

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

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

**PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Councilwoman Robinson gave the invocation for the evening.

**MINUTE APPROVAL**

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

**SPECIAL PRESENTATION: ALBERT MOORE –  
“MURPHY SNODERLY AWARD”**

Admin. Leach asked public works employees to stand and stated that it is a distinct pleasure to introduce to everyone Albert Moore who won the “Murphy Snoderly Award” at a recent meeting of the Tennessee Municipal League (TML). He stated the award recognizes Mr. Moore for his dedication to the department, the city and the citizens of Chattanooga; that it is a statewide award for candidates across the state for the most outstanding non-administrative public works employee in the state of Tennessee. He stated Mr. Moore has worked for public works for 34 years and currently directs the operations at the East Brainerd recycle Center on Batters Place Road; that through his hard work, dedication and belief in the mission of the Center, he has routinely topped all the other recycle centers in collections of recyclable material. He stated that is really only part of the story as this guy has a heart for service and a love for people and anybody that comes there are treated the same; that he loves people to come to his Center and explains to them the importance of recycling.

**SPECIAL PRESENTATION: ALBERT MOORE –**  
**“MURPHY SNODERLY AWARD” (Continued)**

Admin. Leach stated he has been out to the Center in cold and hot weather and Mr. Moore talked to him a long time when he went out there the other day; that he is a true professional in every sense of the word, a real ambassador for our city and the need to recycle.

At this point Dan Johnson came forward to read an excerpt from a proclamation proclaiming **July 19, 2011 as ALBERT MOORE DAY** as proclaimed and signed by Ron Littlefield, Mayor of the City of Chattanooga. (Mr. Moore received a standing ovation at this time.)

Albert Moore thanked everyone, Mr. Van Winkle and the whole staff who brought him into the Battery Place location. He also thanked his coworkers, including Steve Leach, Lee Norris, Jim Templeton, Ricky Cooper and other fellow workers who supported him in this effort of doing the most important thing. He stated if everyone participates in recycling it would cut down a lot at the landfill; that Roger Moore is learning the process. He stated attitude and attendance has a whole lot to do with what he does; that once the attitude “kicks in” everything else will follow; that if a person is present on the job they can wait on the customers which is one of the things he likes to do as he likes his job! He stated he gives everyone who comes through good ideas and substance to what recycling is all about; that customers should be informed of what should and should not be recycled. He expressed thanks to the Mayor, his buddy Steve Leach, as well as Councilman Jack Benson. He stated he likes the hat Councilman Benson’s wears and noted Mr. Benson gave him a pin the other day that he wears on his usher uniform. He again thanked everyone for supporting him; that it not only represents Batters Place but everyone at the Batter drop off. He stated he will try to do his best as long as he can!

Councilman Benson stated that was the shortest speech Mr. Moore ever made! He stated Mr. Moore is the shining example and role model for what a true public servant should be; that he knows he makes a lot of people happy in East Brainerd; that he told Lee Norris the recycle spot Mr. Moore is in would never work as it was too far “off the beaten path”, but nearly everyone in East Brainerd enjoys coming and doing a little bit of talking and a lot of listening! He stated everyone loves Mr. Moore out there and everyone recycles because they like to see him (Moore). He expressed thanks for Mr. Moore’s service.

**AMEND CITY CODE**

On motion of Councilman McGary, seconded by Councilman Gilbert,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SECTION 38-2 DEFINITIONS, SECTION 38-185 USES PERMITTED AS SPECIAL EXCEPTIONS BY THE CITY COUNCIL, AND SECTION 38-527, SPECIAL EXCEPTIONS PERMIT FOR LATE NIGHT ENTERTAINMENT/EVENT FACILITY AND/OR NIGHTCLUBS OR SIMILAR USES**

Passed second and final reading and was signed in open meeting; **Chairman Ladd** voted "no".

**REZONING**

**2011-054: Wise Properties TN, LLC**

On motion of Councilwoman Scott, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 609 HAMILTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-7 NORTH SHORE COMMERCIAL/MIXED USE ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

**REZONING**

**2011-079: Dillard Partnership**

On motion of Councilman Rico, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7836 LEE HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE AND R-2 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE**

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

**CLOSE AND ABANDON**

**MR-2010-091: Patricia Washington**

On motion of Councilman Rico, seconded by Councilman Murphy,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY  
LOCATED IN THE SOUTH LINE OF THE 600 BLOCK OF EAST 17<sup>TH</sup> STREET  
WITH AT&T SOUTHEAST TO MAINTAIN THE EASEMENT IN THE FULL  
WIDTH, MORE PARTICULARLY DESCRIBED HEREIN**

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

**AMEND BUDGET ORDINANCE**

**Councilmen Berz and Murphy made the motion to approve this ordinance on final reading.**

Councilwoman Scott inquired as to whether the ordinance before them is the latest version. Assistant City Attorney Noblett confirmed that it is the latest version.

