

City Council Building
Chattanooga, Tennessee
June 5, 2012
6:00 p.m.

Chairman Ladd called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, McGary, Murphy, Rico, Robinson and Scott present. 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, Councilwoman Berz shared thoughts from one of her mentors, Sandra Day O'Conner, in reference to making good decisions with fairness and equity in mind.

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 CAPITAL BUDGET

On motion of Councilman Rico, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND ORDINANCE NO. 12534, ENTITLED "AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 2011/2012" SO AS TO ACCEPT A TOTAL OF ONE HUNDRED SIX THOUSAND NINE HUNDRED NINETY-NINE AND 63/100 DOLLARS (\$106,999.63) FROM HAMILTON COUNTY, THE CHATTANOOGA HOUSING AUTHORITY, CITY OF COLLEGE DALE, CITY OF EAST RIDGE, CITY OF RED BANK, CITY OF SIGNAL MOUNTAIN, CITY OF SODDY-DAISY AND UNIVERSITY OF TENNESSEE AT CHATTANOOGA AND PROVIDE PRORATA SHARE FUNDING FOR THE VISIONAIR RMS/MOBILE SOFTWARE DATABASE APPLICATION UPGRADE

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

APPROPRIATION

On motion of Councilman McGary, seconded by Councilman Rico,
AN ORDINANCE APPROPRIATING AN ADDITIONAL FORTY-FIVE THOUSAND DOLLARS (\$45,000.00) FROM THE GENERAL FUND TO RIVER CITY, LLC TO BE USED FOR THE SPECIFIC PURPOSE OF REPLACING WAYFINDING SIGNS IN THE CENTRAL BUSIENSS DISTRICT
passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2012-026: Greg Nye/LBYD, Inc./ Health South Corporation/Rebound, LLC

On motion of Councilman Rico, seconded by Councilman Murphy,
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF A SEWER EASEMENT WITHIN PROPERTIES LOCATED IN THE 2400 BLOCK OF MCCALLIE AND DUNCAN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

AMEND CITY CODE

Councilman Murphy expressed thanks and congratulations to Councilwoman Scott for shepherding the enabling legislation through our local delegation and the State Legislature and signed into law by the Governor. He also expressed hope that she received a pen when it was signed; that she did great work!

Chairman Ladd also expressed appreciation to Councilwoman Scott for the many trips she made to Nashville and the work she did for many months to pull this together, stating that we really appreciate it!

On motion of Councilwoman Scott, seconded by Councilwoman Berz,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 5, SECTIONS 5-84 AND 5-85, RELATIVE TO THE BEER BOARD OF CHATTANOOGA AND RECIPROCAL SUSPENSION OR REVOCATION OF PERMITS
passed first reading.

**RECOGNITION OF SCHOOL BOARD MEMBER
GEORGE RICKS**

Councilman Murphy acknowledged the presence of School Board Member George Ricks.

SETTLEMENT

On motion of Councilman Rico, seconded by Councilwoman Berz,
**A RESOLUTION AUTHORIZING AN ON-THE-JOB INJURY SETTLEMENT
BETWEEN HEWITT COLEMAN AND WALTER DANA YOUNG IN THE
AMOUNT OF TEN THOUSAND ONE DOLLARS (\$10,001.00), IN
ACCORDANCE WITH ORDINANCE NO. 12573**
was adopted.

BID AWARD

On motion of Councilman McGary, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE AWARD OF A BID FOR
INSTALLATION OF HVAC UNITS AND NECESSARY DUCTWORK FOR THE
11TH STREET POLICE STATION TO JAKE MARSHALL SERVICES, INC. IN
THE AMOUNT OF NINETY-SEVEN THOUSAND SIX HUNDRED TEN
DOLLARS (\$97,610.00)**
was adopted.

GRANT

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
**A RESOLUTION AUTHORIZING THE DEPARTMENT OF EDUCATION, ARTS
& CULTURE TO APPLY FOR AND, IF AWARDED, ACCEPT A GRANT FROM
THE SOUTHEAST TENNESSEE AREA AGENCY ON AGING AND
DISABILITY FOR THE EASTGATE SENIOR ACTIVITY CENTER
PROGRAMMING, IN THE AMOUNT OF FORTY-FOUR THOUSAND NINE
HUNDRED FIFTY-TWO DOLLARS (\$44,952.00)**
was adopted.

