

City Council Building
Chattanooga, Tennessee
June 21, 2011
6:00 p.m.

Chairman Ladd called the meeting of the Chattanooga Council to order with Councilmen Benson, Gilbert, McGary, Murphy, Rico, Robinson, and Scott present; Councilwoman Berz joined the meeting later. 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, Councilman McGary gave the invocation for the evening.

MINUTE APPROVAL

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

PRESENTATION OF "TOGETHER WE CAN" SCHOLARSHIP RECIPIENTS

Rebecca Smith, Director of Scholarships at the Community Foundation, stated they are excited about being present and noted on behalf of the Foundation and all the recipients they are so thankful for the support the Council has given over the years. She stated this year they were able to give out 59 scholarships which for the 2011-12 school year will have close to 200 students in the "Together We Can" program. She stated even though there are 59 students who received scholarships, not all were able to be present tonight; that most of them are actually at their respective schools for orientation and some had to work. She stated parents and guardians are present and indicated a lot of the students are pioneers in their families -- the first to go off to school and the first to graduate from high school, which is a really, really big deal and she is so proud of them!

(Councilwoman Berz joined the meeting at this point.)

PRESENTATION OF "TOGETHER WE CAN"
SCHOLARSHIP RECIPIENTS (Continued)

At this time the students stood and introduced themselves. This year's scholarship recipients are: **Markisha Anderson, Jocelyn Barby, Dezman Careathers, Tanisha Caslin, Jerisha Caudle, Breanna Coleman, D'Marcus Collins, Raven Davis, Kevin Dossett, Jr., Demetrius Dupre, Antonisha Edwards, Lafrederick Glover, Jr., Barry Griffin, LaRhonda Halfacre, Aisha Hambrick, Raysheequa Harper, Dedrick Haslerig, Cheyne Hillery-Collier, Hollie Hughes, Nakkia Isom, LaQuesha Ison, Deonte' Jackson, Brittany Jacob, Canisha Johnson, Robert Kelley, Cierra Martin, Brittany Mckinney, Cortez Moon, Kelly Moore, Thanh Nguyen, LaKenya Nollie, Kayla Odom, Brandon Owens, Melissa Owens, Cordell Paruchuri, Ayana Patton, Grovenia Perryman, Paul Pettaway, Terrance Prater, Jr., Cherub Rogers, John Rollins, Takidra Saxton, Brittany Scott, Bria Sibley, Aimee Sims-Ballanger, Autiona Smith, Craig Steward, Demantay Suttles, Lekera Taylor, Jessica Terrell, Christopher Thornton, Kiara Trammell, Jasmine Vinson, Shannon Walker, Asia West, Kelsey Williams, Jamiya Womble and Brandon Woodruff.**

Chairman Ladd stated words do not begin to express how proud the Council is of the students and extended best wishes as they start their college careers.

Councilman Murphy thanked the Community Foundation, but more importantly all of the students, for keeping their "noses to the grindstone", for working hard, getting admitted and going through the financial aid process, which is the easy part! He stated they will go off to school and there will be a lot of distractions whether they stay here or not and encouraged them to work hard and when they finish he wants them all to come back! He stated they are going to have a lot of choices in this world and we need you here in Chattanooga. He expressed good luck and God bless!

RECOGNITION OF DAVID TESTERMAN

Councilman Gilbert recognized the presence of Hamilton County School Board member, David Testerman.

REPORT FOR PLAN OF SERVICES FOR AREA 1B

City Attorney McMahan stated the purpose of the public hearing is to provide a report upon the annexation of Area 1B of the Cummings Highway area of the city of Chattanooga. He stated the report has been filed with the City Council and also published in a newspaper of general circulation.

REPORT FOR PLAN OF SERVICES FOR AREA 1B
(Continued)

City Attorney McMahan stated at the end of the presentation if any member of the audience has any comments or questions to please approach the microphone and the Chair will recognize them. He stated when annexation took place the Fire Chief arranged through 911 for immediate patrol response by the police department and fire department. He stated the plan of services required that within 90 days a study be done by the Planning Commission; the study was completed and brought forth a recommendation -- all the area has been rezoned, most of it R-1 because it is primarily a residential area. He stated the recreational programs offered primarily through John A. Patton, one of the major recreation centers, has been made available to all the residents and was available to them before annexation. He stated our responsibility with respect to recreation has been completed.

City Attorney McMahan stated the water system in this area is Tennessee-American Water Company and the city has no independent responsibility and continues the same; that the Electric Power Board continues the same and the sewer system we have agreed under our plan of annexation to provide sewers within three years and Admin. Leach will cover that. He stated McKamey has provided the animal control since the time of annexation. *(A more indepth report on the Plan is Services for Area 1B is attached to minutes of this date.)*

Public Works: Admin. Leach stated the Cumming Cove area in Lookout Valley is in Councilwoman Scott's district. He stated there are five general categories in Public Works listed in the report as **Traffic Engineering, Refuse Collection, Road and Street Construction Repair with several subcategories, Sewer System and Inspection/Code Enforcement.** He stated with the advent of the annexation Traffic Engineering immediately went out and checked because this is a relatively new subdivision; that they looked to see what the traffic control devices were and installed eight traffic signs/street signs. He stated some of the street signs get developed in subdivisions that are not standard and the Fire Department cannot figure out the road because they are not standard signs and they were replaced. He stated they provided 119 garbage cans in this specific area and have had 84 specific calls for refuse collection, recycling and trash flash.

Adm. Leach stated under Road and Street Construction and Repair, generally this has been emergency maintenance of any road; that we have had a rough winter and removed a lot of snow and sanded the streets. He stated they put in Code compliant signs and replaced any street lights that were needed.

