



John P. Franklin, Sr. City Council Building
Chattanooga, Tennessee

COUNCIL MEETING MINUTES

July 30, 2019
6:00 PM

CALL TO ORDER

Council Chairman Erskine Oglesby called the meeting to order with Vice-Chairman Chip Henderson and Councilpersons Carol Berz, Anthony Byrd, Demetrus Coonrod, Russell Gilbert, Darrin Ledford, Jerry Mitchell and Ken Smith. Phil Noblett, City Attorney, and Nicole Gwyn, Council Clerk, were also present.

PLEDGE OF ALLEGIANCE

Councilwoman Coonrod led the Assembly in the Pledge of Allegiance.

APPROVAL OF LAST MINUTES

On motion of Councilman Gilbert and seconded by Councilman Ledford, the minutes of the last meeting (July 23, 2019) were approved as published.

ORDINANCES – FINAL READING:

The Clerk read the following:

ORDINANCE #13487

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, BY ADDING A NEW CHAPTER 11, ARTICLE XXI, DOWNTOWN CENTRAL BUSINESS IMPROVEMENT DISTRICT (DOWNTOWN CBID), SECTIONS 11-525 THROUGH 11-534. (ALTERNATE VERSION) (PUBLIC HEARING)

PUBLIC HEARING:

Chairman Oglesby called the hearing to order and asked Mr. Noblett to read the rules of the hearing. Mr. Noblett informed the Assembly of the following:

- That the City Council has announced changes, which have been published for this meeting for this public hearing on the Central Business Improvement District.
- The business owners in the zone will be allowed to speak at the public hearing in addition to any state-mandated property owners. State-mandated property owners have at least the first opportunity will try to make sure we can get to everybody within the time allowed the council will allow a total of 60 minutes for the public hearing with 30 minutes for each side support and opposition.
- Sign-up sheets have already been signed by speakers outside of the Council chambers and those were wishing to speak have to sign up before the beginning of the 6:00 p.m. meeting, and each speaker will get up to three minutes at this time.

Speakers in Opposition who signed in prior to the hearing [*see attached for comments*]:

| | | |
|----------------|--------------------------------|--|
| Paul E. Smith | Representing Property Owner(s) | Representing Chattanooga Masonic Temple, 729 Chestnut Street |
| Darin Wright | Business Owner | 831 Chestnut Street |
| Elea Wright | Representing Property Owner | Spoke on behalf of Denise Reed, Concierge Office Suites, 633 Chestnut Street |
| Rose Cox | Business Owner | 818 Georgia Avenue |
| Charles Paty | Property Owner | 19-35 Patten Parkway |
| William Wise | Property Owner | 120, 401 and 405 Market Street |
| Peter Steyn | Representing Business | Spoke on behalf of Second Presbyterian Church, 700 Pine Street |
| Mindy Benton | Business Owner | 828 Georgia Avenue |
| Pierre Dabir | Property Owner | 704 Market Street |
| Bill Wilkerson | Property Owner | 1001 Carter Street |

After these property and business owners had spoken, Chairman Oglesby announced, by state statute, the Council was required the Council to hear from all property owners within the BID who were in Opposition to this ordinance. Therefore, Chairman Oglesby opened the floor to any other property owners within the BID who were in Opposition and wished to speak at this time.

Additional Speakers/Property Owners in Opposition [*see attached for comments*]:

| | | |
|----------------|----------------|----------------------|
| Pamela O'Dwyer | Property Owner | 17-39 Patten Parkway |
| N.K. Madan | Property Owner | 200 Market Street |

After which, Chairman Oglesby opened the floor to property and business owners within the BID who were in support of the ordinance.

Speakers in Support who had signed in prior to the hearing [*see attached for comments*]:

| | | |
|----------------|--------------------------------|---|
| Mitch Patel | Property Owner | 411 Broad Street |
| Tim Hennen | Property Owner | 193 Chestnut Street |
| Travis Lytle | Representing property owner(s) | Spoke on behalf of Smart Bank, 835 Georgia Avenue |
| Henry Shulson | Representing Property Owner(s) | Spoke on behalf of Creative Discovery Museum, 321 Chestnut Street |
| John Healy | Property Owner | 800 Broad Street |
| Dana Perry | Property Owner | 800 Market Street |
| Matt McGauley | Property Owner | 13 E. 7 th Street |
| Johnny O'Brien | Property Owner | 219 Broad Street and 103 Market Street |
| Lew Goss | Property Owner | 2 Broad Street |
| Jon Kinsey | Property Owner | 193 Chestnut Street |
| Brad Whitaker | Representing Business | On behalf of St. Paul Episcopal, 305 W. 7 th Street |

Chairman Oglesby closed the BID public hearing at 7:02 p.m. Council discussion ensued [*See the attached Council comments.*]

Attorney Noblett confirmed for Councilwoman Berz that anyone needing some relief from the assessment can come before the BID board, that the Council will receive an annual audit of the BID Board, and that all BID Board meetings are subject to Sunshine Law. Councilwoman Berz

also requested that the annual audit report of the BID Board not only show the money spent, but the behavior, including any people that came before the board and how their case was handled.

Councilman Mitchell moved to approve, seconded by Councilman Byrd. The following councilpersons made statements about the BID: Councilpersons Byrd, Ledford, Coonrod. [See the attached Council comments.]

Councilman Gilbert inquired from Mr. Noblett about exempting properties on the outskirts of the BID without creating doughnut holes. Mr. Noblett reviewed what the Council must do in approving or rejecting the BID boundaries today. **Councilman Gilbert moved** to amend to allow properties on the outskirts of the BID to be exempt from the ordinance. He was seconded by Councilwoman Coonrod. Attorney Noblett advised that the Council must redraw the map and attach it to the ordinance if this amendment passes.

Councilman Ledford confirmed the exemptions already for nonprofits, PILOTs and TIFs. Councilman Henderson questioned if state law prevents creating doughnut holes in a district. Attorney Noblett confirmed no case law regarding the creation of doughnut holes in a BID. Councilman Smith and Councilwoman Berz questioned Mr. Noblett on the substantial revision to the current ordinance if the amendment changes. Attorney Noblett confirmed that, if the amendment passes, it would be a substantial change that must take effect during this second and final reading of the ordinance.

Councilman Gilbert's amendment failed on roll call vote as follows:

| | | | |
|------------------|------------|-----------------|------------|
| Berz | NO | Ledford | YES |
| Byrd | NO | Mitchell | NO |
| Coonrod | YES | Smith | YES |
| Gilbert | YES | Oglesby | NO |
| Henderson | NO | | |

YES – Four (4); NO – Five (5)

Councilman Mitchell's motion to approve carried upon roll call vote as follows:

| | | | |
|------------------|------------|-----------------|------------|
| Berz | YES | Ledford | NO |
| Byrd | YES | Mitchell | YES |
| Coonrod | YES | Smith | NO |
| Gilbert | NO | Oglesby | YES |
| Henderson | YES | | |

YES - Six (6); NO - Three (3)

ACTION: APPROVED

COUNCIL RECESS

At the request of Councilman Ledford, Chairman Oglesby allowed a 5-minute recess at 7:30 p.m.

MEETING RECONVENED

Chairman Oglesby reconvened the meeting at 7:35 p.m. with a quorum of eight councilpersons present. Councilwoman Coonrod did not return to the meeting after the recess.

ORDINANCES – FINAL READING: (continued)

2019-072

Barry Payne Development % Barry Payne

Planning Version

District No. 6

Agenda Item V(b):

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED IN THE 7200 BLOCK OF BONNY OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

Councilwoman Berz confirmed with John Bridger, Executive Director of Regional Planning, that the Applicant had requested to withdraw this item. Therefore, **Councilwoman Berz moved** to withdraw, seconded by Councilman Ledford. The motion carried.

ACTION: WITHDRAWN

ORDINANCES – FIRST READING:

Agenda Item VI(a):

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLES II AND V, SECTIONS 38-2, 38-183(17), 38-305, 38-306, 38-323(5), 38-333(7), AND 38-341(10), RELATING TO OUTDOOR STORAGE AND MINI-WAREHOUSES.

Councilman Ledford informed the Assembly that item would be discussed at the next Planning and Zoning Committee. He noted that copies of information about this have been placed in the Council's mailboxes, as requested at the 3:00 p.m. Agenda Session. Therefore, **Councilman Ledford moved** to defer to August 20, 2019. He was seconded by Councilman Gilbert. The motion carried.

ACTION: DEFERRED TO AUGUST 20, 2019

RESOLUTIONS:

On motion of Councilman Smith and seconded by Councilwoman Berz,

RESOLUTION #30004

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF CHATTANOOGA TO ISSUE BONDS IN THE AGGREGATE AMOUNT NOT TO EXCEED \$31,500,000.00 FOR THE PURPOSE OF PAYING ALL OR A PORTION OF THE COSTS OF LIBRARY HVAC & LIGHTING SYSTEM, LIBRARY ELECTRICAL UPGRADE, APPARATUS (FIRE PUMPER), SIDEWALKS (PEDESTRIAN INFRASTRUCTURE), SOUTH CHICKAMAUGA CREEK GREENWAY - CAINE LANE, ALLEY PROGRAM, CAINE LANE GREENWAY CONNECTOR, SOUTH, 3RD 4TH STREET IMPROVEMENT & GATEWAY, GOODWIN ROAD (GUNBARREL-HAMILTON PLACE BOULEVARD), PATTEN PARKWAY, COMPLETE STREETS - 26TH (MARKET TO WHELAND SITE NO MEDIAN), SHEPHERD ROAD ENHANCEMENT (HWY 153-AIRPORT), TRANS STSCPE SDWLK – SIDEWALKS, 3RD/4TH STREET, AIRPORT AREA ROAD. IMPROVEMENTS E. BRAINERD/LEE HWY INTERSECTION, ALTON PARK RIVERWALK CONNECTOR, AREA 3 COMMERCIAL DISTRICT STREETScape IMPROVEMENTS, BRIDGE MANAGEMENT & MAINTENANCE MULTIPLE LOCATIONS, CENTRAL AVENUE, ELDER MOUNTAIN ROAD SLOPE STABILIZATION AND ROADWAY IMPROVEMENTS, SOMERVILLE CONNECTOR, RIVERWALK EXTENSION (MIDDLE STREET TO INCLINE), WILCOX BOULEVARD TUNNEL (EAST ENTRANCE), WOODMORE SRTS - CONSTRUCTION PHASE, EAST LAKE YFD CENTER EXPANSION, BUILDING ENERGY EFFICIENCY UPGRADES, CITY BUILDINGS & YFD CENTERS MAJOR MAINTENANCE, GREENWAY FARM, CITY FACILITIES IMPROVEMENT AND/OR CAMPUS CONSOLIDATION, ESIP - FERDINAND PIECH WAY MODIFICATIONS, GREENWAY FARM CONFERENCE CENTER REPLACEMENT, 3500 ST. ELMO/BROAD STREET, DAVIDSON ROAD AND EAST LAKE WATER QUALITY RESTORATION.

