

**City Council Building
Chattanooga, Tennessee
April 19, 2011
6:00 p.m.**

Chairman Ladd called the meeting of the Chattanooga council to order with Councilmen Benson, Berz, Gilbert, Murphy, Rico, Robinson and Scott present; Councilman McGary was absent due to illness. 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 the invocation for the evening.

MINUTE APPROVAL

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

**SPECIAL PRESENTATION: SUPPORT FOR JOHN P.
FRANKLIN TRIBUTE BY KAPPA FOUNDATION**

Chairman Ladd stated we have a special presentation that means a lot to her and everyone in the community and asked that the Kappa Foundation representative come forward at this time.

Irvin Overton thanked the Council for this great act of courage to honor one of our distinguished citizens here in the city of Chattanooga. He stated the Kappa Foundation is a part of Kappa Alpha Psi Fraternity and is a separate incorporated organization. He stated their Polemarch is Levar Brown and the gentlemen in the red coats and dark suits are members of the Fraternity and asked that they stand at this time.

**SPECIAL PRESENTATION: SUPPORT FOR JOHN P.
FRANKLIN TRIBUTE BY KAPPA FOUNDATION
(Continued)**

Mr. Overton stated some of the persons standing are familiar faces as former employees and from different parts of our city. He stated on May 7 the city of Chattanooga and surrounding area will pay tribute to John P. Franklin Sr., who was the first African American elected to serve our city government; that he has been an outstanding educator in our community and served as a principal, teacher and coach within the city school system. He stated Jack Benson was one of the persons who worked along with him in several capacities in the field of education. He stated Mr. Franklin is an outstanding mentor and the group he mentored includes many young men – some older now – who he was directly responsible for bringing them along and “getting their feet wet” and mentoring them along so they can be effective participants in Chattanooga. He stated if a person stops by the funeral home when people are there you can hear people say “Mr. Franklin used to whip me” and is affectionately known as a father to many of the students in our school system back during the time he was serving as principal and instructor.

Mr. Overton stated the event on May 7 is put on by a city wide diverse committee; that they have assembled a group of citizens even though the activity is sponsored by the Kappa Foundation; that the committee is made up of other organizations including the Council's Clerk of Council, Carol Kilgore O'Neal, as well as several others working for the city, such as Tony Sammons. He stated most can remember back in time when a middle school was named after him, the John P. Franklin Middle School, in honor of his legacy as an educator in our community. He stated the middle school is no longer operational and we are now without that visible image of his contribution to the city of Chattanooga as an educator. He stated they needed to find away to recognize his multi-faceted contribution to our community; that the Kappa Foundation is an organization whose mission is to serve our inner city young; that funds generated from this event will go to establish the John P. Franklin Scholarship Fund that will be managed by Pete Cooper's organization, the Chattanooga Community Foundation, so they know the funds will be in good hands.

Mr. Overton acknowledged Dr. Charles Foreman, Chairman of the event, who is relatively new to the community and who is a physician in charge of real “bureaucratic stuff” at CIGNA. He asked those representing the Committee to stand and noted this is a great opportunity for them and expressed appreciation for the Council passing this Resolution of Support recognizing Mr. Franklin's contributions to the city of Chattanooga.

**SPECIAL PRESENTATION: SUPPORT FOR JOHN P.
FRANKLIN TRIBUTE BY KAPPA FOUNDATION
(Continued)**

Mr. Overton invited the Council to attend the event on May 7 at the Trade Center; that Kappa Alpha Psi Fraternity and the Kappa Foundation appreciate the support the Council is showing toward their friend, mentor, educator and Kappa brother, Commissioner John P. Franklin, Sr.

Councilman Benson stated there are a lot of new members on the Council and asked Commissioner Franklin to come forward to say a few words so they can get to know him.

John P. Franklin, Sr. stated over the years when a person has been strung out through various and sundry activities and particular interests, it is a little uncomfortable to be so recognized. He stated he is certainly grateful for this recognition and pleased to have known so many over the years, to be involved in some of the kinds of things that have been sponsored and for his Fraternity brothers to do this is quite an honor and (he) appreciates it! He stated there are so many, many people who could not be here today to whom this tribute should be given but recognized them in absentia, again expressing thanks for this recognition and this opportunity to not lie dead as he works with the dead! He stated he is still alive and grateful to be a part of so many nice things that are going on with this city; that he recognizes and empathizes with the Council through the toils and tribulations of their office. He stated it is not an easy position to be in but the Council does it well and does it with the help and support of a lot of people like him. He stated he prays for them and their continuous endeavors and trust this city is much the greater for their having been so involved.

