

CITY COUNCIL BUILDING
May 22, 2012
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. Assistant City Attorney Phil Noblett, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the Council, were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

The Pledge of Allegiance was led by Councilman Benson, followed by Invocation.

MINUTE APPROVAL

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

ANNEXATION

On motion of Councilman Rico, seconded by Councilwoman Scott,

AN ORDINANCE AMENDING ORDINANCE NO. 12292 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 4A, BEING CERTAIN PARCELS ADJACENT TO THE CURRENT CITY LIMITS BETWEEN HIXSON PIKE AND MIDDLE VALLEY ROAD WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

passed second and final reading and was signed in open meeting, with **Councilman Gilbert voting "no"**.

ANNEXATION

On motion of Councilwoman Scott, seconded by Councilman Rico,

AN ORDINANCE AMENDING ORDINANCE NO. 12293 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 4C, BEING CERTAIN PARCELS ADJACENT TO THE CURRENT CITY LIMITS OF HIXSON MARINA ROAD, BIG RIDGE ROAD, AND FAIRVIEW ROAD WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

passed second and final reading and was signed in open meeting with **Councilman Gilbert** voting “no”.

**AMEND CITY CODE/
ONE-WAY STREETS**

On motion of Councilman McGary, seconded by Councilman Rico,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, ARTICLE XIV, CHAPTER 24, SECTION 504, SCHEDULE 1V, ONE-WAY STREETS, FOR THE LIMITS TO BE CHANGED FROM BALDWIN STREET TO PASSENGER STREET

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

**AMEND CITY CODE/
VALET PARKING**

Councilwoman Scott mad the motion to amend this Ordinance to have a sunset provision of July 1, 2013 and also a summary report of the full service agreement. This was seconded by **Councilman McGary**.

Councilman Murphy stated that this was a brilliant idea but questioned how we could technically remember this because we will be working within the framework of two administrations.

Councilwoman Berz stated that she was against this amendment and made the motion to defer, stating that she thought an ongoing program has to be worked out; that this seemed to meet the needs of two to three restaurants; that it is a good idea that needs working on, and she thought it should be deferred for more thought to go into it; that to meet the needs of a special interest group was premature. This was seconded by **Councilman Benson**.

VALET PARKING (CONT'D):

Councilwoman Scott asked Councilwoman Berz what her timeframe was for deferral? Councilwoman Berz responded that that would be up to Public Works; that we needed to know if all of downtown would like this and also who we would be keeping out; that it is a good concept and asked if Public Works would think about this.

Councilman Murphy stated that the CEO of River City was in the audience—Kim White—and we could hear from her

Councilwoman Berz responded that Kim White does a great job but that she would like to hear from Public Works because her concerns are more in the public interest; that as she understood it, there were two restaurants downtown with insufficient parking; that the whole concept of valet parking is something we need to look at; that it is a little premature to look at it from a special interest perspective; that the more we talked about it, it sounded like special interest; that it needs to be thought out, and she wanted to know if all of downtown is behind this—that she needed some help.

Adm. Leach stated that some restaurants would like to have valet parking as an option, and they could request this; that Ms. White could send out a questionnaire, which might be appropriate; that folks came to them with this request.

Councilwoman Berz asked if it were at the request of two restaurants? Adm. Leach responded that it was actually a valet company in conjunction with restaurants; that this was not a unique thing; that they would follow up if Ms. White was agreeable to sending out information to members.

Kim White spoke, stating that valet parking encourages what we are trying to do downtown in becoming a cosmopolitan city—getting people off of meters and into garages; that if restaurants will do this, it is fantastic; that other cities have this, and it opens up free parking on the street; that some people won't come downtown because of the parking, and this would open up free parking spaces; that it would be fantastic for downtown. Councilwoman Berz questioned if it would be "free". Ms. White explained that it would be if the restaurants wanted to pay for it—that the restaurants would have to work this out to see if it makes sense; that it would be great for us to have options.

