

City Council Building  
Chattanooga, Tennessee  
February 19, 2013  
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. Assistant City Attorney Phil Noblett, Management Analyst/Auditor Randy Burns and Council Clerk Carol O'Neal were also present.

### **PLEDGE OF ALLEGIANCE**

**Nina Ventra**, Staff Specialist with the Chattanooga Gangs Initiative, introduced members of the Initiative's Teen Advisory Council. She stated the group will give the youth perspective as they work on the implementation plan to help deal with gangs in Chattanooga. In asking them to stand she asked Uniqua Wade to step forward.

The Pledge of Allegiance was led by Uniqua Wade of the Gang Task Force's Teen Advisory Council.

### **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.

### **REZONING**

**2012-089: Napier Associates/Defoor Brothers Development, LLC/Gunbarrel Partners/Waterside Property Investment, LLC**

On motion of Councilman Benson, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PARTS OF PROPERTIES LOCATED AT 2351, 2417, 2424, 2428 AND 2440 ELAM LANE; 2545 AND 2565 LIFESTYLE WAY; AND 2515 AND 2519 GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND MXU ZONE TO C-4 PLANNED COMMERCE CENTER ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

## REZONING

### **2013-008: Napier Associates/Defoor Brothers**

Councilman Benson stated this request has a condition that was not entered into the ordinance; that the road is supposed to be used as an exit only and does not know if it is included in the ordinance or not and would like to get it straight so no one could come in that way.

**Mike Price** was present representing the applicant and stated in the plan submitted and the traffic study that has been completed at this point or near completion shows an exit only onto Napier Drive, no entrance into the development, only an exit out of the development.

Councilman Benson stated that makes sense as the exit comes out right onto the turn onto the interstate going north and should expedite the traffic down the road so there will not be "stacking" down there as much.

Mr. Price stated it is not specifically stated; that it states "... traffic improvement subject to the traffic engineer..." but it does not state this is one of the specific items which is what they were asking for when they made the amendment change to the MXU zone.

Councilman Benson stated that is what is worrying him; that he does not know what the traffic engineer said, but originally told him only an exit and would like for that to be part of the motion "for exit only".

**Councilmen Benson and Rico made the motion to substitute the amendment to this request; the motion carried.**

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 AMEND CONDITIONS  
OF CASE NO. 2012-014 TO CHANGE MXU BOUNDARY AND PLAN ON  
PROPERTIES LOCATED IN THE 2300 AND 2400 BLOCKS OF GUNBARREL  
ROAD, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO  
CERTAIN CONDITIONS**

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

**REZONING**

**2013-013: Grace Episcopal Church/Randy Durham**

On motion of Councilwoman Berz, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 4018, 4022 AND 4026 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.

**REZONING**

**2013-015: Whole Foods, LLC c/o Rob Renner/Dr. Gene Rudnick**

On motion of Councilman Benson, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7737 EAST BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE AND R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE**

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

**REZONING**

**2013-016: Ragan-Smith Associates/Brant Enderle**

On motion of Councilwoman Scott, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED IN THE 3800 BLOCK OF CUMMINGS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

**CLOSE AND ABANDON**

**MR-2012-158: Alan Haniszewski RTB Holdings**

On motion of Councilman Rico, seconded by Councilman McGary,  
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF AN UNOPENED RIGHT-OF-WAY LOCATED IN THE 1900 BLOCK OF JEFFERSON STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

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

**AMEND BUDGET ORDINANCE NO. 12622**

Councilman McGary stated the documentation indicates it is "committed for a 40 year plan over a three year period" noting he is confused as to what the Council is actually voting on, whether a portion of the \$500,000 or the total as the Council cannot commit itself or a future Council to a figure not in this year's budget. Admin. Madison stated the \$500,000 covers the three year period.

Councilman McGary asked if we are committing one lump sum or a portion. Admin. Madison stated one lump sum will be paid upon submittal of invoices over a three year period.

