

**CITY COUNCIL BUILDING  
CHATTANOOGA, TENNESSEE  
DECEMBER 4, 2012**

Chairman Ladd called the meeting of the Chattanooga City Council to order with Councilmen Benson, Berz, Gilbert, McGary, Murphy, Rico, Robinson and Scott present. City Attorney Michael McMahan; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/  
INVOCATION**

The Pledge of Allegiance was led by Councilman Gilbert, followed by invocation.

**MINUTE APPROVAL**

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

**PUBLIC HEARINGS/ANNEXATION**

Attorney McMahan opened the Public Hearing, noting that Attorney Noblett would present a number of slides—that a written report of each Plan of Services had been provided to Councilmembers.

Attorney Noblett explained that pursuant to State Law, public hearings are required on newly annexed areas in order for everyone to learn about the services that will be provided in newly annexed areas. These annexations occurred in 2009 to be effective in December of 2010. He presented a map of the entire city including the newly annexed areas of 3A, 3C, 4B, 8A, 9A, 10A, and 10B. He noted a number of services to be provided by the City, including fire and police protection, refuse collection, planning and zoning, code enforcement and recreational facilities and programs. He explained that there was an issue with WWTA Sewer Service for these areas, which will have to be resolved by the Court.

Adm. Leach went over each area, including annexed areas of Lookout Valley and Cummings Highway; Lookout Mountain; Hixson Pike, Big Ridge Area; north of Ooltewah; narrow strip on I-75; and south side of Lee Highway. He mentioned the fire stations that would service each area, including the new Fire Station 3, Lookout Valley Fire Station, Hixson Utility District, proposal of another Fire Station on the west side of I-75, and Fire Station 7 at Enterprise South. He mentioned the number of garbage cans in the Hixson Pike-Big Ridge Area and the Ooltewah area and pending fire hydrants in Hixson Pike-Big Ridge Area and Ooltewah area. He also talked

**PLAN OF SERVICES/ANNEXED AREAS**  
**(CONT'D)**

about the number of service calls in the Hixson Pike-Big Ridge area and the Ooltewah area, south side Lee Highway. He mentioned the narrow strip on I-75 that is being annexed where only billboards exist that will be serviced by a new fire station north of this area off Hunter Rd.

Attorney McMahan asked if there were any questions from the audience; there being none, the Public Hearing came to a close.

**AMEND CITY CODE/OVERTIME PAY**

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, ARTICLE III, DIVISION 5, SECTION 2-155, RELATING TO OVERTIME PAY FOR HOLIDAYS**  
passed second and final reading and was signed in open meeting.

**AMEND CITY CODE/**  
**FIRE AND POLICE PENSION FUND**

On motion of Councilman Murphy, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 2, ARTICLE III, SECTIONS 2-410, 2-411, 2-413, 2-415, ns 2-419, RELATIVE TO THE FIRE AND POLICE PENSION FUND**  
passed first reading.

**AMEND CITY CODE/**  
**FIRE AND POLICE AGE**

On motion of Councilman Murphy, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 16, ARTICLE I, SECTION 16-2, RELATIVE TO AGE OF EMPLOYEES OF THE FIRE OR POLICE DEPARTMENT**  
passed first reading.

**AMEND CITY CODE/  
CODE COMPLIANCE**

On motion of Councilman Murphy, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 5,  
SECTION 5-71(e) RELATIVE TO FIRE CODE, BUILDING CODE, AND ZONING  
ORDINANCE COMPLIANCE**  
passed first reading.

**AGREEMENT**

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF  
PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH VERMONT  
SYSTEMS FOR THE PURCHASE OF A WEBTRAC SYSTEM IN THE AMOUNT OF ONE  
HUNDRED TWENTY-FOUR THOUSAND DOLLARS (\$124,000.00), WITH A  
CONTINGENCY FEE IN THE AMOUNT OF FIVE THOUSAND DOLLARS (\$5,000.00)  
FOR CUSTOMIZATION IF NEEDED**  
was adopted.

**LEASE AGREEMENT**

On motion of Councilman McGary, seconded by Councilman Benson,  
**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER  
INTO A LEASE AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED, WITH  
DIAGNOSTIC RADIOLOGY CONSULTANTS, P.A. TO LEASE ONE HUNDRED  
SEVENTY-THREE (173) SQUARE FEET FOR AN X-RAY EXAMINATION AREA AT  
THE CITY OF CHATTANOOGA WELL ADVANTAGE CENTER**  
was adopted.

