

**CITY COUNCIL BUILDING
CHATTANOOGA, TN
November 17, 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 Michael McMahan, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

The Pledge of Allegiance was led by Councilwoman Ladd, followed by invocation.

MINUTE APPROVAL

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

**AMEND CITY CODE
FLOOD REGULATIONS**

On motion of Councilwoman Ladd, seconded by Councilman McGary,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SECTIONS 38-2,
38-361, 38-363, 38-365 THROUGH 38-368, AND 38-378 TO UPDATE
FLOOD REGULATIONS**
passed second and final reading and was signed in open meeting.

**AMEND CITY CODE
UGC ZONE/BEER SALE**

On motion of Councilman McGary, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 5, SECTION 5-75(b), RELATIVE TO THE
SALE OF BEER IN THE UGC URBAN GENERAL COMMERCIAL
ZONE**
passed second and final reading and was signed in open meeting.

REZONING

2008-194 (Trudy Mott)

On motion of Councilman McGary, 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 1203 ROCKWAY
DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM
R-1 RESIDENTIAL ZONE TO R-3MD MODERATE DENSITY
ZONE**

was substituted with Councilwoman Scott voting “no”. On motion of Councilman Rico, seconded by Councilwoman Ladd, the Ordinance passed second and final reading and was signed in open meeting with **Councilwomen Robinson and Scott voting “no”**.

REZONING

2009-111 (Sean Daniels)

On motion of Councilman McGary, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO
REZONE A TRACT OF LAND LOCATED AT 3630 RIDGESIDE
ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM
R-1 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD
COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

was substituted. On motion of Councilman McGary, seconded by Councilman Murphy, the Ordinance passed second and final reading and was signed in open meeting with **Councilwomen Scott and Robinson voting “no”**.

Upon questioning by Councilwoman Berz, it was explained that the substitution involved a change in the opening and closing hours from 7:00 a.m. to 7:00 p.m. to 9:00 a.m. until 9:00 p.m.

REZONING

2009-123 (Structure Group, Inc.)

On motion of Councilman McGary, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO
REZONE A TRACT OF LAND LOCATED AT 1200 EAST MAIN
STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM
M-1 MANUFACTURING ZONE TO UGC URBAN GENERAL
COMMERCIAL ZONE**

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

REZONING

On motion of Councilman McGary, seconded by Councilwoman Berz,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO
REZONE A TRACT OF LAND LOCATED AT 1601 GULF
STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM
C-2 CONVENIENCE COMMERCIAL ZONE AND M-1
MANUFACTURING ZONE TO UGC URBAN GENERAL
COMMERCIAL ZONE**

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

REZONING

2009-145 (Alan Haniszewski)

Councilman Murphy stated that even though he planned to vote for this, we may be creating a new way to approve a duplex by creating a townhouse line.

On motion of Councilman Rico, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO
REZONE A TRACT OF LAND LOCATED AT 907 AVON PLACE,
MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1
RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL
TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN
CONDITIONS**

was substituted with Councilwoman Scott voting “no”. On motion of Councilman Murphy, seconded by Councilwoman Ladd, the Ordinance passed second and final reading and was signed in open meeting.

REZONING

2009-146 (D & G DEVELOPMENT, LLC)

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 3421 ST. ELMO
AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM
M-2 LIGHT INDUSTRIAL ZONE TO R-3 RESIDENTIAL ZONE**

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

**WAIVE FEES ON SIGNS
PROMOTE NCAA**

Councilwoman Scott stated that this was a wonderful organization, and she was glad they were coming to town; however she questioned if we were setting a precedent for business entities to put signs in the downtown area; that this was for December 14-19, which is the Holiday Season, and she urged caution in how we will look at this on an ongoing basis with other entities.

Councilman McGary stated that he believed it was in our best interest to consider this on a case-by-case basis; that this has the potential to bring in thousands to our City and will impact the hotel/motel tax and restaurants—that the impact was huge! He stated that it was in our best interest.

