

**City Council Building
Chattanooga, Tennessee
November 2, 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, invocation was given by Councilman Gilbert.

MINUTE APPROVAL

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

CLOSE AND ABANDON

MR-2010-061: Dale Ann Wells/Betts Engineering/Dixie Industries

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
**AN ORDINANCE CLOSING AND ABANDONING THE 1900 BLOCK OF
ALLIN STREET RIGHT-OF-WAY, MORE PARTICULARLY DESCRIBED
HEREIN, SUBJECT TO CERTAIN CONDITIONS**

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

CLOSE AND ABANDON

MR-2010-100: Highland Park Commons

Councilmen Murphy and Gilbert made the initial motion and second to adopt this ordinance on second and final reading and the motion carried; however, the applicant inquired as to the changes that were made in the ordinance, noting that some of the property parcel numbers were incorrect. City Attorney McMahan read the property descriptions/parcel numbers for the request and asked that the applicant discuss the matter with Steve Leach and the matter could be discussed later in the meeting. Later in the meeting after discussion between Mr. Leach and the applicant, Mr. Leach asked that the matter be tabled one week. City Attorney McMahan asked that the earlier vote be reconsidered as the applicant has questioned the descriptions on Kirby Avenue and Holly; that there are some mistakes in the ordinance and the matter should be tabled one week to allow for an opportunity to correct the properties involved.

Councilmen Murphy and Benson made the motion and second to reconsider the previous vote and table the matter one week; the motion carried.

On motion of Councilman Murphy, seconded by Councilman Benson,
AN ORDINANCE CLOSING AND ABANDONING ALLEYS LOCATED IN THE 200 BLOCK OF KIRBY AVENUE ADJOINING TAX MAP NOS. 146N-M-001 THROUGH 145N-M-006 AND 146N-M-025 THROUGH 146N-M-034, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

Was tabled one week.

CLOSE AND ABANDON

MR-2010-124: David Harper

On motion of Councilman McGary, seconded by Councilman Murphy,
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF 1400 CEMETERY AVENUE BETWEEN CENTRAL AVENUE AND EAST MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

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

AGREEMENTS

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO ENTER INTO AGREEMENTS WITH PM ENVIRONMENTAL, S&ME, AND TERRACON TO CONDUCT NECESSARY ASSESSMENTS AND DEVELOP PLANS FOR THE REQUIREMENTS OF THE EPA GRANT FOR AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTEEN THOUSAND DOLLARS (\$215,000.00)

Was adopted.

MEMORANDUM OF UNDERTANDING

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF SODDY DAISY, TENNESSEE, FOR PARTICIPATION IN THE TENNESSEE VALLEY REGIONAL COMMUNICATION SYSTEM

Was adopted.

DECLARE SURPLUS

MR-2009-084: City of Chattanooga c/o Dan Thornton

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
A RESOLUTION DECLARING SURPLUS OF THE CITY'S INTEREST IN AN AREA OF APPROXIMATELY 1.69 ACRES FOR TVA SUBSTATION AND EASEMENTAREA FOR A TRANSMISSION LINE AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE ANY AND ALL OTHER DOCUMENTS ON BEHALF OF THE CITY

Was adopted.

ACCEPT DONATION OF PROPERTY

MR-2010-064: City of Chattanooga c/o Dan Thornton

Councilwoman Scott stated that she did not think this was in the best interest of the city at this time due to the environmental issues which still must be maintained regarding this property and also the fact this takes the property off the tax rolls.

ACCEPT DONATION OF PROPERTY (Continued)

Councilman Murphy stated in his opinion the cost associated with this property is probably less than what a ground lease would be for the same parcel. He stated there has been much discussion about a supposed or intended purpose for the property and none of that is being established by the acceptance of the property; that all we are voting on tonight is whether or not it is a good deal for the city and taxpayers to take the property; that it does not speak to expenditures that folk may want to make later other than all understanding the environmental monitoring issues.