Chairman Ladd asked if we were setting a time on the deferral? Councilwoman Berz suggested deferring this for 30 days. Councilman Benson questioned if this would be enough time; that valet parking is good—that other cities have taken this over and parked cars in commercial parking lots and garages; that what we are talking about will take up a parking meter, and he did not know if he could vote for this.

VALET PARKING (CONT'D)

COUNCILMAN MURPHY	"NO"
COUNCILWOMAN SCOTT	"NO"
COUNCILWOMAN ROBINSON	"NO"
COUNCILMAN BENSON	"YES"
COUNCILMAN GILBERT	"YES"
COUNCILWOMAN BERZ	"YES"
CHAIRMAN LADD	"YES"

Councilwoman Scott then made the motion to amend, changing the timeframe from one year to six months. This was seconded by Councilman McGary.

Councilwoman Berz stated that she would like to entertain the idea that there is some evidence that the business community wants this—some evidence as to what Public Works kept talking about.

Councilwoman Scott stated that she thought the usage of this in six months would be evidence as to whether this would be a positive thing; that in six months if no one is interested, nothing will be done, and we will know.

Councilwoman Robinson wanted to know what we are voting on?

Councilwoman Scott stated that we would be voting on the Ordinance, as written, but it would last for six months and go to sunset unless we renewed it, and we would get a report from Traffic Engineering that would either say this did not work, or that all wanted it—that it would show whether this is working or not; that in the meantime, six months was not an unreasonable amount of time; that it had worked in other places, and we needed to put this to a vote.

Councilman Rico stated that if it is counterproductive, we could change it.

Councilwoman Berz still felt that this needed assessment first, with Councilman Benson adding that we had nothing in writing.

VALET PARKING (CONT'D):

On motion of Councilwoman Scott, seconded by Councilman McGary,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 24,
SECTIONS 24-337, 24-338, 24-339, AND 24-340, RELATIVE TO PERMITS FOR
VALET PARKING IN METERED SPACES FOR DOWNTOWN BUSINESSES**
passed first reading, as amended with Councilman Benson and Councilwoman Berz voting
“no”.

Councilman Murphy made the motion that Ordinances (b) through (f) be read and then one
motion be made for all. This was seconded by Councilman McGary.

**AMEND CITY CODE
HANDICAP AND ACCESSIBILITY**

On motion of Councilman Rico, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 10,
SO AS TO ADOPT THE 2012 EDITIONS OF THE INTERNATIONAL BUILDING
CODE, THE INTERNATIONAL RESIDENTIAL CODE, AND THE 2009 EDITION OF
THE ENERGY CONSERVATION CODE AND CERTAN APPENDICES OF THOSE
CODES AS REVISED AND AMENDED AS THE OFFICIAL BUILDING CODE,
RESIDENTIAL CODE AND ENERGY CONSERVATION CODE OF THE CITY OF
CHATTANOOGA, AND TO AMEND 10-7 CONCERNING HE ADOPTION OF THE
2009 ANSI NATIONAL STANDARD AS THE OFFICIAL HANDICAP AND
ACCESSIBILITY CODE OF THE CITY OF CHATTANOOGA**
passed first reading.

**AMEND CITY CODE/
ELECTRICAL CODE**

On motion of Councilman Rico, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 14,
SO AS TO ADOPT THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE
AND CERTAIN APPENDICES AS REVISED AND AMENDED AS THE OFFICIAL
ELECTRICAL CODE OF THE CITY OF CHATTANOOGA**
passed first reading.

**AMEND CITY CODE/
FUEL GAS CODE**

On motion of Councilman Rico, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 19,
SO AS TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL FUEL GAS CODE
AND CERTAIN APPENDICES AS REVISED AND AMENDED AS THE OFFICIAL GAS
CODE OF THE CITY OF CHATTANOOGA**
passed first reading.

**AMEND CITY CODE/
MECHANICAL CODE**

On motion of Councilman Rico, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER
22.5, SO AS TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL
MECHANICAL CODE AND CERTAIN APPENDICES AS REVISED AND AMENDED
AS THE OFFICIAL MECHANICAL CODE OF THE CITY OF CHATTANOOGA**
passed first reading.