Councilwoman Scott stated that her question was that if the reason is to promote NCAA and bring in outside people, how would the signs change what would happen anyway? She questioned how a sign would make any difference.

Councilman Rico stated that the signs were for people to see that we are ready to make a commitment in Chattanooga; that it impacts where they might go next; that a committee will be coming here, and we need to make them welcome and to support this venue.

Councilwoman Scott still felt that we were just “p-r ing”.

Councilman McGary stated that Councilman Rico was correct; that the signs were not to draw in outside visitors; that it was to further our goals, and the determining criteria should be the impact that this will have.

PROMOTE NCAA (CONT'D):

On motion of Councilman McGary, seconded by Councilwoman Ladd,
**AN ORDINANCE WAIVING ANY FEES OR RESTRICTIONS FOR
USE OF THE RIGHT-OF-WAYS THROUGHOUT THE
DOWNTOWN CENTRAL BUSINESS DISTRICT TO ALLOW
PLACEMENT OF SIGNS, BANNERS, DECALS, AND OTHER
DISPLAYS OF VARIOUS SIZES TO PROMOTE THE NCAA
CHAMPIONSHIP GAME DURING THE WEEK OF DECEMBER
14-19, 2009 ONLY, SUBJECT TO CERTAIN CONDITIONS**
passed first reading with Councilwoman Scott voting “no”.

**AMEND CITY CODE
MLK SPEED LIMITS**

On Motion of Councilman McGary, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 24, ARTICLE XIV, SECTION 24-502,
RELATIVE TO SPEED LIMITS ON M.L. KING BOULEVARD**
was deferred one week.

CAPITAL BUDGET

On motion of Councilwoman Berz, seconded by Councilwoman Scott,
**AN ORDINANCE APPROPRIATING, AUTHORIZING OR
ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS
BUDGET FOR THE FISCAL YEAR 2009/2010 AND TO AMEND
THE FISCAL YEAR 2009/2010 BUDGET ORDINANCE. NO. 12288
AND TO AMEND THE 2008/2009 CAPITAL BUDGET NO. 12161**
was deferred for one week.

AMEND CITY CODE
STREET NUMBERING

Councilwoman Berz stated that she would move to defer this for four weeks.

Councilman Murphy was not in favor of deferral, stating that we had done the fact finding on this; that Mr. Stuermer had gone backwards, and he did not think it should take a month or much additional committee work.

Councilwoman Robinson, who had made the motion to defer for four weeks, stated that she would amend her motion to two weeks. This was also agreed upon by Councilman Gilbert, who seconded the motion.

Councilwoman Berz stated that a lot of work had been put into this—that it covered everything, and she was taken aback. She questioned if this could be done in a week.

Councilman Murphy stated that the objections would not go away; that the objections to the Regulation Policy will not change, and this policy is not acceptable to this Council; that what is on the books now is not acceptable.

Councilwoman Berz agreed that what we have now is not okay.

Councilman Murphy mentioned several examples, using Old Ringgold Rd. and just Ringgold Rd.; that Mr. Stuermer's view was not to change the existing prefixes and not add any new ones; that we could throw it out and say no new prefixes or vote for it as it is, but we needed to speak clearly to the issue.

Councilman McGary stated that in addition to the issue of prefixes, that there was also the mention of re-addressing; that this may not be an option; that some wanted to see re-addressing struck and questioned if prefixes and re-addressing could be struck from the Ordinance.

Councilman Murphy asked that an alternate version be prepared, and we will put this up for vote in two weeks; that it will not be taken up in committee again because the Council was not pleased with the status quo.

STREET NUMBERING
(CONT'D)

On motion of Councilwoman Robinson, seconded by Councilman Gilbert,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 32, SECTION 32-178 RELATIVE TO THE STANDARD STREET NUMBERING AND ADDRESSING POLICY FOR THE CITY OF CHATTANOOGA, AND TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 32, ARTICLE IX, RELATIVE TO STREET NAMES
was deferred for two weeks.