Councilman Gilbert stated he has known Mr. Franklin all his life and he has been a person of honor, because regardless of a person's stature, he treats everyone the same and admires and appreciates him for that.

On motion of Councilman Murphy, seconded by Councilman Benson,
**A RESOLUTION OF SUPPORT FOR THE "ACHIEVEMENT SCHOLARSHIP
DINNER AND TRIBUTE" TO JOHN P. FRANKLIN, SR. SPONSORED BY THE
KAPPA FOUNDATION OF CHATTANOOGA**

Was adopted.

AMEND CITY CODE

On motion of Councilman Murphy, seconded by Councilman Benson,
AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 17, ARTICLE I, SECTION 17-1, RELATIVE TO THE ADOPTION OF THE INTERNATIONAL FIRE CODE, 2006 EDITION, INCLUDING ALL REFERENCED STANDARDS AND PUBLICATIONS SPECIFIED THEREIN, AND THE 2006 NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 101 LIFE SAFETY CODE IN ITS ENTIRETY FOR CERTAIN SPECIFIED OCCUPANCIES, INCLUDING EXISTING BUILDINGS, AS DEFINED BY THE 2006 NFPA 101 LIFE SAFETY CODE, AS THE OFFICIAL FIRE CODE OF THE CITY OF CHATTANOOGA; AND TO AMEND SECTION 17-2, AS TO APPENDICES, AND 17-3 AS AMENDMENTS TO THE CODE

Was deferred one week; on roll call vote:

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

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, BY AMENDING ARTICLE VIII, SECTION 38-568(4) TO CLARIFY USE OF CREMATION/CREMATORY IN THE M-1 MANUFACTURING ZONE; AND FUNERAL HOMES, MORTUARIES, AND UNDERTAKING ESTABLISHMENTS IN THE R-4 SPECIAL ZONE

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

AMEND CITY CODE

On motion of Councilman Murphy, seconded by Councilman Benson,
**A RESOLUTION TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, ARTICLE VIII BY REPEALING OR
DELETING SECTION 38-563(5) REGARDING APPEALS OF THE
DOWNTOWN RESIDENTIAL/MIXED USE DISTRICT REVIEW COMMITTEE**
Passed second and final reading and was signed in open meeting.

REZONING

2011-024: Miriam J. Herstik/Peggy Holder

On motion of Councilman Gilbert, seconded by Councilwoman Berz,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY
LOCATED AT 4200 RANDOLPH CIRCLE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-2
RESIDENTIAL ZONE TO A-1 URBAN AGRICULTURAL ZONE, SUBJECT OT
CERTAIN CONDITIONS**
Passed second and final reading and was signed in open meeting.

REZONING

2011-029: Travis Hulsey

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 PROPERTY
LOCATED AT 6101 MOUNTAIN VIEW ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-2 LIGHT INDUSTRIAL ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE**
Passed second and final reading and was signed in open meeting.

REZONING

2011-031: City of Chattanooga/RPA

On motion of Councilwoman Scott, seconded by Councilwoman Berz,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED IN ANENXED AREA 3A OF ORDINANCE NO. 12308, FROM TEMPORARY R-2 RESIDENTIAL ZONE AND M-2 LIGHT INDUSTRIAL ZONE TO PERMANENT R-2 RESIDENTIAL ZONE AND M-2 LIGHT INDUSTRIAL ZONE

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

REZONING

2011-032: City of Chattanooga/RPA

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 REZONE PROPERTY LOCATED IN ANNEXED AREA 3C OF ORDINANCE NO. 12311, FROM TEMPORARY R-2 RESIDENTIAL ZONE TO PERMANENT R-1 RESIDENTIAL ZONE

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

REZONING

2011-037: Carylon Killebrew/CFS Properties

On motion of Councilwoman Robinson, seconded by Councilwoman Berz,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1416 WILLIAMS STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2011-0244: Darren W. Kennedy, Attorney/Hubert Properties

On motion of Councilman Gilbert, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 3883 WILCOX BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE

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

EMINENT DOMAIN

On motion of Councilwoman Robinson, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST R1 TN 2, LLC, JENKINS ROAD, TRACT NO. 7, TAX MAP AND PARCEL NO. 149K-C-033.01 FOR SHALLWOFORD ROAD AT JENKINS ROAD INTERSECTION IMPROVEMENTS, CONTRACT NO. E-08-010

Was adopted.

