

City Council Building
Chattanooga, Tennessee
May 18, 2010
6:00 p.m.

Chairman Rico called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, Ladd, McGary, Murphy, Robinson and Scott present. 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 Murphy gave invocation.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: "NATIONAL PUBLIC WORKS WEEK"

Councilwoman Ladd asked Admin. Steve Leach to join her at the podium and noted those in attendance in blue looked pretty dapper as several Public Works personnel were present to kick off "Public Works Week". At this point she read a proclamation from Mayor Ron Littlefield proclaiming "Public Works Week" that has been spread upon the minutes:

WHEREAS: Public works infrastructure, facilities, and services are of vital importance to the health, safety, and well-being of the residents of the City of Chattanooga; and

WHEREAS: Such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, and administrators, representing our city, who are responsible for and must design, build, operate, and maintain the transportation system, sewage collection and treatment systems, our solid waste collection and disposal system, and all other structures and facilities essential to serve the needs of our citizens; and

**SPECIAL PRESENTATION: "NATIONAL PUBLIC
WORKS WEEK" (Continued)**

WHEREAS: It is in the public interest for the citizens and civic leaders of this country to gain knowledge of and to maintain a progressive interest in the public works needs and programs of their respective communities; and

NOW, THEREFORE,

I, Ron Littlefield, Mayor of Chattanooga Tennessee do hereby designate the week May 17-22, 2010, as

"National Public Works Week"

In concurrence with this year's theme of "*Public Works, Above, Beyond and All Around You*", I urge all our citizens to join with representatives of our governmental agencies and the American Public Works Association

and participate in activities and ceremonies designed to pay tribute to our public works professionals, engineers, and administrators as we recognize the substantial contributions they have made to our national health and welfare,

IN WITNESS WHEREOF,

I have hereunto set my hand this the 18th day of May, 2010.

Ron Littlefield, Mayor

Admin. Leach asked all Public Works staff members to stand, at which time a standing ovation was given by all in attendance. He recognized them as the men and women who work every day to make this a better community. He stated that he wanted to recognize two individuals that make a difference every day, who work very hard and do not get much recognition except by their peers and in many cases by the citizens who recognize what they are doing. He stated a "Public Works Employee of the Year" and a "Public Works Manager of the Year" will be announced.

Admin. Leach continued by stating that it is his great pleasure to tell everyone about a person he has known for many years who began as a laborer in sanitation in 1974, promoted to truck driver in sanitation in 1983, promoted to equipment operator in sanitation in 2000 and assigned to Batter's Place Recycle Center in 2007. He asked Mr. Al Moore to come forward at this time.

SPECIAL PRESENTATION: "NATIONAL PUBLIC WORKS WEEK" (Continued)

Admin. Leach stated Mr. Moore was sent to Batter's Place because it was felt he could do some service out there which was to be a temporary recycling center in East Brainerd until another location could be found in Brainerd for recycling. He stated it was sort of a stop gap situation; that Mr. Moore has made this a permanent situation at Batters Place and is one of the top performers. He stated he goes out there a lot and there are folks all over the community from North Georgia who are there; that he and Jeremiah Strong do an outstanding job of making folks feel comfortable and they want to come to this center. He stated Mr. Moore has done an outstanding job and has been a great mentor and leader and has set the stage for this facility to become permanent and be a top performer. He stated Mr. Moore is well received by the public and thanked him personally and professionally for what he does. (Applause was given at this time.)

Al Moore thanked Admin. Leach, Jim Templeton and Lee Norris and all the staff for giving him the opportunity to see the public more noting that he has the right kind of attitude to do this work and congratulated all the participants around the borderline of East Brainerd and Georgia that come to him. He stated he has always tried to stand out and do his best; that the most important thing is that attitude and attendance make things grow and participation in recycling shows the less that goes into the landfill is good; that he does his best to maintain everything. He again expressed thanks for the moral support and stated when a baby is born and it does not grow something is wrong; that he feels in the future recycling will expand and less will be going into the landfill. He thanked God for everyone and expressed hope everything would happen for the best. (Applause was again given at this time.)

Councilman Benson stated when Mr. Moore first came he was at the East Brainerd Recreation ball field and everyone jumped on him (Benson) for it being at his location and he called Mr. Norris about it, but after the people dealt with Mr. Moore they love it and do not want it moved. He stated the people use it and are coming from all over the county to use it. He expressed appreciation for the way Mr. Moore has made the job a success.

Admin. Leach stated if anyone wants a treat to go out there and speak to Mr. Moore and Jeremiah, and noted that Mr. Moore has six children and attends New United Baptist Church.

SPECIAL PRESENTATION: "NATIONAL PUBLIC WORKS WEEK" (Continued)

Admin. Leach noted that the next person to be recognized is the "Public Works Manger of the Year" and stated this person started in 1990 as a Civil Engineer Tech II and moved up to Engineering Project Coordinator and is now Assistant City Engineer. He asked Dennis Malone to come forward. (Applause was given at this time.)

