

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
OCTOBER 20, 2009**

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

**PLEDGE OF ALLEGIANCE/
INVOCATION**

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

MINUTE APPROVAL

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

**AMEND CITY CODE
UGC ZONE**

On motion of Councilman Rico, seconded by Councilman McGary,
**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**
passed second and final reading and was signed in open meeting. **Councilwoman Scott voted “no”.**

**AMEND CITY CODE
C-7 USES**

On motion of Councilman Rico, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, 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**
passed second and final reading and was signed in open meeting.

REZONING

2009-119 (George V. Morgan)

On motion of Councilman Rico, 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 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

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

REZONING

2009-129 (Fenella Pinewood, LLC)

The applicant was present. Chairman Benson commended the applicant for meeting with the community, noting that there were a few objections and now everyone was in accord. He also noted that this Ordinance includes conditions.

On motion of Councilman Rico, seconded by Councilman McGary,

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 PINWOOD 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

was substituted. On motion of Councilman Rico, seconded by Councilman McGary, the Ordinance passed second and final reading and was signed in open meeting.

REZONING

2009-130 (William Lewin)

On motion of Councilman Rico, 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 4519 BALCOMB STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE

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

At this point, Councilwoman Berz requested that whoever prepares the agenda include the district where each rezoning is located. She stated that this would be very helpful. Attorney Noblett agreed that this would be done.

**INTERCEPTOR SEWER
SYSTEM INTERIM BUDGET**

On motion of Councilman McGary, seconded by Councilwoman Robinson,

AN ORDINANCE TO AMEND ORDINANCE NO 12251, "PROVIDING FOR AN INTERIM BUDGET AND APPROPRIATING FUNDS FOR THE USUAL AND ORDINARY EXPENSES OF THE CITY GOVERNMENT FOR THE MONTHS OF JULY, AUGUST, AND SEPTEMBER 2009," TO EXTEND THE INTERIM PERIOD FOR THE INTERCEPTOR SEWER SYSTEM THROUGH DECEMBER 2009, PENDING THE ADOPTION OF THE 2009-2010 ANNUAL BUDGET

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

ANNEXATION

Chairman Benson stated that this portion is up for first reading; that is over by the River and involves one industrial parcel of property.

On motion of Councilman Rico, seconded by Councilwoman Robinson,

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 3A, BEING CERTAIN PARCELS ADJACENT TO INTERSTATE 24 AND THE TENNESSEE RIVER WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

passed first reading with Councilman Gilbert voting “no”.

ANNEXATION

Chairman Benson explained that this was a revised version, cutting out Gold Crest.

John Peckinpaw was present, stating that he was an engineer and there was a small discrepancy—that it was actually Gold Crest Estates.

On motion of Councilwoman Robinson, 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 4B, BEING CERTAIN PARCELS ADJACENT TO STREETS INCLUDING, BUT NOT LIMITED TO, GOLD CREST, DAHL SPRINGS, AND FAIRVIEW ROAD, WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

was substituted. On motion of Councilwoman Ladd, seconded by Councilwoman Robinson, the Ordinance passed first reading with Councilman Gilbert voting “no”.

CLOSE AND ABANDON

MR-2009-125 (Charles L. Harrison)

On motion of Councilwoman Robinson, seconded by Councilman Gilbert,
**AN ORDINANCE CLOSING AND ABANDONING TWO ALLEYS
LOCATED OFF OF THE EAST LINE OF THE 1900 BLOCK OF
MYRTLE STREET, MORE PARTICULARLY DESCRIBED
HEREIN, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

AGREEMENT ADDEND.

On motion of Councilwoman Robinson, seconded by Councilman McGary,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
THE DEPARTMENT OF PARKS AND RECREATION TO ENTER
INTO ADDENDUM #3 (FINAL) TO THE AGREEMENT WITH
BARGE, WAGGONER, SUMNER AND CANNON, INC.
RELATIVE TO THE SUMMIT SOFTBALL COMPLEX PROJECT
FOR ADDITIONAL CONSTRUCTION ADMINISTRATION
COSTS, WHICH ADMENDMENT INCREASES THE AMOUNT OF
THE CONTRACT BY TEN THOUSAND TWO HUNDRED
FORTY-SIX DOLLARS (\$10,246.00), FOR A REVISED
CONTRACT AMOUNT NOT TO EXCEED NINE HUNDRED
SIXTY-NINE THOUSAND FOUR HUNDRED NINETEEN
DOLLARS (\$969,419.00)**

was adopted.