**AMEND CITY CODE/
PLUMBING CODE**

On motion of Councilman Rico, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 27,
SO AS TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL PLUMBING
CODE AS REVISED AND AMENDED AS THE OFFICIAL PLUMBING CODE OF THE
CITY OF CHATTANOOGA**
passed first reading.

**AMEND CITY CODE/
"AS-BUILT" DRAWINGS**

On motion of Councilman McGary, seconded by Councilman Gilbert,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, ARTICLE XII,
STREETS AND SIDEWALKS, BY AMENDING SECTION 32-285, "AS-BUILT"
DRAWINGS**
passed first reading.

INTERIM BUDGET

On motion of Councilwoman Berz, seconded by Councilman Benson,
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 2012, PENDING THE ADOPTION OF THE 2012-2013 ANNUAL BUDGET
passed first reading.

CLOSE AND ABANDON

2012-031 (STRINGER’S RIDGE ASSOCIATION)

On motion of Councilwoman Scott, seconded by Councilman Rico,
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF TWO RIGHT-OF-WAYS OF AN UNOPENED PORTION OF WAYNE AVENUE AND THE 900 BLOCK OF WHITEHALL ROAD WITH COMCAST TO MAINTAIN THE EASEMENT IN THE FULL WIDTH, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

**APPROPRIATION/
BESSIE SMITH STRUT**

Councilwoman Scott stated that she would like to amend this Ordinance to show this as a loan for one year, subject to no interest rate. Councilman Benson stated that he would like to see something else in the motion—that would be a line of credit if they make net profits. Councilwoman Scott stated that she would include this.

Councilman McGary read an addendum to the Mayor from the Bessie Smith Cultural Center that reads *“Much of our revenue is unknown in this year of change with community participation and community perception of heightened security, the new gate/entry charges, etc. Additionally, due to the timing of the printing of the Riverbend marketing materials (which occurred when the Strut was in limbo) the Strut is not listed in any of these materials, thus incurring, for us, additional marketing expenses. The total requested for rental, electrical, printing, ID System, and Legal Expenses was \$9,946.00.”* Councilman McGary stated that he would vote against a line of credit.

BESSIE SMITH STRUT (CONT'D)

Councilman Benson stated that a line of credit is a more business-like way; that if they make a big profit, we will call the loan in—that if they don't make a profit, we will forgive the loan.

On motion of Councilwoman Scott, seconded by Councilman Benson,

AN ORDINANCE APPROPRIATING AN ADDITIONAL TEN THOUSAND DOLLARS (\$10,000.00) FROM THE GENERAL FUND TO BESSIE SMITH CULTURAL CENTER FOR EXPENSES INCURRED IN ORGANIZATION AND IMPLEMENTATION OF THE 2012 BESSIE SMITH STRUT

as amended, failed on roll call vote as follows:

COUNCILMAN MURPHY	"NO"
COUNCILWOMAN SCOTT	"YES"
COUNCILWOMAN ROBINSON	"NO"
COUNCILMAN BENSON	"YES"
COUNCILMAN GILBERT	"NO"
COUNCILWOMAN BERZ	"NO"
COUNCILMAN RICO	"NO"
COUNCILMAN MCGARY	"NO"
CHAIRMAN LADD	"YES"

On motion of Councilman McGary, seconded by Councilman Murphy,

AN ORDINANCE APPROPRIATING AN ADDITIONAL TEN THOUSAND DOLLARS (\$10,000.00) FROM THE GENERAL FUND TO BESSIE SMITH CULTURAL CENTER FOR EXPENSES INCURRED IN ORGANIZATION AND IMPLEMENTATION OF THE 2012 BESSIE SMITH STRUT

passed first reading with Councilman Benson and Councilwoman Scott voting "no".

AGREEMENT

On motion of Councilman McGary, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR AND ACCEPT FUNDING FROM THE RIVERCITY COMPANY AND TO EXECUTE A PARTNERSHIP AGREEMENT FOR THE GET BUILT PROPERTY STREETScape IMPROVEMENT PROJECT ON WEST MAIN STREET, IN THE AMOUNT OF THREE THOUSAND TWO HUNDRED DOLLARS (\$3,200.00)
was adopted.

