

**City Council Building
Chattanooga, Tennessee
March 15, 2011
6:00 p.m.**

Chairman Rico called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, Ladd, Murphy, Robinson and Scott present; Councilman McGary was absent due to District commitment. City Attorney Michael McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal, were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilwoman Ladd gave the invocation for the evening.

MINUTE APPROVAL

On motion of Councilman Murphy, seconded by Councilwoman Scott, the minutes of the previous meeting were approved as published and signed in open meeting.

SPECIAL PRESENTATION: GIRLS SUMMIT

Councilwoman Berz stated that she has the privilege of telling the Council about an event taking place on Saturday, April 2 at Brainerd High School; that the Girls Summit will be held sponsored by the Chattanooga Alumnae Chapter of Delta Sigma Theta Sorority, Inc. She introduced Angel Ulmer, President of the Chapter, and referenced the brochure that was distributed, noting that the Summit's purpose is to teach young women to lead good, quality effective lives and is very proud to be part of that.

Angel Ulmer stated the Chattanooga Alumnae Chapter of Delta Sigma Theta Sorority, Inc. in collaboration with our Foundation, Deltas Serving Together, Inc. (DeSTI) will sponsor the second annual Girls Summit on Saturday, April 2 at Brainerd High School from 8 a.m. – 2 p.m. She stated there will be a pre-conference banquet on Friday, April 1 with the featured speaker being Kemba Smith Pradia.

SPECIAL PRESENTATION: GIRLS SUMMIT (Cont'd.)

Mrs. Ulmer stated the purpose of the Summit is to educate and prepare young ladies in our community for a lifetime of self-respect, academic excellent, and healthy living. She stated highly qualified presenters will provide pertinent information on a variety of topics including academic achievement, self-respect, respect for others and healthy life styles. She stated the presenters will take a proactive approach in providing information to empower all of the participants and the Summit is focused on the mind, body and spirit. She stated there will be workshops for parents, as well, and expressed thanks to the Council for supporting the Girls Summit and the Chattanooga Alumnae Chapter in allowing them to present this information today. She stated the Sorority is very proud of our city and young girls and want to help them to become more productive citizens.

AMEND CITY CODE

On motion of Councilwoman Scott, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 18, ARTICLE VII, SECTION 18-2 RELATIVE TO NONRESIDENTIAL AND RESIDENTIAL SERVICE AND SECTION 18-86 RELATIVE TO RESIDENTIAL BULKY TRASH AND RESIDENTIAL YARD TRASH
Was deferred one week.

AMEND BUDGET ORDINANCE

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND ORDINANCE NO. 12410, ENTITLED "AN ORDINANCE, HEREINAFTER ALSO KNOWN AS "THE FISCAL YEAR 2010-2011 BUDGET ORDINANCE", TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, AND ENDING JUNE 30, 2011; APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES; AND TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 2, SECTION 2-267, RELATIVE TO PAID LEAVE FOR ACTIVE-DUTY TRAINING AND TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, SECTIONS 31-36, 31-37, 31-41, 31-43, 31-39, AND 31-40," TO AMEND SECTION 31-36(a) PERTAINING TO SEWER RATES

Passed second and final reading and was signed in open meeting.

REZONING

2011-007: Terry W. Barker

On motion of Councilwoman Ladd, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1511 AND 1517 MITCHELL AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

Passed second and final reading and was signed in open meeting.

REZONING

2011-010: Elemi Architects, LLC for RiverCity Company

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1624 ROSSVILLE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE

Passed second and final reading and was signed in open meeting.

LIFT CONDITIONS

2011-011: Eugene H. Schimpf, III/ Cameron Harbor, LLC

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION NO. 2, SECTIONS a), b), c) AND CONDITION NO. 3 SECTION a); AND TO AMEND CONDITION NO. 3, SECTION b) OF ORDINANCE NO. 11736, ON PROEPRTY LOCATED AT 495 RIVERFRONT PARKWAY, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

Passed second and final reading and was signed in open meeting.

REZONING

2011-013: Frank Goodwin/Fassnacht Properties

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY
LOCATED AT 625 EAST MAIN STREET, MORE PARTICULARLY DESCRIBED
HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL
BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**

Passed second and final reading and was signed in open meeting;
Councilwoman Robinson abstained.

