

**City Council Building
Chattanooga, Tennessee
November 30, 2010
6:00 p.m.**

Chairman Rico called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, Ladd, McGary, Murphy, 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, Councilman Murphy gave invocation.

MINUTE APPROVAL

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

SPECIAL PRESENTATION

Mayor Littlefield asked the Chief Financial Officer, Daisy Madison, to join him at the podium, and stated one of the most important things that government does and one of the greatest responsibilities is keeping up with the public's money which is something that is discussed quite a bit and is sometimes quite controversial. He stated we are fortunate in Chattanooga we have an award winning system and staff that has done just that to a remarkable degree every year and they are being recognized by others other than him and those who have had an opportunity to work with them quite some time. He stated it was announced today that the Government Finance Officers Association of the United States and Canada is recognizing the City of Chattanooga with a Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report (CAFR). He stated he kides Dan Johnson and Daisy and others who are CPA's by telling them that certain documents include numbers that only a CPA could love; that the CAFR is a very readable and understandable document, is colorful, includes a lot of interesting information and is almost a financial almanac of the City.

SPECIAL PRESENTATION (Continued)

Mayor Littlefield stated when we have questions about the finances of the city we refer people to the CAFR online. He stated he is proud of the hard work that the staff has done and doubly proud to present them with this award which is a Certificate of Achievement for Excellence in Financial Reporting noting this is a big deal! He asked the finance staff to stand at this time.

Admin. Madison asked the finance staff to remain standing to assure everyone knows who they are. At this point she introduced those in attendance: Gayle Keown, City Treasurer; Hujia Hasimo, Budget Analyst; Scott Matsinger, Accountant; Jamie Zurkiya, Director of Financial Operations; Christy Creel, Budget Staff; Vickie Haley, Deputy Finance Officer; Connie Zuback, Accounts Payable; Simone White, Budget Analyst; Sherrie White, Accounts Payable Clerk; Randy Ray, Budget Analyst; Brian Smart, Financial Manager for the Accounting Department; Fredia Kitchen, Director of Budget Staff; and Sharon Morris, Business Tax Auditor. She stated these are the people that deserve all the recognition the city has received for Excellence in Financial Reporting.

Mayor Littlefield stated there is some language in the news release that was received with this which is very meaningful; that in making this award it was judged by an impartial panel, not by us or people we readily know, but people who were objective and impartial. He stated they said we had met the high standard of the program including demonstrating a constructive "spirit of full disclosure" as we are often accused of not being transparent; that we fully disclose everything that relates to the use of public funds and do it in a very professional and understandable fashion. He stated in this regard the city was also presented with a "Distinguished Budget Presentation" award; that the Council has had the opportunity to sit through a budget presentation. He stated in working with many cities this staff and this director do a better job of presenting a very complex, lengthy otherwise boring document in a fashion people can understand and grasp and know exactly where their public funds are going. He stated he was also honored to be present at the presentation of this distinguished budget presentation award to the city of Chattanooga for the fiscal year beginning July 1, 2009. He again expressed congratulations to Mrs. Madison and staff!

Councilwoman Berz stated she has the privilege of chairing the Budget, Finance and Personnel Committee for the Council and noted Mrs. Madison and her staff are the most professional she has ever worked with, including those she has worked with in the private sector; that she comes from the private/corporate sector and finds that she (Madison) is equal and far surpasses many in that other "world".

SPECIAL PRESENTATION (Continued)

Councilwoman Berz expressed thanks to Mrs. Madison for her professionalism and to the staff; that there has never been a time when she has asked for anything that it has not been forthcoming. She stated transparency has been complete; that they are probably the finest group of workers it has ever been her privilege to work with and wanted them to know that publicly; that Daisy is a friend and a fine professional. Mrs. Madison expressed her thanks!

AD VALOREM TAXES

Councilmen Ladd and McGary made the motion and second to move Resolution (I) forward on the agenda; the motion carried.

Mayor Littlefield stated everyone read about this in the newspaper; that there was a discussion about it in a rather unusual and interesting fashion last week when we could reveal all of the numbers that we had up until that time that relate to this very important economic development development for the city of Chattanooga and the entire region because it involves not just Chattanooga and Hamilton County but also Bradley County. He stated it is something that many of us have been working on for quite awhile and was happy to be able to read this morning's release from the State, another important part of this whole "picture", revealing it as Amazon.com we have been talking about all this time, a great company. He stated County Mayor Claude Ramsey is present and at this point he asked Trevor Hamilton to come forward and describe exactly what we are doing.

Trevor Hamilton of the Chattanooga Chamber of Commerce expressed his pleasure at being present to further the discussion about an exciting opportunity we have before us in Chattanooga and Hamilton County. He stated last week he came to the Council noting that the company has given permission to formally reveal who they are and it is his distinct pleasure to welcome Amazon.com to the City Council tonight to talk about the proposed project they are considering for our community. He stated while we are very optimistic and encouraged about their interest, we still have a few things yet to do to complete the process before we can come back soon to formally announce a decision by Amazon.com, but they wanted an opportunity to come while they are considering this location decision to address this body and to seek the Council's consideration of a payment in lieu of taxes (PILOT) agreement which was distributed to the Council.

AD VALOREM TAXES (Continued)

Mr. Hamilton stated they are proposing an eleven year PILOT arrangement to pay the school taxes during that eleven year period on both real and personal property. He stated it gives him great pleasure to welcome Amazon.com to Chattanooga this evening and introduced Fred Kiga, Director of Policy for Amazon.com from Seattle, Washington.

Fred Kiga stated it is his pleasure as Amazon.com to be here tonight and request the Council's consideration of the PILOT matter before them. He stated the transaction is not complete as they still have a few hurdles to overcome, however, he is very optimistic and would like to extend their thanks and appreciation to all on the Council, the Mayor, Hamilton County and their Commission and Mayor, to the Governor, as well as Economic Development and Trevor and his folks and the great effort and outpouring of support the Chattanooga community has provided to Amazon.com in making a decision to locate a distribution facility in the greater Chattanooga market. He stated those are his comments; that he truly appreciates the hospitality shown and the consideration of this matter.

Councilwoman Robinson thanked Mr. Kiga and noted that she speaks for everyone in thanking Amazon.com for considering this opportunity for his company and our community to make this an opportunity that can happen in Chattanooga as it will benefit many people and make many jobs. She stated her question is a great deal of fiber optics was recently installed and broadband and wondered if that was part of the attraction for our community.

Mr. Kiga stated broadband is a requirement for purposes of our facility to have access to broadband so that they can interface with the various facilities to process orders. He stated it brings a certain element although it is not a direct requirement, it is their belief having broadband access and broadband understanding generates a greater understanding among the public that are broadband literate, as well.

Councilwoman Scott asked Mr. Hamilton to share with the audience the investment numbers.

Mr. Hamilton stated what Amazon.com has agreed upon as part of their performance requirements and the PILOT agreement is a \$40 million dollar commitment on an investment in real property, a \$51 million dollar investment in personal property to include machinery, equipment, furniture and fixtures within the facility for a total investment they are willing to commit as a minimum for the Council's consideration of the PILOT is \$91 million.

