

**City Council Building
Chattanooga, Tennessee
January 5, 2010
6:00 p.m.**

Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Berz, Gilbert, Ladd, McGary, Murphy, Rico, Robinson and Scott present. 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, invocation was given by Councilman McGary.

MINUTE APPROVAL

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

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 32, ARTICLE III, SECTIONS 32-61 THROUGH 32-85, RELATIVE
TO EXCAVATION AND RESTORATION OF PAVING**
passed second and final reading and was signed in open meeting.

AMEND CITY CODE

Councilwoman Scott stated that her abstention is due to the lack of information of the final reading of the ordinance by the City Attorney.

Chairman Benson stated the ordinance will be amended before final vote.

AMEND CITY CODE (Continued)

On motion of Councilwoman Ladd, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 7, RELATIVE TO ANIMALS AND FOWL**
Passed first reading; **Councilwoman Scott abstained.**

CLOSE AND ABANDON

MR-2009-109: George L. Byars

On motion of Councilman Rico, seconded by Councilman Murphy,
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY
LOCATED IN THE WEST LINE OF 3600 BLOCK OF DORRIS STREET, MORE
PARTICULARLY DESCRIBED HEREIN**
passed first reading.

CLOSE AND ABANDON

MR-2009-134: Mario Forte

Councilwoman Scott asked for clarification as to whether Coppinger is the owner of the subdivision of the undeveloped land that would be blocked off at least from this aspect.

Adm. Steve Leach responded "yes"; that he checked with Mr. Bennett who indicated property owners were notified.

On motion of Councilman Rico, seconded by Councilwoman Ladd,
**AN ORDINANCE CLOSING AND ABANDONING THE RIGHT-OF-WAY
OF AN ALLEY WHICH INTERSECTS WITH THE 2700 BLOCK OF BRYANT
ROAD AND THE 4600 BLOCK OF CHARLOTTE DRIVE, MORE
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

BONDS

Councilwoman Scott stated for individuals who may not understand, she asked Adm. Daisy Madison to give a citizen's worded explanation for this Resolution and the following one.

BONDS (Continued)

Adm. Madison explained this particular Resolution is authorization to refinance existing bonds issued in 2002 and 2003. She stated the 2002 issue is commonly referred to as the hotel-motel tax bonds and just as a person would with a home mortgage if the interest rate environment was such that would reduce a monthly mortgage payment by a lower interest rate, the city of Chattanooga is constantly looking at its existing debt and in the current market we have found these issues will offer us some substantial savings over our current debt service and the remaining life of these two issues. She stated the current rates range from between four-to-five percent and in the current market she is hopeful we can get around three percent.

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF AN AMOUNT NOT TO EXCEED FIFTY FIVE MILLION DOLLARS (\$55,000,000.00) PRINCIPAL AMOUNT OF THE CITY OF CHATTANOOGA, GENERAL OBLIGATION BONDS, REFUNDING BONDS, SERIES 2010

was adopted.

BONDS

Councilwoman Scott asked Adm. Madison to give the same explanation for this Resolution, as well, as it is her thought there should not be any confusion about this bond and the one passed prior to and understanding the relationship.

Adm. Madison stated in November 2009 this Council authorized by Resolution the initial Resolution which authorizes us to finance the upcoming capital budget and at that time the capital budget had not been passed but anticipated. She stated based upon projections and projects involved the projects would need to be funded; that some of the projects, because of obligations under the Memorandum of Understanding with the State and County, were already underway. She stated that initial Resolution, essentially, was a marker that allowed us to spend some dollars and have those expenditures reimbursed out of the bond proceeds from this issue.

Councilwoman Scott asked for clarification that this is not \$20 million plus twenty, it is the same \$20 million.

Adm. Madison responded "it is the same \$20 million"; that the \$20 million is a "not to exceed" amount as they do not anticipate issuing that level of bonds.

BONDS (Continued)

On motion of Councilwoman Berz, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF AN AMOUNT NOT TO EXCEED TWENTY MILLION DOLLARS (\$20,000,000) PRINCIPAL AMOUNT OF THE CITY OF CHATTANOOGA, GENERAL OBLIGATION BONDS, SERIES 2010
was adopted.

TEMPORARY USE

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING W. LUCILLE WRIGHT ON BEHALF OF THE AVONDALE NEIGHBORHOOD ASSOCIATION TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT ROANOKE AND BRAGG, WILCOX, HOLTZCLAW, CHAMBERLAIN, BRAGG & CAMDEN TO INSTALL AN IDENTIFICATION SIGN, AS SHOWN ON THE ATTACHED MAPS AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilwoman Scott,
A RESOLUTION AUTHORIZING CECELIA REYNOLDS TO USE TEMPORARILY THE ENTRANCE OF AN ALLEY LOCATED AT 4917 VIRGINIA AVENUE TO INSTALL FENCING, AS SHOWN ON THE ATTACHED MAP MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was denied.

SPECIAL POLICE OFFICERS (UNARMED)

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF JOHN HAUSTEIN AND KARNA K. LEVITT AS SPECIAL OFFICERS (UNARMED) FOR THE PUBLIC WORKS LAND DEVELOPMENT OFFICE TO DO SPECIAL DUTIES AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

AGREEMENT

Councilwoman Berz stated that she has several concerns which were voiced earlier; that King and Spalding is a very fine firm in Atlanta with a lot of expertise and finds it hard to believe we do not have the same kind of expertise here in Chattanooga, particularly since there are so much problems with the water quality fee, which are valid concerns. She stated the second thing is that she has not seen a contract that limits the amount of spending and the letter that she saw indicated between now and September and their best guesstimate of fees to be spent on this gigantic problem we have would be around \$100,000, which she finds hard to believe as she thinks it is too low. She stated that means we have an open ended contract with no "not to exceed"; that she has some problems with it and noted that she was not being critical of the firm itself.

City Attorney McMahan stated with regard to any attorney contract discussed with Mr. Sowatzka, he was asked to assume the worst case scenario he could to assume EPA would immediately start enforcement actions in early February, what kinds of services we need from them to help us. He stated these things almost always end in a consent decree and the "nature of the beast" we are dealing with is to find someone who knows all the EPA regulations and knows the personnel we are dealing with in order to have someone; that it is like hiring a former Congressman who worked in Washington to go lobby because they know the people we do not know to get things done and Mr. Sowatzka is that kind of person as he has worked at EPA. He stated we do not have to pay for a learning curve as he has represented other cities with similar problems. He stated he was asked to assume the worst case scenario and budget; that the budget was given under the worst case scenario at \$100,000 noting that he (Sowatzka) will not have to do all the work as he will go with us and help negotiate; that the burden will be on the staff of public works to gather all the information needed to fight this thing. He stated a whole lot of work will be done in Chattanooga by our own people, including people on the City Attorney's staff, but he does not know all the EPA "ins and outs". He stated for many years he was a member of the Environmental Section of the Bar Association and thinks he knows most of the Environmental attorneys in town and so far as he knows there is no one in Chattanooga any place near the breadth of experience of Mr. Sowatzka in respect to these matters. He stated another point is if the budget gets out of hand lawyers work until they are told not to work anymore and can "pull the plug" at any time; that "not to exceed \$100,000" would probably be a wise thing and he could certainly put that in.