REZONING

2011-014: City of Chattanooga/ Regional Planning Agency

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY
LOCATED IN PART OF THE 200 BLOCK OF WEST HILLS DRIVE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM TEMPORARY R-1
RESIDENTIAL ZONE AND RT-1 RESIDENTIAL TOWNHOUSE ZONE TO
PERMANENT ZONES**

Passed second and final reading and was signed in open meeting.

REZONING

2011-022: Roberto Reyes

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY
LOCATED AT 509 AIRPORT ROAD, MORE PARTICULARLY DESCRIBED
HEREIN, FROM O-1 OFFICE ZONE TO R-4 SPECIAL ZONE, SUBJECT TO
CERTAIN CONDITIONS**

Passed second and final reading and was signed in open meeting.

REZONING

2011-025: City of Chattanooga/RPA

On motion of Councilman Benson, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED IN ANNEXED AREA 10A OF ORDINANCE NO. 12300 AND AMENDED BY ORDINANCE NO. 12451, FROM TEMPORARY R-2 RESIDENTIAL ZONE, C-2 COMMERCIAL ZONE AND M-1 MANUFACTURING ZONE TO PERMANENT R-2 RESIDENTIAL ZONE, C-2 COMMERCIAL ZONE, AND M-1 MANUFACTURING ZONE

Passed second and final reading and was signed in open meeting.

REZONING

2011-026: City of Chattanooga/RPA

On motion of Councilman Benson, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED IN ANNEXED AREA 10B OF ORDINANCE NO. 12301 AND AMENDED BY ORDINANCE NO. 12452, FROM TEMPORARY R-1 RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE, R-5 RESIDENTIAL ZONE, C-2 COMMERCIAL ZONE AND M-1 MANUFACTURING ZONE TO PERMANENT R-2 RESIDENTIAL ZONE, R-5 RESIDENTIAL ZONE, C-2 COMMERCIAL ZONE, AND M-1 MANUFACTURING ZONE

Passed second and final reading and was signed in open meeting.

GRANT

On motion of Councilwoman Ladd, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO APPLY FOR AND, IF AWARDED, ACCEPT A FIRE PREVENTION AND SAFETY GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) IN THE AMOUNT OF FORTY-SEVEN THOUSAND NINE HUNDRED EIGHTY DOLLARS (\$47,980.00), AND AUTHORIZING A CITY MATCH OF TWENTY PERCENT (20%), OR NINE THOUSAND FIVE HUNDRED SEVENTY-EIGHT DOLLARS (\$9,578.00)

Was adopted; Councilwoman Scott voted "no".

AGREEMENT

Councilwoman Scott stated that she understands the Council wanting to reach a conclusion about what to do about the waterfront, however, there was something John Bridger of RPA said today on another matter that is pertinent here; that he said with Planning they sort of want to start with the end game in mind and on this particular issue she is not really sure if she understands the end game and fears what we are doing is just sort of "shotgun looking" and does not really know what we want on the "other side" and what we want to do with this. She stated we do not have an idea about what all this is going to cost after Phase I; that she is still not clear as this is Phase I of a study and means there will probably be a Phase II as it is just in study. She stated she would like to hear more discussion about the other end and what our ultimate goal is before we approve this study.

Councilman Benson stated he has the same concerns and brought it up today and was assured there are some reasonable cost solutions that would make it worthwhile going ahead with this amount of money for planning to make this venue successful. He stated he has been through a lot of agony with this and we have spent money before "band aiding" it; that he would like to see a little more in writing about what this planning is going to do, what they are aiming for as their goal and about what that goal will cost us. He stated if we are going to spend money for planning and then get into what they have planned as a remediation for this and it is too costly, we will have wasted money for the planning and maybe we are planning the wrong way. He stated he does not have enough information to vote for it.

Councilwoman Robinson stated she will be able to vote to support this noting that she heard what Councilmen Scott and Benson said and does not think it is an either/or situation; that we can go forward with this and get the answers we are looking for. She stated this will give us part of the answers we are looking for on how to fix it right and will be voting to support it.

Councilman Murphy stated he is somewhat conflicted; that he knows he is not an engineer and likely the solution is going to create a hard edge that goes all the way below resistance on the river bottom and continues up to the current hard edge of the cement level. He stated part of him wonders whether rather than hiring divers to go down in a river that is moving and will continue to erode every day -- let alone every storm -- whether there might not be an interim answer that could be paid for that would stop at least the current from striking that soft bank and allow for it to be pumped out, examined and then something decided about what can be done.

