

**City Council Building  
Chattanooga, Tennessee  
November 20, 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 Randy Burns and Council Clerk Carol O'Neal were present.

**PLEDGE OF ALLEGIANCE**

Chairman Ladd led everyone in attendance in the Pledge of Allegiance.

**MINUTE APPROVAL**

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

**AMEND CITY CODE**

On motion of Councilman Rico, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 38, ZONING ORDINANCE, SECTION 38-672(2), METHOD OF  
PROCEDURE TO INCLUDE SPECIAL PERMIT PETITIONS**  
passed second and final reading and was signed in open meeting.

**AMEND CITY CODE**

On motion of Councilwoman Scott, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 18, ARTICLE VII, SECTION 18-124 RELATIVE TO WOOD  
RECYCLING AND COMPOST FACILITY**  
passed second and final reading and was signed in open meeting.

**AMEND CITY CODE**

On motion of Councilwoman Scott, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 31, ARTICLE II, SEWER SERVICE CHARGES, SECTION 31-36,  
SCHEDULE, RELATIVE TO LATE FEES ON UNPAID SEWER BILLS**  
passed second and final reading and was signed in open meeting.

**REZONING**

**2012-121: The Broadway Group, LLC/Lee McCay/Tiftonia Church of Christ**

The applicant was present; there was no opposition.

On motion of Councilwoman Scott, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY  
LOCATED AT 151 BROWNS FERRY ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2  
CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN  
CONDITIONS**  
passed second and final reading and was signed in open meeting.

**REZONING**

**2012-129: John Wise**

The applicant was not present; there was no opposition.

On motion of Councilman Rico, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY  
LOCATED AT 1810 CHESTNUT STREET, MORE PARTICULARLY DESCRIBED  
HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL  
BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed second and final reading and was signed in open meeting.

**REZONING**

**2012-131: Don Skiles**

The applicant was not present; there was no opposition.

On motion of Councilman Rico, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6811 MCCUTCHEON ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3MD MODERATE DENSITY ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed second and final reading and was signed in open meeting.

**REZONING**

**2012-137: Homebuilders Association/Teresa Groves**

The applicant was not present; there was no opposition.

On motion of Councilman Gilbert, seconded by Councilwoman Berz,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 3215, 3219 AND 3221 HARRISON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R- 4 SPECIAL ZONE TO C-2 CONVEINENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed second and final reading and was signed in open meeting.

**REZONING**

**2012-143: James D. Lee**

**Councilmen McGary and Rico made the motion and second to substitute the amendment to this ordinance.**

City Attorney McMahan explained that last week this was before the Council on a recommendation to approve a C-5 zone and the Council decided at the time to approve the C-2 zone with conditions that would basically restrict the uses to the C-5 category. He stated the ordinance has been redrafted to accomplish that objective.

**REZONING (Continued)**

On motion of Councilman McGary, seconded by Councilman Gilbert,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 8203 EAST BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

**CLOSE AND ABANDON**

**MR-2011-107: Paul Mallchok**

On motion of Councilwoman Scott, seconded by Councilman McGary,  
**AN ORDINANCE CLOSING AND ABANDONING OF AN UNNAMED ALLEY LOCATED IN THE 200 BLOCK OF BAKER STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

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

**CLOSE AND ABANDON**

**MR-2012-142: RWM Technologies**

On motion of Councilman Murphy, seconded by Councilman Rico,  
**AN ORDINANCE CLOSING AND ABANDONING OF A PORTION OF SANITARY SEWER LINE AND SEWER EASEMENT ON THE PROPERTY LOCATED AT 3801 NORTH HAWTHORNE STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

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

**WHITESIDE PARK**

Councilman McGary inquired if there were other parks identified with a number. Admin. Zehnder responded "no".