REPORT FOR PLAN OF SERVICES FOR AREA 1B
(Continued)

Admin. Leach stated in Stormwater and Drainage Services they did an "as found survey" and found one detention pond which was related to the subdivision; that of 208 drainage structures they measured 33,716 feet of drainage conveyances within the six month period. He stated they performed erosion and drainage control surveys through water quality to make sure that the drainage conveyances were working properly. He stated with the Sewer System it is a little convoluted and complicated; that they are still in negotiations with Hamilton County through the City Attorney's Office to service their sewer system; that this is a collection system and not a treatment system within the boundaries of this area. He stated at this point they are allowing Hamilton County Wastewater to service the area who has priority to maintain the collection system and public works has had "hands off" until that area is ceded to them. He stated under Code Enforcement they are continuing to offer normal services such as building, electrical, plumbing, gas and building permitting and plans review. He stated this is a quick summary of what they have been doing basically in a developed residential area adjacent to the city and did not incur any particular costs out there.

Chattanooga Fire Department: Chief Parker reported the department started providing service with the police and fire departments upon the time of annexation; that they have had several calls from medical to one or two wrecks, as well as calls in the rural area where there were wood fires; that they had one call from a flipped four wheeler and had to go in the woods to get them. He stated there is a fire station that will be built in the area and ground breaking was held the other day with Councilmen Scott and Rico present, which was "in the works" prior to annexation. He stated growth has been tremendous in the area with new motels and industry that are not in the annexed area. He stated there have been meetings with Tennessee-American Water, the Eastside Utility Company and a lot of the other water districts that may not cover this, as well as meetings with the City Attorney; that they are developing contracts that will be coming to Council for approval on installation of hydrants within the next few weeks. He stated he spoke with Chief Dodd earlier who indicated they have had 75 calls in the area for service. He stated basically the fire department is running the calls and it has been redistricted with Hamilton County 911; that they have run first responder medical calls, HAZMAT and any of the services they provide, as well as Code enforcement for the Fire Marshall's office on the development of the neighborhood.

REPORT FOR PLAN OF SERVICES FOR AREA 1B
(Continued)

Chattanooga Police Department: Captain Arnold reported for Chief Dodds and indicated that they are continuing routine patrol and answering calls in the annexed area without any increase of funds or personnel; that they have had 75 calls since annexation with most of them due to theft and miscellaneous calls.

City Attorney McMahan stated this concludes the report unless Council members have questions or any member of the audience wishes to be recognized. No one in the audience sought to be recognized.

ADD TO TONIGHT'S AGENDA

Councilman Murphy made the motion to add to the agenda an ordinance to amend Ordinance No. 12509 entitled "an ordinance providing for an interim budget . . ." He stated the reason being it appears our final budget will not be passed on second reading prior to July 1 and to avoid headaches for our payroll and personnel office it is his thought adding this at this time would be in order. Councilwoman Berz seconded the motion; the motion carried.

Councilman Murphy also brought a motion to add "an ordinance hereinafter known as the fiscal year 2011-2012 budget ordinance . . ." to tonight's agenda, the reason being is our work appears to be done at this time subject to the matters that were discussed in Committee that may be revisited next week. Councilman Benson seconded the motion; the motion carried.

AMEND CONDITIONS

2011-058: Fraternal Order of Firefighters

On motion of Councilman Gilbert, seconded by Councilwoman Berz,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION #4 IMPOSED IN ORDINANCE NO. 12349 REQUIRING TYPE B LANDSCAPING ON PROPERTY LOCATED AT 4393 BENTON DRIVE, BEING MORE PARTICULARLY DESCRIBED HEREIN IN THE ATTACHED LANDSCAPE PLAN

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

REZONING

2011-061: ABM Properties, LLC/Larry Armour-Chief Manager

On motion of Councilman McGary, seconded by Councilwoman Berz,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6131 PRESERVATION DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE AND M-2 LIGHT INDUSTRIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE

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

CLOSE AND ABANDON

MR-2009-058: Judy Norris

On motion of Councilwoman Robinson, seconded by Councilman Rico,
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE UNOPENED 3500 BLOCK OF OCCONECHEE TRAIL AT 552 INTERMONT ROAD, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

Passed first reading.

AMEND BUDGET ORDINANCE

On motion of Councilman Murphy, seconded by Councilman Rico,
AN ORDINANCE TO AMEND ORDINANCE NO. 12410, ENTITLED "AN ORDINANCE, HEREINAFTER ALSO KNOWN AS 'THE FY2010/2011 BUDGET ORDINANCE', TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, AND ENDING JUNE 30, 2011, AND 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; AND PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES," SO AS TO PROVIDE FOR CERTAIN CHANGES IN APPROPRIATIONS SET OUT IN SECTION 6

Passed first reading.

2011-2012 OPERATIONAL BUDGET

On motion of Councilman McGary, seconded by Councilman Murphy,
AN ORDINANCE, HEREINAFTER ALSO KNOWN AS "THE FISCAL YEAR 2011-2012 BUDGET ORDINANCE", TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, AND ENDING JUNE 30, 2012; 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 AND 31-43

Passed first reading.

