

AGENDA SESSION
AUGUST 16, 2011
3:00 P.M.

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

Others present included Dan Johnson, Danny Thornton, Dennis Malone, Dallas Rucker, Karen Hundt, Larry Zehnder, Richard Beeland, Jerry Stewart, Mayor Littlefield, Chief Parker, John Bridger, Johnny Feagans, Lee Norris, and Paul Page. Daisy Madison, John Van Winkle, and Jim Templeton joined the meeting later.

AGENDA ITEMS FOR AUGUST 16, 2011

Mr. Johnson stated that **Ordinance (a) Final Reading** is the Library Ordinance.

Councilwoman Scott stated that she was afraid she still had a few problems with this; that it totally sounds like an independent body, which could be good, but it is completely and totally funded by City support, with the exception of the Friends of the Library; that the City agreed to totally fund it; that the Library Board can charge people who are not financially supporting the Library, but she saw no requirement for non-city people to pay for use, and this concerned her; that she felt more focus needed to be placed on people supporting the library should not be subsidizing a large number who are not supporting it financially.

Mayor Littlefield explained that the control that the City has is that every year the Library has to come back to us for their budget; that we are the main source of support and have been for many years (County paying little); that we expect those that live outside the City to pay something; that Collegedale has set the bar high, charging \$85.00 per family; that those outside the City should pay something; that he thought Signal Mountain charged \$50 or \$60; that this is pretty much the way it works and what we expect; that we are going by State Law, and this should not be built into the Ordinance; that with the proposed new Board, we expect those who use the Library will pay (either through taxes or membership).

Councilwoman Scott pointed out that this is not what this Ordinance says; that in regards to the Board, the Council had heard nothing about the Board members; that if the Council was going to appoint a Board, we needed to know who they were and something of their background and let them make a proposal; that all of this felt nebulous to her; that after all we have been through, we should not even think about subsidizing this on the back of taxpayers and everyone get to use it; that this should say this would not happen, and the legislation does not say so, and she felt uncomfortable with this.

Mayor Littlefield indicated that he did not know how to make her feel more comfortable; that we were going by State Law, prompting Councilwoman Scott to point out that Collegedale and Signal Mountain were also going by State Law. Mayor Littlefield stated that they did not have this language built into their Ordinance either; that we can always come back to it.

Councilwoman Scott stated that she hated to wait until then; that she had asked over and over to have someone from the Library come and talk to us; that this all goes along with the issue that we have been fighting to remedy; that the Council did not even get the Agenda last Friday because of the bomb scare; that now the latest agenda adds people for nomination to the Board, and it is too little, too late; that the Council needs to look over this ahead of time in order to make a good decision, and she would like to have this deferred until the Board is in place.

Mayor Littlefield noted that the appointment of the Board goes along with this Ordinance. Councilwoman Scott did not feel this Ordinance had to be in place in order to appoint a Board.

Councilman Rico stated that the names listed are creditable people, and we need to just vote this up or down; that we could discuss this until we are blue in the face.

Mayor Littlefield agreed that it was a sensitive thing; that we had to shrink the Board, and he had to call some people who would not be on it, and he did not want them to read it in the paper; that most of the people are known by the Council, with maybe the exception of Jim Kennedy, III, and he had his Resume; that four of them are existing members of the Board; that he was going to bring this to the Council tonight to vote either up or down.

Councilman Benson stated that he agreed with Councilwoman Scott about users of the Library paying their fair share; that he agreed strongly with her on this; however we should not correct this by a Code change and put in code specifics. He urged to go ahead and move on this; that amendments could be made or we could repeal this Ordinance, but we needed to get the Library up and in operation.

Mayor Littlefield stated that we needed a Board to organize themselves as far as normal policy and procedure; that the new Board will have to look at applications for a new Library Director; that he was not advocating giving away library service—that if anyone thought this, they were looking at the wrong person; that he had to fight this fight and many will not be happy, but he was prepared to do this.