On motion of Councilwoman Berz, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 12622 KNOWN AS THE "FISCAL YEAR 2012-2013 BUDGET ORDINANCE" SO AS TO APPROPRIATE FIVE HUNDRED THOUSAND (\$500,000.00) FROM THE GENERAL FUND CONTINGENCY TO THE SOUTHEAST TENNESSEE DEVELOPMENT DISTRICT FOR THE DEVELOPMENT OF A FORTY (40) YEAR COMPREHENSIVE GREATER CHATTANOOGA REGIONAL GROWTH PLAN**

passed first reading.

**SETTLEMENT**

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING HEWITT COLEMAN TO PAY AN ON-THE-JOB INJURY SETTLEMENT TO CITY EMPLOYEE, JOSHUA WRIGHT, IN THE AMOUNT OF TWENTY-ONE THOUSAND EIGHT HUNDRED THIRTY-FIVE DOLLARS (\$21,835.00) FOR PERMANENT PARTIAL IMPAIRMENT RATING AND EIGHT THOUSAND ONE HUNDRED SIXTY-FIVE DOLLARS**

SETTLEMENT (Continued)

**(\$8,165.00) FOR FUTURE MEDICAL EXPENSES, FOR A TOTAL AMOUNT OF THIRTY THOUSAND DOLLARS (\$30,000.00)**  
was adopted.

TEMPORARY USE

Councilwoman Berz stated for the record since there was so much discussion the first time this was approved there is a change of ownership with the same conditions as before, no new property added to make noise for the residents, just a change of ownership.

On motion of Councilwoman Berz, seconded by Councilman Benson,  
**A RESOLUTION AUTHORIZING IBI POWER COMPANY C/O TOM WESSENBEUHLER TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 6203 THROUGH 6207 JIM SNOW WAY (DEAD END ROAD) FOR THE USE OF DAY TO DAY OPERATIONS BY IBI POWER, AS SHOWN ON THE DRAWING AND MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

PROPERTY ACQUISITION

**Councilmen Murphy and Rico made the motion and second to adopt this Resolution.**

Councilwoman Scott asked for a review of this; that based on the discussion earlier today as she understands it in 2003 property was sold but was park property that had come from the state. **Dan Thornton** stated the property was acquired with state and federal funds.

Councilwoman Scott stated the property was appraised at \$240,000 and sold to McCallie School for \$200,000. She stated at the time that property should have been replaced with some additional property in the same area for the same value. Mr. Thornton responded "correct".

Councilwoman Scott asked how the figure went from \$240,000 to the \$412,000 we would be approving tonight.

Mr. Thornton stated the state parks require that any property that is sold, even if acquired ten years ago, be appraised at its current value; that at that time replacement of any like kind property is at current value.

## PROPERTY ACQUISITION (Continued)

Councilwoman Scott asked if that is current value for the land that would not include the structure now existing on it; that the land between 2003 and 2012 went from \$260,000 to \$412,000. Mr. Thornton stated he expects the ongoing appraisal to show that value.

Councilwoman Scott stated we are appraising it. Mr. Thornton stated based on the county's appraisal which is typically less, but we are close to that figure.

Councilwoman Scott stated the people on the Council in 2003 approved that. Mr. Thornton stated "correct". Councilwoman Scott asked who authorized that from a departmental standpoint.

Mr. Thornton stated the previous parks and recreation administrator in 2003 authorized the sale; that he actually initiated the sale and it was completed by the director of real estate, Harvey Webb. He stated this also satisfies requirements of the state of Tennessee for us to begin the process of replacing the property.

Councilwoman Scott stated there would be nothing else the city has to do other than to purchase this property. Mr. Thornton added "and reestablish a park".

Councilwoman Scott asked if it has to be a park, to which Mr. Thornton responded "yes". Councilwoman Scott asked if there was park equipment in the old place; Mr. Thornton responded "yes".

Councilman Benson stated he has thought about this since this afternoon and realizes now why it got so convoluted; that this property was originally brought with funds at Ridgedale in the 1950's; that Mr. Webb did not know anything about the history of the Ridgedale Recreation Center which created a problem as there was no thought about someone else's money being spent for that. He stated out of courtesy to Mr. Webb he (Benson) might have left the wrong impression this afternoon and wants to change that as he now understands how he (Webb) got lost in the 50 years as it is over 50 years.

