

City Council Building
Chattanooga, Tennessee
March 20, 2012
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 joined the meeting later. 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 Benson gave the invocation for the evening.

MINUTE APPROVAL

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

AMEND ZONING ORDINANCE

On motion of Councilman Rico, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, CHAPTER
38, ZONING ORDINANCE, ARTICLE VIII, SECTION 38-564(1),
APPLICATIONS TO THE BOARD**
passed second and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilman Murphy, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, CHAPTER
20, ARTICLE VII, BY ADDING A NEW DIVISION 3 TITLED "MOBILE FOOD
UNITS", SECTIONS 20-146 THROUGH 150, AND CHATTANOOGA CITY
CODE, CHAPTER 38, SECTIONS 2, 203 AND 222 RELATIVE TO ZONING
FOR MOBILE FOOD UNITS**
passed second and final reading and was signed in open meeting.

REZONING

2010-015: City of Chattanooga

On motion of Councilwoman Scott, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1165 FAIRMOUNT AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2012-008: Barter E. & Elizabeth B. Woodham

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 1910 EAST 31ST STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS

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

(Councilman McGary joined the meeting at this point.)

AMEND CITY CODE

On motion of Councilman Gilbert, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 26, SECTION 26-23, ESTABLISHING THE EVENT FEES FOR USAGE OF VARIOUS CHATTANOOGA PARKS AND RECREATION FACILITIES AND ARTS AND CIVIC CENTERS

passed first reading.

FRANCHISE

City Attorney McMahan stated following last week's meeting Mr. Payne looked at how much it cost us to process this application and came to a figure of \$10,000.00 and \$500 per year for ongoing supervision of the franchise; that he wanted the applicant to know that was in the ordinance.

On motion of Councilman Murphy, seconded by Councilman Rico,

AN ORDINANCE GRANTING UNTO ENGLEWOOD ENTERPRISES A FRANCHISE FOR CONSTRUCTION, REPAIR AND MAINTENANCE OF AN ETHANOL PIPELINE LOCATED WITHIN THE RIGHT-OF-WAY IN THE 4200 AND 4300 BLOCK OF JERSEY PIKE (CASE NO. MR-2012-019), AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

passed first reading; Councilmen Benson, Berz and Gilbert voted "no".

AMEND BUDGET ORDINANCE NOS. 12523 AND 12534

On motion of Councilman Gilbert, seconded by Councilman Murphy,

AN ORDINANCE TO AMEND BUDGET ORDINANCE NOS. 12523 AND 12534 SO AS TO APPROPRIATE FIVE THOUSAND DOLLARS (\$5,000.00) AND TWENTY THOUSAND DOLLARS (\$20,000.00) RESPECTIVELY TO THE ENGEL STADIUM FOUNDATION FOR ROOF REPAIR TO ENGEL STADIUM

passed first reading; Councilwoman Scott voted "no".

REZONING

2012-001: Terrence M. Majors, DDS/Joe Proctor

On motion of Councilman McGary, seconded by Councilman Benson,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6514 AND 6518 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was withdrawn at the request of the applicant.

AGREEMENT

Councilwoman Scott stated her only objection is to the size of the first allotment which is \$6 million, otherwise everything else looks fine; that it is her wish the first installment was smaller.

On motion of Councilman Rico, seconded by Councilwoman Berz,

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH GLOBAL GREEN LIGHTING FOR A PURCHASE OF UP TO TWENTY-SEVEN THOUSAND LIGHTS (27,000), WITH AN INITIAL PURCHASE OF SIX MILLION DOLLARS (\$6,000,000.00) AND ADDITIONAL PURCHASES SUBJECT TO FUTURE FISCAL YEAR FUNDING, AND FURTHER AUTHORIZING A THREE-PARTY ESCROW SERVICE AGREEMENT WITH IRON MOUNTAIN INTELLECTUAL PROPERTY MANAGEMENT

was adopted; on roll call vote:

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

The motion carried: 6 Yes; 2 No; 1 Abstention.

AGREEMENT

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF EDUCATION, ARTS & CULTURE TO EXECUTE A LICENSE AGREEMENT WITH EASTGATE TOWN CETNER, LLC, FOR TEMPORARY USE OF CERTAIN FACILITIES LOCATED AT 5600 BRAINERD ROAD, EASTGATE TOWN CENTER, AND SHALL COMMENCE JUNE 1, 2011, AND END ON JULY 31, 2012, WITH A "ROLLING TERM" OF TWELVE (12) MONTHS CONTINUING THEREAFTER

was adopted.

