

COUNCIL AGENDA SESSION

October 21, 2008

3:00 p.m.

Councilwoman Bennett called the agenda session to order with Councilmen Benson, Robinson, Gaines, Shockley, Rico, Pierce and Berz present; Councilman Page was absent due to personal commitment. Special Counsel Phil Noblett and Carol O'Neal, Clerk of Council, were also present.

Others present included Dan Johnson, Daisy Madison, Randy Nelson, Steve Leach, Lee Norris, Jerry Stewart, Richard Beeland, Barry Bennett and Greg Haynes.

PURCHASES

Mr. Johnson reported the following five purchases submitted for approval at Council meeting:

1. **Ebsco**, Lowest and best bid for Bicentennial Library, Annual contract for periodical subscriptions - \$29,729.30
2. **Lee Smith, Inc.**, Lowest and best bid, 16 Yard Garbage Truck for General Services, Fleet Management - \$202,346.00
3. **Signal Centers, Inc.**, Professional Childcare Services for Human Services' Early Head Start Program - \$78,000.00
4. **Pen-Link Ltd.**, Annual Software Maintenance and Support Agreement for the Police Department - \$18,375.00
5. **Southern Lighting & Traffic Systems**, Best bid for Public Works' Traffic Engineering - \$53,145.00

Councilman Pierce inquired as to the number of traffic signal poles.

Lee Norris explained that they are for the intersection for the new Blue Cross-Blue Shield campus that they have to re-signalize and does not know the exact number.

Steve Leach stated that this involves seven poles.

Mr. Johnson asked if the amount includes installation.

Mr. Leach responded "no"; that we will install.

Mr. Johnson stated the total contract will be brought forward tonight.

Mr. Norris stated that the cost is over \$800,000 for the construction work.

AGENDA: OCTOBER 21, 2008

Mr. Johnson stated six ordinances are on final reading tonight, all of which were covered last week.

Councilman Benson stated **5(a) involves the wrecker ordinance** and the wrecker people are here; that the matter would be approved tonight on second reading with one minor change.

Phil Noblett stated there are two minor changes under Section 35-169; that he has been shown a couple places where it says “shall” that should be “may” and the changes have been agreed to. He stated some other requests for information and changing were submitted but Councilman Benson is concerned about too many at this point between the first and second reading.

Councilman Benson stated that we can not make that many changes between readings; that the change has been made about the “A” and “B” classes.

Atty. Noblett stated under 35-169 there is a reference under (b) for A and B Class to allow someone at the scene to sign a document and request a particular wrecker to come. He stated Class C has to have the request in writing for two days in the business office before being sent to the scene.

Councilman Benson stated that we are putting in the highest level of quality control services we can; that we can then change it quickly within a two week period if any problems are found. He stated that a whole bunch of requests for changes have been received and we would have to discard the first reading and have hearings again because there have been a whole lot of requests for “don’t changes”. He stated we need to get some experience “under our belt” and then improve it.

Councilwoman Berz asked if the changes requested are substantive.

Atty. Noblett responded that several are. He stated Atty. McGovern, who represents several of the wrecker companies, submitted a series of changes which suggest taking out some language; that one of the concerns comes out of the training classification we previously had that it was felt important to have. He stated there are a number of changes that are good housekeeping changes; that we probably need to get the whole section in the Code and then make changes. He stated that he did not think there is any problem as far as equipment that is included as there is a lot of duplication in some areas because it has been written so many times, which may be part of the issue to be resolved. He stated the recovery class wrecker requirements, as far as being sent to the scene right now, still has the language someone has to be in charge; that an emergency service provider has to make the request, especially in the potential loss of life, fill out the report in connection with it, which is why that class was called taken out of rotation; that documentation has to be given.

Councilwoman Berz clarified that everyone has put a lot of hard work on this, particularly Councilman Benson, and what is being said is that we will go ahead and pass with the minor changes and wordsmithing; that apparently Atty. McGovern sent in some other stuff. Representatives from Mosteller's indicated that they were aware of the information submitted. She suggested approving the second reading tonight and then "live with it" as we go forward.

Ms. Wandell of Mosteller's stated that Councilman Benson and Atty. Noblett stood in front of her and told her that changes should be submitted and to get them in which is why Atty. McGovern submitted them.

Councilman Benson stated that the record will reflect that; that he would like to try to go ahead with second reading. He stated with all the changes recommended we would have to start from the beginning and open up hearings again where others could come in resisting the changes; that we would never get anything in place.

Ms. Wandell inquired as to the focus on the recovery class; that the first reading's definition was one thing and the one tonight is different; that there is a need to go back and read line item by line item.

Atty. Noblett stated that there was no change to anything following this section.

Ms. Wandell stated Class C owners can not support it the way it is.