MANAGEMENT AGREE.

On motion of Councilman McGary, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
THE DEPARTMENT OF PARKS AND RECREATION TO ENTER
INTO A MANAGEMENT AGREEMENT WITH THE TRUST FOR
PUBLIC LAND IN AN AMOUNT NOT TO EXCEED ONE
HUNDRED THOUSAND DOLLARS (\$100,000.00)**

was adopted.

GRANT

On motion of Councilwoman Robinson, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ACCEPT A GRANT FROM THE TENNESSEE DEPARTMENT OF EDUCATION IN THE AMOUNT OF TWENTY-SEVEN THOUSAND NINE HUNDRED DOLLARS (\$27,900.00)

was adopted.

AGREEMENT

On motion of Councilman Gilbert, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH NORFOLK SOUTHERN CORPORATION FOR CONSTRUCTION ENGINEERING, ACCOUNTING AND FLAGGING SERVICES RELATIVE TO THE WALKING TRAIL UNDER THE SOUTH CHICKAMAUGA BRIDGE PROJECT IN AN AMOUNT NOT TO EXCEED FORTY-SIX THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$46,750.00)

was adopted.

**HOME PURCHASE
INCENTIVE/POLICE**

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING SWORN POLICE OFFICERS TO APPLY FOR AND ACCEPT, IF SELECTED BY COMMUNITY IMPACT OF CHATTANOOGA, INC., HOME PURCHASE INCENTIVES FOR QUALIFIED HOME BUYERS IN CHURCHVILLE, GLENWOOD AND ORCHARD KNOB AREAS IN AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS (\$10,000.00) FOR EACH APPROVED APPLICANT

was adopted.

NACWA DUES

On motion of Councilman Rico, seconded by Councilman McGary,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO RENEW MEMBERSHIP WITH AND THE PAYMENT OF 2009 DUES TO THE NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES (NACWA) IN THE AMOUNT OF TEN THOUSAND SIXTY DOLLARS (\$10,060.00)

was adopted.

CLOSURE/POST CLOS.

On motion of Councilman Rico, seconded by Councilwoman Ladd,

A RESOLUTION AMENDING RESOLUTION NO. 25620, ADOPTED AUGUST 19, 2008, RELATIVE TO THE AGREEMENT FOR THE CLOSURE/POST CLOSURE PLAN FOR THE CITY LANDFILL, PROJECT NO. SNL-33-0273, WITH THE STATE OF TENNESSEE, DIVISION OF SOLID WASTE MANAGEMENT, BY DELETING “NOT TO EXCEED SIX MILLION ONE HUNDRED SEVENTY-ONE THOUSAND FOUR HUNDRED SEVENTY-FOUR DOLLARS (\$6,171,474.00),” AND SUBSTITUTING IN LIEU THEREOF “NOT TO EXCEED SIX MILLION THREE HUNDRED ELEVEN THOUSAND NINE HUNDRED TWO DOLLARS (\$6,311,902.00)”

was adopted.

CLOSURE/POST CLOS.

On motion of Councilwoman Robinson, seconded by Councilman Rico,

A RESOLUTION AMENDING RESOLUTION NO. 25621, ADOPTED AUGUST 19, 2008, RELATIVE TO THE AGREEMENT FOR THE CLOSURE/POST CLOSURE PLAN FOR THE SUMMIT SANITARY LANDFILL, PROJECT NO. SNL 33-0035, WITH THE STATE OF TENNESSEE, DIVISION OF SOLID WASTE MANAGEMENT, BY DELETING “NOT TO EXCEED TWO MILLION NINE HUNDRED ELEVEN THOUSAND EIGHT HUNDRED SIXTY DOLLARS (\$2,911,860.00),” AND SUBSTITUTING IN LIEU THEREOF “NOT TO EXCEED TWO MILLION EIGHT HUNDRED THIRTY-TWO THOUSAND SIX HUNDRED FIFTY-SEVEN DOLLARS (\$2,832,657.00)”

was adopted.