WHITESIDE PART (Continued)

On motion of Councilman McGary, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING THE NAME OF PARK 48 LOCATED ON M. L. KING BOULEVARD BE CHANGED TO WHITESIDE PARK IN HONOR OF THE LATE DR. BILL WHITESIDE AND SISTER MAUDETTE WHITESIDE, FOUNDERS OF GOOD NEIGHBORS, INC.**  
was adopted.

GRANT

On motion of Councilwoman Berz, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO APPLY FOR AND, IF GRANTED, ACCEPT A GRANT FROM THE UNITED STATES OLYMPIC COMMITTEE PARALYMPICS INTEGRATED ADAPTIVE SPORTS PROGRAM TO BENEFIT THE SCENIC CITY ADAPTIVE ROWING AND PADDLING PROGRAM, IN THE AMOUNT OF FIFTEEN THOUSAND SEVEN HUNDRED TWENTY-TWO DOLLARS (\$15,722.00)**  
was adopted.

CHANGE ORDER

On motion of Councilwoman Berz, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL) FOR VOLUNTEER EXCAVATING COMPANY, INC. RELATIVE TO CONTRACT NO. E-11-006-201, BITUMINOUS SURFACE TREATMENT, FOR A DECREASED AMOUNT OF NINETY-ONE THOUSAND THIRTY-TWO AND 88/100 DOLLARS (\$91,032.88), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY-TWO THOUSAND SEVEN HUNDRED FORTY-NINE AND 58/100 DOLLARS (\$132,749.58), AND TO RELEASE THE REMAINING CONTINGENCY OF TWENTY-TWO THOUSAND THREE HUNDRED SEVENTY-EIGHT AND 54/100 DOLLARS (\$22,378.54)**  
was adopted.

CHANGE ORDER

On motion of Councilman Gilbert, seconded by Councilwoman Scott,  
**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL) FOR YERBEY CONCRETE CONSTRUCTION, RELATIVE TO CONTRACT NO. E-11-005-202, CDBG SIDEWALK REQUIREMENTS CONTRACT, FOR AN INCREASED AMOUNT OF SIX THOUSAND FOUR HUNDRED FOUR AND 48/100 DOLLARS (\$6,404.48), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED SIX HUNDRED FORTY-FIVE THOUSAND FOUR HUNDRED FOUR AND 48/100 DOLLARS (\$645,404.48)**  
was adopted.

CHANGE ORDER

On motion of Councilman Gilbert, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL) FOR KLEENCO CONSTRUCTION OF TENNESSEE, INC., RELATIVE TO CONTRACT NO. E-03-044-201, OAKWOOD DRIVE AT JERSEY PIKE INTERSECTION IMPROVEMENT, FOR AN INCREASED AMOUNT OF FIVE THOUSAND FIVE HUNDRED EIGHTY-FIVE AND 25/100 DOLLARS (\$5,585.25), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FOUR HUNDRED THIRTY THOUSAND FIVE HUNDRED NINETEEN AND 75/100 DOLLARS (\$430,519.75), AND TO RELEASE THE REMAINING CONTINGENCY AMOUNT OF THIRTY-SEVEN THOUSAND FOUR HUNDRED FOURTEEN AND 75/100 DOLLARS (\$37,414.75)**  
was adopted.

CHANGE ORDER

On motion of Councilman Gilbert, seconded by Councilwoman Berz,  
**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL) FOR VOLKERT & ASSOCIATES, INC., RELATIVE TO CONTRACT NO. E-03-044-101, FOR PROFESSIONAL SERVICES RELATIVE TO OAKWOOD DRIVE AT JERSEY PIKE INTERSECTION IMPROVEMENTS, FOR A DECREASED AMOUNT OF SIX THOUSAND SEVEN HUNDRED TWENTY-NINE AND 79/100 DOLLARS (\$6,729.79), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FIFTY-FIVE THOUSAND FOUR HUNDRED SEVENTY AND 21/100 DOLLARS (\$55,470.21)**  
was adopted.