AMEND RESOLUTION 26985

On motion of Councilwoman Berz, seconded by Councilman McGary,
A RESOLUTION TO AMEND RESOLUTION NO. 26985 ENTITLED, "A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME FOR THE 400-499 BLOCK OF WESTVIEW DRIVE TO THE 400-499 BLOCK OF CLOUDLAND TRAIL, TAX MAP NO. 1571, DUE TO THE STREET NAME SEGMENTS AND EMERGENCY RESPONDER ISSUES." BY CHANGING THE STREET NAME FROM WESTVIEW DRIVE TO WESTVIEW AVENUE

was adopted.

AMEND RESOLUTION 26989

The Clerk of Council read the Caption of the resolution

A RESOLUTION TO AMEND RESOLUTION NO. 26989 ENTITLED, "A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME FOR THE 300-499 BLOCK OF EAST VIEW TO THE 300-399 BLOCK OF PADEN LANE, TAX MAP 1571, DUE TO DUPLICATE STREET NAME SEGMENTS AND EMERGENCY RESPONDER." BY CHANGING THE STREET NAME FROM EAST VIEW TO EASTVIEW AVENUE

Councilmen Berz and Gilbert made the motion and second to approve the Resolution.

Councilman Murphy stated as the caption was read the last part says" by changing the street name from East View to Eastview Avenue"; that it is his belief it should say "changing the street name form East View to Paden Lane", asking if he were correct.

AMEND RESOLUTION 26989 (Continued)

City Attorney McMahan stated he cannot confirm one way or the other; that it would be better to pass it until next week to verify with Mr. Payne what it should be.

Councilman Benson made the motion to defer the matter to clarify the issue.

Councilman Murphy asked that it be held until the end of the meeting.

Chairman Ladd stated we have a motion to defer on the floor and (she) needs to recognize the motion.

At this time Councilwoman Scott seconded the motion to defer.

Councilman Murphy stated we can come back to it before the end of the meeting; that it is in the resolution somewhere.

Councilman Benson expressed his thought Councilman Murphy is correct; that it was Paden last week when it was read.

Chairman Ladd asked if Councilman Benson wanted to withdraw his motion to defer and come back to it at the end of the meeting.

City Attorney McMahan suggested Mr. Norris call Mr. Payne on his cellular noting he could tell us.

Councilman Murphy stated the caption says we are changing it "from the 300-499 block of East View and changing it to Paden Lane" with the same address "due to duplicate street name segments and emergency responder"; that the caption concluded by saying "... the street name from East View to Eastview Avenue" and does not think we want to change it that way; that we are changing it to Paden.

Councilman McGary stated we just passed a resolution from West View Drive to West View Avenue and is curious if there is the same concern there from Councilman Murphy or is it simply unique to this one in question.

Councilman Murphy responded "good catch on that one"; that we are supposed to be calling that one Cloudland Trail.

Councilmen Benson and Scott withdrew their motion and second to defer the matter one week.

AMEND RESOLUTION 26989 (Continued)

City Attorney McMahan corrected the caption to read:

A resolution to amend Resolution 26989 entitled “A resolution to change the right-of-way name for the 300-499 block of East View to the 300-499 block of Paden Lane, Tax Map No. 1571, due to duplicate street name segments and emergency responder issues.” by changing the street name from East View to Paden Lane.

Councilman Murphy made the motion to accept the amendment; Councilman Rico seconded the motion; the motion carried.

Councilman Murphy then made the motion to reconsider resolution (c); Councilwoman Robinson seconded the motion; the motion carried.

City Attorney McMahan stated resolution (c) will now read:

A resolution to amend Resolution 26985 entitled “A resolution to change the right-of-way name for the 400-499 block of West Drive to the 400-499 block of Cloudland Trail, Tax Map No. ___, due to the street name segments and emergency responder issues.” by changing the street name from Westview Drive to Cloudland Trail.

Councilman Murphy made the motion to accept the change; Councilwoman Robinson seconded the motion; the motion carried.

Later in the meeting, Councilman Benson stated when Councilman Murphy made the motion to reconsider the typo error we approved, we should have voted on that and then would have had to vote “no” when it was read as we originally voted and then we would have to bring up the new one; that when we voted to reconsider it, it is his thought we have some parliamentary problems.

