Councilman Gilbert seconded the motion; the motion carried.**

Councilman McGary stated that he had similar concerns as Councilwoman Scott in regard to sewers and has spoken with the Mayor. He asked that the Mayor come forward to elucidate the Council with any information he believes would be pertinent.

Chairman Benson stated there are contradictory figures on the sewers.

Mayor Littlefield stated this is a complex area and is probably the best example of an area that the city probably should have annexed back in 1968 or 1972 because we found ourselves serving one side of the road with city services and the other side excluded. He stated in the process we are actually serving all of Morris Hill Road with fire trucks, police services and so forth and back before we actually had our own garbage cans so we could determine whether we were picking up our own or somebody else's he was quite confident we were picking up a lot of garbage on our side of the road that probably came from the other side, however, he is not arguing about that as it is a comical situation we have put ourselves into. He stated there is one section that is already in the city as a result of requests by developers some years ago; that it is a complex area because some of the homes already have gravity flow sewer service to our sewer line that is on Morris Hill Road; then there are some areas served by another line by the Wastewater Treatment Authority. He stated there are 269 homes and it appears to be 100 that would have to have some kind of sewer service and -- not to confuse the Council too much -- they really can not have hard, fast numbers as much as they would like to have them until this area is actually engineered.

ANNEXATION AND PLAN OF SERVICES: AREA 11A
(Continued)

Mayor Littlefield stated Lee Norris can tell what their findings are and there is a range depending upon what kind of sewer service we provide here, either gravity flow or a low pressure pump system which is a system similar to Ridgeside, similar to the Hurricane Creek portion that we already have and similar to Lookout Mountain and other areas. He stated that is a much easier and cheaper system to install but it is different as there is actually a pump and something like a septic tank at the house that pumps it into a small line that is easy to bury and is inexpensive but it is more of a maintenance problem. He stated gravity flow is preferable.

Lee Norris stated that they have not provided numbers but they have been working on them up to the last minute in preparation for this. He stated they looked at two different ways to sewer this area and had a staff engineer from Moccasin Bend Wastewater Treatment Plant, Mike Patrick, and an engineer from staff, Gordon Phillips, who sat down with them this morning and go through Area 11A. He stated they did the traditional estimate using gravity flow sewers for that area and the cost of that would be \$2.8 million. He stated they went back and looked at an alternative system, the one the Mayor just mentioned, with grinder pumps and low pressure and anticipate serving approximately 100 homes with this low pressure system and that would come up to a total of \$1.5 million, so there is a little bit of difference in there. He stated when you talk about putting in 100 grinder pumps you are talking about an ongoing maintenance issue as you move forward throughout the life of that system. He stated it does work, tremendous improvements have been made; that the grinder pumps they buy have stainless steel inside parts and the maintenance is not as intense as it was before. He stated having said that, when extra grading pumps are put in additional staff at Moccasin will be needed just to maintain those pumps and other pumps like that.

Councilwoman Scott stated she did not think she had been clear in her request as she has the figures for 11A; that the question in her mind has been more of an overall total amount and what she does not have is she understands 10B is going to be modified and she does not have the figures for that because she looks at all of these areas as a collective amount of debt as opposed to "what is it here, what is it there, what is it overall". She stated this is a question mark on the other area she does not have and if she had that she could be a bit more . . .

Mr. Norris stated that area is coming up and if the Council is ready to move to that that area he can address 10B; that 11A is up right now.

ANNEXATION AND PLAN OF SERVICES: AREA 11A
(Continued)

Mayor Littlefield stated that they have had this conversation; that sewers are an enterprise fund and paid for with sewer use fees, which is separate and apart from property taxes which most people identify with being part of the city or county or whatever. He stated only those areas served by sewers pay it; that some already pay a sewer use fee. He stated for 100 houses figures are about \$250 per house for a year will pay \$25,000 which is not a lot of money and it goes for all of the areas we look at in annexation that have residential areas particularly. He stated the reason the city began undertaking annexations back in the sixties and seventies in residential is because they need sewers because septic tanks fail. He stated he has never had a long conversation with anyone from the neighborhoods in East Brainerd and Hixson that they did not get around to the fact septic tanks were failing somewhere, either theirs or a neighbor's. He stated he knows this areas needs the rest of the area to be covered by sewer and either we are going to do it or if the Wastewater Treatment Authority does not wish to cede the area to us and wishes to do it themselves they can do it; that in either case people who are being served are going to be paying for it by sewer use fees and not by taxes. He stated if the Council looks at the operation cost associated with the general revenue taxes for 11A it is clearly a situation where the city can afford to undertake this area because we are already serving most of it and do not have to build a fire hall; that essentially we have the area in the "envelope" that is the urban area already.

Chairman Benson stated right across the street is the district he serves and has had some complaints, especially from the people of Georgetown Trace, where they say the county people put the trash in front of the city property to pick up the trash, so we are paying for some service out there right now.

Mayor Littlefield stated that he considers that comical but it is something that has been going on for about 20 years since we failed to annex the other side of Morris Hill Road, which has been the boundary of the city for a long time. He stated if there is an area he thinks clearly needs to be annexed right on our border that requires very little for the city to reach out and take in, this is that area.

Councilman Murphy addressed Councilwoman Scott and asked if we were to take up the area that has not been presented, first, and come back to this area would she withdraw her motion to defer.

Councilwoman Scott responded "yes" she would withdraw her move to defer."

ANNEXATION AND PLAN OF SERVICES: AREA 11A
(Continued)

Councilman Murphy asked which area she wanted to be taken up first.

Councilwoman Scott stated the information she would like to have would be the pared back infrastructure on 10B.

At this point Councilman Murphy made the motion to move forward on the agenda Ordinance VI(b), Area 10B; Councilwoman Robinson seconded the motion; the motion carried.

City Attorney McMahan this is the first reading on 10B and noted the legal presentation would be skipped for tonight as it has been heard enough times.