AMEND ORDINANCE 12509 – INTERIM BUDGET

On motion of Councilman Murphy, seconded by Councilman Rico,
AN ORDINANCE TO AMEND ORDINANCE NO. 12509, ENTITLED "AN ORDINANCE PROVIDING FOR AN INTERIM BUDGET AND APPROPRIATING FUNDS FOR THE USUAL AND ORDINARY EXPENSES OF THE CITY GOVERNMENT FOR THE MONTHS OF JULY, AUGUST, AND SEPTEMBER 2011, PENDING THE ADOPTION OF THE 2011-2012 ANNUAL BUDGET," SO AS TO PROVIDE FOR PAY INCREASES FOR CERTAIN PERSONNEL AS PROVIDED HEREIN EFFECTIVE JULY, 2011

Passed first reading.

AGREEMENT

Councilman Rico and Robinson made the initial motion and second to adopt this resolution.

Councilman McGary made the motion to defer this matter one week noting that he has not had an opportunity to digest the information; Councilwoman Scott seconded the motion.

AGREEMENT (Continued)

On motion of Councilman McGary, seconded by Councilwoman Scott,
A RESOLUTION AUTHORIZING THE CHIEF INFORMATION OFFICER TO ENTER INTO AN AGREEMENT WITH MAYCREATE, LLC FOR WEB DESIGN SERVICES TO CREATE A NEW CONTENT MANAGEMENT SYSTEM AND MIGRATION OF ALL APPLICABLE DATA TO A COMPLETELY NEW DATABASE, WITH PHASE I PROJECTED COST OF ONE HUNDRED TWENTY-EIGHT THOUSAND DOLLARS (\$128,000.00) AND PHASE II PROJECTED COST OF TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) BASED ON EIGHTY-FIVE DOLLARS (\$85.00) PER HOUR, SUBJECT TO APPROPRIATION

Was deferred one week.

GRANT

On motion of Councilwoman Berz, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PARKS AND RECREATION TO APPLY FOR, AND IF AWARDED, ACCEPT A GRANT FROM THE TENNESSEE DEPARTMENT OF HEALTH AND ITS PROJECT DIABETES INITIATIVE, AND AUTHORIZING THE THIRTY-THREE PERCENT (33%) MATCH REQUIRED, ANTICIPATED TO BE IN-KIND CONTRIBUTIONS, FOR IMPLEMENTATION OF A PROGRAM ON THE PREVENTION AND TREATMENT OF DIABETES

Was adopted.

AMEND RESOLUTION 26615

On motion of Councilwoman Robinson, seconded by Councilwoman Berz,
A RESOLUTION TO AMEND RESOLUTION 26615 BY CHANGING THE AMOUNT OF FISCAL YEAR 2011-2012 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT FUNDS TO BE AWARDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND PROGRAM INCOME TO THREE MILLION THREE HUNDRED TWO THOUSAND THIRTY-SIX DOLLARS (\$3,302,036.00), TO INCLUDE AWARDED FUNDS FROM TENNESSEE HOUSING DEVELOPMENT AGENCY (THDA) IN THE AMOUNT OF EIGHTY-FOUR THOUSAND DOLLARS (\$84,000.00), AND TO CHANGE THE DISTRIBUTION OF THE FUNDS AS SHOWN FULLY HEREIN

Was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO AWARD CONTRACT NO. W-11-003-201, MISCELLANEOUS SANITARY SEWER MANHOLE ADJUSTMENT FOR TDOT RESURFACING PROJECTS, TO PROFESSIONAL CONCRETE FINISHING, INC. IN THE AMOUNT OF SIXTY-FOUR THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$64,450.00), WITH A CONTINGENCY AMOUNT OF SIX THOUSAND FIVE HUNDRED DOLLARS (\$6,500.00), FOR A TOTAL AMOUNT NOT TO EXCEED SEVENTY THOUSAND NINE HUNDRED FIFTY DOLLARS (\$70,950.00)

Was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 (FINAL) WITH H & H BROWN, INC., RELATIVE TO CONTRACT NO. W-07-003-201 (28J1), IMPROVEMENTS TO OXYGEN GENERATION SYSTEM – MOCCASIN BEND WASTEWATER TREATMENT PLANT, DECREASING THE CONTRACT AMOUNT BY SIXTEEN THOUSAND THREE HUNDRED FIFTY AND 94/100 DOLLARS (\$16,350.94), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FIVE MILLION ELEVEN THOUSAND ONE HUNDRED NINETY-THREE AND 65/100 DOLLARS (\$5,011,193.65) AND RELEASE REMAINING CONTINGENCY OF SIX HUNDRED THIRTY-THREE THOUSAND EIGHT HUNDRED SIX AND 35/100 DOLLARS (\$633,806.35)

Was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO CONTRACT NO. W-08-010-101, NEW AIRPORT ROAD PUMP STATION, FORCE MAIN AND AIRPORT CONNECTOR SEWER, INCREASING THE CONTRACT AMOUNT BY SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$17,500.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED TWO HUNDRED TEN THOUSAND SIX HUNDRED FIFTY DOLLARS (\$210,650.00)

Was adopted.

CHANGE ORDER

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) WITH MAYSE CONSTRUCTION COMPANY, INC., RELATIVE TO CONTRACT NO. W-08-010-210, NEW AIRPORT ROAD PUMP STATION, FORCE MAIN AND AIRPORT CONNECTOR SEWER, DECREASING THE CONTRACT AMOUNT BY THREE THOUSAND NINE HUNDRED TWENTY-SIX AND 59/100 DOLLARS (\$3,926.59), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED SEVENTY-TWO THOUSAND NINE HUNDRED TEN AND 91/100 DOLLARS (\$1,172,910.91) AND RELEASING THE CONTINGENCY OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)

Was adopted.