Councilman Murphy stated it is his thought the first vote was to reconsider and that passed unanimously and then because of the previous discussion the City Attorney read what the proposal was to reconsider and that was understood by all; that we took the vote whether it was technically Robert’s Rule or not he does not know if we need to “dust it out”; that we all know what we did.

Councilman Benson stated when we voted to reconsider we should have voted “no” the way it was originally read and then come back to make a motion with corrections; that it is okay if it passes “muster”.

AMEND RESOLUTION 26989 (Continued)

City Attorney McMahan stated he is good with the process.

Chairman Ladd stated it appears we are okay on point of order and thanked Councilman Benson for bringing it up.

CONTRACT

On motion of Councilman Murphy, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. E-12-001-201, BITUMINOUS SURFACE TREATMENT PROJECT, TO DURACAP ASPHALT PAVING COMPANY, INC., IN THE AMOUNT OF TWO HUNDRED SEVENTY-FIVE THOUSAND NINE HUNDRED DOLLARS (\$275,900.00), WITH A CONTINGENCY AMOUNT OF TWENTY-SEVEN THOUSAND SIX HUNDRED DOLLARS (\$27,600.00), FOR AN AMOUNT NOT TO EXCEED THREE HUNDRED THREE THOUSAND FIVE HUNDRED DOLLARS (\$303,500.00)

was adopted.

TEMPORARY USE

On motion of Councilman McGary, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING W. ERIC SCHWEITER TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 803 CHERRY STREET FOR THE INSTALLATION OF AN AWNING WITH GRAPHICS FOR THE PURPOSE OF SOLAR AND RAIN PROTECTION, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

PAYMENT

On motion of Councilman Gilbert, seconded by Councilman Rico,
A RESOLUTION APPROVING PAYMENT TO THE STATE OF TENNESSEE FOR THE RELEASE OF PUBLIC OWNERSHIP AND USE REQUIREMENTS AND REVERSIONARY LANGUAGE CONTAINED IN THAT CERTAIN RIGHT-OF-WAY FROM THE STATE OF TENNESSEE TO THE CITY OF CHATTANOOGA, IN THE AMOUNT OF THIRTY-TWO THOUSAND

PAYMENT (Continued)

DOLLARS (\$32,000.00), PLUS CLOSING COSTS IN CONNECTION WITH THE PROPERTY EXCHANGE AGREEMENT WITH WALNUT COMMONS, LLC AND LITTLE MISS MAG CHILD CARE CENTER, FOR A TOTAL AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000.00)

was adopted.

SOLICIT AND ACCEPT DONATIONS

On motion of Councilman McGary, seconded by Councilwoman Berz,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO SOLICIT AND ACCEPT DONATIONS FROM BUSINESSES AND OTHER ORGANIZATIONS IN SUPPORT OF THE PUBLIC WORKS WEEK CELEBRATION

was adopted; Councilwoman Scott voted "no".

OVERTIME

Overtime for the week ending March 15, 2012 totaled \$3,768.46.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- **ALAN OWSLEY** – Resignation, Police Cadet, effective March 12, 2012.
- **CHRISTIAN LORENZEN** – Reinstatement, Police Officer 1, Range P2, \$36,720.72 annually, effective February 29, 2012.
- **JEAN ROBINSON** – Retirement, School Patrol Officer Supervisor, effective March 30, 2012.

PARKS AND RECREATION ANNUAL REPORT

Admin. Zehnder stated Council members received the Department's 2011 Annual Report through electronic mail, which is an online copy of the extensive report that goes into all the different divisions and what they have gone through during this past year. He acknowledged Brian Smith with the Department who created the document; that if Council members have questions or concerns to let him know; that it is a tough difficult job to compile noting Brian did a fabulous job with the program this year. He stated the Department will begin a stewardship program for the general public to be involved in trying to give back to their community and help maintain many of our park areas throughout the city; that at some point there will be a presentation before the Council regarding the "ins and outs" of the program. He stated on March 29 a program will be held at 6 p.m. – 7 p.m. for all the people interested in partnering to keep the park system the way it is, which is a quality park system and we need to keep it that way; that they are soliciting volunteers throughout the community to help in that area.

Councilman Gilbert made reference to Greta Hayes and her involvement in the pro-camp activity, which is very rare for the city to have someone participate in.