Councilwoman Berz asked about legislative rights and if Councilwoman Scott had these in front of her and also did she have the Board of Directors' names in front of her. She wanted to know if this was a policy making Board? Attorney McMahan confirmed that it was a policy making Board and read discretions in the Ordinance. She confirmed that it was a policy making Board. Attorney McMahan continued to read from the Ordinance, with Councilwoman Berz pointing

out that it read “may” rather than “shall”. Attorney McMahan noted that City was the dominant funding agency; that the Library was an agency of the City with some independent powers. Councilwoman Berz stated that she would support this but that it was loosely worded.

Mayor Littlefield responded that he was not happy with the State Law either.

Councilwoman Berz noted that it said “may” or “sort of kinda”, which leaves doors open; that if we are totally mimicking State Law that it is a sloppy State Law going forward. She noted that there is some saving grace of sloppy measures because it does leave a lot of doors open—like using “may” rather than “shall”. She noted, however, that this did not leave us helpless and stated that we needed to go forward and then get this Law like we want it—that as it is, it is a “nothing”; however, the best thing was to go forward, with directions to the Board to see us free from “mays” and “shalls”.

Mayor Littlefield noted that all Library employees are City employees, and the Board Members are appointed by the Council with his nomination and this Ordinance—that we are totally in control, and it can be amended from time to time; that we can ask the Board for advice and put changes into the Ordinance; that putting prices in an Ordinance can be problematic; that the Library needs to go forward.

Councilwoman Scott stated that she would like to ask when they got the Resumes; that she did not know; that there are no checks and balances to the nominations; that it might be people that other Councilmembers know, but she did not know them; that this requires a vote of the Council, and she did not like to vote on something without documentation; that she was not asking for prices to be put in the Ordinance; that all the decision making is up to the Board, and the only decision that the Council makes is whether to allocate money or not and how much. She stated that there was not a lot of response from the Library, and she had asked for response on two occasions, and she did not have a good feeling about this.

Mr. Johnson noted that **Ordinances (b), (c), and (d) Final Reading** were rezoning, and there seemed to be no problems.

Mr. Johnson stated that **Ordinances (a) and (b) First Reading** are also zoning matters. Chairman Ladd pointed out that the first one was actually not zoning, but pertained to catering. Mr. Johnson acknowledged that it was a Code amendment.

Resolutions (a) and (b) pertain to sidewalks and were discussed last week in Public Works. **Resolution (c)** declares properties surplus located at the corner of Central Ave. and McCallie Ave. and property located at 810 Dodson Ave.

Councilwoman Scott stated that she had received calls about **Resolution ©** and wanted to see if Danny Thornton would explain the history. Mr. Thornton stated that an RFP went out 30 days

ago on the website, and it was advertised; that the McCallie Ave./Central Ave. piece was put up for sale many years ago and nothing was done.

Councilwoman Scott asked what he meant by “nothing was done”? Mr. Thornton stated that there was a timeline to start—that it was a two year project. She wanted to know what the project was? Mr. Thornton stated that it was a mixed use project. She asked if he meant that it was to be sold with conditions and the conditions were not met and then the property reverted back to the City? She then asked if it was now being sold to the same entity? Some in the room said “yes” and some said “no”. She wanted to know which was correct. Mr. Thornton clarified that it was the same family—that this was the former buyer’s brother. Councilwoman Scott stated that she hated to ask “but what makes us think this will be any different if it is another family member”? She stated that she would like more information on this. Chairman Ladd suggested that she get with Mr. Thornton and work this out.

Councilman Benson stated that this was a big success; that in the past we were going to sell it for \$27,000 with conditions; now we were getting about \$200,000 with a mixed-use condition. The mixed use is Student Housing, and this is not part of the University. He stated that he was so pleased with this; that we were formerly just going to give the property away, and he was certainly glad to see this price tag; that if Councilwoman Scott needed further information, fine.