EMINENT DOMAIN

On motion of Councilman Benson, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST GVH (SHALL-JEN) & ASSOCIATES, INC. RELATIVE TO SHALLOWFORD ROAD, TRACT NO. 10, TAX MAP AND PARCEL NO. 149J-E-015 FOR SHALLOWFORD ROAD AT JENKINS ROAD INTERSECTION IMPROVEMENTS, CONTRACT NO. E-08-010

Was adopted.

PAYMENT AUTHORIZATION

On motion of Councilman Benson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING PAYMENT TO GRACE BAPTIST CHURCH OF HAMILTON COUNTY, INC., FOR A RIGHT-OF-WAY EASEMENT, RELATIVE TO CONTRACT NO. E-08-010, SHALLOWFORD ROAD AT JENKINS ROAD INTERSECTION FOR TRACT NO. 3, PROPERTY LOCATED AT JENKINS ROAD, CHATTANOOGA, TENNESSEE, TAX MAP NO. 149G-B-022, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TEN THOUSAND TWO HUNDRED NINETEEN AND 46/100 DOLLARS (\$110,219.46)

Was adopted.

PAYMENT AUTHORIZATION

On motion of Councilman Benson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING PAYMENT TO SOON JA CHO, FOR A RIGHT-OF-WAY EASEMENT, RELATIVE TO CONTRACT NO. E-08-010, SHALLOWFORD ROAD AT JENKINS ROAD INTERSECTION IMPROVEMENT, FOR TRACT NO. 6, PROPERTY LOCATED AT 2302 JENKINS ROAD, TAX MAP NO. 149K-C-033.02, IN AN AMOUNT NOT TO EXCEED THIRTEEN THOUSAND EIGHT HUNDRED EIGHTEEN DOLLARS (\$13,818.00)

Was adopted.

PAYMENT AUTHORIZATION

On motion of Councilman Benson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING PAYMENT OT LANDSCAPE LLC FOR A RIGHT-OF-WAY EASEMENT RELATIVE TO CONTRACT NO. E-08-010, SHALLOWFORD ROAD AT JENKINS ROAD INTERSECTION IMPROVEMENTS, FOR TRACT 5, TAX MAP NO. 149K-C-033.03, ON JENKINS ROAD, IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND FIFTEEN DOLLARS (\$15,015.00)

Was adopted.

AGREEMENT

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH VOLKERT, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-10-012-101, EVALUATION OF TELEMTRY AND SCADA SYSTEMS FOR THE MOCCASIN BEND WASTEWATER TREATMENT PLANT AND REMOTE FACILITIES, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$127,500.00)

Was adopted.

AGREEMENT

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH BURNS AND MCDONNELL ENGINEERING COMPANY FOR

AGREEMENT (Continued)

PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-11-001-101, MOCCASIN BEND WASTEWATER TREATMENT PLANT SF6, CIRCUIT BREAKER REPLACEMENT, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED SIXTY-FIVE THOUSAND SIX HUNDRED SEVEN DOLLARS (\$165,607.00)

Was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO A CHANGE ORDER WITH TOWER CONSTRUCTION RELATIVE TO THE CONSTRUCTION OF A BUILDING TO BE USED BY CHATTANOOGA MOBILE COMMUNICATIONS SERVICES FOR THE MANAGEMENT AND MAINTENANCE OF THE TENNESSEE VALLEY REGIONAL COMMUNICATION SYSTEM FOR AN INCREASE OF TWENTY THOUSAND TWO HUNDRED TWENTY-ONE DOLLARS (\$20,221.00)

Was adopted.

ACCEPT PROPOSAL/CONTRACT

On motion of Councilwoman Berz, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO ACCEPT THE PROPOSAL OF FIRST TENNESSEE BANK TO PROVIDE MERCHANT CARD, PAYROLL CARD, LOCKBOX PROCESSING, AND BRANCH PROPERTY TAX COLLECTION SERVICES, AND TO EXECUTE A CONTRACT WITH FIRST TENNESSEE BANK FOR SAID SERVICES

Was adopted.

ACCEPT PROPOSAL/CONTRACT

On motion of Councilwoman Berz, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO ACCEPT THE PROPPSAL OF SUNTRUST BANK TO PROVIDE GENERAL BANKING SERVICES, AND TO EXECUTE A CONTRACT WITH SUNTRUST BANK FOR SAID SERVICES

Was adopted.

ACCEPT PROPOSAL/CONTRACT

On motion of Councilwoman Berz, seconded by Councilman Rico,

A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO ACCEPT THE PROPOSAL OF BANK OF AMERICA TO PROVIDE PURCHASING CARD SERVICES, AND TO EXECUTE A CONTRACT FOR BANK OF AMERICA FOR SAID SERVICES

Was adopted.