AGREEMENT (Continued)

Councilman Murphy stated he is an attorney and heard it mentioned in Committee this gentleman used to work for EPA and that is fine as we will be dealing with an Article I agency and to the extent that there are decision makers or adjudicators he guesses it is not quite as offensive to him as an attorney to say essentially "he used to work for the judge"; that it would be incredibly offensive to him if that was an Article III Court. He stated it still bothers him and that is the first thing; that the second thing is that he has no end of confidence in not only the ability and knowledge and skill of our Bar Association in Chattanooga, and if there is research that would need to be done to bring someone "up to speed" they can do it. He stated personal relationships essentially have been floated as one of the reasons to give this work to this attorney; that if personal relationships are deciding the fate of a legal matter of this great import to our city, he is very much troubled for our city and for our country because personal relationships should have absolutely nothing to do with the law as it is applied and enforced. He stated the only question he has is has this attorney worked with our department for so long and worked with us to a point where it would be patently unfair and a shock and a surprise to pull this work from this attorney in this law firm. He stated he does not know if the Mayor is the appropriate to answer that or the city attorney or who.

Mayor Littlefield stated that he did not think it would be a shock; that it would be unwise after having talked in Washington with the EPA and DOJ prosecutors who see this as a very intricate and detailed and complex civil action. He stated this is what they deal with in other cities like Chattanooga in going through this process all the time. He stated it is his thought this is really a matter of comfort level in having an attorney who has been through this a number of times from both sides of the table to enable us to get through the negotiation processes as quickly and effectively and efficiently as possible. He stated we employ specialists all the time -- attorneys, bond counsel and this really is no different from that. He stated the first case he was ever involved in with Mr. McMahan was an environmental case tried in Nashville before the then Tennessee Stream Pollution Control Board. He stated both have been "down the track" a number of times and he has been involved in negotiating consent decrees before on issues very similar to this and believe it is in the public's best interest, which is why this has been presented as such to have an expert who can give us this type of counsel and can lead us through the labyrinth and hopefully get us through it in one piece better than just trying to get local attorneys up on the learning scale. He stated he is like Council Murphy in knowing that we have talented attorneys here who do a number of things but

have never really specialized in something quite this unique; that it is not to say they cannot do it but thinks it would hold us back and we are wise to follow this.

AGREEMENT (Continued)

Mayor Littlefield stated in reading Mr. Sowatza's letter he gave us rather detailed estimates on how many estimated hours it would take for each item we would have to go through here and thinks it is in the public's best interest and that is why the Council is being presented this -- not for any personal friendship or knowledge or any kind of responsibility because individuals have helped us pro bono up to this point, although he has. He stated the wise thing to do is to get this case resolved and behind us as quickly as possible.

Councilman McGary stated that he noticed in the document that was issued there is no line item for expenses indicated by this gentlemen coming from Atlanta. He asked the City Attorney if we have any control over how much that line item would be.

City Attorney McMahan stated that Councilman McGary is probably talking about expenses short of mitigation; that generally there are copy costs that is generally unlike other professions; that there will be no charge for secretarial time and no charge for anything except out of pocket expenses like telephone calls or long distance; that they charge for federal express and things of that character. He stated expenses, compared to \$100,000, would be very modest.

Councilman McGary asked if we would be writing a "blank check" or will we have some idea of what that figure will be. City Attorney McMahan clarified that every month there would be a bill and if it is getting out of hand then we are faced with a decision whether to go forward. He reiterated that we will be billed monthly and things could be reviewed monthly and if there is something being inappropriately billed there could be discussion.

Councilman Rico stated in response to Councilman Murphy's concerns, there is an old saying, "Good lawyers know the law, a great lawyer knows a judge", noting that it makes a difference as we are human beings.

City Attorney McMahan stated he may have given a bad emphasis there, that we are talking about negotiating a consent decree between EPA and the Department of Justice; that we are arguing with an Article III judge and not dealing with anyone who has any influence with an Article III Judge and not necessarily anyone with influence with the Department of Justice. He stated we are dealing with someone who knows the "ins and outs" of the system and what kind of concessions we might reasonably expect to negotiate with the federal government.

AGREEMENT (Continued)

Councilwoman Berz stated she would like to get back to the contract itself and addressed City Attorney McMahan in noting that there is a September time line and asked the time line for the full negotiations.

City Attorney McMahan responded that the reason he asked for a September time line is to put it in this year's budget cycle, assuming the budget would be passed by next September; that he was making sure how much money would be spent between now and September. He stated they do not know the time line as EPA has not initiated anything; that they have told us they are going to but have not initiated any direct contact except to ask for facts. He stated they have issued a request for facts and assumes once EPA reviews the facts they will want to come back and start the process, but we do not have a known date. He stated it may be there may be virtually no money spent been now and September.

Councilwoman Berz stated that her concern is that she has seen a number of areas that are a little loose and knows there are a lot of unknowns; that the \$100,000 is a guesstimate between now and September if nothing is happening or even if there are a few hearings happening. She stated she is concerned about all of this work being put in; that the real cost is a lot more than that and it will kick in later on. She stated the contract is a little open for her and she is not sure what can be done to make her feel comfortable, noting that it does feel like a "blank check" and the more we allow people to keep working on something that is a very good argument as the Mayor made as this guy has been working with us all along; so, obviously we would not want to halt that work a little later on if good things are in process. She stated she has not seen a contract like this and it is loose.

On motion of Councilman Rico, seconded by Councilwoman Ladd,
**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO AN
AGREEMENT WITH KING & SPALDING, LLP FOR LEGAL SERVICES
RELATIVE TO THE WATER QUALITY PROGRAM**
was adopted; **on roll call vote:**

SCOTT	"Yes"
ROBINSON	"Yes"
LADD	"Yes"

GILBERT

"No"

AGREEMENT (Continued)

BERZ	"No"
RICO	"Yes"
MCGARY	"Yes"
MURPHY	"No"
BENSON	"Yes"

PAYMENT AUTHORIZATION

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING PAYMENT TO HAMILTON COUNTY, TENNESSEE, FOR THE CITY'S PORTION OF INSURANCE PREMIUMS FOR THE PERIOD OF DECEMBER 20, 2009 THROUGH DECEMBER 20, 2010 FOR JOINTLY OWNED AND INSURED PROPERTIES IN AN AMOUNT NOT TO EXCEED TEN THOUSAND EIGHT HUNDRED FIFTY-EIGHT AND 69/100 DOLLARS (\$10,858.69) ACCORDING TO THE ATTACHED LIST OF PREMIUM BREAKDOWNS

was adopted.