Councilman Benson expressed appreciation to JH Holdings for this gift; that he knows two people came in the office not too long ago who had plans for making an offer of cash for this property and does not know if persons with JH Holding knew that. Persons present from JH Holdings acknowledged that they were aware. He stated their gift of this property to the city is a gift that in the future will be valuable, this town will grow, and we are on the right movement right now. He stated this is going to be a vital element of opportunity to our city's growth. He expressed appreciation for the donation and indicated his support for it.

Councilman McGary thanked JH Holdings for doing responsible work and noted TDEC has given approval. He stated it is his hope this will not be a liability to the city and indicated that he does not know what the future outcome of the property would be, but is in full agreement the property is a gift and hope to make great use of it.

On motion of Councilman McGary, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION OF PROPERTY FROM JH HOLDINGS LOCATED AT 1144 GAS STREET, MORE PARTICULARLY DESCRIBED HEREIN, AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY RELATING THERETO

Was adopted; Councilwoman Scott voted "no".

EXTEND CONTRACT

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXTEND THE EXISTING SINGLE SOURCE CONTRACT WITH AUGUSTUS M. BRYAN, P.C., FROM TWELVE THOUSAND ONE HUNDRED DOLLARS (\$12,100.00) TO NINETEEN THOUSAND FIVE HUNDRED DOLLARS (\$19,500.00) TO PROVIDE STATE-

EXTEND CONTRACT (Continued)

CERTIFIED ELECTRICAL INSPECTION SERVICES TO SUPPLEMENT THE INSPECTION SERVICES OF THE LAND DEVELOPMENT OFFICE FOR THE VOLKSWAGEN PROJECT

Was adopted.

EXTEND CONTRACT

On motion of Councilman Murphy, seconded by Councilwoman Ladd,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXTEND THE EXISTING SINGLE SOURCE CONTRACT WITH CHARLES R. YOUNG PROFESSIONAL CORPORATION, FROM TWELVE THOUSAND ONE HUNDRED DOLLARS (\$12,100.00) TO NINETEEN THOUSAND FIVE HUNDRED DOLLARS (\$19,500.00) TO PROVIDE STATE-CERTIFIED ELECTRICAL INSPECTION SERVICES TO SUPPLEMENT THE INSPECTION SERVICES OF THE LAND DEVELOPMENT OFFICE FOR THE VOLKSWAGEN PROJECT

Was adopted.

BONDS ISSUANCE

Councilman Murphy clarified that these are refunding bonds and not new borrowing bonds; that the whole purpose is to refinance a prior debt issue at a significantly more favorable interest rate, reiterating this is not new borrowing or new spending, which is very good news for the taxpayers.

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF AN AMOUNT NOT TO EXCEED TWENTY-FIVE MILLION DOLLARS (\$25,000,000.00) PRINCIPAL AMOUNT OF THE CITY OF CHATTANOOGA, TENNESSEE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010D

Was adopted.

OVERTIME

Overtime for the week ending October 28, 2010 totaled \$7,343.51.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS:

ROBERT S. CRAWFORD – Disability Retirement, Plant Maintenance Mechanic, Waste Resources, effective October 13, 2010.

PARKS AND RECREATION:

RUBY E. WILLIAMS – Hire, Crew worker 1, Parks and Recreation, Range 2, \$22,050.00 annually, effective October 27, 2010.

JEFF STRONG – Promotion, Recreation Facility Manager 1, Range 14, \$38,935.84 annually, effective October 8, 2010.

HOTEL PERMITS

On motion of Councilman McGary, seconded by Councilwoman Berz, the following hotel permits were approved:

CLARION INN & SUITES – 2345 Shallowford village Drive, Chattanooga, TN

KNIGHTS INN – 6914 Shallowford Road, Chattanooga, TN

MOTEL 6 #700 – 7707 Lee Highway, Chattanooga, TN

WINGATE BY WYNDHAM – 7312 Shallowford Road, Chattanooga, TN

TORNADO RESPONSE AND CLEAN-UP

Chief Parker stated last week Councilman Benson explained the difference between a tornado warning and watch and stated when he left last week there actually was a tornado! He stated the public works, police and fire department personnel were all on the scene, as well as other city workers.

