

**City Council Building  
Chattanooga, Tennessee  
April 17, 2012  
6:00 p.m.**

Chairman Ladd called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, McGary, Murphy, Rico and Scott present; Councilwoman Robinson was absent due to personal commitment. City Attorney Michael McMahan, Management Analyst/Auditor Randy Burns and Council Clerk Carol O'Neal were also present.

#### **PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Councilman McGary gave the invocation for the evening.

#### **MINUTE APPROVAL**

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

#### **AMEND CONDITIONS**

##### **2012-014: Gunbarrel Partners**

Councilman Benson stated before voting on this the way it is written is not the way the minutes reflect the discussion of last week; that in the discussion there was a question about one or two curb cuts and the RPA conditions only reflect one curb cut, but the minutes state agreement by both the proponents and opponents that there would be allowed a second curb cut on the northern end when the street is widened, not until it is widened; that he takes it that means completely widened and not just thought about being widened. He asked if a motion could be made to amend the condition that when the road is widened two curb cuts will be allowed.

## AMEND CONDITIONS (Continued)

City Attorney McMahan stated as it currently written it indicates “*no more than one ingress and egress drive onto Gunbarrel Road*”. He stated if the Council wants to change that it would read: “*No more than one ingress/egress drive onto Gunbarrel Road provided that two entrances may be permitted after Gunbarrel Road is widened*”.

**Councilmen Benson and Berz made the motion and second to amend the ordinance.**

Councilwoman Scott stated her only concern about amending this is that she had the impression that the neighborhood, when they discussed this from the very beginning, had the concept of what the conditions were as written, submitted to them and discussed. She asked if that was the agreement.

**Dave Hopkins** stated the community agreed by conversation in their meeting prior to the Council meeting that they would agree to that and that was verbal; that the Council did not vote on it the last time but on one curb cut until Gunbarrel is widened. He stated they would accept two curb cuts after that.

Councilwoman Scott stated essentially the whole neighborhood is in agreement with this. Mr. Hopkins responded “correct”.

Councilwoman Scott stated she wanted to make sure as she received calls about adding a construction road and wanted to make sure we are not doing this after the fact.

Mr. Hopkins stated they are in agreement; that they do not want any construction trucks on Gunbarrel but that is a public road and they cannot control that.

Chairman Ladd stated the construction road was addressed last week and asked Mr. DeFoor if he would like to add anything or if he is in agreement.

**Mr. DeFoor** responded “yes”; that they are in agreement and is glad Mr. Hopkins is present to rectify the issue; that things moved fast at the end and got a little bit behind on getting it straight. He stated that is what he understood it was to be and they called him after the meeting and stated it did not come out like it was supposed to. He stated they are in agreement; that there are plans in the future to have more of Gunbarrel widened.

AMEND CONDITIONS (Continued)

At this point the question was called on the motion and second by Councilmen Benson and Berz to amend; the motion carried.

On motion of Councilman Rico, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE PART II, CHAPTER 38, ZONING ORDINANCE, AS AMENDED BY ORDINANCE NO. 11989 SO AS TO REMOVE AND REPLACE THE EXISTING CONDITIONS 3,5,6,8, AND 9 ON ORDINANCE NO. 11989 ON THE 2007 SITE PLAN ON PROPERTIES LOCATED IN THE 2300 BLOCK OF GUNBARREL ROAD AND 7342 MCCUTCHEON ROAD, BEING MORE PARTICULARLY DESCRIBED HEREIN**  
passed second and final reading and was signed in open meeting.

**REZONING**

**2012-027: Anne Najjar**

On motion of Councilman McGary, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 309 AND 317 EAST MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE**  
passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

**MR-2011-111: Bill Weaver**

The applicant was not present; there was no opposition.