ISS BUDGET

Councilwoman Scott stated that she had some concern about the economic climate and a rate increase of 3%; that she was not convinced that a 3% increase was needed; that we might need to look at leaving it the same or some compromise; that she would have difficulty supporting this at this time.

Councilman Murphy stated that he was with Councilwoman Scott on this; that there was no clear indicator; that there was no clear opinion and a “we don’t know” effect; that there was no clear indication that it would hurt the bond rating if we don’t do this, and he did not think we needed to do an increase either.

Councilwoman Ladd stated that the hardest question she had to answer right now concerned the Water Quality increase and why the City waited so many years and did not look at increments; that the budget for this system allows for increments to occur without a large hit at one time, which she thought was the responsible way to do this; that Ms. Madison had advised us that it is a sound business move to “fund forward”.

Councilwoman Berz stated that there was not a doubt but that we needed to incrementally raise funds and not hit people all of a sudden. She asked if there was a plan to move forward with tax adjustments here on out?

Mr. Stewart responded that it was not a tax—that it was a service charge. Councilwoman Berz still wanted to know if there was a plan? Mr. Stewart responded “yes”—that there had been a plan over the last five years; that they could not look into a crystal ball. Councilwoman Berz responded that there was not a doubt that this needed to happen and questioned if it would be 4% to 6% over the next few years and if the percentage had been planned out? Mr. Stewart responded that they evaluate their finances at the end of each year and see their needs, and this is what they forecasted. She asked if they would work up to a total of 6%? Mr. Stewart responded that they had to negotiate with Regulatory people and had to fit their requirements.

ISS BUDGET (CONT'D)

Councilwoman Berz asked if the total increase would be 6% and could it be divided into 2%, 2%, and 2%?

Councilman McGary stated that his understanding was that this rate increase is a population increase and was never intended to be stable; that it was more a question of prudence in this economic situation, and there was logical justification, and we could not afford not to do this.

Councilwoman Scott stated that she agreed with some of what Councilwoman Ladd had said—that we do need to fund over a period time; that in looking at the stormwater fee, we did not change for 16 years and going for 16 years with no increase, we did not perform well; that in this case, with the Chart that Mr. Stewart provided, we see an upward trend and in 2000 we saw it take off and multiple incentives in a period of one year. She questioned the trajectory and period of time.

Councilman Rico stated that with all of the scathing e-mails the Council is getting about the Water Quality fee, it would be stupid to not do this; that we needed to be pro-active.

Councilman Murphy indicated that he had been doing some figuring and to get what we needed for stormwater, it would have required around 9 ½% per year—that stormwater and this fee were totally different animals! He maintained that this was not comparative to the stormwater fee—that we would have had to have had an increase by 9% for 16 years; that this is not happening here, and he did not think we should put the two on the same plane. He stated that this was a conscious decision and reiterated that stormwater and this fee were like apples and oranges. He stated that we could do what was needed without this increase this year, and it would have no impact on the bond rating.

At this point, Councilman Rico called for the question. This failed.

Councilman McGary did not favor going a long stretch of time without a rate increase and stated that there was no time like the present.

Councilman Gilbert stated that he had listened to the conversation; that we were in a recession and had already increased the water quality fee so much, and there was so much agony about this; that he would prefer delaying this until next year rather than raise another fee; that the bottom line was that it comes out of the taxpayer's pocket whether it is called a fee or a tax and right now this hurts.

Councilman Murphy called for the question, and it was again denied.

ISS BUDGET (CONT'D)

Councilman Rico stated that we had been told this would happen; that they were not hiding this, and we were told it was coming.