**CHANGE ORDER**

On motion of Councilman Rico, seconded by Councilwoman Berz,  
**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL) FOR DURACAP ASPHALT PAVING COMPANY, INC. RELATIVE TO CONTRACT NO. E-12-001-201, 2012 BITUMINOUS SURFACE TREATMENT, FOR AN INCREASED AMOUNT OF SIXTY-TWO THOUSAND THREE HUNDRED TWENTY-FOUR AND 31/100 DOLLARS (\$62,324.31), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED THREE HUNDRED THIRTY-EIGHT THOUSAND TWO HUNDRED TWENTY-FOUR AND 31/100 DOLLARS (\$338,224.31)**  
was adopted.

**CHANGE ORDER**

On motion of Councilman McGary, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL) FOR CHATTANOOGA HOUSING AUTHORITY RELATIVE TO CONTRACT NO. W-12-001-801, CITY SANITARY SEWER REHABILITATION FOR BOYNTON TERRACE APARTMENTS, FOR A DECREASED AMOUNT OF TWENTY-EIGHT THOUSAND EIGHT HUNDRED TWO AND 90/100 DOLLARS (\$28,802.90), FOR A REVISED AMOUNT NOT TO EXCEED EIGHTEEN THOUSAND THREE HUNDRED NINETY-SEVEN AND 10/100 DOLLARS (\$18,397.10)**  
was adopted.

**TEMPORARY USE**

On motion of Councilman Rico, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING VISION HOSPITALITY GROUP, INC. C/O JAN PASS TO USE TEMPORARILY A PORTION OF A RIGHT-OF-WAY LOCATED AT 411 MARKET STREET FOR INSTALLATION OF AWNINGS, LANDSCAPING, AND CONTAINERS, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**TEMPORARY USE**

On motion of Councilwoman Scott, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING MAGNOLIA INVESTORS, LLC C/O  
MARCUS JONES TO USE TEMPORARILY A RIGHT-OF-WAY LOCATED  
ALONG MERONEY STREET FOR THE INSTALLATION OF A PRIVATE  
SANITARY SEWER LATERAL FOR A NEW RESIDENTIAL HOME, AS SHOWN  
ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY  
REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**TEMPORARY USE**

On motion of Councilman Gilbert, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING THE CRASH PAD C/O DAN ROSE TO USE  
TEMPORARILY A PORTION OF A RIGHT-OF-WAY LOCATED IN THE 100  
BLOCK OF JOHNSON STREET FOR THE INSTALLATION OF A SPRINKLER  
FIRE PIT FOR A NEW COMMERCIAL DEVELOPMENT, AS SHOWN ON THE  
MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF  
BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**AGREEMENT**

On motion of Councilwoman Scott, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE  
DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH  
TRUE NORTH GEOGRAPHIC TECHNOLOGIES, LLC RELATIVE TO  
CONTRACT NO. S-09-003-102, INTEGRATION OF THE WATER QUALITY  
DATA MANAGEMENT SYSTEM, FOR AN AMOUNT NOT TO EXCEED  
NINETY-EIGHT THOUSAND THREE HUNDRED EIGHTY-FOUR DOLLARS  
(\$98,384.00)**  
was adopted.

**INTERLOCAL AGREEMENT**

On motion of Councilwoman Scott, seconded by Councilman Gilbert,  
**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE  
DEPARTMENT TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE  
TOWN OF SIGNAL MOUNTAIN TO PAY FOR WATER USAGE FOR ANY  
FIRE DEPARTMENT TRAINING, FIREFIGHTING, FLOW TESTING, AND  
FLUSHING IN THE AREA OF PALISADES AND BALMORAL DRIVE**  
was adopted.