AD VALOREM TAXES (Continued)

Mr. Hamilton stated the 1249 jobs in the agreement proposed have a minimum average annual wage across all wage earners of \$30,500. He stated those are the numbers that Amazon.com has agreed to as part of the performance requirements that they ask any company to measure up to as part of the PILOT program.

Councilwoman Scott stated it is her understanding that there are some benefits that are not included in that; that the benefits are on top of that.

Mr. Kiga responded "yes"; that in fact they provide a full medical and dental program, as well, that is not calculated in the base average wage.

Councilman McGary welcomed Amazon.com and stated he knows there is a sister site being planned in Bradley County and wondered for general edification the relationship between the Chattanooga and Bradley County sites.

Mr. Kiga stated they will be run concurrently; however, what this facility is considered as is the sortable facility whereas in the other site proposed it will have the larger goods that are not easily maneuverable into packaging like we will have at this site. He stated it is less automated than the Chattanooga facility.

Councilman McGary stated it is his understanding there are potentially 1400 jobs and is it the understanding that the "lion share" of the jobs will be in Chattanooga or equally split.

Mr. Kiga stated the jobs they are committing to here will be designed for the Chattanooga market place; that he would say there would be some concern people from out-of-state would be brought in, but he assured there will be some level of managers or some senior folks that come from the distribution network just so they can inculcate and train people as to how the distribution centers work, but it is their desire that the vast majority of the 1249 employees be from Tennessee.

Councilman McGary addressed Mr. Hamilton and asked if the PILOT only applies to property taxes; that in the documentation received the taxes for education, which amount to 27 percent, are to be paid by the company, as well as the storm water fees. Mr. Hamilton responded "correct".

AD VALOREM TAXES (Continued)

Councilman Murphy stated when we had FedEx we had to be able to account in the matrix for part-time positions; that he knows there will be a seasonal component with the workforce there with the Christmas rush and holidays and will not need the extra 300-400 works all the time. He asked if there is any accounting for seasonal hiring in the job approximation figure of 1250.

Mr. Hamilton stated the 1250 jobs are strictly full time permanent positions; that there will be a number of part-time seasonal employment above that. He stated for purposes of the PILOT in this case they used the permanent full time jobs and did not try to account for the part time nature of the other jobs in running all calculations. **Councilman Murphy** responded "excellent" and **made the motion to approve with Councilwoman Robinson seconding the motion.**

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE AMAZON.COM.DEDC LLC PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AGREEMENTS FOR PAYMENTS IN LIEU OF AD VALOREM TAXES

Was adopted.

REZONING

2010-130: W. C. Helton

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd,
AN ORINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 200 EAST 37TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

AMEND CITY CODE

On motion of Councilman McGary, seconded by Councilman Benson,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 24, ARTICLE XIV, SECTION 24-502, TO ESTABLISH SPECIFIC SPEED LIMITS ON DISCOVERY DRIVE AND VOLKSWAGEN DRIVE AND REVISING THE SPECIFIC SPEED LIMITS ON STATE ROUTE 153

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

AMEND ORDINANCE 12300

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,
AN ORDINANCE AMENDING ORDINANCE NO. 12300, ADOPTED OCTOBER 13, 2009, EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO CHANGE THE DESCRIPTION SO AS TO DELETE ONE (1) PARCEL OF CERTAIN PROPERTIES ADJACENT TO OLD LEE HIGHWAY, GREEN SHANTY ROAD, REXWAY LANE, RANCO CIRCLE, AND MAYWATER ROAD WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

Passed second and final reading and was signed in open meeting; **Councilmen Gilbert and Scott voted “no”**.

AMEND ORDINANCE 12301

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,
AN ORDINANCE AMENDING ORDINANCE NO. 12301, ADOPTED OCTOBER 13, 2009, EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO CHANGE THE DESCRIPTION SO AS TO DELETE TWO (2) PARCELS WITHIN THE ANNEXATION AREA OF ORDINANCE NO. 12301 AND WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

Passed second and final reading and was signed in open meeting; **Councilwoman Scott voted “no”**.

DEANNEXATION

Councilwoman Scott made the motion to approve this request.

A representative for the applicants was present.

Atty. Michael Stewart was present on behalf of his clients, Pete and Brenda Tipton, who own property adjacent to the Little’s property in the vicinity of other parcels requesting deannexation. He stated they are opposed to the deannexation for two reasons as there is a concern by his clients that this would start a domino effect with other parcels in the area requesting deannexation and would have a detrimental negative effect on the city’s services being provided, especially this concern over the lack of police and fire protection.

DEANNEXATION (Continued)

Mr. Stewart stated the second reason and more important reason is basically the belief his clients see this as an opportunity by the Littles to lessen the hurdles to allow for development of a proposed mixed use resort-type development they had requested or was proposed back in the early summer.

Atty. John Anderson of Grant Konvalinka and Harrison was present on behalf of the Littles and Fryars. He submitted a notebook for the record to the Clerk of Council which sets forth position and information regarding the issue, as well as a letter from the Fryars. He stated the request for deannexation for the Littles stems as far back as August of 2009 which has been talked about in Committee on a couple occasions; that the Littles have an expectation as citizens under the Statues as it relates to the property when it was annexed in 1974 that it would be entitled to the same services, rights and privileges of the citizens in the city of Chattanooga; that over the last 36 years they do not believe the services have been brought to this property at a level commensurate with the services that citizens of Chattanooga expect, either standard roads or sewer service. He stated in 2003 thirty-nine property owners comprising 1300 acres as referenced in the book under Tab B with maps showing the property deannexed in 2003; that the Council in 2003 did deannex those properties and the discussion at that time it was recognized by the Council that the property should not have been annexed. He stated the discussion as reported in *Chattanooga.com* from December 2003 noted the discussion was it was going to be as much as a million dollars to upgrade O'Grady/Cash Canyon Road and could not take sewers out to the properties and the recognition it should not have been annexed. He stated this property that was deannexed in 2003 is adjacent to the property owned by the Little, Fryar and Shown families; that the reasons for deannexing that property is not different than the reasons requested to deannex the Little's property. He stated it is expensive; that the public works department in a committee meeting on Tuesday, November 16 indicated it would cost a couple million to upgrade O'Grady and/or Burgess to bring it up to city standards and would cost over \$800,000 to a million and a half to bring sewers out to the property. He stated of the cost prohibitive nature if it was applicable in 2003 it is certainly applicable today to the Littles property and as a result of that the Littles feel it is appropriate to ask for the deannexation and request it only be for Dr. Little who owns the property, for Mr. and Mr. and Mrs. Fryer and Mr. and Mrs. Shown; that the Tipton property is adjacent to this but there has never been a request for them to be deannexed pursuant to this petition. He stated there should not be a concern about the diminishment of services as a result of this deannexation; that quite frankly they are concerned about the ability to provide services and requested the Council approve the petition for deannexation.

DEANNEXATION (Continued)

Councilwoman Scott stated that she wanted to make sure all understand what is going to happen with the fire and police part; that we do not plan to service with fire or police to this property or any of the other properties in the same way we do to taxpaying citizens, asking if we have an understanding about that.