VALVE REPLACEMENT

On motion of Councilman McGary, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO APPROVE AN AWARD TO EAGLE FINANCIAL D/B/A/METRO SEWER & DRAIN, INC. FOR REPLACEMENT OF A VALVE ON A WATER LINE AND TO INSTALL PRESSURE REDUCTION BACKFLOW PREVENTER AT DOGWOOD MANOR APARTMENTS' MAINTENANCE ROOM IN AN AMOUNT NOT TO EXCEED FOURTEEN THOUSAND EIGHT HUNDRED SIXTY DOLLARS (\$14,860.00)

was adopted.

AGREEMENTS

On motion of Councilman Murphy, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO AGREEMENTS WITH NEIGHBORHOOD ORGANIZATIONS FOR NEIGHBORHOOD PARTNERS PROJECTS AND RELATED ACTIVITIES AND INITIATIVES IN AN AMOUNT NOT TO EXCEED SIXTY-SEVEN THOUSAND FIVE HUNDRED FIFTY DOLLARS (\$67,550.00)
was adopted.

CHANGE ORDER

On motion of Councilman Gilbert, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO THE AGREEMENT WITH BARGE, WAGGONER, SUMNER & CANNON, INC. FOR ENGINEERING AND DESIGN SERVICES RELATIVE TO THE SOUTH CHICKAMAUGA CREEK GREENWAY PROJECT, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THIRTY THOUSAND DOLLARS (\$30,000.00), FOR A REVISED AMOUNT NOT TO EXCEED TWO HUNDRED SEVENTY-ONE THOUSAND DOLLARS (\$271,000.00)
was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO THE AGREEMENT WITH ATTORNEY MICHAEL J. MAHN FOR LEGAL SERVICES RELATIVE TO THE PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS PROJECT, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY SIX THOUSAND DOLLARS (\$6,000.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FORTY-THREE THOUSAND FIVE HUNDRED DOLLARS (\$43,500.00)
was adopted.

PERMANENT RIGHT-OF-WAY

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING A PERMANENT RIGHT-OF-WAY ON OR CONVEYANCE IN FEE SIMPLE OF APPROXIMATELY 5,962 SQUARE FEET OF PROPERTY LOCATED AT 3699 FAITH ROAD FOR A PERMANENT

**ROAD OR DRIVEWAY TO GRANT THE ADJACENT PROPERTY OWNER
ACCESS**
was adopted.

MORATORIUM

Councilwoman Robinson and Scott made the motion to adopt this Resolution.

Mayor Littlefield stated the only change is that we originally had on the agenda a Resolution for a moratorium on building permits which did not take it to the next step which was intended but not stated that we would go ahead and pursue a consideration of zoning of the site through the Planning Commission which does not change anything he discussed with each Council member individually; that it simply tells the whole story instead of part of the story. He stated this site has been discussed in great detail.

Chairman Benson commended the Mayor for such quick changing of the Resolution.

Mayor Littlefield stated that he did not actually change it the City Attorney's office did as they thought it more appropriate to tell the whole story. He stated all that was on the agenda tonight was a Resolution for a moratorium for 120 days that he had already discussed with Barry Bennett of the Planning Commission initiating a petition from the Mayor's office to have a reconsideration of the zoning here. He stated this site has been much discussed and he has asked the Housing Authority to delay their action until they had an opportunity to consider the limitations of the site in more significant detail and they have not been very cooperative, so this simply, without getting too contentious with them, simply sets the process in motion which is something we deal with every day, which is to have the Planning Commission look at the zoning. He stated if facts were told if this site were considered for zoning to R-3 today it would not be rezoned R-3 as it violates all our principals and policies.

Chairman Benson stated this does two things: it has the 120 day moratorium and initiates a request from R-3 to R-T/Z.

Mayor Littlefield stated that is correct.

Councilman McGary stated he is trying to determine where all this is going. He stated if we have concerns about the site itself, whether it is the wideness of the road, the slope or topography, we are saying we want to slow down their building to determine, as the language suggests, a need for new zoning to protect the public safety and welfare. He asked if the goal is to say this property is inappropriate and therefore the Housing Authority would not be able to build their property or they would have to apply for a new zone, and if they apply for

a new zone they will be turned down based upon this. He asked where this is going as he is trying to understand the end result.

MORATORIUM (Continued)

Mayor Littlefield stated if the property is rezoned they will have to plan their project/development to fit within that zone. He stated there is nothing to preclude it being developed as a public housing development as that is not intended; however, the proposal they have made increases the density of an already rather densely developed site from 28 units to 36 units. He stated originally there were 48 units and managed to get it down to 36 but it is still an increase in density. He stated as many on the Council know who have visited the site, the approach road into and out of this site is effectively one lane, which means you have to wait until the car coming toward you passes before you can actually go forward because cars are parked all along the road because houses are developed on this site. He stated by rezoning to R-T/Z or in the consideration with Planning Staff and Planning Commission, whatever they determine, the density of the site will be set on that basis. He stated also in the process of looking at the rezoning, we will look at a detailed site plan as all we have seen at this point has not been very imaginative; that it has simply been plopping buildings down in the middle of a ring of asphalt and that is not something anyone wants to see including the people he would think would be living there in the future. He stated we want to see a more imaginative site plan and with that and the zoning that will be determined they will be able to design and develop a project that fits that zone.

Councilman McGary stated that he hears the Mayor saying there is a question of numbers; that it is not whether the Chattanooga Housing Authority (CHA) will build as they are going to build; that it is a question of how many units they will build on that property. He stated currently the Mayor is saying 26 and would like to see it go down ...

The Mayor corrected Councilman McGary by stating it is 36 and he would like to see it go down to six-to-ten, a considerable reduction.

Councilman McGary stated that CHA received a grant which was for mass housing. He asked if that would affect their grant.

Mayor Littlefield stated it would affect the grant, yes it will.

Councilman McGary asked if they would have to turn it back in, what will happen.

Mayor Littlefield stated that would be determined by HUD and (he) is in

discussion with HUD about how they could conceive of that. He stated the site is limited.

MORATORIUM (Continued)

Mayor Littlefield stated CHA has other sites that could be used for other developments and it is his hope HUD will “see the light” and allow this project to go forward on multiple sites instead of trying to dump them all into a single site that is too confined.