## AGREEMENT

On motion of Councilman Benson, seconded by Councilman Rico,

**A RESOLUTION AUTHORIZING THE CHIEF INFORMATION OFFICER TO ENTER INTO AN AGREEMENT WITH APPLICATIONS SOFTWARE TECHNOLOGY (AST) CORPORATION TO UPGRADE THE CURRENT ORACLE E-BUSINESS SUITE (EBS) 11.5.10.2 TO R12.1.3 AT A FIXED FEE COST OF SEVEN HUNDRED FORTY-SEVEN THOUSAND NINE HUNDRED NINETY-FIVE DOLLARS (\$747,995.00)**

was adopted; Councilwoman Scott voted "no".

## ADVERTISE FOR PUBLIC HEARING

**Councilmen Berz and Benson made the motion and second to approve this Resolution.**

**Councilwoman Scott** made the motion to defer this date to a time in January at the discretion of administration pending an educational session for the City Council prior to the informational meeting. She **made the motion to defer** noting the date depends upon the presentation before the Council of an educational program; that if administration can do the program the first week of January and have the public hearing the second week – a week ahead we would have an education session and the week following at their discretion.

Chairman Ladd clarified the recommendation for deferral would probably be for six weeks; Councilwoman Scott responded "probably so". Chairman Ladd called for a second to Councilwoman Scott's motion; however **the motion failed for lack of a second.**

Councilman McGary asked if the public session will be recorded and minutes taken. City Attorney McMahan responded "yes" minutes could be taken and if it is the pleasure of the Council we can get a Court Reporter to take a verbatim record.

Chairman Ladd stated that would be her preference and the indication of heads shaking "yes" was noticed from other Council members that a Court Reporter would be the way to handle this.

Councilman McGary referenced Councilman Gilbert's earlier concern if there will be a second option; whether it is being suggested if individuals cannot attend the December 12 meeting there will be another date they can attend if that is an option.

**ADVERTISE FOR PUBLIC HEARING (Continued)**

City Attorney McMahan responded to this point in reference to the December 12 hearing there will not be an action item on the agenda; that the earliest action item would be the following Tuesday, December 18; that as long as the matter is before the Council there will always be an opportunity for the public to be heard.

**Councilman McGary made the motion to have a second public hearing on Wednesday, January 9, 2013.**

Chairman Ladd asked if this fits into the schedule of getting the matter on the agenda. Dan Johnson stated he did not know if there is a real problem with it; that it just delays.

City Attorney McMahan stated we will need to present some potential amendments to the state enabling act on this; that he would get a good feel for what we will do between the first and second meeting and will have to send some matters to Nashville to help us out if we go down this path.

Councilman Benson stated he does not feel comfortable tying the Council with a second meeting until after we can observe and see what happens in the first meeting and then make a decision about a second or third meeting if necessary.

**Councilman Gilbert seconded Councilman McGary's motion to have a second meeting on January 9, 2013.**

Councilwoman Berz stated the issue is full information to the public and full education for the Council; that she is not in a position to vote "yes" automatically until the first meeting. She stated she would be voting "no" – not that she does not want people to know and she does not want to be educated, but she has to see what the first meeting says.

**On roll call vote on the motion to have a second meeting January 9, 2013:**

<b>MCGARY</b>	<b>YES</b>
<b>MURPHY</b>	<b>NO</b>
<b>SCOTT</b>	<b>YES</b>
<b>BENSON</b>	<b>NO</b>

ADVERTISE FOR PUBLIC HEARING (Continued)

GILBERT	YES
BERZ	NO
RICO	NO
LADD	NO

The motion failed – three (3) “yes”; five (5) “no”.

Chairman Ladd stated we will definitely have the one meeting scheduled for December 12 and can suggest a second meeting at that time. She clarified as of tomorrow morning the advertisement will be submitted to the newspaper and the December 12 date is “locked in” noting all Council members will need to be present for the public hearing.

Councilman Rico called for the question.

On motion of Councilwoman Berz, seconded by Councilman Benson,  
**A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK OF THE CITY COUNCIL TO ADVERTISE FOR A PUBLIC HEARING ON WEDNESDAY, DECEMBER 12, 2012, AT 6:00 P.M., ON THE QUESTION OF CREATING A REGIONAL WATER AND WASTEWATER TREATMENT AUTHORITY AT WHICH TIME ALL INTERESTED PERSONS MAY APPEAR AND BE HEARD**  
was adopted; Councilwoman Scott voted “no”.

