

**AGENDA SESSION**  
**January 12, 2010**  
**3:00 P.M.**

The Agenda Session was called to order by Chairman Benson, with Councilmen McGary, Ladd, Scott, Rico, Robinson, Berz and Gilbert present. Councilman Murphy joined the meeting later. City Attorney Valerie Malueg and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Dan Johnson, Solomon Hatch, Mark Keil, Jana Lowery, Larry Zehnder, Barry Bennett, Chief Williams, Dennis Malone, Lee Norris, Steve Leach, Jerry Stewart, Chief Parker, Greg Haynes, and Daisy Madison. Mayor Littlefield and Richard Beeland joined the meeting later.

**AGENDA ITEMS FOR JANUARY 12, 2010**

Mr. Johnson proceeded to go over agenda items, mentioning **Ordinances (a) and (b) under Final Reading**. Adm. Leach noted that there were questions concerning notification about **Ordinance (b)** closing and abandoning the right-of-way of an alley which intersects with the 2700 Block of Bryant Road and the 4000 Block of Charlotte Drive for Mario Forte. Mr. Bennett added that Mr. Coppinger did not receive a notice; that they only notified property that abuts on each side, and he was on the end and did not receive a notice (they plan to change this method of notification). Chairman Benson noted that this was a question asked last week by Councilwoman Scott, and she was told at that time that he had been notified. Councilwoman Ladd added that Mr. Coppinger is in opposition and very upset about this. Mr. Bennett did note that yellow signs were posted. Councilwoman Ladd stated that the signs were not visible from Mr. Coppinger's house and that this landlocked him. Mr. Bennett disagreed that he was "landlocked", stating that he had another access.

**Ordinances—First Reading (a), (b) and (c)** are zoning matters.

**Ordinance (d)** appropriates \$19,000 from the General Fund Contingency Account to the Chattanooga-Hamilton County Bicentennial Library as a match of Hamilton County funds received. Mr. Johnson stated that Chairman Benson promised to do this. Chairman Benson stated that the County did not match our funding this year and two commissioners had donated \$15,000 and \$4,000 from county money as their match; that it did not come from general revenue but discretionary funds.

Councilman Murphy did not feel that commissioners using discretionary funds should “call the tune”; that others could decide to give, and he questioned us responding to every individual decision, which could be made at anytime. Chairman Benson assured that they would not continue to drag this out—that this closed it down. Councilman Murphy still maintained that the logic was no different; that individual county commissioners should not dictate what this City will do.

Councilwoman Ladd stated that she shared Councilman Murphy’s sentiments; that the county has discretionary funds, and this is not in our budget—that the Council grappled hard to come up with setting this budget, and we are now one-half year into the present budget, and we were late getting it passed; that another \$20,000 is not in our budget; that we already have a Water Quality fee that has people in an uproar; that she is not against the Library, but it was the process that concerned her.

Councilman Gilbert noted that we challenged the County, and they answered the challenge with discretionary funds.

Councilman McGary stated that he had a larger concern; that we had no additional forms, and he questioned why this was before the Council; that this was an addition that was not included in the budget.

Ms. Madison agreed that it was not included; however the Library’s initial request was more than they got—that we did not approve their entire request; that the Council had the discretion to meet the County’s contribution, but it was not official and was subject to an equal amount being given by the County; that we reduced our original amount based on what the County was allocating.

Councilman McGary stated that he thought it was contingent upon the Sales Tax Agreement, and he wanted to know how this discretionary money fell into this category. Chairman Benson responded that the Council used to have discretionary money, too; that we had always matched the County until five years ago, and they began giving less; that this was a Joint Funded Agency; that originally the Mayor had recommended giving more; however the County was giving less. Mr. Johnson agreed that it was in the Sales Tax Agreement for joint funding. Councilman McGary wanted to know if using discretionary funds was a precedent.

Councilwoman Berz noted that Councilwoman Ladd had mentioned the status of the budget; that Ms. Madison would give us Status Reports—however they were having a problem with our system, but the Council would be getting regular status reports.

Councilwoman Berz continued—that another thing that Councilwoman Ladd had talked about was the budget packets that go out to the departments; that Ms. Madison had promised to let the Council know when these packets go out; that last year was a difficult year because of being an election year, and the Council was late approving the budget, and we were uncomfortable with this; that this year when the budget packets go to the departments, the Council will know and can get with the departments and talk with them on their own and be a part of the process from the beginning and fully informed.

Ms. Madison responded that for a point of clarification, the Budget will be even later this year because of our new software; that as far as the Status Reports, that the Council's Internal Auditor, Randy Burns, will get a Budget Status Report for the City as a whole, along with all the other department heads; that the Council could get this from Mr. Burns and if they needed something more formal, they should let her know.