Admin. Zehnder stated she went to a major league baseball base camp and (he) can bring her before the Council to allow her to tell the Council of her involvement. He stated she was asked to do a presentation at a major league baseball "Return Baseball to the Inner City Program" and gave a presentation to many people throughout the country who paid her way to go to San Diego to make the presentation along with two other staff members; that it was a great opportunity for us.

Councilman Murphy commended Admin. Zehnder for launching the park stewardship program, noting that it speaks to our understanding in city government that we all need to take ownership of these things that enhance our quality of life. He stated all too often people sometimes say they ought to do this or that when it is really "**we**" ought to do it and we can together in maintaining parks and the high quality with a volunteer spirit as it is all of ours and is not some monolith in the sky that picks up litter to make sure things are as they should be in our parks.

PARKS AND RECREATION ANNUAL REPORT
(Continued)

Councilman Murphy stated he knows he has received e-mails from people in his district that are very excited about participating with the city; that government cannot and should not do it all; that it is great cities are stepping up and an easy avenue is being provided for people do that.

Councilman Zehnder expressed hope there will be good attendance on Thursday, and stated another program launched two years ago was the Do Good Chattanooga Program where there were rules and regulations against having dogs in certain parks and because of the issues that dogs create and by unleashing the volunteers we had over 400 people actually sign up to say they will help out. He stated as a result we were able to open up some of our facilities and now do not have as much of a problem as we used to which is a good example of citizens helping to improve the community; that we have had hundreds of volunteers out this past weekend at the St. Patrick's Day Parade.

HOTEL PERMITS

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

AMERICA'S BEST VALUE INN – 7638 Lee Highway, Chattanooga, TN

DOUBLE TREE – 407 Chestnut Street, Chattanooga, TN

ECONO LODGE – 150 Browns Ferry Road, Chattanooga, TN

HAMPTON INN HIXSON – 1920 Hamill Road, Hixson, TN

HOLIDAY INN EXPRESS HOTEL & SUITES – 4820 Hixson Pike, Hixson, TN

KNIGHTS INN – 6914 Shallowford Road, Chattanooga, TN

MAYOR'S MANSION INN – 801 Vine Street, Chattanooga, TN

QUALITY INN – 4833 Hixson Pike, Hixson, TN

RIGHT WAY INN MOTEL – 6200 Fisk Avenue, Chattanooga, TN

WINGATE INN – 7312 Shallowford Road, Chattanooga, TN

TOUCH-A-TRUCK EVENT

Lee Norris announced that we have had 80 degree weather for the last couple days and noted we have snow during the winter and escaped that this year; that on next Tuesday there will be a touch-a-truck out front of the Council Building with the new snow plow multipurpose truck and everyone will have a chance to see it.

PURCHASES

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

GENERAL SERVICES:

SANDY'S COMMUNICATIONS (Lowest complete bid) R54709/301733

Blanket Contract for Motorola Radio Batteries

\$19,798.00 – Annual approximation

PUBLIC WORKS:

STRINGFELLOW, INC. (Per state contract) R56289

Purchase of one (10 Asphalt Reclaimer per State Contract #210 - 26124

\$23,893.00

PERSONNEL:

PEZZIMENTI ENTERPRISES (Lowest and better bid) R53852/301674

Blanket Contract for Employee Service Awards

\$15,000.00 -- Annual approximation

PURCHASES (Continued)

INFORMATION SERVICES:

AIRNET GROUP INC. (Lower and better bid)
R53001/301707

Blanket Contract for Web Hosting for City's Website

\$15,000.00 – Annual estimation

HEARING

Chairman Ladd reminded Council Members of the hearing on a beer license scheduled for next Wednesday, March 28 beginning at 1 p.m. noting that five have committed and it is critical they are present, as well as anyone else who can arrange their schedules as we need as many as we can have.

COMMITTEES

Councilwoman Scott reported that the Personal, Performance and Audit Review Committee met today to discuss the health insurance benefits contract.

Councilman Rico reminded Council members of the meeting of the **Public Works Committee** scheduled for **Tuesday, March 27 following the Agenda Session.**

Councilwoman Berz stated the **Budget and Finance Committee will continue budget presentations on Tuesday, March 27 from 10 a.m. – noon and on Tuesday, April 3 from 1 p.m. – 2:30 p.m.**

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, March 27, 2012 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)