Councilman Gilbert stated before he voted on this, last week he encouraged the Council to look at what Councilman Murphy mentioned by setting aside \$75,000 so the mission of the minority chamber could continue and to actually look at everything. He stated Council members received information earlier but we need to set this aside and not actually give it to any one until all the questions have been answered and we are comfortable with them. He encouraged everyone to please look into that.

Chairman Ladd asked Councilman Gilbert if he is making that in the form of a motion. Councilman Gilbert responded "yes".

**Councilman Gilbert restated his motion to set aside \$75,000 from the economic development fund for the purpose of keeping the mission of the minority chamber/organization for the future. Councilman Murphy seconded the motion.**

Councilman McGary stated currently the motion on the table is to approve ordinance 5(e); however, the economic development piece for \$75,000 is a separate motion and would be appropriated as a line item for minority businesses/development.

## AMEND BUDGET ORDINANCE (Continued)

Councilman Benson stated the original intent of this was multicultural not just minorities; that he would support it if it is that way if and when we see the opportunity to fulfill the needed mission. He stated if it is multicultural he will support it.

Councilman Gilbert stated it is basically the same thing; that it is not helping one group but helps a group of people to grow from a small business to a large business. He stated minorities encompass women, African Americans, Hispanics -- a lot more people in that "kitty".

Councilman Benson stated he was trying to keep it more in line with what we presently have and what we worked through when we discussed what we would call it – Afro American, minority and finally came down to multicultural due to the immigration situation we were having and a lot of other things. He stated if that is what Councilman Gilbert intends he can support it.

Councilman Gilbert stated the intent of the motion is to preserve the mission of what Councilman Benson was involved in "back in the day"!

Councilwoman Berz asked for a point of clarification; that there is a motion on the floor that never reached fruition and then a second motion was given. She stated she is not sure of the intent of the second one and asked if is not to approve this. Chairman Ladd stated it is an amendment.

Councilwoman Berz stated if it is an amendment just the funds that would go to the Chamber of Commerce would be taken out as those are economic development funds; that if the \$75,000 is taken out and set aside from the \$20 million we cannot also approve the money that would go to the Chamber of Commerce; that it is that little "pot" it is coming from. She stated she is not sure Councilman Gilbert meant to just take out those funds that come from economic development.

Chairman Ladd stated the original ordinance we are to vote on did not have the \$75,000 in it that Councilman Gilbert is asking to be set aside, so to make an amendment to set \$75,000 aside will have to be taken from somewhere within the economic development fund that is in the ordinance.

Councilwoman Berz stated what is being done is either taking it from someone else or adding another \$75,000 on top of the money we have there which is not clear. She stated she just wants to know what is contemplated.

## AMEND BUDGET ORDINANCE (Continued)

Chairman Ladd stated she does not know if the Chief of Staff or Mrs. Madison has additional information the Council should consider.

Councilman Murphy stated it his understanding Councilman Gilbert intends for this to be an additional appropriation from the economic development fund, and as we were briefed earlier by Mrs. Madison and Mr. Johnson there is sufficient fund balance in that fund; that it was not appropriated to present year functions as it would just pay down debt faster. He stated there is an additional \$75,000 that will be available for the purpose to achieve the functions of what the Multicultural Chamber has been doing whether they do it going forward or not, which is the intent of Councilman Gilbert's motion. He stated a lot of the functions that have achieved the greatest utility of the Chamber are in federal contracts that require federal fund recipients to include a certain percentage of minority, veteran, women-owned, disadvantaged businesses as some contractors in work. He stated we have had in prior years major corporations come to us and indicate if it were not for the Multicultural Chamber of Commerce they would not have been able to meet their goals, such as Blue Cross' campus that would not have been able to be constructed using local people because the only folks that were maintaining a registry of minority, veteran, women and disadvantaged businesses was the Multicultural Chamber. He stated we all recognize it is functions like those that need to continue regardless of what happens to any particular organization. He asked Councilman Gilbert if he spoke the intent of his motion correctly. Councilman Gilbert responded that Councilman Murphy stated it perfectly!

Councilman Rico asked if we could simplify this and vote on the ordinance and then deal with Councilman Gilbert's motion later.

Chairman Ladd stated an amendment has to be dealt with as it comes up.