Admin. Leach stated Mr. Malone has three children, a lovely wife and attends Cornerstone Baptist Church. He stated two years ago the Volkswagen Project began which took a lot of staff time and effort and Dennis just "walked" right into the City Engineer's position, essentially, in order to stabilize it and keep the rest of the work going. He stated Dennis has been Project Coordinator Engineer and Manager and everything else needed, has done everything on a timely basis and it could not have done without his dedication.

Dennis Malone thanked Steve Leach and Lee Norris and all other managers who voted for him expressing appreciation for the honor of being voted "Manager of the Year". He stated it is a privilege to be able to work for the City of Chattanooga and all aspects he has been able to do over the years noting that he wants to see Chattanooga be the best city. (Applause was again given at this time.)

Admin. Leach expressed thanks to all the hard workers and Ben Taylor for heading up this portion. He invited Council members to the luncheon on Friday and the activity at Miller Plaza tomorrow from 11 a.m. – 2 p.m.

AMEND CITY CODE: ZONING ORDINANCE

On motion of Councilman Benson, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, ARTICLE IV, SECTION 38-40(1)(f),
PLANNED UNIT DEVELOPMENT: RESIDENTIAL REGARDING MAJOR
CHANGES**

Passed second and final reading.

AMEND CITY CODE: ZONING ORDINANCE

On motion of Councilman McGary, seconded by Councilwoman Berz,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE IV, SECTION 38-32, GENERAL REGULATIONS RELATIVE TO ALLOWING THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING COMMISSION TO APPROVE VARIANCES FOR LOT SIZE, LOT FRONTAGE, AND SETBACKS RELATIVE TO THE CREATION OF LOTS AS PART OF A NEW SUBDIVISION

Passed second and final reading.

AMEND CITY CODE: ZONING ORDINANCE

On motion of Councilman Benson, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE II, DEFINITIONS AND ARTICLE V, DIVISION 3, RT-1 RESIDENTIAL TOWNHOUSE ZONE, AND DIVISION 5, R-T/Z, RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE REGARDING TOWNHOUSES

Passed second and final reading; Councilwoman Scott voted "no".

REZONING

2010-036: Thomas Palmer

City Attorney McMahan stated Mr. VanWinkle suggests a two week deferral.

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT THE CONDITIONS IMPOSED IN ORDINANCE NO. 11974 (CASE NO. 2007-058) ON TRACTS OF LAND LOCATED AT 1601, 1607 AND 1613 ROSSVILLE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

Was deferred two weeks.

REZONING

2010-039: City of Chattanooga – RPA

On motion of Councilwoman Ladd, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 6851 AND 6857 BIG RIDGE ROAD, 1438 DAHL SPRINGS LANE, AND VARIOUS PROPERTIES IN THE 6400-6500 BLOCKS OF FAIRVIEW ROAD AND 6400-6800 AND 7000 BLOCKS OF HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM TEMPORARY R-1 RESIDENTIAL ZONE, RT-1 RESIDENTIAL TOWNHOUSE ZONE, R-2 RESIDENTIAL ZONE, R-3 RESIDENTIAL ZONE, RP5 RESIDENTIAL ZONE, AND C-2 ONVENIENCE COMMERCIAL ZONES TO PERMANENT R-1 RESIDENTIAL ZONE, RT-1 RESIDENTIAL ZONE, R-3 RESIDENTIAL ZONE, R-5 RESIDENTIAL ZONE, AND C-2 CONVENIENCE COMMERCIAL ZONES

Passed second and final reading.

REZONING

2010-041: Jerry Hagan

Councilman Benson stated this matter is located within his district and asked if anyone was present in opposition; no one was present in opposition.

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 LIFT AND AMEND CONDITION NUMBER 2 IMPOSED ON ORDINANCE NO. 11246 ON A TRACT OF LAND LOCATED AT 7374 APPLGATE LANE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

Passed second and final reading.

REZONING

2010-050: Ken DeFoor/Valor GP

Councilman Benson again stated this matter is located within his district and asked if anyone was present in opposition; no one was present in opposition.

On motion of Councilman Benson, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 7518 STANDIFER GAP ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL
ZONE, SUBJECT TO CERTAIN CONDITIONS**

Passed second and final reading.

REZONING

2010-051: John S. Wise

Councilman McGary asked if a satisfactory parking plan has been developed for this property.

City Attorney McMahan stated the matter has been requested to be deferred.

On motion of Councilman McGary, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 203 EAST MAIN STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3
CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**

Was deferred two weeks.

REZONING

2010-054: Ann Jones-Pierre

On motion of Councilman Murphy, seconded by Councilman McGary,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 1141 EAST 3RD STREET AND 1144 GARFIELD STREET,
MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL
ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS**

Passed second and final reading.