ACTION: ADOPTED

On motion of Councilwoman Berz and Councilman Ledford,

RESOLUTION #30005

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF CHATTANOOGA TO ISSUE BONDS IN THE AGGREGATE AMOUNT NOT TO EXCEED \$60,000,000 OF THE CITY OF CHATTANOOGA, TENNESSEE FOR THE PURPOSE OF PAYING ALL OR A PORTION OF THE COSTS OF PROJECTS RELATED TO THE INTERCEPTOR SEWER SYSTEM SANITARY SEWER OVERFLOW PROGRAM: CITICO PUMP STATION IMPROVEMENTS, MOCCASIN BEND WASTEWATER TREATMENT PLANT SOLIDS PROCESS OPTIMIZATION IMPLEMENTATION PHASE 4, WET WEATHER STORAGE PHASE 5 – EAST BRAINERD, WET WEATHER STORAGE PHASE 6 - HIXSON PUMP STATION #1, WET WEATHER STORAGE PHASE 7 – LEE HIGHWAY.

ACTION: ADOPTED

On motion of Councilwoman Berz and seconded by Councilman Ledford,

RESOLUTION #30006

A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE THE SELECTION OF OPTION 3 ON THE OPTIONS FORM FOR A FIXED ACCOUNT AMENDMENT TO GROUP FLEXIBLE PURCHASE PAYMENT DEFERRED VARIABLE ANNUITY CONTRACT AND APPLICATION FOR A GUARANTEED MINIMUM INTEREST RATE WITH NATIONWIDE RETIREMENT SOLUTIONS AND NATIONWIDE LIFE INSURANCE COMPANY (COLLECTIVELY "NATIONWIDE").

ACTION: ADOPTED

On motion of Councilman Ledford and seconded by Councilman Mitchell,

RESOLUTION #30007

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO A FOURTH AMENDMENT TO EXERCISE OPTION TO RENEW, IN SUBSTANTIALLY THE FORM ATTACHED, FOR THE PARTNERSHIP AGREEMENT WITH CHATTANOOGA FLYING DISC CLUB, FOR THE RENEWAL TERM OF ONE (1) YEAR FOR THE CONTINUED USE AND OPERATION OF ALL PRESENT AND FUTURE DISC GOLF COURSES AT CITY PUBLIC PARKS AND FOR DAILY USE AND TOURNAMENT PLAY.

ACTION: ADOPTED

On motion of Councilman Henderson and seconded by Councilman Byrd,

RESOLUTION #30008

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) FOR JDH COMPANY, INC. RELATIVE TO CONTRACT NO. Y-17-013-201, REPLACEMENT ROOFING SYSTEM FOR NORTH CHATTANOOGA YFD CENTER BUILDING, FOR AN INCREASED AMOUNT OF \$8,650.00, FOR A REVISED CONTRACT AMOUNT OF \$40,780.00.

ACTION: ADOPTED

On motion of Councilman Ledford and seconded by Councilman Smith,

RESOLUTION #30009

A RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 (FINAL) FOR KLEENCO CONSTRUCTION OF TENNESSEE, INC. RELATIVE TO CONTRACT NOS. R-16-015-201 AND R-17-002-201, PAVING AT ERWIN RIVERFRONT MARINA PARKING LOT AND PARKS MAINTENANCE BUILDING, FOR AN INCREASED AMOUNT OF \$12,991.02, FOR A REVISED CONTRACT AMOUNT OF \$195,190.32.

Councilman Ledford noted this was in Chairman Oglesby's district.

ACTION: ADOPTED

On motion of Councilman Byrd and seconded by Councilwoman Berz,

RESOLUTION #30010

A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE A SALES ORDER WITH THE ELECTRIC POWER BOARD CONCERNING THE WARNER PARK FIELD HOUSE AND THE REMODELED FRIENDS OF THE ZOO FACILITY LOCATED AT 301 N. HOLTZCLAW AVENUE, IN THE AMOUNT OF \$40,915.49.

ACTION: ADOPTED

DEPARTMENTAL REPORTS:

Proposed Purchases

Bonnie Woodward, Purchasing Director, briefed the Council on the following proposed purchases:

PO551381 Chattanooga Fire Department Estimated \$120,000.00 Annually
Blanket Contract Renewal - Firefighters' Station Uniforms -
Chattanooga Fire Department
Lowest/Best Bidder: Summit Uniforms, Inc
Summit Uniforms
#23411 Amnicola Hwy.
Chattanooga, TN 37406

R185432 Department of Youth & Family Development Estimated 580,641.00 Annually
New Blanket Contract - Commercial Food Service Vendor -
Department of Youth & Family Development
Lowest/Best Bidder: YMCA Young Men's Christian Association
301 West 6th Street
Chattanooga, TN 37402

R186636 Public Works Department Estimated \$26,500.00 Annually
New Blanket Contract - - Waste Resources Division -
Public Works Department
Lowest/Best Bidder: TNT Concrete
996 County Road
20 Calhoun, TN 37309

R185152 Public Works Department Estimated \$115,000.00 Annually
New Blanket Contract - Custodial Services for Citywide Park Facilities -
Parks Division - Public Works Department
Lowest/Best Bidder: Jani-King of Chattanooga
7610 Hamilton Park Drive, Suites 3 & 4
Chattanooga, TN 37421

R185153 Public Works Department

Estimated \$140,000.00 Annually

New Blanket Contract - Custodial Services for Tennessee
Riverpark Facilities - Parks Division - Public Works Department
Lowest/Best Bidder: Jani-King of Chattanooga
7610 Hamilton Park Drive, Suites 3 & 4
Chattanooga, TN 37421

PO545678 Public Works Department

Estimated \$625,000.00 Annually

New Blanket Contract - Security Guard Services -
City Wide Services - Public Works Department
Lowest/Best Bidder: SEI, Inc.
9711 Lee Hwy, Suite 108
Chattanooga, TN 37421

On motion of Councilman Henderson and seconded by Councilman Ledford, all purchases were approved.

ACTION: ALL PURCHASES APPROVED

OTHER BUSINESS:

Use of City Seal by Vendor

Councilman Byrd questioned the use of the city seal by a third party vendor. He asked Administration who could handle this situation. Stacy Richardson, Chief of Staff, reminded the Council that it had approved a third party vendor for sewer insurance; however, their office had stopped future mailings until they can review them.

Board Appointment

Councilman Ledford appointed Summer Patterson to the OMA Advisory Board for District 4.

District 7 Events (2)

Chairman Oglesby invited the Assembly to the Movie Night in the Southside Community Park on this Saturday, August 3, featuring the movie, "Spiderman: Enter the Spider-Verse." The event will start at 7:00 p.m. The movie will begin at 8:30 p.m. There will be free ice cream and popcorn.

Chairman Oglesby informed the Assembly of the "Rock The Block" Back-to-School Bash on this Sunday, August 4, 2019 at Miller Plaza, from 1:30 – 4:30 p.m. There will be free backpacks and uniforms at the event.

COMMITTEE REPORTS:

Budget and Finance Committee
Councilwoman Berz
(No report)

Economic and Community Development Committee
Councilman Byrd
(No report)

Human Resources Committee
Councilman Gilbert reported:

- The committee met today to hear about the upcoming salary compensation study.

Planning and Zoning Committee
Councilman Ledford reported:

- The committee will meet next week (August 6) after the 3:00 p.m. Agenda Session. One of the topics will be the Outdoor Storage and Mini-Warehouses amendment that has been placed in the Council's mailboxes today.

Public Safety Committee
Councilman Smith
(No report)

Public Works and Transportation Committee
Councilman Mitchell reported:

- The committee will meet next week (August 6) after the Planning and Zoning Committee.

