

**AGENDA SESSION
NOVEMBER 30, 2010
3:00 P.M.**

Chairman Rico called the Agenda Session to order, with Councilmen Benson, Berz, Muphy, Ladd, Scott, and Gilbert present. Councilman McGary joined the meeting later. City Attorney Michael McMahan and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Lt. Carroll, Richard Beeland, John Bridger, Gary Hilbert, Chief Parker, Mayor Littlefield, Chip O'Dell, Paul Page, Dan Johnson, Steve Leach, Lee Norris, Dennis Malone, Jim Templeton and Larry Zehnder. Dickie Hutsell, Beverly Johnson, Tony Sammons, and Bill Payne joined the meeting later.

Mayor Littlefield spoke briefly stating that he knew some of the media would leave because we would not be talking about the Amazon agreement—that it would be discussed in detail at the Council meeting because the Amazon people were in transit but should be here before the Council meeting. The Resolution is on the agenda for tonight. He stated that Mayor Ramsey would be here, as well. He stated that he would retire from the meeting at this time.

Mr. Johnson proceeded to go over agenda items, noting that there was a Special Presentation on tonight's agenda concerning an award for the Finance Department.

Ordinance 5(a), a rezoning for W. C. Helton has already been discussed considerably. **Ordinance (b)** was discussed in Public Works' committee last week. **Ordinances (c) and (d)** amends previous Ordinances that relate to annexation.

Ordinance 6(a) and 6(b) are deannexation ordinances on O'Grady Drive and Scenic Waters Lane and Elder Mountain. Mr. Johnson asked if the Council wished discussion here on these matters?

Councilwoman Scott stated that she would like to share some information concerning Elder Mountain. She first asked for verification on the map shown last week, stating that all but two addresses were off Cumberland Rd. Mr. Leach noted that Elder Mountain Road was the last address; that part of this area is under TVA ownership. Councilwoman Scott stated that she sat down to do a survey as to what people were paying in taxes; that essentially there are 40 properties and two are not paying taxes at all—TVA and one from Virginia; that one is paying \$5.75 on taxes next year and another one is paying \$57.00; 18 properties are paying \$115.00; one is paying \$346.00; two are paying \$780.00; one is paying \$790.00; one is paying \$900.00; one is paying \$1,000; one is paying \$2,302.00; and one is paying \$5,001.00. She stated that if you looked at the

properties in the City of Chattanooga, that based on this they are not assessed as homes but vacant land; that only one or two are homes; that the City of Chattanooga is not taking in a lot of money, and they are not getting a lot of services either—that there is some Fire and Police service provided; that it is very difficult to “sewer” up a mountain and all of these properties are off of Cumberland Rd., which is not a city road, going out of Hamilton County and into Marion County.

Attorney McMahan agreed that most of the houses were in Marion County.

Adm. Leach stated that two at the end were clearly in the city and the one owned by Mr. Burke is clearly in the city; that this is a gated area, and they did not go beyond there.

Councilwoman Scott questioned how a house would be assessed at \$144? Councilman Murphy asked if Marion County would also do an assessment? Councilwoman Scott stated that she thought these houses were assessed in Marion County and were paying Marion County taxes and only the land was in the City of Chattanooga; that most of them are listed as vacant land with the houses being in Marion County.

Attorney McMahan noted that Marion County and the City split the property.

Councilwoman Scott stated that she could not find where part of the house was in both places; that the houses were assessed for taxes in Marion County and she asked if these people were residents of Marion County or Hamilton County? Attorney McMahan responded that the county line is on top of Elder Rd. and is not definite. Councilwoman Scott questioned how easy it was to give fire service to this area? Chief Parker responded that it was 4.9 miles to the nearest fire station, and it was an uphill road. She asked if they stopped at the gate? Chief Parker indicated that it was a gated community with a guard shack. Councilwoman Scott confirmed that they get Police and Fire service, but we can't “sewer” it; that we do provide salting for the road up the mountain. She asked if they received brush or garbage collection and was told “no”.

Chairman Rico asked Councilwoman Scott what her point was? She responded that they were paying taxes on the land but not their structures—that they were essentially Marion County residents; that the services to them are not really good and are difficult.

Adm. Leach pointed out that this is their only access—that they are landlocked through Chattanooga and are in a dilemma. Councilwoman Scott asked if this was not the case for others in Chattanooga, also? Adm. Leach stated that they were in a different county, and the road is a City of Chattanooga road, and this is a real dilemma. Councilwoman Scott asked about the legal liabilities, with city vehicles going out of the city into another county? Attorney McMahan stated that there was no liability.

Councilman Murphy asked why we let the Tiptons out of **Ordinance (a)** on territory adjacent to O’Grady Drive and Scenic Water Lane; that he thought this was a real problem—that it did not make sense to serve just this one area; that the Council is making a decision that is good for the City for now and in the future and Tipton should not be let out—that now they would be an island; that if it is good to get rid of the area, it should be the whole area; that he understood they wanted to stay in but would be totally landlocked if we proceed with this deannexation.