TEMP. ROW USE

On motion of Councilwoman Scott, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING RAY A. SMITH TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 3365 CENTERVIEW LANE TO INSTALL A SEWER LINE LATERAL, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BE REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

TEMP. ROW USE

On motion of Councilman Rico, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING ELLEN HEAVLON TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 110 EAST MAIN STREET TO INSTALL SIGNAGE, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

AGREEMENT

On motion of Councilwoman Berz, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE PERSONNEL ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH MCKEESON PHARMACY SYSTEMS TO PROCESS CREDIT, DEBIT, AND MEDICAL REIMBURSEMENT CARD TRANSACTIONS AT THE WELLADVANTAGE PHARMACY FOR A TERM OF THREE (3) YEARS WITH THE CONTINUATION OF USAGE FOR ADDITIONAL ONE (1) YEAR PERIODS UNLESS TERMINATED BY EITHER PARTY
was adopted.

**TEMP USE AGREEMENT/
NEEMA**

Councilwoman Scott inquired as to whether this was a business venture or for personal use? She stated that if it were for personal use, she had no objections but to use this as a business venture on public property, she would have question on this. She asked if anyone knew?

Beverly Johnson stated that it was her understanding the community garden is for personal use of the individuals that are a part of NEEMA. Councilwoman Scott confirmed that they would not be selling anything.

Councilman Benson stated that he would vote for this; however he had read the Mission Statement, and it reads “in the Chattanooga area” and not just the Westside; that it does not say just Westside, according to their mission.

Councilwoman Berz also asked if this was just for members of NEEMA and people who live in this area in regards to Councilman Benson’s comment? Ms. Murdock responded that NEEMA works with individuals who happen to live on the Westside.

Mark Hackett, a member of the Steering Committee of NEEMA spoke. He explained that most do live on the Westside; that they prepare them to move into other housing as they become self-sufficient—when they become self-sufficient they are able to move out; that mostly they are NEEMA clients.

Councilman Benson reiterated that he supported this but wanted to be sure this was open to anyone with a need; that they would support whether they lived there or not. Councilwoman Berz still questioned if they were saying this was only for NEEMA individuals. Mr. Hackett responded that if others want to use the garden and the City is okay with it, they would be okay with it also.

On motion of Councilman McGary, seconded by Councilman Gilbert,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF HUMAN SERVICES TO ENTER INTO A TEMPORARY USE AGREEMENT WITH NEEMA RESETTLEMENT OUTREACH AND THE COMMUNITY FOUNDATION OF GREATER CHATTANOOGA TO USE A PORTION OF VACANT LAND ON CHATTANOOGA HUMAN SERVICES CAMPUS, AS DESIGNATED BY THE ADMINISTRATOR, FOR A COMMUNITY GARDEN

was adopted **with Councilwoman Robinson abstaining.**

**TEMP. USE AGREEMENT/
NEEMA**

Councilwoman Scott stated that she could not support this Resolution because it does set a precedent for doing this; that the claim is that this is not a religious organization, but everything told her it feels like it is. She stated that she had done research on this organization, and it is a great mission that has a lot to offer—that it is a good work; however she did not feel we could set a precedent of offering free office space with free utilities to all organizations—that we would find a “spot” for them in city government; that this opens the door for other organizations. She went on to mention their Mission, stating that she thought she knew what it was—to promote self-sufficiency in the Chattanooga area; that the Mission Statement before the last one read “*non-Hispanic refugee and immigrant individuals and families*”. She noted that the Mission Statement seems to be changing, and she did not have a good feel about this.

Councilman Murphy stated that he had had a conversation with Ron Swafford—that utilities would be provided for this office space whether NEEMA was here or not; that it is a marginal cost that is essentially “nothing”; that with regards to the precedent issue, he would politely suggest that this was “burned a long time ago”, mentioning the Salvation Army, Inter-faith, and the East Lake Senior Center—that we have examples throughout city government; that this is not setting a precedent; that more dollars are involved in many others; that if some are not comfortable in making this judgment as to the worth, then it is okay; that if some want to vote “no”, he would say that is okay, but it was also okay for others to vote “yes” or we might have to evict everybody, jokingly saying we would start with the East Lake Senior Center.

