

AGENDA SESSION
August 3, 2010
3:10 P.M.

Chairman Rico called the meeting of the Agenda Session to order with Councilpersons Berz, Ladd, Gilbert, Murphy, Benson, Scott, and Robinson present. Councilman McGary joined the meeting later. City Attorneys Phil Noblett, Valeria Malueg, Patrick Bobo and Crystal Freiberg were present, as was Shirley Crownover, Assistant Clerk to the Council.

Also present were Joe Ferguson, Dan Johnson, Richard Beeland, Lee Norris, Steve Leach, Mark Keil, Bill Payne, Paul Page, Chief Flint, Daisy Madison, Fredia Kitchen, Vickie Haley, Larry Zehnder, John Van Winkle, Gary Hilbert, Jerry Stewart, Dennis Malone, Dickie Hutsell, and Dardee Long. Sandra Gober joined the meeting later.

Mr. Johnson proceeded to go over agenda items, beginning with **Resolutions (a) through (e) and (m)**, which are all petitions for a waiver of the landfill fees. Tipping fees are charged if you have a Thrift Store operation.

Councilwoman Berz asked about the section pertaining to the waiver. Adm. Leach stated that the date was July 1, 2010—that this passed in March. Councilwoman Berz explained that she wanted to know the concept of the waiver for non-profits. She asked if it were always a law? Adm. Leach explained that in the past, we did not require that they pay a fee—there was no waiver process. She asked if in the past, we had just been “nice” to non-profits? Adm. Leach responded that we had an audit done, which revealed that we could not continue to do this. Councilwoman Berz wanted to know how we came up with a way to do this. Adm. Leach responded that basically they knew what their costs would be. Councilwoman Berz stated that she was trying to “get her arms around this”—that it had never been right by law, and we just got caught by the auditor. She wanted to know why this was put in the law? Adm. Leach read the portion of the Ordinance that allows the Staff to pass this on to the Council in the form of a waiver. Councilwoman Berz wanted to know what the “thinking” was behind the waiver. Adm. Leach stated that it was a tool to keep his Staff away from making a decision and allows a process to occur, where organizations can “vet” to the Council—that this gets the Staff out of the middle and that is why they made this decision.

Mr. Johnson added that it was improper not to change the procedure; that he was not sure how the waiver got in the Ordinance.

Attorney Noblett added that in going back to the State Law that it allows the City to do this waiver of fees if they so choose.

Tony Dahlberg of the Samaritan Center spoke. He stated that he understood from the City's standpoint why they made the decision; that they had tried diligently to get their story across; that they had sent out a fact sheet; that 560 tons goes to the Landfill; that their Staff goes through these donations, and they are able to keep many torn articles out of the Landfill, which saves the City money; that some of these donations, the City would be called and would have to make a pick-up; that when someone does a 311 call, there is a cost, and they helped prevent this; that they did not help the homeless directly but kept people from becoming homeless; that these kind of operations save City funds; that he would like for these services to be approved at no charge; that they had value to the City and gave indirect savings. He stated that he had participated in Leadership Chattanooga and knew they were special; that government, private businesses, non-profits and citizens come together to make this a better place to live; that their value stimulates the economy; that they had tried desperately to explain that what they do is of benefit to the City; that they would be required to pay \$17,000 a year, which they could be using to help people with rents and mortgages; that they believed in supporting government, but they did need their \$17,000 and would like to be "grandfathered" in.

Councilwoman Scott stated that she would like to suggest a change to Section 18 and read the following paragraph: *Private non-profit corporations (501.C3) located within the city borders; that operate thrift stores as a primary source of funding; shall be allowed to dispose of waste generated from such operations **free of charge**; provided such waste is delivered in a non-profit owned vehicle and not via a waste disposal service; and provided the entity has been granted a waiver of tipping fees by City Council action. Waste generated through normal business operations of a non-profit, outside of thrift store operations, shall be subject to tipping fees in effect at the time of disposal. Applications for fee waivers shall be accepted annually in the month of August for consideration of the City Council in September.* She wanted 501.C3 to be added to be sure we are clear. She explained that this would be done once a year for new ones, and we will do all in one month on an annual basis.

She then read the second paragraph: *Private non-profit corporations located within the city borders; that operate thrift stores as a primary source of funding; shall be allowed to dispose of waste generated from such operations **50% percent discount**; provided such waste is delivered in a non-profit owned vehicle and not via a waste disposal service; and provided the entity has been granted a waiver of tipping fees by City Council action. Waste generated through normal business operations of a non-profit, outside of thrift store operations, shall be subject to tipping fees in effect at the time of disposal. Applications for fee waivers shall be accepted annually in the month of August for consideration of the City Council in September.*

Councilman Benson commended Mr. Dahlberg; that he had visited their facility, and it took up the whole block and was bigger than the Orange Grove Center; that there were 50 employees and 100 volunteers; that the facility was clean and neat. He stated, however, that one thing worried him—that the loading dock is on the County line; that they were doing a tremendous job. He questioned why it has to be hauled in a private vehicle?

Mr. Dahlberg stated that they really did not want to get into the transfer business but might be forced to.

Councilwoman Berz asked if they had done a Cost Benefit Analysis of taking this “stuff” in. She asked how much they made on donations and wanted to know the cost of their doing business. Mr. Dahlberg responded that there was a utility cost—that they could not control what is dropped off.