AGREEMENT (Continued)

Councilman Murphy stated he knows he asked the question during committee and kind of got an answer; that this money might be paying for part of that as a process; that he is leaping forward to what he probably foresees as the likely end game anyway, which is kind of what Councilmen Scott and Benson were talking about; that we are not in a position to be able to walk away from it. He asked someone to convince him how to vote on this! Councilwoman Robinson immediately responded with "vote yes"!

Councilwoman Ladd stated she has great concerns spending this amount of money for questions, but we have to get answers to those questions and does not see another way around it. She stated we have too much invested to turn our back on what we already have sitting out as an asset; that we generate revenue from the rentals of those boats that are tied/moored there and we need to continue to do that to eventually pay our return on investment that we made initially. She stated it is too premature to pull the stop out now; that we need to go through this and see what our answers are and then we can make the best decision whether to invest any further. She stated there are too many answers this money will pay for that would give us what we need to move forward either comfortably or not; that we cannot turn our backs on what we have down there right now as there are safety issues concerned with this and if for no other reason we have to know what we have to do to be safe going forward.

Councilwoman Scott stated that she would not argue not to do a study; that she would argue that we need to determine what it is we really want to have when all this is left over and then do the study. She stated she is just not sure that we know what we want that to be or maybe she does not know what we want it to be; that she has heard we dock boats there but knows there are many different ways to dock boats She stated she knows along the currents and river, it will never stop as it has been there since time memorial; that she has seen where the Corps of Engineers has come in and piled rocks into an area. She stated she does not feel comfortable not knowing what our end goal is before we launch a study that would cost \$610,000; that she cannot say as she always feels that way; that it is just she does not feel secure with this knowing what she does not know now.

Dan Johnson stated we do know what the end goal is as Councilman Murphy explained it succinctly; that it is to put it in a form that is a large boat dock and imagined it would be concreted with piers driven in all the way down which was what it was originally intended to be but was not constructed in such a manner that that is what we have.

AGREEMENT (Continued)

Mr. Johnson expressed agreement with the comment by Councilman Murphy that it appears to him that we know where we want to go and why not go in and put them in and go to work, noting that he is not an engineer. He stated that would probably be more of an open "check book approach" than this one is; that we will find out more information in this one of what needs to be done to get to where we need to go. He stated that is what this major study will be as there is a lot of structural engineering, but we have to get the right order of things to get there and that is what this is designed to do.

At this point Councilwoman Berz called for the question.

Councilman Murphy stated he does not disagree with what Mr. Johnson said; that his concern is that we should be ready to mitigate really quickly because it is a dynamic process; that hypothetically we have divers go down and say since the last divers looked the erosion has advanced 18 inches at this position, 22 inches at this position, six inches at this position and all of that data is outdated essentially the moment they come out of the water and write the report; that if we have a structure that is having its "feet cut out from under it" he gets worried when we are going to hurry up and stop the "cutting of the feet". He again stated he is not an engineer and expressed hope that engineers understand that but that he also thinks if we come up and say it is about to fall in and we mitigate immediately, please come to us, don't "let the ink dry" but get to us right away as he does not want that falling off into the river.

After the roll call vote was taken, Councilman Benson stated he wanted to say something germane to this; that we should look at other funding sources to help on this, also; that he noticed where we are in the county, and the county has \$88 million in reserve right now and the city does not. He stated we might also look at the State; that it is his thought we just moved too fast on this.

On motion of Councilwoman Ladd, seconded by Councilman Murphy,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS ON BEHALF OF PUBLIC WORKS AND THE CHATTANOOGA DOWNTOWN REDEVELOPMENT CORPORATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HDR, INC. RELATIVE TO CONTRACT NO. E-10-012-101, 21ST CENTURY WATERFRONT ROSS'S LANDING RIVERFRONT PARKWAY PHASE 1 – EVALUATION-INVESTIGATION, IN THE AMOUNT OF SIX HUNDRED TEN THOUSAND AND NO/100 DOLLARS (\$610,000.00)

Was adopted; **on roll call vote:**

AGREEMENT (Continued)

MURPHY	YES
SCOTT	NO
ROBINSON	YES
LADD	YES
BENSON	NO
GILBERT	NO
BERZ	YES
RICO	YES

CONTRACT

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD A CONTRACT TO CRANSTON ENGINEERING GROUP, P.C. FOR THE BRAINERD LEVEE FEMA COMPLIANCE DETERMINATION IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED ELEVEN THOUSAND FIVE HUNDRED TWENTY DOLLARS (\$511,520.00)

Was adopted.