Councilwoman Robinson stated the list that we are about to approve appropriations for is right at \$20 million and that is all the money in that "pot"; that if we are indeed to add another \$75,000 as a set aside she wants to make certain it does not come from the appropriations approved. She stated if we are to add the additional \$75,000 she wants to be certain she understands (1) where it comes from and does not throw another budget out of balance and (2) she would like to determine if there is some sense on the Council of where the allocation of \$75,000 would go

## AMEND BUDGET ORDINANCE (Continued)

Councilman McGary addressed Mrs. Madison and stated the Council has by two votes passed the economic development budget and asked if any checks have been written concerning that budget. Admin. Madison responded "from economic development, no".

Councilman McGary stated in reference to Councilwoman Robinson's statement historically we allocated \$75,000 to the Multicultural Chamber, when we decided this year to take that line item out those dollars were absorbed elsewhere and asked where else were they absorbed.

Admin. Madison stated they were absorbed as part of what we call a Chattanooga lease payment offset and that amount is basically the amount of dollars required from that fund to pay debt service on outstanding debt after we received the monies from other sources to pay the debt service which is excess dollars from the Chattanooga and monies from the state.

Councilman McGary stated since we have not written a check those dollars can be reallocated, correct. Admin. Madison responded "yes".

Councilman McGary stated that would be part of his concern in regard to where the \$75,000 would come from; that initially he was trying to weigh Councilman Gilbert's request and his thoughts are last week we asked the Multicultural Chamber to answer 18 questions that were raised in the document that was submitted to us and they have done so. He stated his initial feeling is if there is some outstanding requirement we are placing on the Multicultural Chamber let's get that out in the open; that he would like to see Councilman Gilbert's motion amended to appropriate it to the Multicultural Chamber. He stated if there is something still out there to keep us from doing that he would like to know what that is; that it is only fair to the Multicultural Chamber to say what that is. He stated if we have asked them to do something and they have done it and we just received the document tonight, he is a little amiss to ask that we vote on the Multicultural Chamber tonight which is where his only concern comes from, but we asked them to do something and they have done it. He stated what else outstanding is there, yet, to do; that if there is other information that prevents anyone on the Council from funding the Multicultural Chamber he would like to know what it is and let it be a part of the minutes so we can all operate with the same information.

At this point Chairman Ladd asked Councilman Gilbert if he would like to change his motion.

## AMEND BUDGET ORDINANCE (Continued)

Councilman Gilbert responded “no” and would like to keep it as it is. He stated we received the information as Councilman McGary mentioned and we have not absorbed everything in the document; that he has more questions and will ask at another time for more information. He stated he would rather do it the way he has proposed and if the Multicultural Chamber is the one to receive it after we have all the questions answered then so be it and if not at least the money is there for the mission. He stated his main objective has always been the mission that was originally set up to help small businesses and minorities and it has always been that way.

Councilman Benson stated we received 18 answers but we have not received 18 complete answers. He stated if the document is read many of the interrogatives we asked for were just partially answered; that they need more time to answer completely and we need more time to review what they have said in their answers. He stated he supports the motion because the mission has been admirable of what they needed to do; that our problem is has it been cost effective for what they have done; have they spent the money in the most effective way. He stated we have to be good stewards of the taxpayer’s money; that right now this motion gives us an opportunity to have a little more time if they can come up and show they can fulfill the mission in a good, accountable way and possibly they might get the \$75,000, but from what he has read so far it looks as if we need to make a clean sweep and we need to see that the purpose of the Multicultural Chamber is fulfilled some way or another. He stated we need the mission accomplished but we need a good sound business plan and we need whomever we put in charge fulfilling this mission; that we have to see that they are going to be fully accountable to the people paying the price for fulfilling this mission. He expressed support for Councilman Gilbert’s motion as it is, but that could mean this Chamber could come back and be funded or it could be a whole new organization out there.

Councilwoman Berz stated she wants to stay issue oriented; that these are all very good ideas, however in looking at the original motion she does not see the economic development piece in here; that the Chamber is a whole different thing.

Admin. Madison stated the amendment before the Council . . . Councilwoman Berz stated not the amendment, the second reading of the ordinance. Admin. Madison stated that is an amendment to the initial budget; the one the Council is considering today is an amendment to the initial budget.



## AMEND BUDGET ORDINANCE (Continued)

Councilwoman Berz stated she hates to admit that Councilman Rico might be right! She stated the original one has to do with the agencies and not those that fall under economic development; that she does not see the "big" Chamber in here.