TORNADO RESPONSE AND CLEAN-UP (Continued)

Chief Parker stated everyone did a great job; that the building inspector was called and put people out of the complex that was heavily damaged and some are still out today; that they did go back the next morning and police officers, Electric Power Board trucks were lined up -- everyone did a great job and everyone was dispatched and told where to go. He stated the next morning public works had street sweepers and workers cleaning up and after daylight came it was not visible that a tornado had come through; that the damage to homes was the only thing visible. He again commended everyone for doing a great job noting city employees did a good job in that effort!

Councilman Benson stated he was glad Chief Parker gave accolades to the departments, noting there is someone in attendance tonight that was against annexation and was happy they were present to hear about the quick services response! He expressed appreciation for the effectiveness of services to city residents.

Councilwoman Scott also expressed thanks for a job well done and noted all the departments really do wonderful jobs; that she really appreciates them going above and beyond for citizens.

Admin. Leach stated that he received a phone call in the middle of the meeting which was why he left early; that he went to operations to see what was going on. He acknowledged public works staff who were involved under the leadership of Jim Templeton and Tommy Boyd; that they figured out what was going on and sent a crew out there. He stated he wanted entered in the record that personnel from public works included 20 from city wide services, four from traffic operations, five from LDO and five from waste resources.

Chairman Rico expressed thanks noting there was damage in the Hixson and St. Elmo areas and those areas were cleaned up, too.

EXPRESSION OF THANKS TO POLICE DEPARTMENT

Councilman Murphy stated the tornado was not the only thing that was responded to last week and spoke in reference to the outstanding way the police department handled a very misguided individual who called in a false alarm. He stated from what he read in the paper we should be proud of our officers who responded to what they would have thought was every officer's nightmare – an active shooter. He referenced rifles that Chief Williams has indicated it is better to have them and not need them than to not have them for their use.

EXPRESSION OF THANKS TO POLICE DEPARTMENT
(Continued)

Councilman Murphy expressed "hats off" to Chief Dodd and the police department; that he knows the fire department was right in there on the scene in the event there were casualties. He stated it is good to know officers do respond in such a professional way and without much regard for their own safety; that he is very proud of them and the department, as well as the fire department, for responding to a very unfortunate false alarm.

Chief Dodd expressed thanks and noted he would pass it along.

PURCHASES

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

PUBLIC WORKS DEPARTMENT:

GEO-JOBE GIS CONSULTING (Single source)
R35596

Purchase of Trimble GPS System per TCA 6-56-304.2

\$41,517.00

DLT SOLUTIONS (Single source)
R35741

Purchase of AutoCAD Annual Software per TCA 6-56-304.2

\$12,282.60

CHATTANOOGA FIRE DEPARTMENT:

TACTICAL FIRE EQUIPMENT (Lower and better bid)
R34446/300669

Purchase of Mercedes Fire Hose

\$20,640.00

PURCHASES (Continued)

PARKS AND RECREATION:

HOMESTEAD LAWN & TRACTOR (Lowest and bet bid) **R34654**

Purchase of Commercial Grade Zero Turn Mower

\$10,056.00

CANCELLATION OF DECEMBER 21 and 28, 2010 **COUNCIL MEETINGS**

City Attorney McMahan stated it typically the custom of the Council to “close down” two weeks during the holiday season, noting the meetings scheduled for December 21 and 28 would be the two weeks prior to and after Christmas.

Councilman Murphy stated it would make sense to do the week before and week of and come back after New Year’s.