Youth and Family Development Committee
Councilwoman Coonrod
(No report)

Legislative Committee
Vice-Chairman Henderson
(No report)

RECOGNITION OF PERSONS WISHING TO ADDRESS COUNCIL (Non-Agenda Items)

Attorney Noblett read the rules of procedure (adopted April 2, 2019) for persons wishing to address the Council on non-agenda items. After which, Chairman Oglesby recognized the following persons:

- **Monty Bell** (Chattanooga) - He informed the Council that he came to make Councilwoman Coonrod a part of his presentation for the three minutes, but could not since she was not now here. He brought a newspaper article and informed the Council about his book that was stolen at UTC, which was supported by the city, the county, the state and the NAACP. He indicated they are going after 48 billion dollars and will get that money. The newspaper article discussed the battle against homelessness that had Chairman Oglesby's picture with it and the picture of several other Council members. He informed the Council that three homeless people have died without the Council's presence, response, involvement, concern and without the Council being who they said they were when they ran for office.
- **Steven West** (Chattanooga) - He had three matters to bring before the Council. He had three requests to bring before the Council. He has been making requests about Champion Road for at least four years or longer. On the fourth of July, two people got a

flat on that road because the road is still thick. He indicated that there are hundred-thousand dollar homes around the road. The road is paved all the way down to Rotary Drive, then stops. He wanted to know why the city cannot just bring the road all the way around. He believes it is bad for people to come to our city to that state park and that road is so torn up. He believes the county does not want to help fix the road. He believes it is bad when we can fix a private road in Hixson but not fix a public city road. He has a problem with his own taxpayer's money being used in such a way. Secondly, at the wood recycle center, there is a chip that has been going for a week. The company is under contract with the city. However, they are not there. As he has said previously, he is a taxpayer and these people are not out there doing the job they are contracted to do. He knows that if does not do his job, he will get fired or laid off. When the city contacts these jobs, he asked the Council to ensure that the vendor is doing their job. He does not care the type of business it is. He believes it is too much money going out of this city to contracts and vendors are not doing their jobs and being where they need to be. He informed the Council that the chipper got sold with the city seal still on it, even though normally the city seal is removed. He warned the Council that if something happens with that chipper, such as something flying out it and hitting somebody's car, there would be a problem for the city. He asked the Council to start taking a look at things. He does not believe the Council "rubber stamps" things and believes the Council is trying to do an honest job. He asked the Council to look at contracts to ensure people doing the job are not using city dollars to do other jobs. He repeated that he is a taxpayer who struggles to pay his taxes, keeping things alive.

- **Lilas Call** (North Chattanooga) - She is a lifelong resident of the North Chattanooga neighborhood and an attorney here in town. She is here today to speak on the John Wise matter that the Council might be familiar with. She has submitted email communications to the Council. There are a number of neighbors here. She asked them to stand for the Council to see how many are here on this matter. She informed the Council that Mr. Wise is proposing putting up 16 or more townhomes into an already extremely steep slope between Tremont and Tucker Street in north Chattanooga. There are a number of neighbors who opposed his rezoning request for matters of safety and density and believes it does not fit the overall character of the neighborhood. She spoke on the safety concerns and invited each Council member to drive up Tucker Street, which is a one-way on a blink curve. She indicated that the Council would see how narrow the street is compared to the size of a normal city street. As proposed now, she indicated that the number of condos that Mr. Wise is putting on Tucker Street will front Tucker Street. She indicated that he has said he will "No Parking" signs but it is extremely difficult to enforce. Enforcement would fall on the neighbors calling the police on people who would be blocking the street if they park there. She believes that pits neighbor against neighbor and that's not how their neighborhood operates. As far as the density standpoint in the character with the neighborhood, she informed the Council that the entire area is mostly single-family homes. She informed the Council that there are 16-plus attached structures of three stories that do not fit the character of the neighborhood or the density. She knows that Mr. Wise has the resources to build something that keeps in character with the neighborhood, something that is nicer and has an entrance on Tremont Street, which is a much bigger two-way street. She asked the Council to take into consideration the written and oral communications of various people in the neighborhood when this rezoning comes before the Council next week. She indicated that they pay some of the highest property taxes in the city. She indicated that they want something nice there. She understands that you cannot just say "no development, not in my backyard," but believes it can be done responsibly, especially when we're talking about decimating an already very steep slope. She appreciates the Council's consideration and would ask them to vote "no" on abandoning the alleyway.

- **Doug Eckert** (N. Crest Rd.) - He has called and emailed the Council about the issue that Councilman Byrd brought up again a minute ago about the mailer that went out to citizens. It appeared to be the City of Chattanooga because of the use of the city seal on the envelope; however, it was not. Since he started his investigation into this the city attorney has found out that there is a state law that allows the mayor to effectively sell the use of the great seal of the city of Chattanooga to be used by third party companies so I think that what is still needed is some notice to you I think that as counsel it is totally within your wheelhouse to manage the contract process and to not be surprised by angry phone calls or emails from your constituents that say what is this that I just got that appears to be from the city of Chattanooga asking to sell me insurance on my sewer line and so I think in that regard that there needs to be something done yet that would make sure that you get notification when the city seal has been so included in a contract and that you get notification you get the chance to review just as the mayor's office gets the chance to review the material before it goes out to your constituents that you get a chance to look at that and that you get two weeks to look at that so I'm going to continue to ask work through my representative council lady Coonrod to see if we can have something like that add it because it's been shown that without that we can probably expect that this will happen again in the meantime if you have obtained a promise from the mayor's office not to send out anything else without showing it to you first and not sure that's what was said I know that that was said for now but that would be good to have that at least going forward I don't agree with the process of allowing the city seal to be sold I've got a lot of experience that says that's a poor thing to do you can look at Subway and Jared if you want to is an example of where you don't want to be as a administration but if that's what's going to be done then I feel like at the very least that you deserve notification number one that it's been done and number two the chance to review the material before it goes to cure constituents and potentially confuses citizens.
- **Sushma Shantha** (Tucker Street) - She has never attended a Council meeting before and expressed being "blown away" she was by the amount of work that goes in this. She, like her friend Lilas, wanted to speak about the John Wise Development proposed for Tucker Street and Tremont. She believes her friend covered everything, but wanted to extend an invitation again. She lives on Tucker Street on the one-way part of the street. She has lived there seven years. Every day, she sees firsthand how people fly down the one-way street and the residents cannot control it. People do not see the signs. She has called the non-emergency police number and has been told that there is no way the police can stop that unless they post an officer down there. Because of that, she feels it falls on the residents to ensure their own safety because they have our children and people walking down people with headphones, listening to music and jogging down the road. She feels it is a matter of safety again. She believes this is no place for the development that is being proposed because cars are going to be parked there. She believes that all builders and developers do is build it and sell it, then move on. She feels the homeowners are left facing the repercussions. She agrees with her friend, Lilas, and implored the Council to vote 'no' on the easement.
- **Candler Lloyd** (Tucker Street) - She came to voice concerns about the John Wise development. She lives directly across the street from the proposed development. She recently moved to Chattanooga from my hometown of Atlanta. She chose to leave a beautiful, in-town, old historic neighborhood there because the developers had ruined the quality of life in Atlanta by over-developing areas that she believes never should have been touched. She chose the North Shore because it has the same historic in-town vibe as the neighborhood she left. When she bought his brand-new home, it never occurred that the cliff in front of his property could be used as a building site for row of twelve

condos. She sees Chattanooga as one of the most promising, fun and interesting places in the South, but, in this case, Mr. Wise is asking to come into a single-family setting, which she believes will change the density and character of the neighborhood. She believes Chattanooga will quickly follow in the footsteps of Atlanta and Nashville. She knows that is not the future envisioned by the Council for this city. She implored the Council to slow this project down and require Mr. Wise to come up with a plan that reflects this neighborhood. She believes the current plan will completely destroy the neighborhood.

- **Ashley Baker** (Tucker Street) - She lives at 411 Tucker Street for about four years now and has emailed with Councilman Mitchell a few times about the proposed development. She believes that unless you really see the street, it's difficult to understand it. She informed the Council that it is already a dangerous street because it is one-way and there is a blind curve. People walk and bike on it daily. She has almost been hit head-on several times by cars going the wrong way. Other people who aren't familiar with the neighborhood or sometimes people who are and just don't care. She has almost hit cars that have just been parked there. She has had to sit and wait 10-15 minutes sometimes to get around other cars parked there or worker's parked there. She is concerned about this because she has three small children. She is concerned with the proposed development adding nine townhomes with access from Tucker Street, which she believes will add to the density of people, including those living in the townhomes, their guests and deliveries carriers. She does not believe it is safe. She understands that development is a fact of life. She does not have much a problem with the difference in the character in the community. She is concerned primarily with safety. She does not believe you can add that many more people on that road, along with the potential people that come with a new development. She believes it will be a nightmare. It is making her rethink whether she wants to live there.

ADJOURNMENT

On motion of Councilman Henderson, Chairman Oglesby adjourned the meeting of the Chattanooga City Council until Tuesday, August 6, 2019, at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

*Attachment:
BID Public Hearing – Opposition & Supporter Comments
BID Public Hearing - Council Comments*

BID Public Hearing Speaker Comments Chattanooga City Council – July 30, 2019

Speakers in Opposition

Paul E. Smith, Cherry Street:

My name is Paul Smith. I'm a board member and our board owns the property on Cherry Street. Our tax number is 0011837. Our property is probably the oldest taxable property that's consistently been in existence here since the 1800s. I would like to point out to you that we've never failed to get a tax bill. We have however not received any information on this transaction up until today. Our board meeting was meeting last night and we were concerned about the fact that we had not been duly informed concerning this. Our organization has contributed millions of dollars to various institutions that include medical research, Erlanger handicapped eyebank, Salvation Army and many others our stance is that we never come publicly. This is the only second time, I believe, our board has appeared before the City Council because maybe if our members want to give quietly and without notoriety we were concerned about this we felt like that this transaction was not suitable or equitable. It is competitive in our ability to raise funds to donate to the needy. The leadership decisions in raising donations for the worthy in our community and around the country are made more difficult for us. We are at the present building and have built at 3355 West 21st Street. We were completing it last night about 3 to 5 million dollar building and parking facility to be used not only by civic organizations but others who can or 501(c)s and that contribute to the needy. We are opposed to this bill being passed. Thank you.