Admin. Madison stated the initial amendment to the original ordinance that the Council has before them is an ordinance that allocates the agencies as the Council requested; that the motion as she understands it is to amend the amendment to allocate a dollar amount for a specific purpose; so this amendment would have to be amended to do what the motion is requesting.

Councilwoman Berz stated she sees it a different way; that if we approve this which encompasses none of the economic . . . the Chamber of Commerce is not on this. Admin. Madison responded "right".

Councilwoman Berz stated the Multicultural Chamber fell along with the Chamber using economic development funds; that when we pass this it has nothing to do with a second motion that says the economic development funds should be the source of a whole different . . . . Admin. Madison stated this document would have to be edited in order for this to be incorporated.

Councilman Rico called for the question.

Councilwoman Berz stated we are talking "apples and oranges" here; that economic development funds are not in here. She stated the Chamber funds, the Multicultural Chamber – none of that is in here. She stated if we pass this that gets all the rest of this "off the table" and does not "muddy the way" for the very important issue of economic development funds and how they are split or spent with the Chamber of Commerce AND the Multicultural Chamber of Commerce which are two different "pots". She stated it does not speak of an amendment, it speaks of a totally new motion.

Admin. Madison stated it can be done either way the Council likes; that it can be passed as it is and it will not impact the economic development fund nor earmark dollars. She stated in order to do what has been suggested or requested in the motion another amendment to the operations budget would have to be done.

**AMEND BUDGET ORDINANCE (Continued)**

Councilwoman Berz stated that is her point! She stated Admin. Madison is right, they are "apples and oranges"; that none of that is mentioned here and we need to pass this if the Council wants to pass it; that it is a totally different source of funding, economic development funding. She stated it is not an amendment to this motion.

Admin. Madison stated it can be done either way, whichever is most comfortable.

Councilwoman Berz suggested passing this or not and then talk about the economic development funds.

Chairman Ladd stated the call for a vote on the motion to amend has been made and the City Attorney has instructed her if that is voted in we will have to have a second reading which will change the initial ordinance in front of us this evening; that we will have to have a second vote on that ordinance. She asked Councilman Gilbert if he still wishes to continue with his motion. Councilman Gilbert responded "yes".

**On roll call vote on Councilmen Gilbert and Murphy's motion to set aside \$75,000:**

<b>MCGARY</b>	<b>YES</b>
<b>MURPHY</b>	<b>YES</b>
<b>SCOTT</b>	<b>NO</b>
<b>ROBINSON</b>	<b>NO</b>
<b>BENSON</b>	<b>NO</b>
<b>GILBERT</b>	<b>YES</b>
<b>BERZ</b>	<b>NO</b>
<b>RICO</b>	<b>NO</b>
<b>LADD</b>	<b>NO</b>

The motion failed.

AMEND BUDGET ORDINANCE (Continued)

On motion of Councilwoman Berz, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 12523, ENTITLED "AN ORDINANCE, HEREINAFTER ALSO KNOWN AS 'THE FY2011/2012 BUDGET ORDINANCE', TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, AND ENDING JUNE 30, 2012, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES." SO AS TO PROVIDE FOR CERTAIN CHANGES IN APPROPRIATIONS SET OUT IN SECTION 5(a)**

Passed second and final reading and was signed in open meeting; **on roll call vote:**

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

ALLOCATE \$75,000.00 FROM ECONOMIC DEVELOPMENT FUND

Once the vote on final reading to approve the budget amendment was cast, Councilman McGary made the motion to allocate \$75,000 from the Economic Development Fund for the purpose of supporting an agency with the goal of assisting small, multicultural, minority and women-owned businesses; Councilman Gilbert seconded the motion; the motion carried.

CLOSE AND ABANDON

MR-2011-041: North Chattanooga Enterprise LLC/Vincent Morse

On motion of Councilwoman Scott, seconded by Councilman Murphy,  
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF AN UNOPENED ALLEY PARALLEL TO THE 800 BLOCK OF DALLAS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

Was denied.

PAYMENT AUTHORIZATION

On motion of Councilman Benson, seconded by Councilwoman Berz,  
**A RESOLUTION AUTHORIZING PAYMENT TO R1 TN 2, LLC FOR A RIGHT-OF-WAY EASEMENT RELATIVE TO CONTRACT NO. E-08-010, SHALLOWFORD ROAD AT JENKINS ROAD INTERSECTION IMPROVEMENTS, FOR TRACT 7, TAX MAP NO. 149K-C-033.01, ON JENKINS ROAD, IN AN AMOUNT NOT TO EXCEED SEVENTY-NINE THOUSAND ONE HUNDRED SEVENTY-SEVEN AND 50/100 DOLLARS (\$79,177.50)**

Was adopted.