Mr. Thornton stated he is over the Brownfield programs and at the end of the remediation they have to hold onto the property for two years and then it can be sold; that this particular park statute is in perpetuity and we must replace it with like kind if we sell it.

Councilman McGary asked how we actually arrived at the figure; that the appraisal has not been performed and close to the county's figures.

## PROPERTY ACQUISITION (Continued)

Mr. Thornton stated he based it on the Hamilton County Tax Appraisal of which this is a private school taxed on that property.

Councilman McGary asked the actual number from the county to determine how close we are. Mr. Thornton stated it is around \$350,000 in that range as they tend to undervalue certain types of properties.

Councilwoman Robinson asked if this is something that would have been found in a title search if there has been a condition placed upon the property in perpetuity.

Assistant City Attorney Noblett stated "yes"; that it could be found in a title search if they look at the original deed, in this case, from the state or federal government or involved a purchase of property that would involve those funds. He stated the question would be if it is not on the deed itself it might be more difficult to locate.

Councilwoman Robinson asked if we have any recourse. Assistant City Attorney Noblett stated if we have a title policy we would have recourse but . . .

Councilwoman Robinson asked if we do. Assistant City Attorney Noblett responded he did not know. Councilwoman Robinson asked if we could find out; if it would be worth waiting a week to look into that. Assistant City Attorney Noblett stated he would be glad to look however, Mr. Thornton clarified there is not a title policy on the property.

Councilwoman Berz stated she is curious if we are protected from doing stupid stuff like that! Mr. Thornton stated the best protection is to hire people that know what they are doing!

Councilwoman Berz stated in this case it was real estate and parks and recreation; that the real question is the value is higher now because it belongs to McCallie School; Mr. Thornton responded "yes"; that after our appraisal is completed the state will perform an appraisal to do a comparative.

Councilwoman Berz asked what it was before McCallie raised its value; that the issue is replacing a park and they bought it for \$200,000 wanting to know why we are approving money before we would see what it would cost to replace a park without short changing the park.

## PROPERTY ACQUISITION (Continued)

Mr. Thornton stated the value could be as high as \$412,000 or less; but would expect the value to be close to that based on land values in the area.

Councilwoman Berz stated she is curious why we are approving money before we know what we are replacing it with. Mr. Thornton stated it is a basis value; that he will argue and negotiate with the state to have the land only value rather than the improvement because when it was actually a park it was nothing but a ball field and a small building or two.

Councilman Murphy stated he was briefed on this because it is in an area he hopes to represent after redistricting and the "clock is ticking" which is why we need to go with the best estimate and get on this quickly. He stated we have about a year and if we are going to have a park that does not exist now, acquired, prepped and resembling a park is on a pretty right timetable. He stated the Council's "blessing" is needed now and if the value fluctuates a few thousand dollars off the number Mr. Thornton has provided, he will come back to us.

Councilwoman Scott inquired as to what the timetable is based on; that if it has been since 2003 it would seem a time clock would have run out by now and what is the criticality of knowing tonight.

Councilman Murphy responded that it has "come to a head" with the state and they have given us a deadline and we have to "run" with it.

Councilman Rico called for the question at this point.

Councilwoman Robinson asked if it has to be that parcel bought back or have we looked into that.

Councilman Murphy stated Mr. Thornton needs authorization to go look.

Councilwoman Robinson asked why we would buy this back if we could find another parcel. Councilman Benson stated we are paying the state.

Chairman Ladd clarified that the correct information is we are not going to pay and we cannot buy that piece of property back, but we must buy another piece of property and invest in it and build a park that should be around this value. Mr. Thornton responded "correct".



**PROPERTY ACQUISITION (Continued)**

On motion of Councilman Murphy, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ACQUIRE PARK PROPERTY TO COMPLY WITH A STATE OF TENNESSEE MANDATE FOR REPLACING PARK PROPERTY THAT WAS ORIGINALLY ACQUIRED WITH FEDERAL/STATE FUNDS AND LATER SOLD BY THE CITY, IN THE AMOUNT OF FOUR HUNDRED TWELVE THOUSAND DOLLARS (\$412,000.00)**  
was adopted.