**AGREEMENT**

On motion of Councilman McGary, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER  
INTO AN AGREEMENT FOR A STRUCTURE PERMIT WITH TENNESSEE VALLEY  
AUTHORITY FOR A WARNING SIREN WHICH WILL BE PART OF THE SEQUOYAH  
PROMPT NOTIFICATION SYSTEM**  
was adopted.

**CONTRACTS/NEIGHBORHOOD SER.**

On motion of Councilman Benson, seconded by Councilman Gilbert,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO CONTRACTS WITH NEIGHBORHOOD ORGANIZATIONS FOR NEIGHBORHOOD PARTNERS PROJECTS AND RELATED ACTIVITIES AND INITIATIVES FOR AN AMOUNT NOT TO EXCEED FIFTY-TWO THOUSAND DOLLARS (\$52,000.00)**

was adopted.

**PERSONAL SERVICES CONTRACTS**

On motion of Councilman McGary, seconded by Councilman Gilbert,

**A RESOLUTION AUTHORIZING THE GANG TASK FORCE COORDINATOR TO EXECUTE TWO (2) PERSONAL SERVICES CONTRACTS FOR ONE (1) FULL-TIME OUTREACH WORKER AND ONE (1) PART-TIME VIOLENCE INTERRUPTER/OUTREACH WORKER TO BE HIRED AS TEMPORARY EMPLOYEES DURING THE PILOT PHASE OF IMPLEMENTATION OF THE COMPREHENSIVE GANG MODEL'S INTERVENTION TEAMS, IN THE AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)**

was adopted.

**UTC TWO PROJECT**

On motion of Councilman McGary, seconded by Councilwoman Robinson,

**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE UTC TWO, LLC PROJECT TO DELEGATE CERTAIN AUTHORITY TO THE HEALTH, EDUCATIONAL AND HOUSING FACILITY BOARD OF THE CITY OF CHATTANOOGA, TENNESSEE, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES**

was adopted on unanimous roll call vote.

**UTC THREE PROJECT**

On motion of Councilman McGary, seconded by Councilman Murphy,  
**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE UTC THREE, LLC PROJECT TO DELEGATE CERTAIN AUTHORITY TO THE HEALTH, EDUCATIONAL AND HOUSING FACILITY BOARD OF THE CITY OF CHATTANOOGA, TENNESSEE, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES**  
was adopted.

**PILOT AGREEMENTS**

On motion of Councilman McGary, seconded by Councilman Murphy,  
**A RESOLUTION ADOPTING A TEMPORARY POLICY OF INDIVIDUALLY ASSESSING PROSPECTIVE PAYMENT IN LIEU OF TAX (PILOT) AGREEMENTS PENDING A CHAMBER OF COMMERCE STUDY**  
was adopted.

**GREEN DEVELOPMENT GRANT**

On motion of Councilman Rico, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR AND, IF APPROVED, ACCEPT A GREEN DEVELOPMENT GRANT FROM THE TENNESSEE STORMWATER ASSOCIATION FOR THE DEVELOPMENT OF A "LOW IMPACT DEVELOPMENT (LID) EXCELLENCE AWARDS PROGRAM", IN THE AMOUNT OF TWENTY-EIGHT THOUSAND EIGHTY DOLLARS (\$28,080.00) FOR THE DEPARTMENT TO PROVIDE A TWENTY (20%) PERCENT IN-KIND MATCH IN THE AMOUNT OF FIVE THOUSAND SIX HUNDRED TWENTY DOLLARS (\$5,620.00), FOR A TOTAL AMOUNT OF THIRTY-THREE THOUSAND SEVEN HUNDRED DOLLARS (\$33,700.00)**  
was adopted.

**OVERTIME**

Overtime for the week ending November 28, 2012, totaled \$27,809.64.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**CHATTANOOGA POLICE DEPT.:**

- ❖ **C. MARK SHELTON**—3 Days Suspension without pay for Police Officer I, effective 11/28—11/30/12.
- ❖ **ERIC EPPS**—Resignation of Police Officer 2, effective 11/30/12.

**INFORMATION SERVICES:**

- ❖ **JASON SEWELL**—Hire as Telecommunications Coordinator, Range 17, \$45,000 annually, effective 11/30/12.

**PUBLIC WORKS DEPT.:**

- ❖ **ALETHIA S. SMITH**—Voluntary Demotion of Admin. Support Ass't 1, Range 4, \$25,500.00 annually, effective 11/19/12.

