Chairman Rico called the meeting of the Agenda Session to order with Councilmen Murphy, Berz, Scott, Robinson, and Ladd present. Councilmen Benson, Gilbert and McGary joined the meeting later. City Attorney Michael McMahan; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.


Chairman Rico stated that Councilwoman Berz had something to say before we started the Agenda Session. She stated that at 1:00 p.m. next Tuesday, the Budget, Finance and Personnel Committee will continue on the Capital Budget to discuss Fire Hydrants in the amount of $250,000; $4 million dollars in road repairs; Repairs to the Wilcox Tunnel; and Swaption. She stated that Daisy Madison could have someone from Birmingham to come and explain Swaption.

Chairman Rico stated that this would cost us money and will not change a thing.

Councilman Gilbert stated that he would like to hear more about this.

Councilwoman Berz again stated that there would be a Capital Budget Session at 1:00 P.M. and someone could be here to explain Swaption.

Attorney McMahan suggested that it might be by telephone conference.

Councilwoman Berz indicated that she understood the concept.

Ms. Madison stated that it would be a minimal cost, and they did not mind coming. However, Chairman Rico again stated that it would not change anything. Ms. Madison agreed, stating that we have to do this.

Councilwoman Berz stated that a conference call could be set up for the two Councilmembers who wanted more information in Ms. Madison’s office. Ms. Madison agreed to do this.
Mr. Johnson began with the Agenda and **Ordinance 5(a)**, which is final reading for a closure and abandonment for the City of a portion of the 600 Block of West 18th St. and an unnamed alley located in the east line of the 400 Block of Highway 27, subject to conditions.

**Ordinance—First Reading—(a)** amends the City Code relative to scenic corridors and off-premise signs. This has been discussed. Attorney McMahan asked if it were the wish of the Council to eliminate the language about I-75? Councilman Benson responded that we wanted to keep it scenic and to leave this language out. Attorney McMahan stated that he would move with the alternate version tonight.

**Ordinance (b)** is the Capital Budget, which Mr. Johnson had hopes of getting a first reading on tonight. Councilwoman Berz stated that we would remove the $6.5 million.

**Ordinance (c)** amends the City Code relative to Aviation. Councilman Murphy had counsel from the Airport Authority Board present to answer any questions. Councilwoman Scott stated that she did not have a question for anyone on the Board but a question for the City Attorney. She noted that there were only three articles under Aviation, and we are going to delete Article I and Article II but would leave Article III, which concerns zoning, in. She questioned if Article III would go to Chapter 38, which is Zoning? Attorney McMahan responded that it would become Article I; that the Airport has a Study going about zoning and would be bringing back a request concerning heights of buildings in the flight pattern—that the type of zoning would be restructured; that when they come back with this, it could be moved to Chapter 38. Councilman Murphy received clearance that the person from the Airport Authority was free to go.

**Ordinance (d)** relates to the Personnel Ordinance—in order to get it computer ready. Councilman Gilbert asked if this dealt with salary versus non-salary? Attorney McMahan explained that we passed a Resolution two weeks ago relating to exempt positions, which cannot receive overtime pay; that this Ordinance covers people who can receive overtime pay. Councilman Gilbert asked if it were a change from hourly to salary—that he wanted to make sure that employees understand the concept. Ms. Kelley added that it was exempt versus non-exempt to bring this in compliance with FLSA guidelines. Councilman Gilbert still maintained that it was hourly versus salary and overtime and compensatory time, which some employees could not receive pay for but would continue to have to work overtime. Ms. Kelley stated that Administration had been given to August 27th to get to the workforce with the new information. Councilman Gilbert questioned if this was enough time, with Ms. Kelley stating that it would have to be. She added that this was the date that had been agreed on. Councilman Gilbert asked if employees would understand fully as to their rights? Ms. Kelley responded that she could not guarantee that they would understand, but it would be explained; that we had moved to FSLA, and it had not been applied uniformly, and we want to bring everyone under a uniform policy.
Councilman Gilbert mentioned this dealt with 40 hours worked and was this Monday through Friday? Chief Parker interjected that it would be Friday to Thursday for most employees. Ms. Kelley agreed that most were Friday to Thursday, but not all of them. Councilman Gilbert mentioned on-call pay; that in the past employees worked four hours and then there was a holiday, and they would get overtime pay; that if they worked four days and then a holiday comes up, they would get time and a half if they worked—and would not have worked 40 hours; that on-call was used to manage this. Ms. Kelley indicated that one of their commitments was to look at activity for on-calls, and they were getting additional information. Councilman Gilbert mentioned something that Administration had been working on since 2006 and wanted to know when this would happen? Ms. Kelley responded that on-call and call should be addressed by August 27th.