Mayor Littlefield referred to the PowerPoint drawing, noting that the map appears to look like "spaghetti" showing the area 9B that was not passed last week and will be coming back to the City Council after it is re-advertised which will include some detail. He stated it is his thought all could have been saved a lot of confusion last week if the maps had been used; that the "red" in the center of the drawing is the connection to the Interstate. He stated the center of the photo, 9A for the area just annexed, is where the new interchange, the "interchange to nowhere", is presently being connected to Enterprise South and Volkswagen on the west side. He referred to the east side and noted the "red and purple and all the 'spaghetti'" shows the extension of that interchange through to Apison Pike the area we are proposing to annex -- 9B and 10B revised. He stated there were quite a few people here last week with 10B who spoke related to 9B; that they were confused about the area we had before us. He stated they were very concerned about their households in areas that were further south; that the lower part of that illustration really was property that is more residential. He stated most of the residential property has been eliminated and has been reduced from 177 to 76 parcels, so, over 100 parcels have been eliminated and with the result of that we can reduce the estimate cost for sewerage. He stated 10A is the other section in "light green" that will be taken up on first reading tonight, but this is to orient the Council where all of that is.

Councilman Benson stated he met with them this afternoon and has been through it many times and would give them a chance to speak again.

Adm. Steve Leach stated as the Mayor mentioned we have reduced the area of interest to an area that primarily it is felt in the future will be commercial in nature.

ANNEXATION AND PLAN OF SERVICES: AREA 11A
(Continued)

Adm. Leach stated from the prior PowerPoint slide the interchange coming off Enterprise South, 9A and all the area to the west is Volkswagen, so there is not going to be any commercial going on the west side toward 9A, no commercial at all. He stated the commercial at that major interchange is a major factor, as we have McKee at the other end of Apison Pike; that all the area is going to be basically changed over a short period of time. He stated where they have looked at areas 10B and 10A, 10A will basically remain the same and is frontage property; that 10B -- as it is reduced down to the minimal amount of property to be able to make the connection to Apison Pike -- ended up instead of sewers being approximately \$700,000 with pump stations and \$3,478,000 for approximately 14,000 feet of line, have gotten that down to \$71,500 with only eleven (11) grinder pumps in the situation they are looking at, now. He stated a lot of that area is sewerred in the area of Apison Pike, Lee Highway is partially sewerred, so a lot of that is taken care of, but they do have to do Sanders Road, which is off Pattentown Road. He stated this area is a minimal amount of expense from the public works side for 42 containers, striping and sign work at about \$348, some public needs maintenance at about 2,167 feet of public road at an estimate of \$5,799, and the water quality with our normal staff. He stated the impact from the public works side is very minimal at this point and the sewer cost down dramatically and is felt this is appropriate. At this point he corrected prior comments to note there will be 3,150 feet of sewer line in 10B which is approximately \$200,020 and the grinder pumps will be \$71,500.

Mayor Littlefield stated the main thing is this is an area that is going to be commercial which was discussed in greater detail in committee; that it is similar to the Hamilton Place area of 1987 where significant change swept over the area in a very short period of time. He stated it is being looked at as if it will be commercial because he is confident that it will; that the economy can not be bad enough for this area not to develop commercial. He stated as Mr. Leach indicated as for the other side of the interchange, the only thing that will be over there is the Volkswagen welcome center and there is significant effort to widen Apison Pike even beyond the connection that is shown on the "spaghetti-like" illustration all the way down to Collegedale and the McKee plant because the hauling of their goods -- the Little Debbie cakes and pies -- needs to come this route instead of going up to Ooltewah and getting on the interstate up there as the savings to them is significant.

ANNEXATION AND PLAN OF SERVICES: AREA 11A
(Continued)

Mayor Littlefield stated the other item mentioned today, which has been mentioned many times, is the "yellow line" on the map on the right which is Apison Pike which is the present city limits that extends over and connects with the old Summit landfill, our only connection to Summit and the Summit of Softball. He stated we can not abandon that until we annex this additional construction at 10B which will touch that reservation represented as the "odd shaped zigzag line" on the map which is the edge of Summit property. He stated we have to touch that so that our city limits are contiguous; that the area in the center, the "yellow line", has to be abandoned so Collegedale can annex the rest of their growth boundary. He stated the area on the right that is white on the map is all in the Collegedale growth boundary and they are in the process of annexing that right now and asked us several weeks ago to de-annex Apison Pike so they can complete their annexation. He stated they were told we can not do that because we have to be contiguous with our boundary and they can not annex it because they have to be contiguous with their boundary, so there is quite a bit of development that is awaiting us undertaking this and the sooner we resolve which area and which city, there is really only one way it can go under the growth boundary plan and that is for us to annex our territory and Collegedale to annex theirs and the sooner we can settle that the better for everyone involved.

Councilman Gilbert stated that he went out to visit this area this past week and a lot of the places he has known most of his life as he went to church in the area and is familiar with the area. He stated a lot of people in this area are poor, a lot may not be here tonight because they feel frightened to speak on their behalf; that he met a lot of people who do not want to be annexed as they cannot afford it, not only for the taxes, but the city has a standard as far as homes and that would be put on them when they are annexed. He stated in reference to sewers, they will still have to pay for their homes to be connected which is another additional cost. He stated if it is going to take ten years for us to do this and everyone is saying this will be commercial property, why can't we wait until the property is purchased so people can look forward to living there because right now they can not afford the taxes, reiterating "they really can not". He stated since we are so interested in growth and since it is going to happen so soon, it means this land will be bought quickly if they want to sell to them.

ANNEXATION AND PLAN OF SERVICES: AREA 11A
(Continued)

Councilman McGary stated that he wished to state for the record that he hoped those present would recognize by eliminating many of the residential areas that hopefully this will lay to rest the argument that the City Council or the Mayor is totally after annexation as a land grabbing or money grabbing measure; that if that was the case these properties would still be under consideration tonight. He expressed belief that many of the individuals -- without knowing the future, nor is it his desire to predict it -- who have a problem or stated a problem in being able to pay for city taxes, in a couple years they will not have that problem any more and wished them well. He stated those who are in a position to sell their properties at higher values than they had ever possibly dreamed, he wished them well; that in the same way he would wish them well personally he expressed hope they would take into consideration our desire to see the city prosper and it is in that same vein we are continuing our annexation process.

Mayor Littlefield stated the cost has been reduced and expressed realization this has been a rather contorted presentation, reiterating they have reduced costs to a bare minimum and are confident properties under question here will be better managed as part of the urban area of the city of Chattanooga with fire services and combined fire services that has been discussed with Tri-Community and other innovations in this area. He stated some of the properties we are looking at here that have been old traditional family properties are now on the market for \$250,000 per acre and some for as much as one million dollars per acre. He stated just as we saw in the Hamilton Place area after people were faced with the fact if progress was coming and there was nothing that could be done to hold it back, they sold their properties and moved, if that is what they chose to do, and profited handsomely in the process. He stated his advice to anyone who sees this coming is get your property appraised and hold out for the price they want as it will sell out early.