AGREEMENT

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

Councilman Murphy stated he is still not persuaded that the representative of this area wants this to go forward and he is not here due to illness, but does not know if we should be designing something that might not ever get built.

Councilwoman Scott stated she has the same fear and cannot support this tonight. She **made the motion to defer the matter one week until we have more information; Councilman Murphy seconded the motion.**

Councilwoman Robinson stated the reason she would like to support this is it is her belief we need a downtown police station and that is what this is, not a precinct, a downtown police station. She stated it has wonderful capacity having watched the police bicycle patrol operating out of a little store front that happened to be available over in Miller Plaza for a time. She stated they used to just go in and out of the little empty store front there and having watched the police try to have a downtown presence operating on Walnut Street in a building belonging to Provident, and now knowing what we know about what police presence means to security and to the overall impression that citizens have of our community, it is her thought this is a very good project and we ought to go on and design it and have it ready "sitting on go" as it is her thought the funding will become available. She stated there will be an empowerment area in the area of Eleventh Street that the police will be required to have oversight on; that it just seems to be a natural place we can house our police in a big, safe, nice, well lit and secure downtown setting. She stated she is all for equipping them with what they need to do their job; that a downtown police station ought to be on the short list.

AGREEMENT (Continued)

Councilman Rico stated this was discussed several months ago; that it was brought up that the people in that area do not want it. He stated his understanding from administration was that was not so; that they talked to the neighborhood association and they want it; that he does not know where this comes from that someone brought it up that people do not want it down there, they do want it down there.

Councilman Benson stated he wants to reiterate what the two previous speakers have said; many times we have voted on the water fronts and other things and he has always told his constituents that it is the "heart beat" of this city, downtown; that we have to secure downtown and make it safe for everyone. He stated we need the proximity presence of a police station downtown; that one person is absent tonight and it is his thought this is a good learning lesson for all of us -- if we are going to be absent and we know we are going to have something coming up and we feel deeply about it whether it is in our district or not, please call Mrs. O'Neal and the Chairman to let them know where you stand. He stated he does not think that is a reason to postpone this because one person is absent as this is a universal situation of a downtown precinct; that during more recent tragic events, killings, shootings and other things, he wants proximity controls, quick response and putting off one more week might make the difference in a life or not. He stated we have instituted the bicycles downtown now and this precinct will have an impoundment place and we are going to need a quick place for the police to move in and release what their problems are and go back on duty. He stated he does not feel we should hold this up another week as we have discussed this for months.

Councilman Gilbert expressed agreement with Councilman Benson when he said shootings and things of that nature; that a lot of other areas would like a precinct also. He stated that he recalls most of the shootings and other activities happened in other neighborhoods that do not have precincts so a quick response is not going to be a quick response. He stated it was taken away from other areas like Brainerd, which is the middle of the city, and from Councilman Rico's district and we are now reopening it as a center for kids using the same electricity for the same building we said we should close it for. He stated he is against putting money into this location, especially right now.

Councilman Murphy stated he does not want to get too far ahead of himself as he would like to see us get an extra week or two to talk about this; that we are not moving the Chief/Deputy Chief's office nor records to this location and it is not going to be a police station, it will be a police precinct.

AGREEMENT (Continued)

Councilman Murphy stated the rationale a year-and-a-half ago was police precincts do not “move the ball forward” because there is not a desk sergeant; that if a person goes to the South Chattanooga precinct and bangs on the door at night there probably would not be anyone in there unless they happen to be cleaning the floors. He stated precincts we were told 18 months ago do nothing for neighborhood security and safety; in fact, they divert resources away from patrol which does something for our safety. He stated Councilwoman Robinson made the point about the bike patrol operating out of a small store front, and they did; that they need a place to lock up their bicycles, perhaps not a very expensive new building. He stated it is his thought a lot of people would like to have the psychological enjoyment of knowing there is a police precinct nearby, but he has not heard anyone say it will “move the ball forward” on security or safety; that the same arguments he heard from a professional law enforcement officer, Chief of Police, when we were closing down precincts, as far as he is concerned still applies. He stated we are updating the computers so the officers will be doing reports pretty much in real time from their cars and filing them without having to deal with paper; that he is left scratching his head whether we are not talking about a nineteenth century construction in the twenty-first century!