**Ordinance (e)** has to do with Referendum and making certain changes to the disciplinary appeals procedures for rights of police officers, firefighters, and employees of the City of Chattanooga relative to the administrative procedures for disciplinary appeals. Attorney McMahan explained that this was a referendum item, and the City Council, by Ordinance, could change the procedures for due process in disciplinary appeals hearings. He stated that this had been written broadly enough that appeals could be heard by an independent panel, or we could go the Law Judge route. Councilman Benson asked if this would enable the Council to get a City Attorney to represent the Council and Administration would hire another attorney? Attorney McMahan responded that the Council would not be sitting in on hearings and the City Attorney’s office would represent Administration. Councilman Gilbert noted that some cities use peers as their Board. Attorney McMahan responded that we could do this under this Ordinance—that it just had to be a due process hearing.

**Ordinance (f)** relates to the “Injury on Duty Program”, which includes Workmen’s Compensation and Pensions.

**Ordinance (g)** seeks to lift conditions on an Ordinance for Bell Development Company, Inc. on tracts of land located at 7726 and 7730 Standifer Gap Road, subject to certain conditions. Councilman Benson indicated that the community is interested in this being done and mercy needs to be applied.

At this point, Mr. Johnson introduced Karen Rennich as the Interim Director of the RPA.


**Resolutions (a) through (e)** deal with waiver of landfill fees for non-profit corporations and have been talked about quite a bit. Councilwoman Scott noted that in the Ordinance that governs Landfills is does not say whether non-profits that are not located in the City would be allowed the same privilege as those which are? Adm. Leach responded that the intent was for only those located in the City. Councilwoman Scott agreed that this is what we “think” but questioned if this was what was written? Attorney McMahan agreed that the Ordinance does not address this directly, pointing out that the Council does not have to approve any non-profits—that they control this. Councilman Benson had a question concerning the requirement that if a non-profit pays somebody to haul the debris that they are not eligible, but if they haul their own, then they are. He questioned what difference this would make. Adm. Leach responded that they would not know if the refuse was generated by the non-profit unless it was in a marked container. Councilman Benson confirmed that if it were in a marked container, then it was okay. Adm. Leach stated that they were not “married” to this, and it could be deleted.

**Resolution (f)** adopts a Five-Year Capital Improvement Plan, subject to future revision.

**Resolution (g)** authorizes Parks and Recreation to enter into an agreement with Franklin Architects to provide professional planning and design services for completing an assessment and potential re-use plan of city property for a fee of $35,000.00, with a contingency amount of $3,500, for a total amount not to exceed $38,500.00. Councilwoman Scott asked if this would determine how to board it up so that in the future it will be stabilized? Mr. Zehnder responded that this was part of it; that the other part is to have citizen based meetings and Franklin Architects is to facilitate this. She asked if there would be any cost in this Fiscal Year and was told “just to board it up and maintain it”.

**Resolution (h)** authorizes LaToya Williams and Donnovan Basek as special unarmed police officers for the Department of Parks and Recreation, subject to certain conditions.

**Resolution (i)** is a Public Works’ item and was discussed last week.

**Resolution (j)** is a temporary use of a right-of-way for Teresa Johnson on behalf of Sluggo’s North Vegetarian Café located at 501 Cherokee Blvd.

**Resolution (k)** concerns refinancing for Dogwood Manor, LLC. Ms. Madison was present to answer any questions.

**Resolution (l)** is a Parks and Recreation item concerning a Chattanooga Zoo Agreement and will be discussed in Legal and Legislative Committee.

**Resolution (m)** is the same as the first few Resolutions and authorizes a waiver of landfill fees.
Concerning landfill fees, Councilwoman Berz stated that she needed an explanation from Public Works—that she still “did not have her arms around this”. She wanted to know if we waive fees for non-profits, what is the cost to us from a business standpoint view? Adm. Leach responded that there is a $1.50 fee and then a tipping fee of $29.00. She wanted to know the real cost. Mr. Stewart responded that it was $30.50 a ton. Councilwoman Berz wanted to know on the average, what this is costing us? Mr. Stewart responded about $45,000. She noted that this cost would increase as we add others. Adm. Leach stated that he thought there were 13 now, and there may be others. Councilwoman Berz stated that their argument was that they were saving the City money by taking this refuse in. She wanted to know if this were true and what it would be saving us? Adm. Leach responded that we had taken this in previous years, and it is costing us fees and material going into the landfill, and it takes up space—“can we absorb it?” “Yes”. He added that there would be others coming. Councilman Benson added that the City would have to pick it up anyway, with Adm. Leach responding “we may or may not”.