SPECIAL POLICE OFFICER

On motion of Councilman Rico, seconded by Councilman Murphy,
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF AZURE BOTTS AS
A SPECIAL POLICE OFFICER (UNARMED) FOR THE CITY OF
CHATTANOOGA PUBLIC WORKS DEPARTMENT, TO DO SPECIAL DUTY
AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**
was adopted.

SPECIAL POLICE OFFICER

On motion of Councilman Gilbert, seconded by Councilman McGary,
**A RESOLUTION AUTHORIZING THE APOINTMENT OF SARAH KURTZ AS A
SPECIAL POLICE OFFICER (UNARMED) FOR THE CITY OF
CHATTANOOGA PUBLIC WORKS DEPARTMENT, TO DO SPECIAL DUTY
AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**
was adopted.

AGREEMENT

On motion of Councilman McGary, seconded by Councilman Murphy,
**A RESOLUTION AUTHORIZING THE PERSONNEL ADMINISTRATOR TO
ENTER INTO AN AGREEMENT WITH MORRIS & MCDANIEL, INC. FOR THE
DEVELOPMENT AND ADMINISTRATION OF EXAMS FOR PROMOTIONAL
TESTING FOR THE POSITIONS OF POLICE SERGEANT, POLICE
LIEUTENANT, AND POLICE CAPTAIN, FOR AN AMOUNT NOT TO
EXCEED ONE HUNDRED THIRTY-THREE THOUSAND EIGHT HUNDRED
TWENTY-EIGHT DOLLARS (\$133,828.00) WITH ENCUMBRANCES TO THE
PERSONNEL DEPARTMENT AND THE POLICE DEPARTMENT**
was adopted.

CONTRACT

On motion of Councilman Murphy, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO A
CONTRACT FOR VISION AIR UPGRADE FOR NEW RMS, MOBILE, FBR,
AND DELL MARKETING EQUIPMENT UPGRADE TO SUPPORT THE POLICE
DEPARTMENT, FOR A TOTAL PROJECT COST IN THE AMOUNT OF THREE
HUNDRED SIXTY-THREE THOUSAND FIVE HUNDRED EIGHTY-FIVE AND
67/100 DOLLAR S(\$363,585.67)**
was adopted.

AGREEMENT

Councilman Murphy and Rico made the motion to approve this Resolution.

Councilman McGary asked if the matter could be moved to the end of the agenda to allow representatives from the Lincoln Park area who will be affected to be present. He stated he received a call indicating they are running late and asked, out of courtesy, to move the matter to the end of the agenda.

Councilmen Robinson and Rico made the motion to move the matter to the end of the agenda; the motion carried.

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION ("TDOT") RELATIVE TO THE CENTRAL AVENUE EXTENSION FROM THIRD STREET TO RIVERSIDE DRIVE, CITY CONTRACT NO. E-11-011, PIN NO. 117216.00, FEDERAL PROJECT NO. STP-M-9202(110), FOR AN AMOUNT UP TO THREE MILLION NINE HUNDRED THIRTY-EIGHT THOUSAND FOUR HUNDRED FORTY-FOUR DOLLARS (\$3,938,444.00)

was held for discussion until the end of the agenda.

AGREEMENT

Councilmen Robinson and Rico made the initial motion and second to approve this request, however City Attorney McMahan stated it is his thought the Public Works Department would like to defer the matter two weeks as there are technical matters that need to be attended to with reference to the Wastewater Authority.

On motion of Councilwoman Robinson, seconded by Councilwoman Rico,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-12-004-101, SANITARY SEWER PROJECTS ASSOCIATED WITH ANNEXATION AREA 4B, FOR AN AMOUNT NOT TO EXCEED TWO HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$285,000.00)

was deferred two weeks.

AGREEMENT

On motion of Councilman McGary, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH HAMILTON COUNTY FOR THE HAMILTON COUNTY COURTS COMMUNITY SERVICE PROGRAM TO PICK UP LITTER ALONG THE CITY RIGHTS-OF-WAY USING FIRST-TIME, NON-VIOLENT OFFENDERS, IN THE AMOUNT OF SIXTY THOUSAND DOLLARS (\$60,000.00)
was adopted.

AGREEMENT

On motion of Councilwoman Scott, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH THE U.S. ARMY CORPS OF ENGINEERS FOR SCOPE OF WORK RELATIVE TO THE FLOOD PLAIN MANAGEMENT SERVICES PROGRAM, CONTRACT NO. S-12-006, AND AUTHORIZING THE CITY TO PAY ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) AS A FIFTY (50%) PERCENT MATCH, FOR A TOTAL PROJECT COST IN THE AMOUNT OF THREE HUNDRED THOUSAND DOLLARS (\$300,000.00)
was adopted.