Councilwoman Berz stated a city can always rethink concepts and it is true about 18 months ago we closed precincts because they were not cost effective or efficient; that cities are always growing and changing and we have seen some big growth and change; particularly change that has come to the fore. She stated she has stated very often that she is sorry it took a Coolidge Park event to get our attention because in her and Councilman Gilbert’s district babies have been getting killed now for a while without proper attention; however, if this is a move toward taking a second look at precincts and police presence it makes sense and she is for it. She stated she is sorry it did not happen sooner in her district, but maybe it will; that it is her thought if we vote for this first step maybe things will change; that important things are happening all over the city not just downtown and not just around Coolidge Park. She stated she knows we need the design and plan for construction and asked Mr. Johnson where the money is coming from.

Mr. Johnson stated this is not a construction, it is a renovation. Councilwoman Berz stated the Resolution says “construction”.

AGREEMENT (Continued)

Mr. Johnson stated it is a renovation of an existing building and noted the design is already in last year's capital budget, actually; that the Council will have another "shot" at the construction money because it will be in the upcoming capital budget.

Councilwoman Berz stated as she understands it was in last year's budget but put on hold because funds were so tight. Mr. Johnson responded "that is correct".

Councilwoman Berz stated she will vote for it because it shows to everyone in this city we may be rethinking the way we do things. She stated every area is important and it does not bother her that it is starting downtown and expressed hope we will rethink things in her area, as well. She reiterated that she will vote for it.

Councilwoman Scott stated if she remembers correctly this was one of the contracts actually written based on the fee for the architectural part which was based on the estimate of the construction cost and now she is hearing it is actually for a "redo" of an existing building. She stated if she does the math on that -- if the fee \$77,000 is for just the design part of that, are we not talking somewhere around \$600,000 or \$700,000 for a remodeling of it. She stated that is a mighty significant bike rack! She stated a portable building or something could be done for a lot less and she is more interested in manpower issues than structure issues when it comes to the police. She stated it is her feeling that is where we should focus any significant expenditure as opposed to the structures.

Mr. Johnson stated in relation to the fee there are some testing fees and Paul Page is not present to answer those questions as he (Johnson) does not know all the details. He stated he knows there is testing in there as it is an old building and there are a lot of unknowns; that the \$77,500 is the contract, but it is not unusual in a renovation percentage across the board cannot be applied as there are other things involved in designing and engineering fees for renovated buildings because there are so many unknowns.

Councilman Gilbert stated in thinking "outside the box" we have fire halls through the city that already have electricity, water, phones - everything is there. He asked if there is a possibility we can put a certain amount of police in different fire halls so they can respond quicker in the areas they are already in rather than having one big precinct in one location but have them in several areas inside the city.

AGREEMENT (Continued)

GILBERT	YES
BERZ	NO
RICO	NO
MURPHY	YES
SCOTT	YES
LADD	YES

The motion failed (4-4).

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO AN AGREEMENT WITH MARCH ADAMS & ASSOCIATES, INC. TO PERFORM PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION OF THE POLICE STATION ON 11TH STREET FOR A TOTAL DESIGN FEE IN AN AMOUNT NOT TO EXCEED SEVENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$77,500.00)

Was adopted; on roll call vote:

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

AGREEMENT

On motion of Councilman Murphy, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH HAMILTON COUNTY FOR THE HAMILTON COUNTY COURTS COMMUNITY SERVICE PROGRAM TO PICK UP LITTER ALONG CITY RIGHTS-OF-WAY USING FIRST-TIME, NON-VIOLENT OFFENDERS IN AN AMOUNT NOT TO EXCEED SIXTY THOUSAND DOLLARS (\$60,000.00)
Was adopted.

OVERTIME

Overtime for the week ending April 14, 2011 totaled \$8,619.96.

PERSONNEL

The following personnel matters were reported for the various departments:

PARKS AND RECREATION:

- **BRANDIE ELLER** – Resignation, Crew Worker 2, effective April 8, 2011.
- **MICHAEL RICHARDS** – Promotion, Crew Supervisor 3, Range 14, \$40,000.00 annually, effective March 25, 2011.

CHATTANOOGA HUMAN SERVICES:

- **SANDRA MOORE** – Retirement, Family Services Assistant, effective March 31, 2011.

PUBLIC WORKS:

- **DILLON JENNINGS** – Resignation, Water Quality Technician 1, Engineering, effective April 21, 2011.