On motion of Councilman Rico, seconded by Councilwoman Berz,  
**AN ORDINANCE CLOSING AND ABANDONING TWO RIGHTS-OF-WAY LOCATED IN THE 1200 BLOCK OF BRIEF STREET AND THE 1200 BLOCK OF HILL STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**CLOSE AND ABANDON**

**MR-2012-032: Gail Hart**

On motion of Councilman McGary, seconded by Councilman Murphy,  
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF AN ALLEY WAY BEGINNING FIFTY (50') FEET OFF OF THE EAST OF THE 1500 BLOCK OF WILLIAMS STREET, SOUTH OF MAIN STREET, WITH CHATTANOOGA GAS TO MAINTAIN THE EASEMENT IN THE FULL WIDTH, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

**EXPRESSION OF SUPPORT**

**Councilman McGary made the motion to defer this matter an additional week** stating he was contacted by a representative of the M. L. King Merchant Association to defer at their request; that next week they will make a presentation and the Council can actually vote or change the language of the Resolution to suit what is presented by the M. L. King Merchant Association and the Friends of the Festival. **Councilwoman Berz seconded the motion.**

On motion of Councilman McGary, seconded by Councilwoman Berz,  
**A RESOLUTION EXPRESSING THE SENTIMENT OF THE CHATTANOOGA CITY COUNCIL SUPPORTING THE M.L. KING MERCHANT ASSOCIATION AND OTHER COMMUNITY MEMBERS WHO DESIRE TO CONTINUE THE STRUT ON M.L. KING BOULEVARD AND TO REQUEST THE SUPPORT OF THE POLICE DEPARTMENT AND OTHER CONCERNED INDIVIDUALS**  
was deferred one week.

**CONTRACT**

**Councilmen Rico and Berz made the motion and second to adopt this Resolution.**

Councilwoman Scott stated the cost of the roof if it were not a green roof was in the \$80,000 range; that the cost of the roof listed in the paperwork the Council has is \$314,169.00; that if we add the \$27,000 that came for the architectural fee for this roof comes to \$341,000.00 which looks to be four times what the normal roof is and that is \$52 a square foot.

## CONTRACT (Continued)

Councilwoman Scott stated in comparison to this we just approved through neighborhood services a project which was \$4.50 a square foot, and expressed that she knows they are different roofs. She stated she has tried to look at this several different ways and cannot see the return on investment in the length of the amount of time this roof could be on there to possibly return the investment. She stated this particular building we inhabit is not one of the biggest energy users we have, in fact there are several other buildings that use energy far more than this one does; that even if we are not spending stormwater money on it -- thank goodness! -- the idea even to spend a federal grant to go from \$85,000 to \$341,000.00 is too much of a stretch for her! She stated she will not vote for this; that it has gotten more and more and more expensive and this is outrageous, really!

Councilwoman Berz called for the question.

Councilman Murphy asked what else we could spend the federal grant money on.

**David Crockett** responded "at this point, not much"; that we took the surplus of that money from another project and put it on here to make this project sometime ago and it will run out shortly, so we had to commit those to certain projects sometime ago. He stated part of this project also includes some monitoring and leak detection devices and we are going to report back to the Council on exactly how good the argument was as they intend to use this as a kick off for a 100 green roof project downtown, "No Roof Left Behind", which will not go into the commercial sector unless it is a good business decision. He stated without going through all of it, through energy, stormwater savings and the life of the roof will significantly pay itself back and we think it will all over downtown.

Councilman Murphy stated there is not a lot of time to use the money for other things which were not terribly illuminating to him; that "not much" to someone one might not be the same thing to him and a lot of time may not be the same to him (Murphy). He asked what else can the federal money be used for.

Mr. Crockett responded "at this point in time nothing else". He stated we committed to that which was to use the federal grant and they had to commit to those projects, not this year but in 2010 and had to be committed by March of 2011. He stated they committed to their best estimate what this roof would cost and apparently had a problem because they only had two bidders and one disqualified themselves by not bidding the correct roof.

**CONTRACT (Continued)**

Again, the question was called.

On motion of Councilman Rico, seconded by Councilwoman Berz,

**A RESOLUTION AUTHORIZING THE DIRECTOR OF THE OFFICE OF SUSTAINABILITY TO ENTER INTO A CONTRACT WITH TWO RIVERS ROOFING, INC. FOR AN ADDITION OF A GREEN ROOF TO THE CHATTANOOGA CITY COUNCIL BUILDING, FOR A TOTAL PROJECT COST OF THREE HUNDRED FOURTEEN THOUSAND ONE HUNDRED SIXTY-NINE DOLLARS (\$314,169.00), WITH NO CONTINGENCIES**

was adopted; Councilwoman Scott voted "no".