CHANGE ORDER

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) WITH THOMAS BROTHERS CONSTRUCTION COMPANY, INC., RELATIVE TO CONTRACT NO. W-05-007-201, NORTH WARNER PARK STORM WATER DETENTION BASIN, FOR AN INCREASED AMOUNT OF SIXTY THOUSAND SEVEN HUNDRED EIGHT AND 60/100 DOLLARS (\$60,708.60), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE MILLION SEVEN HUNDRED SIXTY-FOUR THOUSAND SEVEN HUNDRED SEVEN AND 60/100 DOLLARS (\$1,764,707.60), AND TO RELEASE THE REMAINING CONTINGENCY AMOUNT OF ONE HUNDRED NINE THOUSAND TWO HUNDRED NINETY-ONE AND 40/100 DOLLARS (\$109,291.40)

Was adopted.

CHANGE ORDER

Lydia Kitchen of 3003 Third Avenue asked how the Council determines if they are going to approve or disapprove a change order.

Councilwoman Scott stated on Friday afternoon prior to the Tuesday meeting of the Council a packet of information containing the resolutions and ordinances are received by Council members. She stated in the case of a change order, the public works department will list the reasons for a change order if it is related to something that happened with the contract and got delayed or maybe there was a land or terrain problem that calls for an engineering decision to have to change and all the changes will be listed along with the reasons for it and the Council can read to see what the changes are. She stated not only does she read them but will frequently communicate with public works for an explanation; that after having the conversation and documentation submitted, there has to be four different signatures/levels to be able to put a change order into effect. She stated after all that if she feels confident they have gone to every level to make that change or increase happen then she will vote for the change order.

Ms. Kitchen stated it looked like the Council was just voting "bam, bam, bam".

Councilwoman Scott stated that is a real common thing; that when people come to this part of the meeting, what the Council is doing is voting on things that have been researched and discussed in committee meeting prior to Council meeting which is open to the public. She stated it is not just that the Council is reading through this and voting "yes, yes, yes" and "no, no, no" as there is actually background research and a lot of questions and answering before getting to this point.

Chairman Rico stated usually he announces that all agenda items have been discussed thoroughly in committee meeting noting that he should have done that at the beginning of tonight's Council meeting.

Ms. Kitchen asked if the contracting with engineers is being done fairly or is it still a group of about five engineering firms.

City Attorney McMahan responded that the city has a committee that reviews all requests for those kinds of professional services and they look for firms most suitable to handle the work and then also try to pass the work around so it does not all go to the same firm.

CHANGE ORDER (Continued)

On motion of Councilwoman Robinson, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 WITH VOLKERT AND ASSOCIATES, INC., FOR PROFESSIONAL SERVICES, RELATIVE TO CONTRACT NO. E-09-020-101, INTERSECTION IMPROVEMENTS AT DISCOVERY DRIVE AT HICKORY VALLEY ROAD AND DISCOVERY DRIVE AT ENTERPRISE SOUTH BOULEVARD (VOLKSWAGEN DRIVE), TO INCREASE THE CONTRACT AMOUNT BY TWENTY FOUR THOUSAND EIGHT HUNDRED DOLLARS (\$24,800.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE HUDNRED NINETY-NINE THOUSAND TWO HUNDRED DOLLARS (\$199,200.00)

Was adopted; Councilwoman Ladd abstained.

CHANGE ORDER

On motion of Councilman Benson, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 WITH VOLKERT AND ASSOCIATES, INC., FOR CONSTRUCTION ENGINEERING INSPECTION (CEI) SERVICES, RELATIVE TO CONTRACT NO. E-04-036-401, ENTERPRISE SOUTH ROADWAY PROJECTS, TO INCREASE THE CONTRACT AMOUNT BY THIRTY-SIX THOUSAND EIGHT HUNDRED SIXTY-SIX AND 19/100 DOLLARS (\$36,866.19), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED SEVEN HUNDRED TWELVE THOUSAND EIGHT HUNDRED SEVENTY-SEVEN AND 82/100 DOLLARS (\$712,877.82)

Was adopted; Councilwoman Ladd abstained.

