

**City Council Building  
Chattanooga, Tennessee  
November 6, 2012  
6:00 p.m.**

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

**PLEDGE OF ALLEGIANCE/INVOCATION**

Councilwoman Scott led everyone in the Pledge of Allegiance.

**MINUTE APPROVAL**

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

**AMEND BUDGET ORDINANCE**

On motion of Councilman McGary, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 12622, KNOWN  
AS "THE FISCAL YEAR 2012-2013 BUDGET ORDINANCE" SO  
AS TO APPROPRIATE SEVENTY-FIVE THOUSAND (\$75,000.00)  
FROM THE GENERAL FUND CONTINGENCY TO THE  
CHATTANOOGA REGIONAL HOMELESS COALITION TO BE  
USED TO PROVIDE EMERGENCY NIGHT SHELTER FOR  
INDIVIDUALS AND FAMILIES DURING THE PERIOD  
DECEMBER 1, 2012 THROUGH FEBRUARY 28, 2013**  
passed first reading.

**CLOSE AND ABANDON**

**MR-2011-107: Paul Mallchok**

On motion of Councilwoman Scott, seconded by Councilman Rico,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED  
ALLEY LOCATED IN THE 200 BLOCK OF BAKER STREET,  
MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO  
CERTAIN CONDITIONS**  
**was deferred one week.**

**SPECIAL POLICE OFFICER COMMISSION**

On motion of Councilman Murphy, seconded by Councilwoman Robinson,  
**A RESOLUTION APPROVING AN ADDITIONAL CHATTANOOGA  
AREA REGIONAL TRANSPORTATION AUTHORITY (CARTA)  
PARKING AMBASSADOR WITH A SPECIAL POLICE OFFICER  
COMMISSION FOR MICHELLE EBERT**  
was adopted.

**AGREEMENT**

On motion of Councilman McGary, seconded by Councilwoman Berz,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF  
EDUCATION, ARTS AND CLUTURE TO ENTER INTO AN  
AGREEMENT WITH FRANKLIN ASSOCIATES ARCHITECTS,  
INC. TO DESIGN, PREPARE FOR BID, AND OVERSEE THE  
REPLACEMENT OF THE ROOF FOR THE SOLDIERS AND  
SAILORS MEMORIAL AUDITORIUM FOR A STIPULATED  
AMOUNT NOT TO EXCEED FORTY-THREE THOUSAND SEVEN  
HUNDRED NINETY-ONE DOLLARS (\$43,791.00), PLUS  
REIMBURSABLE EXPENSES NOT TO EXCEED TWO THOUSAND  
FIVE HUNDRED THIRTY-ONE DOLLARS (\$2,531.00), FOR A  
TOTAL AMOUNT NOT TO EXCEED FORTY-SIX THOUSAND  
THREE HUNDRED TWENTY-TWO DOLLARS (\$46,322.00)**  
was adopted.

**TEMPORARY USE**

On motion of Councilman McGary, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING TOWER PLACE HOMEOWNERS  
ASSOCIATION C/O MARY F. EUBANKS TO USE TEMPORARILY  
THE PORTION OF A RIGHT-OF-WAY LOCATED AT 1701  
MARKET STREET AND 4, 6, 8, 10 AND 12 WEST 17<sup>TH</sup> STREET  
FOR THE INSTALLATION OF AWNINGS, AS SHOWN ON THE  
MAPS AND DRAWING ATTACHED HERETO AND MADE A PART  
HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

## AGREEMENT

On motion of Councilman Murphy, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH RAGAN-SMITH ASSOCIATES, INC., FOR PROFESSIONAL SERVICES, RELATIVE TO CONTRACT NO. E-11-011-101, CENTRAL AVENUE ROADWAY EXTENSION, TDOT PIN 117216.00, FOR AN AMOUNT NOT TO EXCEED SEVEN HUNDRED SIXTY THOUSAND SEVEN HUNDRED SEVENTY-TWO DOLLARS (\$760,772.00)**

was adopted; **Chairman Ladd abstained due to conflict of interest.**

## MORATORIUM

**Councilmen Scott and Rico made the initial motion and second to adopt this Resolution.**

Councilman Murphy asked if the Resolution should read “...*the award of any permits...*” or “...*the acceptance of applications...*”.

City Attorney McMahan stated the reason it probably should say “...acceptance of applications...” is because a known application was excluded that was “in the pipeline” in the body of the Resolution; that he (Murphy) could make a motion to amend to not accept any applications for six months.

Councilman Murphy made the motion to amend the caption of the Resolution to reflect “...**on acceptance of applications...**”; Councilwoman Robinson seconded the motion.