Councilman Benson asked in regards to Elder Mountain from a financial standpoint if it were costing the City more than it was bringing in? Councilwoman Scott stated that they paid \$14,000 in taxes; that she didn’t know what it was costing the city. Councilman Benson questioned if we would be better off without them, noting that they are “marooned”, and we could be jeopardizing public safety.

Chief Parker stated that as far as he knew, there was no other fire service other than the Tiftonia area; that we are in negotiations concerning providing fire service to unincorporated areas.

Councilman Benson asked if they could contract it out (fire service)?

Councilman McGary asked how we go about selecting parcels to deannex and decide which ones come out? Mr. Johnson responded that they are deannexation ordinances, with one resident in each area; that Administration is against deannexing the O’Grady Drive area. Councilman McGary still questioned how we have one who wants to get out? Attorney McMahan explained that Mr. Burke’s property on Elder Mountain was annexed after the 1980’s.

Councilwoman Berz stated that since the issue had been brought up, that she thought a Cost Benefit Analysis would make sense concerning services needed by houses in Marion County; that if we deannex, these services must still be provided; that they are in Hamilton County, and the roads are in Hamilton County. Chief Parker stated “either in Marion or Hamilton County”. Councilwoman Berz stated that whether it is either Hamilton or Marion County, measurement could be made with a Cost Benefit Analysis, so that they would not be left unattended—that one of the counties would provide services. She went on to say that the tax figures are extremely low and with the taxes that low, there is no way they are paying for the services we are providing; that it seems they have not needed much fire and police service. Chief Parker stated that they went out to the Burke property two times last year. Councilwoman Berz asked who would respond, and Chief Parker responded “no one”; that it is not our responsibility, and the County has no responsibility to provide fire service for anyone. Councilwoman Berz still asked for a Cost Benefits Analysis—that she thought we might be “opening up a can of worms”.

Councilwoman Scott stated that it was mentioned last week that the Burke property should never have been annexed in the first place; that we could fix the problem and deannex this property; that it would be difficult to get services from Marion County. She questioned if the City of Chattanooga was prepared to take care of all the other counties—that we can't keep "putting it out there". She noted that we spent a whole committee meeting talking about staffing firehalls. She stated that this was just beyond most of the places in Chattanooga and questioned how we could justify this; that sometimes you have to "take care of your own family first".

Resolution (a) was a Parks and Recreation matter. This involved a lease agreement with Lt. David Frye for a house located at 406 Brown Road in consideration of \$100.00 per month in rent and Lt. Frye's security services at Brown Acres Golf Course and Brainerd Golf Course. Councilwoman Scott stated that this looked like a good contract, noting that the officer worked full time for the Police Dept. and 30 hours a month on this and questioned overtime payment? Attorney McMahan assured her that it was written in the contract; that we had looked at this issue thoroughly and were over the hurdles.

Resolution (b) was a General Services issue. **Resolutions (c), (d), and (e)** dealt with Neighborhood Services and Community Development and the Roof Repair Program. **Resolution (f)** was a Public Works' issue and a blanket contract with Civic Engineering & Information Technologies, Inc. for Cityworks Support Services for a total contract amount per year of \$35,000.00. Public Works' Administration asked that **Resolution (g) be deferred for one week.** **Resolution (h)** was discussed in Public Works Committee last week. **Resolutions (i) and (j)** were also discussed in last week's Public Works Committee. **Resolution (k)** renames the Brainerd Tennis Courts to the "Robert A. "Bob" Elmore Tennis Center". Councilman McGary stated that he would like some information on who Bob Elmore is. Mr. Johnson responded that he was a longtime City activist and one time assistant to the Mayor—that he was a big tennis advocate. **Resolution (l)** deals with Amazon.com and is what the Mayor referred to at the first of this meeting and would be discussed in Council meeting later.

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Resolutions (a) and (b) will be discussed in next week's Public Works Committee.

Mr. Johnson next went over Purchases, noting that they were all Public Works' items. The first was for the purchase of Bentley Software License Renewal from Bentley Systems, Inc. in the amount of \$13,510 annually. The second purchase was for Sludge Dewatering Roll Off Container from Flo Trend Systems in the amount of \$25,575. The third purchase was for reversing contactors in enclosures from Edwards Supply

Company in the amount of \$24,346.80. The last purchase was for payment of invoices for Waste Transfer Charges from City Disposal, Inc. in the amount of \$28,100.

Councilwoman Scott questioned one of the purchases, stating that she did not remember seeing this come through again and questioned how it became a purchase? Mr. Norris explained that we were moving from one contractor to another. She asked who the owner of Allied Waste was, with Mr. Page noting that it was the old BFI.

The meeting adjourned at 3:30 P.M.