**OVERTIME**

Overtime for the week ending February 7, 2013 totaled \$37,712.86.

**PERSONNEL**

The following personnel matters were reported for the various departments:

REGIONAL PLANNING AGENCY:

- **ALICE AUSTIN** – Retirement, Administrative Support Assistant 2, effective December 31, 2012.
- **HUGH FAILING** – Retirement, Planner 1, effective December 31, 2012.
- **HEATHER SHANK** – Hire, Planner 2, Range 17, \$45,000.00 annually, effective January 11, 2013.
- **JENNIFER WARE** – Promotion, Planning Technician 2, Range 13, \$37,608.00 annually, effective February 8, 2013.

PUBLIC WORKS DEPARTMENT:

- **NATHANIEL HOWARD** – Demotion (voluntary), Equipment Operator 3, City Wide Services, Range 12, \$33,352.39 annually, effective February 1, 2013.

**REFUNDS**

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

<b>GREGORY HARRISON</b>	\$ 1,007.40
<b>WESTVIEW DRIVE LP</b>	\$12,752.06
<b>WESTVIEW DRIVE LP</b>	\$25,642.64

**EMERGENCY PURCHASE**

The emergency purchase of Asbestos Abatement at the old warehouse located at 740 East 12<sup>th</sup> Street in the amount of \$31,400.00 from Alternative Actions, Inc. for General Services was duly reported and signed in open meeting.

**BOARD RE-APPOINTMENT**

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

**STORMWATER REGULATIONS BOARD:**

- Re-appointment of **JEFFREY A. SIKES** as the Environmental Engineer for a three year term expiring January 5, 2016.

**PURCHASES**

On motion of Councilwoman Berz, seconded by Councilman Rico, the following purchases were approved for use by the Chattanooga Police Department:

**GT DISTRIBUTORS (Lowest and best bid)**  
**R69439/302381**

Purchase of Seventy-five (75) Bid Sky Rack Mounts

\$15,873.00

**PURCHASES (Continued)**

**APPLIED CONCEPTS (Lower and better bid)**

**R71507/302460**

Purchase of Ten (10) Stalker Radar Units and Accessories

\$31,649.00

Councilman McGary asked that the record reflect that Mr. Johnson read this purchase as "... Stalker Radio Units ..." as opposed to "... Stalker Radar Units ..." and wanted to assure it was corrected as "... Radar Units ...".

**IBM (Lower and better bid)**

**R70145/302441**

Blanket Contract for CopLink Annual Subscription and Support

\$37,000.00 – Annual estimation

**PAPERLESS CONTRACT**

Councilwoman Scott stated in the fall of last year a contract from Armedia came before us for taking us all to a paperless system and at that time the plan was for the first department to have this program implemented was City Court. She stated even though there had been some discussion at the clerk level, Council members will recall the judges from City Court came before us to make us aware they felt they had been left out of the process and asked the Council that they not to be the first department to go through this process and requested to go after the first one. She stated there was testimony by the Information Services Department, the contractor and the Finance Department indicating it would be possible to do that and the votes were taken with the idea that the City Clerk's department was not going to be the first one and since then it seems that process has moved along and the information we received is that the City Clerk's office is going to be the first and this is happening now. She asked if the City Council meant what they indicated at that time when this was approved thinking they were not going to be first and does it matter to the Council, now, since we have had the conversation with the judges that administration seems determined they are going to be first regardless of what the judges think.

## PAPERLESS CONTRACT (Continued)

Councilman Benson stated he made the motion that we put this into effect in the Finance Department and the minutes will reflect that; that it was his opinion due to what the judges had asked to do the prototypes in the other departments and finesse it to the point when it would come down to the City Court Clerk. He stated he knew at the time we do not have the authority to make it binding as we are an advisory group in this as the Mayor has the right and authority to take action as he chooses. He stated evidently the Mayor thinks it is more important to go ahead with that on what he thinks is a timely basis; that he never thought the Council had the authority to tell the Mayor what he could or could not do.