Councilman McGary stated that we were rehashing what we did last week—the use of language; that some felt that “ministry” was a religious term, but it is not—that the Federal Government uses the word “minister” for departments; that there is a larger understanding; that we are having the same conversation today; that what is on paper and what they actually do are two different things—that the whole conversation as to what NEEMA actually does is being lost; that immigrants, as a whole, have been politicized and underfunded for years and NEEMA in filling in gaps and transitioning so that these people do not fall through the cracks; that it is something that is worthwhile for the city, and he firmly supported it.

Councilwoman Berz stated that we have a second Mission Statement here—that Councilman Benson had read it; that before this there was another Mission Statement and questioned if one can change their mission unilaterally? She noted that the first Mission Statement excluded Hispanics by saying “*to promote self-sufficiency for non-Hispanic refugee and immigrant individuals and families*”.

NEEMA (CONT'D)

Ms. Murdock stated that the one Councilman Benson had read was the current Mission Statement. Councilwoman Berz asked her if it changed an hour ago? Ms. Murdock stated that the one leaving out “non-Hispanic” was the one that was adopted; that their Mission Statement says exactly what they do—that they took “non-Hispanic” out. She stated that they wanted to partner with the city and that they were not a religious organization; that this second statement had been “sanitized”; that they worked with refugees and immigrants, and they could put Hispanic in or leave it out; that La Paz was already doing this with Hispanics—that what they were doing “mirrored” what La Paz was doing.

Councilwoman Berz still maintained that their Mission unilaterally changed in the last hour, and she did not think this was “real kosher”; that what the Council had originally was their Mission, and it included “non-Hispanic”.

Ms. Murdock stated that this was a new game for them; that they would really like a partner with government; that if they needed to be more inclusive, they could do that; that she was not trying to “skirt” the issue.

Councilwoman Berz asked if the two of them—Mr. Hackett and Ms. Murdock—had it within their power to change the original Mission? Mr. Hackett stated that they could take this back to their Steering Committee. Councilwoman Berz noted that the supposition in their Statement was not quite true; that she wanted to make sure about the Mission, which had not been approved by their Board; that she wanted to clear this up.

Ms. Murdock responded that their Board had approved for “non-Hispanic”; that the second Mission Statement was “sanitized and modified” language; that they wanted to partner with the City—that the second statement had not been before the Board. Councilwoman Berz asked if this Statement was going before the Board? Ms. Murdock explained that everything was in their original Mission Statement—that the “sanitized” version does not tell everything they do—that it is a Literacy Program that provides advocacy, support and education to a “targeted” audience; that some Hispanics have come because they like what they are doing. Councilwoman Berz asked Ms. Murdock if she preferred the Mission Statement that includes “non-Hispanics”, and she said “yes”.

Councilman Rico interjected that “we know what they do”; that La Paz does the same thing for Hispanics; that we know who they are referring to and who they are talking about—that it was pretty simple to him. Councilman Gilbert agreed, saying their Mission is what it is.

NEEMA (CONT'D)

Councilwoman Scott stated that she would like to ask the opinion of the City Attorney; that she was not aware that we were funding La Paz or any of the other organizations talked about. She wanted to know if the old Mission Statement, including the word “non-Hispanic” was discriminatory, since it picks out one cultural group and excludes them?

Attorney Noblett responded that there has to be equal access to all individuals for services; that it has to be all that have a need; that they have explained that other entitlements are provided and that is why they excluded this group.

Ms. Murdock stated that the Steering Committee would approve this; that they would not tell anyone they had to leave because they were not an African refugee; that they welcomed everyone with open arms and embraced diversity and promoted it.

Councilman Benson stated that he guessed he caused this confusion; that we were not only voting on this Mission Statement; that if anyone was excluded, the Council could shut them down; that if they did anything opposite to their Mission Statement, we could cut off funding.