AMEND ORDINANCE BUDGET ORDINANCE NO. 12288

Councilmen Berz and McGary made the initial motion and second to approve on second reading.

Councilwoman Ladd asked that the matter to be deferred for a week; that she has been hearing different pieces of information she had not heard before and would like an opportunity to bring it back up in committee for discussion so we can all make sure we have all the facts regarding this.

Councilman Benson joined Councilwoman Ladd in her request to defer; that there has been new information that should be made available to all on the Council.

Councilwoman Berz withdrew her motion to approve at this point.

Councilman Murphy inquired as to which Committee the matter would appropriately go to; that it is his thought it would be the Budget Committee.

Councilwoman Berz stated if it is heard in the Budget Committee it is her wish that the new information be brought forward to have a cogent discussion about it.

Councilman McGary asked if the information could be circulated prior to the Committee meeting so all can check resources as opposed to just having a conversation.

**AMEND ORDINANCE BUDGET ORDINANCE NO.
12288 (Continued)**

On motion of Councilwoman Ladd, seconded by Councilman Benson,
**AN ORDINANCE TO AMEND THE FISCAL YEAR 2009-2010 BUDGET
ORDINANCE NO. 12288 TO REALLOCATE THE REMAINING FORTY
THOUSAND DOLLARS (\$40,000.00) OF A TOTAL EIGHTY THOUSAND
DOLLARS (\$80,000.00) APPROPRIATION TO DOWNTOWN PARTNERSHIP
TO ALLIED ARTS OF GREATER CHATTANOOGA FOR THE POPS PROJECT**
Was deferred one week.

INTERIM BUDGET

Councilman Murphy asked if this is premature.

Admin. Madison responded if Councilman Murphy is asking by "premature" is he asking is it early noting that it is early because anything prior to July 1 would be early. She stated it is just a contingent in the event it is needed; that they generally go ahead and put it in place at the time when real budget discussions are started so as to not get lost in the budget process because it does take two passages for it to be effective.

Councilman Murphy stated if he heard Ms. Madison correctly we do not need to do this now.

Admin. Madison stated it allows us to operate in the event a budget is not passed effective July 1; that it allows us to operate at the same level we are currently operating.

Councilman McGary stated in the event this budget is passed prior to July 1, this motion will not be necessary; that it is an added safety measure for the Council. Admin. Madison responded "that is correct".

On motion of Councilwoman Berz, seconded by Councilman McGary
**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 2010, PENDING THE ADOPTION OF THE 2010-2011 ANNUAL
BUDGET**

Passed first reading; Councilman Murphy voted "no".

REZONING

2010-042: Robert McNutt

There was no opposition.

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 A TRACT OF LAND LOCATED AT 784 EAST MARTIN LUTHER KING BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

Passed first reading.

AMEND CONTRACT

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE PERSONNEL DIRECTOR TO EXECUTE AN AMENDMENT TO THE CONTRACT WITH CHIPREWARDS, INC. FOR AN EMPLOYEE INCENTIVE PROGRAM TO INCREASE THE AMOUNT FROM FORTY-FIVE THOUSAND DOLLARS (\$45,000.00) TO AN AMOUNT NOT TO EXCEED ONE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$145,000.00)

Was adopted; **Councilmen Scott and Murphy voted "no"**.

AGREEMENT

Councilwoman Scott stated it is her thought serious time was spent this afternoon looking at a budget and when we look at what this is, it is a \$70,000 shade tarp for a park which, if we were not in the financial situation we are currently in, we might consider and seriously consider, but it is \$70,000 for a shade tarp with a financial issue of people coming before us saying "can we have a raise", we have our financial people saying we have other post employment benefits that need to be paid – we have a lot of issues that we need to find the money for. She stated if we cannot make decisions like this in a cogent manner based on wants, needs and priorities we will never make it. She urged the Council not to vote for this. (There was applause from some persons in attendance.)

AGREEMENT (Continued)

Councilman McGary stated it is his understanding these are funds that have already been budgeted. Admin. Zehnder responded "yes".

Councilman McGary then asked if they were funds that were already approved in last year's budget. Admin. Zehnder responded that it was "actually two years ago in the capital budget which provided the funds".

Councilman McGary stated they were funds that were remaining. Admin. Zehnder stated that is correct.

Councilwoman Berz stated what happened is this is money that was already approved in Mr. Zehnder's former budget. Admin. Zehnder responded "yes".

Councilwoman Berz continued by stating normally Mr. Zehnder would have been able to spend it except it is over \$10,000 so approval is needed for it. She stated this does not relate to the new budget coming forward. Again, Mr. Zehnder responded "correct".