At this point Chairman Benson mentioned Council Rules of Order and “calling for the question”; that he would have lights on and people wanting to speak, and the Council has to vote on closing a debate, and it takes 2/3rds or six votes; that it is up to the Chairman to decide if there has been enough debate, but it still takes 2/3rds vote. He stated that he had put this information in each Councilperson's box.

**Ordinance (e)** appropriates from the General Fund Contingency to the Chattanooga-Hamilton County Regional Planning Agency, the amount of \$72,872.00 in order to complete the “long-range transportation plan data collection and analysis” as federally mandated. Chairman Benson stated that Mayor Littlefield said he would be present to explain this because it needs to be explained, and it was agreed to hold this until the Mayor was present.

Mr. Johnson continued with the Agenda, noting that **Resolutions (a) and (b)** were discussed in Public Works last week. **Resolutions (c), (d), and (e)** are Special Exceptions Permits and RPA was recommending denial of these. Mr. Bennett explained that the Planning Commission was recommending that the Special Permit Exception procedure be taken from the Zoning Ordinance; that this would come to the Council next month. Mr. Johnson added that these three Resolutions are being recommended for denial. He noted that **Resolution (f)** was different because it is for a Group Home Permit.

**Resolution (g)** comes from the Blue Ribbon Committee on Water Quality and Mr. Johnson felt it was superfluous; however he stated that the Staff had no problem with this; that our Legal Office needs to pursue this. Chairman Benson stated that churches had paid in previous years. Mr. Johnson noted that the total religious and non-profit amount was \$26,882.20 out of a grand total of \$5,578,357.49.

Councilman McGary stated that he had gotten a large amount of e-mails concerning this from people who felt that non-profit organizations should be exempt. He asked if any other cities were exempting them?

Chairman Benson responded that the City had named a Blue Ribbon Committee and some of the Councilmembers had attended their meetings; that only two States in the Southeast had eliminated charging churches and Mississippi was one of them. He urged that Councilmembers try to be present at these meetings; that Councilwoman Ladd had been attending. Councilwoman Ladd agreed that the meetings were very valuable and answered a lot of questions and provided information that she did not know. She, too, urged everyone to attend. Councilman McGary asked if there were minutes at these meetings, and Ms. Crowover related that each Councilperson receives a copy of the minutes.

Councilwoman Robinson stated that she had a discussion with a cemetery manager; that the cemetery had a vast acreage of trees and grass, which serves as a positive and not a negative. She questioned why they were being charged? She noted that the National Park Service also has vast tracts of nature. Mr. Johnson responded that they had buildings and parking lots. Mr. Leach added that they had worked with cemeteries and agreed that they had roads and buildings. He stated that they could come to their Staff and talk about having their fee abated—however they would have to pay a fee. Councilwoman Robinson maintained that they were being charged the same way as a house—that it seemed to be “one size fits all”. Mr. Norris explained that they measured the impervious area of a cemetery. Councilwoman Robinson asked about “winding, gravel roads”. Mr. Norris explained that water does enter our system, and they have to pay a fee.

Chairman Benson stated that the Blue Ribbon Committee was recommending that we aggressively pursue collecting delinquent fees. He asked about giving a company a percentage to collect these fees.

Councilman Murphy stated that he would let Attorney McMahan speak to this more comprehensively—that this was not something the City Attorney’s Office does; that this Resolution does not specify hiring somebody by the hour—that there is a lot of leeway, and we could get a good deal to see how much is recoverable; that the Resolution does not specify the range and allows the City Attorney to use his best judgement concerning the percentage.

Mayor Littlefield stated that this had been talked about in his office quite a bit—that we might could incorporate other fines and fees that are not being collected.

Councilman Murphy stated that the volume would dictate; that if we make it very big—only a few will be able to bid on this.

Mayor Littlefield stated that they would work with the Council and others on putting together a standard for an RFP; that some revenue might be fairly easy to get; however some of it will be like “pulling teeth”—that the State and Federal governments are the big ones. Mr. Johnson also questioned how far we were willing to go, asking about the ability to sue—that this would be a big suit against the State, County and Federal Government.

Ms. Madison noted that we have a collection agency working on other city accounts, and she really thought stormwater fees were already subject to a collection agency. Mayor Littlefield stated that he had no problem with this Resolution.

Councilwoman Scott asked, from a handout, about City and County Owned property in the amount of \$2,592,779.10. She wanted to know much of this was ours and if we could split the figure and see what the City owes? She also asked about “In Lieu & Defer”. Mr. Johnson explained that this concerned our Pilots. Ms. Madison added that we do pay on what is city owned; however on those jointly owned, we do not pay. Mr. Payne added that when we sell something that is City-County owned, we work with the County concerning stormwater fees and recovery. Councilwoman Scott stated that all of this was making her wonder how well we collect what is owed us. Mayor Littlefield explained that this had received less attention. Ms. Madison stated that she would not say “less attention”; that some claims had been brought against them; however non-profits were sensitive, and they had dropped these. Mayor Littlefield stated that he was comparing this to Back Taxes. Ms. Madison noted that everyone does not pay on time, and this fee is tied to property taxes. She also noted that the amount churches owe is not great; however Councilwoman Scott felt that it “added up”. Mayor Littlefield stated that this could keep us in legal limbo for a long time, with Councilwoman Scott stating that she would love to have this, even in small amounts.