Chairman Benson stated this is the first public hearing on this and the fire and police departments need to tell us they can serve the area.

Fire Chief Randy Parker stated they did an assessment on 10B after the revision. He stated there is an additional cost that will be negotiated in a contract with Tri-Community that will be spread out over several areas; that he assumed by scaling back on the area it would be a reduction in the amount of that fee as currently we pay them around \$59,804 a year. He stated as for the hydrants in the area, he has talked with East Side Utilities, which services the area, and it has been agreed they will be put in at no additional charge, so there would not be any hydrant cost or anything associated with area 10B.

ANNEXATION AND PLAN OF SERVICES: AREA 11A
(Continued)

Assistant Police Chief Mike Williams stated they are ready to move into that area; that they are already going out to the edges of the area, so they will just expand the existing district and would not have to add anything.

Adm. Larry Zehnder stated as reported previously, facilities that serve this area of annexation include Enterprise South Nature Park, Tyner Park, the Summit of Softball, Tyner Recreation Center, Shepherd Recreation Center, Batter's Place Tennis Courts and Batter's Place East Brained Youth Association, as well as all other programs and services of the Parks and Recreation Department.

Councilman Gilbert asked Chief Parker as far as Collegedale's fire department versus ours and the services they render, can they not receive services quickly from them versus us or not.

Chief Parker stated we will be building a station once the freeway ramp is established at Exit 9 at Enterprise South and started construction for that fire station which is slated to open July 31 of 2010; that it would be basically across the freeway and three-fourths mile away from that area. He stated they would service from that area and have talked about entering into an automatic aid agreement; that he has met with Chief Pitts at Tri-Community Fire Department about establishing a dual response kind of thing where both agencies would go until we finalize the plan for that area. He stated both agencies would go which would give them a reduction in their rating to a Class II department that the City of Chattanooga currently is.

Chairman Benson clarified the Council is still on 11A, the Morris Hill Area, the part that has the city on one side and the county on the other.

On motion of Councilman Rico, seconded by Councilman Murphy,

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF CHATTANOOGA KNOWN AS AREA 11A, BEING CERTAIN PARCELS ADJACENT TO THE CURRENT CITY LIMITS OF MORRIS HILL ROAD, EAST BRAINERD ROAD, AND IGOU GAP ROAD WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

passed second and final reading and was signed in open meeting; on roll call vote:

ANNEXATION AND PLAN OF SERVICES: AREA 11A
(Continued)

ROBINSON	"Yes"
LADD	"Yes"
GILBERT	"No"
RICO	"Yes"
MCGARY	"Yes"
MURPHY	"Yes"
SCOTT	"Yes"
BENSON	"Yes"

ANNEXATION AND PLAN OF SERVICES: AREA 10A

On motion of Councilman Rico, seconded by Councilwoman Ladd,
AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF CHATTANOOGA KNOWN AS AREA 10A, BEING CERTAIN PARCELS ADJACENT TO OLD LEE HIGHWAY, GREEN SHANTY ROAD, REXWAY LANE, RANCO CIRCLE AND MAYWATER ROAD WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

passed first reading; on roll call vote:

LADD	"Yes"
GILBERT	"No"
RICO	"Yes"
MCGARY	"Yes"
MURPHY	"Yes"

ANNEXATION AND PLAN OF SERVICES: AREA 10A
(Continued)

SCOTT	"Yes"
ROBINSON	"Yes"
BENSON	"Yes"

ANNEXATION AND PLAN OF SERVICES: AREA 10B

Councilman McGary and Rico made the motion and second to approve this Ordinance on second reading.

City Attorney McMahan stated the alternate version referred to in this ordinance is the fact we did reduce, as the Mayor stated, approximately 100 parcels to the south of the right side of this area 10B, which is the reason it is called an alternate version, otherwise the plan of services is exactly the same as described earlier, just the area proposed to be annexed has been reduced.

Tamara Woodard stated her family has land in both sections; that the Mayor said that this property is up for sale for so much money, millions of dollars and so forth and "yes" some of this land has been up for sale but none has been sold; that it has been up for sale for awhile. She stated she wanted to "throw that out" to the Council and also asked why did the city go around Stillwater, why did the city pull out some middle income and people with higher incomes – why were their neighborhoods pulled out. She stated when the hearing was held before, the Mayor came to her and said Summit got Summit ball fields, and she asked him how many did he hire from Summit and his response was "it was a contract". She stated she has already told the Council what has been done for them and can not tell them anymore, but would like to tell them about a young lady Mr. McGary heard at a luncheon a couple weeks ago who was a fifth generation from Summit. She stated they are called junkies and thieves and this young lady has been in jail quite a bit in West Virginia with "mountain justice" and asked why the Council would think she would take her youth and spend time in a prison in jail; because she was raised in Summit, she saw what the landfill in Summit did to family members and young people. She stated the Council does not believe her because she has been told that a lot of things she has said are questionable; that Mr. McGary heard the young lady and asked him if she (speaker) did not talk about "mountain justice" and the TVA sludge.

ANNEXATION AND PLAN OF SERVICES: AREA 10B
(Continued)

Ms. Woodard stated "you folks" can talk about dollars all you want; that five years from now when they have taken Ms. McPherson's land because she could not pay her taxes, come back and tell her (Tamara) why they voted "yes" for annexation.

