

City Council Building
Chattanooga, Tennessee
October 2, 2012
5:00 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/MOMENT OF SILENCE

Councilman Gilbert led everyone in attendance in the Pledge of Allegiance. After the Pledge he asked for a moment of silence noting he attended a wake this past week for a young man who "got caught up in some things" and expressed hope something could be done about such situations such in the future.

MINUTE APPROVAL

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

AMEND CITY CODE

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 3, SECTIONS 3-7 AND 3-8, RELATIVE TO SIGN PERMITS**
passed second and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilwoman Scott, seconded by Councilman Benson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 7, RELATIVE TO ANIMALS AND FOWL**
passed second and final reading and was signed in open meeting.

AMEND ORDINANCE NO. 12626

On motion of Councilman Murphy, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND ORDINANCE NO. 12626 ENCAPTIONED,
"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." SO AS TO DELAY THE OPERATIVE DATE OF DIVISION 4 TO
OCTOBER 21, 2012 AND FURTHER AMEND CITY CODE SECTIONS 24-
286, 24-302, AND 24-326**

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

AMEND CITY CODE

On motion of Councilman McGary, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 10, ARTICLE II, SECTIONS 10-10 THROUGH 10-30, RELATIVE
TO HISTORIC ZONING**

passed first reading.

CLOSE AND ABANDON

MR-2012-101: ARS Ventures, LLC

Councilwoman Scott asked if the developer were present and had anything he wanted to add or questions regarding this.

Jack Wilcox of 405 Allison Drive, Atlanta, Georgia with ARS Ventures stated there was a caveat added to the abandonment regarding straightening North Market Street from Kent Street through part of their property; that his question is what that has to do with the abandonment of East Manning Street.

Admin. Leach stated with this abandonment part of it will be modified to take away a road and part of that will mean curbing is taken out; that they are trying to reestablish the road away from the curbing as there was a "kink" in North Market and the curbing will have to be adjusted.

CLOSE AND ABANDON (Continued)

Admin. Leach stated normally as we develop a piece of property we require the developer to put in certain street improvements; that curbs have to be replaced back in as they will basically disappear and we will want that road; that they are taking the "kink" out of the road and reestablishing the radius' on the curbs on Kent Street. He stated as part of this the curb is destroyed where it exists now to put the in entrances and it was felt it was part of this closure.

Councilwoman Scott asked if this has been settled and whether the developer knows exactly what Mr. Leach is talking about.

Mr. Wilcox responded "yes"; that we have agreed to work on realigning part of North Market and were not totally at a finalized plan; that he presented to the Traffic Engineer a new plan that they think straightens North Market but that is also an opinion. He stated they do have a PS10 site plan and it is straight now -- as it should be he is not sure. Mr. Leach responded "straighter".

Mr. Wilcox stated they are in agreement to straighten North Market pursuant this site plan which provides for the new turning lanes that have been requested by the city and straightening from Kent to the new entrance into the property.

Councilwoman Scott stated the issue before the Council is whether to abandon the internal streets, not to abandon a portion of Market; that it is her belief the initial rezoning required traffic issues needed to be acceptable to traffic engineering which is a separate part. She asked if we need to have that decision since they have not; that she does not think Traffic Engineering has finalized and agreed.

Admin. Leach stated they have agreed with his plan; that the plan presented today is one that is acceptable to Staff. He stated part of it is the zoning did not cover this entire site; that only a portion of the site was covered. He stated, the portion that has the building on it is not covered and is already in C-7 zoning; that the balance of the property needed to be addressed through the zoning and that is where some of the language about the traffic comes in. He stated his department's position was that because they are closing this road and changing curb lines anyway to put this in as part of that; that it is a situation where we do not think it will harm the developer or the development and affirmed that they believe this to be the in the best interest of the city.

CLOSE AND ABANDON (Continued)

Councilwoman Scott stated the plan is decided, the developer has seen it and Public Works has passed on it and there is not an issue. Admin. Leach responded "no" [there is no issue].

At this point Councilwoman Scott called for the question.

Councilwoman Robinson stated in thinking of the universal plan for the project with regard to the perimeter of the property particularly over on Market Street, what is the plan for sidewalks and trees.