Mayor Littlefield went back to **Ordinance (e)**. He explained that we have a 50/50 split with the County for MPO projects, which is not optional; that the Federal Government used to pay for the long-range transportation study and now we have to or they will withhold transportation money; that after this first year, we will want to ask other communities that are affected to pay their part, as well, but right now we need to move faster on this—that it is a City-County split 50/50; that this is a new way of doing business with the Federal Government.

Councilman Murphy stated that he listened to the County Commission meeting when Mr. Bennett dealt with this issue; that when he went through the whole thing, they pointed out that Chattanooga was the only municipality; that Red Bank, Signal Mountain and North Georgia were not paying at all and were not being asked; that right now time is of essence or we could lose federal dollars.

Mr. Bennett stated that these small municipalities' contribution would be minimal; that this gets us through the current Fiscal Year; that we can take it to these other jurisdictions next year for some level of funding; that the Federal Government says we have to have a long-range transportation plan in order to get federal funding; that they used to pay this but now it was an unfunded mandate. Councilman Murphy agreed that it was something we have to do.

Chairman Benson stated that RPA met with the two Mayors and two Chairmen; that they had asked to request enough for two years but this time it is only one year at \$73,000 and will be more next year; that he thought after that, we will be through for ten years or at least the third year. Mr. Bennett responded “well no”—that hopefully the Federal Government will increase their level of funding again. Mayor Littlefield added that we were in a very vulnerable position.

Councilwoman Scott expressed her frustration concerning this unfunded mandate; that we already have long-range plans published but have not done the roads, and we keep studying and studying, and the money is going in the wrong place; that we have additional studies for this unfunded mandate and should get with other cities and everyone go back to the Federal Government and tell them that this money is not being allocated in the right place. She questioned continuing on a “failed” program. She urged to get with other cities and have conversations and keep doing this. She also questioned the likelihood of the Federal Government ever taking this over again—that it is just another unfunded mandate, and we can't continue to take up the slack at the local level.

Chairman Benson asked her what she thought the solution was? She responded communication and letting the Federal Government know we can't do this on the local level. Councilman Rico stated that the Federal Government does not work this way.

Mayor Littlefield agreed that MPO was too planning-oriented and that Councilwoman Scott was right; that he would be in Washington next week with other Mayors about federally mandated programs that are not funded; however right now we don't have any choice; that Air Quality was also included and this is a big deal. He assured Councilwoman Scott that he would carry her message to Washington.

**AGENDA ITEMS FOR JANUARY 19, 2010**

**Ordinance First Reading (a)**, relative to local preference will be dealt with in Legal and Legislative committee.

**Resolutions (a) through (e)** will be discussed in Public Works next week. **Resolution (f)** is in regards to a change order involving a contract with Billingsley Architecture to cover expenses for a nuclear roof scanning and other expenses. Mr. Johnson added that he thought most of this was recovered from insurance. **Resolutions (g) and (h)** are very similar and are for charges incurred for the Chattanooga Community Resource Center.

Councilwoman Scott asked if **Resolution (a)** would be discussed at a later date because she wanted to know more about the \$400,000 change order. Mr. Leach stated that we had additional areas that we were not able to complete. Mr. Payne explained that this was a combined sewer area, and we had assumed a number of structures and found more drainage than we initially guessed. She asked if this would require additional time. Adm. Leach explained that they just ran out of money. Mr. Payne added that they realized they were at the end of their funding and there was still work remaining, and it will add additional time. Councilwoman Scott asked how we missed this so badly? Mr. Payne responded that it was an estimate and very rudimentary. Chairman Benson stated that it looked like we would have mapped the sewers, with Mr. Stewart explaining that some of them were 100 years old.

Councilwoman Scott also asked about **Resolution (d)**, also with Earthworx, LLC and the As-Found GIS Phase VII Annexation areas. She wanted to know if this was new property and if we had requested information from the County? Adm. Leach explained that this was only stormwater and not combined sewers. She asked if we did not request information from them. Mr. Payne explained that it might have been requested, but we were not aware that they would have any helpful information; however we would ask. She asked if we knew that Earthworx could do this job, since they were working on 3,000 more structures? Mr. Payne explained that they had been adding crews.

Mr. Johnson went over purchases, which are made a part of this minute material. Upon questioning about the purchase of fire apparatus. Chief Parker explained that one Quint was for the newly annexed area of Tiftonia and the other for Enterprise South.

The meeting adjourned at 4:00 p.m.