AMEND AGREEMENT

On motion of Councilman McGary, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO EXECUTE AMENDMENT NO. 1 TO THE ENGINEERING AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC. FOR A FIVE-YEAR FINANCIAL ANALYSIS AND COST OF SERVICE STUDY RELATIVE TO WASTEWATER SERVICES, INCREASING THE CONTRACT AMOUNT BY NINE THOUSAND FIVE HUNDRED DOLLARS (\$9,500.00) FOR ADDITIONAL SERVICES REQUIRED, FOR A REVISED TOTAL CONTRACT AMOUNT NOT TO EXCEED EIGHTY-FOUR THOUSAND DOLLARS (\$84,000.00)

Was adopted.

JOINTLY OWNED PROPERTY

MR-2011-083: City of Chattanooga c/o Dan Thornton

Councilman McGary stated for the record this was mentioned today in Committee meeting and (he) wanted to make sure it is absolutely clear that the representative from CNE, Travis Hutchinson, indicated that CNE was going to raise all necessary funds and capital in order to keep the park updated and asked if that is in perpetuity, for one year or two as he wants a clear understanding as to how long CNE would be raising funds to upkeep the park, and when it transfers over to Glenwood who is actually responsible.

JOINTLY OWNED PROPERTY (Continued)

Councilman Murphy responded that CNE will help the Glenwood Neighborhood Association raise what amounts to trust funds or endowment for it; that Glenwood already maintains another park that is not publicly owned as it is privately owned and they do a great job of it which is next to Kanku's on Glenwood Drive. He stated he does not think we should really have any undue concern about this; that he is blessed with having the most neighborhood associations of any Council district but Glenwood was the first in this city and in many respects they are probably the strongest. He stated Glenwood Neighborhood Association will care for it and keep it up; that they will start out with seed money to cover insurance costs for the hard structure there and pay the water bill; that it is envisioned as a community garden with hardscaping and a garden and should not be very expensive, anyway.

On motion of Councilman Murphy, seconded by Councilman Gilbert,

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF HAMILTON COUNTY'S INTEREST IN PROPERTY JOINTLY OWNED BY THE CITY LOCATED AT 2419 EAST 3RD STREET, TAX MAP NO. 146F-Y-013, AS SHOWN ON THE MAPS ATTACHED HERETO, IF APPROVED BY THE COUNTY COMMISSION; DECLARING THIS PROPERTY SURPLUS; AUTHORIZING CONVEYANCE OF THIS PROPERTY TO CHATTANOOGA NEIGHBORHOOD ENTERPRISE; AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY THEREFOR

Was adopted.

OVERTIME

Overtime for the week ending June 16, 2011 totaled \$57,855.47.

PERSONNEL

The following personnel matters were reported for the various departments:

NEIGHBORHOOD SERVICES:

- **SUSAN KAY GORMAN** – Resignation, Administrative Support Assistant 2, Community Development, effective June 15, 2011.

PERSONNEL (Continued)

CHATTANOOGA HUMAN SERVICES:

- **JOHNNIE GEORGE** – Retirement, Bookkeeper Record Clerk, Emergency Program, effective June 30, 2011.
- **SANDRA JORDAN** – Retirement, Teacher Assistant, Child Care, effective June 30, 2011.

PUBLIC WORKS:

- **ROBERT A. SMITH, JR.** – Suspension (3 days without pay), Equipment Operator 3, City Wide Services, effective June 13-15, 2011.
- **THOMAS J. SLATEN** – Suspension (3 days without pay), Equipment Operator 2, City Wide Services, effective June 14-16, 2011.
- **JOHN T. KINDER** – Promotion, Engineering Manager, Engineering, Range 27, \$64,491.00 annually, effective May 12, 2011.
- **JASON YAKIMOWICH** – Hire, Assistant City Traffic Engineer, Traffic Engineering, Range 25, \$74,045.00 annually, effective July 5, 2011.

FINANCE:

- **ROBERT BORSKI** – Resignation, Accountant 1, effective June 17, 2011.
- **HEATHER BROOKS** – Hire, Payroll Assistant, Payroll, Range 7, \$24,306.00 annually, effective June 17, 2011.

CHATTANOOGA POLICE DEPARTMENT:

- **MELISSA A. BALSER** – Resignation, Police Records Technician, effective June 15, 2011.
- **SHEILA JETTON** – Leave of Absence, Police Officer 1, effective June 16-July 15, 2011.

DONATIONS

Admin. Leach duly reported the donation of \$7,810.72 in various goods, food, door prizes and other services toward the success of "Public Works Week". (A document detailing the donations is filed with minute material of this date.)

REFUNDS

On motion of Councilwoman Berz, seconded by Councilman McGary, the Administrator of Finance was authorized to issue the following property tax refund:

NORTHTOWNE VILLAGE LLC c/o DRA ADVISORS LLC	\$14,151.58
GRANITE HEIGHTS LP c/o BANYAN REALTY-TRACEY WIMMER	\$4,678.55

PURCHASE

Councilwoman Scott asked that this purchase be voted upon separately. She stated she understands this would be a nice thing for the area to have; that the problem is when she looks at this, the price and the time we have spent on the budget in looking at allocations for agencies, this is half of an allocation that we were talking about for an agency for \$30,000 and this \$15,791.98 she has difficulty supporting that.

Councilman Murphy stated this \$15,000 is an expenditure that will buy equipment that will last for years and it is important to keep that in perspective. He stated he does not know if it will make it ten or twelve years, but is sure it will make it seven or eight years. He stated secondly, there is great work done in our recreation centers by our parks and recreation department and does not worry so much about the kids that get enrolled in our camps because their guardian or parent brings them down and enrolls them and gets them into that good environment. He stated the kids he really worries about are the ones that choose what they will do at eight years old and we have them in our city where the guardian and adult in their life is not choosing, they (kids) are choosing. He stated this is one small thing we can do to make our recreation centers and the positive influences that happen there more alluring to an eight year old who should not choose what they get to do every day but functionally do.