Councilman McGary stated if this goes forward with the options the Mayor has given them (CHA) cannot win, they lose. He stated in the long run they would have to turn in the money because if we create a new zone that the Mayor is saying is not designed for this property there is no way they will be allowed to build on that property.

Mayor Littlefield stated they would have to scale the development back.

Councilman McGary stated “they lose the money, correct”.

Mayor Littlefield stated whether they lose the money or not is in the eye of the beholder that has not yet been determined.

Councilman McGary stated if they move it back to six or ten they will not fulfill the grant.

Mayor Littlefield stated they will not fulfill the grant as it presently stands; that HUD has already permitted it to go from 48 to 36 and will probably scale back the amount of the grant or permit them to develop some of the units on other property in North Chattanooga and that would be fine.

Councilman Murphy stated that he mentioned in Committee that he runs that hill and no one runs that hill to avoid hills, it is a very extreme hill and it also is very far from any bus route as any pedestrian would have to walk back up Fairmont and back down and then around to Dallas Road or Forest Avenue, which is all very steep. Mayor Littlefield stated it is eight-tenths of a mile.

Councilman Murphy added it is all very steep. He stated his thinking on this issue is surely there is a more walkable parcel of property out there that either the Housing Authority currently has title to or even the city has title to that a land swap could be achieved, noting he is probably getting ahead of what the Mayor wants to talk about here today. He stated to address Councilman McGary’s concern it is his thought they can probably have their project and have it be a better situation for the future residents than the prospect of having

to walk out of that neighborhood to a bus line.

MORATORIUM (Continued)

Councilman Murphy stated he represents a lot of folks who have physical handicaps and Councilwoman Scott actually campaigned door-to-door in that neighborhood; that it is not an area that normal people can walk in and out of on a regular basis as it is extremely physically demanding. He stated he would like to see a win-win situation for CHA to find an appropriate parcel to go forward with this project and not subject residents who may be desperate for a place to live and take it because it is all they may be able to get, but then are faced with the prospect of having to rely on cabs or friends for transportation or the like. He stated it honestly is not a great place to put public housing.

Mayor Littlefield stated the site has severe limitations; that if it were to be presented to Planning and the City Council today for rezoning to R-3 it would not meet our guidelines for R-3. He stated we are not doing anything out of keeping with what we do with the rest of the city; that we are asking for redesign and perhaps breaking the project into more than one location.

Councilwoman Scott stated the bottom line is that the density and infrastructure do not match and for safety reasons this should be put on the agenda for the Regional Planning Agency and we ought to approve this Resolution.

Councilwoman Ladd stated people can tell by looking at her that she has not run this hill! She stated she was invited to walk up that hill and chose to drive herself up and could tell even in a car that it was precocious and that is how narrow this is. She stated it is really a one lane avenue up to the top of the hill with residents that have built their homes almost on the road and there is no parking for them but on the road. She stated there is no space for them to park and most do not have a driveway and have to park on the road. She stated we have talked about ingress and egress issues for pedestrians, her fear is public safety response to someone in those apartments is getting an ambulance in and out, getting a fire truck in – that her concern is for people who live back in there on top of the hill who would need emergency response. She stated she does not think it is the right thing to do and supports Councilwoman Scott's comments that we have severe public safety issues with this. She stated she has concerns moving forward and thinks this is a wonderful idea and a way to stop the process until we can get some level headed common sense direction.

Councilman Gilbert stated that the only problem he has with the situation in listening to Councilman McGary is they have the possibility of losing this grant; that there are no other properties available he knows of they can move this housing project to.

Chairman Benson referenced Spears Avenue.

MORATORIUM (Continued)

Councilman Gilbert asked if they will be able to achieve the grant money on a new place in time.

Mayor Littlefield stated we have not traditionally allowed projects to go forward just simply on the basis of the availability of a grant; that is not the best way to decide about a project and development that will be there for perhaps 50-100 years. He stated the grant is certainly "icing on the cake" but there is no determination, yet, the grant would not be allowed to be shifted. He stated there has been resistance to that, but what we are proposing to do, in his opinion, is logical and reasonable and should be supported by the Department of HUD. He stated we are attempting to follow the guidelines they have set for these types of development and it is his thought they will come around to that realization as we go through this process. He stated it will take some negotiation and CHA is not moving so fast that this is going to put any significant crimp in what they are proposing to do as they are not planning to get into construction with their development until sometime almost a year from now; they have not even begun to demolish the units that are there, yet. He stated there is time to do this; that we are simply trying to put it on a logical time frame and follow a logical method of consideration just as we would do for any other project.

Councilman McGary stated in keeping with what he has heard thus far, he personally has some discomfort issuing a Resolution without anyone from CHA being here and allowed to speak. At this point he asked if anyone from CHA were present; there was no indication anyone was present. He stated we have heard from one side of the argument and noted he has been married long enough to know it will get you in a bunch of trouble! He stated he would personally like to see this deferred at least one week to hear from CHA in regard to this proposed action as to whether it will or will not affect their given course in what they are seeking to do. He stated he has become acquainted with the project through various conversations with various people both from CHA and those outside and understands there are a lot of issues at stake which far exceeds simply topography. He stated we have issues of class, among other things, being brought up and would hate, personally, to just make a decision that comes off as if we are trying to make a logical, fair, organized decision that comes out only on one level without addressing some of the other issues, as well, or putting them "on the table" to get a full understanding of what our decision process is doing. He stated he has some discomfort with the current Resolution, not to say it is not the right course, he just does not know if it is the right course given we have only heard one side of the conversation.

MORATORIUM (Continued)

Councilwoman Robinson stated we should not even be having this discussion had it not been for that money that just “fell out of the sky” called stimulus money which was awarded to CHA for a project. She stated the reason we should not be having this discussion is that this particular parcel on Fairmount Avenue was on their death watch list; that there are only six-or-seven families living up there, the rest of the apartments have been condemned and not making a good faith effort to maintain it as it is. She stated it can be said what kind of neighborhood is that when you have 28 units owned by the federal government and doing nothing to improve the quality of life for the people that are left there. She stated what about the 20 other families that have already moved way because the place had become uninhabitable. She stated this is quite simply, in her opinion, a project that was developed to fit the guidelines of a grant that was thrown out without any regard to the quality of the development we would end up with as part of our city. She stated there was no consideration given to how much land would be ideal so that children would have a place to play, to access public transportation, to access a nice grocery store or the access to a quality of life so that these folks that move in there would become a part of a neighborhood rather than just an appendage long forgotten and only recently resurrected just because a grant came our way. She stated we need to redirect their energy and money to a place where they can afford a quality of life for the people they are dedicated to serve.