Mr. Johnson continued with Resolutions on the October 21 agenda by stating **Resolution (a)** involves a wording change which is essentially a swap with Tactical Technologies, Inc.

Resolution (b) involves a contract with Blue Cross/Blue Shield regarding the traffic situation at Gateway.

Resolutions (c) – (f) involve public works matters which were discussed in last week's Public Works Committee.

Resolution (g) involves the Fire Department's memorandum of understanding with their Hamilton County counterpart for the provision of equipment.

Resolution (h) has to do with a cost sharing situation at Center South Industrial Park.

Resolution (i) involves authorizing MTAS to facilitate a strategic planning session.

Councilwoman Bennett stated that this is a good next step; that she and Councilwoman Robinson had time in Greenville to discuss this and one of the very first tracks they worked through was the need for planning. She stated that it was her thought an agreeable date was made with everyone for December 11 and 12 and has heard from Councilwoman Berz that the dates do not work with her schedule. She asked everyone to check their calendars for December 18 and 19 for a day-and-a-half session; that she would like to have a date agreed upon prior to the Resolution going before the Council.

Councilman Pierce indicated that the December 18 and 19 dates would not be good for him as those are his POST Commission dates in Nashville.

Councilwoman Robinson stated when she first came on the Council eight years ago she and others went through an orientation similar to “Government 101”; that there will be three people who will not be returning and inquired as to the advantage of waiting until we have a full Council serving.

Councilwoman Bennett stated one of the things that is important as she thinks back to her first year was that she wanted the “101 class” and needed basic information as she was not experienced enough to get into the throes of making decisions and she wants to put that in place. She stated it is her thought if a new person is brought into the strategic planning we are talking about it might be overwhelming and putting the “cart before the horse”; that it is important while we have the experience of Councilmen Page, Shockley and Gaines to use that to our best advantage. She stated the planning process engages administration and community and more time for citizens’ review input; that the Council did the basic training earlier this year and strategic planning is “looking ahead” – looking at things we talked about in Greenville and taking the first leadership step into wanting to do more than talk about things but move forward with plans, establish priorities and “change with the times”.

Councilwoman Robinson stated that she has said the “jury is still out” on how we go forward; that our form of government is where there is a strong Mayor and in her mind it has always been the Mayor’s job to set the agenda and bring a budget, which leaves us in the position for the input Councilwoman Bennett is talking about. She stated we could weigh in and say this is what is most important in our respective nine districts and at the end of the day, agenda setting, the schedule of work and budgeting for all of this is something a city does. She stated that it makes her uncomfortable to think we might be weighing in and setting out the agenda for public works, so to speak; that we have our professionals who stay on administration-to-administration while the rest come and go. She stated that it worries her we will hijack the city’s agenda unwillingly and unwittingly without a comprehensive overview of what the compelling forces are, confessing that she is struggling with this.

Councilwoman Bennett stated that she spent time with Margaret Norris (of MTAS) and asked how this process engages administration and community and what was said in Greenville is that there were over 100 people representing a lot of different facets of the community to create a plan and how it works is to make sure no one is left out. She stated that administration has the experience and have to work and make decisions daily; that in going back to the form of government we have the Mayor has the responsibility for drafting a budget but the Council has the leadership role in the process. She stated oversight and input is the only influence this Council has. She stated rather than wait until the Mayor develops a budget as he has in the past, if we are going to have input we should have it on the front end and help direct where this needs to go and share in the role, rather than passively becoming more an active partner in the whole process where we are going. She stated the Council has the ability to have more of a leadership role if they choose to take it.

Councilwoman Berz stated as a strategic planner she is very much in favor of balanced government with a system of checks and balances. She stated the Mayor prepares the budget, we approve and we should always be able to sit down and talk about priorities; that a green city is not at loggerheads with the Mayor. She stated that the perception that the agenda of the Council is one handed by the Mayor is unfair to the Mayor and Council and gives the impression of being at loggerheads. She stated from being on this Council a brief time she has not found that to be true; that we have discussion and work things out. She stated what she wants is a balanced government and balanced does not mean loggerheads; that if we are a Council we should have an agenda and it should be one of quality of life, making sure dollars are spent in the best way. She stated she is 100 percent behind having this and doing it now to have our “marching orders” that are agreed upon with the Mayor as we are not some secret society business; that we should be doing strategic planning inclusive of the executive branch as we are getting to be a sophisticated city and doing things in new ways.