On motion of Councilman Rico, seconded by Councilwoman Ladd,

AN ORDINANCE TO AMEND ORDINANCE NO 12288, ENTITLED "AN ORDINANCE, HEREINAFTER ALSO KNOWN AS "THE FISCAL YEAR 2009-2010 BUDGET ORDINANCE", TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, AND ENDING JUNE 30, 2010, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES", SO AS TO SET FORTH THE BUDGET OF THE INTERCEPTOR SEWER SYSTEM AND TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, SECTIONS 31-36, 31-37, 31-41 AND 31-43

passed first reading on roll call vote as follows:

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

PERS.SERVICES CONT.
MICHAEL FEELY

Councilwoman Berz stated that just for a question of clarification, did she not see this in the Capital Budget and wanted to know why it was now a Resolution? Ms. Madison responded that it was not in the Capital Budget.

Councilman McGary stated that this was difficult for him; that he was friends with Mr. Feely and that having examined the contract, we cannot have a contract that shows favoritism to a friend; that our standards were that it should be impartial and fair, and he would not seek to establish this mode of behavior. He went on to say that the requirements of this contract have not been performed to standards that a \$22,000 per year salary should command and mentioned a “chicken raid” that was not part of the contract. He added that we have worthwhile organizations to perform these operations and that he could not support this as is.

Councilwoman Scott stated that she had great faith in our organizations that service these needs and hopefully they could pick up this alternate role.

On motion of Councilman Rico, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING THE MAYOR TO RENEW A PERSONAL SERVICES CONTRACT WITH MICHAEL L. FEELY TO COORDINATE INITIATIVES AND ACT AS A LIAISON WITH HISPANIC AND HOMELESS POPULATIONS OF CHATTANOOGA TO ESTABLISH AND NURTURE RELATIONSHIPS WITH ORGANIZATIONS REPRESENTING THE RIGHTS AND/OR INTERESTS OF SAID POPULATIONS, FOR THE PERIOD OF SEPTEMBER 1, 2009 THROUGH AUGUST 31, 2010 IN AN AMOUNT NOT TO EXCEED TWENTY-TWO THOUSAND DOLLARS (\$22,000.00) PER YEAR

was adopted on roll call vote as follows:

BERZ	“Abstain”
RICO	“Yes”
MCGARY	“No”
MURPHY	“Yes”
SCOTT	“No”
ROBINSON	“Yes”

MICHAEL FEELY
(CONT'D)

LADD	“No”
GILBERT	“Yes”
BENSON	“Yes”

CONTRACT

On motion of Councilwoman Robinson, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-07-007-201, WALNUT STREET BRIDGE NORTH VIADUCT IMPROVEMENTS, TO TOWER CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF ONE MILLION THREE HUNDRED THIRTEEN THOUSAND FOUR HUNDRED FIFTEEN AND 50/100 DOLLARS (\$1,313,415.50), PLUS A CONTINGENCY AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), FOR A TOTAL AMOUNT NOT TO EXCEED ONE MILLION FOUR HUNDRED THIRTEEN THOUSAND FOUR HUNDRED FIFTEEN AND 50/100 DOLLARS (\$1,413,415.50)

was adopted.

CONTRACT C.O.

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), RELATIVE TO CONTRACT NO. E-08-027-201, TRAFFIC OPERATIONS RE-ROOFING PROJECT, WITH DON GRANT COMPANY, WHICH INCREASES THE CONTRACT AMOUNT BY THREE THOUSAND NINE HUNDRED FIVE AND 74/100 DOLLARS (\$3,905.74), FOR A REVISED CONTRACT AMOUNT OF EIGHTY-SIX THOUSAND AND FIVE HUNDRED FIFTY-ONE AND 74/100 (\$86,551.74), AND RELEASING THE REMAINING CONTINGENCY AMOUNT OF FOUR THOUSAND THREE HUNDRED FORTY-EIGHT AND 26/100 (\$4,348.26)

was adopted.