CLOSURE/POST CLOS.

On motion of Councilman Rico, seconded by Councilman Murphy,

A RESOLUTION AMENDING RESOLUTION NO. 25622, ADOPTED AUGUST 19, 2008, RELATIVE TO THE AGREEMENT FOR THE CLOSURE/POST CLOSURE PLAN FOR THE NORTH HAWTHORNE/WOOD RECYCLING SOLID WASTE PROCESSING UNIT, PROJECT NO. SNL 33-1186, WITH THE STATE OF TENNESSEE, DIVISION OF SOLID WASTE MANAGEMENT, BY DELETING “NOT TO EXCEED THIRTY-ONE THOUSAND SIX HUNDRED TWELVE DOLLARS (\$31,612.00),” AND SUBSTITUTING IN LIEU THEREOF “NOT TO EXCEED THIRTY-TWO THOUSAND THREE HUNDRED SEVENTY-ONE DOLLARS (\$32,371.00),”

was adopted.

CLOSURE/POST CLOS.

On motion of Councilman Rico, seconded by Councilwoman Robinson,

A RESOLUTION AMENDING RESOLUTION NO. 25623, ADOPTED AUGUST 19, 2008, RELATIVE TO THE AGREEMENT FOR THE CLOSURE/POST CLOSURE PLAN FOR THE CITY LANDFILL, LATERAL EXPANSION AREA 3, WITH THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, DIVISION OF SOLID WASTE MANAGEMENT, BY DELETING “NOT TO EXCEED SIX MILLION FIVE HUNDRED FIFTY-FIVE THOUSAND FOUR HUNDRED SEVENTY-NINE DOLLARS (\$6,555,479.00),” AND SUBSTITUTING IN LIEU THEREOF “NOT TO EXCEED SIX MILLION SEVEN HUNDRED TWELVE THOUSAND EIGHT HUNDRED TEN DOLLARS (\$6,712,810.00)”

was adopted.

**LEED CERTIFICATION
FIREHALL NO. 7**

Councilman Murphy stated that he had a question for either Dan Johnson or Chief Parker—that he assumed they were paying stormwater fees on our property, which would make us eligible, and he questioned why we were doing this?

LEED CERT. (CONT'D)

Mr. Johnson explained that we have LEED objectives on all building projects that we do—that we had done this on prior buildings; that we were trying to obtain environmentally-favorable treatment.

Councilman Murphy asked if this firehall was built and was told “no”. He questioned if the findings would change the plan?

Chief Parker explained that the firehall would be built to LEED specifications and this is third party verification—that they have to do things like track waste.

Councilman Murphy stated that he had only a newspaper education of LEED certification, and he was trying to understand what city objectives this fulfills. He asked Mayor Littlefield if he had committed us to this.

Mayor Littlefield responded that there is much to be said about “bragging rights”; that we would get nothing back from this monetarily, but this helps. He mentioned Volkswagen buildings and the fact that we are making the case to private companies about this and it was good to be able to point to a commitment; that to him this was an investment and “bragging rights”; that there needs to be some documentation, and this is the documentation; that our city is becoming more and more committed to this level of quality.

Councilman Murphy asked if this was part of the Climate Action Plan? Mayor Littlefield responded “no”; however it might address this somewhat; that it documents the city’s greater commitment; that when he had to make a case to EPA, he could say the City is doing this; that LEED certification is becoming the norm.

Chief Parker added that they were interested in LEED certification for their fire stations; that a representative from Pigeon Forge was coming down to meet with them about building this fire station to these standards; that there was quite a bit of interest about LEED certification; that Fire hall #4 was the first LEED certified in Tennessee, and this was something they would like to continue with; that this complements Volkswagen in the environmental field.

LEED CERT. (CONT'D)

Councilwoman Scott stated that she appreciated the desire to bring in LEED buildings, but she thought we could do this without spending \$20,000—that this was like buying a medal to pin on ourselves; that it was nothing more than a piece of paper on the wall; that when we talk to other areas who want to see what it takes that we need to tell them that it costs \$20,000 to get LEED certification.