Councilman Benson stated that he has a problem with the words “strategic planning for a legislative body”; that he has never seen or heard of that in a legislative or judicial body as it generally goes with the executive body. He stated it does leave a wrong impression but maybe it could be adapted to our needs. He stated that he sees his service first and foremost representing our constituency, generally the district to which he is elected, through fiscal oversight and ordinances. He asked if we are going to sit down and talk about ordinances we need or what type of fiscal oversight as those are the only two areas he can think of that he is not crossing over into another part of government. He stated it is his thought this does not cost us anything and what would be wrong in waiting until the new Council comes in place; that it seems we are going to have three going out and asked why we should be involved in this “lame duck” process. He stated we should do like before; that the veteran Council members joined us. He expressed agreement with Councilwoman Robinson that he would rather see us all work in five months – that it is just five months.

Councilman Rico expressed his thought that both Councilmen Robinson and Benson were right; that the way he sees it Chattanooga is going to change and we need to be thinking about the future for the whole city. He stated he is tired of our acting like it is us against them; that administration and Council look after the city and should come to the table on everything as both make decisions about everything. He stated we should know what they are doing and need to work together rather than our going against them and be at the table together; that it does not mean giving up power to take power as all are at the table together.

Councilwoman Bennett stated one of the things in Greenville was that they had to take a new attitude toward their role as Council members; that they had to deal with growth and change, look at the city as a whole, work across political lines and work regionally with other governments. She stated there was a lot of good interaction and this is the perfect opportunity for the whole Council to be privy to that and the legislative and administrative bodies work together in the planning process. She stated this is recommended because many governments are able to set forth priorities and that is how they do it; that this has never been done before and she is not sure how it will all turn out; that there is a lot of confidence in this group and our county counterparts would like to be in on the discussion and there are others who want to talk to us.

Councilwoman Bennett stated we must be prepared for that communication as there is still a lot of work to do to communicate with the community and each other.

Councilwoman Gaines stated that she looks at this from both sides due to her experience in the county; that she served from an administrative point and is looking at the legislative body of the city and county. She stated for many years she watched the County Commissioners take the role Councilwoman Bennett spoke of and were active and involved in all aspects, not just their districts. She stated before she left the County Commission Office she saw it “turn” due to the newer Commissioners coming in that did not realize what others had done; that we are looking at today and there is a major turnover on this Council. She stated that the Mayor continues to move within directions of every major project in this city and this Council should be on the front end; that she recalls the seventies and the emergence of Komatsu, US Express and the Ohio visit and both bodies were involved. She stated for our staff and government, we have to lead the Mayor’s administrators; that our agenda is larger in the direction for development more than micromanaging. She stated that it is her thought the Council should be more concerned with not having direct input of not knowing what our infrastructure items will be and should have more input before it is on paper.

Councilwoman Bennett stated if the Council is not ready to vote on it or accept the resolution she could ask MTAS to come and explain more fully how it will work as there are quite a few questions.

Councilwoman Robinson stated that she is starting to sort it out; that Councilwoman Gaines said it well that the Mayor has the “nuts and bolts of the city” dealing with public works, police, fire and the inner workings “oiled” and functioning. She stated Councilwoman Gaines suggested our legislative body, as well as county and state legislators, could come together in some sort of summit to address what we see as overarching goals for how we will grow with VW coming in. She stated that would be to say to the Mayors this is what we think are important things that are part of your agenda; that we want good regional planning, good transportation, dialogue and meet some of the challenges we all learned about. She stated Councilwoman Bennett is talking about nine good heads around this table; that our Mayor would love to hear from us as well as the county. She stated we would put that all together and have some type of summit for growth; that it may not be an MTAS workshop, just coming together and putting an agenda out there.

Councilman Benson suggested that it be done in April.

Councilwoman Gaines stated that she loves the idea of promoting leadership; that the County Commissioners met with TCCA and scheduled a meeting to meet with the legislative delegation in Nashville each year and maybe we can do the same thing; that it would be a trip for all.

Councilwoman Bennett stated whatever form it takes it is entirely up to the Council; that she does not care whether it is MTAS or someone else that does it; that we somehow have to have a first attempt at this and knows MTAS has the experience for cities all over the state and this is nothing new.

Councilman Pierce expressed his thought that this Council's strategy session is what we have at budget time; that the Mayor's job is to present a balanced budget and we have the opportunity to pass, reject or make up our own. He stated we have had opportunity in prior budgets to talk to each department head to find out what their priorities and real needs are. He stated when we get the chance in preparing the budget, the bad thing is this Council is part time and some of us work full time and have other jobs. He stated that it is his thought the Council's position is not to set an agenda and expressed agreement with Councilman Benson and others in thinking the timing is off. He stated we do not know how many will be back; that the new ones should be brought on and presented the same thing so we would not have to go back over it in the spring of the year (for the new ones).