HOTEL PERMITS

On motion of Councilwoman Robinson, seconded by Councilman Benson, the following hotel permits were approved:

CHATTANOOGA CHOO CHOO – 1400 Market Street, Chattanooga, TN

CHATTANOOGA MARRIOTT – Two Carter Plaza, Chattanooga, TN

COUNTRY HEARTH INN & SUITES – 101 East 20th Street, Chattanooga, TN

DAYS INN RIVERGATE – 901 Carter Street, Chattanooga, TN

DOUBLETREE HOTEL – 407 Chestnut Street, Chattanooga, TN

HOLIDAY INN EXPRESS – 440 W. M. L. King Boulevard, Chattanooga, TN

NORTHSIDE MOTEL – 442 Cherokee Boulevard, Chattanooga, TN

THE SHERTON READ HOUSE HOTEL -- 827 Broad Street, Chattanooga, TN

REFUNDS

On motion of Councilwoman Robinson, seconded by Councilman Rico, the Administrator of Finance was authorized to issue the following refunds of property tax and error and release delinquent taxes, respectively:

GATOR DEVELOPMENT CORPORATION -- \$6,942.13

GUNBARREL PLACE LLC -- \$5,856.61

PURCHASES

On motion of Councilman Benson, seconded by Councilman Rico, the following purchases were approved for use for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

PURCHASES (Continued)

INNOVATIVE DATA SOLUTIONS (Sole source)

R41154

Software License, Training and Support Services per TCA 6-56-304.2

\$30,150.00

CHATTANOOGA FIRE DEPARTMENT:

TRI-STATE GOVERNMENT SERVICES (Best bid)

R38250/300919

Hazardous Waste Removal

\$11,800.00 – Annual estimation

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

GORDON FOOD SERVICES (Best bid)

R37059

Food and Kitchen Supplies

\$133,000.00 – Annual approximation

DIXIE PRODUCE COMPANY, INC. (Based upon unit prices bid)

R39143

Fresh Produce

\$33,000.00 – Annual approximation

SARALEE/EARTHGRAINS BAKERY (Based upon unit prices bid)

R502261

Bakery Products

\$25,000.00 – Annual approximation

PURCHASES (Continued)

AMERIFOODS (Best bid)

R38991

Meats and Frozen Foods

\$77,000.00 – Annual approximation

GENERAL SERVICES:

DIVERSIFIED COMPANIES (Lowest and best bid)

R40642/300954

Blanket Contract for City Wide Printing Services

\$52,086.00 – Annual estimation

PUBLIC WORKS DEPARTMENT:

BONNELL INDUSTRIES (Lowest and best bid)

R39560

Sand and Salt Spreaders

\$47,180.00

BOARD APPOINTMENTS

On motion of Councilwoman Robinson, seconded by Councilman Rico, the following Board appointment was approved:

SIGN APPEALS BOARD:

- Appointment of ***BROOKE BRADLEY-KING***, for a term expiring August 11, 2012 (replacement for Robert Crates).

PRESENTATION OF GAVEL

City Attorney McMahan stated at the beginning of the meeting Chairman Ladd hit the gavel and talked about how effective she was in bringing the crowd to attention. He stated she needs her own gavel so it can have its own particular "ring" to it. At this point he presented her with her own official gavel. Chairman Ladd struck the gavel on the striking plate and noted that it sounds great!

TENURE WITH COMMISSIONER FRANKLIN

City Attorney McMahan stated he and Mrs. O'Neal worked with Commissioner Franklin for about 20 years and stated it is said "behind every good man is a good woman" – that Commissioner Franklin had two good women behind him, Mrs. Franklin and Carol!

RECOGNITION OF BOY SCOUT

Councilman Murphy recognized the Boy Scouts of America and noted that a Boy Scout is present tonight in order to get one of his merit badges. He expressed thanks for his presence and interest in civic affairs.

RECOGNITION OF NEIGHBORHOOD SERVICES

Councilwoman Scott recognized Neighborhood Services and Mrs. Beverly Johnson and her capable staff as they hosted a neighborhood networking meeting last night and it was wonderful to see our neighborhood leaders, vice presidents and presidents getting together with one another and exchanging ideas. She congratulated her for doing a good job!

Chairman Ladd stated Councilwoman Scott did a wonderful job last night in conducting an education session for the general public on a very difficult, hard to understand and volatile issue on the sales tax agreement; that she did an outstanding job and has heard nothing but rave reviews.

Councilman Benson stated that Councilwoman Scott did a wonderful job, the place was full, Mrs. Johnson got them out and expressed hope it would be the beginning of another meeting. He announced that Councilwoman Scott would be available to come any time, any place into the neighborhoods and teach Sales Tax 101; that her presentation is clear and the whole thing is enlightening!

RECOGNITION OF NEIGHBORHOOD SERVICES
(Continued)

Councilman Benson stated Councilwoman Scott needs to go on a road show! He stated people need to read this morning's editorial in the *Chattanooga Times* section of the *Times-Free Press* as it is also part of Sales Tax 101 and very instructive.