Atty. Anderson responded "absolutely, crystal clear"; that as he stated in committee meeting this afternoon when that question was asked directly if there was an expectation of services being provided, the answer is "absolutely not, no expectation of that".

Councilman Benson stated he is very much concerned about the development that is planned for out there; that it is a development that at certain times will have 500 people or maybe less, but up to 500, sort of a room and board, convention establishment. He stated that is a lot of people to be out there without security of available competent fire, police or emergency services; that he is more concerned about what will happen out there with the services trying to carry on like it is an urban activity – that that is not a ruled activity they are planning. He stated his point is it is his thought we should continue to keep it in the city but give it the services it needs to be secure and provide for the safety of those people there. He stated if we work out something for the sewer lines, the roads are okay and about as good as any place in the city nearby; that we have been giving them fire and police. He stated he has a moral obligation not to let something be constructed and developed out there that could create a very tragic situation.

Councilman McGary called for the question. Chairman Rico noted there was no second to the previous motion by Councilwoman Scott.

Councilman McGary then made the motion to deny.

Council Murphy seconded however he clarified that his timing was not right as his second was for the previous motion by Councilwoman Scott to approve.

On roll call vote on the motion and second by Councilmen Scott and Murphy to approve:

| | |
|-----------------|------------|
| SCOTT | YES |
| ROBINSON | NO |
| LADD | NO |

DEANNEXATION (Continued)

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|----------------|------------|
| BENSON | NO |
| GILBERT | YES |
| BERZ | NO |
| MCGARY | NO |
| MURPHY | YES |
| RICO | NO |

The motion failed.

Atty. Anderson asked for clarification as the motion was to approve which failed; that he presumed the Council would need to have a motion to deny and approve the motion to deny.

It was noted that the motion to approve failed. Councilmen McGary and Ladd made the motion to deny and the Clerk of Council attempted to begin a roll call however it was clarified that the previous motion to approve failed, thus denial of the request.

Chairman Rico clarified that the matter has been denied and the property would not be deannexed.

On motion of Councilwoman Scott, seconded by Councilman Murphy,
**AN ORDINANCE DEANNEXING CERTAIN TERRITORY ADJACENT TO
O'GRADY DRIVE, SCENIC WATERS LANE, WHICH ARE CURRENTLY
WITHIN THE CITY OF CHATTANOOGA UPON THE REQUEST OF THE
LITTLE, FRYAR AND SHOWN FAMILIES**

Was denied.

DEANNEXATION

The applicant was present.

Brent Burkes stated he may be the person who started this and owns property at 1108 Cumberland Road on top of Elder Mountain.

DEANNEXATION (Continued)

Mr. Burkes stated his bedroom is in Marion County; that the property owner had his property annexed in 1994 into the city and there was a statute in 1992 which purported to not allow that annexation in Marion County; a hearing was heard and an Order put down by Chancellor Frank Brown on October 15 of this year stating that the annexation itself was legal. He stated he and his wife are obligated to pay city taxes but do not get city services and the Chancellor's opinion, which was distributed, ruled it would seem to be illegal or inappropriate for the city to collect taxes and not provide service, and because of that discussion about just deannexing only his property, it was his wish to not be in the city and not pay city taxes and not have services provided from that. He stated he understands there have been letters sent to various homeowners who might be upset with him that more properties would be deannexed and for the record he wanted to be clear nowhere in his case was there ever discussion about deannexing anyone else's property and nowhere does it mention in the Chancellor's opinion about that. He stated it is his understanding there are a number of houses on Elder Mountain that may be glad to pay city taxes and receive no services; that it is his thought it would be overreaching for the city to go ahead as a knee jerk reaction to deannex all properties on the Mountain.

Mr. Burkes stated historically the county line runs very near the Brow and there are some homes that the master bedroom may be in Hamilton County; that there was some discussion about it at trial and Phil Noblett might be able to address it. He stated there may be four-or-five houses but a number are in Marion County; that the testimony in the opinion is the city basically cannot provide services; that a sewer would be incredibly expensive and a garbage truck cannot come up that mountain. He stated they pay extra for garbage service, have their own volunteer fire department and has discussed this with Councilman Murphy who asked that he think about fire service and quite frankly for what he is paying this is what he and his wife want to do; that this should only impact 1108 Cumberland Road — his property and his parcel. He stated for the other people present, this is a road that is in Hamilton County and does not think it should be affected by what is happening with his lawsuit and what Chancellor Brown has ruled. He expressed appreciation to the Council for their consideration; that he does not think there is a formal motion tonight to deannex just his property, but it is discussion about all the property. He stated his argument was just almost like "taxation without representation" however it is "taxation without services" and the Chancellor seems to agree with that; that he does not see how this would affect any other person who does not choose to be in that situation; that if they are happy to pay taxes and not get services, why would the city want to deannex and decrease its tax base in that situation.

DEANNEXATION (Continued)

Councilman Murphy stated he wanted to be clear to everyone that what the Council needs to consider both in annexation and deannexation is the greater good of the citizens of Chattanooga both today and in the future, and in the future if we annex or deannex. He stated while Mr. Burkes may have wanted to take his house out, the issue has been raised and when we looked at it we asked if it makes sense to carve out one house and does that mean the next person that buys another house in that area could say they do not want to pay the taxes, either, because they view the service is not fully what they were hoping for. He stated he does not think anyone appears to be acting malicious toward anyone in any respect, but it is a broad based evaluation about what is in the best interest of the city and citizens of Chattanooga both today and in the future. He stated it has been a while since he has been on Elder but there is a guard house and somewhat privatized the road up there; that it was there long before Mr. Burkes bought the house. He stated that may pertain somewhat to some of the services that are either rendered or not rendered; that if the road is gated off it just becomes a difficult issue to serve in any event.

Mr. Burkes stated the difference is his house is in Marion County and not in Hamilton County; that there may be a number of houses along the Brow that have their house in Hamilton County which is a different situation there as the city does have an interest in a Hamilton County house. He stated Chancellor Brown, who is a very thorough and thoughtful judge, does not issue an opinion without spending a lot of time thinking about it; that what is the city's interest in collecting taxes from a Marion County property and that is the difference in his property versus some of the other folks. He stated he does not blame them if they have a gripe about not wanting to be taken out of the city; that for the record in the hearing he has property that does not include his home that is clearly in Hamilton County; that he does pay Hamilton County and City of Chattanooga taxes that was never an issue in this case as he understood the legal ramifications of where the county line was.

Councilman Murphy stated Mr. Burkes indicated his bedroom is in Marion County which tells him that Mr. Burkes believes the county line bisects his house.

Mr. Burkes stated there are maps that were put into evidence at trial; that that is old property law as to where your master bedroom is; that the entire house is in Marion County according to the tax maps he has seen; that it is historically very near the Brow and Hamilton County encompasses some Brow houses.

Councilman Murphy stated Mr. Burkes' request is he only wants the portion of his property that is in Marion County to be let go.

DEANNEXATION (Continued)

Mr. Burkes stated the was the entire proposition at trial because it is his house and he never disputed that; that he has woods essentially that are Hamilton County.

