

**CITY COUNCIL BUILDING
SEPTEMBER 13, 2011
6:00 P.M.**

Chairman Ladd called the meeting of the Chattanooga City Council to order with Councilmen Benson, Berz, Gilbert, McGary, Murphy, Rico, Robinson, and Scott present. City Attorney Kenneth Fritz; Management Analyst Randy Burns; and Kathy Camp, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

The Pledge of Allegiance was led by Councilwoman Ladd, followed by invocation given by Councilwoman Scott.

MINUTE APPROVAL

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

ANNEXATION DATE CHANGE

On motion of Councilman Benson, seconded by Councilwoman Berz,
**AN ORDINANCE AMENDING ORDINANCE NO. 12317 EXTENDING
THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA,
TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO
THE PRESENT CORPORATE LIMITS OF THE CITY OF
CHATTANOOGA KNOWN AS AREA 9B, BEING CERTAIN PARCELS
ADJACENT TO OLD LEE HIGHWAY AND APISON PIKE WITHIN
THE URBAN GROWTH BOUNDARY OF THE CITY OF
CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN
BY THE ATTACHED MAP, BY CHANGING THE EFFECTIVE DATE
OF SAID ANNEXATION TO DECEMBER 31, 2012**
passed final reading with **Councilmen Gilbert and Scott voting no.**

AMEND CITY CODE

On motion of Councilman Murphy, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART
II, CHAPTER 24, ARTICLE I, BY ADDING A NEW SECTION 24-49
RELATIVE TO USE OF HAND-HELD MOBILE TELEPHONE OR
PERSONAL DIGITAL ASSISTANT PROHIBITED WHILE DRIVING**

was openly discussed and on motion of Councilman Gilbert, seconded by Councilwoman Scott, this matter **was deferred for two weeks (September 27, 2011). Councilman McGary, Councilman Murphy and Councilman Rico voted No.**

A discussion was held regarding the necessity for this ordinance and how it would be enforced. Council was advised that Judge Russell Bean had requested the ordinance so that he would be able to handle them in City Court. City Attorney advised that it would be a non-moving violation which was in compliance with State law. Captain Ken Neblette of the Chattanooga Police Department advised that enforcement measures would be difficult and that most would not be discovered until an accident had occurred. Councilwoman Scott wanted to know if this included dialing numbers or just texting messages and that the ordinance needed to be more specific and requested that it be deferred for clarification. Councilman Gilbert seconded the motion but only for the purpose of clarification on the texting vs. dialing numbers.

REZONING

On motion of Councilwoman Robinson, seconded by Councilman McGary,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART
II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE
PROPERTY LOCATED AT 111 CROSS STREET, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL
ZONE TO O-1 OFFICE ZONE**

was deferred two weeks (September 27, 2011).

A discussion was held with the property owner, Don Johnson, advising the Council that he had complied with their conditions and had put a fence and bushes around three sides of the property. Councilwoman Scott advised that the property is bound by a residential area and that parking needed to be worked out. The property owner was advised to meet with the City Traffic Engineer to see if parking could be resolved. Councilman Benson advised that he had been on site and that they were doing a good job.

REZONING

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 APPROVE LIFTING CONDITION NO. 1 TO ALLOW TWO STORY BUILDINGS AND LIFTING CONDITION NO. 2 TO ALLOW PARKING TO THE REAR ALONG THE R-2A RURAL RESIDENTIAL DEVELOPMENT IMPOSED IN ORDINANCE NO. 11788 ON PROPERTY LOCATED AT 3336 JENKINS ROAD, BEING MORE PARTICULARLY DESCRIBED HEREIN IN THE ATTACHED MAP

was passed on first reading.

Councilman Benson advised that he had been to the site and they were doing a good job.

REZONING

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 APPROVE AMENDING CONDITION NO. 1 TO ALLOW HAIR SALONS AS WELL AS OFFICES IMPOSED IN ORDINANCE NO. 11490 ON PROPERTY LOCATED AT 8402 EAST BRAINERD ROAD

was passed on first reading.

The property owner, Penny Manis, was present and advised Council of property location.

TIGER III GRANT

On motion of Councilman Murphy, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND, IF APPROVED, ACCEPT A TIGER III GRANT RELATIVE TO THE WILCOX TUNNEL PROJECT IN AN AMOUNT UP TO \$25 MILLION WITH THE CITY MATCHING FUNDS IN THE AMOUNT OF \$17 MILLION THROUGH LOCAL AND/OR OTHER GRANTS

was adopted.

INTERLOCAL AGREEMENT

On motion of Councilwoman Scott, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO AN INTERLOCAL AGREEMENT WITH U.S. COMMUNITIES TO PURCHASE, AS NECESSARY, PRODUCTS THAT PRESENT A SAVINGS TO THE CITY
was adopted.

Councilman McGary wanted to know if this was simply an authorization to purchase from a particular site. Dan Johnson advised that Councilman McGary was correct and that they would compare with local vendors.

PURCHASE

On motion of Councilwoman Scott, seconded by Councilman McGary
A RESOLUTION AUTHORIZING THE PURCHASE OF 189 CAMERA SYSTEMS AND LAP TOPS FROM U.S. COMMUNITIES FOR A TOTAL AMOUNT OF \$1,505,710.00
was adopted.

HOMELAND SECURITY GRANT

On motion of Councilman Murphy, seconded by Councilwoman Scott
A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO APPLY FOR AND, IF AWARDED, ACCEPT A FIREFIGHTERS' GRANT ISSUED BY THE U.S. DEPARTMENT OF HOMELAND SECURITY UNDER THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FOR A REQUEST FOR FUNDING EQUIPMENT, TRAINING AND/OR FACILITIES TO INCREASE FIREFIGHTER SAFETY WITH THE CITY PROVIDING A COST SHARE OF NON-FEDERAL FUNDS OF 20% OF THE TOTAL PROJECT COST IN THE AMOUNT OF \$35,342.00, FOR A TOTAL PROJECT COST IN THE AMOUNT OF \$176,710.00
was adopted.