Mr. Wilcox stated they have presented a landscape plan that has been given to the city and the North Shore Design Review Committee which is 100 percent in compliance with the city's streetscape requirements.

Councilwoman Robinson again inquired about sidewalks. Mr. Wilcox confirmed it includes sidewalks and trees.

On motion of Councilman Rico, seconded by Councilman Murphy,

AN ORDINANCE CLOSING AND ABANDONING OF THE UNIT BLOCK OF EAST MANNING STREET BEGINNING AT ITS INTERSECTION WITH THE WEST LINE OF THE 300 BLOCK OF WOODLAND AVENUE TO THE EAST LINE OF THE 300 BLOCK OF NORTH MARKET STREET; AN UNOPENED ALLEY BEGINNING AT THE UNIT BLOCK OF EAST MANNING STREET TO ITS INTERSECTION WITH THE 400 BLOCK OF NORTH MARKET STREET; AND AN UNOPENED ALLEY BEGINNING AT ITS INTERSECTION WITH THE SOUTH LINE OF THE UNIT BLOCK OF EAST MANNING TO THE NORTH LINE OF THE UNIT BLOCK OF EAST KENT STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

PAYMENT AUTHORIZATION FOR DUES

On motion of Councilwoman Robinson, seconded by Councilwoman Berz,

A RESOLUTION AUTHORIZING PAYMENT OF 2013 MEMBERSHIP DUES FOR THE NATIONAL LEAGUE OF CITIES IN THE AMOUNT OF TEN THOUSAND SIX HUNDRED TEN DOLLARS (\$10,610.00)

was adopted.

GRANT

On motion of Councilwoman Scott, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO APPLY FOR AND, IF AWARDED, ACCEPT A FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION GRANT TO PURCHASE TWO HURST e-DRAULICS S-700E CUTTER PACKAGES THAT WILL BE ASSIGNED TO EXISTING SQUAD TRUCKS TO AID IN CUTTING HIGH-STRENGTH STEEL USED IN NEW CAR MODELS, IN THE AMOUNT OF SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$17,500.00)

was adopted.

TEMPORARY USE

On motion of Councilman McGary, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING HIXSON CHAMBER OF COMMERCE C/O MARV MARTIN TO USE TEMPORARILY THE RIGHT-OF-WAY OF FOUR (4) SEPARATE LOCATIONS TO INSTALL A SIGN LOCATED AT 6025 HIGHWAY 153, 5104 HIGHWAY 153, 3850 HIXSON PIKE AND 506 ASHLAND TERRACE, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

CONTRACT

On motion of Councilwoman Robinson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. E-12-012-201, 2012 RESURFACING CONTRACT, TO TALLEY CONSTRUCTION COMPANY, INC., FOR AN AMOUNT NOT TO EXCEED ONE MILLION SEVEN HUNDRED SIXTY-TWO THOUSAND EIGHT HUNDRED FORTY-ONE AND 35/100 DOLLARS (\$1,762,841.35)

was adopted.

DECLARE SURPLUS

MR-2012-079: City of Chattanooga c/o Dan Thornton

On motion of Councilman Murphy, seconded by Councilman Rico,
A RESOLUTION DECLARING SURPLUS OF AN AREA NEXT TO TAX MAP NO. 146N-F-012 CONTAINING 0.27 ACRES AND AUTHORIZING CONVEYANCE TO HEALTHSOUTH OF A MAINTAINED AREA BETWEEN MCCALLIE AND BAILEY, SUBJECT TO ANY FUTURE NEED OF RIGHT-OF-WAY ON THE SUBJECT PROPERTY AT NO COST TO THE CITY, AND IF REQUIRED FOR ROAD IMPROVEMENTS, THE CITY WILL RESTORE ANY INFRASTRUCTURE AT HEALTHSOUTH'S EXPENSE
was adopted.

OVERTIME

Overtime for the week ending September 27, 2012 totaled \$4,697.04.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- **ELEX WILLIAMS** – Hire, School Patrol Officer, \$15.08 per hour, effective September 21, 2012.