Darin Wright, owner of Elea Blake:

I'm here today to oppose the BID not because, like my opposition, I stand to gain a million dollars with no government oversight but because they strongly believe this will harm our city in a fight for democracy where business owners must take a stand against landlords. There are many who are justifiably afraid to speak out. These business owners in the district have spoken to me in confidence, telling me that they don't feel they can take a stand. They have reason to feel that, as I've already had the veiled threats against my business spoken to me, but I can't be silent. In a world where there are those who only operate for financial gain, there must be someone willing to say 'no' to the theft of democracy, for that is what we are speaking of today. I care about this city and I care about small business, those that exist today and those that are yet to come. When we speak of the Business Improvement District, what is not said is the truth the board for the BID once formed will be the death of the voice of the majority. In the majority's place will be the voice of the wealthy where more votes are awarded to those who have the most money and power in the district leaving tenants and business owners a voiceless token to placate the masses and pretend were not just puppets in the unification of power in Chattanooga. I don't blame them it's tempting to want something set up to benefit you and only you. I am here to ask that we return to reason. This ordinance already deemed unacceptable by Chattanoogaans. Oglesby, Byrd and Mitchell pushed it back in the forefront in direct violation to Tennessee code Title 7 Chapter 84 part 5-784-516 section C, which leaves taxpayers to foot the bill for the inevitable legal challenges that will come from lawyers who are ready to bring light to the City Attorney's failure to adhere to the law of the BID in order to push this through. Do not sentence Chattanooga to a 10-year democratic death where the majority will never again matter in our city center. If democracy doesn't matter in the heart of Chattanooga, where will it matter? The BID will cost us not just from the inevitable legal challenges it will face if it passes, but also the trust of the people who voted for you to represent all of us. If these landowners and River City truly wish for less litter, more security and more flowers, let them

work with the city to ensure this happens. River City has managed to bring positive change to Chattanooga without taxpayer money and I see no reason why we should alter this precedent by imposing penalties on businesses who operate in the area. I ask, do not impose more barriers to entry for businesses and less democracy and integrity in your political position. Remind people why Chattanooga is different and better than Knoxville or Nashville or any other city. Remind people that politicians can still stand for the people and stand for the majority even when the easy route is to agree with the affluent.

Elea Wright:

Hello. I'm speaking on behalf of Denise Reed of the Concierge Office Suites and I'm going to keep this short and leave my time for someone else. Are you a business owner? Are you a property owner? Are these the qualifying factors for participating in government now? Because out front that's what they were asking. An unelected, unrepresentative board when weighted in favor of property owners but not those who will pay this tax or experiences the inevitable changes as a result bill. It is the wealthy elite making a city for themselves. Representation matters. Chattanooga should be different. What happened to government for the people by the people, or do only some people matter? I believe that Chattanooga should be for all Chattanoogaans and shouldn't take away the borrowing of power of Chattanooga for the area that is already safer and more beautiful than most of the city, including where I personally live, just to say. I urge you to vote 'no' for this unelected and undemocratic board. Thank you.

Rose Cox, 818 Georgia Avenue:

Hi. I'm with the Palace Theatre at 818 Georgia Avenue. First, I'd like to say that I'm not against a BID. I'm against the way this is collected and organized. I think that we need to take a step back and we need to revise the things that are in this BID that make it unconstitutional and inhumane, in some ways that are unseen to the naked eye, because there's not enough verbiage to protect the people that are protected by the U.S. government, that are protected under the laws that the government has given us to operate our cities in. So, the first thing that I would like to ask is that everyone that is against this BID, if you would raise your hand. I see about 40-percent in this room. The other percentage of people that are in here are going to be benefitting from this BID. Everyone in here is human. Everyone in here just wants to make a living. We are asking for the right to have a voice as business owners in the way that we make a living in this city. That's all we want and the points that matter in this 'no' BID that we're asking for, is that people see that there's an unelected board. It's going to be monitoring the BID tax fund distribution with no government oversight. The board votes are determined by value of property owned, muting all opposing votes. So, yes. The people in here that are for the BID, if you have not read everything about the board and you're just here supporting your friends and supporting what you think is right, you might want to go back and read about that because your voice won't matter if you only own us small amount of property in town. Your voice won't matter. Your voice will be muted by all the opposing votes with larger quantities of property. Those with political wealth capital control that board. Then they're talking about privatized, self-governed security, which could, in small and in short, be inhumane to people who are just traveling through. There could be people wanting to hold up, you know, 'No BID' signs on the street corner and we could get moved along because there's no rules. So, I urge you to reconsider the rules of this BID, not to take it off the table but take it back for that 365 days that it was supposed to be tabled and bring it back later with more information. Thank you.

Charles Paty, property owner, 19-35 Patton Parkway:

You all know how I feel about this because I've spoken twice about it in previous occasions. One of the things that concerns me and the board, says nothing in the ordinance on how the board is going to come into existence as far as who's going to be on the initial board. My reading of the statute, the state law, states that the city in this participating is to appoint those people. That's left open. There's nothing in the ordinance that indicates who is going to be on this board--the people who are going to fill the spots. Yes, it says a land owner or a business owner, etc., but it does not say who these individuals are, and I believe that the Council is the one that's required to make that appointment. The second thing I want to address is the board itself and there's a lot of things that the board can do, a lot of powers that's given over to it. But one part of it in the state law that it's also in the ordinance, it says that the board can manage control and supervise all the business and affairs of the district. That to me is very chilling that a private board is going to tell businesses, private businesses, what they can do control them and supervise them. Because that's what the statute says and that's what the ordinance says and this to me is not in keeping with the democratic process. If you're a property owner, you the property owner are required to take care of your property if you don't then the city can come in and do certain things to make you do that it happens all the time but now this board can come in and dictate what you do with your property and I don't want to be, I wouldn't want to be on the board because I wouldn't want to tell somebody what they can and can't do with their property. I think it's a slippery slope we're going down by having this board. I think that it is brought back before the 365 days, which was required under the statute--my reading of it--and I don't think that it is proper at this point and it needs a lot more review before it should come back before this body. Thank you.

William Wise, property owner, 120 Market/401 Market/405 Market:

My name is William Wise. I own three properties included in the proposed BID boundary. I am protesting against be included in the BID boundary the first property located at 120 Market Street could be opted out by changing the boundary line; it's located at the edge of the boundary. The properties at 401 and 405 Market Street, both vacant at this time, were not allowed to be opted out because they were said to be located in an island or 'doughnut hole.' Nonprofits and foundations will have the right to go before the River City Board and ask to opt out. If allowed, this will create the same island or doughnut hole if it passes. I'm not allowed to go to the River City Board and ask for the same privilege. I mentioned this to the City Attorney, Mr. Noblett. He said it was a good point. Why should I be treated differently as a property owner? Even if a proposed amendment allows me to try to opt out, I still have to go to a self-appointed River City Board to show how the fees create a hardship for me in getting my vacant properties leased. My family has worked hard all their lives to attain these properties and to be included in the BID boundary and charged an extra fee is outrageous to me. All I hear is 'Make the city of Chattanooga'--'make sure the city of Chattanooga has no repercussions or obligations from the passage of BID.' The Council wants to be fair to their constituents. If BID is so great, what is the fear and reason for all these protections concerning BID. I've been a constituent and a resident and a business owner in Chattanooga all my life. What about my rights as a property owner? Why is the BID, the passage of BID, so compelling to the Council? The City Council Chairman, a member of the River City Board, brought back a failed BID passage as a resolution only a week after it failed. This appears to be a complete conflict of interest in fairness. Chairman Oglesby should recuse himself from the vote. The services that River City proposes to provide are services that should be covered by the property taxes paid to the City of Chattanooga. If BID is passed, River City is going to receive a substantial management fee. An added fee is an added burden to property owners, which makes the properties more difficult to lease. I would like to be allowed to opt out if the BID proposal passes. Thank you for your cooperation.

Peter Steyn, representing 700 Pine Street:

Yes, Peter Steyn. I'm an elder with Second Presbyterian Church. We see this proposal is consisting of two parts: what is being a good steward of our property as it affects the appearance of our city; the second is being a good ambassador, which reflects on how people feel about our city, and I'd like to thank our church does that already. Regarding being a good steward, I've been on property and grounds with this church for a number of years, and I can assure you that we spend a lot of time and effort power washing, tending our gardens, looking after our parking lot and making sure the place is clean. As far as being a good ambassador, if we find somebody in our stoop come Sunday morning, we don't call the police. We call a benevolent organization to help them; that's being a good ambassador trying to help people here where they lay on our streets already. And we operate on a 'zero-sum budget,' meaning probably 80-percent of our budget is used in salaries and property management. Our missions budget is about 10-percent of our total budget. That's our most flexible portion of our budget. If this bill passes, our shelter will suffer, Community Kitchen will get less money, UTC campus ministry will receive less money, Metropolitan Ministries and a number of other benevolent organizations that we are part of. And so, if this proposal passes here, we are going to request relief from participating in this. Thank you.

Mindy Benton, business owner, 828 Georgia Avenue:

I don't have a speech prepared for you, so I'm here to speak from the heart. I'm a small business owner. I've had my business in the Volunteer Building for about eight years now. Over the last year, we suffered tremendous loss due to construction of Miller Park. We're about to have Patton Parkway closed down for a year or more--let's face it. And then I get told, 'Well, we're gonna do this great thing' and 'We're gonna charge you even more money to clean up the streets.' Well, I pay taxes and I'm pretty sure Public Works is supposed to clean up the streets. 'We're gonna market the area.' I'm a Chamber member. I'm pretty sure the Chattanooga Area Chamber of Commerce is supposed to be promoting Chattanooga as well as the CVB. I just, you know, we've got Parks and Rec. They handle all the programming in the parks and things. I'm not saying I don't want our city to be beautiful. Of course, I want our city to be beautiful. Of course, I want our city to be safe. Of course, that will benefit my business if that happens, but what I'm asking is: who gets to make these decisions? Who gets a word who gets a say as a business owner? I want a seat at the table. I want to know that me and my friends who own these small businesses are represented, that we get some, yeah, of the say and you know I did, I did a little research. I was, you know, I'm trying to figure out what this was all about and when I looked for pros and cons, you know, of course, they said 'beautification' and 'brings more people in' and, yes, we all want that, but it also talks about political conflict--local governments that lower their services within the area because suddenly they don't have to worry as much about trash pickup because these BID people are coming in doing it we're talking about a dangerous concentration of private power in public spaces we're talking about too much power with no control accountability or review. We just want a seat at the table. I'm asking you not to do away with BID, to postpone this and give us a seat at that table please. Thank you.