CHANGE ORDER

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 3 (FINAL) WITH ARCADIS U.S., INC., FOR PROFESSIONAL SERVICES, RELATIVE TO CONTRACT NO. W-05-007-203, WARNER PARK STORMWATER DETENTION BASIN, TO INCREASE THE CONTRACT AMOUNT BY TWENTY-SIX THOUSAND EIGHT HUNDRED SIXTY-EIGHT DOLLARS (\$26,868.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED TWO HUNDRED SIXTY-ONE THOUSAND NINETY-THREE DOLLARS (\$261,093.00)

Was adopted.

CHANGE ORDER

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO EXECUTE A CHANGE ORDER NO. 1 (FINAL) RELATIVE TO WORLD CHANGERS (ROOF REPAIR PROGRAM), RELATIVE TO RESOLUTION NO. 26506, SPROUT CONSTRUCTION, INC. D/B/A/ SPROUT ROOFING, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY ONE THOUSAND THREE HUNDRED TWENTY-SEVEN DOLLARS (\$1,327.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ELEVEN THOUSAND SEVEN HUNDRED SEVENTY DOLLARS (\$11,770.00)

Was adopted.

ADDITIONAL FUNDING

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO USE ADDITIONAL FUNDING FROM THE BROWNFIELD JOB TRAINING PROJECT FOR COMMERCIAL DRIVING TRAINING IN THE TOTAL AMOUNT OF TWELVE THOUSAND SEVEN HUNDRED SEVENTY-ONE DOLLARS (\$12,771.00) FOR THREE STUDENTS

Was adopted.

TEMPORARY USE

On motion of Councilman Murphy, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING LARRY CRANE TO USE TEMPORARILY THE 806 BROWNS FERRY ROAD PUMP STATION PROPERTY FOR ACCESS ACROSS CITY EASEMENT DURING HIGH WATER, SUBJECT TO CERTAIN CONDITIONS

Was deferred two weeks.

TEMPORARY USE

Councilman Murphy stated his only question is whether this is really temporary given they are going to be burying piping for a facility that has an expected life of decades.

TEMPORARY USE (Continued)

City Attorney McMahan stated they have been to the Planning Commission on a franchise and he intends to bring that forward as soon as it has been advertised.

Bill Wilkerson, sponsor of this request, asked what just happened.

City Attorney McMahan stated the franchise agreement has to be advertised for 30 days and has not been done yet; that he can build and put the underground facilities there. He stated that the vote of the Council indicates there is no objection to what is being proposed; that it is just a formality that we have to advertise the franchise.

Mr. Wilkerson stated he is not present to be controversial; that this is his third or fourth time coming here and keeps hearing it is going to be advertised and going back and telling his client everything is approved then go back the next week and say it really was not! He stated is trying to figure out what to tell them this week, whether it is sort of approved or think it will be approved!

Chairman Rico stated it is approved temporarily until permanent approval.

Mr. Wilson asked if he needs to be present for the next reading. City Attorney McMahan responded "no". Mr. Wilkerson stated this is temporary until the Hospital is sold or moves somewhere else, sometime in the next 250 years; that it is relatively permanent!

On motion of Councilwoman Robinson, seconded by Councilman Benson,
**A RESOLUTION AUTHORIZING MEMORIAL HEALTH CARE SYSTEM TO
USE TEMPORARILY A PORTION OF THE 2400 BLOCK FO CITICO AVENUE
NEAR ITS INTERSECTION WITH THE 800 BLOCK OF NORTH
CHAMBERLAIN AVENUE (CASE NO. MR-2011-018) TO INSTALL
UNDERTROUND PIPING RELATIVE TO MEMORIAL HEALTH CARE
SYSTEM'S PROPOSED CENTRAL UTILITIES PLANT, SUBJECT TO CERTAIN
CONDITIONS**

Was adopted; **Councilwoman Scott abstained.**

OVERTIME

Overtime for the week ending March 10, 2011 totaled \$22,634.79.

PERSONNEL

The following personnel matters were reported for the following departments:

CHATTANOOGA POLICE DEPARTMENT:

- **STEPHEN PEARSON** – Suspension (3 days without pay), Police Services Technician, effective March 1-3, 2011.
- **CHARLES MCMAHAN** – Suspension (3 days without pay), Police Services Technician, effective March 8-10, 2011.