TRANSFER OF RECUE K-9

On motion of Councilman Murphy, seconded by Councilwoman Berz,  
**A RESOLUTION AUTHORIZING THE TRANSFER OF RESCUE K-9 RED TO GRANT AND TARA YELLIOT**  
was adopted.

OVERTIME

Overtime for the week ending November 15, 2012 totaled \$44,092.51.

## PERSONNEL

The following personnel matters were reported for the various departments:

### EDUCATION, ARTS AND CULTURE:

- **SANDRA COULTER** – Retirement, Director Civic Facilities, effective November 8, 2012.

### GENERAL SERVICES:

- **PATRICK ROLLINS** – Promotion, Manager, Electronics Communications, Range 25, \$70,000.00 annually, effective November 16, 2012.

### PUBLIC WORKS:

- **ISAAC DIXON** -- Hire, Plant Operator 1, Waste Resources, Range 9, \$26,798.00 annually, effective November 9, 2012.
- **PHILLIP BASSETT** -- -- Hire, Plant Operator 1, Waste Resources, Range 9, \$26,798.00 annually, effective November 2, 2012.
- **PAUL FRIDDELL** – Hire, Equipment Operator 5, Waste Resources, Range 12, \$31,021.00 annually, effective November 6, 2012.

### CHATTANOOGA FIRE DEPARTMENT:

- **ROBERT DIXON** – Retirement, Fire Battalion Chief, effective November 16, 2012.

### PARKS AND RECREATION:

- **SHERMAN HIGDON** – Hire, Crew Worker 1, Range 2, \$23,050.00 annually, effective October 26, 2012.

**REFUND**

On motion of Councilman Rico, seconded by Councilman Murphy, the Administrator of Finance was authorized to issue the following refund for overpayment:

<b>INVISTA, INC.</b>	<b>\$173,509.23</b>
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Councilwoman Scott asked for an explanation of this refund. Admin. Leach stated the payment is a sewer charge payment and the amount is paid semiannually based on the last six months. He stated the current six months they were billed was nowhere near what they had been using before; that they already paid it but they did not use the same amount of water, apparently, and did not discharge as much back to our system.

Councilwoman Scott stated she thought all the billing was based on the amount of water used and that was based on meter readings. Admin. Leach stated the big industrial users send reports to them and there is a certain surcharge and the amount for surcharge they actually use, such as chemicals and other things that pass through the system.

Councilwoman Scott asked if they are self-reporting what their water usage is. Admin. Leach stated they verify it internally, but apparently this was a very unusual situation.

**REFUND**

On motion of Councilman Murphy, seconded by Councilman Rico, the Administrator of Finance was authorized to issue the following refund of water quality fees and/or property taxes:

<b>TONY ST. CHARLES JRD PROPERTIES LLC</b>	<b>\$2,894.34</b>
<b>MOUNTAIN VIEW</b>	<b>\$2,604.00</b>

## PURCHASE

On motion of Councilman Rico, seconded by Councilwoman Berz, the following purchase was approved for use by the Public Works Department:

**POWER EQUIPMENT CO. (Lower bid)**  
**R66652/302273**

Blanket Contract for Equipment Maintenance and Repair

\$400,000.00 – Annual approximation

## BOARD RE-APPOINTMENT

On motion of Councilman Murphy, seconded by Councilman Gilbert, the following Board re-appointments were approved; **Councilwoman Scott voted "no"**:

**TRANSPORTATION BOARD:**

- Re-appointment of **TERRY L. HART** for a three-year term expiring April 1, 2015.
- Re-appointment of **MANUEL RICO** for a three-year term expiring April 1, 2014. (This is to change Mr. Rico's appointment from ex-officio to full member status beginning from April 1, 2011.)