Mayor Littlefield responded that lots of people want things certifiable—that he wished that he had thought of this! He went on to say that this is a Trademark Review Process and is an improvement on our standing; that we are expecting businesses and industry to step up, and we need to serve as an example in this; that Firehall No. 4 was grassroots; that he realized this was \$20,000 but there was a difference in being certifiable and being LEED certified.

Councilwoman Berz stated that there was not a doubt in her mind that we should be LEED certified—that it was the right thing to do; that her question had to do with the contingency amount; that most often when we have contingency fees, we use them; that she thought there was a problem with this and questioned who could address this; that this building would be built to LEED standards from ground up, and we would be paying \$20,000 to say “yes it is”, and she understood that this takes a third party. She questioned why we would contemplate 10% more of a contingency when we already know it is being built to these standards?

Chief Parker stated that we had never had contingencies but if they had to make a change, they would have to come back to get Council approval.

Councilwoman Berz stated that she understood this, but this certification was after the fact and questioned once it is done if they should have to come back?

Chief Parker reiterated that this was Station 7 that was under construction. Councilwoman Berz stated that she understood this—that this is a LEED certifiable building as Councilwoman Scott had said—that we were just “buying the medal”. She stated that this was being built from scratch; that she understood why the third party had to come in; that there was no change order, and she could not understand why after the fact, we should have a contingency.

Mr. Johnson stated that this was not built, and we can't get a hard and fast amount on the certification. Councilwoman Berz still maintained that this was built LEED certifiable. Mr. Johnson stated that they could change the plans.

LEED CERT. (CONT'D)

Councilwoman Berz stated that she understood this; that this was to be LEED certifiable, and she would hate to think we were shortchanged; that she was just curious; that it seemed to her that it should be a flat rate.

Mr. Johnson still maintained that this was based on the plans. Councilwoman Berz stated that she thought this was Firehall #7, with Mr. Johnson stating that we had just broke ground on this. Councilwoman Berz still maintained that it would be built as a LEED certifiable building.

Chief Parker explained that we had only approved the site work; that there would be a separate package on building construction.

Councilwoman Berz stated that this was not a lot of money, but it was just the principle of the thing.

Chairman Benson suggested that we could remove the 10% contingency.

Councilwoman Robinson stated that this conversation had moved beyond the need for LEED certification; that Mayor Littlefield did establish a Green Committee that commits Chattanooga to a “carbon footprint”; that this is why LEED certification is important; that we are trying to encourage private enterprise, and the City should be the leader and say that we will adhere to the same standards; that business people are on the committee, and they are paying higher fees for water control and are being told to invest in stormwater devices; that there is no question but that we should strive for this; that everyone should understand the process before they start taking it apart.

Councilwoman Ladd stated that she had a facilitation management background; that she was LEED certified, and it was extremely difficult to achieve this and to maintain it; that they use a point system for certification such as for the roof and water run-off; that everything is required to be green; that you even need green tissue and that is a challenge. She explained that at the end of the process, they go to a point system and sometimes there are many things to correct, and there needs to be some contingency because you could still have a “punch” list; that there was a timeline on when things have to occur—that there was always a “punch” list to work against; that this is a little more complicated than it looks.

LEED CERT. (CONT'D)

Councilman McGary stated that it would be short-sighted to build a building and then not go for certification itself—that it would be like an athlete in training who had trained and knows he is ready but not willing to pay the registration to prove this; that we are paying for the end result; that after we have done the job it would be short-sighted and silly not to go for certification. He asked if the best cost would be \$20,000; if this was the best price we can receive?

Mr. Johnson stated that the engineering company on the list is the engineer for the project; that at the committee meeting they felt they would get a better price this way if the engineer already had the plans.

Councilman McGary asked if they just took the engineering company at their word and did not check into this? Mr. Johnson explained that you don't bid professional services; that the prices would be in the same ballpark.

Councilwoman Scott thanked Councilwoman Ladd for her explanation, stating that she had no idea that this was such a cumbersome approach.