5-YEAR CAPITAL PLAN

Councilman McGary made the motion that this be approved, and it was seconded by Councilwoman Robinson. Councilwoman Berz stated that she thought it would be wise to defer this until the time that we pass the Capital Budget. Councilman McGary confirmed by Ms. Madison that we are committed to the first year of the Plan and agreed to withdraw his motion. Councilwoman Robinson withdrew her motion as well.

On motion of Councilman Murphy, seconded by Councilman Rico,

A RESOLUTION ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENTS PLAN, SUBJECT TO FUTURE REVISION, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

was deferred for one week or until such time as the Capital Budget is voted on.

PILOT/GESTAMP

Councilman Murphy stated that even though he was in favor of this, he would have to abstain in this vote because he sat on the IDB Board.

Councilwoman Scott asked if Lot 19B had been purchased? Attorney McMahan explained that it would have to be fully purchased before the Board could take action. Councilwoman Scott stated that one of the lots (Lot 19A) had been purchased, but she did not think the second lot had been purchased. She questioned the IDB taking title based on an agreement that a second lot subsequently might come under the PILOT. Attorney McMahan explained that it was the same deal with Volkswagen and their expansion site; that they are sure of one lot and will hold the other lot for future expansion. Councilwoman Scott agreed that there were two separate entities but stated there was only one PILOT, and there was no way of knowing the amount that would enter into the formula. Attorney McMahan noted that the formula was arrived at by the Chamber. Attorney McMahan noted that Lot 19A and 19B were part of Exhibit A; that they did add 19B—that the terms would not be changing.

Chairman Benson felt that the City would actually gain if 19B were not purchased.

Councilwoman Berz stated that after reading this, she had the same question—irrespective of value.

Attorney McMahan explained that on industrial property you have real property and personal property and many times things are added over the term of the PILOT.

PILOT/GESTAMP
(CONT'D)

Councilwoman Berz stated that this does not list the value of the property and would leave the PILOT “wide open” for acquisition afterwards; that we had no idea of what we were approving.

Attorney McMahan explained that we establish the per acre price and in this particular deal, as an incentive, we cut the sales price to entice Gestamp to buy the property, prompting Councilwoman Berz to say “and we are also giving them a tax break”. She asked if we did not do this, would the project not move forward? Attorney McMahan explained that it was part of the recruitment process.

Councilman Murphy stated that any after-acquired property would be assumed by IDB; that we are talking about taking public land and inducing development; that as long as Volkswagen is there, it would be a 30-year PILOT; that it is untaxable property now and all of the surrounding counties will be going to suppliers to induce them to come to their location.

Chairman Benson noted that he had told the lawyers that it would not be necessary for them to come back tonight.

Councilwoman Scott stated that her objection to approving the PILOT was that the other lot might or might not be purchased at a later time.

Councilman Murphy called for the question.

On motion of Councilman McGary, seconded by Councilwoman Ladd,

**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO
THE GESTAMP CHATTANOOGA, LLC PROJECT, TO
DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL
DEVELOPMENT BOARD OF THE COUNTY OF HAMILTON,
TENNESSEE, AND TO AUTHORIZE THE MAYOR TO ENTER
INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN
LIEU OF AD VALOREM TAXES**

was adopted, with Councilman Murphy abstaining and Councilwoman Scott voting “no”.

DONATION

MR-2009-061 & 062 (City of Chattanooga c/o Dan Thornton)

On motion of Councilman McGary, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION OF PROPERTY FROM AKI, INC. (d/b/a/ ARCADE MARKETING, INC.) LOCATED AT 1815 MAIN STREET, LYNNBROOK AVENUE AND 1715 MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY RELATING THERETO
was adopted.

OVERTIME

Overtime for the week ending November 12, 2009 totaled \$9,744.05.