Albert Woodard stated he is from Summit, Tennessee and his family owns property in 10A and 10B. He stated it was said in the Chattanooga Times right after the vote was made that Summit was a cesspool of people that were thieves and junkies; that he has done quite well as a product of Summit, Tennessee and went to Ooltewah high School, graduated from UTC, a son of Chattanooga, a son of Hamilton County and can afford to pay taxes. He stated this is not a question of black or white and not to let people tell the Council that, whether they are black or white people is not the issue. He stated in the United States, President Obama and this Democratic movement that took him to the White House is not new; that in 1967 at Ooltewah High School, after two years of integration, he was elected school wide as Secretary of that high school where five percent of the students were black. He stated he received 80% of the vote and those were white people. He stated the school had 600 people, which meant about 550 voted for him in this community where he came from. He stated that he served on the Board of Directors of Erlanger when he was 27 years old and appointed by the Honorable Gene Roberts when he was Mayor; served on the Planning Commission; received the "Most Outstanding Alumni" from UTC within the first ten years of graduating from the fine institution and does not know of anyone who had ever done that at the time he received it as it had never happened before. He stated that he remembers being in a crowd of nearly 2,000 people, almost all white, and received that honor, again noting it is not a black or white issue and if blacks use the "race card" they are wrong and if white people use the other side of it that is wrong. He stated the issue his sister is trying to explain is an issue of the "haves" and "have nots" and agreed with the Mayor that he did cut back some of the population, but the population he cut back were middle class like himself, people that could afford to pay the taxes. He stated this annexation appears to him from this conversation is about raising revenue and asked why the most affluent people are cut out while the poor people can not afford it. He stated he is talking about people who have been on disability for seven years, people making \$10 an hour, people that do construction work and now do not have jobs. He stated in a couple of years, somebody will come along and they will buy this. (At this point Mr. Woodard's three minutes ended.)

ANNEXATION AND PLAN OF SERVICES: AREA 10B
(Continued)

Councilman McGary stated that he wished to briefly respond to some of Ms. Woodard's concerns; that she spoke last week and as mentioned there was some confusion as to which area she was speaking to. He stated he interpreted her comments that she was speaking from the Summit area, in general, and not one parcel versus another and hoped his understanding was correct. He stated at that point in time he voted "no" for a couple reasons as there were some unanswered questions in regard to environmental concerns and since then he has sat down with the Mayor and had an opportunity to express his concerns and get information in regard to those areas and is comfortable to know that area is being heavily regulated in regard to what is going out of that landfill. He stated as mentioned the concerns raised took place prior to this administration and expressed confidence this administration is not turning a blind eye to those concerns, whether or not they are being met and assessed remains to be debated, but his point is to say those items are not being overlooked. That being said, he stated he had concerns about sewage and with the numbers we have already heard we now understand why the numbers can go up or down; that it is his belief there has been good faith shown in paring down these areas, to show this is not purely a matter of the "haves" or "have nots".

Councilman McGary stated in regard to that area, particularly 11A and now in regard to 10B, it is his belief we can firmly see this is in regard to an investment the city has already made in regard to bringing in various other entities to play softball and protecting our investment, which those who own property in that area are doing the exact same thing, expressing that that is a faulty action on their part and the city. He stated if we sat down to talk about the issue there is no way to have it both ways; that when we talk about the wellbeing of thousands of people we have to recognize "yes" although it concerns them personally -- expressing that he hears them -- it does concern them personally and it concerns him that it concerns them. He encouraged them as he has from time-to-time through the hearings to think about this on a national level and in terms of 200,000 people and how these decisions affect all of us. He stated from that standpoint he would say those who have property acres in this area, those who have concerns about not being able to afford city rent, he does not wish to predict the future, but believes this area with a billion dollar plant next door will change the appearance; that this is a situation we have to look at as our investment and that is what we are seeking to protect.

ANNEXATION AND PLAN OF SERVICES: AREA 10B
(Continued)

Sam Elliot, Collegedale's City Attorney, stated that he heard something about Stillwater Road here tonight; that the Stillwater Road area is actually in Collegedale's Urban Growth Boundary and the city should not be worried about that being in their annexation as it is on Collegedale's side of the line and wanted to make that clarification.

Councilman Gilbert inquired as to the time limitation for speakers during this procedure.

City Attorney McMahan clarified that each side was given nine minutes, noting that a lawyer or neighborhood president for each side is given a total of nine minutes.

Chairman Benson stated the opposition spoke, to which Councilman Gilbert countered two people spoke. At this point it was made known Ricky Kesley wished to speak, which would total out the nine minute limitation.

Ricky Kesley of 4516 Woodland Drive, Ooltewah, Tennessee, stated that the map shown previously went down to Woodland Drive and Old Woodland Drive which was the entrance to the old landfill. He stated now it stops at Sanders Road and goes out Sanders Road, which up through there is a cemetery; that the only thing he thinks needs to be changed on the revised version is the wording, "*Old Lee Highway to Apison Pike, Patten town Road, Woodland Road and Sanders Road*" and take out Old Woodland Drive because they would not want to go all the way up to old Woodland Drive anymore. He stated Old Woodland Drive needs to be pulled out.

City Attorney McMahan responded "you are correct".

Mayor Littlefield stated that we still have the ordinance as originally written and will not have the areas illustrated with the legal description until next week at which time it will be substituted to have everything refer to this; that we will get it all straight.

Chairman Benson stated that he met with all the groups and they seem pretty well satisfied.

Councilman Murphy stated that he takes the daily paper and generally reads most all of it and did not see the comments referred to by this the gentleman (Woodard).

ANNEXATION AND PLAN OF SERVICES: AREA 10B
(Continued)

Councilman Murphy stated that he would like to say if someone is using that kind of language characterizing anybody in our county or community it is really inappropriate and would appreciate it if it would be brought to his attention as to who it was and who said it.

Mayor Littlefield stated that he has known Mr. Woodards, Tamara and her family off-and-on for twenty years or more and they are a wonderful, historic pioneer family in the Summit area. He stated that he does not recall anything in any news media referring to them in any derogatory form and has never had anything but great respect for the whole family. He stated this really is about carrying out the growth boundary plan agreed to more than eight years ago, and we have done it in a fashion to be the least impact-able to everyone, yet annexing those critical areas that have to be annexed in order to assure the growth and development of the area, including the benefit of property owners that have held on for a long time out there. He stated everything that is not in our boundary is in Collegedale's boundary and will all be in one city or the other within a few years.

At this point, Councilman Rico "called for the question".

It was noted that Councilman Gilbert wished to speak and the Chair clarified that the question has been called. Councilman Gilbert's indicated that his light was on prior to the question being called.

Councilman Gilbert stated that it is his hope the Mayor will revisit the vote from last week and consider the Witherows, McPhersons, Sanders and other people, also, when it comes to not annexing there as they can not afford the taxes. He asked that he look at them, too.

Councilman Rico again "called for the question".

Indication was given at this time that Councilwoman Scott wanted to speak.

Chairman Benson asked if there is a motion to overrule the "call for question" so Councilwoman Scott could speak.