Councilwoman Ladd pointed out that we pay $200,000 for refuse to go to a private dump; that we don’t want this stuff in the landfill; that we had built a center to take this, and this is circumventing these centers; that there is a better option for non-profits—that a private landfill has a lower dumping fee; that it would behoove them to get with C&D and work out a better option that would be less expensive.

Adm. Leach agreed that there are different types of landfills.

Councilwoman Berz asked if C&D charged the City and was told “yes”.

Councilwoman Ladd continued, stating that we had built these centers, and we needed to educate people as to how to use the centers; that non-profits could work with C&D at a lot less cost; that this was a better option all the way around; that it is stuff we don’t want in the landfill.

At this point, Chairman Rico asked Councilman Gilbert if he wanted to ask a question. Councilman Gilbert stated that he would let Chairman Rico know if he had anything to say. Chairman Rico asked that he not wait until the Council meeting to ask all his questions, with Councilman Gilbert noting that he would determine when he spoke.
Resolutions (m) through (t) are Public Works’ items that were discussed last week.

Resolution (u) authorizes Neighborhood Services and Community Development to allocate up to $61,000 to the 28th Legislative District Community Development Corp. for the purpose of developing affordable housing.

Resolution (v) is a Final PUD for D and M Properties on a tract of land located at 1091 Mackey Avenue. It was noted that this is in Councilman Benson’s district. Councilman Benson stated that there were questions concerning this—that it was being developed by Monty Reeves and Don Walker. Mr. Haynes stated that this was a final PUD; that they had seven conditions, and the Final PUD included all of these conditions; that it was submitted with these conditions. Councilman Benson asked what the Planning Commission’s recommendation was? Mr. Haynes noted that this did not go to the Planning Commission; that the staff approved it.

Councilwoman Scott stated that before we finished with Resolutions that she wanted to go back to one.

Continuing with Resolution (w) concerning leases with Highland Park Neighborhood Association and Missionary Ridge Neighborhood Association, Councilman Murphy stated that there was a motion to defer—that the leases were still being worked on. Councilwoman Scott wanted to go back to Resolution (q) which relates to an agreement with Environment Materials to allow the City to remove and transport dirt from C&D for the mutual benefit of the City and C&D. She mentioned the Scale operation and wanted to know if this contract was exactly as it was last week? Attorney Bobo responded that it was not—that this just covered the dirt removal—that the scales operation had been removed. Councilman Gilbert stated that if we are going to take the dirt from another landfill, would that landfill not need the dirt, too? Mr. Stewart explained that they should have adequate dirt. Councilman Gilbert asked if theirs took less space? Mr. Stewart explained that they only needed a portion to cover it with. Mr. Templeton added that State regulations are different, with Mr. Stewart stating that his are inert and ours are solid waste. Councilwoman Scott asked what we pay C&D to take our “stuff for a year” and was told around $209,000. Councilwoman Ladd added that it was not just Thrift Stores paying. Councilwoman Ladd responded that it stays in the landfill, and we don’t want it there.
AGENDA ITEMS FOR AUGUST 17, 2010

Ordinance (a)—First Reading is the Hunter Rd. rezoning.

Resolution (a) rescinds Resolution No. 25664 for a Special Police Commission for the Department of Neighborhood Services and Community Development. Councilwoman Scott asked why we were doing this and was told because of a Reduction in Workforce.

Resolutions (b) and (c) both have to do with 1612 Olive Street.

Resolution (d) approves payment to four different artists who performed at the 2010 Swaggfest Youth Program due to the commodity code for all expenses for a total of $16,000. This had to come before the Council because it was over $10,000. Councilman McGary asked what fund this would come from and was told the Parks and Recreation Fund. Ms. Hayes added that there were 14 artists, and this was travel money only. Councilman Benson noted that this was an annual event.

Resolution (e) is a Public Works’ item and will be discussed next week.

Mr. Johnson proceeded to go over Purchases. All of the purchases are for Public Works. The first was a fence for Summitt Landfill from Lakeshore Fence, LLC in the amount of $72,696.00. Councilwoman Scott asked if the Landfill was having a fence replaced? She was told by Jerry Stewart that this is the only part not fenced, and it is to keep people from coming on the property and entails 7200 ft. She again asked if it were replacement and was told that it is a new fence—that there are $300,000 homes around this.

The next purchase was for a Used Jetter Truck from Ingram Equipment Co. in the amount of $132,500.00. Councilwoman Scott wanted to know more about this. Mr. Stewart stated that it has the ability to clean hydraulically and would be saving the City $70,000. Councilman McGary wanted to know when we got the first truck and was told 2-3 years ago. He asked if 2-3 years was the lifetime of such a truck and was told that the life expectancy is 10-15 years. Councilman Murphy asked if this technology would enable us to reduce a position? Mr. Stewart responded “no”—that it takes two people per truck—that this is just more efficient.