PURCHASE (Continued)

Councilman Murphy stated it is his thought it is going to be an investment that should be replicated at the South Chattanooga Center; that this is not in his district but essentially a pilot for it was in his district and is making a difference. He stated we need everything we can do that is "outside the box" to get those kids and wish and pray they had an adult who made the decision for them and more involved in their lives. He stated we need to do everything we can to reach those kids that need to be exposed to our positive influences in our recreation centers and in our facilities that arts, education and culture runs and partners. He stated this will get kids in that would not have otherwise and (he) will be voting for it. He stated he understands Councilwoman Scott's point; that there are very hard decisions in this budget and knows she has agonized over them as we all have because the expiration of the agreement was appropriated and we did not get together and plan it out very well and knows that is not for any lack of trying on Councilwomen Scott's part! He stated that he "feels" what she is saying but will vote "yes".

Councilwoman Berz stated she has no doubt in her mind we should approve this as several of us have been working for several years now to come up with innovative new programs for our recreation centers, actually soon to be community centers. She stated places where the kids go we are teaching them how to be entrepreneurs in positive ways; that it is cool to be part of the recording scene, however, how many rappers really make it. She stated this is a way of teaching kids how to cut music and manage people; that it is an entrepreneurial sort of thing and the sort of things we should be doing in our recreation centers. She stated this money is extremely well spent and she will vote for it and encouraged everyone else to do so, as well.

Councilman McGary stated he is a little reluctant to make assumptions as to which young people this will serve or not; that taxpayers of the City, whether a parent involved in the life of a child or not, hopefully will find resources available to them. He asked Mr. Zehnder if the request is for fiscal year 2011, already included in this year's budget or fiscal year 2012. Admin. Zehnder stated it is included in the present budget and is not FY 2011.

Councilman McGary stated we have made tough decisions for fiscal year 2012, however this was already agreed upon in last year's budget and is the reason he will be voting for it.

Councilman Gilbert stated since one of the centers is in his district, he is always for the kids in giving them opportunities and resources.

PURCHASE (Continued)

Councilman Gilbert stated Councilwoman Berz is correct every kid wants to be a rapper but that is not reality; that it is like NFL football, every kid wants to play NFL football but only ten percent will make it. He stated this is an opportunity to show kids the other part of the industry; that a lot of youth do not know in this industry there is more money for engineering than for arts. He stated television presents a big picture of nice cars and houses but all that is leased and they do not tell that part. He stated they are taught how to operate a sound board, how to mix down a mix and you never know who that person may be as it may be the next Quincy Jones! He stated opportunities given to them might be the next person who will stay in Chattanooga; that this does help the kids and every kid is not in sports as a lot of them do not have sports abilities but are really good in dealing with music and sound. He stated he will support this because he knows the need is there.

Councilman Rico called for the question.

On motion of Councilman Rico, seconded by Councilman Murphy, the following purchase was approved for use by the Parks and Recreation Department; **Councilwoman Scott voted "no"**:

SOUNDTREE (Lowest bid meeting specifications)
R43277

Purchase of Recording Studio Equipment

\$15,791.98

PURCHASES

On motion of Councilman McGary, seconded by Councilman Murphy, the following purchases were approved for use by the various departments:

PARKS AND RECREATION:

WALKER INTERIORS LLC (Lowest bid)
R43240

Purchase of Acoustical Analysis/Installation of Sound Panels at Brainerd and South Chattanooga Gyms

\$40,297.40

PURCHASES (Continued)

PUBLIC WORKS:

SAFETY-KLEEN SYSTEMS, INC. (Best complete bid meeting specifications)
R42875/301077

Blanket Contract for Environmental Services

\$50,000.00 – Annual approximation

CURRENT TECHNOLOGIES, INC. (Lowest and best bid)
R42936/301085

Blanket Contract for Vibration Analysis and Infrared Thermographic Services

\$15,000.00 – Annual approximation

TNT CONCRETE LLC (Only bid meeting specifications)
R42730/301057

Blanket contract for Road Plating Services

\$15,000.00 – Annual approximation

CHATTANOOGA STATE TECHNICAL COMMUNITY COLLEGE (CSTCC) SOLE SOURCE
R44189

Design of a Training Manual for Moccasin Bend per TCA 6-56-304.2

\$28,000.00

CHATTANOOGA POLICE DEPARTMENT:

SIGNALSCAPE (Sole source)
R43487

Purchase of a StarWitness Tech Agent Video Forensic System per TCA 6-56-304.2

\$22,350.00

PURCHASES (Continued)

GENERAL SERVICES:

OCE IMAGISTICS INC. (State contract)

POO26704

Blanket Contract for copiers and Supplies per State Contract No. SWC404-20902

\$900,000.00 – Annual approximation

REJECT BID

On motion of Councilman McGary, seconded by Councilman Murphy, the bid submitted by Lawson Electric to furnish and install a 100 KW generator for the Chattanooga Fire Department on R43171/301118 was duly rejected. Once funds become available this requirement will be re-advertised.

DECISION NOT TO PURCHASE

On motion of Councilman McGary, seconded by Councilman Murphy approval was given regarding the decision of the Chattanooga Fire Department not to purchase a second utility vehicle on R44315/361186 from Homestead Lawn & Tractor in the amount of \$8,852.21.

