

AGENDA SESSION
January 25, 2011
3:00 p.m.

Chairman Rico called the meeting of the Agenda session to order with Councilmen Berz, Benson, Gilbert, Scott, Ladd, Murphy and Robinson present; Councilman McGary joined the meeting later. City Attorney Michael McMahan and Council Clerk Carol O'Neal were also present.

Others present included Daisy Madison, Richard Beeland, Dan Johnson, Steve Leach, Chief Dodd, Chief Parker, Chief Whitmire, Lee Norris, Gary Hilbert, Dallas Rucker, Jim Templeton and Donna Kelley.

Dan Johnson stated Ordinances (a) – (f) for final reading were discussed last week. Councilwoman Berz stated in reference to the nightclub ordinance last week the Council talked about making the ordinance effective immediately upon passage; that everyone is for it but it is not noted on the copy of the ordinance she has. City Attorney McMahan stated the correction would be made between now and the 6 p.m. Council meeting.

Mr. Johnson stated the ordinance on first reading relative to inspection and maintenance agreements will be discussed in Public Works Committee next week; that the matter is recommended for deferral.

Admin. Leach stated a Storm Water Quality Board meeting was held with lively discussion and the recommendation from the Board is to postpone any further action on this ordinance for 60 days and have the group get together to discuss some of the issues brought up at the meeting on yesterday; that they need more time.

Mr. Johnson stated Resolution (a) is for a temporary use for Old Time Antiques. Admin. Leach stated the matter was deferred from last week; that he talked with Staff and a group of business owners on the north shore and everyone from the Staff on down prefer this not take place. He stated it is their thought placement of items on the public right-of-way is not a good precedent to set for this area as it is very congested. He stated denial of this Resolution would be appreciated.

Mr. Johnson stated Resolution (b) authorizes the Finance Officer to enter into an agreement with the State on selling auto decals.

Councilwoman Scott stated we talked about the decals last year and she is trying to see if we could not have better compliance on those people that should buy a permit and the collection of them; that she wondered if there is any information on how successful we have been with that effort versus where we were last year. She stated she asks this as she wants to make sure before we go ahead and approve the next phase for the next year that we are very clear on what is being done and what works and what else we need to do.

Admin. Madison stated since last year we have not changed the method of collecting the decals; that the Hamilton County Clerk and Treasurer collects for decals; that the Clerk agreed after being approached last year to make more than aggressive efforts to mention the requirement when people come in to purchase license renewals. She stated she could not give the statistics tonight but could later with respect to this agreement; that locally if there are State issues for specialized vehicles on behalf of BellSouth, AT&T and other agencies across the State, at that time they want to issue or have them pay for renewals in one lump sum transaction; that both offices do this as a courtesy to vendors.

Councilwoman Scott asked if we are paying them to collect anything. Admin. Madison responded "no" it is done free of charge; that they are just giving them a bulk or batch of decals and they are selling them on our behalf to selected businesses.

Mr. Johnson stated Resolution (c) involves an eminent domain issue with time constraints. Admin. Leach referred Council members to the map that was distributed noting that the contract involves Exit 9; that they are in the process of trying to relocate the sewer line and trying to get an easement across; that they are not buying the property just getting the easement from the owner of the property. He stated the property owners did not want to grant the easement and the eminent domain was filed; that time is of the essence as they need to proceed with the contract.

AGENDA FOR FEBRUARY 1, 2011

Mr. Johnson stated Ordinance (a) on final reading was discussed previously. He stated Ordinances (b) through (d) will be discussed next week during the Public Works Committee.

(Councilman McGary joined the meeting at this time.)

Mr. Johnson stated Resolution (a) involves a grant from Safe Kids USA and will be discussed next week in Public Works Committee. He stated (b) is for a special exceptions permit, the first under the new provisions, to open a winery on Rossville Boulevard.

Councilwoman Scott asked for more information about this. Councilman Rico stated due to the zoning it is alright for the winery to locate there.

City Attorney McMahan stated John Bridger has been involved in this; that the reason for the special exceptions permit is that it is an urban winery and they will make wine on site and alcohol establishments are within the *Code* with a special exceptions permit.

John Bridger stated this will be a local winery with wine tasting; that the wine will be manufactured on site and product sold to clients. He stated this is part of the Southside area and the renaissance taking place there.

Councilwoman Scott stated she did not know it was zoned for that and asked why a special exceptions permit is needed. Mr. Bridger stated with the way the zoning is set up, a special exceptions permit for wineries is needed in that district.

Mr. Johnson stated Resolution (c) is for an agreement with Associated General Contractors and will be discussed in Public Works Committee next week.