**PERSONNEL DEPT./BENEFITS:**

- ❖ **JAMES HOFF**—Resignation of Safety Program Coordinator, effective 11/15/12.

**CHATTANOOGA FIRE DEPT.:**

- ❖ **MICHAEL BATTLE, JASON DILL, RANDALL EDGEMON, DEREK GARCIA, DARIAN HONEYCUTT, COLE LIVELY**—Promotion to Firefighter Senior, Range F2A, \$36,004.00 annually, effective 11/16/12.
- ❖ **DEMETRI OWENS**—Demotion of Firefighter, Range F1A, \$32,077.00 annually, effective 11/20/12.
- ❖ **CHRISTOPHER LAFERRY & VERNON LANE & KENNETH RIDGE**—Promotion to Fire Lieutenant, Range F3A, \$43,358.00 annually, effective 11/30/12.
- ❖ **SHAWN REESE**—Promotion to Fire Captain, Range F4A, \$49,132.00 annually, effective 11/30/12.

**PERSONNEL (CONT'D)**

- ❖ **TARA BRYANT**—5 Day Suspension without pay for Fire Captain, effective 10/29, 10/31 and 11/2/12.

**EMERGENCY PURCHASES**

On motion of Councilman McGary, seconded by Councilman Murphy, the following two Emergency Purchases were approved for the Parks and Recreation Department:

- ❖ Replacement, labor and code repair of a boiler at the Hixson Community Center by **Combustion & Control Solutions, Inc. at a total cost of \$10,602.24.** This was signed in open meeting by Adm. Zehnder.
- ❖ A Flygt Pump for Aquarium Passage from **Tekwell Services at a total cost of \$13,920.00.** This was signed in open meeting by Adm. Zehnder.

Adm. Zehnder took this opportunity to report to the Council that a national magazine that goes to all 50 states had a nice picture of our Therapeutic Recreation Team. He stated that he was proud of their accomplishment—that this was a small staff headed by Elaine Adams.

**EMERGENCY PURCHASE**

On motion of Councilman Gilbert, seconded by Councilwoman Robinson, the following Emergency Purchase was approved for the Department of Education, Arts & Culture:

- ❖ To furnish, install and test double check detector backflow assembly at the Tivoli Theatre by **Chattanooga Fire Protection for a total cost of \$12,035.67.** This was signed in open meeting by Adm. Crutchfield.

Chairman Ladd took this opportunity to mention the Open House she attended for the renovation at the Auditorium—that she was glad to see this. Ms. Crutchfield stated that the grand opening would be February 28<sup>th</sup> of 2013.

**REFUNDS**

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

<b>SOUTH BROAD, INC.</b>	\$ 3,151.09
<b>SERVICE ELECTRIC CO.</b>	\$53,594.73

**PURCHASES**

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

**PUBLIC WORKS DEPT.:**

**THE SHERWIN-WILLIAMS COMPANY (Lowest and best bid meeting specs.)**

**Requisition R67588**

Blanket Contract for Traffic Paint

\$40,000 estimated annually

**DALY INSTRUMENTATION & CONTROLS, INC. (Rescind award to G&C & award to next lowest bidder)**

**Requisition R66191/302251**

Miscellaneous MSA Parts Blanket Contract

\$30,000 annually, approximately

**CHATTANOOGA FIRE DEPT.:**

**DONATION OF SURPLUS COMPUTER (FORGOTTEN CHILD FUND)**

**EVS-MIDSOUTH (Rescind award to MES & award to next lowest bidder meeting specs.)**

**Requisition R65038/518148**

Fire Hose

\$33,961.95

**CITY ATTORNEY'S REPORT**

Attorney McMahan stated that our work with WWTA to resolve issues had been alluded to; that we were unable to resolve the issue and the Courts would have to issue a Declaratory Judgment—that we are requesting to place sewers only in annexed areas and WWTA wants sewers in the total growth area and are not willing to work with us on this. He stated that he was preparing a lawsuit and would file it.



**CHRISTMAS EVE**

Councilman Gilbert stated that we discussed Christmas Eve two weeks ago; that he would like to have it worked out that the Council Staff could have that day off. Mr. Burns stated that the Council Staff had already worked this out among themselves.