Councilman Rico stated he thought the whole concept of HUD was trying to get away from the project concept which is why we have done away with projects in Alton Park and now have HOPE VI. He stated even the last low income complex in his district is a nightmare. He stated we do not need any more of these; that he is sorry, however, that is a fact as they do not work. He stated he would never again vote for one in his district; that he thought it would be good yet it is a nightmare for residents in that area. He stated something has clouded Councilman McGary's mind because he knows we do not need stuff like this; that he does not what his (McGary's) reason is, but surely he sees what it has done to neighborhoods like ours where low income people are involved in that. He stated it is a shame HUD would even think about considering money before quality of life for people and it is his thought this is a disgrace!

Mayor Littlefield stated the Housing Authority will be allowed ample opportunity to state their case and have their say as that is what we are putting in motion here. He stated the process will be before the Planning Commission to consider a site plan and consider rezoning and they will have more opportunity before

Planning and before this Council to present that case. He stated so far it has not been adequately considered.

MORATORIUM (Continued)

Chairman Benson stated the motion is to put in a moratorium while seeking the rezoning; that there will be a public hearing on the rezoning and all this will have time to take place.

Councilman McGary stated all he has heard thus far from what he can gather is that none of this precludes the CHA from having an opportunity to address Councilwoman Robinson's concerns about why they actually put out the grant in the first place. He stated it is his thought it is a little unfair to them to say "here is why you did what you did" without giving them an opportunity to say so for themselves. He stated he has had the opportunity to sit down with Betsy McCright, the Executive Director of CHA, and asked very pointed questions about the scope of this project. He stated as Councilman Rico mentioned he has concerns about housing people with no end results; that it is his belief housing should be a step in the right direction and has spoken with Ms. McCright about this very issue and she assured him there would be screening that would take place and people will be placed in programs to help them acquire their own home. He stated this is not a traditional housing project; that he has concerns about our actions seemingly being more preemptive as far as saying we want to slow down something without actually hearing all the facts, and then say after we make our decision we will give you a chance to say what you are wanting to say. He stated it is his thought that is a backward approach and would think it would fair of us, given all he has heard, just to simply let CHA speak for themselves and if it confirms all that we have already said he does not see why a week's deferral will change anything.

Councilman Gilbert expressed agreement with Councilman McGary; that a week should not make a change in opinion. He stated we should give the CHA an opportunity to address the issue that has not been addressed yet, again expressing support.

Mayor Littlefield stated we had a meeting here in this room with the people present and a number of issues were raised. He stated he asked CHA to delay their actions on this project until those issues could be addressed. He stated they hurriedly met the next morning and passed a resolution to move forward and basically "thumbed their nose" at us. He stated he does not trust them to sit idly by and wait for us to make a decision on this matter; that the city has the police powers, the power of zoning and permit issuance or non-issuance. He stated those issues need to be addressed logically and before this body and the Planning Commission who normally considers these things.

MORATORIUM (Continued)

Councilwoman Scott stated she does understand the concept of wanting to make sure that people have had an opportunity from CHA to make their points known; that she would like to say she has met personally with the individuals from there, both individually and in a group, and was told at the very first meeting that she sat down with two of those individuals and sat and listened a week after it appeared in the newspaper and was told "this is what we are going to do, this is how we will do it and there is nothing you can do about it" and that was point blank. She stated the point was made to her that this zoning is the way it is and does not come before Council; that there has been somewhat of a major disregard for the issues of infrastructure with regard to this project and the challenges that are in that particular location. She stated her concerns about this are not really completely just with CHA, that her concern with this would be for whatever developer would come before the group with this particular criteria or lack of criteria for structure. She stated it would not matter to her if it were a private developer that had been here doing private homes for anyone, it is the same; that the criteria, the needs, the infrastructure those things are the same and that is why she would support this.

Councilwoman Berz stated she is not familiar with the site and has not run up the hill, yet! She asked how HUD approved this with all these negatives to it.

Mayor Littlefield stated it was hastily approved and HUD really had very limited knowledge about the quality of the site. He stated they simply approved because it was high density on a very small area which sounds good except it is a small confined area and not easily accessed and not within the necessary distances of services and such that are normally required by HUD for such projects. He stated this is one of those places where stimulus money was available and there was a hurry to spend it.

Councilwoman Berz stated what she is hearing the Mayor say is we are not saying "no" to the project; that we are saying can it be redesigned so that it not only is on that site but extended to other sites to meet the HUD criteria and that would work better once HUD has a chance to look at it.

Mayor Littlefield acknowledged "that is correct".

Councilwoman Berz stated this should not be a contest of who got more power than the other, it should be what works for the people and what she hears her colleagues saying is irrespective of all of this the site itself is bad.

MORATORIUM (Continued)

Councilwoman Berz asked if she is correct that the Mayor is saying he wants the moratorium not for any other reason than for us to hear HUD, to look at re-planning and redesigning; that it is not that these people who are in need will not get it, it is so it may look a little different and better suit the people of our community.

Mayor Littlefield stated that is correct; that everyone on this dais looked at the site and really want to foresee housing that is more family friendly than anything we have seen so far. He stated that is the best intention for the future and just hastily spending money because it is available on a developer who might indeed regret it for the next 30-40 years is a bad decision and this project has been moving way too fast and simply driven by the fact money is available.

At this point Councilman Murphy called for the question.

Chairman Benson stated the question has been called and noted he wanted to honor the light of a Council person wanting to speak. A motion and second was made to allow the Council person to speak; the motion carried.

Councilman McGary stated with all due respect he heard the Mayor say HUD hastily made a decision and asked the Mayor if he has personally spoken with someone at HUD and that was their confession to him, otherwise he would say "that would be conjecture, sir".

Mayor Littlefield stated "it is not conjecture; that he actually spoke with several people, Mr. McGary".

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Councilman McGary asked of they said it was a hastily made decision.

Mayor Littlefield responded "of course they did not say that"; that is his summary based on his discussion with them. He stated that he knows how much experience they have with the site, in fact they have very limited knowledge of the site and the fact they did make a quick decision on this based upon the fact money was available and needed to be spent as quickly as possible.

Councilman McGary stated "it is his understanding we are one in five communities that received this grant and he has concerns this is being labeled as a hastily made decision, sir, if indeed we were one of a few communities selected". He stated with that aside, again, he suggested it is his understanding

that HUD, CHA, and particularly CHA have been made aware of the concerns
Councilwoman Scott mentioned.