BOARD REAPPOINTMENT

On motion of Councilman Murphy, seconded by Councilwoman Robinson, the following board reappointment was approved:

GENERAL PENSION PLAN BOARD OF TRUSTEES:

- Reappointment of *BETTYLYNN SMITH* for a four year term expiring June 21, 2015.

APPROVAL TO MOVE FORWARD TO NEGOTIATIONS

City Attorney McMahan stated Attorney Freiberg sent Council members a confidential attorney-client privileged settlement case summary and a recommendation with respect to authority to ask to go to mediation next week with respect to an accident that occurred at the Chattanooga Zoo. He stated a five year old child was seriously injured in that accident and he is asking for approval to move forward with negotiations as set forth in the confidential memorandum.

On motion of Councilwoman Robinson, seconded by Councilman Rico the City Attorney was duly authorized to move forward with negotiations regarding this case.

PUBLIC WORKS INQUIRY

Councilman Gilbert stated he has a question for Mr. Leach and noted another pet peeve of his involves employees and providing opportunities for them. He stated he is curious about one of the statements made to the Council that he would like clarified. He stated that he knows we spent two million on moving debris and spent one million on another company; that one of his "things" is to provide an opportunity for the employees to gain some of the money and still keep the company we have contracted with, but based on what Mr. Norris said we pay them according to what they pick up. He stated his concern is it was stated he (Norris) had a concern about employees working ten hours per day, five days a week and on Saturday might hurt them because they operate heavy equipment. He stated his understanding is we do have people in the Yards working the ten hours and operating heavy equipment and asked that Mr. Leach help him to understand that part.

Admin. Leach stated, in general, Mr. Norris was saying there are certain activities at the Yards wherein if an employee works a certain amount of time you get diminishing returns on that employee's time; in other words, we either get low productivity or perhaps injury possibilities. He stated our idea was to balance off between working these folks six days a week, eight or ten hours a day, whatever it happens to be, which is what they were doing. He stated we then brought in the other company to supplement our employees and to relieve us of having to worry about employees working too long, too many hours and perhaps getting injured. He asked Councilman Gilbert to send him an e-mail regarding the particulars and he would look into it; that, in general, our employees have been on a very long stretch of having to work five-to-six days a

PUBLIC WORKS INQUIRY (Continued)

week and, in his opinion, it is not fair to the employee over time because of family issues. He stated they do not want to sustain injuries and are trying to balance this off; that it is not "rocket science" as they are trying to make sure they can do this according to what they think are safe work standards and that is all they are trying to do. He stated if Councilman Gilbert has a specific to please let him know and he will look into it.

Councilman Gilbert stated what Mr. Leach is saying is they don't have . . . Admin. Leach immediately responded "I did not say that".

Councilman Gilbert then stated "so, you might have" . . . Admin. Leach responded "might"; that if Councilman Gilbert will send him the information about the specific employee or employees he will be happy to look into it.

Councilman Gilbert stated he is not privy to certain things with Mr. Leach's personnel as he (Leach) can check quicker than he (Gilbert). He asked that Mr. Leach check to see who on the Yards is working ten hours a day, five days a week and get back with us. Admin. Leach stated he can do that.

Councilman Murphy referenced the temporary wood storage and asked if we are grinding on Brainerd Road, now.

Admin. Leach stated he heard something today about the grinding machinery as one was down and is not sure if that was Brainerd Road or not; that it is getting bigger and we will name it "Mount Murphy" if Councilman Murphy would like!

Councilman Murphy responded "no", that the permanent grinding facility is in his district. He asked how are we weighing the contractor trucks that come through the temporary locations; that he knows we have the permanent scale on Hawthorne; that presumably there is a temporary scale there. Admin. Leach stated he does not know how that is done and will have to check.

City Attorney McMahan stated the contract with the contractor basically provides that the trucks are registered, so we know how much that truck holds. He stated there is a person on site as the truck comes on and they ask if it is fully loaded or 75 percent loaded, so we are not getting an actual weight but getting a reasonable facsimile of that by virtue of how much the truck should be able to haul and it is being counted on every load as they come through the facility.

PUBLIC WORKS INQUIRY (Continued)

Councilman Murphy asked if we are paying based on weight. City Attorney McMahan responded "based upon truck load". Admin. Leach stated "volume".

City Attorney McMahan stated it is an estimated tonnage based upon the size of the truck and how much the truck is full.

Councilman Murphy stated the truck that comes in with a load of pine that does not weigh as much as oak counts the same as the load of oak. Admin. Leach stated he would assume, "yes". It was noticed that City Attorney McMahan was shaking his head affirmatively, as well.

Councilman Benson stated today one of the papers called him and said a lot of mulch is being unloaded off East Brainerd Road and asked if the wood is being ground into mulch and being dumped some place. Admin. Leach stated he is not aware of it.

Councilman Benson stated he was told it was not too far from Apison School which is in the county. Admin. Leach stated that would be a county contract.

Councilwoman Scott stated she asked the same question and Mr. Norris said it was volume and they have a person who has to visualize the contents of the truck as it goes through and he said it is volume, not weight.

Councilman Murphy stated he knows they have built a platform and have a scissors lift.

Admin. Leach stated he would send the Council the specifics and it may vary from one location to another; that one facility may do it one way and at another they do it differently where we have a scale.

Councilman Gilbert asked what FEMA requires, weight or visual. Admin. Leach stated they have not gotten into the FEMA requirements; that they have been going around-and-around with FEMA on this.

Councilman Gilbert stated he wants to make sure we do not get a "slap on the wrist" if their requirement is one thing and we are doing something totally different.