CONTRACT

Councilwoman Scott asked if this surface treatment is the same thing as the previous aka chip seal.

Admin. Leach responded "no"; that it is micro-surfacing.

On motion of Councilman Murphy, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO AWARD CONTRACT NO. E-11-006-201, BITUMINOUS SURFACE TREATMENT, TO VOLUNTEER EXCAVATING, LLC IN THE AMOUNT OF TWO HUNDRED TWENTY-THREE THOUSAND SEVEN HUNDRED EIGHTY-TWO AND 46/100 DOLLARS (\$223,782.46), WITH A CONTINGENCY AMOUNT OF TWENTY-TWO THOUSAND THREE HUNDRED SEVENTY-EIGHT AND 54/100 DOLLARS (\$22,378.54), ORCHARD KNOB AVENUE, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FORTY-SIX THOUSAND ONE HUNDRED SIXTY-ONE DOLLARS (\$246,161.00)**

Was adopted.

**CHANGE ORDER**

On motion of Councilwoman Robinson, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) WITH BROWN BROTHERS, INC. RELATIVE TO CONTRACT NO. E-08-028-203, HAMILL ROAD IMPROVEMENTS – HIGHWAY 153 TO HIXSON PIKE – PHASE 3, DECREASING THE CONTRACT AMOUNT BY THIRTY-TWO THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$32,750.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE MILLION FOUR HUNDRED SIXTY-FIVE THOUSAND FIVE HUNDRED EIGHTY-EIGHT DOLLARS (\$1,465,588.00), AND RELEASING THE CONTINGENCY OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00)**

Was adopted.

**CHANGE ORDER**

On motion of Councilwoman Robinson, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO.1 (FINAL) WITH BROWN BROTHERS, INC. RELATIVE TO CONTRACT NO. E-08-028-204, HAMILL ROAD IMPROVEMENTS – HIGHWAY 153 TO HIXSON PIKE, DECREASING THE CONTRACT AMOUNT BY EIGHTEEN THOUSAND SEVEN HUNDRED SEVENTEEN AND 81/100 DOLLARS (\$18,717.81), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FOUR HUNDRED NINETY THOUSAND TWO HUNDRED NINETY-FIVE AND 19/100 DOLLARS (\$490,295.19), AND RELEASING THE CONTINGENCY OF FIFTY-ONE THOUSAND DOLLARS (\$51,000.00)**

Was adopted.

**CHANGE ORDER**

On motion of Councilman Rico, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO.1 (FINAL) WITH SAK CONSTRUCTION, LLC RELATIVE TO CONTRACT NO. W-09-005-201, UPPER AMNICOLA AND TIFTONIA INTERCEPTOR REHABILITATION CONTRACTS, DECREASING THE CONTRACT AMOUNT BY TWO HUNDRED SEVENTEEN THOUSAND EIGHT HUNDRED SEVENTY-NINE AND 67/100 DOLLARS (\$217,879.67), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED TWO MILLION EIGHT HUNDRED FIFTY-FOUR THOUSAND ONE HUNDRED FIFTY-FIVE AND 33/100 DOLLARS (\$2,854,155.33) AND RELEASING THE CONTINGENCY OF THREE HUNDRED THOUSAND DOLLARS (\$300,000.00)**

Was adopted.

**CHANGE ORDER**

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) WITH DILLARD CONSTRUCTION, INC. RELATIVE TO CONTRACT NO. S-10-007-201, STERLING AVENUE DRAINAGE DITCH REPAIR, INCREASING THE CONTRACT AMOUNT BY SEVENTY-FOUR THOUSAND FIVE HUNDRED SEVENTY AND 33/100 DOLLARS (\$74,570.33), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED SEVEN HUNDRED SIXTY-SIX THOUSAND TWENTY-SIX AND 58/100 DOLLARS (\$766,026.58)**

Was adopted.

**LICENSE AGREEMENT**

On motion of Councilman McGary, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO EXECUTE A TWO (2) YEAR LICENSE AGREEMENT WITH RIVER CITY DUCKS, LLC, FOR THE USE OF THE ROSS' LANDING RAMP TO ACCESS THE TENNESSEE RIVER FOR THE OPERATION OF AN AMPHIBIOUS VEHICLE IN AN AMOUNT OF FOUR HUNDRED FIFTY DOLLARS (\$450.00) PER MONTH DURING THE MONTHS OF MARCH 1<sup>ST</sup> THROUGH OCTOBER 31<sup>ST</sup>**

Was adopted.