Councilwoman Bennett stated two different things are being talked about and that is much of the confusion. She stated the Council has been given an opportunity to be more involved in the budget process and this is the next step; that we have been reactive to the budget and we now have a chance to be proactive, which means taking a hard fast look at the state of the city. She stated everything has to do with decisions we have to make in the future and that way we not only have the "snapshot" of districts but a "snapshot" of the entire city; that 80 percent of decisions on the agenda have to do with the city at-large which is everyone's business.

Councilman Pierce stated in looking at the timing we are getting into the holiday season and we have problems scheduling meetings. He stated after the holidays we will become involved in the elections and people will be preoccupied; that it will be hard to put this on before the new Council comes in.

Councilwoman Bennett stated if we are going into a campaign we want to be able to tell people where we are going; that the budget will be coming up and they will not be part of the process, the Council members will be.

Councilwoman Berz stated that everyone had good input and Councilwoman Bennett said it best in that the agenda is thought to be "territorial"; that the Mayor's agenda is all of our agenda for a city; that it affects the whole city. She stated it is growing to the point we need to think more universally as opposed to fiefdoms; that for some reason some of us seem to think this would be a class and it would not be; that it is a joining of different perspectives. She stated if we have a strong Mayor and a good Mayor who is making plans, we should be at the table together; that if the Mayor has a literal agenda, ours is more of global oversight concentrating on funding things and work on it together as we have outgrown the small town way of doing things. She stated that she heard it may be difficult in scheduling a session; that we are talking about a day or a day-and-a-half to "get on the same page" to work together and not at odds. She stated that she expects that Dan (Johnson), the Mayor or Richard (Beeland) would be there as there is no sense in ever working at odds with people; that the Council needs to not be totally reactive as we have pretty good heads that are proactive. She stated to just dig in and say we do not want change is not recognizing Chattanooga is changing and the need to do things a different way. She stated when she approves a budget she wants to not just because she was asked what people think but talk with them and be part of it; that she is hearing some think this is a loggerhead thing and it is not; that it is a new way of thinking and we should never be threatened by change.

Councilman Shockley stated that he does not think we have all the players at the table in determining a strategic plan; that we have to deal with responsibilities. He stated if the executive side has responsibility for setting a budget it is hard for the Council to be proactive in that if we are not invited; that we can not go and get involved as we have to be invited to be part of that. He stated one side can not say we do strategic planning without having agreement from the other side.

Councilman Rico stated that we have never asked.

Councilman Shockley responded that we have never been asked, evidently.

Councilwoman Robinson suggested doing it regionally and start by working with the county.

Councilman Shockley stated that the other thing is strategic planning has to have a defined objective and asked what are we planning for. He stated just to say you want to do strategic planning, where is it and where is it going.

Councilwoman Bennett stated that she would ask Margaret to get back with us.

AGENDA: OCTOBER 28, 2008

Mr. Johnson stated **Ordinance (a) (MR-2008-141: James Schwall – Close and Abandon)** on first reading would be discussed next week in Public Works Committee.

Under **Resolutions**, Mr. Johnson stated item **(a) (City of Chattanooga Identity Theft Policy)** would be discussed in Legal and Legislative Committee today.

Resolution (b): Issuance and Sale of Bonds: Daisy Madison stated this resolution does not include the VW bonds; that she and Randy Nelson just got off the telephone with the bond attorney and noted that they might like to expand the resolution to include it for next week and it may look different to the Council.

Resolution (c) represents a change in the greenway master plan that will be discussed next week.

Resolution (d) is a contract for the Tivoli for massive renegotiations which will close out the contract with P&C Construction.

Resolution (e) represents an application for a grant from TDOT for sidewalk improvements on Highway 58. He stated two years ago Council members were asked for input into what sidewalks needed to be done and that information was put into the overall planning process.

Steve Leach stated that this is based on the Highway 58 plan.

Resolution (f) is for sidewalk improvement for Rossville Boulevard.

Resolutions (g) – (m) are public works matters that will be discussed next week.

FIRE AND POLICE PENSION BOARD APPOINTMENT

Councilwoman Berz stated a few months ago the Council approved the agreement regarding the people to serve on the Fire and Police Pension Board. She stated the Pension Board has asked that we recommend Raymond V. Ryan, CPA of Patten and Patten Investment as the Council's representative/appointee. She stated the Pension Fund has a governing body and what the Council passed a few months ago was a Board comprised of eight people – six from fire and police, one person appointed by the Mayor and one appointed by the Council with financial experience. She distributed information regarding Mr. Ryan's background, noting that the Pension Board submitted this to her for presentation to the Council. She stated Mr. Ryan has the credentials and she would be bringing the matter up for input tonight.

Councilman Pierce asked if the Pension Board has the authorization to appoint someone.

Councilwoman Berz clarified that Mr. Ryan is the Council's appointment.

The meeting was adjourned.