PUBLIC WORKS DEPARTMENT:

- **SIDNEY R. POINTER** – Termination, Crew Worker 1, City Wide Services, effective March 4, 2011.
- **MARTIN K. HOLMES, III** – Promotion, Crew Worker 2, City Wide Services, Range 4, \$23,373.00 annually, effective March 1, 2011.
- **DARLENE DAVIS** – Return to Duty from Family Medical Leave, Crew Worker 2, effective March 7, 2011.
- **TIMOTHY L. MILLER** – Return to Duty from Family Medical Leave, City Wide Services, Crew Worker 3, effective March 3, 2011.
- **DOUGLAS B. BURCH, RICHARD W. RANKIN** – Hire, Equipment Operator 4, City Wide Services, Range 10, \$28,137.00 annually, effective February 25, 2011.

CHATTANOOGA FIRE DEPARTMENT:

- **TIMOTHY MAYS** – Retirement, Firefighter Senior, effective March 5, 2011.
- **MARCUS WOLFF** – Retirement, Fire Captain, effective March 10, 2011.

EMERGENCY PURCHASE

The emergency purchase of replacement of Traffic Signal Heads and Parts due to the storm on February 28, 2011 for the Public Works Department on R40581 to Quality Traffic Systems in the amount of \$27,000 was duly reported and signed in open meeting.

HOTEL PERMITS

On motion of Councilman Murphy, seconded by Councilwoman Berz, the following hotel permits were approved:

BEST WESTERN ROYAL INN – 3644 Cummings Highway, Chattanooga, TN

ECONO LODGE – 150 Browns Ferry Road, Chattanooga, TN

RODEWAY INN – 5505 Brainerd Road, Chattanooga, TN

DONATION

The donation of an iPad valued at \$499.00 from ITIC/GFI Software Company for Fire Department Use was duly reported by Chief Parker.

REFUNDS

On motion of Councilwoman Berz, seconded by Councilwoman Robinson, the Administrator of Finance was authorized to issue the following refunds for water quality fees and/or property tax overpayments:

KATHY L. FREEMAN -- \$1,028.99

RICHARD L. BROWN TR -- \$1,689.37

JAMES C. ROGERS JR. -- \$1,343.59

JAMES S. HAREN -- \$3,179.39

U S XPRESS INC -- \$6,420.60

LEE HIGHWAY CHURCH OF GOD -- \$1,793.23

817 PARTNERSHIP LLC – \$12,947.71

JARNIGAN ROAD II LLC -- \$5,655.00

JOHN BARRY JACOBS -- \$1,180.23

PURCHASES

On motion of Councilwoman Berz, seconded by Councilwoman Robinson, the following purchases were approved for use by the various departments:

PARKS AND RECREATION:

SOUTHERN ATHLETIC FIELDS (Lowest and best bid) R39690

Blanket Contract for Mule Mix Infield Conditioner

\$15,000.00 – Annual approximation

PUBLIC WORKS:

H & H BROWN, INC. (Best bid meeting specifications) R39042/300889

Blanket Contract for Mechanical Services

\$500,000.00 – Annual approximation

INFORMATION SERVICES:

DELL MARKETING, L.P. (Best bid meeting specifications) R38333/300815

Blanket Contract for Personal Computer Hardware and Software

\$50,000.00 – Annual approximation

PURCHASE

Councilman Murphy stated he had a question about this request as we have in-house people who can do this; that the more he reflected on it the more he realized the answer is we have a lot of work backed up and wondered why we do not give this to people and do this as overtime. Mr. Johnson responded "there is some of that going on".

PURCHASE (Continued)

Councilman Murphy responded by emphasizing the word "some". Mr. Johnson stated if we did it extensively we would run into all sorts of problems of tiredness, etc., to get a job done and it will cost as much as to contract it out if not more. He stated this price includes the price of the parts, all the head gear, the harness work and all of that; that it is for four Tahoes in addition to equipment. He stated it will not save any money by going overtime with our current personnel.

Councilman Murphy stated to be clear this only get us four vehicles outfitted with. . . Mr. Johnson responded "according to the urgency of the four vehicles which is why we are just doing the four".

