

**City Council Building  
Chattanooga, Tennessee  
July 10, 2012  
6:00 p.m.**

Chairman Ladd called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, McGary, Rico, Robinson and Scott present; Councilman Murphy was absent due to personal commitment. City Attorney Mike 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 Robinson encouraged everyone in attendance to pray for the family of Chief Bobby Dodd due to the passing of his mother, Mrs. Jean Boss.

#### **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.

#### **2012-2013 CAPITAL BUDGET**

Councilwoman Scott stated she would not be supporting this ordinance because it does not cover the needs we have in the allocations for pavement management.

On motion of Councilman Rico, seconded by Councilwoman Berz,

**AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING  
FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR  
2012/2013 AND TO AMEND THE FISCAL YEAR 2012/2013 BUDGET  
ORDINANCE NO. 12622**

was approved on second and final reading and was signed in open meeting; Councilwoman Scott voted "no".

AMEND CITY CODE

Councilmen Rico and Robinson made the motion and second to approve the amendments to this ordinance; the motion carried.

On motion of Councilwoman Rico, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, ARTICLE X, CHAPTER 24, STOPPING, STANDING AND PARKING, SO AS TO CREATE THE CHATTANOOGA PARKING AUTHORITY AND DELEGATE CERTAIN DUTIES TO THE CHATTANOOGA AREA REGIONAL TRANSPORTATION AUTHORITY (CARTA) AND TO MAKE CERTAIN OTHER AMENDMENTS AS SET FORTH HEREIN, AND TO MAKE CERTAIN FURTHER REVISIONS TO ARTICLE XIV, CHAPTER 24, SCHEDULE V, AS SET FORTH HEREIN**

passed second and final reading and was signed in open meeting; Councilwoman Scott voted "no".

CLOSE AND ABANDON

MR-2012-044: Shane Lloyd c/o John Wise

On motion of Councilwoman Scott, seconded by Councilman Rico,  
**AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED IN THE 100 BLOCK OF KENT STREET, MORE PARTICULARLY DESCRIBED HEREIN**

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

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

CLOSE AND ABANDON

MR-2012-050: Hopkins Properties, LLC c/o Parker Wamack

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED IN THE NORTH LINE OF THE 200 BLOCK OF WEST 20<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

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

**AMEND CITY CODE**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 10, SECTION 10-5, AS AMENDED, TO EXCLUDE CERTAIN PROPERTY FROM WALNUT HILL TOWN HOMES LOTS 3 AND 4 FROM THE FIRE DISTRICT BOUNDARY**  
passed first reading.

**AMEND CHARTER**

On motion of Councilwoman Scott, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO MAKE APPLICABLE STATE LAW PROVISIONS TO RECALL POPULARLY ELECTED OFFICIALS OF THE CITY OF CHATTANOOGA**  
was deferred one week.

**REZONING**

**2012-075: Flagship Group/Gordy Germany**

Pursuant to notice of public hearing the request of Flagship Group/Gordy Germany to rezone property located at 5390 Hixson Pike came on to be heard.

The applicant was present; there was no opposition in attendance.

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 5390 HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**AGREEMENT**

On motion of Councilman Benson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE HAMILTON COUNTY WATER AND WASTEWATER TREATMENT AUTHORITY AND THE CITY OF ROSSVILLE, GEORGIA, RELATIVE TO THE EMPLOYMENT OF A CONSULTANT AND A VENDOR FOR THE DEVELOPMENT OF A BILLING AND COLLECTION SYSTEM FOR SEWER CHARGES**  
was adopted.

**EASEMENT**

Councilwoman Robinson reported that she has not heard any criticism from the neighborhood; that Mr. Street has consulted and met with all neighbors regarding this matter.

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE AN EASEMENT FOR PART OF PROPERTY LOCATED AT 1600 EDGEWOOD LANE TO GORDON STREET FOR A DRIVEWAY, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**AMEND RESOLUTION 27080**

On motion of Councilman Rico, seconded by Councilwoman Berz,  
**A RESOLUTION TO AMEND RESOLUTION NO. 27080 SO AS TO REMOVE A PROJECT IN THE AMOUNT OF SEVEN THOUSAND SIX HUNDRED SEVENTY-THREE DOLLARS (\$7,673.00) AND AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO USE THE FUNDS FOR A SIMILAR PROJECT AND REDUCING THE CONTRACT WITH ALL-TIMATE CONSTRUCTION, LLC FROM FORTY-ONE THOUSAND DOLLARS (\$41,000.00) TO THIRTY-THREE THOUSAND THREE HUNDRED TWENTY-SEVEN DOLLARS (\$33,327.00), INCLUDING CONTINGENCIES**  
was adopted.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilwoman Berz,

**A RESOLUTION AUTHORIZING JORDAN T. BOZEMAN TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 405 MARKET STREET FOR PATIO SPACE, AWNING, ALUMINUM CANOPY, AND STORE FRONT FURRING ALONG A PORTION OF SAID RIGHT-OF-WAY, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

AGREEMENT

On motion of Councilwoman Berz, seconded by Councilman Rico,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH JACOBS ENGINEERING GROUP, INC. FOR PROFESSIONAL SERVICES RELATIVE TO CONTRACT NO. W-12-008-101, PROJECT MANAGEMENT FOR THE CONSENT DECREE IMPLEMENTATION, IN AN AMOUNT NOT TO EXCEED TWO MILLION FOUR HUNDRED FORTY-SIX THOUSAND TWO HUNDRED ELEVEN DOLLARS (\$2,446,211.00) FOR THE FIRST YEAR OF THE AGREEMENT**

was adopted; Councilwoman Scott voted "no".