PERSONNEL

The following personnel matters were reported for the **PUBLIC WORKS DEPARTMENT:**

- ❖ **JIMMY L. YEARBY**—Termination of Crew Worker 1, effective 11/4/09/
- ❖ **MICHAEL G. ANTHONY**—Hire Occupational Safety Specialist, Range 17, \$39,592.00 annually, effective 10/23/09.
- ❖ **CAROLINE JOHNSON**—Hire as Administrative Support Specialist, Range 10, Annual Salary of \$28,137.00, effective 11/20/09.

EMERGENCY PURCHASES

Adm. Steve Leach reported the emergency purchase of liquid Oxygen from Air Liquide in the amount of \$21,055.77, Requisition 20566. This purchase was duly signed in open meeting.

Adm. Leach also reported the emergency purchase of repair services for Waste Resources equipment from Tennessee Armature & Electric in the amount of \$16,458.82, Requisition 20568. This emergency purchase was also duly signed in open meeting.

WATER QUALITY MEETING

While Adm. Leach was at the podium, Chairman Benson verified that his department would be present for the Water Quality Meeting to be held on Thursday, November 19th at 1:00 p.m.

HOTEL PERMITS

On motion of Councilman Rico, seconded by Councilwoman Robinson, the following Hotel Permits were approved.

DELTA QUEEN	100 RIVER STREET
HAMILTON INN	2717 ROSSVILLE BLVD.
INTOWN SUITES LEE HWY, LLC	5730 LEE HIGHWAY, CHATT., TN.
PARK CITY MOTEL	2747 CANNON STREET
QUALITY INN	5505 BRAINERD RD., CHATT., TN
RED ROOF INN	7014 SHALLOWFORD ROAD
RESIDENCE INN CHATT.	215 CHESTNUT STREET, CHATT. TN
KINGS LODGE	2400 WESTSIDE DRIVE

FIRE & POLICE DISCOUNT

Chief Williams read a letter from Dillard's Dept. Store that extended a 20% discount to Fire and Police employees on December 2nd and December 3rd. **On motion of Councilwoman Robinson, seconded by Councilman Rico, permission was granted to accept this discount.**

REFUND

On motion of Councilman McGary, seconded by Councilwoman Robinson, the City Finance Officer was authorized to make the following refund:

CHATTANOOGA GAS CO. \$137,406.98 Tax Year 2008 due to Appeal

PURCHASES

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

PARKS AND RECREATION DEPARTMENT:

BLISS PRODUCTS (Lowest and best bid meeting specs.)
Requisition R0126896-B0006355

Blanket 12-Month Contract for Playground Chips

\$10,000 annually or \$15.50 per cubic yard

BICENTENNIAL LIBRARY:

CARL CORPORATION OF INWOOD, WEST VIRGINIA (Single Source
Purchase)
Requisition 20646

Annual Maintenance Contract for CARL System

\$97,258.44

PUBLIC WORKS DEPARTMENT:

MIXING & MASS TRANSFER TECHNOLOGIES, INC. (Single Source Purchase):
Requisition 20490

12-Month Blanket Contract for Remote Monitoring Services

\$50,000 per year (Not to exceed)

PURCHASES (CONT'D)

AMERICAN FORESTS (Best Bid Meeting Specs.)
Requisition R0128190/B0006452

Urban Tree Canopy Analysis

\$47,695.00

MAYOR'S OFFICE/INFORMATION SERVICES DIVISION:

INFO SYSTEMS & DULEY HOPKINS & ASSOCIATES (Both Meet All Specs.)
Requisition R0126374

12/Month Blanket Contract for Programming Services

\$25,000.00 (Estimated Annual Expend.)

HEARING:LOYD LEMLEY

City Attorney McMahan stated that the Council needed to re-set the hearing date for **Loyd G. Lemley**, who was terminated from the Chattanooga Police Dept. It was noted that the last two Monday's in December fall during the Christmas and New Year's holidays, with Attorney McMahan noting that people often take vacations during this time.

