AGENDA (WORK) SESSION  
June 16, 2009

In the absence of Chairman Benson, Councilman Rico called the Agenda Session to order with Councilpersons Ladd, Scott, Berz, Murphy, McGary and Gilbert present. City Attorney Michael McMahan and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Dan Johnson, John VanWinkle, Steve Leach, Jerry Stewart, Dennis Malone, Jim Templeton, Lee Norris, Justin Holland, Gene Hyde, Chief Parker, Donna Kelley, Dallas Rucker, Capt. Snyder and Frank Wrinn. Paul Page, Larry Zehnder, Daisy Madison, Donna Kelley and Beverly Johnson joined the meeting later.

Councilman Rico turned the meeting over to Dan Johnson to go over agenda items.

Mr. Johnson stated that we had already covered all of the Ordinances on Final Reading, noting that the first one was a change to the Zoning Ordinance. **Ordinances (b) thru (g)** are zoning matters, and **Ordinance (h)**, relative to garbage and refuse, will be discussed later in the Public Works Committee.

**Resolution (a)** accepts the highest bid for delinquent tax sales properties.

**Resolution (b)** authorizes an Interlocal Agreement with Hamilton County relative to maintenance and operational funding for the Bessie Smith Hall. Councilwoman Scott asked if this would be discussed in some committee or should she talk about it now? She indicated that she still had some questions about this.

Mr. Johnson indicated that Danny Thornton and Paul Page handled this Lease and that Daisy Madison was familiar with the funding.

Councilwoman Scott stated that she had read the Lease and would like to speak to the exhibit number one, which concerned funding; that this was more than a routine Lease, and it looked like if we approve this as written, it is authorizing funding for this Museum for the next ten years.

Mr. Johnson responded that we do this each year with a new budget.

Councilwoman Scott stated that she understood this, with Attorney McMahan adding that we could say subject to continuing appropriations. He went on to say that funding can only be accomplished through the Budget, and we can’t obligate funding by contract to continue an appropriation.
Councilwoman Scott stated that this gives the impression that we are agreeing to (x) amount of money, and she questioned why funding would be put in a lease.

Attorney McMahan explained that both the City and County handle this, with Councilwoman Scott still maintaining that it is done through the Budget and questioned why it would be a part of a Lease if we already have a document that does this (Budget Ordinance). Attorney McMahan responded that he agreed with her, and he would take a look at this. Councilwoman Scott stated that this needed to be deferred.

Mr. Johnson stated that Councilwoman Scott was referring to a Lease, and this was an Interlocal Agreement. She asked how you could tell the difference?

Attorney McMahan explained that when there are two governmental bodies both governing bodies have to approve in order to follow State Law, and it must be interlocal.

Councilwoman Scott noted that if the Lease goes with an Interlocal Agreement, then they go together. Attorney McMahan responded that they are intended to go together; that next year we could decide not to fund Bessie Smith Hall, and then they would have to go out of business—that this could be an option. He added that he would take a look at the Lease. Mr. Johnson stated that they referenced the money in a Lease approved as an attachment.

Ms. Madison stated that they did not have to reference the Lease as an attachment and could suggest that there be no attachment.

Attorney McMahan stated that he thought we could fix this.

Councilwoman Scott questioned our obligation for insurance of items, noting a question of what we own and what is insured? Attorney McMahan responded that we have a citywide Insurance Policy, and it is a blanket for all city owned assets. Mr. Page added that it covers such things as kitchen equipment in a building. He went on to say that the reason they put the Lease in as an attachment was so that the Council would know what it is costing us—that the Auditor asked them to do this. Attorney McMahan agreed that we could do this without putting in the Lease, with Mr. Page adding it was just in there for information.

Ms. Madison asked if the City would provide utilities? Mr. Page responded that they were split out of the operating cost. Ms. Madison stated that she thought some things were not split ½ and ½—that there were a few others. Mr. Page asked if Resolution (l) authorizing the Lease Agreement with the Chattanooga African American Museum and Hamilton County should be approved tonight? Ms. Madison responded that we can do this next week.
Councilman Rico suggested that this be put into the appropriate committee, with Councilwoman Berz stating that would be her Budget and Finance Committee, with Councilman Rico stating “fix it”! Attorney McMahan stated that these two Resolutions would be taken off the agenda for tonight. *(Resolutions (b) and (l)).*

Mr. Johnson continued with the agenda, noting that Resolution (c) having to do with an agreement with CSX Railway was discussed last week.