TEMPORARY USE

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING CHATTANOOGA HOUSING AUTHORITY C/O NAVEED MINHAS TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED IN THE 1100 BLOCK FO FAIRMONT AVENUE FOR A COMMUNITY MARKER OF THE TOWNHOMES TO IDENTIFY THE ENTRANCE WITH SIGNAGE, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

TEMPORARY USE

On motion of Councilman Murphy, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING MCCALLIE SCHOOL C/O WILLIAM C. KROPFF, EXECUTIVE DIRECTOR OF OPERATIONS, TO USE TEMPORARILY A PORTION OF RIGHT-OF-WAY LOCATED ON ANDERSON AVENUE FOR THE SCHOOL'S ABILITY TO FACILITATE AN INTERNAL ACCESS PLAN FOR STUDENTS, AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

PAYMENT AUTHORIZATION

On motion of Councilman Gilbert, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING PAYMENT TO NEW HOPE PRESBYTERIAN CHURCH FOR A RIGHT-OF-WAY EASEMENT TO CONTRACT NO. E-05-031, SHALLOWFORD ROAD WIDENING LIFESTYLE WAY TO I-75 ON-RAMP FOR TRACT NO. 1, PROPERTY LOCATED AT 7301 SHALLOWFORD ROAD, CHATTANOOGA, TN 37421, TAX MAP NO. 149H-A-020, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000.00)

was adopted.

GRANT

On motion of Councilman Murphy, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND, IF APPROVED, ACCEPT A PROJECT SAFE NEIGHBORHOODS GRANT FROM THE DEPARTMENT OF JUSTICE TO PROVIDE FUNDS FOR A DEDICATED GANG INTELLIGENCE OFFICER TO WORK WITH THE CITY AND COUNTY LAW ENFORCEMENT AND PROSECUTORS, IN THE AMOUNT OF THREE HUNDRED THOUSAND DOLLARS (\$300,000.00)]

was adopted.

SURPLUS PROPERTIES

MR-2012-006: City of Chattanooga c/o Dan Thornton

Councilmen Murphy and McGary made the initial motion and second to approve this request.

Councilman Benson stated he represents the district where this is mainly taking place; that he has talked with Dan Thornton today and spoke to it at the committee meetings and Council members heard the reason why he finds it, as presently written, objectionable to his community and not to the advantage of this city. He stated he has been advised by Mr. Thornton if the matter is postponed a week or two there could be some changes made in this to make this more valuable to be passed, otherwise, he cannot vote for it like it is. He **made the motion to defer the matter two weeks.** He stated the city attorney is stating two weeks as we have to go back to HUD to do more negotiating; **Councilman Rico seconded the motion.**

Councilman McGary asked Councilman Benson to explain in detail what he finds objectionable about this agreement, particularly as it relates to his (Benson's) community.

Councilman Benson clarified "as it relates to 'our' community" and the city of Chattanooga as it is on the tax rolls; that if we make this swap where we give Dogwood for Poss Homes and Poss Homes for East Brainerd Elementary School that is ten acres, 9.7 acres sitting out there and is close enough to qualify for mixed use zoning, meaning it could maximize diversitility in that development, as well as the quality of the development. He stated if we reduce it by three acres then we have lost the opportunity for a mixed use zone and can only make it commercial or keep it residential. He stated we are chopping up some property before we get it and losing our bargaining position and the universal appeal it might have to some developer that wants to come in. He stated it is his thought it is an inappropriate place to try to put a housing development in there as it is right in the middle of office on the west and there are neighborhoods on the east. He stated he has had nothing but calls and problems all day since this was put in the paper as to what the intention was; that it is his thought we are taking ten acres and giving three away when we have other property in the city that we could use for a "bargaining chip" that would be much more suitable without having a diminished value of the quality and value of this property. He stated that is the reason and has been told we need to get back to HUD and show where our other properties are instead of chopping up this nice block of property.

SURPLUS PROPERTIES (Continued)

Councilman McGary asked Betsy McCright, Executive Director of the Chattanooga Housing Authority (CHA), to speak in regard to this property and asked to her knowledge if there were previous negotiations/conversations between the Housing Authority and the School Board concerning the exchange of the East Brainerd site and Poss Homes.