Councilwoman Berz stated if this is voted down what happens to the money. Admin. Zehnder stated the money stays in his department's capital account and if there are other things that need to be done at Warner Park it will be brought before the Council for the opportunity of voting it up or down again.

Councilwoman Berz asked if the Council would be sort of micromanaging how Mr. Zehnder spends his capital monies for the good of whatever his assigned duties are.

Admin. Zehnder stated to some degree "yes"; that he does not want to case any dispersions on this group. He stated as discussed in Committee this item was taken out of capital projects when they renovated Warner Park; that it was pulled out because it seemed to be high in the contractor's bid and it was said it could be done later. He stated in essence that was a fairly good decision because when they went to bid they saved because the bid in the contractor's budget was \$100,000 and when it was bid through Purchasing we saved \$30,000 by delaying it this way. He stated the teams that have been using Warner Park and the tournaments that are coming in will spend probably \$6-\$7 million in our community; that the organizer of the amateur softball association told them they would have this facility in a professional caliber and have all these areas shaded.

AGREEMENT (Continued)

Admin. Zehnder stated right now there is no shade down there and this association was told we will be able to do this for them when they come here, now they are coming and expect to see this facility the way we said it would be. He stated this can be denied or put off until next year or when the economy is better, but the fact that they have gone through this and bid it and have gotten pretty good bids, it is a good time to bid projects because people are looking for work; that this is a local contractor and he hopes to fulfill their promises that have been made.

Councilwoman Berz stated since it does come from capital, then it in no way affects salaries; that if we okay this it does not mean someone does not get a salary. Admin. Zehnder responded "correct".

Councilman Benson stated no one does a better job in the city than Mr. Zehnder and expressed appreciation to him. He stated he was going to vote for this before today, but after hearing what he had to hear today about a 63 cent tax increase he is really discouraged. He stated it is his thought the way to avert that and reduce it is to take some allocated funds we have if it is not approved for expenditures; that if it is over \$10,000 the department has to come back, whether it is micromanaging or not. He stated thank goodness he has to come back because economic times change and from our budget requests today made by the Mayor and staff it is serious out there for the people trying to come up with this money, and it is his thought the time to start is right now trying to accumulate some of the funds that we have allocated and capital money is all the same, we have to pay interest on that, too. He stated we need to start accumulating it and setting it aside and see if we can reduce this property tax increase proposal that has been brought to us. He stated he is going to vote against the next Resolution (d) for the same reason and expressed agreement with Councilwoman Scott's statements.

Councilman Gilbert stated during the budget if he is not mistaken sales tax was down and asked if he were correct. The response was "yes". He stated that he looks at business as business; that when he left Mr. Lupton's funeral a short while ago a comment was made that the Aquarium would not be successful, however he (Lupton) had a dream and it was successful. He stated according to Mr. Zehnder \$6 million will be brought into this town and that is sales tax; that we are also trying to encourage teams to come to this city to benefit from the softball field.

AGREEMENT (Continued)

Councilman Gilbert stated he has been outside when it is very hot and it is getting hotter than it used to be, and to be out there in extreme heat something needs to be over the benches to prevent strokes and things of that nature. He stated it will also draw more people back to the city stating how nice it is and they did not "burn up", did not have to leave and go into air conditioning. He stated there is a tournament coming up this Saturday with 100 plus teams that will bring money to the city, and now we say one minute we are down on sales tax and turn around and say "well, we do not want to do anything to bring people in the city", that does not make good business sense! He stated it is his thought this is a good thing; that \$70,000 is quite a bit of money but is a "drop in the hat" in reference to money spent other places and millions of dollars. He stated this is bringing in money versus some of the things we vote on that do not bring money into the city.

Councilwoman Scott stated if shade is wanted down in Warner Park a person can walk down to the Warner Field House which is an indoor facility with a roof on it; that the other thing is if a person wants to get cool they can go down to Warner Park and sprinkle around in the spray park; a person can play and meet in front of the new plaza or be in the new park parking lots that are going in out there. She stated there have been millions spent out there; that a person can go all the way out to the Summit of Softball into that facility, so there are a lot of different issues and a lot of different places for a person to be. She stated it is her belief this shade tarp has a life expectancy of ten years; it is \$70,000 and it is ten years!

Councilman Gilbert stated that he understands but the thing about it is a person cannot see a softball game in a building; that the purpose of the cover is to see the game being played.

Councilwoman Scott stated that it was her thought teams could play in that building.

On motion of Councilman Murphy, seconded by Councilman Gilbert,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH POINTE GENERAL CONSTRUCTION, LLC FOR THE INSTALLATION OF BLEACHER CANOPIES AT WARNER PARK, IN AN AMOUNT NOT TO EXCEED SEVENTY THOUSAND DOLLARS (\$70,000.00)

Was adopted; on roll call vote:

AGREEMENT (Continued)

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

TEMPORARY USE

Councilman Murphy stated that he was a little concerned about the sidewalks and inquired as to who can speak on the issue as this is going to narrow the passage for pedestrians.