Councilman Murphy stated that becomes a bit of an issue from the city's perspective if there is a brush fire you can call us because your yard is in the city but your house is not.

Mr. Burkes stated it is his thought all the properties on top of the mountain are in Marion County.

Councilwoman Berz asked if Mr. Burkes is saying he just wants his house deannexed.

Mr. Burkes stated he did not think the amount of money he is being sent delinquent tax notices for with interest accruing for no services is incredibly improper; that he is a young person, grew up very modestly and God has blessed him and his wife. He stated they have a nice house and feel it is inappropriate to be taxed to that extreme degree for no services and that is how this started, "yes".

Councilwoman Berz asked who is delivering Mr. Burkes' services. Mr. Burkes stated he basically pays for garbage, is on a septic tank and there is no sewer. Councilwoman Berz asked who he pays for garbage services. Mr. Burkes responded that it is Mountain Services and there is a volunteer fire department.

Councilwoman Berz stated Mr. Burkes gets no fire service from Chattanooga. Mr. Burkes stated the city has been on Elder Mountain and been to his house; that the testimony at trial was that his wife called and specifically asked for another county as she understood there was a contract with another county and asked for them and that was the only instance of any kind of possible service.

Councilwoman Berz asked if Mr. Burkes gets no police service. Mr. Burkes stated they have never been there and a number of people here can say they have never seen a city of Chattanooga police car on Elder Mountain and they do not go beyond the guard shack; that he speaks for the enter Elder Mountain crowd here for that.

Councilwoman Berz stated she believes it is not a gated community as there is just a guard shack and then inquired as to public works' service.

DEANNEXATION (Continued)

Mr. Burkes stated the director of public works testified that it would not be feasible to have a garbage truck on our road and not feasible to provide services; that there is a summation of that testimony in the order distributed.

Councilwoman Berz stated she has not had a chance to read that and would like to hear from public works.

Adm. Leach stated some of the issues were discussed at trial and clarified Mr. Burkes' wife did call and we did some inspection services for his (Burkes') family that he (Leach) was not aware of at trial. He stated they have asked for and we have provided some services; that to the point of garbage service he does not know if we have a 311 request; that we can run a small truck up there if that is what they want.

Councilwoman Berz asked if we have ever provided garbage services. Adm. Leach responded "no"; that they have never requested it that he is aware of; that a small truck can be used if needed. He stated a lot of services are Elder Mountain Road and we do provide a lot of services to repair and maintain Elder Mountain Road up to that community. He stated they do stop at the guard shack; Cumberland Road is a Marion County line, therefore we do not take care of it. He stated our services would stop at the Marion County line, but we have provided some services to them and on request we have done that. He stated he does not know if Mr. Burkes has requested 311 garbage service and Mr. Burkes indicated he has not; that he is not sure what public works would provide up there; that obviously they have a septic tank system that is functioning.

Councilwoman Berz stated she was thinking 311 was available to them. Adm. Leach responded "correct"; that they had an issue with a contractor and we provided some inspection services on that.

Councilwoman Berz clarified that garbage service is available. Adm. Leach responded "if they would request it".

Susan Rich stated she and her husband live at 103 Cumberland Road at the lot adjacent to what has been described as the guard house. She stated it is not a privatized road; that they do have a guard shack there and anybody that comes up there can go anywhere they want in that community, it is not a private community. She stated she and her husband have the only lot on Elder Mountain that has a city limit sign on it; that the city limit sign, if a person stands on the road and looks at the sign and up to the left where their house is, the line cuts through their bedroom, great room, kitchen and breakfast rooms.

DEANNEXATION (Continued)

Mrs. Rich stated she does not know why that was important to the Council at last Tuesday's meeting when she was present for the purpose of listening to hear the concerns. She stated Councilwomen Scott and Berz's concerns were no improvements, that a person can have a vacant lot located in the city of Chattanooga and Councilman Murphy noted if there was fire on a vacant lot the city responds, if someone is murdered on that lot the city responds and if trash or brush is set out on the vacant lot the city picks up the trash; that they do not have any city services but they pay city taxes. She asked the people on Elder Mountain that live on the Bluff that could be deannexed to raise their hands. She stated they do not receive any garbage service; that they have requested it from the city but was told they could not have it; that they pay for a private service to come up and there has never been any problem with their garbage truck coming up the mountain to collect their garbage and they pay for that every single month. She stated they do not have any police, fire, sewer, or trash service; that she has no idea where the real line for Hamilton County and the city is and has just been told ever since she moved there 15 years ago it cuts directly through her property. She stated they do pay just like everyone else that raised their hands that lives on the Bluff pay Marion County Taxes for the portion of the property in Marion County for the portion that is in Marion County, pay Hamilton County taxes for the portion in Hamilton County and City of Chattanooga taxes for the same Hamilton County portion that is in the city of Chattanooga. She stated she does not want to be deannexed and does not receive any services but does not want to be deannexed! She stated she never met Mr. Burkes until tonight and understands his situation because Ruth Holmberg wanted her home totally within the city and that is his property; that Ruth had special reasons for wanting that which all totally understand; that maybe his home is located in Marion County. She stated if he does not receive any services, frankly, none of them receive services, why would they be paying city taxes; that no one here tonight is here to complain about it but she just does not want to be deannexed and does not understand the rush for it!

Councilman Benson stated he is very familiar with this as he was on the Telescripps Board of Directors when several petitions were submitted trying to get cable service up there and they got benefits right from the beginning when annexation occurred and Telescripps was able to put the cable up. He stated he wanted to say not to blame Mr. Burkes for bringing this up as some good can come out of this; that we need to keep them in the city and send an ombudsman up there to work with the community to see what type of services we can send.

DEANNEXATION (Continued)

Councilman Benson stated he knows for a fact we send smaller trucks in for garbage in certain places in other areas of the city and maybe we could make a deal with them to give them some service improvements over what is presently being done. He stated he would not want to live up there without being able to call 911 and know some real professionally, dedicated full-time fireman and policeman could be called to the rescue; that if they are not getting the proper services we need to try to work on trying to improve it as we need to keep them.

Mrs. Rich stated one positive that came out of last Tuesday's meeting is her husband is a physician and familiar with ambulance services and he has been talking to the fire chief and trying to work out something; that frankly most of the folks up there do have insurance so when an ambulance comes it is not going to be a loss of money for the city, it will something that makes money.

Councilman Benson stated he wanted to say we cannot give them everything people downtown have, but might make some improvements and that is what we need to work toward.

Mrs. Rich again stated they do not want to be deannexed!

Councilman Gilbert asked for a show of hands of how many persons present wanted to be annexed versus deannexed. The response was all of those present. Mrs. Rich again repeated they do not want to be deannexed!

Councilman McGary stated Mrs. Rich made a statement that she made a request for trash service and was denied, asking to whom she made the response and who denied her. Mrs. Rich stated that was 15 years ago and has no idea; that she did not understand; that she called and then realized there was a private service available so she did not argue about it anymore.