PUBLIC WORKS INQUIRY (Continued)

Admin. Leach stated they have hired a company that knows how to deal with FEMA and knows their regulations as they have had a lot of disagreements on where we should be getting reimbursed and they have certain reimbursement standards that we have to follow and we are trying to follow them. He stated they seem to be getting additional information on a daily basis; that our contracts, to the best of his knowledge, follows what FEMA requires but FEMA has been known to change requirements.

COMMITTEES

Councilwoman Scott stated the Personnel, Performance and Audit Review Committee met today.

Councilman Murphy stated the **Legal and Legislative and Safety Committee will meet on Tuesday, June 28.**

Councilman Gilbert reminded Council members of the **Parks and Recreation Committee scheduled for Tuesday, June 28** to hear a report from Friends of the Zoo.

Councilwoman Berz expressed a great big "thank you" to her colleagues who have worked long and hard on this budget and noted we are just about to see everything come to fruition. She stated for her it started in January working with the administration who worked extremely hard in the beginning before the first of the year and are still working with us. She stated we are just about at the end and publicly stated this Committee has been a pleasant challenge because she has been able to work with such professional people, not only in administration but each one on the Council; that their study of the budget has not been slacking in any way and have done a good job; that their constituents should be extremely proud of them. She stated they work hard not giving up values and not giving up representation of their constituents in very difficult circumstances; that very often that is not said to the Council members as they only hear some of the negatives, people that want to whine about budget. She again thanked them very, very much for their hard work and is very proud to be one of their colleagues!

Councilman Benson stated Councilwoman Berz thanked the wrong persons; that the Council should be thanking her as it is a hard job being Budget Committee Chairman. He stated he is enjoying being the chairman of a committee where he does not have to work that hard!

**RULES OF PROCEDURE FOR ADDRESSING THE
COUNCIL**

At this time City Attorney McMahan read from the Council's Rules of Procedure with reference to persons wishing to address the Council on non-agenda matters.

LEROY GRIFFITH

Leroy Griffith of 1115-A Grove Street yielded his time to Valarie Radu. Chairman Ladd informed Mr. Griffith that each person has three minutes and asked if Mr. Griffith had completed his time. Mr. Griffith responded "yes".

VALARIE RADU

Valarie Radu of 1804 Duncan Avenue stated she is a professional social worker and chairs the social work department at UTC and is a member of CHANGE, as well as Chattanooga Organized for Action, the group she represents tonight. She invited the Council to participate in a forum entitled "Cutting Deep: How and why Hamilton County stands to lose its most essential services". She stated the educational forum will be held on Monday, June 27, from 6-8 p.m. at the CAMPhouse located at 1427 Williams Street on the Southside. She stated the purpose is an educational opportunity to talk about the possible defunding of the agencies; that she knows the Council has struggled with the budget over the last few days in terms of protecting our most vulnerable citizens. She stated they wanted to recognize the Council's hard work and share their appreciation for their demonstration and commitment to doing what the Council can do to protect our citizens. She expressed hope some of the Council members could attend the forum.

ROBERT WHITE

Robert White of 1243 Village Green Drive asked the Council to contact the law enforcement personnel to help them enforce the noise ordinance in this city. He gave an example stating he lives 75 yards off Hixson Pike and at any given time of the day, especially on weekends, with the doors and windows shut, the television on and he and his wife in conversation, they hear the motorcycles within their house. He stated people along on the road are forced to listen to this noise given by motorcycles; that it applies to the amplified noises in cars or vans.

ROBERT WHITE (Continued)

Mr. White stated they are forced on the roads and in their houses to listen to this noise that occurs especially on Hixson Pike and 153. He stated there have been times when the vehicles have gone past our law enforcement personnel and nothing was done to enforce the noise ordinance. He expressed appreciation to the Council if they could do something to make our town a most livable and enjoyable place to live.

Chairman Ladd stated she and Mr. White spoke earlier today and he lives in her district. She stated she e-mailed the police department and they responded that they sent the message out to everyone working in the district asking them to be more attentive in pulling those over and to try to address that. She referred him to the police department representative present at the meeting to speak with following adjournment.

GARNET CHAPIN

Garnet Chapin of 313 Chambliss Street was present representing the newly reincorporated Northside Community Association. He stated the group is reinvigorating the former northside association which has fallen into disrepair; that the boundaries go from Highway 27 on the west, the River on the south, Red Bank on the north and Forest Avenue on the east; that it is a substantial area that incorporates a lot of people who have been under-represented of late. He stated it contains all of the areas proposed for expansion of the C-7 commercial zone on the north shore. He stated they are vitally interested in any changes that might happen there; that they are proposing to be able to have non-contiguous C-7 zones and they support that primarily because it requires design review. He stated there have been several contentious meetings between neighbors and developers in the past month or so and they have set out to meet with the developers, including John Wise, and have gotten a pledge from him to seek more community input through the C-7 process and to pursue more sustainable building practices in future developments. He stated they support what John Bridger has put for there to allow the expansion of the C-7 zone to non-contiguous areas and support it going all the way up Cherokee, to the tunnels, all the way up North Market to where John is proposing a new development and down Manufacturer's Road. He stated they have an active group of members, many of whom live and work in the neighborhood, who look forward to working with the entire Council in the future.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, June 28, 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)**

Attachment: Report for Plan of Services for Area 1B

**REPORT ON PLAN OF SERVICES PROVIDED FOR AREA 1B
AND NOTICE OF PUBLIC HEARING
IN ACCORDANCE WITH T.C.A. § 6-51-108(b)**

The City of Chattanooga, Tennessee, hereby reports on the progress to fulfill its Plan of Services for certain properties annexed into the present corporate limits of the City of Chattanooga, Tennessee, on September 29, 2009, which are adjacent to Cummings Highway and known as Area 1B and shown on the attached map. The Chattanooga City Council shall hold a public hearing on the progress of annexation services in this area on Tuesday, June 21, 2011, at 6:00 p.m. in the City Council Assembly Room located at 1000 Lindsay Street, Chattanooga, TN 37402.