MORATORIUM (Continued)

Mr. McGary stated out of fairness it is his understanding some of the meetings, the one particularly Councilwoman Scott referred to, was a community meeting with residents of Fairmount that got together with a discussion with CHA that was not a public City Council meeting and that being the case, this is the first instance this has come before this Council body and as such he would think it would fair in this public setting for us to consider having CHA address this body in regard to this moratorium. He stated he does not see how a week's deferment on this issue will change that.

Mayor Littlefield stated there will be an opportunity when the matter comes from Planning.

On motion of Councilwoman Robinson, seconded by Councilwoman Scott,
A RESOLUTION DECLARING A MORATORIUM OF ONE HUNDRED TWENTY (120) DAYS ON ISSUANCE OF NEW BUILDING PERMITS RELATIVE TO A PROPOSED MULTI-UNIT DEVELOPMENT LOCATED ON FAIRMONT AVENUE UNTIL APPROPRIATE STUDIES CAN BE DONE TO DETERMINE THE NEED FOR NEW ZONING REGULATIONS TO PROTECT THE PUBLIC SAFETY AND WELFARE

was adopted; on roll call vote:

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

GRANT

On motion of Councilman Murphy, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE GENERAL SERVICES DIRECTOR TO APPLY FOR AND, IF AWARDED, ACCEPT AN INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT FROM THE TENNESSEE EMERGENCY MANAGEMENT AGENCY IN THE AMOUNT OF ONE HUNDRED SIXTY-EIGHT THOUSAND SIX HUNDRED FIFTY-SIX DOLLARS (\$168,656.00)
was adopted.

OVERTIME

Overtime for the week ending December 17, 2009 totaled \$45,711.57, the week ending December 24, 2009 totaled \$11,578.83 and the week ending December 31, 2009 totaled \$40,596.11, for a grand total of \$97,886.51 for the three weeks.

PERSONNEL

The following personnel matters were reported for the various departments:

HUMAN SERVICES DEPARTMENT:

- **MAXINE NOBLE** – Retirement, Dietary Assistant, Head Start, effective December 18, 2009.

CHATTANOOGA POLICE DEPARTMENT:

- **SHEILA JETTON** – Family Medical Leave, Police Officer, effective December 16, 2009 – February 24, 2010.
- **CHARLES K. MCCRARY** – Retirement, Police Sergeant, effective December 27, 2009.
- **MICHAEL D. MATHIS** – Retirement, Police Captain, effective December 27, 2009.

- **GIFFORD LEE ROBBS** – Retirement, Police Sergeant, effective December 31, 2009.

PERSONNEL (Continued)

- **JEAN RAY** – Retirement, Police Records Technician, effective December 31, 2009.
- **MIKE E. HAYNES** – Re-Hire, Police Property Technician, Range 7, \$24,306.00 annually, effective December 18, 2009.

PUBLIC WORKS DEPARTMENT:

- **LABRONE PARIS** – Suspension (5 days without pay), Equipment Operator 5, Waste Resources, effective November 13-29, 2009.
- **LABRONE PARIS** – Suspension (5 days without pay), Equipment Operator 5, Waste Resources, effective November 6-12, 2009.
- **HENRY M. HAWLEY** – Resignation, Electrician 2, Waste Resources, effective November 30, 2009.
- **ELBERT A. JENKINS** – Leave of Absence (30 days), Inventory Clerk, Waste Resources, effective November 18 – December 29, 2009.
- **KENNETH L. TRAMMELL** – Termination, Crew Worker 1, City Wide Services, effective December 9, 2009.
- **ANTWONE L. JONES** – Termination, Crew Worker 1, City Wide Services, effective December 7, 2009.
- **ALBERT L. LONG** – Retirement, Equipment Operator 5, City Wide Services, effective December 17, 2009.
- **JERRY A. SHADRICK** – Retirement, Crew Worker 1, City Wide Services, effective December 31, 2009.
- **JANYCE ANDERSON** – Retirement, Administrative Support Assistant 1, City Wide Services, effective December 31, 2009.

CHATTANOOGA FIRE DEPARTMENT:

- **JAMES M. WILKES, JR.** – Retirement, Fire Battalion Chief, effective December 31, 2009.

PERSONNEL (Continued)

- **ROBERT HENLEY** – Termination Building Maintenance Mechanic 1, effective December 23, 2009.
- **NICHOLAS SEWELL** – Suspension (2 days without pay), Firefighter Senior, effective December 19, 2009.
- **JOYCE BRIDGES** – Family Medical Leave, Fire Lieutenant, effective December 28, 2009 – March 21, 2010.

PARKS AND RECREATION:

- **EUSTACE KIGONGO** – Retirement, Recreation Specialist, effective December 31, 2009.

FINANCE:

- **PRISCILLA C. SIMMONS** – Retirement, Accounting Manager, effective December 31, 2009.

TREASURER'S OFFICE:

- **SARA K. LEWIS** – Retirement, Tax Specialist, effective December 31, 2009.

HOTEL PERMITS

On motion of Councilman McGary, seconded by Councilwoman Robinson, the following hotel permits were approved:

CLARION INN & SUITES – 2345 Shallowford Village Drive, Chattanooga, TN

COMFORT INN OF HIXSON – 4833 Hixson Turnpike, Hixson, TN

COURTYARD BY MARRIOTT – 2210 Bams Drive, Chattanooga, TN

HILTON GARDEN INN – 2343 Shallowford Village Drive, Chattanooga, TN

REFUNDS

On motion of Councilman Gilbert, seconded by Councilman Rico, the Administrator of Finance was authorized to issue the following refunds for water quality fees and/or property taxes, overpayment of 2008 taxes and water quality fees, and prior year water quality fees, respectively:

SAMUEL R. ANDERSON,	\$ 1,162.26
FINANCIAL MANGEMENT	2,958.59
BAYLOR SCHOOL	21,302.36
HAMILTON PLASTICS	7,037.90

Councilwoman Berz stated that she noticed a refund of \$21,000 for Baylor School for water quality fees and inquired how Baylor got those.

Adm. Madison responded that the amount is last year's and not the current year.

BOARD APPOINTMENTS

On motion of Councilwoman Robinson, seconded by Councilman Rico, the following Board appointments were approved:

STORMWATER REGULATIONS BOARD:

- Appointment of **JEFFREY A. SIKES** for a three-year term expiring January 5, 2013 (representing the environmental interest group).

BEER AND WRECKER BOARD:

- Appointment of **EDWARD D. TOWNSON**, representing District 1 for a term expiring January 5, 2013.