**Resolutions (d) through (k) are Public Works’ items. Resolution (l) will be deferred.**

**Resolution (m) amends conditions imposed by Resolution No. 25951 dealing with PUD Special Exceptions Permit. Mr. Barry Bennett was present to discuss this.**

Mr. Bennett explained that the language is misleading and implies that it covers the entire PUD but only relates to a couple of properties.

**AGENDA ITEMS FOR JUNE 23, 2009**

**Resolution (a) deals with adopting a Mission Statement, and Mr. Johnson stated that he was not sure what would be done about this.**

**Resolution (b) deals with a PILOT for Chattem, Inc. and will be discussed in an Economic Development Committee meeting.**

**Resolution (c) deals with a Chattanooga Fire Dept. contract with JDH to remove and replace a roof and can be discussed later.**

**Resolutions (d) and (e) will be discussed later in the Public Works Committee.**

**Resolution (f) concerns a Edward Byrne Memorial Justice Assistance Grant, which is to be shared with Hamilton County and East Ridge. Mr. Johnson stated that Captain Snyder was preset to answer any questions.**

Councilman McGary asked if our part was ½? Captain Synder explained that our part is $160,000 and the remainder goes to East Ridge and Hamilton County.
Frank Wrinn was present to go over Resolution (g) that authorizes the Mayor to apply for a U.S. Dept. of Energy, National Energy Technology Laboratory Recovery Act Energy Efficiency and Conservation Block Grants. Mr. Wrinn stated that this Grant would total $1.8 million dollars; that we would take a Strategic Planning Step so that we can look closer at how the City is approaching its spending over a long time; that we will be looking at all the other sources to see if we are matching the tool with the product. He went on to say that they are asking us to leverage funding and explore where private investments can be stimulated; that we will look at this closer to implement a three-year program and will not be pushed to come up with a lesser product and can work through a reasonable plan.

Councilman McGary asked if at the end of three years, we would renew? Mr. Wrinn respond that we would hope so; that conversations are happening right now in Washington concerning this; that if we do well, we will be set for competing grants in the future.

At this point, Mr. Johnson went over purchases on tonight’s agenda, beginning with the purchase of a Load Interrupter Switchgear Parts for Public Works from Eaton Corp. in the amount of $28,803. The second purchase was for General Services and was a blanket contract for Temporary Employment Services from OutSource Staffing, LLC and Select Staffing. Councilwoman Berz wanted to know what this was for? Mr. Page responded temporary employment in case someone leaves, and we have to hire someone to come in and take their place. Ms. Kelley added that these are temporary staffing agencies, and we will use them for different types of jobs as we need them; that Parks and Recreation is our largest utilizer; that most are just occasional. Councilwoman Berz asked if a blanket contract meant that we supply people for a set amount? Ms. Kelley responded that we bid competitively and that this was not to be confused with regular city employees—that this is just the cost for temporary employees. Mr. Johnson noted that 118 jobs were bid out, and this was explained in the paperwork.

The third purchase was also for General Services and the purchase of a Bomb Truck Accessories Package from Lee Smith, Inc. in the amount of $28,838. The next purchase was for Education, Arts & Culture and was a blanket contract for the purchase of hygiene services. They were asking that all bids be rejected and new advertisement. Councilman McGary wanted to know what Hygiene Services covered? Mr. Johnson stated that it was for the two facilities at the Tivoli and Memorial Auditorium.

The next purchase was for Public Works and the replacement of Heating, Ventilation and Air Conditioning Units by Jake Marshall Service, Inc. for $31,100. The last purchase was for Parks and Recreation and the purchase of a Skid Steer Loader from Bobcat of Chattanooga in the amount of $29,541.00. Councilwoman Scott asked if this was new or used equipment? Mr. Zehnder responded “new” and part of the equipment that is necessary. She wanted to know what this equipment does and was told it was for the Summit Softball Complex.
Councilwoman Scott stated that she was looking at the people who bid and saw a bid from the Multicultural Chamber. Attorney McMahan explained that this was for the purpose of encouraging minorities who were not bidding. Councilwoman Scott clarified that this did not mean we would be getting a response from them.

Councilman Gilbert asked who all got such notification? Attorney McMahan explained that we also send these notices to construction associations and membership groups so that they can notify their members; also notification is placed in the newspaper, with Councilman Gilbert questioning the section of the newspaper.

The meeting adjourned at 3:30 p.m.