On motion of Councilman Rico, seconded by Councilman Murphy,  
**A RESOLUTION ADOPTING A SIX (6) MONTH MORATORIUM ON ACCEPTANCE OF APPLICATIONS FOR ANY SPECIAL EXCEPTIONS PERMITS PURSUANT TO CITY CODE SECTION 38-43(4) RELATING TO TWO-FAMILY DWELLINGS IN R-1 RESIDENTIAL ZONE TO PROVIDE TIME FOR THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO PROVIDE A RECOMMENDATION TO THE CITY COUNCIL ON FUTURE PROCEDURE**

was adopted.

## OVERTIME

Overtime for the week ending November 1, 2012 totaled \$36,891.20.

## PERSONNEL

The following personnel matters were reported for the various departments:

### EDUCATION, ARTS AND CULTURE:

- **MICHAEL HIPP** – Retirement, Technical Coordinator, effective October 31, 2012.

### PARKS AND RECREATION:

- **KENETRA PARHAM** – Leave of Absence, Crew Worker 1, effective October 2-12, 2012.
- **CHARLES SCHULZ** – Termination, Crew Worker 1, effective November 1, 2012.

### PUBLIC WORKS:

- **JUSTIN MATTHEWS** – Hire, Electronics Technician 1, Traffic Operations, Range 14, \$43,293.00 annually, effective October 29, 2012.
- **JANELLE SWEENEY** – Resignation, Plant Maintenance Lubricator, Waste Resources, effective October 25, 2012.

### CHATTANOOGA FIRE DEPARTMENT:

- **JAMIE EVERS** – Suspension (2 days without pay), Firefighter Senior, effective October 26, 2012 and November 8, 2012.
- **GEORGIA FAIRCHILD, DANIEL MURRAY** – Retirement, Fire Lieutenant, effective November 1, 2021.
- **DARRELL BURT** – Retirement, Fire Captain, effective November 2, 2012.

**PERSONNEL (Continued)**

CHATTANOOGA POLICE DEPARTMENT:

- **JORDAN MASSEY** – Resignation, Police Officer 1, effective August 31, 2012.
- **WORLIE JOHNSON** – Return to Duty (from Military Leave), Police Officer 1, effective November 24, 2012.
- **ANTHONY GIBSON** – Reinstatement, Police Officer 1, Range P2, \$35,913.00 annually, effective November 31, 2012.

**DONATION**

Admin. Swafford duly reported the monetary donation of \$,352.97 from Executive Women International, United Way, Signal Centers, Bradley County DOE and the Children’s Home for Head Start, Social Services and the Foster Grandparent Programs. He also reported the donation of \$4,553.00 in goods and services from Barbara McKerley, Humprey’s Flowers, Treasa Newton, United Way and Cash Express for the Foster Grandparent and Child Care programs.

**EMERGENCY PURCHASE**

The emergency purchase for Sinkhole Remediation Grouting to REMBCO Geotechnical Contractors on R67370 in the amount of \$84,320.00 was duly reported and signed in open meeting. Admin. Leach reported that this reflects repairs to Hickory Valley Road where a large cavern was opening under the road; that it was repaired prior to losing the road.

**PURCHASES**

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

PUBLIC WORKS DEPARTMENT:

**TRI-STATE CONTRACTING & TRADING CORP. (Best bid)**  
**R66552/302268**

Purchase of Dezurik Gate Valve Parts

\$11,858.50

**PURCHASES (Continued)**

**G&C SUPPLY CO., INC. ((Lowest and best bid)**  
**R66191/302251**

Blanket contract for Miscellaneous MSA Parts

\$30,000.00 – Annual approximation

PERSONNEL DEPARTMENT:

**COS BUSINESS PRODUCTS & INTERIORS (Lower and better bid)**  
**R66382/302255**

Furnishings for New Wellness Center

\$71,228.00

GENERAL SERVICES:

**BUSINESS SERVICES (Best complete bid)**  
**R64722/302227**

City wide Blanket Contract for Appliances

\$25,000.00 – Annual estimation

**BOARD APPOINTMENTS/RE-APPOINTMENTS**

On motion of Councilman Murphy, seconded by Councilwoman Berz, the following Board appointments/re-appointments were approved:

**OFFICE OF MULTICULTURAL AFFAIRS ADVISORY BOARD:**

- Appointment of ***NAIARA NICOLE CANCEL*** as the District 2 appointee for a three year term expiring July 1, 2015.

Councilwoman Robinson read biographical information regarding Ms. Cancel's volunteering to serve noting she is representative of the citizen volunteers who make such a difference in our community by volunteering and nurturing the diversity and cultural richness that Chattanooga values and enjoys.