Councilwoman Scott stated that her records indicate that Mrs. Rich pays \$57 per year to the city of Chattanooga and asked if she was correct. Mrs. Rich responded she has no idea how much she pays; that it is significantly less than what she pays to Marion County, "yes".

Councilwoman Scott asked if she is a resident of Marion County based on the assessment of her house. Mrs. Rich stated she considers herself a resident of Hamilton County and has a voter registration card for Hamilton County in the city of Chattanooga and does not know where she lives other than that she votes in the city and Hamilton County and not in Marion County.

DEANNEXATION (Continued)

Councilwoman Scott stated if Mrs. Rich checks, her annual bill for city services is \$57 for the city of Chattanooga. Mrs. Rich responded "okay" if it is \$57 however she really does not remember; that she knows it is significantly less than what she pays Marion County. She asked why that matters; that the person that pays \$50 to the city in taxes for a rundown place or whatever versus \$7,000 is entitled to the same services as that is the way she thought the city operated.

Councilwoman Scott stated the reason why it does matter is when you sit on the Council you have to be thinking about the fiscal needs of all the residents in this city and how difficult it is to provide services and the cost of those services and the ability to do a good job of providing those services. She stated by Mrs. Rich's own admission we have not provided her with all the things she would like to have; that it is important to know while she has not gotten everything that she wanted to get, it is her thought she has not been shortchanged based on what she has paid in.

Mrs. Rich stated she is not complaining about that; that every citizen in the city of Chattanooga, regardless of what they pay, is entitled to the same service. She stated if she has paid \$57 a year she has not received \$57 worth of services so there has been no harm to the city that she sees.

John Fowler of 1172 Cumberland Road stated that he lives eight-tenths of a mile to the right of the guard shack, has paid taxes for 13 years and has been confused for 13 years! He stated there are a lot of people up there who are under the misunderstanding if we are deannexed we get no ambulance service; that he had a heart attack in September of 2009 and a pacemaker in 2009, as well as an infectious disease from a tick bite. He stated an ambulance came three times, sent him the bill, he paid it and does not think from talking with Chief Wilkerson and the ambulance disbursing area it will make any difference whether we are in or out of the city. He stated if anyone is frightened about moving off the Mountain due to not having ambulance services, we need to clear that up because they certainly came to his house three times and got him! He stated he would like to have sewers but does not think he will ever get it; that he has been paying for garbage service and if that will be included that is fine, but we do not have gas on the mountain so there is \$112 of water, plus the storm water fee he has been paying for years and was finally taken off this year because the mountain goes in a different direction and God created it he (Fowler) did not, nor did he create storm water!

DEANNEXATION (Continued)

Councilwoman Ladd stated the last gentleman that spoke addressed a concern she has and the question she raised; that she is very concerned that there are various levels of ownership and understanding of ownership of where their property and their houses may reside; that with that not only is that a question in their mind as to where their bedroom may be that came up in the other case, and what taxes they pay. She stated it raises the question of where are their services coming from and who is really responsible for answering a 911 call for fire or ambulance service; that she is concerned there is enough confusion among residents on Elder Mountain that we need to stop and answer some of the questions and make sure everyone understands that if they are deannexed this is where their services are coming from and this is what they will pay; that if they remain in the city or a certain part of their property does what does that mean as far as services received. She stated she is not comfortable moving forward with an answer tonight because she does not think many of them are comfortable and confident with those answers; that one of the greatest fears she would have is the fear that her house would not be protected and if she made a call she would not get a response when she needed one. She stated she does not feel good passing this through or denying it tonight until we have gleaned as many answers in making sure they know what they want because they feel comfortable and confident with where their services are coming from and what their taxes will be. She stated on the other hand, as far as the city is concerned, if we have folks paying very little for taxes but being able to receive services such as fire and police response and road maintenance those things that she is hearing they admit they do receive, she would like to see this deferred for a couple weeks until we can run through these questions and she can feel more comfortable as she is not comfortable voting either way this evening on it because she fears this is a decision that is going to jeopardize these residents as far as their safety is concerned and what they should be paying with equality to taxes and what the city should receive. She stated she would like more answers and **made the motion to defer for two weeks;** **Councilman Benson seconded the motion.**

Dan Johnson, Chief of Staff, suggested that the matter be deferred until the second meeting in January to give the staff time to identify exactly where all these structures exist because frankly from tonight's discussion he does not know if anyone knows the answer to that and then we can call a meeting of the residents affected and let them know their options before coming back to the Council.

Mrs. Rich stated she would prefer that the matter not be deferred; that all they are asking is to be left alone, as is!

DEANNEXATION (Continued)

She stated if the Council wants to decide on Mr. Burkes' home which started this whole process that is fine. She stated the rest of them have not been receiving services and if they are confused now they have been confused all along and this has not made any difference and just deny the motion, the deannexation and they will work on services later. Chairman Rico acknowledged that he did not think it was that simple.

Councilman Murphy stated it is his thought there are some issues; that before Mr. Johnson spoke he was going to say a survey is needed; that if their house is in Marion County they are not part of the city where they lay their head and may be voting in the wrong place, however he did not want to "go down that road" until and unless we absolutely know all the facts. He stated when properly is split by more than one jurisdiction it gets down to where is the house and as Mr. Burkes pointed out it even gets down to where you lay your head at night; that it is a beautiful, wonderful place and expressed appreciation for everyone coming out in support of their continued participation in the city; that he knows they would love to be told the Council denied it and they do not have to worry about it, however, Mr. Burkes has raised some interesting points and we need to look at it and to give the Council some time to do so.

Clarence Clifton of 3651 Elder Mountain Road stated he lives in the low rent district, however, he pays a lot more taxes as he pays thousands of dollars to the city every year and had to install his own sewer system because it was part of the price of the property; that the sewer did not hardly cover as Mr. Burkes mentioned the four or five houses and he lives in one of those houses and pays a lot of taxes. He stated he would like to be deannexed because as far as police protection two of the houses have been broken into not many months ago; that he made himself a spokesman for the group of people who live there that are present tonight. He stated he would appreciate consideration of what Mr. Burkes has said by deannexing those houses that is part of Elder Mountain Road that is west of Pan Gap Road and where Isbell Road runs into Elder Mountain Road. He stated they saw it in the paper and the people are here tonight to hear, again expressing appreciation if the area is deannexed.

Councilman Murphy called for the question at this point.

Councilman Ladd stated the motion to defer is to make sure that she as a voting Council person has the information needed to make the best decision; that the decision is not just for today or who owns those properties today; that the decision is going to affect people that own the property after others own the property and she wants the Council to get it right!

DEANNEXATION (Continued)

Councilwoman Ladd stated a case was heard prior to this one where people wanted deannexation and some wished to not be deannexed; that we need to make one really good decision and we need to get it right. She stated she does not feel comfortable which is why she made the motion to defer; that she knows when people live there and it is their property right now and know how things are today as it is very "cut and dried"; however this decision will affect further property owners and how we handle things in Chattanooga and wants to make sure we have time and are "dotting our 'I's and crossing our 'T's'".