Admin. Leach stated that they did look at this for ADA compliance and the engineers have measured it. He stated there are several elements involved as there are planters, a planter wall and benches.

Councilman Murphy inquired as to the clearance of the sidewalk at its narrowest part where it will be "choked down". Admin. Leach responded "five feet".

Councilman Murphy stated that sidewalk is not five feet to start with and a good stretch where he thinks this is going. Admin. Leach stated this is on the rebuild of the site.

Councilman Murphy asked if this is located at the corner where construction is presently. Admin. Leach responded "yes".

TEMPORARY USE (Continued)

On motion of Councilman Murphy, seconded by Councilwoman Berz,
**A RESOLUTION AUTHORIZING MITCH PATEL ON BEHALF OF HAMPTON
INN & SUITES TO USE TEMPORARILY A RIGHT-OF-WAY FOR 400
CHESTNUT STREET FOR THE INSTALLATION OF STREETSCAPES, AS
SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

Was adopted.

CONTRACT

On motion of Councilwoman Ladd, seconded by Councilman Murphy,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PUBLIC WORKS TO ENTER INTO A CONTRACT WITH
U.S. XPRESS, INC. FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT THE
INTERSECTION OF JENKINS ROAD AND THE DRIVEWAYS FOR U.S.
XPRESS, INC., IN AN AMOUNT NOT TO EXCEED ONE HUNDRED SIXTEEN
THOUSAND ONE HUNDRED SIXTY-SEVEN DOLLARS (\$116,167.00), WITH
AN APPORTIONMENT BY THE CITY IN THE AMOUNT OF TWENTY-SEVEN
THOUSAND FOUR HUNDRED DOLLARS (\$27,400.00)**

Was adopted; on roll call vote:

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

SALE AUTHORIZATION

Councilman McGary inquired as to whether \$3,000 is the actual market value of the property or actually what the sale price was.

Dan Johnson, Chief of Staff, responded that this is the value of the property; that it is just a little strip of land without much use of anything and is a non-buildable piece of property.

Councilman McGary asked if the actual price of property is what it was appraised for. Mr. Johnson responded "yes".

Councilman Murphy stated when we have these parcels the only value they do have is to the adjoining land owner because otherwise it is not useable for anything other than maybe a vegetable garden.

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd,

**A RESOLUTION AUTHORIZING THE SALE OF CITY-OWNED PROPERTY
LOCATED AT 1700 BALDWIN STREET OT JERRY STUBBS IN THE AMOUNT
OF THREE THOUSAND DOLLARS (\$3,000.00), PLUS CLOSING COSTS**

Was adopted.

AGREEMENT

Councilwoman Scott stated this contract proposes that UTC pay \$1.00 per year for 14,000 square feet of the Warner Park Field House and ten percent of gross receipts which wound up being about \$39.00 a month last year and for improvements to UTC such as showers, washers, dryers and other things. She stated the utilities on the entire building that the city owns were \$120,000 last year; that the building is not metered separately. She stated if 14,000 square feet of what they propose to rent is 36 percent, if the Council were to look at an apportionment of the utilities it would be around \$43,000. She stated the contract caps the expense to UTC for utilities at \$25,000 regardless of what utilities might be. She stated utilities have been going up steadily and the UTC improvements that have been done out there have primarily met the needs of the UTC athletic department, such as locker rooms, showers, paint and shelving and offices for UTC that have limited benefit for actual city residents. She stated the UTC improvements which are proposed will only add to the utility costs and in addition to this "deal" the city pays incidental costs for the building in storm water fees and full maintenance.

AGREEMENT (Continued)

Councilwoman Scott stated the State has a budget crisis and has stepped away from funding many things they have previously paid for the city; that we now are doing their traffic studies to be able to apply for their State funding. She stated although she appreciates the State's budget crisis the city has its own budget crisis and we cannot continue to subsidize State programs, good projects, agencies or university athletic programs with tax payer assets. She urged the Council to defeat this; that had she been able to make a motion to defer she would have asked that the contract be renegotiated, but since it is already seconded she asked that the Council defeat it.

Councilman Benson stated he would have voted for it if he had not heard what he heard in the Budget Committee today because he is not so certain it is a little bit better deal as what was said; that what was said cannot be refuted to some extent and counteracted with investment. He asked Mr. Zehnder to come forward noting that he will support him in this because down the road we will have to find every penny we can to try to reduce the negative impact on our tax payers with this next tax increase. He stated Mr. Zehnder heard what Councilwoman Scott said and it sounds like a terrible deal.