**AGREEMENT**

On motion of Councilman Rico, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO AN AGREEMENT WITH TERRACON CONSULTANTS, INC. TO COMPLETE BROWNFIELD REMEDIATION SERVICES AT THE OLD 36<sup>TH</sup> STREET LANDFILL SITE AND THE TENNESSEE AVENUE AT RAILROAD UNDERPASS SITE, IN THE AMOUNT OF SEVENTY-SEVEN THOUSAND TWO HUNDRED DOLLARS (\$77,200.00)**

Was adopted.

## BONDS

On motion of Councilman McGary, seconded by Councilman Benson,

**A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF CHATTANOOGA TO ISSUE BONDS OF THE CITY OF CHATTANOOGA, TENNESSEE, IN THE AGGREGATE AMOUNT NOT TO EXCEED TWENTY MILLION DOLLARS (\$20,000,000.00) FOR THE PURPOSE OF PAYING ALL OR A PORTION OF THE COSTS OF THE FOLLOWING: EASTGATE LIBRARY BRANCH REHABILITATION; CITY HALL CAMPUS; COUNCIL BUILDING ROOF; WAREHOUSE ON MAIN STREET; 11<sup>TH</sup> STREET POLICE STATION; ROAD IMPROVEMENTS – ROUNDABOUT SHALLOWFORD ROAD AT JENKINS ROAD; SHALLOWFORD ROAD GUNBARREL TO JENKINS; WILCOX TUNNEL REHABILITATION; GOODWIN DRIVE – SIDEWALKS; GENERAL BRIDGE REPAIRS (CITY-OWNED); ENTERPRISE SOUTH INDUSTRIAL PARK INTERSECTION IMPROVEMENTS; SUPPLIER PARK NORTH ACCESS ROAD; POTHOLE PATCHING TRUCK; ASPHALT PAVER; TOOL ROOM BUILDING ROOF REPLACEMENT; PAUL CLARK OPERATIONS CENTER ROOF REPLACEMENT; HIXSON RECREATION CENTER; “SUMMIT OF SOFTBALL” MAINTENANCE BUILDING; FIRE APPARATUS; COMMUNITY THEATRE REHABILITATION; POLICE SERVICE CENTER RENOVATION; CITY-WIDE TECHNOLOGY UPGRADES**

Was deferred one week.

## LAND ACQUISITION

**MR-2011-081: City of Chattanooga c/o Dan Thornton**

Councilwoman Scott stated that she has questions and knows others had questions about the cost for this property; that it is her understanding, based on the questions she asked, that this property has been appraised for this amount and wanted to let everyone know that.

Councilman McGary stated he was not able to be privy to the conversation and asked the question last week thinking this was part of another item; that it is his understanding there is a possibility that soccer fields or some other form of entertainment will be on the top of this acre and asked if he were correct.

Chairman Ladd noted that Councilman McGary is correct.

## LAND ACQUISITION (Continued)

Admin. Leach stated this is the area across from the National Park Service's proposed welcome center for Moccasin Bend and it will accommodate several different uses; that it could be recreation. He stated they intend to use it for a combined sewer overflow holding tank like the one at Warner Park, but the top portion of it will be available as it has been used at other places. He stated at this point in time they have an opportunity and decided to acquire it and will keep the tenant that is on it now until we are ready to use it. He stated we are actually getting revenue off of it, confirming it can be used for recreation as it can be a trail head for Moccasin Bend activities; that it is a rare opportunity to get property we know we will need today.

Councilman McGary stated his only concern is that he has been contacted by some individuals from the soccer community who had concerns about whatever sort of field that will be decided. He asked if someone from the community could be consulted to assure they are properly used.

Admin. Leach stated that will go to the Parks and Recreation folks; that they will work with them as they have always done.

On motion of Councilwoman Scott, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING THE ACQUISITION OF TWELVE PLUS (12+) ACRES LOCATED AT 155 AND 159 HAMM ROAD FROM AFFILIATED TRANSPORT, INC. FOR A CONSIDERATION OF TWO MILLION DOLLARS (\$2,000,000.00), PLUS CLOSING COSTS, AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY RELATING THERETO**

Was adopted.

## OVERTIME

Overtime for the week ending July 14, 2011 totaled \$46,488.52.

## PERSONNEL

The following personnel matters were reported for the various departments:



## PERSONNEL (Continued)

### PERSONNEL:

- **TONIA EWING** – Leave of Absence (30 days), Personnel Technician, effective June 21 – July 20, 2011.
- **JENNIFER LOWRY** – Family Medical Leave, Project Manager Wellness, effective July 12 – November 12, 2011.