**CONTRACT**

On motion of Councilman Rico, seconded by Councilwoman Berz,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD A CONTRACT TO PETTUS MECHANICAL CONTRACTORS FOR THE REPLACEMENT OF THE HVAC SYSTEM IN THE LABORATORY AT THE MOCCASIN BEND WASTEWATER TREATMENT PLANT, IN THE AMOUNT OF TWO HUNDRED TWELVE THOUSAND FOUR HUNDRED DOLLARS (\$212,400.00)**

was adopted.

**WAIVER OF LANDFILL DISPOSAL FEES**

On motion of Councilman McGary, seconded by Councilman Murphy,

**A RESOLUTION AUTHORIZING THE WAIVER OF LANDFILL DISPOSAL FEES ASSOCIATED WITH THE GREAT AMERICAN CLEAN-UP, IN AN AMOUNT NOT TO EXCEED ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00)**

was adopted.

**CHANGE ORDER**

**Councilmen Rico and McGary made the motion and second to adopt this Resolution.**

Councilwoman Scott stated she has had a couple calls about this and was not really sure how to answer; that she read the backup document and it looks as if we asked for additional work to be done which was the reason for the cost increase.

**CHANGE ORDER (Continued)**

Councilwoman Scott asked to have the matter explained so she can share the information as to why this needed to be added, wanting to know what specifically made this an add-on.

**Admin. Leach** stated he was not as familiar with this as some of his staff; that this additional was the major arterials coming in and out of downtown; that the backup information reflects they did not want this located in the central area and wanted to extend it out to the major arterials like 23<sup>rd</sup>, Fourth, Dodds and Brainerd Road – extending the system out beyond just the central business district which was where the original project started.

Councilwoman Scott stated the original contract was just downtown. Admin. Leach stated that is the way he read the contract.

Councilwoman Scott stated it was to include all the major . . . Admin Leach stated this includes the timing plans for all the extensions out from the central area; that it was an add-on to the existing contract.

Councilwoman Scott asked if it includes all the extensions; that she looked at the information. Admin. Leach stated there are a lot for major arterials on there and that was the purpose to make sure the whole system is now tied in.

Councilwoman Scott asked if there will be a need for any others because they are all covered in this.

Admin. Leach stated eventually we will tie in all the signals; that these are the major roads leading in and out of the central business area.

Councilwoman Scott asked if this covers them all. Admin. Leach responded “the major arterials, correct”.

On motion of Councilman Rico, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR VOLKERT & ASSOCIATES, INC., CONTRACT NO. T-10-001-101, THE CHATTANOOGA REGIONAL ITS SYSTEM DESIGN, FOR AN INCREASED AMOUNT OF TWO HUNDRED TWENTY THOUSAND DOLLARS (\$220,000.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED TWO MILLION SEVEN HUNDRED TWENTY THOUSAND DOLLARS (\$2,720,000.00)**

was adopted.

**INTERLOCAL LEASE AGREEMENT**

On motion of Councilman McGary, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE INTERIM DIRECTOR OF GENERAL SERVICES TO EXECUTE AN INTERLOCAL LEASE AGREEMENT WITH HAMILTON COUNTY TO CONSTRUCT AND OPERATE A HOMELESS HEALTH CARE CLINIC TO SERVE THE CITIZENS OF THIS COMMUNITY**  
was adopted.

**ACCEPT DONATION**

On motion of Councilman Gilbert, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A DONATION OF A DEED OF CONSERVATION EASEMENT TO THE CITY OF CHATTANOOGA AND HAMILTON COUNTY FROM VULCAN LANDS, INC. ALONG THE TENNESSEE RIVER FOR THE EXPANSION OF THE TENNESSEE RIVERWALK**  
was adopted.