PURCHASES

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

PURCHASES (Continued)

CHATTANOOGA FIRE DEPARTMENT:

FDM SOFTWARE LTD. (Single source)

R21856

Renewal Agreement for Annual Software Maintenance and Support Services per TCA 6-56-304.2

\$41,599.80

G & C SUPPLY (Lowest and best bid)

R20973/B0006470

Purchase of DuPont Tychem Reflector Suits

\$26,065.20

FISCHER SCIENTIFIC (Best bid)

R20974/B0006476

Purchase of DuPont Tychem Responder Suits

\$30,785.35

CLEANING SOLUTIONS (Lowest and best bid)

R21212/B0006488

Purchase of a Blanket Contract for Janitorial Services

\$18,209.64

CHATTANOOGA POLICE DEPARTMENT:

ALABAMA CANINE TRAINING CENTER, NORTHPORT, AL (Single source)

R21626

Purchase of Two Dual Purpose Canines per TCA 6-56-304.2

\$14,500.00

PURCHASES (Continued)

KNOWLEDGE COMPUTING CORP. (Single source)

R22377

Purchase of Annual Software Maintenance & Support per TCA 6-56-304.2

\$31,875.00

GENERAL SERVICES DIVISION:

ACE LOCK AND KEY (Lower and better bid)

R21116/B0006484

Purchase of Blanket Contract for City Wide Lock and Key Services

\$17,000.00 Estimated Annual

PUBLIC WORKS DEPARTMENT:

HAMILTON COUNTY GIS (Single source)

R21872

Purchase of Contract for Hamilton County Software Maintenance per TCA 6-56-304.2

\$10,000.00

NEIGHBORHOOD SERVICES DEPARTMENT:

PRIMARY CONTRACTOR: ALL SEASONS LAWN CARE (Lowest and best bid)

ALTERNATE CONTRACTORS: TOWER CONSTRUCTION COMPANY AND SPECIAL TOUCH LAWN CARE

R22306

Purchase of Blanket Contract for Abatement and Litter Services

\$50,000.00 Estimated Annual

PURCHASES (Continued)

PRIMARY CONTRACTOR: PATE'S HAULING & DEMOTION (Lowest and best proposal)

ALTERNATE CONTRACTORS: BEE CEE ENTERPRISES, OAKES TREE SERVICES AND TOWER CONSTRUCTION

R22311

Purchase of Blanket Contract for Demolition Services

\$300,000.00 Estimated Annual

MAYOR'S OFFICE:

ACCELA GOVERNMENT SOFTWARE OF SAN RAMON, CA (Single source)

R22193

Purchase of Accela Land Management Software Maintenance per TCA 6-56-304.6

\$13,914.00

HEARING: JASIMINUS TAYLOR

City Attorney McMahan reminded Council members of the hearing for Jasiminus Taylor scheduled for Monday, January 11 beginning at 9 a.m. He stated Councilman McGary was to serve as Chair and has indicated he would not be able to serve and that Councilman Murphy was the alternate.

The panel for Monday's hearing will now consist of Councilman Murphy, Berz and Rico and Councilwoman Ladd volunteering as Alternate, with Councilman Murphy as Chair.

HEARING: GLENDA WILSON

City Attorney McMahan reported the request for hearing for Glenda Wilson, Senior Firefighter, regarding a two day suspension.

HEARING: GLENDA WILSON (Continued)

The hearing for Ms. Wilson was scheduled for March 22 beginning at 9 a.m. with Councilmen Berz, Gilbert and Ladd serving as the panel, with Councilwoman Berz as Chair and Councilman Rico as Alternate.

GORDON ANDERSON

Gordon Anderson of 7623 Asherton Lane stated he has been a resident of Chattanooga for 32 years and over a period of time he lived in the Lookout Valley area where there are some city and county lines. He stated he is present tonight to ask for some class action support for all of the residents of the city of Chattanooga for fairness in taxation and the tax base. He stated through some of his experiences he has found on occasion when he needed public service, when he called 911 one of the first questions they asked is "are you a city or county resident"; that he was in an emergency situation and really did not care whether he was in the city or county; that he pays taxes for both the city and county services and the same county tax base rate as non-residents do and feels he is entitled to the same services for which he pays. He stated he does not get the same services from the county and it is not fair, it is not constitutional in his opinion; that it is set up in the way that it is set. He stated on an occasion a few years ago he met with some of the County Commissioner during lunch when they happened to be there and had them as a captive audience as they were not going to leave their meals! He asked them why can't city residents receive similar services from the county or have a break in our taxes. He stated Commissioner Casavant, who was relatively new on the County Commission at that time, stated that they should come up with a list to tell city residents what county services are provided for them. He stated he has yet to see that list as it is his thought Commissioner Casavant found out when he started looking that city residents are paying a large part of the county budget that is not available to them for their services and that is not fair. He stated we should have a reduction in our county taxes by a percentage equal to the amount of the county budget that is paid from our county taxes. He stated we should have a reduction in our county tax burden because we do not get any service for what we are paying. He suggested taking some of the money from what he could be saving to help finance city needs; that there is an unfair taxation taking place and asked the Council, the Mayor and the City Attorney to find a way to get some equalization.

At this point Mr. Anderson's time had expired and the motion was made by Councilmen Murphy and Robinson to allow Mr. Anderson to continue speaking; the motion carried.

GORDON ANDERSON (Continued)

Mr. Anderson continued by stating that he has been disappointed in hearing from some of the County Commissioners that he thought represented the people that voted for them as it is obvious they don't. He stated they feel they represent only the people in the county and if they do not get annexed, okay, let them pay for the services they are receiving. He stated we have some city and county supported joint projects and he is paying double for it from the county taxes and city taxes and that is not fair! He stated it is time for us to take action; that he has been quiet for many years and was telling Councilman Benson the other day he wanted to take some action and hearing how little concern the County Commissioners have for city residents is what sparked him to be present tonight. He asked for the Council's assistance and relief.

Councilwoman Robinson asked Mr. Anderson if he is announcing he might be a candidate for office!

Mr. Anderson responded "don't tempt me"! He stated he would consider that.

Chairman Benson stated Mr. Gordon didn't mean a city office?!

Mr. Anderson stated he would not run against Councilman Benson! He stated he is not present for political gain but would consider it.

Councilwoman Robinson stated that it is her thought it will be this kind of dialogue Mr. Anderson is having with the Council that will enlighten people and give them a choice to understand the issues; that Mr. Anderson is the kind of man who can articulate those issues.

Chairman Benson thanked Mr. Gordon for coming and standing up and representing his deep feelings on the issue.

Mayor Littlefield stated the answers are yet to come but Mr. Anderson has set the stage for a process that we shall be about for probably most of this year and on some questions for the remainder of this Council and Mayor term. He expressed hope by the end of that period we will have achieved some new answers. He stated he asked Chairman Benson when he was told Mr. Anderson would be present to restate what he stated at the District 4 neighborhood meeting should we have "choir" present as he really thinks this is one of the occasions where we all are in agreement.