PURCHASES

- Chattanooga Parent Magazine in the amount of \$15,000 for monthly advertising for the Parks and Recreation Department.

Councilwoman Scott asked if this is going to be the only magazine for advertising.

Admin. Zehnder responded “yes”; that they have a table that goes in the Parent Magazine and is the only widely marketed brochure. He stated the recreation centers produce 25-30 fliers and this is the only published piece that carries their entire programs during the year.

Councilwoman Scott asked if there will not be other magazine advertising with this purchase. Admin. Zehnder stated they have printed pieces that have lasted for years of maps for all the park systems; that it is not done on a regular basis but done every so often. He stated this is the only piece that changes every month and keeps everyone informed of their rules, reservations and the opportunities that exist in the park system

- PPG Porter Paints for approximately \$60,000 annually for General Services for a blanket contract for city wide Paint and Paint supplies.

BOARD APPOINTMENTS

Mr. Johnson reported the request for approval for the following Board appointments:

- **Michael Webb**, two year term on the Board of Plumbing
- **Steve Jackson**, filling the unexpired four year term of Rick Skiles on the Board of Mechanical Engineers
- **Diana Bullock**, three year term on the Health, Education Board

POLICE TAKE HOME CARS

Councilman Benson requested that the matter of the police take home cars be addressed at this time.

Mayor Littlefield stated as he understood it the charge from Councilman Benson was to bring back a plan so those officers who live within the city could have cars under the present budget; that he will not go into any more detail and will talk to everyone one-on-one as they have “sliced and diced” the numbers every way they can.

Councilman Gilbert asked if the Mayor made an amendment from the city line to the police officer's home for those who live out of the city.

Mayor Littlefield stated that offers a separate set of problems. He addressed the first charge by stating that a car that is parked saves more money than if the officer was driving it and paying a fee. He stated there are 184 vehicles out of 336 take home vehicles; that 184 are assigned to officers outside the city; that of the 184, 151 are parked. He stated the 151 represents round trip mileage of nearly 5,000 miles per year. He stated if they are parked they save the city about \$640,000; that the bottom line is if we leave the cars that are parked those who live in the city can take their cars home; that those who have already opted who live outside the city who opt to pay can continue to drive for .30 cents per mile and that will suffice for the present budget. He stated he could get into intricate details as the next budget is discussed; that with the Council's permission, a motion can be passed tonight to make it a matter of record asking him to return the take home cars to police officers who live within the city; that we will do that as we can make the budget work.

Councilwoman Robinson asked of the 151 that are now parked, how many of those are from officers who live within the city limits. Mayor Littlefield responded those are the officers that are outside the city; that the totals are rather intricate and suffice it to say, 151 out of 184 that are assigned outside the city, 151 are parked. He stated those officers chose to park them and if we honor that choice and stick with it for the rest of the budget we can talk about other ramifications in the next budget.

Councilman Benson stated that was the intent of the motion to bring back an answer that police within the corporate city limits can continue to drive their cars to-and-from work at no charge; that those not paying city taxes and living outside the city pay a mileage cost of .30 cents.

Mayor Littlefield stated that he wants to leave everything in place and not start changing things; that the reason for that is to show those who live in the city and the mileage round trip to-and-from home is considerably less than those who live outside.

Councilman Gilbert stated if he is not mistaken the policemen made a statement if the county officers could not keep their cars those in the city do not want to, either; that the compromise was that the city officers would keep their cars and charge the county from the city limits to their houses. Mayor Littlefield responded "a commute is a commute".

Councilman Gilbert stated this would still give money to the city and helps the city as far as answering calls and not charging overtime; that was the compromise that if the county does not get it the city did not want it according to what he heard. Mayor Littlefield stated that is fine if they turn them in we have parking for them.

Councilman Gilbert stated they are not willing to do that.

Mayor Littlefield stated he is willing to do exactly what he has done as he has said police officers should live in the city; that in his opinion we are elected by the taxpayers of the city and officers who live in the city represent the citizens/taxpayers of Chattanooga; that cars parked in a parking lot or driveway of homes in the city are a different type of officer than one living out on Mowbray or Signal Mountain. He stated we have been through this before and he cannot give a person who lives outside the city unlimited authority to drive with the city's taxpayers' funds and city taxpayers' fuel and vehicle just any where they choose to live as it is counterproductive to what we are elected for. He stated as a compromise he has offered them as originally asked for by the Union to give a reasonable fee; that he was present when that was said and is sure there are no minutes but he was there! He stated he was asked to give them a reasonable fee and that would make them happy; that he cannot give any more.