On motion of Councilman Gilbert, seconded by Councilwoman Robinson; the "call for question" was overruled.

Councilwoman Scott stated that she needed clarification about the vote on 10B as she knows there are wording issues.

ANNEXATION AND PLAN OF SERVICES: AREA 10B
(Continued)

Chairman Benson stated this is first reading and the Ordinance will be changed by the next reading; that there is a wrong street and that is all.

On motion of Councilman McGary, seconded by Councilman Rico,
AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF CHATTANOOGA KNOWN AS AREA 10B, BEING CERTAIN PARCELS ADJACENT TO OLD LEE HIGHWAY, APISON PIKE, PATTENTOWN ROAD, WOODLAN DRIVE, AND OLD WOODLAND DRIVE, WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

passed first reading; on roll call vote:

GILBERT	"No"
RICO	"Yes"
MCGARY	"Yes"
MURPHY	"Yes"
SCOTT	"Yes"
ROBINSON	"Yes"
LADD	"Yes"
BENSON	"Yes"

AGREEMENT

On motion of Councilman Rico, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF EDUCATION, ARTS & CULTURE TO NEGOTIATE AND ENTER INTO A LICENSE AGREEMENT WITH CHATTANOOGA PUBLIC MARKET, INC. FOR OKTOBERFEST ON SATURDAY, OCTOBER 24, 2009, TO BE HELD AT RENAISSANCE PARK, COOLIDGE PARK, WALNUT STREET BRIDGE AND BLUFF VIEW

was adopted; Councilman Gilbert voted "no".

AD VALOREM TAXES

On motion of Councilman Murphy, seconded by Councilwoman Scott,
A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE COLUMBUS MCKINNON CORPORATION/DIXIE INDUSTRIES PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES
was adopted.

AD VALOREM TAXES

On motion of Councilman Murphy, seconded by Councilman McGary,
A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE AKI, INC. PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES
was adopted.

SPECIAL POLICEMEN

On motion of Councilman Rico, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF SPECIAL POLICEMEN (ARMED) FOR ERLANGER HOSPITAL SECURITY POLICE, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS
was adopted.

PURCHASE USED CONSTRUCTION EQUIPMENT

Councilman Murphy asked if the two items had been added to this Resolution.

City Attorney McMahan responded "yes", the two items and the price added to the body of the Resolution.

On motion of Councilman Rico, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO SPEND AN AMOUNT NOT TO EXCEED THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) TO PURCHASE USED CONSTRUCTION EQUIPMENT FROM STOWERS MACHINERY CORPORATION
was adopted.

OVERTIME

Overtime for the week ending October 1, 2009 totaled \$16,471.93.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- **JENNIFER MCCOY** – Resignation, Police Officer, effective September 24, 2009.

PUBLIC WORKS DEPARTMENT:

- **JAMES K. SPENCE** – Promotion, Plant Operations Supervisor (Liquids), Waste Resources, Range 21, \$54,520.00 annually, effective September 25, 2009.
- **JANYCE ANDERSON** – Family Medical Leave, Administrative Support Assistant 1, effective August 24 – November 16, 2009.
- **PETER D. WOODARD** – Family Medical Leave, Crew Worker 1, Traffic Management, effective September 15, 2009.

RECOGNITION: PARKS AND RECREATION DEPARTMENT

Adm. Zehnder expressed thanks to the Council on behalf of the Parks and Recreation Department for the support provided at the 57th Annual Tennessee Parks and Recreation Conference. He stated they “beat out” all other metropolitan areas throughout the state of Tennessee on two occasions – one on “Best New Programming Efforts” that was awarded to Outdoor Chattanooga and the other on the “Best New Facility” which went to the Summit of Softball that was recently created. He displayed the framed awards for all to see and stated they are only one of a few in the entire state of Tennessee and they are very proud of the department, the Council and the vision given to Parks and Recreation and the quality of life.

**RECOGNITION: PARKS AND RECREATION
DEPARTMENT (Continued)**

Councilwoman Robinson expressed congratulations, noting that the honors are wonderful things to bring home!

Councilman Gilbert expressed thanks to Adm. Zehnder for doing a great job and expressed hope in finding more money for the department!

**EXPRESSIONS OF APPRECIATION AND HEARTFELT
THANKS TO PUBLIC WORKS DEPARTMENT
PERSONNEL**

Adm. Leach stated there were two incidents recently within his department, noting that he does not always have an opportunity to brag on employees. He asked Jerry Stewart to come forward and report on the incident at Moccasin Bend and John VanWinkle to follow with reference to a traffic accident the paint crew responded to.

Jerry Stewart, Director of Waste Resources at 455 Moccasin Bend Road, stated on Friday about 2 p.m. there was a chlorine incident at Moccasin Bend and noted when it goes to expressing appreciation to people for doing things he gets emotional! He stated they did not have anyone injured and one person went to the hospital and was back at work at 4 p.m.; that everyone had their safety equipment on. He stated safety equipment was installed ten years ago and it worked for them; that Alice Canella, Plant Superintendent, and Gary Williams, Safety Director, took charge immediately and the fire department showed up as they normally do, even Chief Parker showed up on his day off! He stated that they share a lot and expressed thanks all they do; that he has been a resident of the city for 39 years and pays his taxes, too, and wanted to commend the fire department as they are well trained and came out and took over the issue.

Chief Parker reminded everyone that it is "Fire Prevention Week" and noted that he failed to mention that Councilwoman Scott sat on the front row during their recognition ceremony. He stated that they went out on the call and related a previous conversation he had with Jerry Stewart about two-or-three months ago wherein they discussed the need to have a drill and practice and started planning it and worked with Gary Williams and Jerry Summer about what kind of drill. He stated that a lot of the planning was implemented a couple months ago which prevented a big tragedy.

**EXPRESSIONS OF APPRECIATION AND HEARTFELT
THANKS TO PUBLIC WORKS DEPARTMENT
PERSONNEL (Continued)**

Chief Parker continued by stating they work with Public Works on a daily basis and they are a great partner; that they have had incidents side-by-side and at this point recognized Wayne Boyd and Curtis Cole, III who know something about flooding and searching for victims. He stated they found Mr. Kitchen's body, which is not something that happens in their every day job descriptions and is certain they are affected in a deep way, noting that Mr. Kitchen's family was allowed to put his body to rest because of the work of these gentlemen who received no publicity for it. Chief Parker stated another incident occurred later and would allow Steve to talk about it as it did not make the news in reference to the paint crew working on Lower Mill Road.