Councilman Murphy mentioned the Pre-Hearing Conference results, stating that this hearing may not even take place—that it had been narrowed so much that it might go just one-half hour or at the most one hour and would be a very brief one. He stated that we had traditionally done these on Mondays, but he would consider a Tuesday, also, since it would be no longer than an hour. (Chairman Benson retorted “famous last words”, with Councilman Murphy responding “you could take it to the bank”.)

Councilwoman Berz asked if Mr. Lemley had counsel and questioned whether the Council should be discussing this. Councilman Murphy responded that he did not have counsel and everything that he was saying was public record; that the parties agreed, and there was just a single document that Mr. Lemley will rebut. He stated that he was not airing any position.

Councilman Murphy decided on **Monday, January 18th** as the hearing date.

HOLIDAYS

On motion of Councilwoman Robinson, seconded by Councilwoman Scott, there will be no Council meeting, nor committee meetings, held on Tuesday, December 22nd nor Tuesday, December 29th due to the Christmas and New Year's holidays.

Chairman Benson noted that since we would not be meeting these two Tuesdays that we needed to get the Capital Budget settled.

COMMITTEES

Councilwoman Scott scheduled an **Economic Development Committee for Tuesday, December 1st to follow the Public Works Committee.** A PILOT will be discussed.

Councilman Murphy stated that his Legal and Legislative Committee was in the habit of meeting weekly; however due to the need for a longer Budget, Finance, and Personnel Committee meeting, he would cede his time on November 24th so that the Budget and Finance meeting would not have to start "at the crack of dawn".

Councilman McGary scheduled an **Education, Arts and Culture Committee** meeting for **Tuesday, November 24th that will immediately follow the Agenda Meeting.**

Councilwoman Berz stated that the **Budget, Finance, and Personnel Committee** would meet **Tuesday, November 24th at 2:00 P.M.** and any carryover that was needed would be done at the Legal and Legislative Committee time. She asked that Councilmembers with concerns to please contact Administration with their questions during the week so that we can bring closure next week.

AGENDA/NOV. 24, 2009

Chairman Benson asked if there were any questions concerning next week's agenda; that the agenda would be covered by Mr. Johnson at next week's meeting.

FRANKLIN DAVIS

Mr. Davis approached the Council, stating that that he had been here several weeks ago concerning his mother and had talked to Councilman Murphy and Chief Cooper; that his mother's case had been closed, and he had come to ask for something in writing; that the matter was handled inappropriately and that he was asking that the case be re-opened.

Councilman Murphy stated that he would take this up with Chief Cooper and see why the case was closed and if there was a valid and good reason; that he would see what he could find out. He stated that he had talked to Chief Cooper on Mr. Davis' behalf.

SHIRLEY DEAKINS

Ms. Deakins approached the Council, stating that she would not be here if this issue was not so important; that she was advocating for Franklin Davis; that she had known his mother for three years and they both had the same contractor with CNE; that his mother, Laura, and herself had both been hurt; that she was heavily involved with Laura and Franklin Davis. She went on to say that the investigation that was done by the District Attorney's Office was "Mickey Mouse"! She stated that the Police did not understand what they were dealing with; that narcotic people were involved; that somebody was interested in taking this property and developing it illegally. She reiterated that drugs were involved, and this old lady (Laura Davis) had been neglected; that Mr. Davis had proof and had tried to get his mother some help; that she was at Parkridge Hospital, and no one was supporting him; that Mrs. Davis almost died; that an Uncle was looking after her and had her money, and she was given no food and had no teeth, and this Uncle was managing her money. She went on to say that no one was listening to Franklin Davis and no one cared; that the involvement in the Police Dept. was a disgrace, and she could show the Council why; that there was a collusion of people who wanted to see this go down; that someone wanted to develop the whole thing, and it was a disgrace.

Councilman Murphy stated that Adult Services fell down on the job.

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga City Council until Tuesday, November 24, 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)**