On roll call vote on Councilmen Ladd and Benson's motion and second:

| | |
|-----------------|----------------|
| BENSON | YES |
| GILBERT | YES |
| BERZ | NO |
| MCGARY | NO |
| MURPHY | YES |
| SCOTT | YES |
| ROBINSON | ABSTAIN |
| LADD | YES |
| RICO | YES |

The motion carried.

On motion of Councilwoman Ladd, seconded by Councilman Benson,
**AN ORDINANCE DEANNEXING CERTAIN PROPERTIES ON ELDER
MOUNTAIN AND ELDER MOUNTAIN ROAD WHICH ARE CURRENTLY IN
THE CITY OF CHATTANOOGA**
Was deferred until January 11, 2011.

AGREEMENT

On motion of Councilman Gilbert, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO A LEASE AGREEMENT WITH LT. DAVID FRYE FOR A HOUSE LOCATED AT 406 BROWN ROAD IN CONSIDERATION OF ONE HUNDRED DOLLARS (\$100.00) PER MONTH IN RENT AND LT. FRYE'S SECURITY SERVICES AT BROWN ACRES GOLF COURSE AND BRAINERD GOLF COURSE

Was adopted.

LEASE

Councilwoman Scott stated she always gets questions or e-mails from people asking why we are appearing to look like we are putting equipment in other counties; that for the record this is part of a grant of money that has started this for a regional system of communication between the counties for emergency purposes and the people that fund this are the users of it through a user fee.

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE A LEASE BETWEEN TENNESSEE RSA #3 LIMITED PARTNERSHIP AND THE CITY OF CHATTANOOGA FOR THE PURPOSES OF PLACING ANTENNAS, CABLING AND ANCILLARY EQUIPMENT AT THE ROANE COUNTY US CELLULAR TOWER RADIO SITE

Was adopted.

AGREEMENT

On motion of Councilman McGary, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO AN AGREEMENT WITH PARRIS ROOFING & SHEET METAL COMPANY, INC. FOR THE WORLD CHANGERS (ROOF REPAIR PROGRAM) CONSISTING OF ROOF REPAIR OR REPLACEMENT FOR THREE (3) HOMES AND RELATED SERVICES IN AN AMOUNT NOT TO EXCEED NINETEEN THOUSAND SEVEN HUNDRED NINETY-ONE DOLLARS (\$19,791.00), INCLUDING CONTINGENCIES

Was adopted.

AGREEMENT

On motion of Councilman Murphy, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO AN AGREEMENT WITH SPROUT CONSTRUCTION, INC. D/B/A/ SPROUT ROOFING FOR THE WORLD CHANGERS (ROOF REPAIR PROGRAM) CONSISTING OF ROOF REPAIR OR REPLACEMENT FOR TWO (2) HOMES AND RELATED SERVICES IN AN AMOUNT NOT TO EXCEED TEN THOUSAND FOUR HUNDRED FORTY-THREE DOLLARS (\$10,443.00), INCLUDING CONTINGENCIES

Was adopted.

AGREEMENT

On motion of Councilwoman Robinson, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO AN AGREEMENT WITH TWO RIVERS ROOFING, INC. FOR THE WORLD CHANGERS (ROOF REPAIR PROGRAM) CONSISTING OF ROOF REPAIR OR REPLACEMENT FOR ONE (1) HOME AND RELATED SERVICES IN AN AMOUNT NOT TO EXCEED SIX THOUSAND SIX DOLLARS (\$6,006.00), INCLUDING CONTINGENCIES

Was adopted.

CONTRACT

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN ANNUAL BLANKET CONTRACT WITH CIVIC ENGINEERING & INFORMATION TECHNOLOGIES, INC. FOR CITYWORKS SUPPORT SERVICES FOR A PERIOD OF ONE (1) YEAR WITH FOUR (4) ADDITIONAL ONE YEAR OPTIONS TO RENEW FOR A TOTAL CONTRACT AMOUNT PER YEAR OF THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00)

Was adopted.

SIGN INSTALLATION

Councilwomen Berz and Ladd made the initial motion and second to approve this request, however it was noted that the matter needed to be deferred one week.

On motion of Councilwoman Ladd, seconded by Councilman Murphy,
A RESOLUTION APPROVING A REQUEST FOR INSTALLATION OF A ROOF SIGN (LIFESAVERS LOGO) TO BE INSTALLED ON THE WRIGLEY CORPORATION'S BUILDING LOCATED AT 3002 JERSEY PIKE WHICH SHALL BE VISIBLE FOR TRAFFIC ENTERING OR EXITING THE CHATTANOOGA METROPOLITAN AIRPORT
Was deferred one week.

CONTRACT

Councilman Murphy inquired as to approximately how many cubic yards of finished sidewalk is this.

Admin. Leach responded that a majority of this will be on Main Street from Broad Street going westbound to the railroad on both sides.

Lee Norris stated it is \$100 per square yard to finish to which Councilman Murphy indicated "that is a fair price".

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPROVE THE AWARD OF CONTRACT NO. E-10-007-201, 2010 CITY SIDEWALK REQUIREMENTS CONTRACT, TO YERBEY CONCRETE CONSTRUCTION, INC., IN THE AMOUNT OF THREE HUNDRED TWENTY THOUSAND FOUR HUNDRED SIXTY-TWO DOLLARS (\$320,462.00), AND A CONTINGENCY AMOUNT OF THIRTY-TWO THOUSAND THIRTY-EIGHT DOLLARS (\$32,038.00), FOR A TOTAL AMOUNT NOT TO EXCEED THREE HUNDRED FIFTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$352,500.00)

Was adopted.

GRANT

On motion of Councilman McGary, seconded by Councilman Murphy,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT A GRANT FROM THE LYNDHURST FOUNDATION FOR THE WEST MAIN STREET STREETSCAPING PROJECT IN THE AMOUNT OF ONE HUNDRED FORTY THOUSAND DOLLARS (\$140,000.00), WITH A CITY MATCH OF ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000.00) FOR THE PROJECT

Was adopted.

AGREEMENT

On motion of Councilwoman Scott, seconded by Councilwoman Berz,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH MARCH ADAMS AND ASSOCIATES, INC., FOR PROFESSIONAL SERVICES, RELATIVE TO CONTRACT NO. W-10-008-201, SANITARY SEWER MAIN EXTENSION FROM FAIRMOUNT AVENUE TOWNHOUSES TO DALLAS ROAD, IN AN AMOUNT NOT TO EXCEED FIVE THOUSAND SIX HUNDRED DOLLARS (\$5,600.00)

Was adopted.

RENAME BRAINERD TENNIS COURTS

Admin. Zehnder announced that the dedication ceremony of the Elmore Tennis Center is scheduled for Friday at 4 p.m. at the Brainerd Recreation Center off North Moore Road.

On motion of Councilwoman Berz, seconded by Councilman Gilbert,

A RESOLUTION RENAMING THE BRAINERD TENNIS COURTS TO THE "ROBERT A. 'BOB' ELMORE TENNIS CENTER" IN HONOR OF LONGTIME BRAINERD RESIDENT AND COMMUNITY SERVANT, MR. BOB ELMORE

Was adopted.