Councilman McGary stated we may need to review the minutes; that the motion itself had the very language that it would not begin with the City Clerk's office.

Councilman Benson stated that we have no authority; however Councilman McGary stated if that was part of the motion we do. Councilman Benson countered "no, we do not".

Councilman McGary stated it is a question of interpretation; that if that was the motion that it be approved for another office besides the City Clerk's office, to what degree is it binding if that was the language in the motion.

Assistant City Attorney Noblett stated he does not have the language of the motion in front of him right now; that it would control on how the Council would fund things because the office of the Mayor implements things subject to funding by the Council. He stated if the Council made this condition upon that it would have that effect.

Councilman McGary stated if this was not being implemented in the manner the Council indicated we can withdraw the funding or hold it.

Assistant City attorney Noblett responded "yes"; the Council has control of the "purse" in this case.

Councilman McGary asked what the process is if we find out the "gun has been shot" and they have already begun seeking to implement it in the City Clerk's office -- what is the Council's recourse.

## PAPERLESS CONTRACT (Continued)

Assistant City Attorney Noblett stated the Resolution can be amended concerning this project; that the Council will have to look at what type of contractual obligations the city is currently involved in with the contractor and might end up having to pay costs associated with that if it is backed out of at this point after the contract was signed.

Councilman McGary stated we can effectively cease payment.

Assistant City Attorney Noblett stated the Council could subject to the problems that might emerge as a law suit in connection with the contract and what type of damages there might be in getting out of the contract at this point.

Councilman Murphy stated our budget and authorizations are written in permissive terms but they can be written in prohibitive terms and can say we "shall spend on 'x'" and "shall not on 'y'" and often we do; that typically it is permissive and he is authorized to spend up to "x" on a department. He expressed hope we do not get too far down the road of those restrictive caveats in the budget and authorizations; that it is his thought we do need to allow for some flexibility and trust in the good judgment of our counterpart in the other branch of government.

Councilwoman Berz stated the funding was for the finance department in "toto" and not limited to this area; that the finance department chose to go forward with this particular area. She stated if the finance department chooses to start here even though we suggest it not, that is advisory only; that the funding was for the contract to begin with the whole finance department which means they can start anywhere however we suggested they not start within the courts until they have meetings with the courts to try to "iron" everything out. She stated she in no way read, thought, or voted for anything that would be limiting over administration as we do not have the right to do that. She stated if we had the right that would be poor government and micromanaging and that definitely is not our purview. She stated it was administration's decision to start with the finance department; we suggested it not start in that particular division if there was still misunderstanding and the word "shall" or "shall not" was not in there, period.

Councilman Benson stated Councilmen Murphy and Berz made it perfectly clear as that is what he meant to say!

## PAPERLESS CONTRACT (Continued)

Councilwoman Scott asked why can't it start in another part of the finance department and then go to the Court Clerk's department. Admin. Madison stated it could start in any department in the city.

Councilwoman Scott stated why don't we solve this problem and say that it will!

Admin. Madison responded "it is not my call"; that administration sets priorities and from the administrative standpoint decisions are made department-by-department but that is also taking city wide needs into account as those decisions are made. She stated in terms of whether it can or cannot, of course it can start in any department that administration or the Council chooses.

Councilwoman Scott stated the fact remains there was an understanding on some of our part.

Admin. Madison stated she has not read the minutes and could be misrepresenting; that her understanding was that the judges would be given the opportunity to be educated and assurance that the implementation would not have any effect on their department. She stated attempts have been made as the Council probably knows to provide that education, have meetings with the vendor, as well as administration, to make that happen and it has not been possible. She stated the decision has also been made as we go forward to assure the judges' operation will not be impacted to the degree they do not want it impacted, meaning if they want to keep the paper they can still keep the paper. She stated the implementation is happening in the City Court and City Court supports the judges in providing the dockets and information they need to handle cases; that we talked with the vendor since we have not been able to collaborate with the judges and have made that point clear (to the vendor) and they are okay with that.