Betsy McCright responded “yes”; that back in 2009 right after she had taken over the Housing Authority as Executive Director she was approached by a couple representatives of the County and others about an exchange of the Poss Home land; that she was told the Hamilton County Department of Education (HCDE) wanted it for a track and field facility and that was at the time when CHA was in serious financial difficulties. She stated she told the track proponents that CHA would be happy to think about it but needed to have some kind of consideration passed whether cash or an in-kind swap and that was the first meeting she was involved in. She stated her predecessor had engaged the same group and it had gone nowhere during his tenure; that over the course of the next 18 months several different groups of track proponents came to visit her and she had to always give the same answer that she would be happy to entertain it but needed some kind of consideration.

Councilman McGary stated in regard to the use by CHA for housing on the East Brainerd site in connection with the Hamilton County Commission or even City Council, was there any previous conversation about the possible use of housing on the East Brainerd site by either the County Commission, City Council or both.

Ms. McCright stated the short answer is both in a limited way; that they never appeared before the County Commission, however a couple of different County Commissioners attended four-to-six meetings about the transaction and in some instances both were present and in some instances only one was present. She stated in terms of contact with the City Council it is her thought the only contact she is aware of is before the Poss Homes three way swap came up they talked about it in-house because HCDE had offered the East Brainerd property and they talked and said they did not want to get a piece of property where nobody wants them or will not develop it. She stated one of the Board members spoke to Mr. Benson to get a “test” to see if that would be something acceptable if at some point in the future CHA had cash to develop a piece of the property.

SURPLUS PROPERTIES (Continued)

Ms. McCright stated it was their intent to build elderly, disabled properties on the property and from what she understands from her CHA Commissioners they did speak with Mr. Benson but does not remember when, as it was prior to the start of 2012.

Councilman Murphy stated to Councilman Benson's point about having it as a contiguous development parcel is valid, but this is already a very complicated transaction involving three different legal entities with a three-way swap; that Mr. Thornton has done an excellent job of maximizing value both for the tax payer and the city as a whole. He stated the folks at Howard wanted an enlarged campus for years and years to be able to bring to fruition their projects with regard to athletics and that is an enormous positive about going forward with this. He stated another enormous positive is that the city is not the best entity in this community to manage a piece of housing like Dogwood Manor as that is not what we do well and it certainly what the Housing Authority does well and they ought to have Dogwood Manor. He stated we have the Department of Education having an enormous asset and victory by enlarging the campus at Howard, we have Dogwood finally going into the right entity's hands and expressed agreement with Councilman Benson from the standpoint of maximizing the return on the sale of the East Brainerd property that it would be great if it was entirely within the city of Chattanooga's hands. He stated that will probably happen and certainly Mr. Thornton is going to keep working on that to maximize value for the tax payer and in a dollars and cents standpoint; that for government this is a tremendously complicated transaction and the purpose of the deferral is to wait so he can "rope in" some more transactions and make this even more complicated. He expressed understanding that in an ideal world it would have been worked out by now but does think we should let the perfect be the enemy of the very, very, very good for the city as a whole; that he does not think this should be delayed at all. He stated Mr. Thornton can keep working toward contiguous ownership with the CHA going forward; that there is nothing final about this that says it cannot be dealt with in terms of the East Brainerd property that we could not do a different swap or land/sale transaction with the Housing Authority at a later date; that with HUD being involved if we have this ready to go we ought to approve it.

Councilman Benson stated he asked for a delay because Mr. Thornton said one week should do it and has two other pieces of property that is going to lie there not being used, off the tax rolls and wants to show to the Housing Authority. He stated Mr. Thornton suggested and he (Benson) agreed we would not be good stewards or our citizen's tax payer's money and quality of our community and commercial growth and other things from people that called him.

SURPLUS PROPERTIES (Continued)

Councilman Benson stated one of Ms. McCright's Board members did call him about this and wanted to know what the potential was for commercial in there and that is the only thing he asked. He asked the Board member if they were interested in building a mall in there; that he (Benson) does not want to piece that property up so it could not be sold at its maximum potential as we owe that to the tax payers.

Chairman Ladd stated this particular transaction would involve a school Mr. Ricks represents and asked if he wanted to speak to the matter.

George Ricks stated this is property he has been working on for a long time prior to becoming a School Board member; that as a volunteer and concerned citizen of this community he was "at the table" early on along with the Howard Alumni President and several other representatives from the community who have a concern for the athletic facility at Howard. He asked the Council to do what is right and do it for the kids.

Councilman Benson asked that Mr. Ricks not misunderstand him; that he has every intention of supporting Poss Homes getting back down for the athletic field and wants to do it the right way; that one week's delay is all he is asking.