Admin. Zehnder stated a lot that has been reported came from the department and the agreement itself. He reminded the Council that this facility was not being used and it was a warehouse when this project started back in 1997 with the University and the city. He stated the city and UTC embarked upon an improvement program to make this 1942 building useable and at that time the University had made arrangements with Komatsu and others to put these improvements in and what was not mentioned is that we have a large indoor softball field that is playable and useable by the general public; that the youth league teams can play over this. He stated the changes in this agreement take us from a two year term to a five year term but the initial rate was \$200 per month plus we get ten percent of any rentals that occur. He stated the UTC staff operates the facility so there are no operational costs from our standpoint and we have gotten over \$6,000 since 1997 which is not a lot of money but it helped somewhat. He stated the University improvements amounted to a conservative minimum of \$250,000 that they put into this facility which becomes city property. He stated the estimate can go as high as \$400,000 of what the improvements are that UTC put into this building.

AGREEMENT (Continued)

Admin. Zehnder stated we have approximately 10,000 square feet of synthetic turf with 30 foot high walls built by UTC to make it useable, to make a liability of the city back into an asset for the city. He stated the proposed term will provide a rate of \$3,125 a month which is going mostly toward utilities as was reported, plus ten percent of the rentals collected by UTC. He stated UTC will continue to pay for the staffing of this facility and in addition UTC has made a promise they want to continue improving this for their program as well as the visiting teams that may come by adding a shower locker room area at a cost of \$75,000, no city money, totally UTC supported. He stated this is not a perfect lease arrangement, but it is a whole lot better than what they had in the past and they will continue to be able to make use of this city facility in the future whether UTC is there or not; that it is his thought this is very much a value to our city.

Mr. Zehnder stated when we go out and talk to new teams that are coming to Chattanooga or invite them, we show them this facility and in case of inclement weather they can actually have batting practice in this facility. He stated to outside teams coming across the country to do a tournament that means something and they possibly elect to come to Chattanooga and bring 100 teams based on the fact we have these kinds of facilities. He reiterated in the past 14-15 years, softball has been a tremendous economic stimulus to our area; that over \$51 million was spent here by out-of-town visitors in this short period of time. He asked why they would come to Chattanooga if it were not for these kinds of improvements and facilities. He stated we are having an economic slowdown to some degree and it is a difficult time, but these people are coming here spending what money they have with businesses we have and that is the way he sees this. He stated this is not a perfect lease agreement but it is a whole lot better than it was.

Councilman Murphy pointed out to his fellow Council members this new agreement brings in vastly more revenue for a building than the old one. He stated we own this building and will heat and cool it regardless whether UTC pays rent, so it is the fiscally sound thing to do to approve this lease. He stated one of the reasons why utilities are high is it is a dinosaur of a building, but it is not UTC's fault we missed the chance to put geothermal coils into the ground when we had the whole parking lot dug up in front of the building, reiterating that is not UTC's fault. He stated this utility cost would be a fraction of what it is on the old system had we had the foresight to do that and it is a little too late to do that now but would like to see us move in that direction in the future and "green" that building somewhat; that he knows it is difficult because of its age. He stated the financially smart thing to do is to approve this lease.

AGREEMENT (Continued)

Councilwoman Scott stated it is 14,000 square feet for a dollar; it is an automatic loss on utilities and the fact that it is a better lease than the "pitsy" one we had before is not much comfort.

Councilman Gilbert asked Mr. Zehnder if we have lost a lot of tournaments in Chattanooga in the past; that at one time Chattanooga was known for softball. Admin. Zehnder responded "that is absolutely correct".

Councilman Gilbert stated that is revenue that we lost; again Admin. Zehnder responded "that is correct".

Councilman Gilbert stated that is revenue that we lost and we lost sales tax again. He referenced reports in the newspaper and television that there are a lot of inner-city communities now forming softball teams; that they are trying to get kids off the streets. He stated we can spend more money on more policemen which costs quite a bit of money or we can have programs to keep kids off the streets. He stated one of the things that this facility provides for girls are they have an opportunity to practice and are shown how to play softball on a professional field. He stated that means a lot to a kid, instead of playing on a field with rocks and gravel or whatever there may be they play on something that is really nice and it is a good program. He stated kids go to college after playing softball and referenced the Panthers team, noting many young ladies have gone to college based on softball; that we are looking at more girls going to college and getting them off the streets, stopping gang banging and giving them opportunities. He stated this is an opportunity to keep this because we need it.

Councilman Benson stated he is looking at it from a financial point of view and noted it will be a bigger financial "drag" if we do not take this contract; that we are going to have to do it all on our own, the maintenance of that and also we will have to lose a place for shade, too, to play softball!

Councilman McGary stated should this contract not pass how much time is left on the current contract with UTC. Admin. Zehnder responded that it has expired.

Councilman McGary stated it would be the city's entire responsibility should this not pass. Admin. Zehnder "yes".