Councilman McGary talked about the “exclusion and inclusion” language, stating that non-profit organizations don’t do everything—that they have to be strategic; that he could understand targeting a group and refugees were not a cultural group; that their target is exclusively refugees, but they would not turn anyone away; that we are arguing about something that all non-profits do and are being foolish about this; that they serve refugees and immigrants and should not be penalized.

On motion of Councilman McGary, seconded by Councilman Murphy,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF HUMAN SERVICES TO ENTER INTO A TEMPORARY USE AGREEMENT WITH NEEMA RESETTLEMENT OUTREACH AND THE COMMUNITY FOUNDATION OF GREATER CHATTANOOGA TO LEASE OFFICE SPACE AT 501 WEST 12TH STREET AT AN ANNUAL RATE OF ONE DOLLAR (\$1.00)

was adopted on roll call vote as follows:

COUNCILWOMAN SCOTT	“NO”
COUNCILWOMAN ROBINSON	“ABSTAIN”
COUNCILMAN BENSON	“YES”
COUNCILMAN GILBERT	“YES”

NEEMA (CONT'D)

COUNCILWOMAN BERZ	"ABSTAIN"
COUNCILMAN RICO	"YES"
COUNCILMAN MCGARY	"YES"
COUNCILMAN MURPHY	"YES"
CHAIRMAN LADD	"YES"

CONTRACT

On motion of Councilman Murphy, seconded by Councilman Rico,

A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO ENTER INTO A CONTRACT WITH ARTECH DESIGN GROUP, INC. TO DESIGN AND OVERSEE CONSTRUCTION OF FIRE STATION NO. 9 LOCATED AT 3250 8TH AVENUE, IN THE AMOUNT OF ONE HUNDRED THIRTEEN THOUSAND FIVE HUNDRED TWENTY DOLLARS (\$113,520.00)

was adopted.

LATE NIGHT PERMIT

2012-049 (PAISA, INC.)

On motion of Councilman McGary, seconded by Councilman Murphy,

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR USE OF A LATE NIGHT ENTERTAINMENT CENTER LOCATED AT 6175 AIRWAYS BOULEVARD, AS MORE PARTICULARLY DESCRIBED IN THE ATTACHED REPORT AND MAPS, SUBJECT TO CERTAIN CONDITIONS

was deferred for one week.

Councilman Murphy explained that they were still working out some issues.

TVA TREE POLICY

Councilman Murphy stated that there was a gentleman present who wished to speak on this issue.

Mr. Anthony Billingsley came forward. He stated that some were concerned about the validity behind passing this Resolution—that it was very much needed! He stated that TVA saying that their hands are tied because of Federal Regulation is not true; that they could be fined \$1 million dollars is possible but would be rare and \$1 million dollars is not a lot to them; that they said this was not a new Policy and that nothing had changed—this was not the case; that they said trees for decades had been cut to the ground and not just trimmed—however millions of trees that have safely stood in the right-of-way for decades have been cut to the ground—even saplings with tags. He said that his family’s trees were on the bank of a mountain and Mountain Creek is in their back yard; that their trees are on the bank. He stated that if the Council thought they were following approved rules, to please reconsider. He mentioned a lady who lost a Magnolia tree that she had planted 30 years ago with her husband, who is gone, and it was cut today. He stated that this was a new Policy—that it is a \$200 million dollar Multi-Year Project; that there was no Environmental Impact Study performed—that they said it was not required, but he thought they would find that this is not the case and that one is required.

Councilman McGary asked about the Environmental Impact Study—that this was not simplistic. He wanted to know if it were a matter of “saving trees versus saving lives”? He stated that his question was what was in this Resolution that will change the process on TVA’s end. He wanted to know how the Feasibility Study would factor in and what Mr. Billingsley was hoping that TVA would do?

Mr. Billingsley responded that he had worked in the power industry and that any tree that was a danger needed to be taken down; that a tree that is in the right-of-way that is 12 ft. high will get cut down; that he was not speaking to the issue that Councilman McGary was describing; that if they went back to what they were doing ten years ago, he would not be here.