Councilman McGary inquired as to the ex-officio status of Councilman Rico and the rationale for reappointing him.

Dan Johnson stated Councilman Rico was appointed to the ex-officio board and now re-appointing him to the regular board.

Councilwoman Scott asked if the Transportation Board is regional noting Terry Hart is a Ringgold, Georgia resident. The response was the Board is not regional.

Mr. Johnson responded Mr. Hart is President of the Metropolitan Airport Authority.

## BOARD RE-APPOINTMENTS (Continued)

Councilman Rico stated there are a lot of taxis involved at the airport and Mr. Hart helps with what is going on; that we have another cab owner that is on the Board that lives in Marietta, Georgia noting both are needed because of the way the industry is set up.

Councilman Benson explained that the board was originally called the Taxi Board; that the first trouble was with the horse carriages, then the Pedicabs and then into everything else. He stated it was then changed to the Transportation Board but then got into the airport situation and the movement back on the shuttles from Atlanta to Chattanooga and it had to take a broader comprehensive term – Transportation. He stated he was very familiar with it at one time and we do need some representation from people that have knowledge of what is going on.

### OFFICE OF MULTICULTURAL AFFAIRS ADVISORY BOARD:

- Appointment of ***SHENITA MICHELLE PINKERTON*** representing District 3 for a three year term expiring July 1, 2015.

### BEER AND WRECKER BOARD:

- Reappointment of ***EDWARD D. TOWNSEND*** representing District 1 for a three year term expiring January 5, 2016.

## INTRODUCTION OF CARSON DOYLE

Councilman Benson introduced Carson Doyle who has been assigned as an Intern to him, noting everyone will see him on Tuesdays. He stated Mr. Carson is a Political Science major at UTC.

## CHRISTMAS EVE

**Councilman Gilbert** asked for a brief discussion regarding December 24 for the Council staff; that everything shuts down on Christmas Eve and asked the Council's opinion to allow them to have a good Christmas and **made the motion to allow the Council staff to be off.** **Councilman Murphy** seconded the request.

## CHRISTMAS EVE (Continued)

Councilwoman Scott asked if the rest of city government would be working on December 24.

Admin. Madison stated the Christmas party will be held on Friday (December 21) this year and this is always an issue and technically the city does not close. She stated employees are granted annual leave for holidays and any time they take off it is supposed to be holiday leave; that she would recommend the Council designate the holiday as a mandatory leave day and the entire city would be closed but the employee would still have to use their annual leave for that day off. She stated administration is very lenient in granting leave on Christmas Eve but it is a holiday and if a person takes off they will have to use annual leave.

Councilman McGary stated if this passes would it be advertised the city would be closed on Christmas Eve.

Dan Johnson stated administration is considering whether or not to make that a mandatory day off; that any holiday is a day of leave and would not be an extra day for employees. He stated that decision has not been finally made and will report back to the Council as to what the Mayor decides.

Councilman McGary asked if that includes fire and police. Mr. Johnson stated fire and police have the same number of leave days as anyone else; that a holiday does not matter to them as they have a certain schedule they are operating on.

Councilman Rico stated the Council does not have to make a decision tonight.

Councilman Benson agreed noting that he would hate to make a decision in a vacuum of information and would like to see what the Mayor is recommending and then we would be in a better position to make a decision.

Councilman Murphy stated the point was not the 2200 other employees, it is the four that work for the Council and whether the Council is okay with the office being unstaffed on Christmas Eve.

Councilman Benson stated it could be a tremendous problem for a lot of the remainder of the city if we do something that is much more liberal than the Mayor and staff recommend. He stated he wants to know what will be recommended before he makes a decision.

### CHRISTMAS EVE (Continued)

Councilman Murphy stated the Council has four people that work for the nine of them and the Mayor has over 2000 people who work for him; that the Council can make a decision independent of the Mayor.