OVERTIME

Overtime for the week ending November 24, 2010 totaled \$6,534.69.

PERSONNEL

The following personnel matters were reported for the various departments:

INFORMATION SYSTEMS:

- **STEVEN MORRISON** – Resignation, Telecommunications Coordinator, effective December 3, 2010.

PUBLIC WORKS DEPARTMENT:

- **ADAM UPHAM** – Resignation, Plant Operator 1, City Wide Services, effective November 19, 2010.
- **JOE K. HEAD** – Termination, Laboratory Tech 1, City Wide Services, effective November 11, 2010.
- **DENNIS SAUNDERS** – Suspension (3 days without pay), Crew Supervisor 3, City Wide Services, effective November 8-10, 2010.
- **THOMAS CARD** – Suspension (3 days without pay), Equipment Operator 4, City Wide Services, effective October 25-27, 2010.

CHATTANOOGA POLICE DEPARTMENT:

- **ANTHONY ANDERSON** – Resignation, Police Cadet, effective November 23, 2010.
- **ANTHONY BEAN** – Resignation, Police Officer, effective November 26, 2010.

HOTEL PERMITS

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

FAIRFIELD INN CHATTANOOGA, 2350 Shallowford Village Drive, Chattanooga, TN

HOTEL PERMITS (Continued)

LOOKOUT LAKE BED AND BREAKFAST, 3408 Elder Mountain Road, Chattanooga, TN

DONATIONS

Adm. Crutchfield duly reported monetary and in-kind donations to the Department of Education, Arts and Culture. She noted the Department's fundraising campaign to renovate the Community Theatre at the Memorial Auditorium involves the receipt of \$3,455.93 in cash donations and \$527.90 for two banners in in-kind donations. Other donations of cash in the amount of \$4,573.90 and in-kind donations valued at \$400 for the Department's "What's Going On!" reading initiative; cash donations of \$2,612.19 for the "Unbroken" program, and cash donations of \$198.00 for the Eastgate Senior Activity Center. Other In-kind donations valued at \$9,000.00 have been received for video production; an in-kind valuation of \$15,000.00 for media production, programming and PSA's; an in-kind valuation of \$1,450.00 for "Connecting the Dots" film screening and a cash donation of \$345.00 for film education. She stated to date cash contributions total \$11,185.02 and in-kind donations total \$26,377.90, for a grand total thus far of \$37,562.92. She noted the Department is currently seeking four grants: \$20,000.00, Community Foundation Grant; \$250,000.00, Pepsi Refresh Grant; \$75,000.00, Kresge Foundation Grant and \$20,000.00, "Supporting Diverse Arts Spaces", Ford Foundation Grant.

PURCHASES

On motion of Councilman McGary, seconded by Councilman Murphy, the following purchases were approved for use by the Public Works Department:

BENTLEY SYSTEMS, INC. (Sole source)

R36516

Purchase of Bentley Software License Renewal per TCA 6-56-304-2

\$13,410.00 annually

PURCHASES (Continued)

FLO TREND SYSTEMS (Best bid)

R32329

Purchase of Sludge Dewatering Roll Off Container (*Although the bid from Municipal Equipment Inc. was lower, this bid did not meet the required specifications for in-box filter support and offered only a one-year warranty rather than the two-year warranty required in the specifications.*)

\$25,575.00

EDWARDS SUPPLY COMPANY (Lowest and best bid)

R31632

Purchase of Reversing Contactors in Enclosures

\$24,346.80

CITY DISPOSAL, INC.

R36628

Payment of Invoices for Waste Transfer Charges

\$28,100.00

INVITATION TO MAINX24

Councilman McGary invited Council members to the twenty-four hour MainX24 event scheduled for this Saturday on Main Street, December 4, highlighting activities on Main Street.

COMMITTEES

Councilwoman Scott scheduled a meeting of the **Economic Development Committee for Tuesday, December 7** to discuss a PILOT for the Chattanooga Seating Company.

COMMITTEES (Continued)

Councilman Murphy stated the **Legal and Legislative Committee is scheduled to meet on Tuesday, December 7 following Public Works** to discuss matters within the Committee's jurisdiction.

Councilman McGary scheduled a meeting of the **Education, Arts and Culture Committee for Tuesday, December 14** to hear an update regarding wine and alcohol sales at the Tivoli and Memorial Auditorium.

Councilwoman Ladd stated the **Public Works Committee is scheduled to meet on Tuesday, December 7** immediately following the agenda session.

Councilwoman Berz scheduled a meeting of the **Budget, Finance and Personnel Committee for Tuesday, December 7** to hear a report on the great success of our on-site pharmacy services and an education session regarding employee appraisals that the Council has asked questions about.

VIEW SHED ORDINANCE

Councilman Murphy stated there is a matter on the agenda before we break for the holidays, which is the View Shed ordinance recommendation that was passed unanimously by the Planning Commission and it is his intent and belief that the matter would be deferred in "toto" until after the first of the year. He stated there are still some meetings going on between planners and Council and some of the stakeholders to refine what might be a different start from the Planning Commission's recommendation to this body. He stated that will enable us to have additional time and avoid the awkward situation of splitting the vote on a fairly important matter over three weeks time prior to first reading and second.

AGENDA: DECEMBER 7, 2010

Chairman Rico stated the agenda for Tuesday, December 7, 2010 was discussed earlier during the agenda session.

SHIRLEY DEAKINS

Shirley Deakins of Baker Street stated that she received from the Tennessee American Water Company a bill for \$101.66; that \$40.32 of it is current wastewater charges and Chattanooga sewer. She asked that the Council enlighten her why this is on her bill, who put it on and what it is about; that it is the first time it has ever appeared like this; that she was not home the last two weeks as she was next door. She stated she has never had fertilizer or any kind of pesticide in her yard and does not have a washing machine, dishwasher, tub or shower. She stated Neighborhood Services cannot afford with all the thousands and millions of dollars that is being dispersed to come up with a program that would help her have a tub and shower with a \$100 bill for water.

Chairman Rico asked if she called the Water Company. Ms. Deakins stated she has not had time and thought she would come where it started.

Chairman Rico suggested that she speak to the Water Company about it. Ms. Deakins stated she was going to talk to a lot of people about it as the “dog won’t hunt” and she cannot pay it; that she cannot smile pretty enough to get that! Chairman Rico asked that Ms. Deakins talk with him after the meeting.

Ms. Deakins stated these are the kinds of things that are happening every day; that the citizens are being besieged; that the Council is supposed to be here for the public good and if she is not part of the public she would like to know who she is!

KAYCEE ENSIGN

Kaycee Ensign stated she is a member of Chattanoogaans and North Georgians for Economic Rights, known as CHANGER. She stated last year they hosted the first Tour of Homes which was an alternative to the popular tour of homes that takes place in many neighborhoods each winter. She stated instead of visiting neighborhoods they visited the homes of a few homeless men, women and children in Chattanooga and are hosting another tour this year and inviting everyone to come. She stated the tour will take place next Thursday evening and will begin at the Interfaith Homeless Network; that homeless individuals have agreed to open their homes and speak to participants.