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd, the following purchase was approved for use by General Services; **Councilman Murphy voted "no"**:

MOUNTAIN VIEW FORD (Best bid meeting specifications) R37850

Purchase Installation of Police Equipment

\$28,266.00

BOARD APOINTEMENTS

On motion of Councilwoman Berz, seconded by Councilwoman Robinson, the following Board appointments were approved:

BOARD OF ELECTRICAL EXAMINERS:

- Appointment of **THOMAS PARSON** and **TIM MCGHEE** for terms expiring February 24, 2013, filling the unexpired term of Karlene Claridy and Richard Brown, respectively.

COMMITTEES

Councilwoman Scott scheduled a meeting of the **Economic Development Committee on Tuesday, March 22** to discuss input or representation at the beginning of PILOTs.

COMMITTEES (Continued)

Councilwoman Robinson announced a meeting of the **Health, Human Services and Housing Opportunities Committee for Tuesday, March 22** following the Agenda Session for a presentation by CNE regarding foreclosure assistance.

Councilman Murphy announced that the Legal and Legislative Committee would not meet on Tuesday, March 22.

Councilman Gilbert scheduled a meeting of the **Parks and Recreation Committee for Tuesday, March 22** for a discussion of the Southern Belle assignment of ownership issue and TPL property.

Councilwoman Berz stated that the **Budget, Finance and Personnel Committee would meet in work session on Thursday, March 24 from 6 p.m. – 8 p.m.** to finalize budget presentations from non-profit agencies **and Thursday, March 31 from 6 p.m. – 8 p.m.** for the continuation of presentations by the departments.

Councilwoman Scott stated there has been a lot of illness on the City Council and for one of the days last week if anyone was not present for the budget hearings there is an audio that is available if they are interested in hearing the presentations.

AGENDA: TUESDAY, MARCH 22, 2011

Chairman Rico stated the agenda for next week was discussed earlier today during the agenda session.

PAM THOMPSON

Pam Thompson of 1904 Duncan Avenue stated she has a couple questions and asked how the actions of the City Council around education leads to a more lucrative tax base in our city and how the actions will improve the standards and quality of life in Chattanooga. She stated she was involved in a discussion at a prior educational meeting wherein some of the members had questions about this in reference to some of the dollars spent/meant to be spent on education.

PAM THOMPSON (Continued)

Councilman Murphy expressed appreciation for Ms. Thompson's interest in the education of our children in our community, and noted that the city does not have a school system anymore; that we have a department of Arts, Education and Culture (EAC), of which Councilman McGary serves as chairman of the AEC Committee. He stated it is his thought Ms. Thompson would be best served by addressing the School Board and the County Commission regarding this issue, noting that the School Board's budget is enormous and much larger than the city's budget. He stated the city makes some efforts but we do not have any schools or teachers, per se, that work for us; that we have reading and recreation centers under the direction of Larry Zehnder of the Parks and Recreation Department which is more concentrated in our neighborhoods and part of town in Highland Park, Glenwood, Orchard Knob, Churchville; that we are blessed to have that concentration of services there. He stated the "lion share" on the polling on that issue has to come from those other governmental bodies.

Councilman Benson stated the citizens of Chattanooga voted the city out of being the primary giver of education in the early 1990's and the county now has the responsibility for the education of the children, but the citizens of Chattanooga are paying about 50 percent of the costs and the State of Tennessee and the minimum foundation programs pay in about 20 percent, plus the textbook money they buy and the county pays the rest. He suggested Ms. Thompson talk with County Commissioner Joe Graham and the State Legislators; that other than paying for the county schools the city does not have anything to do with the operational aspect of it.

Councilwoman Scott stated is a person owns property in the city of Chattanooga through Hamilton County taxes contributions are made to local funding for the schools. She stated the city of Chattanooga pays one-half of the sales tax generated off one cent out of 9.25; that half of that goes to the school system as funding. She stated when the city of Chattanooga helps to facilitate a strong economic "engine", that increases the amount of funding for local schools; that if we look at the assessed value for all the properties within the city of Chattanooga as a part of Hamilton County, approximately 58-59 percent of the tax assessed value is in the city of Chattanooga and that contributes significantly to the funding of local schools. She stated the city of Chattanooga is more responsible for local funding than any other municipality in Hamilton County, including the unincorporated areas.

ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga Council until Tuesday, March 22, 2011 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

**(A LIST OF NAMES OF PERSONS IN ATTENDANCE IS
FILED WITH MINUTE MATERIAL OF THIS DATE)**