On motion of Councilwoman Robinson, seconded by Councilman McGary,

A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO RETAIN CAMPBELL AND ASSOCIATES ENGINEERS TO PROVIDE LEED COMPLIANCE REVIEW AND CERTIFICATION FOR FIREHALL NO. 7 AT A COST OF TWENTY THOUSAND EIGHT HUNDRED DOLLARS (\$20,800.00), PLUS A 10% CONTINGENCY AMOUNT OF TWO THOUSAND EIGHTY DOLLARS (\$2,080.00), FOR A TOTAL AMOUNT NOT TO EXCEED TWENTY-TWO THOUSAND EIGHT HUNDRED EIGHTY DOLLARS (\$22,880.00)

was adopted, with Councilmen Murphy, Scott and Berz voting “no”.

OVERTIME

Overtime for the week ending October 15, 2009, totaled \$14,212.99.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ✓ **CHRISTIE TONEY**—Transfer from Police Dept. and Promotion to Refuse Collection Inspector at Range 10, \$28,137.00 annually, effective 10/12/09.
- ✓ **MICHAEL S. BARGER**—Five Day Suspension without pay of Equipment Operator III, effective 10/13—10/19/09.

CHATTANOOGA FIRE DEPARTMENT:

- ✓ **GABE THRASH**—One Day Suspension without pay for Senior Firefighter, effective 10/18/09.

EMERGENCY PURCHASE

Adm. Steve Leach reported the emergency purchase of Chlorosorb Ultra Media for the Waste Resources Division from Purafil, Inc. in the amount of \$106,793 plus freight; Requisition R0128277. This was signed as of this date in open meeting.

WAIVE BUILDING PERMIT

Adm. Leach asked that a building permit in the amount of \$95.00 be waived. This was discussed in committee. **On motion of Councilwoman Robinson, seconded by Councilman Rico, permission to waive this permit was granted.**

ACCOMMODATE NCAA

Adm. Leach stated that this matter was also discussed in committee; that a Resolution will be forthcoming next week but in order to get this underway, tacit agreement was needed for banners. **On motion of Councilman Rico, seconded by Councilwoman Robinson, this agreement was given.**

PURCHASES

On motion of Councilwoman Robinson, seconded by Councilman Gilbert, the following donation was approved for use by Neighborhood Services & Community Development:

DONATION OF BUILDING SUPPLIES FROM 2009 WORLD CHANGERS HOME REPAIRS PROGRAM TO HABITAT FOR HUMANITY

On motion of Councilwoman Robinson, seconded by Councilman Rico, the following purchase was approved for use by the Chattanooga Police Dept.:

LOGAN HAUS KENNELS (Sole Source Purchase Requisition R0128116

Two Dual Purpose Canines

\$13,500.00

REFUND

On motion of Councilman Rico, seconded by Councilman Murphy, the City Finance Officer was authorized to make the following refund:

Refund of Gross Receipts Tax to **Double D Piping & Fire Protection** in the amount of **\$1,050.01**.

BOARD APPOINTMENTS

On motion of Councilman Rico, seconded by Councilman Gilbert, the following Board Appointments were approved:

CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING COMMISSION

- Re-appointment of **JON B. BELL** for a term to expire **May 31, 2013**.

CHATTANOOGA HOUSING AUTHORITY BOARD OF COMMISSIONERS

- Re-appointment of **Wilbert R. Roberts, Jr.** for a five year term to expire **June 1, 2014**.
- Re-appointment of **Consuelo B. O'Neal** for a five year term to expire **June 1, 2014**.

HEARING: APRIL BOLTON

City Attorney Phil Noblett reminded Council members of the hearing schedules for **April Bolton** on Monday, October 26 beginning at 9:30 a.m. The panel consists of Councilmen Murphy, Chairman, and Benson and Ladd. Councilman McGary is the alternate.

CONTRACT NUMBERS

Councilwoman Scott requested that where we have Resolutions listed on the Agenda that we always include the Contract Number. She stated that this would enable Councilmembers to see the history of the Contract. She used as an example, Resolution 7(a) on tonight's agenda with Barge, Waggoner, Sumner and Cannon, Inc.

COUNCIL REQUEST

Chairman Benson asked that Annexation Maps point out the benchmarks; that the City Attorney's office tells the Council what 4A, 4C, etc. stands for.