KAYCEE ENSIGN (Continued)

Ms. Ensign stated it would mean a great deal if the Council is able to come to listen to the stories of these homeless men, women and children; that it is free of charge however donations of blankets, coats and scarves are graciously accepted.

ATTY. WADE HINTON

Atty. Wade Hinton stated he was present on behalf of the Urban League Young Professionals, one of over 50 chapters that belong to the National Urban League Young Professionals that boasts more than 4,000 members nationwide. He stated the Chattanooga Chapter was established a year-and-a-half ago and as he prepared to come tonight he thought in terms of the journey over the year-and-a-half and what it took to get here as an organization and the time it took for persons in the community working to get Chattanooga to where it is today. He stated that he thought in terms of the many days and nights involving long discussions about hopes and dreams of what Chattanooga could be; that it was hoped it could be the best mid-size city in the world. He stated many sacrifices were made by their parents and others present tonight so that his generation and generations beyond could acquire the education and skills to have the "world at their feet" and do whatever they wanted to do. He stated he can honestly say he has seen many who have benefited from those sacrifices that have gone off and gotten their education but did not return home; that tonight there are a number of folks that did come home. He stated they did not come home because they did not have opportunities elsewhere, but because they love their city; because they wanted to make a difference in their community and those hopes and dreams that many folks had in this room are coming to fruition with companies like Volkswagen, Alstom and hopefully Amazon.com coming to Chattanooga. He stated we are seeing those dreams come true but he is present today to say his generation also has hopes and dreams for a new Chattanooga that can go out and sell and tell the world we have these wonderful resources, but one that also appreciates and recognizes the greatness and the people we have in our city.

ATTY. WADE HINTON (Continued)

Atty. Hinton stated he wanted to talk about a new Chattanooga that can be said is the best mid-sized city in the world, but also a model for inclusion; that when the world sees our leadership, business, government and the non-profit sector they can say those leaders reflect the actual makeup of that city.

Atty. Hinton stated whether persons are from East Lake or East Brainerd a contribution can certainly be made to this community; that they want to see a new Chattanooga where we can all celebrate the successes of our achievements and look at people and know they are proud because they were part of the process of making those successes happen. He stated that is the Chattanooga they dream of – one that empowers its people as that is what the Chattanooga Urban League Young Professionals is all about; that they empower each other to go out and deliver toys to kids during Christmastime, to deliver to families in need boxes of food and to show up tonight at Council meetings. (At this time he recognized the members of the organization by asking them to stand.) He stated they are a young organization but have been nationally recognized for their efforts in this community; that the best recognition they could have is when they see a young professional who has lived here for some time but now feel they are more connected to this city; that that is what they do, empower, connect and get people engaged through their various committees which include the Personal and Professional Development Committee, Social and Cultural Committee, Economic Empowerment Committee, Community Services Committee and Membership Development Committee. He stated the Civic Engagement Committee is the Committee responsible for coordinating their presence tonight which is very active and taking the lead in organizing a statewide “Day on the Hill” with sister chapters in Nashville, Knoxville and Memphis. At this point he asked Atty. Chantelle Roberson, Chair of the Civic Engagement Committee, to come forward. In closing he thanked the Council for all they do and their support of the Urban League Young Professionals.

ATTY. CHANTELE ROBERSON

Atty. Chantelle Roberson stated as the organization contemplated the message they wanted to convey, one of the things that became clear to them was the disconnect they have between the governmental body and the young professionals, many of whom are residents in Council member’s districts.

ATTY. CHANTELE ROBBERSON (Continued)

Atty. Roberson stated what separates them is not a lack of interest on the Council members' part nor a lack of energy or ideas on their part; that what sets Chattanooga -- a jewel among thousands of cities across this country -- from those cities are the Council members who bring an uncanny ability to transform the neighborhoods they represent into a rich, vibrant, collective society all their members can enjoy. She stated with each one of the Council members' votes, they bring the diversity of their backgrounds as lawyers, community activists, party leaders, managers and entrepreneurs and their unique perspective on every issue that comes before them, which is their strength. She stated the makeup of the Urban League Young Professionals is no less varied than them as they are lawyers, engineers, barbers and community service leaders who have committed to investing in this city with their knowledge, skills, talents and the pursuit of change. She stated they are residents who have contributed to each of the Council member's campaigns not just with time and money but with their belief that each Council member would put the best interest of Chattanooga ahead of their own personal and political gain. She stated the Civic Engagement Committee present tonight was created to initiate individuals and collective action to address matters of public concern similar to what the Council does. She stated their goal is to educate and encourage active participation and collaboration with elected leaders as they believe there are a few things more powerful in this world than a collective will to get things done, which is the seed they want to plant with the Council tonight.

Atty. Roberson expressed appreciation to the Council for their service to the city as they have had to make tough decisions from raising sewer fees to annexation and budget cuts and still face many obstacles that seek to divert their common mission. She quoted from Henry Ford of the Ford Motor Company which states "The only time obstacles are seen is when you take your eyes off your goals". She challenged the Council to set massive goals that many of those in the community think are impossible to reach and charged them to be visionaries of the city and take action to be bolder than before to align themselves with organizations, businessmen and citizens from all backgrounds and all ages. She stated with each vote Council members are shaping their future; that their question is can they trust them with their future as it depends upon decisions each on the Council make and asked that they not make them lightly!

ATTY. CHANTELE ROBERSON (Continued)

Atty. Roberson stated what the Council does or does not do affects everyone as their constituents long for innovative leaders who are not afraid to think outside of the “politics as usual box”. She stated the new Chattanooga Wade spoke of is one that “raises the bar” and serves as a model of inclusion which includes them, their thoughts, ideas, as well as their leadership. She asked that the Council not overlook their presence tonight or think after tonight they will walk off into the night as they are their leaders and there is more work to be done and they are willing to support them. She stated they are educated and prepared to join each of them as they seek to move Chattanooga forward; that they have committed to fight against this unconscious apathy that plagues many of our citizens and government leaders; that they have vowed not to accept things the way they are but to revolutionize the relationship between residents and government.

Councilman Murphy thanked them for coming and delivering their message and thanked the Civic Engagement Committee for honoring him and allowing him to visit with them many months ago; that he did not get to visit with them as long as he would have liked to. He stated he said it that night and meant it that they have so many opportunities available to them and personally thanked them for returning or doing as he did discovering Chattanooga and making it their home; that they are needed and noted he was “warm inside” by their coming and asking the Council to engage with them on a greater level, which is exactly what he intends to continue to do. He stated if he is invited to come again he would come to speak or just come to listen! He expressed thanks for what they are doing as they are doing very important work in a lot of different ways; that some of the ways are tangible and some are less tangible; that part of him thinks the most important things they are doing are those intangible things. He stated we will aim high and dream big noting a conversation he had with a prior Mayor of the city who noted that he is a little bit ahead of his time; that maybe he is a little ahead of his time with some of the things he is trying to do!

ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga Council until Tuesday, December 7, 2010 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

**(A LIST OF NAMES OF PERSONS IN ATTENDANCE IS FILED
WITH MINUTE MATERIAL OF THIS DATE)**