Mr. Ricks stated he is not questioning that and would never do that; that he thinks the Council is for education.

Dan Johnson stated Mr. Thornton wants a week additional time to try to put this together better; that it is better to get the whole package together than it is to try to do it in two separate packages. He stated for the benefit of the city it is wise that we try to get the whole package together at one time to maximize the return the city gets from the East Brainerd Elementary School property.

Councilman McGary stated he understands the desire to put this off a week and then to a degree he cannot; that it was part of the line of his questioning to Ms. McCright that this entire process has been going on for perhaps a year or two in the making and as such there are three different parties that have a stake in this position – the City of Chattanooga, Chattanooga Housing Authority and the Hamilton County Department of Education. He stated he finds it a little disconcerting that here we are at the end of the process and being told that now we want to maximize the tax payer's interest, now there is something outstanding that was overlooked in this two year process that is going to now be to the benefit of the tax payer!

SURPLUS PROPERTIES (Continued)

Councilman McGary stated it seems there should be two considerations; that there are other parties who have a stake in this particular conversation as this is not purely a conversation about the city of Chattanooga tax payers, it is the city of Chattanooga taxpayers in concert with the other parties as we make a swap; that he would hope the idea would be that all parties would be made whole, not just the city of Chattanooga. He stated he finds it interesting we are suggesting that we can come up with a better arrangement in a week's time frame when it took us two years to get to this point; that he does not want to in any way suggest it is impossible, however he suggested it is quite interesting to him that now here we are at this moment being asked to put this off for a week and all three parties have come to this point thus far and said this is a workable arrangement and it is his belief we should vote on it as it is.

Councilman Gilbert asked if the School Board has discussed any of this.

Mr. Ricks responded "not as a whole"; that certain School Board members and certain County Commissioners have been doing this for a long time.

Councilman Gilbert stated he would like for Howard to get that property but the School Board has not discussed it yet. He asked if there is any problem that might occur.

Mr. Ricks stated when dealing with individuals there is always a problem that might occur! He stated he does know the Board Members will be sensitive to the issue because we need this and knows the need for it is there. He stated a person needs to visit the campus and go into the stadium they have been playing in for years to know they would not want their children playing there; that every year they try to prepare it for our kids to be successful. He stated it would enhance the community and will have enough votes to favor this.

Councilman Gilbert stated he has been to Howard's stadium and Mr. Ricks is correct about that. He asked when this matter will be before the Board.

Mr. Ricks responded "probably at the next Board meeting according to the Chairman".

Councilman Murphy inquired as to the next meeting date. Mr. Ricks responded within the next two weeks.

SURPLUS PROPERTIES (Continued)

Councilman Murphy stated Mr. Thornton has heard the comments from Mr. Benson to the extent that it maximizes value for the taxpayer and nobody is disagreeing with Mr. Benson on that. He stated a deferral is not required; that if Mr. Thornton in one week's time can get a better deal he can bring it back to the Council with an amendment for another resolution. He asked that the Council "bless" him (Thornton) to go forward as is and if he can do yet another trade in a week's time he can bring it back then.

Councilman Benson stated he told people they did not need to come today because this would probably be postponed and the reason for it is he did not know a thing about this and does not think but one of the Council members knew about it because they read the agenda early and saw it first. He stated he did not know about it until last Friday, noting that the planned swap is right in the center of his district! He asked if anyone else on the Council knew about it before last week; four Council members raised their hands.

Councilman Rico stated it is going to be in his district. Councilmen McGary quickly stated Dogwood is in his district.

Councilmen Benson stated he is arguing about what is taking place in East Brainerd; that he does not see a thing wrong with waiting one week as has been recommended by the property manager.

Councilmen Berz and McGary called for the question.

On motion of Councilman Benson, seconded by Councilman Rico,

A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING COMMISSION TO SURPLUS DOGWOOD MANOR AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ACCEPT ONE HUNDRED FIVE THOUSAND ONE HUNDRED TWENTY-EIGHT DOLLARS (\$105,128.00) PAYABLE TO THE CITY OF CHATTANOOGA AND THE POSS HOMES SITE IN EXCHANGE FOR THE DOGWOOD MANOR APARTMENTS LOCATED AT 959 GATEWAY, TAX MAP NO. 145C-B-006, AND AUTHORIZING THE TRANSFER OF DOGWOOD MANOR APARTMENTS TO THE CHATTANOOGA HOUSING AUTHORITY, AND AUTHORIZING THE TRANSFER OF APPROXIMATELY 2.8 ACRES AND A 40 FOOT RIGHT-OF-WAY OF THE FORMER EAST BRAINERD ELEMENTARY SCHOOL SITE LOCATED AT 7453 EAST BRAINERD ROAD TO THE CHATTANOOGA

SURPLUS PROPERTIES (Continued)

HOUSING AUTHORITY WHEN THE TRANSACTION BETWEEN THE CITY OF CHATTANOOGA AND THE HAMILTON COUNTY BOARD OF EDUCATION IS COMPLETE, AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE ALL NECESSARY DOCUMENTS

was deferred one week; on roll call vote:

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

The motion carried (5-Yes; 4-No).