Pierre Dabir, property owner, 704 Market Street:

Hello. My name is Pierre Dabir and I'm not gonna say that I'm as eloquent as the people that came before me, but hopefully, I can shed a light on a perspective that hasn't been shared I know I'm young, but we've been downtown for 45 years. I remember my grandfather opening in 75 at Giorgio's Men's Warehouse on 704 Market Street. We've been a property owners not just at 704, but 805 Market Street as well for almost 30 years. I remember downtown. I remember it being a booming bustling area downtown with all the businesses and everybody wanted to be

here back in the 70s and early 80s. I remember when downtown completely died in the 90s. I remember when there was a time nobody wanted to step foot downtown, but we stayed. We didn't run. We didn't go anywhere. We stayed, we fought, we struggled, we scratched out a living. I remember when in the early 2000s, when everything started coming back, River City Group started doing wonderful things downtown and bringing people back downtown. There's no denying that River City Group has done great things, but for the fact that we're trying to make it mandatory to do good things is no longer making it a good thing. The way the BID stands at now, there's not enough clear clarification on what is going to be done. How it's going to be done and who's going to be able to oversee everything that's going to be done, and I feel that to have a board to dictate and rule and regulate a bunch of business owners who clock into their businesses every day in and day out, 6-7 seven days a week, to tell them what they can do with their businesses and their properties, it's not a fair shake. I believe that it's lacking the perspective and, honestly, the way the BID stands now. I feel is legalized extortion because you're making people pay into things without seeing the exact benefit and making it mandatory. We all want the same thing. We all want a beautiful downtown area. We all want Chattanooga to be beautiful and we all want to do business and make a living. Some of us make better livings than others, there's no denying that but it should be a fair and equal opportunity across the board. And the way it stands now, you're giving way too much oversight and regulatory power to people that don't share the same perspective and share the same experiences, and that has been a problem in Chattanooga, especially downtown Chattanooga for last the 40 years. Like I said, I may be young, but I remember how it used to be, and I liked to see where it goes, but the way it stands now, I'm not liking it because it's not fair and it's not inclusive, and if Chattanooga is one thing: it's inclusive, is one most progressive cities in the south, and I'd like it to stay that way. Things need to be done to make it better. For sure, there are good things about this BID and there are bad things about this BID. Where River City Group does good they also do some bad. Currently, I'm dealing with a problem River City Group did behind our building right now that never got resolved, so now you're asking me to pay in as a business and property owner for them to go do it to somebody else. With no regulatory power and oversight, I can't let that happen. Nah, I can't stand for that. Thank you.

Bill Wilkerson, property owner, 1001 Carter Street:

Hi, my name is Bill Wilkerson or "William" Wilkerson, and I'm an architect. I'm president of Gateway Professional Building and we've only been in the same building for 53 years instead of over a hundred like Mr. Smith was, and I look around this room, and I see friends I see former clients, I see potential clients that are all friends of mine for this BID. And I've really struggled about coming. You know, who am I gonna make any here? Who am I gonna aggravate by saying what I have to say? But I feel like the basic idea is not bad but the process has just been terrible we've been there I've been president of this corporation for 15 years. Nobody in our corporation was contacted about this. Nobody in our corporation was surveyed. Now, you can think what you want but what that makes me think is there were a little bit of cherry-picking about the way the survey was done. And so, I just I think you've got to go back and take a second look you know it will be a lot better to have a vote rather than a survey so I'm gonna leave it at that again I beg out to my good friends that I know we're on the other side but that's just where my heart is.

David Kent, property owner, 707 Georgia Avenue:

I'm one of the owners of the Flatiron Building and we are against this we think it's just another tax, something that the city should already be doing or the Tourism Board, and it's only going to affect the downtown area and we are on the edge of that we are across from Memorial Auditorium and we should be pulled out of this at this time. Thank you.

Pamela O'Dwyer, property owner, 17-39 Patten Parkway:

I'm on the tail end of all of life. I've been picking up the garbage, I told you that before. I've been painting over the graffiti. We take care of Patten Parkway, but we're not popular. People don't like our colors. They don't like our tenants. Some of them think we ought to upgrade. I'm here for one reason and one reason only. I'm here for the small business owners that are in this room and that's the only reason. I'm here because we're small and I want to thank Councilwoman Coonrod, who stuck up for us. She knew that we had protested. We'd been here. We'd protested and we protested for the right reason. We just didn't realize that all those other people had not been surveyed either and it was being forced on all of those people. So, I'm here today for the small-business people. It's why we were here before. We felt it coming. We didn't want to tax our tenants. We didn't want to be taxed, but we didn't want a tax. So, I say today's the day to end this tax.

N.K. Madan, property owner, 200 Market Street:

My name is N.K. Madan, 200 Market Street. I own 200 Market Street and I am here--I'm not prepared for all these good speeches and I appreciate my previous speaker; they have done a very good job and I commend their efforts. What they have conducted, all of their data, but I am here that my property, this Market Street, that businesses, all the restaurants have gone to the Main Street and only after the fifth. There are only two restaurants left there and most of the restaurants have closed and my property is vacant for three years and I am not been able to rent that place, and I already paid twenty-two thousand in the property taxes. And now, this six thousand more taxes and everything I am paying from my pocket and I, that is why I am opposing this BID. And I don't appreciate and all the other reasons other speakers. They have given very good reasons not to have the BID. Thank you very much.

Speakers in Support

Mitch Patel, property owner, 411 Broad Street:

Good evening, Mr. Chairman and members of the Council. First of all, could I have everyone that supports the BID, please stand up. So, my name is Mitch Patel. I'm the President/CEO of Vision Hospitality Group. We have 37 hotels nationwide, which 12 are based right here in Chattanooga, Tennessee. We're very proud of that, being based right here in Chattanooga and with 12 hotels, with 700 employees that are based right here in Chattanooga, Tennessee. So, several things I want to mention. You know, we are probably one of the very few people in this room that actually have experiences with BIDs. So, as having hotels in many markets from Memphis, Denver, Nashville, Louisville, Cincinnati. We've seen the benefits of a BID. And I want to mention that it's not just these communities that we've invested in are safer, friendlier and cleaner and all of those above. But its people want to invest in those communities because I strongly believe that those BIDs that are in place in those communities and so, experiences are the new commodity today, right. We live in the Instagram generation and it's not just about attractions anymore. It's about what kind of experience are you gonna have, not just for visitors, I want to make it very clear. But this BID is first and foremost--even though I'm a hotelier--this BID is first and foremost for locals for the great citizens of Chattanooga, and I want to mention for all Chattanoogans, it has to be great for every single citizen of Chattanooga in order for this to work, and 98% of these BIDs in these communities--and there's thousands of them nationwide--renew. Now, I want you to look at it as an investment, not a fee or an assessment. It's an investment in the future of our great city and I really believe that. Yes. I know we have a lot of other speakers who let's just be fair about this okay, so I know we have a lot of other speakers that are going to speak on the benefits of a bid, but I appreciate your consideration, and I also truly respect the opinions of the opposing parties as well. Thank you.

Tim Hennen, property owner, 193 Chestnut Street:

Mr. Chairman, Council members, I appreciate you taking the time to let me speak for a minute. I can't believe I'm here tonight to ask you to vote for something that will cost me money, but I was downtown before it was cool to be downtown. I opened Yesterday's on Patton Parkway in 1973, opened Big River in 1993. I opened Hinton's in 2005. People that know me say that I am pretty tight with the dollar but in my business, I have to be. I have seen downtown through many ups and downs over the last 46 years. I've been here. We are in a down period and need to do something. This BID will help. The area can come back and is greatly needed and I'm also a small business owner.

Travis Lytle, representing 835 Georgia Avenue:

Mr. Chairman and the Council, my name is Travis Lytle. I'm here to represent Smart Bank. At the various conversation with NAACP, with River City company. I fully support to BID. The reason I support to BID is because we had conversations and what the BID that they would do is help have more diversity, have some diversity on the board, so it was very important to me if you want to do a BID, you must have diversity and sitting at the table like everything else. So, I think diversity wins over and it's the right thing to do. Second thing is that ambassadors and the people to have the service, the BID is also stated that they would have minorities of all, all minorities to be at the table and they will hire ambassadors--minority ambassadors--and also service workers to do the work downtown, so with that stated that's, that's also a plus in my corner. I mean that I feel it's a good thing. This last thing is start-up: BID also committed to doing start-up, having assistance for minorities to have business downtown, so me as a banker, that's very important that we have menorah as a minority that we have minority so when you say, when you have things that like that come together, I think that's a win-win.

That's a win-win for the city, that's a win-win for downtown and I think that's a win-win for our community. So, again with those three things, I don't see, you know, that just makes me want to support it. Lastly, I'm as a banker with Smart Bank. I have a lot of my clients that are, that bank, that have business downtown and I think having something like this is another win because we need to make sure that our clients, you know, are--we care about the welfare of our clients, so again, I support a BID fully. Thank you.