Councilman Gilbert stated that he would like to go back a few steps—Chairman Ladd jokingly said that she did not know if the Council wanted to go back with him! He wanted to go back to **Ordinance (b) First Reading**. He stated that they had a meeting at Washington Hills Center with Mr. Price and 61 people discussed this and 46 said “no” and 6 said “yes” and 13 did not vote. He stated that this would be discussed further at Council meeting tonight. Chairman Ladd noted that the County had held this. Councilman Gilbert noted that there had been three meetings and last night, 46 voted “no”; that they would be here this evening. Chairman Ladd assured that she would give both the applicant and opposition a chance to speak this evening.

Resolution (d) approved the Mayor’s nomination of the Library Board, consisting of Herbert Cohn, Thomas Griscom, Mai Bell Hurley, James Kennedy, Dr. Chrystal Partridge, Karen McMahan, and Theresa Liedtka. He noted that the terms were on a rotating basis.

Resolution (e) authorizes an amendment to a loan agreement with TDEC to increase the amount from \$5,500,000 to an amount not to exceed \$20,000,000. Mr. Johnson stated that this was talked about last week. Councilwoman Scott stated that she would like for Ms. Madison to explain before the vote was taken tonight; that there was a lot of confusion concerning this.

Ms. Madison explained that Interceptor Sewer Services has a Capital Budget, mentioning \$6 to \$7 million with the SRF Project to be funded; that there were not sufficient funds last year, and this was not approved; that the projects were valid and part of the Capital Program, and they

still needed to be done but had been put on hold because funds were not available. She explained that we re-applied for a portion of the dollars associated with last year at \$13 million from last year and included this with this Loan and \$20 million is the amount to be covered this year; that had the loan been approved last year, it would have been a \$15 million dollar loan and essentially we were not able to issue the debt, and it was delayed and now it is much lower, and we are allowed to retire the debt.

Chairman Ladd verified that we were getting this at a lower rate. Ms. Madison added that it was an SFR Loan rather than traditional bonds—that under 2% is a fantastic rate.

Resolution (f) authorizes a Change Request to a contract with True North Emergency Management for an increase in the scope of work relating to disaster debris removal, disposal, and reduction services, for an amount of \$143,750, for a total project cost in the amount of \$1,150,000.

Resolution (g) authorizes Change Order No. 1 to perform additional cleaning, sealing, and concrete repair on the third arch bridge at the Aquarium Plaza, for an additional amount of \$43,000, for a total project cost of \$211,194. Mr. Johnson stated that this was a Parks and Recreation issue, and we wanted to get the third bridge out of the way while on site.

Councilman McGary asked Mr. Zehnder why the additional bridge was left out in the beginning? He responded that we did not have enough money until July.

TEAM CENTER REQUEST/DAISY MADISON

Ms. Madison asked to address the Council concerning information on the Team Center request of \$50,000 that we funded; that at the time, we discussed a State continuing program, and the State has now discontinued this program, which means that the Team Center needs to also discontinue it—a portion of the allocation was intended for this program, and they have asked to be allowed to use this money as a part of Family Support Services; that we funded one lump sum, and she wanted to make sure the Council was aware of the discontinuance of a program by the State.

Councilwoman Berz stated that when we were having the hearings, there was total transparency—that we would now be giving extra money to a program that had not requested it. She asked if there was any implied obligation to continue this since next year we might have to cut it. She stated that she would like to hear more from Team Center.

Ms. Madison explained that we would not be obligated to fund \$50,000 next year, but she could not speak for Team Center.

Councilwoman Berz noted that this program was much smaller, and we were shifting \$35,000, which would make them grow—that she thought we needed a full discussion this.

Ms. Madison thought by making this discussion a part of the minutes, that it would put Team Center on notice.

Councilman McGary stated that he would like to hear from Team Center, also, concerning what they will do going forward. He asked if this was time-sensitive or if we could ask them to come before us before we make a decision?