Councilman McGary asked if the Thrift Store was their primary funding source? Mr. Dahlberg stated that 75% to 80% is Thrift Store; that they had been blessed and had grown; that they sold items for \$.50—that it was a \$1 million dollar Thrift Store; that they gave \$200,000 back into the community.

Councilman Gilbert stated that we have given millions of dollars to non-profits and to debate about this is ridiculous; that Public Works would have to pick this up and there would be more money needed for clean-up. He stated that Mr. Dahlberg’s services makes more business sense; that they are doing the same thing as other organizations.

Councilwoman Robinson offered a suggestion concerning random dumping, stating that the City dealt with this by mounting cameras and signage, and this cut it out. She stated that she did not know the ultimate answer to this, but with cameras they would have less to deal with; that she had heard Mr. Dahlberg say they would take “anything”. She suggested tightening it up.

Mr. Dahlberg responded that they do have security cameras and look at a monitor; however they could not tell the condition of things on a camera. He stated that they took donations seriously; that they did turn some people and donations away—that there were some old church pews and they said “no”. He stated that the size of their organization was huge, and they tried to do the best they could—that they got a lot they were able to sell and give away.

Councilman Benson added that they were also paying a big stormwater fee.

Mr. Dahlberg stated that they tried to do the right thing.

Councilwoman Scott stated that she had submitted an alternate amendment, and there had been no discussion of it. She asked if no one liked it.

Councilman Gilbert suggested not charging them for a truck.

Mr. Dahlberg stated that they owned their own container with a logo.

Councilwoman Ladd stated that she did not “buy” into the argument that if the City does not allow this, we will have “stuff” strewn everywhere; that people can be responsible, and she was not convinced that we would see an overflow of dumped furniture; that people are doing the responsible thing by calling, and she thought this was just a scare tactic that stuff would be dumped everywhere.

Mr. Johnson continued with the agenda. **Ordinance (a) First Reading** concerns signs along scenic corridors and is a Public Works’ discussion. **Ordinance (b)** is the Capital Budget Ordinance to be passed next Tuesday. He stated that if the Council was not ready that it could be deferred. Adm. Leach noted that there were some capital items that they needed to press on; that if there are issues to be discussed, it might could be passed on first reading and amended later on—that they had limited time.

Councilwoman Berz stated that there were six items that the Council was concerned about—Boat Slip, Parking Deck, Wilcox Tunnel, Police Precinct, Repair of Streets, and Fire Hydrants; that the Council should be ready to vote on first reading.

Ordinance (c) is relative to Aviation and will be discussed in Legal and Legislative committee.

Ordinance (d) concerns the Personnel Ordinance and time is needed to allow it to be programmed. Ms. DuBose agreed that there were some programming changes and a part to be effective later. Councilwoman Berz asked if this was “stuff” that had already been approved and the computer was just catching up.

Ordinance (e) appeals the procedure for disciplinary appeals and authorizes this for referendum purposes.

Ordinance (f) has to do with the “Injury on Duty Program”. Councilwoman Berz asked where this issue stood. Ms. Malueg stated that based on meetings with representative present the amendment was ready. Councilwoman Berz stated that there was supposed to be a second meeting with Mike McMahan, Union Representatives, Fire Personnel, and herself; that she had been out of town and wanted to know if this meeting had occurred? Ms. Malueg indicated that she did not know. Ms. DuBose, also, did not know if this meeting had been set up. Councilwoman Berz asked if this had been reviewed and sent to the Chief? Ms. Malueg responded that she sent it out on Friday and also this morning to the Police and Fire Departments and had gotten no feedback except that Chief Parker had one question, which she had answered. Councilwoman Berz stated that her question was had this gone out to the Fire and Police to see if they think this is good to go before the Council; that if not, we did not have closure on this.

Ordinance (g) lifts conditions on a zoning case. Adm. Leach stated that changes have been worked out. Councilman Benson confirmed that the community is happy with this.

Resolution (f) is the Five-Year Capital Improvement Plan.

Resolution (g) is a Parks and Recreation matter. This comes from the prior Capital Budget.

Resolution (h) authorizes the appointment of special police officers for the Department of Parks and Recreation subject to certain conditions.

Resolutions (i) and (j) are Public Works' matters.

Resolution (k) concerns Dogwood Manor and has been discussed previously. Councilman Murphy noted that the Council had passed on authorization to refinance. Ms. Madison explained that the City would refinance this and advance payment; that this extends the loan again. Councilman Murphy questioned why the City owns this in the first place. Ms. Madison stated that this body (Council) passed on this. Mr. Johnson added that it was accepted from HUD in 2000. Councilwoman Scott questioned if the advanced revenue does not come. Ms. Madison explained that this is a city-owned facility and the City guarantees payment of the loan.

Resolution (l) will be discussed in the Legal and Legislative Committee.

Resolutions (n) through (t) are all Public Works' items.

Resolution (u) authorizes Neighborhood Services and Community Development to allocate up to \$61,000.00 in funds to the 28th Legislative District Community Development Corporation for the purpose of developing affordable housing.

Resolution (v) is a final PUD for Fishers Landing, formerly Mackey Glen. Adm. Leach stated that this was in East Brainerd and handled at the Planning Commission. Councilman Benson stated that it would be helpful to the Council if they listed whether the Staff and Planning Commission recommended this. Mr. Johnson noted that this was just an oversight, with Councilman Benson stating that it needed to be put in.

Resolution (w) will be discussed in next week's Legal and Legislative Committee.

The meeting adjourned at 3:55 P.M.