Henry Shulson, representing 321 Chester Street:

Good evening. My name is Henry Shulson. I'm the Executive Director of the Creative Discovery Museum, located at 321 Chestnut Street. We are a nonprofit organization and our mission is to inspire all children to explore innovate create and play, and we are an institution committed to serving and welcoming all children and families throughout our community we opened in 1995 and since that time, we have attracted over five million visitors and the majority have come from the Chattanooga, Greater Chattanooga, area. Last year, we had a record attendance of close to a quarter of a million visitors. We were also one of the most accessible, cultural organizations in the city. We're open free to the public on the first Thursday evening of every month for children with sensory issues, and we're open free to any member of the general public on the second Thursday evening of every month; anyone with an EBT or food stamp card can come for two dollars per person for up to six people at any time. And we have passport programs with Normal Park, Battle and Calvin Donaldson. We provide free admission for Big Brothers Big Sisters. We provide free admission for any foster parents and for any clients of Baby University. When you look at each year, we provide over 50,000 free and reduced admissions because we actively want the museum to be for all children and all families in the same way. We want the Creative Discovery Museum to be accessible for all we also want downtown to be a place where individuals and families feel at home welcome and comfortable. We support and are committed to investing in the BID because we feel that it will help achieve this goal. This BID is about investing in an ambassador program and we feel very strongly that that program must reflect the diversity of the city. We are investing in clean, cleaning up litter and removing graffiti and marketing and programming and investing in making the downtown a gathering place--a civic space--for all citizens, and I don't really see how this BID represents a barrier to downtown. I really see it as a wonderful opportunity. The BID is a bridge to bring more people downtown to help every business be more successful and to make Chattanooga downtown a dynamic and engaging civic space that makes us proud and welcomes all. And I think really if you reflect on what's made Chattanooga successful, it is the public and private partnerships and it is people from all different walks coming together to make this a better city. And so, you know, I think there is some, maybe we're hearing different sides today and I have friends on the other side and some, I really--my hope is that what the BID can also do is actually cannot divide us but bring us together to create a better downtown. Thank you.

John Healy, property owner, 800 Broad Street:

Hi, my name's John Healy. Thanks for having me, Council. Owner at 800 Broad Street. Healy and Company, a commercial real estate firm I've operated downtown for over 15 years, in my business and I'm a resident of the city of Chattanooga. I think that we're here today, and I understand the opposition, but we're here today because the city has failed to do its job, in my opinion, on what needs to be done in downtown Chattanooga. If you had somebody that was chronically at your doorstep in urine every morning, I think you would have an issue, too. There has to be more done. I talked to the police officers outside of our building. They need more help, so there this is. We're divided over something that I think everybody would like. We, I, think everybody wants a cleaner and safer downtown and we're not getting it right now, so property owners have agreed. We're gonna all chip in money and pay to fix the problems that

aren't being fixed. That's why we're here. I don't think that there's any, you know. The scare tactic, 'BIDs are bad.' This, these are successful organizations all throughout the country. Many cities have them. In fact, we're the largest city in the state that doesn't have one, so with the economic driver of tourism and the 50,000 people that come downtown every day to work, it seems to me that the city should be keeping their eye on the area where all these people are coming. I believe the driver, even though I do things outside of the Center City, but the most important thing for the Greater Chattanooga is the Center City. This is what drives tourism and it's a 1.2 billion-dollar industry. Every year, we want people coming here. There's lots of other choices for them to go to. I say it's time to make it a better place and I think we're falling short. Thank you.

Dana Perry, property owner, 800 Market Street:

I work downtown. My spouse and I are longtime homeowners at 800 Market Street, the old Loveman's building, within the BID area and we've been here a long time. We moved here back in 2004 and we love living downtown. I'm also a partner and co-owner of the Chambliss law firm downtown, and I've been working for them and been a partner of the firm since the mid-1990s and, you know, I love living and working downtown. But I'm very fortunate. I commute by walking almost every day and you know I've seen Chattanooga come alive in the time we've lived downtown, not to mention the time I've worked downtown and, you know, we're able to, in addition, to be able to walk to and from work. We can walk to restaurants, parks. I mean the city is really good, so while I'm up here, I want to focus on what's good here and how to make it better downtown, you know. Unfortunately though, over the past few years, I have noticed a gradual and troubling decline and deterioration of our downtown spaces. The graffiti, the things not being cleaned up and we've got to reverse that. I want my clients who come downtown to see me to have uniformly-positive impressions of downtown when they're arriving for an appointment with me and one of my colleagues I want my co-workers to go out at lunch time and after work and experience our wonderful city I want my fellow residents to feel downtown as loved and cared for and I want more people to move downtown finally I want visitors to keep telling how everybody how special this place is and to come back and bring more people down here and my view the BID program is civic democracy at its finest private property owners stepping up to improve the quality of downtown to my view it's one plus one makes three in terms of its positive effects on it will have on attracting new jobs new visitors new residents and new development downtown it's going to make this a more welcoming place to all who come here and help us compete with other similarly situated cities who have a BID program, so as you can tell I'm an enthusiastic supporter of the creation of the BID and urge your support. Thank you.

Matthew McGauley, property owner, 13 East 7th Street:

I'm at Matthew McGauley. Chairman, Councilmembers, thank you for the opportunity to address you regarding the creation of the Business Improvement District for downtown. I was fortunate to serve on the BID steering committee and work closely with River City company and the Puma consultant team. Anyone involved in these early planning sessions would tell you that I was not an immediate or early proponent of the BID, especially after coming off a recent tax increase following the reassessment cycle. I could see potential value in having a BID, but I had to be convinced that our BID would be a value-added business investment and not another tax. This was only worth doing if it would result in a meaningful impact, a measurable enhancement that BID investment investors could see as a return on their investment. Not all BIDs are the same and the flexibility to create one that caters to the unique sets of challenges and characteristics of the specific areas is what makes them a great vehicle for the private sector to make enhancements above and beyond basic city services. I can tell you today that I am an advocate for the creation of this proposed BID. In recent years, I have acquired seven

buildings within the BID boundaries and invested millions in redeveloping these properties to give them a new life cycle and a new tenant base. I borrowed money, I might add, so I'm greatly incented to make sure these investments work. My projects focus on sustainability and creating unique spaces where my tenants can thrive and recruit and retain top talent some of these properties have become central to the success of the innovation district and many of these tenants are key players within Chattanooga's innovation economy. When I finish a redevelopment project, my property taxes go up to reflect the improve stay of the building in some cases more than percentage. It's frustrating to invest in our city, grow the tax base and then not receive support and reciprocal investment from the city. Just speaking of my area along Cherry Street and 7th Street, the sidewalks and roads are in terrible condition. Trash is a problem. Graffiti is a problem. Minor vandalism is a problem. The street-light poles are rusted. The only streetscape and greenery that exists are ones that I have installed at my cost. I employ maintenance personnel to take leaf blowers to the area every morning, pick-up trash, clean off paint, paint over/clean off graffiti, spray and pick weeds out of the sidewalks, pressure washing and more. I do all this because the city does not. The bigger problem is that many fellow BID owners do not do the same and, therefore, there's no consistency. The BID will bring consistency, which is vital to the brand of downtown and, unfortunately, I ran out of time.

Johnny O'Brien, property owner, 19 Broad Street:

Johnny O'Brien. I'm a co-owner of High Point Climbing and Fitness. I'm proud to be a Chattanooga number 45 years ago when I first located to the area you know just like you know people said I avoided downtown you know nobody was downtown in the evenings and you know I always loved Chattanooga but I'm really proud now of really how the city has transformed itself with from a private and from a city government standpoint everyone coming together in the not-for-profits so as a result of me becoming proud of the city my businesses were located outside of downtown and in the last 10 years I've you know really loved the city and I've been trying to relocate some of my businesses here so now I own I'm an office building downtown we, we formed and my partner built High Point Climbing and Fitness downtown. We're proud of that in Denver, I have an art gallery not just outside of the BID area and also I have a finance company that I actually am a leased space downtown so I come at it from a lot of different angles one is a small business owner as an office you know I'm an office building I lease property and so I'm very much in favor of this BID from a lot of different perspectives one particularly for the tourists that come into the town that's a big part of our business on the weekends and you know we'd love to be able to show off the city and we're proud of the city and we've heard a lot of people to come in and visit about what a great experience they had here in Chattanooga not just from the climbing but from really all the attractions and things to do Chattanooga was named the outdoor city of the US two times and it's brought a lot of people into the city particularly the climbing community that travels here from all over the US and we hear routinely about you know they understood that we were great outdoor town but what they didn't understand was what a great downtown city Chattanooga is and what a great experience they've had when they got here and then they go back out and they tell where everyone and they attract more visitors are coming to the city and I serve on the Chattanooga Visitors Bureau and I see the impact that the tourism the visitors coming in the city brings in into Chattanooga for tax revenues how it supports further missions that we we need to do as far as the government and that comes from you know the successful visitors coming in experiencing Chattanooga so you know again I'm very much in favor of the BID I'm proud of Chattanooga I'm doing this and supporting it not from a business perspective I'm paying this money because I want to enhance the city I want to make it better for everyone that works here that lives downtown and they be able to keep this momentum going and make the city much better. Thank you.

Lou Goss, property owner, 2 Broad Street:

To the Council, I'm Lou Goss, an operator of the Plaza Food Court, which is located on the plaza of the Tennessee Aquarium. The aquarium opened in 1992 and, to be quite frank, it was the biggest thing to hit Chattanooga in centuries and it's done wonderful things to make the downtown area, and further Chattanooga, the showplace of the South. When we opened, which was in '93 one year after the aquarium opened on the plaza, things were just peachy keen. It was beautiful. Flowers were everywhere. Parks and Recreation were planting flowers all the time. The streets were well-kept and there was a sense of pride. I've noticed over the last 10 years or so the degradation that, that has occurred downtown in terms of the improvement. I don't know whether the city has had shortfalls in the budget or what, but we just don't have what we once had initially there were Rangers. They didn't carry guns, but they were on the plaza and they were on the plaza greeting people and saying hello, and they gave you a sense of comfort as you looked around. They were uniformed, you know. I don't know why they were taken away, but they were taken away. I don't know why they don't plant flowers like they used to, but they don't. I don't know why there's so much trash on the street, but it is. If BID offers the opportunity and if it does to bring back some of what we had, I'm for it. I'll yield the rest of my time. Thank you.