COMMITTEES

Councilwoman Scott noted that she met with Attorneys McMahan and Freiberg concerning our decision to request claw-back rewording to protect the city.

Councilman Murphy scheduled a **Legal and Legislative Committee to immediately follow the Safety Committee on Tuesday, October 27th** to go over Ordinances and Resolutions within the Committee's jurisdiction.

Chairman Benson stated that a Hearing for Officer Kenneth Freeman took place on Monday of this week and the panel sustained his termination with a five to zero vote in favor.

Councilman McGary announced that there would be an **Education, Arts and Culture Committee meeting on Tuesday, October 27th to immediately follow the Legal and Legislative Committee** to further discuss wine sales at the Tivoli and Memorial Auditorium and funding for Public Art.

Councilwoman Ladd scheduled a **Safety Committee meeting on Tuesday, October 27th to immediately follow the Agenda Items** to discuss 911 issues.

Councilwoman Berz scheduled a **Budget, Finance and Personnel Committee meeting at 2:00 p.m. on Tuesday, October 27th** for a continuation of the discussion relating to employment/insurance matters.

OCTOBER 27TH AGENDA

Chairman Benson noted that this Agenda had been covered earlier at the 3:00 Agenda meeting today.

WILL KINNEY

Will Kinney addressed the Council in the interest of the Cleveland/Bradley Chamber of Commerce. He stated that there would be a **Federal Climate Change and Energy Legislation: A Business Primer** meeting held at the Chamber Office on Keith Street on **Thursday, October 29th at 11:30 a.m.** There will be a complimentary lunch. He noted that discussions would center around what these new laws mean for Hamilton County. Anyone interested in attending should contact **Lisa Pickel** at (423) 472-6587.

ROBERT STONE

Mr. Robert Stone, Manager for Allied Waste Services, next addressed the Council. He thanked the Council for allowing him to speak, stating that Allied Waste/BFI provides residential waste disposal service to approximately 20,000 residential customers throughout the Hamilton County and North Georgia area; that when annexation is finalized, they stood to lose thousands of residential subscriptions, many of whom they had serviced for almost 30 years. He wanted to express their dissatisfaction to the Council for this loss, stating that anytime that government uses tax dollars to take business away from private companies, it affects commerce in the business place by loss of revenue and potential loss of jobs. He noted that their company was in place providing refuse collection at this time and should there be an opportunity to continue to provide this service, either to the residents or for the City of Chattanooga, it was their desire to do so. He added that it had been over 20 years since the City has researched privatizing the residential waste disposal service and now would be a good time before money is spent for new trucks, carts, etc.

FRANKLIN DAVIS

Mr. Davis of 807 Bell Circle addressed the Council in regards to his elderly mother who is suffering from dementia and is now in a nursing home. There had been some abuse, and he stated that Officer Willoughby was in charge, and he had received no calls from him. Chief Cooper was present at this meeting and agreed to meet and talk with Mr. Davis.

RECESS

Chairman Benson recessed the meeting of the Chattanooga City Council at this time for the public hearing on the annexation of Areas 3C, 6A, 6B, and 6C.

**COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
October 20, 2009
Annexation Public Hearing:
Areas 3C, 6A, 6B, and 6C
7:00 p.m.**

Chairman Benson called the recessed meeting of the Chattanooga City Council to order with Councilpersons Berz, Gilbert, McGary, Ladd, Murphy, Rico, Robinson and Scott present. City Attorneys Phil Noblett and Crystal Freiberg; Management Analyst Randy Burns; Assistant Clerk to the Council Shirley Crownover; and Court Reporter Susan Martin were also present.

**PUBLIC HEARING
TRANSCRIPT**

A complete transcript of the public hearing proceedings is available at http://www.chattanooga.gov/annexation/annexation_info.htm.

ADJOURNMENT

At the close of the public hearing, Chairman Benson adjourned the meeting of the Chattanooga City Council until Tuesday, October 27, 2009, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

(A LIST OF NAMES OF PERSONS IN ATTENDANCE AT THE COUNCIL MEETING AND ANNEXATION PUBLIC HEARING FOR AREAS 3C, 6A, 6B, AND 6C IS FILED WITH MINUTE MATERIAL OF THIS DATE)