INTERNAL AUDIT:

- **MEGHAN PETTY** – Family Medical Leave (not to exceed 12 weeks), Internal Auditor 1, effective September 6, 2012.

PARKS AND RECREATION DEPARTMENT:

- **WINTER HORNER** – Hire, Carousel Assistant, \$7.78 per hour, effective September 21, 2012.

PERSONNEL (Continued)

- **DAVID BENNETT** – Promotion, Occupational Safety Specialist, Range 17, \$41,817.82 annually, effective September 21, 2012.

FINANCE DEPARTMENT:

- **TERESA DIDONATO** – Hire, Management Budget Analyst, Range 17, \$42,000.00 annually, effective September 27, 2012.

PUBLIC WORKS DEPARTMENT:

- **JAMES WILSON, III** – Suspension (1 day without pay), Crew Supervisor 2, City Wide Services, effective September 26, 2012.

PURCHASES

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

INFORMATION SERVICES:

DEXON COMPUTERS (Best complete bid)
R63160/302132

Blanket Contract for Brocade Network Equipment

\$250,000.00 – Annual estimation

ERMC II, L.P. (Best complete bid)
R64511/302179

Blanket Contract for Surveillance Camera Equipment

\$200,000.00 – Annual estimation

INSIGHT PUBLIC SECTOR (Lowest and best bid)
R58993/302078

Purchase of NetMotion Premium Technical Support

\$22,686.05

PURCHASES (Continued)

MOTOROLA (Single source)

R66060

Annual Motorola CSR Maintenance Renewal per TCA 6-56-304.2

\$34,188.00

CHATTANOOGA POLICE DEPARTMENT:

LEADSONLINE (Single source)

R65873

Purchase of Annual Software Subscription per TCA 6-56-304.2

\$13,788.00 – Annually

PARKS AND RECREATION DEPARTMENT:

TARPING SYSTEMS INC. (Lowest and best bid)

R64876

Purchase of Greens Covers

\$14,377.99

PERSONNEL DEPARTMENT:

MOORE MEDICAL, LLC (Best bid)

R64971/302208

Purchase of Healthcare Equipment

\$48,100.00

Admin. Kelley explained that the purchase request is for the clinic side of operation that includes all of the furniture and supplies needed to operate the clinic; that it is everything from the actual hazardous bins for needles, doctors' stools, tables with stirrups for the well visits and furnishings needed to operate the clinic.

PURCHASES (Continued)

Admin. Kelley stated they are well within budget and had to divide the purchase into medical equipment and supplies, office furniture, office supplies, appliances, technical and fitness equipment, noting there are separate requisitions on all of those.

Councilman McGary inquired as to whether the equipment is for the new clinic. Admin. Kelly responded "yes, the new facility".

SETTLEMENTS

City Attorney McMahan requested approval for two settlements for sewage backups on Campbell Street at 3121 and 3123. He stated in a situation where there is a lot of rain, and in this case that happened, the sewer line was blocked and backed up into two houses. He stated that a contractor was immediately sent to do emergency cleanup but once the cleanup has been done generally the flooring has to be removed and sometimes the wall board; that the house has to be sanitized after a sewer backup. He stated based on the recommendation of the estimates received, they have settled with both land owners which were tenant occupied properties and will have to separately settle with the tenants for the contents and temporary living expenses. He stated on 3121 Campbell a settlement was negotiated for \$45,000.00 and on 3123 Campbell a settlement of \$11,648.35 was negotiated.

Councilman Murphy asked if the settlement of funds came from the ISS fund. City Attorney McMahan responded "yes, they do".

Councilman Benson asked if it is a combination stormwater and sewerage line. City Attorney McMahan stated it was strictly a sewer line that backed up which is one the things we are doing as part of the Consent Decree where we periodically go into the sewer lines and run cameras; that he does not know if that would have caught this one because we did have an awful lot of rain. He expressed hope this type of backup would be minimized.

Councilman Benson asked if the rain has anything to do with it. City Attorney McMahan responded "yes"; that the rain filtrated into the sewer line and goes over capacity and backs up into the house, which is what happened.

On motion of Councilman Rico, seconded by Councilwoman Berz the City Attorney was authorized to settle the two matters.