Councilwoman Berz inquired if the Council had the authority to do this? Attorney McMahan responded that the Council has the authority over their Staff; that he thought Administration had agreed that city employees could take personal leave that day. Councilwoman Berz wanted to know if this would be mandating that employees take a day of personal leave?

Councilman McGary asked Mr. Johnson if Administration had made a decision on this, asking for an update. Mr. Johnson responded that it would **not** be a mandatory holiday—that it would be a regular work day.

Councilman Gilbert stated that he would like for the Council’s clerks to be off, unless there was one who wanted to stay.

Councilman Murphy stated that the Council employees could take personal leave—that this was at the discretion of the Council Chairman—that the phones might need to be covered that day—that if it were up to him, it would be fine for all the Staff to take off—that it was up to the Chairman to bless this.

Councilman Benson stated that the staff are full-time employees of the City of Chattanooga and should follow what the City of Chattanooga does.

Councilman Gilbert maintained that the Council Staff could take a vacation day if they so desired. Chairman Ladd stated that she thought the Council Staff could handle this amicably.

**COMMITTEES**

Councilwoman Scott noted that the Personnel, Performance and Audit Review Committee met today and that this would be reported on the City’s website under Committee minutes sometime next week.

Councilwoman Robinson scheduled a meeting of the **Housing Committee on Tuesday, December 18<sup>th</sup> to immediately follow the Public Works Committee** for a report on the lead that had been found in some yards of peoples’ homes. She also wanted to report on the great neighborhood of Jefferson Heights that had taken ownership of their community—that a lady had been assaulted in her front yard, and the Police had been able to arrest him because of the neighbors’ quick response and coming to her assistance.

**COMMITTEES (CONT'D)**

Councilman Murphy reminded everyone of the **Legal, legislative/Safety Committee scheduled for Tuesday, December 11<sup>th</sup>, to immediately follow the Agenda Session.**

Councilman McGary asked Councilwoman Robinson, as Chairman of the Housing Committee, to get the “ball rolling” on an Affordable Housing Committee. She stated that she would take this under advisement.

Councilman Gilbert scheduled a **Parks and Recreation Committee for Tuesday, December 11<sup>th</sup> to immediately follow the** Legal and Legislative Committee to discuss fees.

Councilwoman Berz scheduled a **Budget Educational Session on Tuesday, December 11<sup>th</sup> at 2:00 P.M.** in the Council Conference Room for a United Way Report on Agencies.

**NEXT WEEK'S AGENDA:**  
**DECEMBER 11<sup>TH</sup>, 2012**

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

**LEROY GRIFFITH**

**Leroy Griffith of 1115A Grove Street** addressed the Council concerning a 43-page e-mail, which was an analysis of the 2003 Blueprint to educate concerning the homeless—10 years ago and was presented by the City of Chattanooga and the Homeless Coalition. It referred to implementing Inclusive Zoning and the development of affordable housing in percentage ratio to other types of housing. He stated he did not know who wrote this, but it was not factual. It also spoke of providing an incentive for developers and tax rates for affordable housing, which was not defined. He emphasized that Inclusive Zoning had not been done in these 10 years.

**COURTNEY KNAPP**

**Courtney Knapp of Central Ave.** next addressed the Council, commending them on trying to “hammer” out what affordable housing means. She urged a definition of moderate and low income, also urging that people at the low spectrum of income not be overlooked.

Councilman Gilbert asked for a discussion of what went on 10 years ago concerning downtown housing since he was not on the Council then.

Councilwoman Robinson stated that the Council talked a lot about the homeless issue and a lot has been done regarding this; that the blueprint is ten years old, and we are still following it.

Councilman Benson asked Ms. Knapp to define inclusionary, wanting to know if she meant housing or zoning? She responded “inclusionary housing” overall; that we need a housing market that responds to the whole diversity—working class, middle class, and upper class, as well. Councilman Benson mentioned that we were trying to get inclusionary zoning to reconcile with commercial, which was called a mixed-use zone; that he feared we were getting off of inclusionary zoning and just including housing. Ms. Knapp spoke to mixed-use development and affordable housing close to businesses and where people work. She agreed that inclusionary was a “fuzzy word”—that we need to take the whole range and “cobble” it together to meet all needs. He wanted to know if she was behind inclusionary housing downtown. She stated her emphasis was on housing, again stating that it was a “fuzzy” term.

#### **ADJOURNMENT**

Chairman Ladd adjourned the meeting of the Chattanooga City Council until Tuesday, December 11<sup>th</sup> 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)**