COMMITTEES

Councilman Benson scheduled a meeting of the **Safety Committee for Tuesday, April 26.**

Councilwoman Berz stated at the request of one of the Council people and approval of the Chair the **Fire and Police Pension and General Pension Funds will be discussed in an educational work session of the Budget, Finance and Personnel Committee beginning at 1:30 p.m. in the Assembly Room on Tuesday, April 26.** She stated the Fire and Police Pension people have agreed to be here to educate us before any voting takes place and have given Council members a handout; that Daisy Madison, Donna Kelly or both will do a brief education on the General Pension fund.

Councilman Murphy stated the Legal and **Legislative Committee will discuss the sprinkler ordinance on next Tuesday, April 26.**

Chairman Ladd stated Committee chairs have not been assigned as yet and announced that the **Public Works Committee would meet on next Tuesday, April 26 following the Agenda Session.**

Councilwoman Robinson stated the Health, Human Services and Housing Committee met today to discuss a Resolution that will appear on next week's agenda that would authorize the payment of \$50,000 as cash infusion as working capital for Dogwood Manor to meet the short term needs through September 11. She stated this is the public housing project the city has contracted for services or requested that the CHA manage; that we received a briefing today and questions and answers with the CHA Director, Betsy McCright, who will be present next week before Council on the Resolution.

NEXT WEEK'S AGENDA: APRIL 26, 2011

Chairman Ladd stated the agenda for next week was discussed earlier during today's agenda session.

RULES OF PROCEDURE FOR ADDRESSING THE COUNCIL

At this time City Attorney McMahan read from the Council's Rules of Procedure with reference to persons wishing to address the Council on non-agenda matters.

FRANK DEPINTO

Frank DePinto of 401 Market Street expressed thanks for the opportunity to address the Council and to Randy Burns for his assistance with the PowerPoint presentation. He stated his presentation is dedicated to "Earth Day" which will be celebrated on tomorrow; that this is Chattanooga's first annual recycling report. He stated the data was basically collected from Public Works and the city's Solid Waste office. He stated recycling has three components as it conserves natural resources and raw materials so that the material goes in the landfill and is not left there but extracted and used for new products such as paper, aluminum cans and plastic bottles. He stated recycling also addresses reduction in landfills and methane, which is 21 times more toxic than greenhouse gases. He stated recycling is cost effective and less expensive than regular garbage; that at 25% four million dollars are saved each year. He stated his report shows that Chattanooga has failed and is not a responsible environmental partner; that Portland, Oregon was chosen as the number one sustainable city in 2010. He stated he had to go to the State because he experienced a lot of nastiness from Public Works and the City Council and it is the second time he has gone to them in three years to get data; that he worked with the planners in Portland, Oregon to get comparisons. He stated the indication is basically Chattanooga only recycles 1.5% of its residential and commercial solid waste which puts the city in non-compliance with State law as the 1991 Solid Waste Management Act dictates cities must attain a 25% waste reduction. He stated Chattanooga is at 1.5% and in violation, noting that he has a copy of the law.

Chairman Ladd noted that Mr. DePinto's time had expired. She acknowledged that he had spent a lot of time on the presentation and thanked him for coming to share the information.

CHRIS ANDERSON

Chris Anderson with the Bluff View Art District introduced Angela Niemeyer, General Manager of the District, and stated beginning the fall of 2010 they have been in contact with the Hamilton County GIS department concerning changing the addresses on East Second Street to new addresses with the right-of-way name being Bluff View. He stated in 2009 the Council approved the request by the City Engineer (Resolution 25903) which changed the right-of-way name for the 400 block of East Second Street to the 400 block of Bluff View. He stated the letter from the City Engineer clearly stated they were not notified of the change prior to or following the Resolution, in clear violation of City of Chattanooga procedures. He stated on Monday, April 18, 2011, they received notice by mail from Hamilton County GIS stating that the official name and number of seven properties would be changed to the addresses indicated on the GIS map; that this would give one year to make all the changes necessary to continue operating their business. He stated this places a significant hardship as the address changes affected their corporate address, relationship with over 2000 vendors, the massive costs of reprinting all of their in-house marketing materials and the monumental cost of reprinting materials and maps produced by the Convention and Visitors' Bureaus, CARTA and other tourism related agencies. He stated a recent publication promoting Chattanooga as a vacation destination was to have been included in publication materials from the State of Tennessee, promoting Chattanooga as "your own little corner of Europe" which points to visiting to the charming arts district. He stated if a visitor searches for their location on line they will be directed to East 2nd Street; that all GPS directions will do the same. He stated in reviewing the GIS proposal they discovered no business or residence is listed with an East Second Street address except for those in the Bluff View Art District. He stated in light of the hardship they suggested the Council consider renaming the portion of East Second from Market to "Lookout," "Aquarium Way" or another name suitable to the marketing needs of the city. He stated this would solve the problem of the disjointed street while affecting zero businesses and residences. They asked that the Council reconsider the Resolution passed by this body on April 21, 2009.