Ms. Madison agreed to ask Team Center.

Councilman McGary stated that he had a question concerning **Resolution (d)** for Mayor Littlefield; that there were three women on the Library Board and also a minority member. He stated that he would like the minority portion to be a part of the Ordinance. Mayor Littlefield confirmed that there was one minority member.

Mr. Johnson went back to the discussion on Team Center, stating that we told them on the front end that this funding was for one year and promised nothing after that; that previously we had not funded them.

Councilman Rico asked why we were re-hashing this?

Councilwoman Scott asked if a specific letter goes out in reference to this or is the communication orally; that we would suspect that no one could assume funding from year to year; that Councilwoman Berz' statement was well taken—that we are portrayed a lot of time as the “Simon Legree” of agencies; that she was concerned about expectations every year; that her impression was the agencies did not hear this or the communication was informal; that we needed to put this in writing to send to every CEO of each agency—that we are not obligated to fund the same amount each year.

Councilwoman Berz stated that we had this on record from a previous meeting, and this Fall we would send out letters to the agencies saying “don't count on anything”. She stated that Team Center was interesting; that \$35,000 of the money allocated for a certain program no longer exists, and we want to be honest—that this is a fine agency.

Councilman McGary stated that he was speaking for himself; that we were not sure, but the entity might be reorganized, and he thought it would be to our advantage to have them come—that we needed to hear from them.

AGENDA ITEMS FOR AUGUST 23, 2011

Ordinance 6(a) First Reading is an abandonment and will be discussed by Public Works next week.

Resolutions (a), (b) and (c) are all Parks and Recreation items. Resolution (a) is the appointment of Jamie Christopher as a special unarmed police officer; Resolution (b) is an agreement with Franklin & Associates for the development specifications relative to Phase II of the Hixson Community Center Project in an amount not to exceed \$79,100; Resolution (c) is an agreement with ISS, Inc. to construct one athletic field and components required to support said field at Montague Park in an amount not to exceed \$133,077.35.

Resolution (d) authorizes the appointment of Freddie L. Brooks, Pamela Williams, Marcus Rice, and Michelle Thorne as special unarmed police officers for the Fire Dept. **Resolution (e)** is a Public Works' item.

Resolution (f) incorporates Roth features in the City's 457(b) plans and execution of appropriate documents for the Deferred Compensation Plans administered by Hartford, ING, and ICMA-RC. Councilwoman Scott stated that this was a good additional option and asked if we had any idea of when this will be workable for employees to participate? Ms. Madison responded "very soon"—that we are working with the Oracle Program.

Resolution (f) authorizes a contract with Campbell and Associates for engineering work on the Employee Health Center in an amount not to exceed \$25,500 from the funds previously approved for the project.

Mr. Johnson reported the following two purchases—One for the Fire Dept., cadaver racks and trays from Penn Care Medical in the amount of \$43,544; the other for Public Works and a blanket contract for crushed ice from Tennessee Valley Ice Co. for an estimated amount of \$15,000 annually.

KAREN HUNDT/RPA

Ms. Hundt wanted to make the Council aware and to invite them to a Public Meeting on August 18th at 5:30 P.M. at the Chattanooga Convention Center. This is a meeting concerning the Gateway to the Stringer's Ridge area. It will be an open public meeting, including concepts and ideas and feedback. The meeting also includes the River Walk, looking at streetscape and green improvements. She stated that we wanted to make the corridor the most beautiful that we can. She mentioned interpretive opportunities and showcasing our natural area to businesses and industries. She stated that they hoped to have from 100 to 200 people there at 5:30 at the Convention Center, and she again, invited all to come.

Chairman Ladd stated that this was very exciting, and she was anxious to see this vision.

On motion of Councilman Rico, seconded by Councilwoman Scott, the minutes of the previous meeting were approved as published.

This meeting was adjourned at 3:45 P.M.