Councilman Gilbert stated as far as the city of Chattanooga they give service; that a lot of the guys from the county answer calls on the way to work and do not charge the city; that a lot of people do that. He stated that this saves money on overtime when stopping on the way to work and they cannot do that if the car is not in their yards.

Mayor Littlefield stated if the car is parked, when driving home they can stop or not stop; that it is up to them.

Councilman Gilbert stated they cannot stop in their personal cars due to the liability for them. Mayor Littlefield stated he was talking about them driving city police vehicles.

Councilman Gilbert stated he was talking about the service they give as far as overtime, which should be a consideration. Mayor Littlefield stated he is trying to give consideration to those who live in the city and pay taxes, which is what we are supposed to do.

Councilman McGary expressed appreciation to the Mayor for accomplishing this task and stated when he was given the task the Council was told the figure was a half million. Mayor Littlefield stated it is \$1.5 million.

Councilman McGary stated last year it was \$400,000, then a half million that became \$1.5 million; that the Mayor indicated when tallying up the savings the city receives \$600,000 and asked if the figure would be higher or less.

Mayor Littlefield stated he would gladly give figures when we talk about the budget; that with the miles driven by the officers who live in the city and officers who live outside we are really talking about two different things. He stated what happened when we got to finalizing the budget last year and this year we had about a half million "hole" we had to fill. He stated he vividly remembers that it got down to whether to extend the hours at the recreation centers or give full privileges to every officer to drive their police cars. He stated the choice was made that made a different arrangement for take home vehicles and he was charged with the task of coming up with a fee per mile for officers in the city and out of the city which is how he came up with the .20 and .30 cents.

Councilwoman Berz thanked the Mayor and asked the City Attorney if we are talking about BFQ for job qualifications and if there is no qualification for a job for someone that lives within the city, if all comers within a certain area are equal in the sight of the city, can we legally differentiate.

City Attorney McMahan responded “so long as there is a rational basis for differentiation”; that we cannot deny them employment or a special benefit as long as there is a rational basis to decide how we can do so.

Mayor Littlefield stated some cities cut it off at the city boundary, some cities believe a mile or so beyond the city limits is adequate and some cities have placed jurisdiction beyond the city limits; that there are a lot of differences, but we have always had the limit they cannot drive outside the county. He stated protecting neighborhoods outside the city is not as important to us as city leaders and taxpayers as having those who live within the city park in their driveway; that we have been very rational and consistent with what is found around the country. He stated he would talk more about this when we get into the budget and looks forward to that; that he wants to talk about incentives for officers who live in the city as we have had those from time-to-time in the past federal program with the Officer Next Door Program where officers move into the inner city areas and would love to see it come back and put our own “spin” and additional resources in it; that he wants to turn it around in a positive way and hope we will do that.

Mayor Littlefield continued by stating one other issue not resolved has to do with second jobs; that we do not really need to deal with the cost of that now if we go with what he is proposing; that we freeze it as they are and park their cars for the next five months while we work on the budget. He stated we really do not have a good handle on how much it is costing to be used on second jobs, does not know how long or the gallons of fuel burned.

Councilwoman Ladd expressed appreciation to the Mayor noting that it is her thought this is a good compromise as we do not all get 100 percent what we want; that this is a start. She stated she has heard through direct contact that the concern is payment of reimbursement for administrative staff who in the past had cars assigned; that she does not support that and thinks it is unconscionable and wrong. She stated that is the feedback she is getting from her district, also. Mayor Littlefield stated there are other issues to deal with but will talk to her privately.

Councilman Benson stated we are more liberal right now in our policy about take home cars than ever and in the most difficult economic times as far as revenue; that he can remember when employees had to live in the city to be employed and then remembers when Gene Roberts got upset during the time of the blizzard because he could not get response time from people living in the county and then said there would be no more persons hired outside the city; that the policy has gotten looser and looser and now there are some on Mowbray in a city car. He stated this is tough love for the citizens of Chattanooga; that we need to do some type incentive program; that we brought it upon ourselves by gradually loosening this.

Councilman Benson stated he took a tour of the parking lots on yesterday where cars are to be deposited and was really pleasantly surprised; that he went to the “Onion Bottom” lot and it was fenced-off, lit and secure and half full. He stated he went to the Amnicola lot and it was about two-thirds or more full; that there is plenty of space at “Onion Bottom”; that spouses could park and feel comfortable with the security provided.