**BOARD APPOINTMENTS/RE-APPOINTMENTS**  
**(Continued)**

**BOARD OF MECHANICAL EXAMINERS:**

- Re-appointment of **DAVID B. BLEDSOE**, as the HVAC Contractor/Union representative; **LARRY DANIELS**, as the General Public representative; **STEVE JACKSON**, as the Mechanical Journeyman representative; **RONALD W. O'NEAL**, as the Factory representative; and **RANDALL SMITH**, as the Mechanical Contractor non-union representative for four year terms expiring September 9, 2016.

**BOARD APPOINTMENT**

Councilman McGary inquired as to the appointment of Karl Epperson for the Beer and Wrecker Board wanting to know if he was accidentally omitted.

City Attorney McMahan stated during this morning's agenda session the question was raised about Mr. Epperson's residency in terms of districts noting that the Beer Board is the only board he is presently aware which requires the member of the Beer Board to reside within the district. He stated the reason there was some question about Mr. Epperson was not the fact he did not currently reside in the district, but the fact that come election of the new Council he will not reside in the district. He stated in reviewing the matter that is something the Council needs to think about because apparently come April or May when the new Council is in effect we will have up to three members of the Beer Board who at that time will not be living in their districts. He stated at some point the Council needs to decide whether to take the district requirement out or, theoretically, the people become ineligible to serve at the time of the new Council taking office.

Councilman McGary stated it is his understanding the new districts take effect March 2013 immediately preceding the elections and if that is true Mr. Epperson is eligible to serve now as the District 8 representative. He stated he has been nominated, the matter has gone to the Council, there has been no discussion and his name should have been read.

Councilman Benson stated we have "crossed this bridge" before and it is moot as far as he is concerned about whether a person lives in the district and serving on the Beer Board because the past Chairman of the Beer Board did not represent this district. He stated Leamon Pierce recommended the appointee, appointed him because he did not have anyone else in his district, went to Mrs. Robinson's district and it was not contested.

## **BOARD APPOINTMENT (Continued)**

Councilman Benson stated we have had two who lived across the street from each other and when their term expired one came off but it was not because of the district; that we have had several people on the Beer Board that have not lived in their district and does not know what rule Mr. McMahan quoted.

City Attorney McMahan stated it is an issue that in his mind the appropriate thing to do is take the requirement out of the ordinance that they live in the districts since we are going to have this problem every ten years with redistricting. He stated the problems mentioned by Councilman Benson that already existed should have been corrected.

Councilman McGary stated since Mr. Epperson has fulfilled the requirements as stated by the *City Charter* and has presented his resume to his body which has been reviewed. He stated he nominated this individual and it has gone forth to the Mayor's Office. He asked that the Council have an "up or down" vote on Mr. Epperson's nomination.

**On motion of Councilmen McGary, seconded by Councilwoman Robinson the following Board appointment was approved:**

### **BEER AND WRECKER BOARD:**

- Appointment of **KARL EPPERSON**, representing District 8 for a three year term expiring November 18, 2014.

Chairman Ladd stated this needed to be brought to the Council noting the Council will need to decide in the near future how it is to be handed in March because it is going to be a dilemma if Council members want to make sure those appointed stay within the district and the matter needs to be resolved.

## **GREAT EASTERN TRAIL PRESENTATION**

Chairman Ladd reminded Council members of the presentation of the Great Eastern Trail on Wednesday at 2 p.m. in the Assembly Room, noting the Trail has the possibility of coming through Chattanooga and connecting us to nine other states; that it could be a tremendous economic boost for our city to attract folks that are involved in outdoor activities. She encouraged those who could attend to do so.



## **RPA MEETING ON HOUSING**

Councilwoman Robinson stated John Bridger of RPA will be asked to take a minute next week to explain the meeting that will be held on November 19 at 5 p.m. at the DRC that deals with housing.

## **WILCOX TUNNEL PUBLIC INPUT MEETING**

Councilman Murphy announced there will be a Wilcox Tunnel Public Input meeting at the Eastdale Recreation Center on November 15; that it immediately affects his, Mr. Gilbert and Mr. McGary's district and knows it is a major infrastructure project and the Council might want to attend.

## **COMMITTEES**

Councilman Murphy scheduled a meeting of the **Legal, Legislative and Safety Committee for Tuesday, November 13** immediately following the Agenda Session.

Councilman Gilbert reminded Council members of the meeting of the **Parks and Recreation Committee for Tuesday, November 13** following Legal and Legislative to discuss the Stringer's Ridge development and the renaming of Park 48 as "Whiteside Park".

Councilwoman Berz stated without any modifications the agency packet will be on the web by the end of the week; that all of the agencies that get funding from us in the past will have an opportunity to try for funding this year. She stated we starting from "ground zero" and no funding is guaranteed.

## **NEXT WEEK'S AGENDA: NOVEMBER 13, 2012**

Chairman Ladd referred Council members to next week's agenda and inquired as to whether there were questions; being none, the meeting continued.

**ADJOURNMENT**

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, November 13, 2012 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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