Councilman McGary stated from what he has heard there are three-or-four recollections of what was said or written and expressed hope we would get the minutes in a future meeting and "dive" into what was said at the time. At this point Councilman Gilbert passed a copy of the minutes to Councilman McGary.

Chairman Ladd stated she saw an e-mail from one of the judges and asked the Clerk of Council to forward the excerpt of the minutes of the meeting to review what the discussion entailed.

## PAPERLESS CONTRACT (Continued)

Councilman Murphy stated if we start this in Neighborhood Services, get Code Enforcement to go paperless their paperless citations would go to City court, the Police Department's copy of traffic tickets go to City Court, Public Works' Land Development citations end up in City Court making the point there is a lot to recommend starting where all this paper goes; that he has had to go to the electronic legal files and was not happy when it first happened and now never want to go back! He stated this is something that needs to happen for the efficiency of the city bureaucracy at large; that we all talk about wanting to cut bureaucracy and cost, noting any institution that uses carbon paper is by definition inefficient! He stated that is what this is all about and it has to start somewhere but no matter what department is selected it will land in City Court pretty quickly.

(At this point Chairman Ladd handed the gavel to Vice Chairman Murphy to conduct the meeting.)

**Chairman Ladd** offered a compromise and stated there seems to be a question of what we communicated and what was understood. She stated she would be glad to review the minutes with the City Attorney's office to make sure we do have a clear understanding of what the minutes read and then work with both administration and the city judges. She stated instead of this body trying to vet this decision we need to make sure the two responsible bodies which are legislative and administration sit down together to work through issues and concerns and make a plan that would work for everyone. She suggested this as a way to move forward and **made the motion to review the minutes with the City Attorney to make sure we have a clear understanding of what the minutes say and ask the two departments to convene and work out a plan noting she would be glad to be involved as Chair if the Council desires; Councilman Rico seconded the motion.**

Councilman Gilbert asked Chairman Ladd if she is specifically going to ask the City Attorney what we asked that day; that if the minutes did not reflect it he can tell up front what was asked.

Chairman Ladd stated if he could review the minutes and clearly say our language was part of our voting process and it limited a condition on this implementation of the contract, or if the language is not there to support there is restrictive enough language on the implementation of the contract one way or the other.

## PAPERLESS CONTRACT (Continued)

Chairman Ladd stated in addition the two departments will be asked to come together to see if they can resolve whatever their concerns are and get this moving.

Councilman McGary stated he is generally supportive of Councilwoman Ladd's motion and asked if all the discussion on negotiations will happen offline and whether any of the conversation will come back to this body. He stated she (Ladd) would be the legislative representative with administration outside of this body being aware of what is going on. He asked to what degree the Council will be made aware of the decision prior to any decisive action being taken.

Chairman Ladd stated the Council could be notified by either department they have resolved this issue as it was brought again by the City Court judges; that they can be asked for a report on whether it was resolved or not and the Council could get a report back on it. She stated she is not suggesting the Council be part of the meeting as it can be handled easily between the two departments and should have their own discussion.

Councilman Rico called for the question.

Councilman Benson indicated he read the minutes and there was not a vote. Vice Chairman Murphy clarified that the minutes Councilman Benson read were committee minutes and there was no vote as the vote was taken later in Council meeting.

**At this time the vote was taken on the motion and second by Councilmen Ladd and Rico which was unanimous.**

## COMMITTEES

Councilwoman Robinson scheduled a meeting of the **Housing and Neighborhood Services Committee for Tuesday, February 26** for a final report on the Housing Study by RPA.

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, February 26** immediately following the Agenda Session.

Councilman Gilbert scheduled a meeting of the **Parks and Recreation Committee for Tuesday, March 12.**



**NEXT WEEK'S AGENDA: FEBRUARY 26, 2013**

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

**ADJOURNMENT**

Vice Chairman Murphy adjourned the meeting of the Chattanooga Council until Tuesday, February 26, 2013 at 6:00 p.m.

---

**CHAIRMAN**

---

**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)**