Councilwoman Robinson stated having watched the development of the Bluff View Art District through the past 18 years created a very special place. She stated the tremendous investment that has been made there just in bricks and mortar is paying a huge amount of taxes and benefits to the city of Chattanooga; that we are all excited and proud when we have out-of-state guests to take them there.

CHRIS ANDERSON (Continued)

Councilwoman Robinson stated it is her understanding our addressing procedure is done primarily to be able to direct emergency vehicles to a given area and to make certain there are no duplications; that it seems since no other businesses are located on the address they are using it does seem reasonable that this corporation which has all of its tax records, articles of incorporation and identification number documentation, in addition to all the businesses located in that area independent of one another, is something she would hope so very much can be revisited. She stated it does not seem to rise to the level of public safety; that she is not sure how to go back and revisit this and asked Mr. Leach if this is something we can go back and revisit or something we can deal with tonight.

Councilman Murphy stated he is amazed there is nothing on the purple highlighted portion of the Google map on Second Street that is addressed to Second Street; that the suggestion of "Aquarium Way" could be brilliant; that we should talk about this situation in Legal and Legislative Committee next week. He asked that they return next Tuesday afternoon and it would give other parties involved a time to talk about this. He stated it is distressing to him apparently notice was not given as it is noted in the letter; that every time they talk to the Council about this it is noted they have talked to the property owners and they were given a chance to pick their street name and have a say so on addressing. He stated this was obviously very, very early in this term of office and we revisited the street policy after this vote, also.

Councilwoman Scott asked that the Hamilton County GIS people that actually work with this come, as well, so that we will have everyone "at the table".

BRAD JONES

Brad Jones of 96 Everett Street was present to ask for revision or deletion of Ordinance 12092, Section 35-251, Section B, Part III pertaining to the pedicab business. He stated he just started a pedicab business in Chattanooga and it states no pedal carriages are allowed on any bridge way, tunnels or where bicycles are; that a pedicab is a bicycle and are not allowed on the walking bridge. He stated other bicycles are allowed on the walking bridge; that the ice cream carts are pulled by a bicycle yet pedicabs are not allowed on the walking bridge. He stated he is looking for a revision or deletion of that part of the Ordinance.

Councilman Bensons stated this was about a two or four week discussion about four-to-five years ago and asked if he was involved.

BRAD JONES (Continued)

Mr. Jones responded "no"; that he is new to this.

Mr. Benson stated all wanted to make this work so that it could be a profitable business in Chattanooga and it was discussed before the Legal and Legislative Committee he chaired at the time. He stated that Mr. Jones bought out the man who told him he was going to go out of business because he could not get on the bridge.

Mr. Jones stated most pedicab businesses do a sublease-type thing and rent out; that he does not do his business that way because of liability insurance; that he tries to protect his patrons the best he can.

Councilman Benson stated if this is reintroduced he wanted Mr. Jones to know the odds are against it when all the information is given.

Mr. Jones stated he understands why they are not allowed on the Market or Barton Avenue Bridges as they would prohibit traffic; that the walking bridge is a pedestrian bridge that other cart-driven bicycles are allowed on but pedicabs are not.

Councilman Benson stated that it got into segways wanting to be there also; that a lot of time was spent on it before and did work out to suit Mr. Jones' industry and still maintain tranquility and safety on the bridge. He stated at the same time they were trying to get dogs back on there, too. Mr. Jones stated dogs are allowed. Councilman Rico stated dogs are not vehicles for hire!

Councilwoman Scott inquired as to the dimensions of a pedicab in length and width.

Mr. Jones stated the City' ordinance states 55 inches wide and ten feet in length; that most pedicabs are 44 - 48 inches wide and around 86 inches in length.

Chairman Ladd clarified the matter would take place in Legal and Legislative Committee meeting.

Councilman Murphy stated the week after next (May 3) would be the date it would be discussed before Committee; that being a runner and biker and spending a lot of time on Market and the Walnut Street Bridges he is a little confused why we cannot let them on one or the other.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, April 26, 2011 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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