SPECIAL EXCEPTIONS PERMIT

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson
A RESOLUTION SIMULTANEOUSLY APPROVING A PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS CRESCENT ON THE GREEN ON PART OF A TRACT OF LAND LOCATED IN THE 4200 BLOCK OF CUMMINGS HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

OVERTIME REPORT

Overtime for the week ending September 8, 2011, totaled \$21,685.39.

PERSONNEL

The following personnel matters were reported for the various departments:

PARKS AND RECREATION:

- **GEORGE PRICE** - Family Medical Leave, Park Ranger, effective August 25, 2011.
- **CHARLE SCHULZ, CARLOS SHACKELFORD** - Hire, Crew Worker 1, Range 2, \$22,350.00 annually, effective August 26, 2011.
- **CHARLES SKINNER** - Retirement, Building Maintenance Mechanic 1, effective August 31, 2011.
- **JOHN WILSON** - Hire, Personnel Assistant, Range 8, \$25,521.00 annually, effective September 9, 2011.
- **JIMMY LONG** - Leave of Absence, Recreation Facility Manager 1, effective August 26, 2011.

PERSONNEL (Continued)

CHATTANOOGA FIRE DEPARTMENT:

- **GREGORY NEAL** – Promotion, Building Maintenance Mechanic 1, Range 9, \$28,945.39 annually, effective September 6, 2011.

CHATTANOOGA POLICE DEPARTMENT:

- **ELIZABETH MCCOLLEY** – Promotion, Police Records Technician, Range 5, \$22,350.00 annually, effective September 12, 2011.

INFORMATION SYSTEMS:

- **JEROD WINDBERRY** – Military Leave, Manager Network, effective September 1 – December 30, 2011.

NOTE OF THANKS

Chief Parker addressed the Council and thanked Councilwoman Ladd for her participation in the 9/11 Memorial Event that she attended on Sunday, September 11, 2011. Councilman McGary agreed that Councilwoman Ladd did a great job and spoke from her heart at the event.

REFUNDS

Daisy Madison addressed the Council and advised that refunds in the amount of \$115,713.00 due to Error & Release per State Board of Equalization and Assessment Change as follows: \$4,524.24 to 3B/The Black Group; \$5,348.35 to Boynton II LP; \$3,720.59 to Dodson Avenue Partners LP; \$3,162.50 to Ledford Apartments LLC; \$2,604.41 to St. Elmo Senior Housing LP; \$4,511.22 to D.S. Hickory Valley Inc.; \$15,059.98 to Mimms Investments; \$23,751.23 to Coca Cola Bottling Co. United East LLC; \$7,702.47 to United Packers of Chattanooga, LLC; \$20,732.98 to Arbor Creek Apt Property LLC; \$1,787.75 to North Chattanooga Housing Partners I LP; \$7,403.98 to Mountain Creek Apartment Co LLC; \$2,139.34 to Mid-America Capital Partners LP; \$1,544.05 to

REFUNDS (Continued)

Windridge Apartments LTD c/o Mid-America Apts.; \$3,292.72 to Golden Gateway Apartments Limited c/o Abbitt Realty Company Inc.; \$5,469.27 to Villas at Oak Crest GP c/o Fellers Schewe Scott & Roberts; and \$2,957.87 to Bluff View Partners c/o Partheson Properties.

On motion of Councilman McGary, seconded by Councilwoman Robinson, the Administrator of Finance was authorized to issue payment.

PURCHASE

On motion of Councilwoman Berz, seconded by Councilman McGary, the following purchase was approved for use by the Public Works Department:

INGERSOLL-RAND CO. (Blanket Contract)
Requisition R45650

Blanket Contract for Air Compressor Annual Maintenance & Repair Services

\$20,000.00

OTHER BUSINESS

Councilman Benson addressed the Council and asked the Clerk to read the following Resolution:

A RESOLUTION AUTHORIZING THE CHATTANOOGA CITY COUNCIL TO URGE THE MEMBERS OF THE LOCAL HAMILTON COUNTY DELEGATION TO OFFER AND SUPPORT AN AMENDMENT TO PUBLIC CHAPTER 2011-323 IN ORDER TO PROTECT AND ENSURE THE RIGHTS OF OUR CITIZENS TO VOTE.

Councilman Murphy advised that given the Resolution was on next week's agenda that no motion was necessary at this time.

COMMITTEES

Councilwoman Scott scheduled a meeting of the **Performance and Audit Review Committee for Tuesday, September 20** to review matters which have been reviewed by the City Auditor.

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, September 20.**

Councilman Murphy stated the Legal & Legislative Committee will not meet next week.

Councilman McGary reminded Councilwoman Scott to announce the meeting for tomorrow. Councilwoman Scott thanked Councilman McGary for the reminder and announced that there would be a Sub-Committee for the Council to review the *Beer Code* in the City Council conference Room from 10:00 a.m. - 12:00 p.m.

SHUFFLEBOARD

Councilman Gilbert advised that Brainerd Center has shuffleboard and challenged everyone to play on Mondays from 10:00 - 12:00.

Councilwoman Berz accepted Councilman Gilbert's challenge to shuffleboard!

AGENDA/9-20-11

Chairman Ladd stated next week's agenda was discussed earlier during the Agenda Session.

ADJOURNMENT

Chairman Ladd, upon seeing no addresses to the Council, adjourned the meeting of the Chattanooga City Council until Tuesday, September 20, 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)