AGREEMENT

Councilwoman Scott stated she approves the repairs to the Soldiers and Sailors Auditorium but questions still the need to do a community theatre in view of all the community theatre areas we do have presently and will be voting against it.

On motion of Councilman Benson, seconded by Councilwoman Berz,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF EDUCATION, ARTS AND CULTURE TO ENTER INTO AN AGREEMENT WITH POINTE GENERAL FOR PHASE 1 OF THE RENOVATION OF THE SOLDIERS AND SAILORS MEMORIAL AUDITORIUM COMMUNITY THEATRE, IN THE AMOUNT OF NINE HUNDRED FORTY-SIX THOUSAND TWO HUNDRED FORTY-TWO DOLLARS (\$946,242.00), PLUS A CONTINGENCY FUND OF FIFTY THOUSAND DOLLARS (\$50,000.00), FOR A TOTAL AMOUNT NOT TO EXCEED NINE HUNDRED NINETY-SIX THOUSAND TWO HUNDRED FORTY-TWO DOLLARS (\$996,242.00)**

was adopted; Councilwoman Scott voted "no".

**AGREEMENT**

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN  
AGREEMENT WITH CHATTANOOGA AREA REGIONAL  
TRANSPORTATION AUTHORITY (CARTA) REGARDING REVENUE  
REIMBURSEMENT DURING PERIOD FOR TRANSITION OF PARKING  
ENFORCEMENT**  
was adopted.

**ACCEPT BID**

On motion of Councilman Benson, seconded by Councilwoman Berz,  
**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES  
TO ACCEPT A BID FROM EASTMAN CONSTRUCTION FOR THE INTERIOR  
BUILD-OUT OF THE 11<sup>TH</sup> STREET POLICE STATION, IN THE AMOUNT OF  
ONE HUNDRED SEVENTY-FOUR THOUSAND ONE HUNDRED EIGHTY-  
NINE DOLLARS (\$174,189.00)**  
was adopted.

**OVERTIME**

Overtime for the week ending July 5, 2012 totaled \$3,644.99.

**PERSONNEL**

There were no personnel matters reported this week.

**DONATION**

Admin. Swafford duly reported the donation of \$2,495.36 to Project Warm Neighbors from United Way and \$334.00 from various entities for the Foster Grandparent program.

**DONATION: "PUBLIC WORKS WEEK" 2012**

Admin. Leach duly presented a compiled report of activities and donations from various entities for the "Public Works Week" celebration. A copy of the document is filed with minute material of this date.

## REFUNDS

On motion of Councilman Rico, seconded by Councilwoman Robinson, the following refunds of property taxes due to State Board of Equalization assessment changes were approved:

**FRANKLIN STRICKLAND-LOMAX FUNERAL HOME INC.** -- \$1,493.05

**ALDERWOODS (VIRGINIA) INC.** -- \$1,834.09

**SCI FUNERAL SERVICES INC.** -- \$3,766.58

**CHATTANOOGA FUNERAL HOME** -- \$4,493.81

**LANE FUNERAL HOME INC.** -- \$2,917.28

## BOARD RE-APPOINTMENTS

On motion of Councilman Rico, seconded by Councilwoman Berz, the following Board appointments were approved:

### AIRPORT AUTHORITY BOARD:

- Re-appointment of **JAMES E. HALL** for a three-year term expiring July 28, 2015.
- Re-Appointment of **MOSES FREEMAN** and **ROBERT MCKAMEY** for three-year terms expiring March 24, 2015.

### GENERAL PENSION BOARD:

- Re-Appointment of **CARL LEVI** for a five-year term expiring June 30, 2015.

### BEER AND WRECKER BOARD:

- Re-appointment of **JAMES HOBBS** for a three year term representing District 7 expiring August 26, 2015.

## PURCHASES

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

**PURCHASES (Continued)**

PUBLIC WORKS DEPARTMENT:

**ALDIS, INC. (Lower bid)**

**R58903**

Video Vehicle Detection System

\$11,996.00

**SHERMAN-DIXIE CONCRETE INDUSTRIES (Lower bid)**

**R60223**

Blanket Contract for Concrete Manhole Components

\$50,000.00 – Annual estimation

**READYMIX USA (Only bid received)**

**R60205**

Blanket Contract for Concrete

\$160,000.00 – Annual estimation

INFORMATION SERVICES:

**KINETIC NETWORKING (Lowest and best bid)**

**R58987/301965**

Library Content Filter

\$15,300.00



### SETTLEMENT APPROVAL

City Attorney McMahan requested approval for settlement to Ronhesia Moore who was rear ended by a public works employee and suffered medical bills of \$8,513.00; that he has agreed to settle for \$15,000.

**On motion of Councilman Rico, seconded by Councilwoman Berz authorization was duly approved.**

### PARKS AND FACILITIES STEERING COMMITTEE

Councilman Gilbert announced a meeting of the Parks and Facilities Master Plan Steering Committee scheduled for Thursday, July 12 at 2 p.m. at the Regional Planning Agency.

### LIBRARY HOURS

Councilwoman Scott stated she received a copy of the public library's newsletter, *Volumes*, wherein it was made apparent the library has reviewed their hours and attendance and have changed to open the Eastgate and Northgate Libraries on Sundays from 1 p.m. – 5 p.m., which is a great idea that was done based on the attendance. She stated she wanted to make the public aware of this.

### COMMITTEES

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, July 17, 2012** following the Agenda Session.

In the absence of Councilman Murphy, Chairman Ladd scheduled a meeting of the **Legal, Legislative and Safety Committee for Tuesday, July 17 from 1 p.m. – 3 p.m.** to discuss the proposed *Charter* amendment concerning Recall.

### NEXT WEEK'S AGENDA: JULY 17, 2012

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

**ADJOURNMENT**

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, July 17, 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)**