Mayor Littlefield stated he is “rubbed off” by this whole thing as we have put more in the budget for the police department this year, millions; that all have read that Camden is having to lay off half of the police and fire force and Atlanta is furloughing people; that he could down the list but it is too long! He stated he knows of no other city in the country other than Chattanooga in this recovering economy, training more police officers, putting money into benefits, that has raised police pay with some receiving 29.7 percent increases in July, yet, we are here arguing and fussing about something that is a fairly unique benefit; that this Council and this administration stepped up and did remarkable things and we appreciate what they do. He stated he does not want anyone, including the police, to misunderstand as we have to be sensible about the way we manage money.

Councilman Murphy inquired as to the number of officers who chose to park that live in the city now that will get their car back. Mayor Littlefield responded “roughly 114”.

Councilman Murphy stated that he presumed the officers who live in the city who elected to pay the fee will not have to pay it now. Mayor Littlefield responded “correct”.

Councilman Murphy stated the decision is one based on numbers and a rational distinction; that it is his thought this is a compromise and a step in the right direction; that this is one of the things he heard a lot from officers. He urged the Mayor and rest of Council to make a commitment to the next two years for the duration of this term as there are a lot of morale issues that have come up as officers do not like having to watch this “football get run around the field, fumbled, dove on and covered in ad hoc fashion”; that it is as much a source of frustration as anything. He stated he runs a small business and gives employees free snacks, coffee, sodas and probably would upset morale more by telling them they had to pay and install vending machines; that it is his thought consistency needs to take place and stick with it.

Mayor Littlefield stated every budget is a new challenge and there might come a time when we will have to take the “snacks” away; that morale problems are a management issue. He stated unfortunately every year everything is “on the table” and in this case being rationale and reasonable, exhibiting credible management skills and doing what has to be done and protect the city was done. He stated officers who live in the city will have that direct benefit and sends the message if they want the benefit and not pay to consider living in the city they serve.

Councilwoman Robinson stated the incentive program helps officers and those who might have an interest in home ownership in the city; that she serves on the Board and was former President of Community Impact, one of the agencies the city funds.

Councilwoman Robinson stated Community Impact is working with a grant from foundations, other local organizations and CNE and is in the business of revitalizing neighborhoods and creating new neighborhood choices in the Chattanooga area. She stated the home building program is how this is done as it empowers resident associations; that she and the Mayor were in a meeting on yesterday where there was serious discussion underway to bring forth a home ownership program within the city and CNE to neighborhoods that have been revitalized with a grant that would be forgivable and given to help make a down payment and forgiven if the officer or residents stays in the home longer than five years. She stated she would like to “put out there” that it is not a choice they cannot live in the city, cannot afford a home and cannot find a good neighborhood as there is a very nice welcome mat out for everyone interested.

Councilman Rico stated that we had a choice during budget time to put money in the recreation centers, hire more employees or fund the police, noting that he will always support the police. He stated it is the Council’s responsibility to make better choices; that public safety is a very important thing and we have to make tough choices. He stated we as a Council have to make tough choices due to the economy and lack of funds and we cannot make everyone happy as we have to prioritize what we feel we can support. He stated everyone agrees public safety, public works and fire are the most important things in this city.

Councilwoman Scott stated she is sorry but what Councilman Rico has stated leaves the impression that we went in the wrong direction for the police department in this budget and that is not true; that the police department budget last year was bigger than ever and this Council made decisions about salaries and other post employment benefits and pension funding to the tune of an additional several millions of dollars. She stated she is not sure she can agree with the idea we “dropped the ball” on the police.

Councilman Gilbert stated that he keeps hearing that the police cars are a benefit noting it is not a benefit it is a tool to be taken back-and-forth to see about crime in the city; that they stop and do service for the city. He stated it is a tool they use like we use a pencil on paper; that they use the cars to do crime in the city; that it is continually said it is a benefit and it is not a benefit!

Councilman McGary stated in regard to the incentive to attract officers he is for making the package as attractive as possible, however, it is his thought when talking about incentives as it is crafted he would like for Admin. Cosley to get input and feedback from officers as to what would attract them; that he would certainly like to have input from officers versus creating a package. He stated in regard to funding he would like to see us go to some outside partner, whether private or public, and ask them to help us fund the program; that basically two-to-three years later we are left holding the “short end of the stick” and it happens all the time. He stated if this is our program we need to be committed to funding; that we should have partners but it should not fall on us; that we need to find a way to pay for it. He stated it is his hope if we are to do it to be serious so it does not fall apart at the seams.

Councilman Benson stated this is not subject to an ordinance or resolution and asked for suggestions as to how to proceed.

Mayor Littlefield stated the Council should ask for a motion tonight based on discussion that we proceed with a plan to freeze cars for the remaining five months for this budget year and give cars to officers who live in the city their vehicles back.

By general consensus the Council was agreeable to this suggestion.

The meeting was adjourned.