GORDON ANDERSON (Continued)

Mayor Littlefield stated notwithstanding the reluctance on some parts of members of the county government, they do understand there are some inequities we need to deal with and we have the issue of the old sales tax agreement that has been in place since Mayor Kelley and Judge Frost in their respective positions in the city and county in 1966 or 1967. He stated we have to, by agreement by that growth boundary agreement that we all agreed to nearly a decade ago, renegotiate that old sales tax agreement by February 23, 2011, which will be coming up in a little over a year. He stated it is a long and complex document, copies of which have been provided to the Council along with the multiple amendments that have occurred since them; that he has asked Councilwoman Scott to represent the Council on a committee that will be recruited and asked all the Council members to give him nominations from the citizenry that should sit on that committee and look into this issue of tax equity. He stated the county will join us in that as he has talked to the County Mayor and Commission and it is his thought they will join and be a productive and willing part of this process.

Mayor Littlefield continued by stating that we also have the issue of consolidation of services which will save all of us money and trouble and arguments and heartache in the future and has asked Councilman Murphy if he would, with his legal background, represent the Council on looking at utilities where we have already had the discussion of city sewer system, the county wastewater treatment authority, the differences in the way water quality fees are handled and all that sort of thing, and then the recurring theme of what to do about the water company in the future. He stated we need to come up with a new solution which will put this city and this community, and the county as well, in a position to live out the future we have before us in the best of all possible terms as this is our opportunity to "rise and shine" and this sets the stage. He expressed appreciation for Mr. Anderson coming to share what he said as a citizen, and knows he will hear this again and again and knows the Chairman does, too; that he hears it from the county, as well, and it is time for us to sit down as we are a growing, progressive community with a lot to look forward to and it is time for us to come to some new ways of doing business.

Councilman Gilbert expressed hope in the negotiations with the city and county that the Mayor does not do the same thing the Congress and Senate does; that we have a lot of things we agree to and then all of a sudden slip into some things both disagree with. He expressed hope things that are agreed upon will be passed and kept and keep going and the things disagreed upon try to work them out or come to a compromise.

GORDON ANDERSON (Continued)

Chairman Benson asked the City Attorney to respond the questions about reducing the city taxes and the county taxes for those living within the city

City Attorney McMahan stated the law basically requires that the taxes all be uniform; that you cannot have taxes different in the city than in the county. He stated the one item Mr. Anderson spoke of that is probably already covered by the law is if you call 911 a person wants three things: a fireman, a policeman/policewoman or an ambulance. He stated if an ambulances is needed it is already covered through the fees that are paid for the annual service. He stated if a firefighter is needed the county has the authority to tax fire districts and they are not doing that; they are not really treating city residents fairly with respect to fire. He stated if the police are called we are all paying for the Sheriff and that is another inequity if calling for a patrol officer from the Sheriff's department. He stated there are things that can be done and as the Mayor says it will be a long process and will have to start talking to come up with some good solutions and maybe go to the Legislature to get a few tweaks to the law.

Chairman Benson again thanked Mr. Anderson for the questions asked.

SWAT TEAM ACKNOWLEDGEMENT

Councilwoman Ladd stated that she had an opportunity to go watch the SWAT Team compete and practice at the firing range a couple days before Christmas. She stated she wanted to stress to the community what a gift we have; that we had the insight and vision on the police force years ago to build a SWAT team. She stated when they compete they bring home awards; that a lot of the men and women do this and practice extensively and because of it we can be proud we have a SWAT team in Chattanooga. She stated in most cases they are able to mediate and resolve the situation without force; that we are fortunate we have a team that can respond and do so with confidence and it sure makes her feel good about that as a citizen.

Councilwoman Ladd stated the second thing she wants to do is compliment the Fire Department and Fire Chief who is sending his fire officers for gang training through the Police Department. She stated that is a great decision that double builds our ability to have "eyes and ears" on the ground watching for activities in our neighborhoods and she commended him for doing that.

COMMITTEES

Councilman Murphy scheduled a meeting of the **Legal and Legislative Committee for Tuesday, January 12 immediately following the agenda session** to discuss matters within the Committee's jurisdiction.

NEXT WEEK'S AGENDA: JANUARY 12, 2010

Chairman Benson stated next week's agenda was discussed during today agenda session.

TERESA BROWN

Teresa Brown of 3924 Juandale Trail stated she was present a couple months ago with her sister when her home was flooded, noting that the city and TVA flooded her house. She stated she spoke with a person from the *Chattanooga Chronicle* and distributed an article in the November 19 edition which let everyone know that the city and TVA flooded her home; that she also called WGOW and talked with Robert T who asked her several questions and told her to get in contact with one of the ladies at Channel 9 and a gentleman in Mayor Littlefield's office. She stated that she told him she had left information in Mayor Littlefield's office. She stated the lady from Channel 9 told her she would get back with her once Councilman Gilbert scheduled a meeting with TVA and the City; that she called the gentleman at Mayor Littlefield's office and explained what happened and told him she had sent him the newspaper article and was told he would call her back. She stated he called her back and informed her there was nothing the Mayor's office could do and suggested that she talk with the City Attorney; that she called the City Attorney's office and the City Attorney asked for everything she had and was told he would get back with her and her sister after the holidays and let her know something. She stated she is present tonight because she and her sister have been toiling, working, tearing up floors, putting down floors, redoing everything and the Lord knows she is getting so frustrated by doing all of this. She stated she does not want TVA and the city to flood her house any time they get ready and wants the Council to know they will continue to come before them as much as possible and prays Councilman Gilbert will call the meeting with TVA, the City and FEMA; that she sent FEMA and all of the people the newspaper article, including Mayor

Littlefield, Zach Wamp and Senator Brock.

TERESA BROWN (Continued)

Ms. Brown stated she has sent everything to everyone and they have responded with letters asking if she has heard anything from anyone and her response has been "no we have not". She stated they are waiting like she is waiting and they indicated they would turn it over to someone who could take care of it.

Councilman Gilbert stated he has spoken with Ms. Brown before about this. He stated he has spoken with TVA representatives and also some city people to actually have a meeting. He stated currently they are looking at the whole area as far as flooding including FEMA, but at the same time he has asked that they sit down and hear the people and their view of what is happening in their area, not only Ms. Brown's area but also on Shawhan and other areas that have flooded. He stated there are some areas in District 6 also that have flooded in East Brainerd. He stated everyone should be brought together to hear their views so that when a decision is made they will know what the citizens are saying in that area.

Chairman Benson thanked Ms. Brown and expressed sorrow for her terrible situation and hope it can get corrected.

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, January 12, 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)