### CHATTANOOGA HUMAN SERVICES:

- **SARAH KIDD** – Resignation, Data Technician, Head Start, effective June 24, 2011.
- **WILMA AKRIDGE** – Deceased, Executive Secretary, effective July 8, 2011.

### CHATTANOOGA POLICE DEPARTMENT:

- **CHRISTOPHER GRAFE** – Suspension (3 days without pay), Police Officer, effective July 1 – 4, 2011.
- **STEVEN BAKER** – Retirement, Police Sergeant, effective July 14, 2011.
- **SHEILA JETTON** – Leave of Absence without Pay, Police Officer 1, effective July 16 – August 15, 2011.
- **BRYAN WOOD** – Return to Duty from Military Leave, Police Officer, effective July 18, 2011.

### PARKS AND RECREATION:

- **DONNAVON VASEK** – Resignation, Parks Ranger, effective July 14, 2011.

### PUBLIC WORKS DEPARTMENT:

- **KARI LAWMAN** – Suspension (4 days without pay), Engineering Contracts Technician, Engineering, effective July 8 – 13, 2011.

### PERSONNEL (Continued)

- **CEDRIC THORNTON** – Suspension (10 days without pay), Crew Worker 1, City Wide Services, effective July 14 – 27, 2011.
- **MACKER STRICKLAND, JR.** – Termination, Crew Worker 1, City Wide Services, effective July 1, 2011.
- **JAMES FRANCIS, JR.** – Leave of Absence without Pay, Equipment Operator 5, City Wide Services, effective July 19 – August 18, 2011.
- **ALEX FREEMAN** – Leave of Absence without Pay, Crew Worker 1, City Wide Services, effective July 19 – August 18, 2011.
- **TANIA HALL** – Termination, Equipment Operator 4, City Wide Services, effective July 6, 2011.

### EMERGENCY PURCHASE

The emergency purchase of Meth Lab Cleanup for the Chattanooga Police Department on R45136 from Marion Environmental, Inc. in the amount of \$10,895.50 was duly reported and signed in open meeting.

Councilwoman Scott inquired as to the history of why we do this as we do for emergency purposes, wanting to know why it is signed in Council members' presence.

Assistant City Attorney Phil Noblett stated this is conducted as part of the departmental businesses in front of the Council; that the Council authorizes him to do it in their presence which is the reason he is getting it done. He stated we used to have wills and had to have three witnesses to execute it and here we have nine that are actually watching him do the business of the city in front of them.

### WALNUT STREET BRIDGE INCIDENT

Councilman Benson stated someone stopped him before the meeting and asked about the shooting on the Walnut Street Bridge and told them what he had heard from the police department. He asked Chief Carroll to clarify the matter as there are a lot of unfounded rumors going around.

## WALNUT STREET BRIDGE INCIDENT (Continued)

Chief Carroll stated last night about 9:30 p.m. police officers responded to the Marriott Convention Center, a male juvenile 14 or 15 years old ran in and asked for the police to be called as a group of men were chasing him. He stated once the officer arrived, the young man informed him it was the same individuals that chased him on the Walnut Street Bridge Sunday night after the movies in the park and indicated one of them shot at him. He stated the police picked up two 14 year olds who stated each other had shot at one another; that they are still looking at that portion of it; that they have looked at the video and do not see any shooting so far on the video as it is still under investigation.

Councilwoman Robinson stated as she understands it this happened on the south end of the Walnut Street Bridge in the general area and if guns were fired casing would be ejected and asked if anything like that was discovered.

Chief Carroll stated no casings were found; that one of the young men stated they were shooting a revolver which would not eject any shell casings which may explain that.

Councilwoman Robinson asked if we know anything about the juveniles. Chief Carroll stated they have their names and their parents picked them up; that they actually had nothing to charge them with at the time; that the matter is still under investigation. He stated they have names of other people that may have been involved.

Councilwoman Robinson stated that leaves some unanswered questions; Chief Carroll stated this is still under investigation and no one has been charged, yet.

Councilwoman Robinson stated it is a great tragedy. Chief Carroll responded "yes"; especially with the age of the children involved at 14 and 15 years old.