RE-ALLOCATION OF FUNDS

On motion of Councilman Rico, seconded by Councilman Murphy,

A RESOLUTION TO AMEND RESOLUTION NO. 26016 SO AS TO RE-ALLOCATE THE REMAINING BALANCE OF THIRTY-TWO THOUSAND TWO HUNDRED THIRTY-FIVE AND 26/100 DOLLARS (\$32,235.26) ALLOCATED TO HOPE FOR INNER CITY AND AUTHORIZING THE ADMINISTRATOR OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT IN HER DISCRETION TO INCREASE AMOUNTS AVAILABLE TO OTHER APPROVED ENTITIES FOR GRANT ELIGIBLE EXPENDITURES

was adopted.

AGREEMENT

Chairman Ladd readdressed Resolution (h) that had been moved to the end of the agenda at the request of Councilman McGary. Representatives from the Lincoln Park area had arrived at this time and were asked to come forward to speak. She clarified that a motion and second has been made but a vote has not be taken in an effort to allow for community input.

(Councilman Murphy and Rico previously made the motion to approve this Resolution.)

Tiffany Rankins, Secretary of the Lincoln Park Neighborhood Association and a resident of 44 Maude Street, stated she is present to ask that the extension not go forward and to Lincoln Park as a national historical landmark since it was the first and only African American park in the city. She referenced the movie that is now being done at Engle Stadium and stated Jackie Robinson played in the Negro League and was only able to play in the Lincoln Park area. She asked that Lincoln Park become a historical landmark as opposed to an extension of a road going through.

Venise Hughley President of the Lincoln Park Neighborhood Association stated she talked to all the constituents in her area who asked that she say and do something. She asked that the Council take into consideration it was and is a historical area and to preserve it any way they can. She stated she found out the state swapped Lincoln Park and gave it to Erlanger and they were not in on that, either, but since this is going on, they would like to be involved in the groundwork. She stated if anything is happening they should know about it first and not read it in the paper like some things she has read.

Councilwoman Berz asked if the people in Lincoln Park have been included in any of the discussions.

Councilman Benson stated they were way back . . .

Ms. Rankin responded "no" from her seat in the audience.

Councilwoman Berz stated she hates to admit she is not more up on this and did not know Lincoln Park had lost their park; that she needs some updating before she casts her vote.

AGREEMENT (Continued)

Lee Norris stated he is not privy to all the details but knows the Public Works Department has talked with both Lincoln Park and Fortwood concerning this extension; that the lady is right the Park itself has been transferred to Erlanger. He stated from his understanding there was no opposition when we met and does not recall who met with who and was not part of the group, but obviously we would not go and do something like this without coordinating with the neighborhoods.

Councilwoman Berz asked who owned the Park that it would be transferred to Erlanger. Mr. Norris responded that he did not know.

Councilman McGary stated this conversation concerning the widening of Central Avenue has been going on for about 40 years, so this is the last reiteration of that conversation. He stated currently there has been a meeting where the Mayor and representatives of Lincoln Park did have an opportunity to meet with representatives from Public Works that were there, as well, and discussed what was being planned in regard to the widening. He stated there was concern about the neighbors immediately adjacent to the Central Avenue widening as there are a couple homes that front that area and also concern about the Park as the Park would be cut in two substantially. He stated he met with the Mayor this morning and asked for proposed plans as to what actually will happen and was told the plans would be presented. He asked Mr. Norris if he knows of any plans concerning what is actually being planned.

Mr. Norris stated as the Assistant City Engineer briefed the Committee meeting today we have a generalized line through there but we have to get the Council's approval for the contract before we can start the planning on it. He stated the line may shift and in which direction he does not know, clarifying we do not have a final path through there.

Councilman McGary stated at his point we are voting on something that is "up in the air".