John Kinsey, property owner, 193 Chestnut Street:

Mr. Chairman, Council members, thank you, first of all, for the service you provide our city it is a difficult job and we are fortunate that each of you have agreed to give the amount of time that you do I have only been involved in downtown's growth not nearly as long as my friend Tim Hennen here. My first development here was, I was a partner in the trade center and what's now the Marriott hotel. It opened in 1984, so that's only as far back as I go. I've lived downtown and still do for the last 17 years I have three different buildings within the Business Improvement District they have nine to that house nine businesses all nine of those businesses are in favor of this they have they're all down in the aquarium district and if you go down Market Street or go we are not doing as well as we used to do I mean it just shows and I have a little different perspective I don't think it's necessarily the city falling down on their job I think it's people expect more than cities can do which is while these other cities have BIDs and I have not not been in favor of the BID in the past but it's you know only recently I've realized these other cities are doing more and we're falling behind and we need to step up and pick it up and I would like to say one other comment about the democratic process you know like all of you I also have gone through the democratic process and got elected for office and you know when that happens there's winter and not everybody can win. Well, anyway you look at this the 60-something percent of the number of people property owners have voted in favor of this. Eighty-two percent of the value of the property is in favor of this. There are more people here today. I mean I have, you know, I don't know what democracy is if this hadn't been democracy. We've been over this for a year and I just appreciate you know how to appreciate your vote for this. Thank you.

Brad Whitaker, representing 305 W. 7th Street:

I'm Brad Whitaker, the rector at St. Paul's Episcopal Church. There wasn't a 'no but' or a 'yes but' line. There was only a 'yes' or 'no,' so I went to the, to the closest one, which was the 'yes' line. And a lot has been said that I had written down somewhat to be very brief. I'm and, and I really only stand to say that that I agree with a lot that was said, both for and against, and I was appalled by what was said by both for and against. I'm certainly for small business owners and I'm for making sure that we care for people, all people, whether they own property or not, whether they live in a home or not in the city. I'm also was bothered by the demonizing of people believing that they are supportive of this only for personal gain. I know a number of these folks who have been supportive of this and I, and I love them and respect their, their care

for their citizens and their progressive values that are reflected in the core values of St. Paul's. I'm also bothered in ways in which we might define a human being soaked in urine as a problem, so I stand really conflicted on this other, other than to say St. Paul's cares about a clean city. We care about a city that cares for everyone, whether they're shopping or whether they're looking for financial help from someone who's walking on the street. We care about folks who are downtown, and we want all of all those people to be safe downtown. And we care about how the city looks to the rest of the world, but we want that to be one with integrity and to really represent the reality of who we are and so, I really stand to say that I'm praying for each of you by name. The decision you make requires a lot of wisdom and I hope that that's what you draw upon, and I would encourage our citizens of our city to not demonize one another but to come to come together in ways that reflect who we are as God's children. I'm not the property owner at St. Paul's, someone else is and if that person was in the room, we might all scatter, so thank you for being here and thank you.

Council Discussion

Councilwoman Berz: Thank you, Mr. Chair. There's been a lot of information shared tonight and I want to agree with the last speaker this is what democracy is some people are far some people are against thank God we're able to sit here and share our voices a lot of us have done a lot of thinking about this and they've done serious thinking about it and I'm sure that all of us are speaking and voting tonight from our hearts I have two points of clarification that I want to bring up and I think I want this with the city attorney because I think there might have been some misinformation shared. Mr. Attorney, anyone needing some relief from the assessment can come before the BID board, is that correct? Yes. All right thank you for the record I would like at the end of the year as you know we receive an audit report if this goes through we receive an audit report not only of the money spent but of the behavior and so I would like included in the audit report which is not part of the motion this is for the record that any people that came before the board how that was handled and I understand that this is all open to Sunshine Law everything is open to Sunshine Law all the big meetings there are no secret meetings so hopefully the press will be there, there as well the other question I had is someone brought up the fact that the state law allows for BID boards to tell people who what and when to do with their property they do allow that however I don't see that in this particular ordinance is that true or not any action that they took would have to be with the Tennessee statute as several people mentioned the Tennessee statute as I've said before is inarticulate and the process for at best however this is what we're dealing with now and so I want people to understand that we have thought long and hard about and argued about the best way to do this because we all do believe in democracy as a matter of fact we're sitting up here because we believe in democracy I think it's a little bit disingenuous for people to imply the threat that if we don't go your way somehow we're in danger I didn't know that to be this my end democracy however I do very much fight for your freedom of speech I think that's all I want to say right now you've made some great clarifications I think that the audit report becomes very important that's where the council's power is to see if people do what they say they're going to do or where we need to go from there so thank you

Councilman Mitchell: I move to approve.

Councilman Byrd: Before I make my motion, to the business owners, you heard the plea in the cries of the people who are renting from you who are doing business with you and some of the ones who have storefronts and stuff downtown we if this was the passo this was to go to through this year I would definitely pay close attention to everything that's going on with this and all the things that I've had talks with with people who are forward and or against it I'm gonna hold you for everything that you said everything that you told me in these meetings that you're going to do to support these people and make sure that they get the best services possible I'm going to be on that 1000-percent if this goes through and to the people that are against it I encourage you to go today and sign up to be on the board if this goes through because you do deserve to have a voice on that board and you need to sign up for it and I want to see how that process works as well and with that, I second.

Councilman Ledford: Thank you, Chairman. Just, I've wrestled with this tremendously. I look out in the room and I see friends on both sides of this issue. I was in laughs. Last week I was in DC and at times my wife is looking at me and she says, are you still thinking about the BID? And I said yeah, as I'm standing in the Library of Congress or standing at there in our Capitol or in the House of Representatives, and I'm thinking, you know, this is a great responsibility and so I prepared some words that I want to read and I just want to share with people that, when I

look across this room that this breaks my heart. We all want the same thing. We want a safe, clean place to live and work and play and as a small business owner, a commercial property owner myself and the Landlord, this has been extremely difficult to wrestle with because I've rented and I've had a small business in Chattanooga, thank the good Lord for 20 years now, and a walking tour of Chattanooga's proposed BID district reveals the challenges overdue for solutions. I understand why private citizens want to tackle what local government has allegedly failed to do and I understand the mayor's support for this. The private sector can offer the partnership that government needs to fill gaps and shortfalls. And there's no doubt assistance is required. If the city can't do the job then yes, by all means let the private sector help. My concern is how this body is the tool for the implementation of something that has many unanswered questions and obvious controversy even amongst ourselves. Do I believe the proposed BID was presented with passion and heart for a better downtown environment and contained the utmost good intentions? Yes, I do. As the author now, the BID proposal's in the hands of the Chattanooga City Council. Two weeks ago, we discussed concern for pathways and relief and financial hardship application for every property owner. I'm not convinced that those were selected and are in the original version. I cannot find the change or the language as we discussed, that would allow every property owner the same right to apply for hardship or relief. Pilots and Tiff's hardly mentioned tonight. A point of much contention from the public will be almost certainly guaranteed abatement by simple non decision. I put that in quotes, read carefully, pilots and Tiff's already receiving reduction in taxes can be abated a second time simply by the lack of decision and for the term of their contract. Nonprofit organizations and religious institutions working in the trenches with boots on the ground and making a difference in our community will have to apply every year opening their entire financial history. I don't see consideration for property owners who have already made improvements or have capital improvement plans in the near future. Will these plans fall to the wayside with additional financial burden? I don't know. Maybe the board will consider these factors. That decision will solely rest with them. I'm asking now, as I have asked before, to continue our discussion and create an ordinance that reflects our council goals, values and the spirit of communication with input from all that make up our unique economic fabric. This legislation comes with a no return policy until the tenth year. Let me stress, only when specific criteria are met in the tenth year can the discussion to cease or continue can occur. Not all property owners are the same and we often discuss avoiding one-size-fits-all legislation. Our downtown is made up of all types of businesses, large, small, renters', owners, street vendors and our growing residential population. I'm thrilled that this council agreed as a whole that all persons affected by this ordinance had the opportunity to voice their opinion tonight. That is always the right thing to do. I support working together toward a common goal and staying true to our Tennessee roots. I believe a voluntary process will create a solid foundation of trust and forge a pathway to results that we desire, all of us desire, without the strong arm of governmental authority. Thank you, Mr. Chairman.