**(Councilman Murphy excused himself from the meeting at this point.)**

## PURCHASES

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

**PURCHASES (Continued)**

GENERAL SERVICES:

**LEE-SMITH, INC. (Best Bid)**  
**R43495/301222**

Purchase of One (1) Street Sweeper

\$230,765.00

PARKS AND RECREATION:

**PARK EQUIPMENT, INC. (Lowest bid)**  
**R43622**

Delivered Topsoil for Montague Park

\$44,800.00

**BOARD APPOINTMENT/RE-APPOINTMENT**

On motion of Councilwoman Berz, seconded by Councilman Gilbert, the following Board appointment/re-appointment was approved:

**BEER AND WRECKER BOARD:**

- Appointment of ***FORESTINE HAYNES*** for a three year term representing District 5 for a term ending July 31, 2014.
- Re-Appointment of ***PHILLIP SALLEE*** for a three year term representing District 4 for a term expiring July 31, 2014.

**CITY ATTORNEY'S REPORT**

Assistant City Attorney Noblett stated the Council has received a copy of a written report on achievements during the week; that they received a good court ruling in a federal court case this past week and the city is now out of that court; that they were going to have to go to trial on July 25 and that case has now been resolved by the court.

## COMMITTEES

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, July 26.**

In the absence of Councilman Murphy, Councilman Rico reported that the **Legal and Legislative and Safety Committee will meet on Tuesday, July 26** to discuss beer regulations for caterers and other matters within the Committee's jurisdiction.

Councilwoman Berz stated the **Budget and Finance Committee is scheduled to meet on Tuesday, July 26 from 1:00 p.m. – 3:00 p.m.** to continue discussion on the capital budget.

## NEXT WEEK'S AGENDA

Chairman Ladd stated the agenda for next week was discussed earlier today during the Agenda Session.

## RULES OF PROCEDURE FOR ADDRESSING THE COUNCIL

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

## JOHN TAYLOR

**John Taylor** spoke on behalf of the Tennessee Multicultural Chamber (TMCC) and expressed thanks to the Council for their support. He stated he was not present to ask for funding; that their main purpose for being present tonight is for character. He stated his father instructed him the only thing people have is a name and a good name is rather to be chosen than silver and gold. He stated they are present to answer allegations that were presented; that there were 18 questions and they presented those questions and if there are any concerns they want to make sure the Council gets a chance to digest the information and welcomes additional information or questions at any time.

### JOHN TAYLOR (Continued)

Mr. Taylor stated that is their main purpose for being present as there have been a lot of things going on in the paper; that someone today said "there are a lot of clouds". He stated he stands before the Council after going over with the Board, looking for answers and making sure every "t" was crossed and ever "l" dotted; that he stands before the Council with full confidence of those who have served prior to and serving how. He stated they have to make sure their mission is presented and answer any questions, which is the whole purpose of the TMCC. He stated they are present to say on behalf of the Director, the Chamber itself, the previous chair person and board members that they have gone through everything, spoke with the accountant, as well as auditors in presenting the information. He stated the information was presented to the Mayor's office and prays they will go over it. He stated they are open for any questions the Council might have or would like for them to come and talk with them about.

### SHERRIE GILCHRIST

**Sherrie Gilchrist**, President and CEO of TMCC of 809 East Tenth Street stated a lot of information has been put out prior to their being able to address the 18 questions; that she felt due diligence was to make sure the Council people who represent the City of Chattanooga had first priority in seeing what the answers were relating to that. She stated there has been a lot of discussion about whether or not property was acquired at a certain rate or below market value; that they have appraisals with them that they can provide the Council and can give some of the architectural renderings they have had in place related to the development of the business center on M. L. King Boulevard. She stated they had no intention of ever actually building a building as they were trying to partner with developers and investors to get the project going. She stated we went into a recession about years ago and most people who were working with them could no long work with them for the fact that their lines of credit were no longer available due to the financial institutions. She stated there has been no misrepresentation of any money related to the government, the stakeholders that have been give to them. She distributed information for the Council's review and stated if there are additional comments she would be glad to address them.

Mr. Taylor expressed thanks to the Council for consideration of this matter.

**STEPHEN WEST**

**Stephen B. West** of 5280 Rotary Drive was present to inform the Council that his supervisors were before the Council two-to-three weeks ago about overtime and paying a company \$2.5 million to help them clean up; that it was said it was too hot to stay out and work. He presented photos of the equipment being used that does not have air conditioning but noted it is okay for those contracted to do ten hours a day plus work eight hours or ten hours on Saturdays but it was said no one else could do it. He stated he wanted to bring this to the Council's attention to show the equipment because it is not fair for some people to be treated one way; that half are being treated differently from the other half. He stated the photos show the workers with dust masks on and they have to keep the doors open all the time; that there is air conditioning in all the knuckle boom trucks the city has. He stated if some guys are working 10 hours a day, all of them can do ten hours a day!

**ADJOURNMENT**

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

---

**CHAIRMAN**

---

**CLERK OF COUNCIL**

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