Councilwoman Ladd stated her statement might cause censure for her from Council members since she understands we can do that! She stated when we opted for a week this summer so we could attend “National Night Out” in our neighborhoods she indicated at the time that she was willing to give up a week at Christmastime so we can provide the same amount of weeks service to the city; that she is still willing to do that much to the chagrin of the rest of the Council!

At this point Councilman McGary jokingly made the motion to censure Councilwoman Ladd with Councilman Gilbert seconding the motion!

Councilman Murphy stated in following “Grinch McGary” he reminded Council members that the Council is only required to meet twice a month pursuant to the *Charter*; that he is not suggesting that the Council go to such a lackadaisical schedule as he does not think meeting 49 times out of a year as opposed to 50 is going to cost the citizens anything. He **made the motion to cancel the meetings of December 21 and 28; Councilwoman Robinson seconded the motion.**

CANCELLATION OF DECEMBER 21 and 28, 2010
COUNCIL MEETINGS (Continued)

Councilman Benson stated the Council should be careful about eliminating any of our public meetings; that when he ran for office and was voted in the citizens expect us to be here nearly every single week; that even though the agenda might be short there might be people in this city that need to bring something to our attention and we need to be here on Tuesday night. He stated that it is his thought the Council has a moral obligation to be available for the public every single Tuesday we can.

Councilwoman Scott expressed that Council members should be available, however, it was her thought she does not know how many people would be interested in seeing us at those times. She stated she would be willing to meet twice in a week to make up for not being here those two weeks; that she is willing to do that ahead of time, after the time or whatever so that we will not be "shorting" anyone.

Councilman McGary stated if the motion is approved it is his hope an announcement would be made that the Council would not meet so that individuals know we will be taking time off.

At this time Councilman Murphy called for the question.

A vote on the motion and second by Councilmen Murphy and Robinson to cancel the December 21 and 28, 2010 Council meetings was approved; Councilmen Ladd and Benson voted "no".

COMMITTEES

Councilwoman Ladd scheduled a meeting of the **Public Works Committee for Tuesday, November 9 immediately following the Agenda session.**

Councilman Murphy scheduled a meeting of the **Legal and Legislative Committee for Tuesday, November 9** to continue discussion regarding ethics reform and the *City Charter* Title 8, Chapter 1 relating to the Legislative branch. He asked that Council members study the material that was distributed during Committee.

COMMITTEES (Continued)

Chairman Rico inquired as to when the chicken issue would be discussed in Committee as he has received several calls regarding this. Councilman Murphy stated the matter would not be discussed next week; that it might be discussed in the next couple weeks.

Councilman Benson scheduled a meeting of the **Safety Committee for Tuesday, November 9** to hear concerns regarding the Wrecker Ordinance.

AGENDA: NOVEMBER 9, 2010

Chairman Rico stated agenda items scheduled for November 9, 2010 were discussed earlier during the Agenda session.

JOANN HOLIDAY JOHNSON

Joann Holiday Johnson stated she was blessed to be living in Chattanooga and to see the different things that were coming in; that in 1990 Mr. & Mrs. Roy McDonald gave her the opportunity to go to Houston, Texas to see how the Hope VI program worked noting that she has seen the results in Chattanooga in 2010. She stated the other day while walking on Ohls Avenue she saw a contractor and was told by a neighbor that the property the contractor was working on was going to be a health center. She stated she was present tonight to ask what is being built on Ohls Avenue; that everyone is saying there will be houses and the Hope VI booklet indicates it should be residential and is hearing that it will be a health center, which is fine. She stated when she was on the bus she heard it was supposed to be a filling station and heard another gentleman say the filling station was to be further down from Bear's Barber shop. She stated she would like to know what is going on on Ohls Avenue.

Dan Johnson stated Ohls Avenue is a Brownfield site; that it has been cleaned up and will be the site for Erlanger to construct the Alton Park Health Center.

Ms. Johnson expressed her thanks for the information.

ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga Council until Tuesday, November 9, 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)**