As Messrs. Boyd and Cole came forward, Adm. Leach stated Wayne Boyd from the Public Works side did not intend to do that that morning when he found the victim and knows it was tough. He stated that he made a phone call to make sure they were okay; that the supervisor and the Water Quality folks really stepped up and did not know that was going to happen when they started work that morning. He stated what they did helped the Kitchen family put closure on that. He concluded his comments by expressing thanks; a standing ovation was given by all at this time.

John VanWinkle, Traffic Engineer, stated that he was happy to have the opportunity to brag on staff and related that a four member paint crew consisting of Pat Rowe, Tracy Andrews, George Moriarty and Eddie Poe were painting the center line on streets in the Hixson area and came to the intersection of Lower Mill Road and Grubb at 10 a.m. Thursday morning, October 1. He stated George was working the paint machine which sits high in the back of the paint truck and saw what he thought was a truck or vehicle turned upside down at the intersection at a point that would not be seen by anyone driving by. He stated George called the other staff members to pull over and look. At this point he read a report from Jack Bennett which has been spread upon the minutes: *"On Thursday morning, October 1st, at around 10:00 the Traffic Operations paint crew pulled up to the intersection of Lower Mill Road and Grubb Road, George Moriarty was working on the back of the paint truck. From his high vantage point he noticed the wheels of an upside down vehicle in a deep ditch across the street from his location. He yelled to his paint crew about the vehicle. As George and Eddie Poe approached the van they heard the horn blowing. They looked inside and found a man standing in the upside down van. He had only one leg and could not get out. They removed the man and waited while Pat Rowe backed a truck to the ditch. They used the rear lift gate as a bridge over the deep ditch. Tracey Andrews stood on the tail gate while George and Eddie handed the man over to Tracey. A short time later the police arrived on the scene and made the statement the 'guy sure was lucky our guys found him'.*

**EXPRESSIONS OF APPRECIATION AND HEARTFELT
THANKS TO PUBLIC WORKS DEPARTMENT
PERSONNEL (Continued)**

They thanked our men for helping to get the guy out of the van and over the deep ditch. This is a great example of the kind of people we have here working in Chattanooga's Public Works Department. This was a job well done."

Mr. VanWinkle stated by the grace of God they found him! He expressed thanks to the crew for helping to get the person out of the van and over a deep ditch, noting this is an example of the kind of people we have working Chattanooga's public works department and commended them for a job well done, 100 percent! He stated that he wanted to make sure the Council was aware of the kinds of quality people in the Department and expressed how proud he is of the four on the crew.

Adm. Leach stated that the guys in public works are out there every day on the street and in this situation the employee was high on a lift, noting that the department has some dangerous jobs. He also expressed thanks to them from all in public works.

REFUND

On motion of Councilman Rico, seconded by Councilman Murphy, the Administrator of Finance was authorized to issue the following refund of gross receipts tax:

MARION ENVIRONMENTAL INC. -- \$2,080.29

PURCHASES

On motion of councilman Rico, seconded b Councilman Murphy, the following purchases were approved for use by the various departments:

GENERAL SERVICES:

INTERNATIONAL EQUIPMENT COMPANY (Best proposal)
R0126730

Fire Suppression System and Installation

\$17,717.67

PURCHASES (Continued)

PUBLIC WORKS DEPARTMENT:

THE ESHELMAN COMPANY (Lowest bid)

R0127374/B0006371

Varec Gas Regulators

\$16,060.00

CUES, INC. (Lower and better bid)

R0127001/B0006367

CCTV Truck Parts and Repair Services; Blanket Contract

\$95/hour - Repair Labor; Cost + 5% Markup

CHATTANOOGA POLICE DEPARTMENT:

ASR (Lowest and best bid)

R0119168/B0005952

Police and School Patrol Uniforms; Blanket Contract

\$180,816.85

INFORMATION SERVICES:

DATA MANAGEMENT, INC. d/b/a/ TIME CLOCK PLUS (Single source)

R0127343/B0006415

Time Clocks for Moccasin Bend per TCA 6-56-304.2

\$20,826.74

HEARING: LILLIAN SMITH

City Attorney McMahan reported that Ms. Smith is a former Clerk in City Court and will be represented by a Union representative at her hearing, not an attorney. He stated November 30 is the requested date.

The hearing for Lillian Smith was scheduled for Monday, November 30 beginning at 9 a.m. with Councilmen Rico, Scott and McGary; Councilman Rico will serve as Chair and Councilman Benson volunteered as Alternate.

COMMITTEES

Councilwoman Ladd scheduled a meeting of the **Safety Committee for Tuesday, October 13** for a presentation by the International Association of Black Professional Fire Fighters.

Councilman McGary scheduled a meeting of the **Education, Arts and Culture Committee for Tuesday, October 13** to continue discussion regarding the sale of alcohol and wine at the Memorial Auditorium and Tivoli.

Councilman Murphy stated the **Legal and Legislative Committee would meet on Tuesday, October 13** to discuss matters within the Committee's jurisdiction.

Councilman Gilbert scheduled a meeting of the **Parks and Recreation Committee for Tuesday, October 13** for a presentation by Consultant Clark Worth regarding the Public Art Program **and Tuesday, October 20** to discuss the contract with the Trust for Public Land, a grant from the Tennessee Department of Education and a final report on The Summit.

COMMUNITY IMPACT BUS TOUR

Councilwoman Robinson reminded Council members of the Community Impact bus tour scheduled for tomorrow; that they will be taken to neighborhoods where Community Impact is working: Bushtown, Orchard Knob, Churchville and Glenwood and would leave about 10 a.m. from Freight Depot behind the DRC. She stated the tour would take a little over an hour and would be a very informative trip to see what can happen in neighborhoods when we all work together to improve them. She stated all neighborhoods are in various stages of great citizen involvement, improvements and are an important part of what the city funds through Community Impact.