Councilwoman Coonrod: Thank you, Chair. I, too, struggle with this before, once went downtown and walked and talked to small-business owners, property owners that reside in the overlay of the BID. I hear their concerns: I left my card for people to reach out to them. They called me, emailed me, heard your concerns if you wanted to meet. We can do the same process, but I wanted to hear from individuals within the BID to actually hear their concerns. I listened to several people on the last round; they said that. You know, there may be some they are in fear to speak about it and I wanted to address those issues. I also wanted to have the opportunity to do my own research outside of what had been presented to Council and also have the opportunity to go visit other states to see what's working and what's not working with the BID process. I had the opportunity to visit Cincinnati and see how the BID has worked to help redevelop Over-the-Rhine, a community that was very impoverished. And like investment,

I had the opportunity to visit in Nashville to see the same concept worked there. And I had the opportunity to visit New Orleans and see people that look like me and had background issues and that prevented them from working a job that they dreamed of, working that they had opportunities to be employed by working within a BID as ambassadors. They had established their own, become entrepreneurs, and had their own security companies. And there were retirees that were working also, and be showing people providing directions of where they need to go to an establishment or place of entertainment site, and they were overjoyed to have the opportunity with that. I think the BID can be helpful. I weighed the pros and cons here in Chattanooga, and see, it and actually interested in trying to see how we can move it forward to be placed in District 9, which has been some parts have had lack of investment. The BID has turned into something; it's more like a circus now and it's being taken away from actually what is presented to be. I've heard countless stories of how this has become about Kim White, and a possibility of her running for mayor. It has nothing to do with the BID. I hear from a lot of constituents--black people, mostly--and organizations that represent black people. They said that it's not a place for black people to come downtown, but blacks come from people whose unpaid physical labor and brilliance literally built this place. Who fought off dogs and who was hose down daily so that we can come and enjoy our public spaces. Have experienced bad interactions based on others' ignorance and racism. Yes, I have, but I also what hurts the most experiencing it from people who looked just like I do. Our people fought hard, day in and day out, to give us the opportunity to come downtown. We shall flood the city of Chattanooga every opportunity that we get to come downtown because I refuse to allow anybody any policy that's put in place to prevent my family and I, all my friends, for coming downtown and adjoining. It's for everybody if this bill does place. It's a place that will continue to improve our Chattanooga. Everybody can come work, live, and play down here: there, if they would like to. And secondly, I've heard so many business owners within the BID that has stated "I would not be able to continue to operate downtown: I'm gonna have to close my business and move if this is trickled down to us," but as I represent District 9, I'm begging and pleading investors and business owners to come occupy to space in District 9. I've got plenty commercial buildings on Brennan Road, Glass Tree, Tunnel Boulevard, Wilcox ... [undistinguishable]. There's, it's free rein at cheap prices, lower prices. Please, District 9 welcome any of you at any given time. But lastly, I will say this: is that I ask the property owners, please be considerate of our small business owners. There are renters in your buildings tonight that you know levy any additional fees on them. Just take the burden if you're wanting to go ahead and put this in place. Just allow them to continue to pay their price at what they're paying for now, and it will all will be, you know, satisfied. That's the only request that I have for you guys. I think this can be something that can be workable on both sides and we've put into place where we can come back a year from now. It's Councilman Byrd stated, and we can reevaluate it, so that means if it's not working, as a council, if it passes, we could say, "Well, listen, we know Hong Kong want this to operate in the city of Chattanooga, right?" And there's other ways that you could get out of the process if you choose to. Or to be a part of it. I think now, remember downtown like Giorgio said, when nobody wanted to come downtown at all. Everybody went out to him in a place: now everybody is coming back. I also remember downtown when once a week, my grandma of the world wrestles our look in our Sunday best, whatever that would look like, and we come down to lemons, and she at you had to dress a certain way, you had the talk a certain way, you had to walk a certain way, and she would clinch our hands and say, "Don't you touch nothing: you don't want to give anybody the wrong impression. Or you bother speak to that lady you say 'ma'am,' and you say 'sir,' so the individuals that are serving you. So over the generations, it has become diluted so well. We can't afford to come downtown because we can't dress a certain way now, we can't look the way that they want us to look, we don't talk the way that they want us to talk, or act the way that we that they chew they say we should act, so we choose to stay in our own silos, in our communities. When we need to come outside of those

walls, we need to start partnering with other people and start making it happen for everybody, so I will be working with the BID management group, you know, so we could talk about what it looks like to actually diverse--diversify--our downtown, and that can include things like pop-up spaces for people to utilize a space for a business opportunity. Black people working together, partnering together, and operating in those businesses. Those type things work and become successful! We got Smart Bank on board, so there's opportunity for loans of what he can assist you with, what you would need in order to move or purchase property downtown. We have to stop looking at every single thing if it's a negative and began to look at things for what it's worth. They can move our city for every citizen in Chattanooga. Black people got some stake in the game as well, and we need to realize that we need to understand who we are as a people, and we need to store a capitalized, and they're benefiting on the opportunities here in Chattanooga just like every other citizen.

Councilman Gilbert: Yes, Chair. I'd like to make an amendment. Everyone that sent in a letter, they was opposed to this everyone a spoke today that's opposed the don't want me to be it that 50 the regulations of on the boundary lines to be accepted from this I feel that no one should be forced to, to be part of this no one should be that has, no one should be, I mean, if the business people have a right to do what they do but why would you want to force someone that don't want to be in it I mean you have enough people that I see in this audience that can get together and do exactly what you say you're gonna do anyway but to make so much - for somebody I have a problem with that, so I make that amendment.

Chairman Oglesby: We have an amendment on the floor. Is there a second?

Councilwoman Coonrod: Second.

Vice-Chair Henderson: Mr. Attorney, I guess my question is, by state law, is this amendment that's being proposed in keeping the state law?

Attorney Noblett: The state law says if you were to hold a hearing, you were supposed to make a decision about the boundaries at that time. The statute specifically said you consider objections and protest and you can change the district boundaries or modify the proposal as made deemed advisable by the governing body, and you have to adopt at the end of this hearing and ordinance that either adopts or rejects the district that you propose. The problem that you have in connection with creating holes in the middle of your district as you're going along is it makes it one property owner gets out another property owner right next to them has to pay and that causes problems in your community but that's an issue for y'all to decide.

Vice-Chair Henderson: So, you're saying state law does permit us to create doughnut holes?

Attorney Noblett: State law was talking about the boundary itself, the exterior portion of the boundary.

Vice-Chair Henderson: Well, I guess my question is: would this amendment create doughnut holes?

Attorney Noblett: There is no case law on that one way or the other what that is.

Councilman Smith: Thank you, Mr. Chair. Uhm, can we get clarification on exactly what this amendment is and what it would do? I just want to make that it is really, really clear as I

understand it, it is a substantial change to the way that this BID was initially proposed. [PAUSE] Nobody jump out there. It can be just anybody.

Attorney Noblett: Are you wanting to talk to Mr. Noblett or not?

Councilman Smith: Technically, I'm not supposed to address my colleagues, so, Mr. Noblett, I'm looking at you.

Attorney Noblett: There have been 13 people thus far that have spoken in opposition to the BID this meeting. We got a total of four letters before this meeting occurred, so that was all that were out there at least, as to individuals, the number of those individuals have also spoken at this meeting tonight, so there's 13 people that have spoken. Many of those do not own a property in connection with the area that is involved, but they are business owners, so that is the question here, as to whether you're wanting to, I guess, draw holes around areas that have just business owners, or whether you want to draw holes around property owners that would have an assessment under the Business Improvement District, or if you're wanting to retract the boundaries somewhat in that regard. In the event that there is a, I guess, a problem where there is more than one-half of the assessed value of the property that would complain about it, then you are not supposed to adopt a resolution that has not occurred this evening, at least, by the folks that have spoken. So, you have to make decisions here as to how you want to draw those boundaries in this meeting. We had a map. It was attached to the ordinance initially in connection with this case. There's any amendments to that, it would have to be done on that map or you'd have to list specific properties

Councilman Smith: So to clarify the amendments, it's anybody that has spoken out in opposition or who has requested to this body to be excluded that is the amendment? Not anybody who did not agree or did not want to be a part of it?

Councilman Oglesby: Yeah, wait a minute. We got some folks before you so you have to-- okay, okay, hit it again. Okay. [GAVE INSTRUCTION TO COUNCILMAN GILBERT ON HIS MIC.]

Councilman Gilbert: I was basing this off of what I was told by our lawyer; that we couldn't create doughnut holes, but we can, on the outskirts of this BID, allow people to be out of it that want to be out of, that have petitioned to be out of it, that what the amendment was about.

[A QUESTION INDISTINGUISHABLE]

Councilman Gilbert: Based on what I was told, that we could not do 'doughnut holes.'

Chairman Oglesby: So, backing up the end, what I just heard though was, we had to redraw the map now though to make it to happen?

Attorney Noblett: You're supposed to redraw the map and attach it to the ordinance if that is to occur. Yes, sir, and if you have a map that has the streets, if you want to go by streets, we can look at that.

Councilman Ledford: Thank you, Mr. Chair. I feel like this is a little bit of deja vu. I think we've all been here before so the last time we tried that amendment, it was, we were discussing the doughnut hole theory but by allowing the nonprofits, churches, PILOTs and TIFs to apply and, at some point, the board is going to exempt. I feel strongly, too, that this thing could end up

looking like Swiss cheese, so I kind of have to--I'm gonna argue like I did last time: that doughnut holes. It's gonna look like Swiss cheese at some point. So, thank you, Mr. Chair.

Councilman Mitchell: Call the amendment motion.

Chairman Oglesby: Ok. We have a call on the amendment motion. Let's do a roll call.

Clerk: Berz?

Councilwoman Berz: [MIC NOT ON INITIALLY] ... the amendment.

Chairman Oglesby: To vote on the amendment.

Councilwoman Berz: My question was cut off, but, Councilmen, I think it becomes very important, councilmen, and that is to say, is that considered a substantial change?

Attorney Noblett: It is, ma'am, but this statute says that if there is a change in the code, it is to be adopted after this meeting.

Councilwoman Berz: Does that mean take it back to first reading?

Attorney Noblett: No, ma'am.

Councilwoman Berz: So it remains second reading?

Attorney Noblett: Yes, ma'am

Councilman Gilbert's amendment failed on roll call vote as follows:

| | |
|------------------|------------|
| Berz | NO |
| Byrd | NO |
| Coonrod | YES |
| Gilbert | YES |
| Henderson | NO |
| Ledford | YES |
| Mitchell | NO |
| Smith | YES |
| Oglesby | NO |

Councilman Mitchell's motion to approve carried upon roll call vote as follows:

| | |
|------------------|------------|
| Berz | YES |
| Byrd | YES |
| Coonrod | YES |
| Gilbert | NO |
| Henderson | YES |
| Ledford | NO |
| Mitchell | YES |
| Smith | NO |
| Oglesby | YES |