Mr. Norris stated this is giving them the authority to tell TDOT to go ahead and start the design process and once they start that they will determine the best location for the road to be sighted going through there.

Councilman McGary asked to what degree the neighborhood would be involved in the conversation. Mr. Norris responded "to any degree they like".

AGREEMENT (Continued)

Councilman McGary asked to what degree their input will be taken into the actual decision making. Mr. Norris responded "as much as any other group".

Councilman McGary continued by asking "and that is . . ." Mr. Norris stated they would recognize their opinion; that obviously they are not going to "snake across" an area and add costs to the project; that they will look for the most logical and reasonable way to put it through there.

Councilman McGary stated to be clear as it was raised by the residents, in regard to the Park itself, it has been transferred to Erlanger and they have concerns about the Park; that at this point they really have no voice, and asked if he is correct. Mr. Norris responded "that is correct".

Councilman Benson stated there was a strong attempt to get a bridge across the River to that also and the community met a lot of times, noting that the Sorrells family was involved but have now moved out. He stated it was a city park and the city furnished all the personnel at one time; that he is not aware of the Census for the area and asked how many people live there. Mr. Norris stated he is not aware how many people live there.

Councilman Murphy stated this has been an infrastructure growing pains week for him as he has had two of Councilman Gilbert's constituents, neighbors and friends of his that will not allow city contractors onto their property to figure out if we can actually build another tunnel at Wilcox, then we have these good folks from Lincoln Park; that they are similar projects in his mind's view. He stated the Central Avenue issue is a whole lot less about convenience than it is about a matter of life and death; that literally this will shave hands full of minutes off ambulance trips to the emergency room, the Trauma Center and Children's Hospital which is a pretty big deal. He stated we have to make difficult decisions and want to be as fair as possible to those negatively impacted by the infrastructure projects as humanly possible, but when we have something like the Wilcox Tunnel it has to happen and some folks unfortunately are not going to be thrilled with change. He stated he speaks collectively in all these instances as we want to be as fair as humanly possible under the circumstances but in his opinion it has to happen; that Central Avenue has to get to Amnicola.

AGREEMENT (Continued)

Councilman McGary stated it is unfortunate because although he agrees with Councilman Murphy on the need and rationale for the expansion, given the way some of the events transpired makes it very difficult to put your "blessing" on something without running the risk of saying the entire process has been done in a manner that the residents themselves completely understand and are moving forward and many of us understand the difficulties that presents. He stated in this particular situation, instead of simply saying "yes" he will abstain from the vote.

On motion of Councilman Murphy, seconded by Councilman Rico,

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION ("TDOT") RELATIVE TO THE CENTRAL AVENUE EXTENSION FROM THIRD STREET TO RIVERSIDE DRIVE, CITY CONTRACT NO. E-11-011, PIN NO. 117216.00, FEDERAL PROJECT NO. STP-M-9202(110), FOR AN AMOUNT UP TO THREE MILLION NINE HUNDRED THIRTY-EIGHT THOUSAND FOUR HUNDRED FORTY-FOUR DOLLARS (\$3,938,444.00)

was adopted; **on roll call vote:**

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

OVERTIME

Overtime for the week ending May 31, 2012 totaled \$39,082.12.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ❖ **TRACY BROWN** – Lateral Transfer, Plant Operator 2, Waste Resources, Range 11, \$29,544.00 annually, effective May 18, 2012.

PARKS AND RECREATION DEPARTMENT:

- ❖ **JERRY MARSHALL** – Deceased, Recreation Program Coordinator, effective May 29, 2012.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- ❖ **SHAKELIA FUGH** – Resignation, Teacher Assistant, Day Care, effective May 31, 2012.
- ❖ **SHELAH GRIGGS** – Resignation, Service Delivery Worker II, Social Services, effective June 1, 2012.

CHATTANOOGA FIRE DEPARTMENT:

- ❖ **JAMES GUERRIERI, CURTIS JORDAN, JR., BRYAN KEENE, LIBERTY MUSE, KYLE VRADENBURGH** – Promotion, Firefighter Senior, Range F2A, \$36,004.00 annually, effective June 1, 2012.
- ❖ **ROBERT ROARK** – Promotion, Fire Lieutenant, Range F3A, \$43,358.00 annually, effective May 18, 2012.

RENOVATIONS AT BRAINERD GOLF COURSE

Admin. Zehnder announced that the Parks and Recreation Department will be doing major maintenance at the Brainerd Golf course beginning June 29 and would be using temporary greens because they are doing major renovation to the greens themselves. He stated he wanted Council members to know in the event they received calls about what is happening at the golf course.