The last purchase was for a Service Truck from Lee-Smith, Inc. in the amount of $144,362.00. Mr. Page noted that a gentleman had urged us to buy local, but we needed something different—that this is much safer and fulfills our requirement.
Councilman McGary asked Mr. Page the status of the Purchasing Manual? Mr. Page responded that they had two exhibits to go in and then it would be finished up.

Councilman Murphy asked Mr. Page about reverse auction. Mr. Page stated that they tried it a year and one-half ago; that it was not successful because of the 10%; that they would give out the list, but this was a poor vendor; that they would look at this again if the Council wished; that he thought only $100,000 items would work so that people can make money. He reiterated that they would try again. Councilman Murphy indicated that he thought the fundamental point had been missed—to start high and go lower, like an E-Bay auction in reverse—that the purchasing option is out there and to him, it would seem to save us money. Mr. Page used the example of bidding for toilet tissue, which was not a heavy volume. He stated that they would get a third party to run the auction, and there was no one in Chattanooga who did this.

Mr. Johnson mentioned one Board Appointment to the General Pension Board—Terri Lamb, which is a re-appointment.

**WEATHERIZATION REPORT**

Mr. David Johnson of CNE was present, stating that he was delighted to be here; that Darrel Bloodworth, who is heading up the Weatherization Project, was with him; that Weatherization had been transferred to CNE from Human Services as of July 1st, and he was here to give the Council a report after five weeks as to how they stood; that they were meeting their benchmark. He stated that he would like to say thanks to the Department of Human Services, under Al Chapman, who had made this a smooth transition; that pre-audits are over, and this is a Progress Report. He noted that Darrel Bloodworth is the Manager and that Mark Smith had come over from Human Services and two more CNE employees had moved to the Weatherization Dept. He stated that first of all, the benchmark as of September 30, 2010, is 256 weatherization jobs; that they had posted 390 jobs, which is in excess of the 256; that they had 390 jobs in the queue; that these jobs were in the hands of contractors, and they had made the State Benchmark, already, going over it; that they had 105 jobs approved and 102 appointments for applications. He noted that they closed their first job on July 22nd and by July 26th, had posted 300 jobs. He again noted the successful transition from Human Services. He added that they had enhanced the application form and customer service was improved, and the efficiency was good. He went on to say that they had improved the processing time and performance audit in season; that there was quite a bit of logged time; that they exceeded their goals and milestones and were a week ahead of schedule.
Mr. Johnson went on to say that they had doubled their amount of contractors; that before, CNE had 7 or 8 and now they had 15; that they were able to spread it out in order to take the pressure off of contractors. Energy Auditors have gone from 10 to 20; that some come from out of town and give us an opportunity to operate on a much higher level. He stated that they had a great team that was cross-trained; that they had posted 44 jobs on the website to be bid on.

Councilwoman Robinson asked who the clients were? Mr. Johnson responded that 82% of the clients live in the city limits; that they have to be 200% below the poverty level; that 40% of them are over 55 years of age; that quite a few are renters. She asked if there was a sliding scale for payment? Mr. Johnson explained that the services are free.

Councilman Benson asked about the poverty level and was told by Ms. Dubose $22,000 for a family of four, with Councilman Benson mentioning that Mr. Johnson had said 200% below.

Councilman McGary noted that he said 82% were from Chattanooga and wanted to know where the other 18% were from? Mr. Johnson responded that they served all of Hamilton County and others were from Hixson, Ooltewah and Red Bank.

Councilwoman Robinson asked what products were used? Mr. Bloodworth responded that they do an energy audit and the computer program tells them what to do—that it could be caulking, weather stripping, new heat and air equipment; a new refrigerator—that it was done by guidelines. She asked who funded this and was told the Department of Energy for the State of Tennessee. Mr. Johnson added that the computer program told them what to do with the houses and the order of importance; that sometimes is could mean a new air conditioner. He went on to say that there are a lot of misconceptions out there—that people will say that someone else got a new air conditioner or all new windows. Mr. Bloodworth explained that it was computed by energy savings. Councilwoman Robinson asked if they had to get a variance for renters from the landlord? Mr. Johnson responded “yes”—that the landlord had to sign off on this.

Councilwoman Scott stated that she would like to make a comment—that it was wonderful to hear this and how it is going forward and ahead of the schedule.

Mr. Johnson stated that Mr. Bloodworth and his fine team were doing a good job. It was also noted that Rick Ebersole of the CNE Board was present.

The meeting adjourned at 4:00 p.m.