A. POLICE - Patrolling, radio directed response to calls for assistance, crime prevention services, traffic control and accident prevention services and other police protection and support using existing police personnel and equipment has been provided since October 29, 2009.

B. TRAFFIC ENGINEERING - Traffic Engineering and installation of signs and other traffic control devices have been installed as required throughout this annexation area since October 29, 2009, as determined by appropriate planning studies. Currently traffic engineering has installed eight (8) traffic signs or street signs in the annexation area.

C. FIRE

1. Fire protection has been provided to this annexed area by existing personnel and equipment since October 29, 2009. A new fire station within the annexed area is scheduled for ground breaking on June 9, 2011. A Quint (combination ladder and pumper truck)

will be placed in service at that station when it opens. The City has provided emergency medical technicians on every piece of equipment that has served this annexation area as first responders since October 29, 2009. Once the new fire station opens, an Urban Search and Rescue Team will be located at Station 20 within this annexation area.

2. Within six (6) months after annexation, the need for additional fire hydrants was determined for this annexed area. Additional hydrants shall be installed in any areas where water mains of adequate size are available within eighteen (18) months. Placement of hydrants will be on the basis of nationally-accepted standards defined by adopted codes for the City of Chattanooga. As additional water lines of adequate size are extended into this annexation area by Tennessee American Water Company, additional fire hydrants shall be installed as required by the above-mentioned standard when the population density or need for hydrant services is determined by the Fire Chief to be sufficient to cost effectively extend hydrant services to any newly developed properties within this annexation area, subject to appropriation of required funds.

D. REFUSE COLLECTION - Refuse collection has been provided by existing personnel since October 29, 2009. The City has provided 119 garbage cans in this annexation area and has responded to 84 calls related to refuse collection, recycling, traffic flash, and other general maintenance matters since October 29, 2009.

E. ROAD AND STREET CONSTRUCTION AND REPAIR; SIGNS AND LIGHTING, AND STORMWATER AND DRAINAGE

1. Emergency maintenance of streets (repair of hazardous pot holes, measures necessary to maintain normal traffic flow), removal of snow and/or sanding of streets during icing conditions has been provided by existing personnel since October 29, 2009.

2. Street name signs have been installed as needed in all substantially developed areas since May 1, 2010.

3. Street lights have been installed under the same standards as now prevail in the City of Chattanooga. A study was conducted within six (6) months of the effective date of annexation to consider the need for any additional street lights within the annexed area and such additional street lights are being installed.

4. Stormwater and drainage services for all streets within the annexed area was studied within six (6) months of the effective date of annexation, and the City is currently providing additional stormwater and drainage services which have been considered necessary by this study.

5. Erosion and drainage services for the Water Quality Program have been provided to all streets within this annexed area since October 29, 2009.

F. PLANNING AND ZONING - Planning and zoning for this annexation area was established by Ordinance No. 12348, adopted February 16, 2010.

G. RECREATION FACILITIES AND PROGRAMS

1. All of the recreational areas and programs of the City were made available immediately to all residents of this annexed area on October 29, 2009.

2. Recreation programs such as swimming, summer camps, baseball, flag football, basketball, tennis have been available to all residents of this annexed area since October 29, 2009.

H. WATER SYSTEM - Water for all annexed properties continue to be provided in this annexed area by Tennessee American Water Company. Extensions of water services to new

development within this annexation area shall be provided with the City by the Tennessee American Water Company.

I. ELECTRICAL SERVICE - Electricity continues to be provided to all residents of this annexed area by the Electric Power Board of Chattanooga.

J. SEWER SYSTEM - The City of Chattanooga has agreed to provide sewer services to the annexed area within three (3) years of the effective date of annexation, as provided in Paragraph 6(C) of the Master Interlocal Agreement approved by the City of Chattanooga dated May 23, 2001, if the Hamilton County Water and Wastewater Treatment Authority, (hereinafter “WWTA”), cedes its service area to the City within thirty (30) days of the date of annexation. If sewer services for properties within the annexed area are not ceded to the City of Chattanooga or allowed to be provided by the City of Chattanooga because this area is retained by the WWTA, such services will be provided to the residents of the newly annexed area by the WWTA to the extent that lines are available within the annexed area and density of development makes new sewer lines feasible and funds for construction of necessary sewer lines are available as determined by the WWTA Board. The City of Chattanooga and WWTA have been in discussion about ceding all service areas within this Annexation area to the City, but presently the responsibility for sewers is with the WWTA.

K. INSPECTION/CODE ENFORCEMENT

1. The Public Works Department has provided plans review services, inspection, and code enforcement services (building, electrical, plumbing, gas, and unsafe building reviews, land use [zoning], and development services, including flood plain NFIP/FEMA requirements) for this annexed area since October 29, 2009.

2. Neighborhood Services and Community Development has provided code enforcement services for sub-standard housing, litter, overgrowth, and illegal dumping for this annexed area since October 29, 2009. Three (3) complaint calls have been received within this annexation area by Neighborhood Services and one (1) permit for residential construction has been issued since October 29, 2009.

L. ANIMAL CONTROL - The McKamey Animal Care and Adoption Center has provided the services of animal control by contract with the City and has enforced the City's leash laws and other animal control ordinances in this annexation area since October 29, 2009.