RENOVATIONS AT BRAINERD GOLF COURSE
(Continued)

Chairman Ladd asked if this is the new grass the Council voted on. Admin. Zehnder responded "yes"; that they are changing to Bermuda grass.

Chairman Ladd clarified they are upgrading the Course and it will be much nicer. Admin. Zehnder stated golfers are very much in favor of this.

DONATION

The donation of \$1,000 to the Office of Multicultural Affairs (OMA) by an anonymous Diversity Partner for the purpose of funding OMA programs was duly reported by Chief of Staff Dan Johnson for the OMA Director, Beverly Cosley.

PURCHASES

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

GENERAL SERVICES:

TRUCK 'N TRAILERS – CHATTANOOGA, TN (Lowest and best bid)
R59284/301985

Purchase of Eight (8) Bed Caps F150

\$17,040.00

INFORMATION SERVICES:

DELL MARKETING LP (Single source)
R58817

Microsoft Maintenance Renewal per TCA 6-56-304.6

\$72,564.56

BOARD RE-APPOINTMENTS

On motion of Councilman Rico, seconded by Councilman Gilbert, the following Board re-appointments were approved:

CHATTANOOGA REGIONAL PLANNING COMMISSION:

--Re-appointment of *KENNETH U. JORDAN, III* and *ADAM VERNON* for four year terms expiring May 31, 2016.

CARTA BOARD:

--Re-appointment of *JOE BEN HUTCHERSON, E. STEPHEN JETT, JILL HINDMAN, BILL ALLEN, JOHN LIVELY, LAVORN "SONNY" MOORE, WANZA LEE and ERNEST HEDGCORTH* for five year terms expiring October 1, 2016.

Councilman Murphy inquired as to the size of the CARTA Board and if all appointments expired at the same time but have been serving for a year . . .

Mr. Johnson responded that he was not sure of the Board's size; that there was a delay in this as they were up in October, but at the request of Tom Dugan they were delayed until now as he had other things he needed to work out with the Board and is not sure what all of that was about as they took him at his word.

PASSING OF FORMER COUNCILWOMAN BENNETT'S FATHER

Chairman Ladd reported the passing of former Councilwoman Linda Bennett's father and asked that the Bennett family be remembered this week.

COMMITTEES

Councilman Murphy scheduled a meeting of the **Legal and Legislative Committee for Tuesday, June 12** immediately following the Agenda Session.

Councilwoman Berz scheduled a meeting of the **Budget and Finance committee for Tuesday, June 12 from 1 – 3 p.m.** to continue discussion on the operational budget.

COMMITTEES (Continued)

Councilman Benson scheduled a meeting of the **Economic Development Committee for Tuesday, June 12** immediately following Legal and Legislative for a discussion of tax increment funding for Black Creek, noting that he met with the developer once about eight-to-ten months ago. He inquired as to the status of this.

City Attorney McMahan stated they asked for it to be placed on the agenda and will be here next week for the Committee meeting to explain to the Council.

NEXT WEEK'S AGENDA: June 12, 2012

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

RULES OF PROCEDURE FOR ADDRESSING THE COUNCIL

Rebecca Little approached the Council to speak, however Chairman Ladd asked the City Attorney to speak to the issue of how many times a person can address the Council and in what timeframe.

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. He reminded Ms. Little that she addressed the Council on May 22 and May 29 according to Council records, referencing the two times she has spoken within the 30 day time period.

Ms. Little stated she has not received a response from anyone and will save it for next week.

Chairman Ladd clarified to Ms. Little that she would have to wait 30 days from May 29 before she can address the Council again.

Councilman McGary stated he remembered the first time she spoke and asked the city attorney at the time for more information about her case. He asked if her family is currently in litigation against the city of Chattanooga concerning these issues.

**RULES OF PROCEDURE FOR ADDRESSING THE
COUNCIL (Continued)**

Ms. Little confirmed that her father is.

Councilman McGary stated the Council would be out of place to comment on any matters currently being adjudicated in legal courts of law and is one reason he would assume she has not heard from them as it is a matter that is being decided in the courtroom which is the appropriate place for it to be decided.

**RECOGNITION OF CHAIRMAN LADD'S SISTER,
CATHY PENLEY**

Councilman Benson recognized and welcomed the presence of Councilwoman Ladd's sister, Cathy Penley, a retired school teacher.

Chairman Ladd stated her sister had asked that she not recognize her and is glad Councilman Benson did!

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, June 12, 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)**