AGREEMENT (Continued)

On motion of Councilman Murphy, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH THE UNIVERSITY OF TENNESSEE AT CHATTANOOGA FOR THE LEASE OF THE UTC/WARNER PARK INDOOR SOFTBALL TRAINING CENTER

Was adopted; Councilwoman Scott voted "no".

PURCHASE

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO PURCHASE 1612 OLIVE STREET WITH NEIGHORHOOD STATILIZATION PROGRAM (NSP) FUNDS TO ASSIST IN STABILIZING VALUES IN NEIGHBORHOODS IMPACTED BY FORECLOSURES, IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000.00), INCLUSIVE OF CLOSING COSTS

Was adopted.

TEMPORARY USE

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING BROOKS, MOORE & ASSOCIATES TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 3905 ST. ELMO AVENUE FOR THE PLACEMENT OF A CANOPY OVER A PORTION OF THE RIGHT-OF-WAY, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

Was adopted.

OVERTIME

Overtime for the week ending March 13, 2010 totaled \$9,882.96.

(COUNCILMAN MURPHY EXCUSED HIMSELF FROM THE MEETING.)

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- **JAMES ADKINS** – Demotion (voluntary), Police Service Technician 2, Range 6, \$35,895.00 annually, effective May 21, 2010.
- **MARIO CUNNINGHAM** – Military Leave (Period of 400 days), Police Officer, effective May 15, 2010.

CHATTANOOGA FIRE DEPARTMENT:

- **CHRISTINA HENSLEY** – Termination, Firefighter, effective May 14, 2010.
- **DAMIEN VINSON** – Return to Duty (from Military Leave), Firefighter Senior, effective April 20, 2010.

INFORMATION SERVICES:

- **TRACIE BULLOCK** – Hire, IT Business Project Analyst, Range 25, \$63,000.00, effective May 17, 2010.

EMERGENCY PURCHASE

The emergency purchase for a replacement pump for the Riverfront Passage for the Parks and Recreation Department on R27743 from Southeast Company Inc. of Chattanooga in the amount of \$18,725.00 was duly reported and signed in open meeting.

HOTEL PERMIT

On motion of Councilman McGary seconded by Councilwoman Robinson, the following hotel permit was approved:

ALPINE LODGE MOTEL – 4328 Cummings Highway, Chattanooga, TN

REFUNDS

On motion of Councilman McGary, seconded by Councilwoman Ladd, the Administrator of Finance was authorized to issue the following property tax refunds and water quality fees:

VISION CHATTANOOGA DOWNTOWN LLC - \$7,698.97

FIRST RENNESSEE BANK NA - \$6990.36

PRO STORAGE INVESTMENT LLC - \$2332.71

GIRLS PREPARATORY SCHOOL - \$8,870.40

RIVERFRONT PROFESIONALS LLC - \$2,880.00

PURCHASES

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

PUBLIC WORKS DEPARTMENT:

CMI EQUIPMENT SALES, INC. (Lower and better bid)
R26893

Slope Mower

\$41,000.00

INFORMATION SERVICES:

EXCALIBUR (Best evaluated overall proposal)
R0126291

Telephony Upgrades

\$500,000.00 – Not to exceed annually

PURCHASES (Continued)

ROSS SYSTEMS (Single source)

R27660

Annual GEMBASE Maintenance per TCA 6-56-304.6

\$11,133.74

CHATTANOOGA POLICE DEPARTMENT:

VISIONAIR (Single source)

R27772

Annual Software Maintenance and Support per TCA 6-56-304-2

\$199,990.00 annually

GT DISTRIBUTORS

Surplus Guns -- The Police Department would like for the guns to be used as a trade-in on new guns to GT Distributors at a credit; these guns are no longer suitable for use in the Police Department. Recommend the guns to be declared surplus and used as a trade-in on new guns for the Department.

GENERAL SERVICES:

BEST ONE TIRE (Lower and better bid)

R26615

Medium and Heavy Truck Tires

\$30,000.00 - Approximately annually

PURCHASES (Continued)

BEST ONE TIRE (Lowest and best bid)

R26431

Car and Light Truck Tires

\$68,000.00 – Approximately annually

LEE-SMITH, INC.

R27070, R27305, R27583, R27608, R27719, R27749, R27931

Vehicle Parts – *Ratify the purchase of vehicle parts; commodity was sent out for bid and will be re-bid in the near future. In the absence of a vehicle parts blanket contract, request is to make a payment to Lee-Smith, Inc. on the basis of this claim.*

\$154,408.94

COMMITTEES

Councilwoman Berz stated the **Budget, Finance and Personnel Committee would be meeting at 2 p.m. on Tuesdays** until the budget is passed; that several requests from people have come forth who would like for the Council to hear what they have to say in that regard, people that want to know more about the status of their requests. She stated the capital request documents are available and are now in Council member boxes. She asked that Council members connect with Mr. Johnson to make appointments or meet with whomever they need to review the capital budget so we will be able to make cogent decisions starting next week.