Councilman McGary asked if the messenger from TVA that the Council heard from today was giving false information? He noted that TVA had explained that this was a pricey proposal for them, as well; that it might be said they are loaded with cash, but they were not happy about doing this, and there was a reason behind why they were cutting trees; that our Resolution is to get the “ear” of TVA—to say that we, as a City, believe you are performing a practice that is not in the best interest of the citizens; that they have said that their basis is written.

Mr. Billingsley responded that he did not understand the basis of their decision.

TVA TREE POLICY (CONT'D)

Councilman Benson stated that he did not think Mr. Billingsley had a legal ground to stand on; that he had once planted a garden, knowing that TVA could tear the garden up; that they paid money for the right-of-way; that people had no legal grounds.

Attorney Noblett stated that legal grounds would depend on the easement that TVA maintained and whether it had only certain purposes; that it is much like our city easements and similar to our policy.

Mr. Billingsley responded that he was not challenging legal rights.

On motion of Councilman Rico, seconded by Councilman Murphy,

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHATTANOOGA REQUESTING AND ENCOURAGING APPROPRIATE OFFICIALS AT THE TENNESSEE VALLEY AUTHORITY TO CAREFULLY MONITOR ITS TREE-TRIMMING POLICIES TO CUT AS FEW TREES AS POSSIBLE WITHIN THIS CITY AND, WHEN TRIMMING IS REQUIRED, TO TRIM AS LITTLE AS REASONABLY FEASIBLE IN ORDER TO MAINTAIN POWER LINES

was adopted on roll call as follows:

COUNCILWOMAN ROBINSON	"YES"
COUNCILMAN BENSON	"YES"
COUNCILMAN GILBERT	"YES"
COUNCILWOMAN BERZ	"YES"
COUNCILMAN RICO	"YES"
COUNCILMAN MCGARY	"NO"
COUNCILMAN MURPHY	"YES"
COUNCILWOMAN SCOTT	"YES"
CHAIRMAN LADD	"NO"

OVERTIME

Overtime for the week ending May 17, 2012 totaled \$29,581.48.

PERSONNEL

The following personnel matters were reported for the various departments:

HEAD START PROGRAM:

- **MINNIE BRYANT**—Termination of Teacher Assistant, effective 3/22/12.

INFORMATION SYSTEMS:

- **KENNETH KITCHEN**—FMLA for Programmer 2, effective 4/10/12.

PUBLIC WORKS DEPARTMENT:

- **M. RENEE BROWN**—Return to duty from FMLA for Plans Review Specialist 1, effective 5/21/12.
- **ALLEN JONES**—Resignation of Combination Inspector 1, effective 5/17/12.
- **JOHN CENA**—Resignation of Plant Operator 2, effective 4/2/12.
- **ELIZABETH ANN BISHOP**—Hire Adm. Support Ass't. 2, Range 7, \$24,306 annual salary, effective 4/20/12.
- **TOMMY SHANKLES**—Hire as Plant Maint. Mechanic, Range 11, \$29,544 annually, effective 4/20/12.
- **DEWAYNE WALKER**—Hire as Plant Operator 1, Range 9, \$26,798 annually, effective 4/20/12.

PERSONNEL (CONT'D):

- **JIMMY MARTIN**—Promotion to Plant Maint. Planner, Range 13, \$32,573 annually, effective 4/20/12.
- **CHARLES BLOW, JR.**—Hire as Plant Operator 1, Range 9, \$26,798 annually, effective 4/13/12.

CHATTANOOGA POLICE DEPT.:

- **ERIC LANE**—Termination of Police Cadet, effective 5/14/12.

DONATIONS

The following donations were reported by Mr. Ron Swafford, Adm. of the Chattanooga Human Services Dept.:

UNITED WAY (For Social Services)	\$4,200.38
WOMAN'S WAY MAGAZINE, DONNA STONE & LINDA RIVERS (For Foster Grandparent)	\$ 78.46
FUTURE BUS. LEADERS OF AMERICA (For Child Care)	\$1,000.00

HOTEL PERMITS

On motion of Councilman McGary, seconded by Councilman Murphy, the following Hotels were granted permits:

COUNTRY INN—7051 McCutcheon Rd.