NEXT WEEK'S AGENDA: OCTOBER 13, 2009

The agenda for next week is spread below:

Ordinances - Final Reading:

- a) An ordinance adopting a Plan of Services and extending the corporate limits of the City of Chattanooga, Tennessee, to annex certain territory contiguous to the present corporate limits of the City of Chattanooga known as Area 10A, being certain parcels adjacent to Old Lee Highway, Green Shanty Road, Rexway Lane, Ranco Circle, and Maywater Road, within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached map. **(Public Hearing.)**
- b) An ordinance adopting a Plan of Services and extending the corporate limits of the City of Chattanooga, Tennessee, to annex certain territory contiguous to the present corporate limits of the City of Chattanooga known as Area 10B, being certain parcels adjacent to Old Lee Highway, Apison Pike, Patten town Road, Woodland Drive, and Old Woodland Drive, within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached map. **(Public Hearing.)**

Ordinances – First Reading:

- a) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, to include modifications to Chapter 38, Division 14, UGC Urban General Commercial Zone.
- b) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, Sections 38-288 and 38-289, and by adding a new Section 38-288 to provide for prohibited uses in the C-7 North Shore Commercial/Mixed Use Zone and new Section 38-289 for uses that require a special permit.
- c) 2009-019 George V. Morgan (from C-5 to C-2). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 603 Tunnel Boulevard, more particularly described herein, from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone. **(Not recommended for approval by Planning – see alternate version.) (District No. 9.)**

NEXT WEEK'S AGENDA: OCTOBER 13, 2009
(Continued)

2009-019 George V. Morgan (from C-5 to C-2 and R-2). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 603 Tunnel Boulevard, more particularly described herein, from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone and R-2 Residential Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- d) 2009-129 Fenella Pinewood, LLC (from R-1 & R-T/Z to R-3). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 7417, 7421, 7423, 7425, and 7427 Pinewood Drive, more particularly described herein, from R-1 Residential Zone and R-T/Z Residential Townhouse/Zero Lot Line Zone to R-3 Residential Zone. **(Not recommended for approval by Planning. Recommended for deferral by Staff.) (District No. 4.)**

2009-129 Fenella Pinewood, LLC (from R-1 & R-T/Z to R-3). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 7417, 7421, 7423, 7425, and 7427 Pinewood Drive, more particularly described herein, from R-1 Residential Zone and R-T/Z Residential Townhouse/Zero Lot Line Zone to R-3 Residential Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- e) 2009-130 William Lewin (from R-1 to R-2). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 4519 Balcomb Street, more particularly described herein, from R-1 Residential Zone to R-2 Residential Zone. **(Recommended for approval by Planning) (District No. 7.)**

- f) 2009-131 Chattanooga Outreach, Inc. (from R-2 to R-4). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 107 Signal Hills Drive, more particularly described herein, from R-2 Residential Zone to R-4 Special Zone. **(Recommended for denial by Planning. Not recommended for approval by Staff – see alternate version.) (District No. 2.)**

NEXT WEEK'S AGENDA: OCTOBER 13, 2009
(Continued)

2009-131 Chattanooga Outreach, Inc. (from R-2 to R-4). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone a tract of land located at 107 Signal Hills Drive, more particularly described herein, from R-2 Residential Zone to R-4 Special Zone, subject to certain conditions.
(Recommended for approval by Staff.)

Resolutions:

- a) A resolution authorizing the appointment of Guy Satterfield as special police officer (unarmed) for the City of Chattanooga to do special duty as prescribed herein, subject to certain conditions.
- b) A resolution authorizing the Mayor to apply for and, if awarded, accept a 2010 United States Environmental Protection Agency Brownfields Cleanup Grant for cleanup of property on Tennessee Avenue, in an amount up to \$200,000.00, and further authorizing matching funds of 20% of the Grant, or an amount up to \$40,000.00.
(Revised.)
- c) A resolution authorizing the Director of General Services to execute a one-year extension of the Eastgate Library property lease, beginning November 1, 2009 through October 31, 2010, for the amount of \$59,046.00 annually.
- d) A resolution authorizing the exchange of City-owned property located on Mercer Street and Sholar Avenue to John McDonald for property located at 628 Oliver Street, all of which are more particularly described herein, and authorizing the Director of General Services to execute any and all documents necessary for said exchange.
- e) A resolution authorizing the Chief of the Chattanooga Police Department to enter into a five (5) year agreement with the U.S. Nuclear Regulatory Commission ("NRC") for the NRC to use Chattanooga Police Department facilities to provide training courses for NRC personnel and contractors, for an amount payable to the City of Chattanooga of \$40,450.00 **annually**, the agreement being attached hereto and incorporated herein by reference.

NEXT WEEK'S AGENDA: OCTOBER 13, 2009
(Continued)

- f) A resolution authorizing the execution of Change Order No. 1 relative to Contract No. W-07-003-101, Improvements to Oxygen Generation System at Moccasin Bend Wastewater Treatment Plant, with Consolidated Technologies, Inc., which change order increases the contract amount by \$17,500.00, for a revised contract amount not to exceed \$125,500.00.
- g) A resolution authorizing the execution of Change Order No. 1 relative to Contract No. W-07-003-201 (28J1), Improvements to Oxygen Generation System at Moccasin Bend Wastewater Treatment Plant, with H&H Brown, Inc., which change order increases the contract amount by \$481,644.59, for a revised contract amount not to exceed \$5,027,544.59.
- h) A resolution authorizing the execution of Change Order No. 1 relative to Contract No. E-08-024-101, Traffic Impact Study for 36 Intersections and 4 Rail Crossings near the Volkswagen Facility at Enterprise South Industrial Park, with Volkert & Associates, Inc., which change order increases the contract amount by \$49,700.00, for a revised contract amount not to exceed \$216,000.00.
- i) A resolution authorizing the execution of Change Order No. 4 relative to Contract No. W-05-007-102, Warner Park Combined Sewer Overflow (CSO) Control Facility, with Consolidated Technologies, Inc., which change order increases the contract amount by \$57,000.00, for a revised contract amount not to exceed \$528,550.00.
- j) A resolution authorizing the Mayor to execute any documents for the City of Chattanooga to be a member of a Brownfield Coalition with other regional and local governmental entities in order to apply for and, if approved, accept a Brownfield Coalition Grant from the United States Environmental Protection Agency, in an amount not to exceed \$1,000,000.00.
- k) **A resolution authorizing the Mayor to apply for and, if awarded, accept a 2010 United States Environmental Protection Agency Brownfields Cleanup Grant for cleanup of the Old 36th Avenue Landfill, in an amount up to \$200,000.00, and further authorizing matching funds of 20% of the Grant, or an amount up to \$40,000.00.**