Councilwoman Ladd announced that the **Public Works Committee would meet on Tuesday, May 25 following the Agenda session.**

In the absence of Councilman Murphy, Councilman McGary announced that the **Legal and Legislative Committee would meet on Tuesday, May 25.**

Councilwoman Robinson stated that the discussion for the Health, Human Services and Housing Committee was postponed concerning grandfathering of certain properties. She stated that discussion would be rescheduled at a time later to be determined.

NEXT WEEK'S AGENDA: MAY 25, 2010

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

NELSENE LOWERY

Nelsene Lowery of the Department of Neighborhood Services and Community Development stated she has been with the City of Chattanooga for 22 years as an employee. She stated in the last three years her house note, grocery bill, light bill and medical bills have gone up; that the only thing that has not gone up is her salary! She asked the Council to consider this when they are working on the budget; that she has a family to take care of, as well as herself. She stated that she has heard about all the other money that has been spent so far with each department spending here and there. She asked that the Council consider the city employees when the budget is considered.

Councilman Gilbert stated that the Council definitely heard what Ms. Lowery said; that the Council heard the need of the people and expressed hope that they will pass a sound budget that would increase benefits to employees for salaries because they definitely deserve it. He stated Ms. Lowery is correct everything has gone up but salaries and expressed hope that the Council would work toward that.

MONTE BELL

Monte Bell stated he is a homeless journalist. He stated that he has a couple questions for the Council as a whole noting that he came to the Council last year in January or April with a letter as to who is holding Chattanooga's letter grade A-F; that there were concerns about the letter because he did have assistance from a member of the Council to have that letter copied for the entire panel. He stated within the time frame of that and his documentary he was incarcerated and addressed the Council after his release in January. He stated his question to the Council during that time was concerning a young man who had been gunned down at the hands of the police in the East Lake project area. He stated the young man's tragic death was part of a fictitious affidavit of complaint which he addressed to the Council; that no one seemed to be alarmed by a citizen being paid on tax payer money making these kinds of complaints and false accusations against another person.

MONTE BELL (Continued)

Mr. Bell stated he found it interesting that Councilmen Gilbert and McGary and that this same young man has been mentioned in a study of the NAACP which he heard would be presenting their findings in the next couple weeks. He stated his question is if it did not alarm the Council that this same young man tragically was mentioned in this fictitious affidavit of complaint, how could the two Councilmen take part in a study where on the eleventh of this month the second paragraph of the information just received by Councilman McGary mentions this same young man. He stated he does not think there is more than one young man gunned down in that area; that there has been another one with multiple shots; that he is trying to determine from the Council could Council members take part in this study.

Councilman McGary responded by stating as Mr. Bell recalls there were three men who actually have been subject of the investigation by the TBI regarding excessive use of force by the Chattanooga Police Department. He stated with one young man their finding was there was no excessive use of force, that the other two, Alonzo Heywood and Alonzo Jeffery, they are still looking into as Mr. Bell has indicated has yet to come before the Council. He stated as the shootings took place, Valoria Armstrong came before the Council with concerns in regard to the investigation; that the NAACP asked that two individuals from Council participate in the Blue Ribbon study of which he and Councilman Gilbert chose to participate. He stated this was not in connection with any findings by the TBI, just an investigative process by which they both chose to participate in. He stated as to the report Mr. Bell has before him, the report was produced by the NAACP and noted he could not speak for Councilman Gilbert, however, there were some items that were in the final report that were of concern and note to him and he has expressed that to those various individuals. He stated in regard to excessive force, he is personally seeking to wait to hear from TBI in regard to the other two gentlemen so that we might be able to have an investigation that is closed prior to making any further comment. He stated most of the items in the NAACP report he stands behind.

Councilman Gilbert stated as Councilman McGary very well stated they were asked to be on the committee not only for the incidents that happened but for the future regarding anything within Chattanooga; that they are looking for things they are trying to stop and unify citizens and police. He stated they were actually asked to do this.

MONTE BELL (Continued)

Mr. Bell asked if it is because of his homelessness that none of his recommendations or concerns are ever taken beyond this podium; that he is concerned about that because the stigma associated with homelessness is somewhat abstract and he has been trying to provide some clarity about how we feel out here about homeless persons. He stated they need jobs, homes and was just taken back by \$11.8 million being disbursed incorrectly last year by HUD; that all entities he has presented to the Council seem to be overlooked. He stated he is seriously tired of being on the street and addressed Mr. McGary and inquired as to his ability to seemingly get very good jobs every other day is remarkable ...

At this point Chairman Rico stopped Mr. Bell from speaking, indicating that if he wanted to address the Council to do so, however his time limit had expired.

ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga Council until Tuesday, May 25, 2010 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)**