**DECLARE SUPLUS AND TRANSFER**

**MR-2011-141: City of Chattanooga c/o Dan Thornton**

On motion of Councilman Rico, seconded by Councilman Murphy,  
**A RESOLUTION DECLARING SURPLUS AND AUTHORIZING THE TRANSFER OF TWENTY-THREE (23) ACRES OF THE FORMER CHATTANOOGA COKE SITE PROPERTY LOCATED AT 4800 CENTRAL AVENUE, TAX MAP NO. 167F-F-043 TO LKQ CORPORATION, IN EXCHANGE FOR FIFTY-THREE (53) ACRES OF PROPERTY LOCATED AT 401 WORKMAN ROAD**  
was adopted.

**BROWNFIELDS CLEANUP REVOLVING LOAN FUND**

On motion of Councilman Rico, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ADMINISTER THE ENVIRONMENTAL PROTECTION AGENCY BROWNFIELDS CLEANUP REVOLVING LOAN FUND, TO MAKE SUBGRANTS TO QUALIFIED APPLICANTS PURSUANT TO FEDERAL REGULATIONS, SUBJECT TO CERTAIN CONDITIONS**  
was adopted; Councilwoman Scott abstained.



## OVERTIME

Overtime for the week ending April 12, 2012 totaled \$4,615.23.

## PERSONNEL

The following personnel matters were reported for the various departments:

### PUBLIC WORKS:

- **JAMES MURPHY** – Lateral Transfer, Crew Worker 2, Waste Resources, Range 4, \$31,635.32 annually, effective April 16, 2012.

### CHATTANOOGA FIRE DEPARTMENT:

- **CHARLES MCMILLIAN** – Promotion, Fire Battalion Chief, Range F5A, \$64,189.00 annually, effective April 6, 2012.
- **DAVID MATTHEWS** – Suspension (28 days without pay), Firefighter Senior, effective March 28 – April 25, 2012.

### CHATTANOOGA POLICE DEPARTMENT:

- **GARY A. WILLIAMS** – Suspension (7 days without pay), Police Officer 1, effective April 11-17, 2012.

## DONATION

Admin. Zehnder duly reported the donation of \$500 from Mr. and Mrs. Zach Wamp and \$250 from Kevin Scott to the Parks and Recreation Department's RBI Baseball program.

## EMERGENCY PURCHASE

The emergency purchase of demolition of the St. George Hotel, a structure located at 1445 Market Street, for the Neighborhood Services Department on Requisition 57411 to Pates Hauling and Demolition for a total of \$104,043.75 was duly reported and signed in open Council meeting.

**HOTEL PERMITS**

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

**GARDENS BED & BREAKFAST** – 28 South Germantown Road, Chattanooga, TN

**HILTON GARDEN INN CHATTANOOGA DOWNTOWN** – 311 Chestnut Street, Chattanooga, TN

**MOTEL 6** – 2440 Williams Street, Chattanooga, TN

**STONEFORT INN** – 120 East Tenth Street, Chattanooga, TN

**REFUND**

On motion of Councilman McGary, seconded by Councilman Gilbert, the Administrator of Finance was authorized to issue the following refund due to error in payment:

<b>FIRST TENNESSEE BANK</b>	\$7,941.44
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**PURCHASES**

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

GENERAL SERVICES:

**MOTOROLA SOLUTIONS, INC. (State Wide contract SWC 420 and 421)**  
**R57277/301863**

Purchase of Fifteen (15) Motorola Radios per TCA 6-56-304.6

\$60,720.06

**PURCHASES (Continued)**

PUBLIC WORKS DEPARTMENT:

**CHATTANOOGA AMATURE WORKS (Lowest bid)**

**R55497/301748**

Purchase of an Electric Motor

\$32,888.00

**ELECTRIC MOTOR SALES (Lower bid)**

**R54907/301725**

Purchase of Four (4) ABB Flow Meters

\$65,508.00

**SPIRAC USA (Lower bid)**

**R54566/301690**

Purchase of a Spiral for Conveyor

\$12,660.00

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

**CHILDPLUS (Single source)**

**R56893**

ChildPlus Software Renewal per TCA 6-56-304.2

\$11,328.01

**PURCHASES (Continued)**

INFORMATION SERVICES:

**DEXON COMPUTERS (Lowest and best complete bid)**  
**R54418/301782**

Purchase of Network Hardware Brocade Switches

\$47,395.00

CHATTANOOGA POLICE DEPARTMENT:

**DTC COMMUNICATIONS (Only bid)**  
**R55869/301809**

Purchase of Cobham Bait Car Equipment per re-bid requirements as stated in Ordinance 10913

\$12,079.00

**COMMITTEES**

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, April 24** immediately following the Agenda Session.