INTOWN SUITES—1910 Gunbarrel Rd.

RED ROOF INN—7014 Shallowford Rd.

SHERATON READ HOUSE HOTEL—827 Broad St.

HOTEL PERMITS (CONT'D)

SUPER 8—8934 Lee Highway, Ooltewah, TN

TRAVELODGE—2361 Shallowford Village Dr.

CHIEF PARKER

Chief Parker thanked all of the Councilmembers who had attended their graduation ceremony, with Councilman Murphy noting that the Key Note Speaker was very impressive!

PURCHASES

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

PUBLIC WORKS DEPARTMENT:

SHERMAN DIXIE CONCRETE (Lowest bid meeting specs.)
Requisition R58353

Blanket Contract for Concrete Pipe

\$180,000.00 estimated annually

PERSONNEL DEPARTMENT:

NEW HORIZONS (Lowest and best bid meeting specs.)

Blanket Contract for Offsite Training Classes

\$20,000.00 estimated annually

COMMITTEES

Councilwoman Scott announced that there would be a continuation of the **Personnel, Performance and Audit Review Committee** educational session for a question and answer session on **Tuesday, May 29th at 10:00 a.m.** At this time she passed out a handout packet from the previous meeting. She also announced that there would be a **Personnel, Performance and Audit Review Committee** meeting to immediately follow the Legal, Legislative and Safety Committee on **Tuesday, May 29th** for a Fire/Police Pension Quarterly Report. Councilwoman Robinson inquired as to who had compiled the information that had been passed out by Councilwoman Scott and was told the Personnel Dept., to which Councilwoman Robinson responded “amazing”.

Councilman Murphy reminded everyone of the **Legal, Legislative and Safety Committee that is scheduled for Tuesday, May 29th** to immediately follow the Agenda Session.

Councilwoman Berz reminded everyone of the **Budget Session to be held on Tuesday, May 29th from 1:00 P.M. to 3:00 P.M.** If required, there will also be a **Budget Session on Tuesday, June 5th at 1:00 P.M. to 3:00 P.M.**

AGENDA: MAY 29, 2012

Chairman Ladd asked if there were any questions regarding next week’s agenda; being none, the meeting continued.

REBECCA LITTLE

Ms. Rebecca Little of 3145 Scenic Waters Lane addressed the Council. She stated that she wanted to make a few comment about the City and annexation; that she had been before the Council in 2009 concerning the proposed annexation; that there were two cases on tonight’s agenda that changed the dates. She stated that the City is in default concerning annexation in the area that she lived in—Lookout Valley, Area 12, and had been for approximately 40 years. She stated that there had been numerous correspondence to the Council, giving the same information. She went on to say that many times the City has committed to admitting that at a minimum, the properties belonging to Dr. Little and Lucy Fryar do not have storm water sewers and these properties do not have access to the City’s sanitary sewers; that former Councilman, and now Mayor, Ron Littlefield expressly admitted that the City could not service the roads and questioned why this area was ever annexed in the first place; that the City was clearly wrong in representing to the Tennessee Supreme Court in 1972 that they could financially provide services. She stated that the City had failed to provide services but nevertheless has agreed to provide services pursuant to Ordinance No. 12292 and 12293 to these newly annexed

REBECCA LITTLE (CONT'D)

territories of Chattanooga, despite its admission of being in default of the prior plan of services. She was providing notice of the City's admitted default to provide City services to Area 12, where she lives. She noted that all infrastructure and services were required to be made accessible to all residents of Area 12 by 1981, which was the year before she was born, and she was 29 years old; that these residents had paid taxes for decades, and the City had not fulfilled its obligation; that the City in 1972 adopted Ordinance 6393 and expressly committed to providing, among other things, street maintenance, street paving, street construction, street lighting, storm sewers and sanitary sewers, all not later than seven years following the operative date of the annexation, 1974, which would have meant that all infrastructure and services were required to be made accessible to all residents of Area 12 by 1981.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga City Council until Tuesday, May 29, 2012, at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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