SETTLEMENTS (Continued)

City Attorney McMahan also presented a condemnation from an eminent domain proceeding which was set for trial today, but they called on Friday and asked to settle. He stated Ken Fritz sent a settlement memorandum yesterday, which involves the widening of Hixson Pike. He stated "they" hired an expert who stated damage to the remainder was in excess of \$100,000 and our expert stated the damage was virtually nothing. He stated for the damage to the remainder they agreed to take \$25,000 on a settlement plus other costs they are entitled to receive for a total settlement of \$31,500 rather than the \$113,000 they were originally asking. He stated you never know in a condemnation case what the Judge or jury will do, but we believe this would be a fair settlement.

On motion of Councilman Rico, seconded by Councilwoman Robinson the City Attorney was authorized to settle the matter.

City Attorney McMahan called the Council's attention to the headlines in today's newspaper that the sewer rates will be going up 12 plus percent; that about a month ago he went to Nashville and started negotiations with the Attorney General's Office leading the negotiations. He stated based up how they were proceeding it became obvious to him we would have to turn the negotiations over to the Attorney General's office because they have the staff, expertise and they really are representing everyone involved in the situation. He stated they took a back seat to that and told them we would support them and they negotiated the settlement that it was finalized yesterday and announced today.

TAX INCREMENT FUNDING (TIF)

Councilwoman Scott stated several months ago when the Council was talking about TIFs we decided we wanted to see some criteria on TIFs and does not recall if that was actually brought to the Council. She stated it was her thought the City Attorney's office was going to bring back to the Council a moratorium on TIF applications pending our having criteria and does think that has been brought back. She asked where we are with that.

City Attorney McMahan stated Mr. Bridger is pretty far along in his work on the TIFs and a committee meeting can be scheduled in a couple weeks for a report.

Councilwoman Scott asked if we can go ahead with a resolution for a moratorium until we get that settled. City Attorney McMahan stated he would prepare one for next week.

ABANDONED HOUSING

Councilman Gilbert requested that Councilwoman Robinson place on her Committee's agenda the subject of houses that have been abandoned by banks that are not taking responsibility for maintaining the grass; that he would like to have a discussion to see how others feel about it to see what we can do to encourage them to take care of their properties.

Councilwoman Robinson stated that is an excellent suggestion noting we can discuss other things more indepth in regard to that. She stated she will get in touch with Neighborhood Services to see what we can do with our Codes Department to have those instances taken care of and make the banks aware if they are in violation on maintenance of those properties.

Councilman Murphy stated Neighborhood Services does run into that quite often and finally tracks down the owner of record that the Register of Deeds shows and the person says "the bank took that back 18 months ago". He stated at that point the Register of Deeds should also show who holds the lien and we should be able to at that point contact the bank directly and invoice them for any work we are doing on maintenance, if not then cite them into court as they are the beneficial owner and just have not filed the foreclosure papers at the courthouse. He stated unfortunately that is happening a lot in certain parts of town; that apparently they just do not intend to become owners of record despite their being the actual owner.

COMMITTEES

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, October 9.**

Councilman Gilbert reminded Council members of the meeting of the **Education, Arts and Culture Committee scheduled for Tuesday, October 9** immediately following the Agenda Session.

Councilman Murphy excused himself from the meeting at this point.

NEXT WEEK'S AGENDA: OCTOBER 9, 2012

Chairman Ladd referred Council members to next week's agenda and inquired as to whether there were questions; being none, the meeting continued.

JOYCE HARDWICK

Joyce Hardwick, President of the Westside Community Association, stated the Council was e-mailed an invitation to come to the Summit of Affordable Housing on Monday, October 8 from 6-8 p.m. at Renaissance Presbyterian Church (1211 Boynton Avenue). She stated the subject will be the crisis of affordable houses and their solution which is the Affordable Housing Ordinance in our city. She stated they have invited the Chattanooga Housing Authority, the RiverCity Company and others to listen, talk and learn. She stated they have been working hard on this project and would appreciate the Council coming to give their comments and concerns.

Chairman Ladd expressed appreciation for the Westside Community Association hosting the meeting, as well as the invitation to the Council.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, October 9, 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)**