Councilman Gilbert stated on April 25 at 3:30 in the Council Conference Room a presentation will be given by the Consultants working with Public Works and **Parks and Recreation** regarding the results of the Ross' Landing waterfront. He stated the **Committee will meet on Tuesday, May 1** regarding an update on Montague Park and summer programs.

**AGENDA: APRIL 24, 2012**

Chairman Ladd asked if there were any questions regarding next week's agenda; being none the meeting continued.

## LARRY GROHN

**Larry Grohn** of 7032 Igou Gap Road spoke in reference to the roof Resolution noting that he always sincerely believed that the main job of the City Council is to make sure government operates efficiently and that tax payer dollars are spent wisely which includes not only the funds we raise within our own community but funds we may receive as grants from the state or federal government. He stated our nation is \$16 trillion dollars in debt and somewhere, somewhere some leadership has to state we are not going to spend the amount of money for this roof just because it is free money and clarified there is no money that is free; that the Council is spending tax payer dollars for this roof and it is his thought there are unanswered questions concerning this expenditure. He asked if there is a guarantee written in the contract as there was some question regarding that and asked where the Office of Sustainability expects to get the funds for the other 99 projects in the "No Roof Left Behind" project. He stated we have tried the "No Child Left Behind" and saw how successful that has been and asked that the Council revisit this as he knows in the last years some members on the Council have asked for a revote on issues because they did not have the full facts before them; that as a group the Council should rethink this, get specific questions asked and see the figures as to where the savings will come from because this is not free money. He stated the excuse he has heard is "if we do not use it some other city will get it and spend it" and that is no longer a good excuse when we consider were our nation is financially, it is no longer a good excuse.

Councilman McGary stated he cannot speak for his colleagues but can speak for himself as to his own personal decision making; that it is very rarely one detail or fact that is convincing as it is usually a combination. He stated he took into fact there were four key areas influential in his decision -- that (1) the dollars are already budgeted, not a necessity to spend them but the dollars have been accounted for and projected to be spent; (2) if grant dollars leverage our dollars; (3) the projected savings and (4) as in this case Mr. Crockett indicated we as a government are seeking to set the standard in what we anticipate and hope the private business community will emulate. He stated it is his understanding the 99 other projects are not to be funded with city tax dollars; that we are simply trying to establish by our own practice what we would hope other individuals will emulate and Mr. Crockett can confirm that. He stated the major point is it is not just free money as it was not the key issue in his mind as there were other factors brought into play as he enunciated.

**LARRY GROHN (Continued)**

Mr. Grohn stated there were ten or twelve projects in town on solar panels and some of the projects were as much as \$168,000 – \$186,000 of which the firms only had to put up \$40,000 and all the rest came from grant money and that is tax payer dollars whether generated by our property or sales taxes, it is still tax dollars. He stated these are ten or twelve private entities that received he does not know how much money in terms of tax dollars, when in five years their \$40,000 is going to be gained and then any benefit that is received from the solar panels will directly help those firms and that company will be able to sell excess electricity back to EPB for a profit.

Councilman Murphy stated he does not do what he did today very often as we have lots of grant programs in the fire and police departments and generally believes the fire and police departments know better about what the needs are and what they ought to apply grants for; that often times grants can be used for other things and that is what he was trying to figure out with Mr. Crockett. He stated it looks as if it was not eligible to be shifted to a different priority that might help our city operate more efficiently, greener and friendlier. He stated perhaps we should have gotten more involved at an earlier point when it could have been, but certainly the numbers were pretty appalling.

Mr. Grohn attempted to speak again however Chairman Ladd prevented him from doing so as his three minutes had expired. She noted unless a Councilman asked a question of him (Grohn) it is not appropriate for him to respond.

Mr. Grohn expressed appreciation to the Council for all the work they do.

**ADJOURNMENT**

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, April 24, 2012 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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