GENE HAIG

Gene Haig stated that he lives in Hixson in the annexed area and was present to discuss the Mayor's plan for annexation. He stated that it was talked about in the paper as being fair and equitable; that it sounds great and asked why certain areas were being "cherry picked" for annexation, particularly areas that do not have any expenses like sewers and lights. He stated if he (Mayor) wants to be fair and equitable he should annex the entire area from one end to the other; that he is not looking at bringing jobs into the area as there has to be affordable housing; that by pushing the tax base further out he is pushing affordable housing further out. He stated 57 percent of policemen live outside the city limits because they want affordable housing and all he is going to do is push them further and further out. He stated that he lived in the city from 1993-2006, paid city taxes and decided to move out to more affordable housing during his retirement. He stated the city is not looking at keeping affordable housing in the area because when you eliminate that you start pushing job salaries up and companies move up and it is a decaying cycle when you start doing that.

MAYOR LITTLEFIELD

Mayor Littlefield stated his comments relate to what the Council discussed earlier; that he would like to propose the following actions tonight that we complete what is on our plate; that we clean up our boundaries and by that he means such as in Hixson where we have proposed or will propose an amended area 4B that actually goes no further north on Hixson Pike than the edge of Ramsgate, which the Council has already annexed and takes in the areas on the west side of Hixson Pike that front Hixson Pike. He stated that does a number of things which need to be done anyway; that we need to put a fire station in this area to serve Big Ridge and this really sets us up for further actions, if necessary.

Mayor Littlefield stated secondly it would go ahead and complete Summit as headway was made on it tonight and go back to 9B and consider that area again and then some commercial zones along Highway 58 that are really just commercial zones that need to be included. He stated to put it simply he proposes that we **suspend** action, not end action, on annexation at this time and take a deep breath and not move forward at this time with annexation of certain residential areas, such as Stonewall Farms in Hixson, which has some characteristics that takes us on further toward the edge of our growth boundary but not essential at this time particularly if we clean up our boundary; that we not proceed with Hurricane Creek and Windstone, even though both of those subdivisions we know have sewer problems that need to be addressed and either the Wastewater Treatment Authority or someone needs to address those.

MAYOR LITTLEFIELD (Continued)

Mayor Littlefield stated that he knows they have had – we have had because we all live in the same area – 17 recorded septic tank failures in the portion of Hurricane Creek we propose to annex according to the Health Department and probably more minor failures during this wet season and probably more than that out there because the soil simply does not perk in this area. He stated in Windstone, which he knows from discussions with officials from the WWTA, needs have been assessed at something like \$3.2 million with a remedial action. He stated someone has to do that, but right now in order to let us take a deep breath and move forward let's put those aside for the moment and suspend action in that regard. He suggested that the county come to the table with us and discuss consolidation, merging or unification, whatever you wish to call it because the boundaries we are discussing need to go away to some extent.

Chairman Benson asked if the Mayor is proposing going into a state of limbo or suspension.

Mayor Littlefield responded "suspension on those areas".

Chairman Benson asked for clarification that by doing this would proceed toward steps toward consolidation of governments or services.

Mayor Littlefield stated there are three things -- utilities, tax equity and consolidation of government that needs to be discussed. He stated we have plenty of time to do this and do not need to take quick action but we need to begin a conversation that is not contentious. He stated we succeeded in unifying the 911 Center which is a pretty good model about how complex this is; that when we start putting staffs together with different pension systems, different pay plans and all it is very complex and does not expect this to take place easily. He stated the utilities we can consolidate is a separate issue, and the tax equity issue is something the Council and County Commission needs to work with us on because we are under a requirement and this was agreed to in the growth boundary plan that we would renegotiate the old tax sharing issue that goes back to the Mayor Kelly administration in 1960. He stated it is complex and will be difficult and needs to begin right away; that it will take at least a year to come to a conclusion on that and then the consolidation of government can go on for quite some time.

Chairman Benson asked if the Mayor is talking about suspending any future public hearing on annexation.

MAYOR LITTLEFIELD (Continued)

Mayor Littlefield responded "no"; that we have some that need to be done and he encouraged the Council to go ahead and go as a group on the tours planned for this week to look at the areas; that we might pick up the matter very quickly if it appears the county is not interested in discussing this issue.

Chairman Benson asked if the Mayor is saying suspend everything that is not in the process under the growth plan right now.

Mayor Littlefield responded "except for the commercial areas". Chairman Benson stated that is in process.

Mayor Littlefield stated everything that is in some state of process right now, some have passed first reading and some are still pending and coming up for hearings. He stated mainly he would say if the Council wants to simply it, and guessed all do after this complex night, leaving off the areas of Stonewall Farms, Hurricane Creek and Windstone, those large residential areas that are complex and dealing particularly with the matter of sewers.

Chairman Benson asked if this is with the condition moving toward metropolitan services and/or government. Mayor Littlefield again jokingly accused Chairman Benson of using inflammatory language!

Chairman Benson clarified that the Mayor calls it "unified". Mayor Littlefield stated to use whatever makes Chairman Benson comfortable! He stated we would go forth with the growth and development this community is finally experiencing; that we are experiencing not just as a city but as a region and, consequently, we need to simplify. He stated he would hope that the county will join us.

At this point Chairman Benson asked for a motion noting that it is not a requirement. Mayor Littlefield stated as long as he sees nodding heads he will precede in that fashion.

Councilman McGary asked the Mayor in regard to the notion of inviting the county to the table for discussion, he was curious if the Mayor is envisioning public meetings or private meetings - whether he has any idea as to how we would go about this.

Mayor Littlefield stated wherever two or more of either body, the City Council or County Commission, are gathered together that shall be a public meeting and advertised. He expressed hope some will simply be meetings between staff members; that all meetings should be open to the media if they care to attend.

MAYOR LITTLEFIELD (Continued)

Mayor Littlefield stated some will be long and boring and if they wish to persist and stay with those that is fine; that it is his thought it is something that is going to be a matter of conversation for a long time. He stated the City Attorney's office is being moved across the street and it is planned to have a room next to the City Attorney's office for adequate facilities for such gatherings.

Chairman Benson expressed hope that the Mayor would start the process as soon as possible.

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, October 13, 2009 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)**