**Councilwoman Berz motioned that this matter be deferred for a week** until we are "playing with a full deck"; **Councilman Benson seconded the motion; the motion carried with Councilmen Gilbert, Murphy and Scott voted "no".**

Councilman Gilbert stated there are different departments even in administration that do things differently; that everyone does not do the same thing.

### FORGOTTEN CHILD FUND

Chairman Ladd reminded Council members of the Forgotten Child Fund event scheduled on Main Street on next Tuesday and encouraged all to attend.

### COMMITTEES

Councilwoman Scott scheduled meetings of the **Personnel, Performance and Audit Review Committee for Tuesday, November 27** for a report regarding savings in prescription drugs **and on Tuesday, December 4** for an explanation of the audit process.

Councilman Benson scheduled a meeting of the **Economic Development Committee for Tuesday, November 27** for a presentation of development proposals from RiverCity.

### NEXT WEEK'S AGENDA: NOVEMBER 27, 2012

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

## DEMETRIOUS MENIFEE

**Demetrious Meniffee** of 1120 Greenwood Road was present regarding the Wilcox Tunnel noting this issue comes up decade after decade and at the meeting last week at Eastdale Community Center; that it seems to arise around election time and it is becoming tiring for them to see the conceptual images of what could and should be and then are told no funds are available. She stated since the tunnel is owned by the City of Chattanooga she asked what exactly is going to be done to improve it or if there are plans in the budget for 2013 as it is being communicated to her that it is not an issue of importance. She referenced money that was found for enhancing the city's web site and extending the Riverwalk noting she would like to know what will be done to improve the tunnel that affects Districts 9, 8 and 5.

Councilman Murphy explained the prior studies by prior administrations were geotechnical studies that largely consisted of trying to determine whether the existing tunnel would collapse or not and noted he has a copy of the report. He stated that was not a design; that the city of Chattanooga is spending two million to build an actual plan to construct a new tunnel which was one of the purposes of the public meeting to get public input. He stated the whole idea being we will then have a shovel ready project which is one of the requirements in the grant transportation opportunities and we cannot be shovel ready if we do not have a plan as to how it will be built. He thanked every member of the present Council that voted unanimously to commit \$17 million of local money to the project which will cost more than that but it is an important first step of the willingness of the Council to put a large commitment behind that and, in fairness to the tax payers, if we can get state and federal money to help build it will be better on the local tax base. He stated the strong commitment was not at election time noting the vote was over a year-and-a-half ago about committing \$17 million. He stated he knows he, Councilmen Gilbert, McGary, Berz and all who have districts close to the tunnel have been very strong about seeing that the right things are done.

Chairman Ladd stated in sitting in the budget and capital budget hearings Council persons have been very vocal and pushed very hard for this project.

Councilman Gilbert stated every budget so far has included the tunnel in an effort to try to get it resolved as far as building a new one; that it has been brought up every budget year to try to make something happen. He stated in the history of the tunnel this Council has moved forward more than in the past and will keep pushing.

**DEMETRIOUS MENIFEE (Continued)**

Councilman Benson stated this has been the strongest Council to support doing what should be done with the Wilcox Tunnel; that the shovel ready is very important as there is a better shot with stimulus money as we do not have the kind of money to actually fund the construction of a new tunnel. He suggested letting everyone know this Council has really supported it.

Councilman McGary echoed the sentiments of previous Council members and stated the Council has looked at grant funding as a means to rebuild the tunnel expressing hope a two prong approach will be taken if it means little-by-little over the next few years the dollars will go in as long as there is movement as this is not a stand still project. He stated there is movement in that direction and would rather see movement however slow as long as it is in the right direction.

**HAPPY THANKSGIVING**

On behalf of the Council, Chairman Ladd wished everyone a Happy Thanksgiving holiday!

**ADJOURNMENT**

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, November 27, 2012 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

**(A full digital audio of the Council Meeting of this date  
is filed in the Clerk of Council's Office)**

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