

**City Council Building
Chattanooga, Tennessee
March 12, 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. City Attorney Michael McMahan, Management Analyst/Auditor Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilwoman Berz gave the invocation for the evening. Councilwoman Robinson asked for prayers of comfort for Richard Hutsell and family due to the death of his brother.

MINUTE APPROVAL

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

CLOSE AND ABANDON

On motion of Councilman Rico, seconded by Councilman Gilbert,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF RIGHT-
OF-WAY IN THE 5100 BLOCK OF OLD HIXSON PIKE BEGINNING AT THE
INTERSECTION OF NORTHPOINT BOULEVARD AND OLD HIXSON PIKE,
MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN
CONDITIONS**

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

REZONING

2012-012: Kosygin Lameechee Jones

Pursuant to notice of public hearing, the request of Kosygin Lameechee Jones to rezone properties located at 8025, 8067, 8109, 8117 and 8119 Old Cleveland Pike came on to be heard.

A representative for the applicant was present; there was no opposition.

On motion of Councilman Rico, seconded by Councilman McGary,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 8025, 8067, 8109, 8117 AND 8119 OLD HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE, AND R-5 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

PERMANENT ZONES, AREA 6A

2013-001: City of Chattanooga/RPA

Pursuant to public notice, the request of the City of Chattanooga/RPA to rezone properties located in the 5300 block of Highway 58 and 5136, 5141 and 5145 Turkeyfoot Trail from temporary to permanent zones came on to be heard.

On motion of Councilwoman Robinson, 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 5300 BLOCK OF HIGHWAY 58, AND 5136, 5141, AND 5145 TURKEYFOOT TRAIL, ANNEXATION AREA 6A, FROM TEMPORARY ZONES TO PERMANENT ZONES, AS SET FORTH MORE FULLY HEREIN

passed first reading.

PERMANENT ZONES, AREA 8A

2013-004: City of Chattanooga/RPA

Councilman McGary asked that the annexation permanent zones be taken in one motion and second; Councilwoman Robinson seconded the motion; the motion carried.

PERMANENT ZONES, AREA 8A (Continued)

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated annexation area 8(a) involves five property owners who have requested to speak and asked that it be moved forward on the agenda.

On motion of Councilman McGary, seconded by Councilwoman Robinson, Ordinance VI(e) was moved forward on the agenda.

Pursuant to notice of public hearing the request of City of Chattanooga/RPA to rezone properties located on Hunter Road, I-75, Sue Ron Lane and Ooltewah-Harrison Road came on to be heard.

There was no opposition.

Mr. Haynes stated like all the others the recommendation is to take the temporary zones as part of the annexed area and make them permanent; that all the recommendations take the existing zoning and make them permanent in the city's category. He stated this area fronts Ooltewah-Harrison Road and the recommendation is for all the area to remain R-1.

Phillip Sons spoke on behalf of Raymond Scoggins of 8612 Ooltewah-Harrison Road and stated five residents between Hunter Road that were annexed into the city on December 31 would like for the zone to be considered for R-4 primarily for the future of the city in the hope it would help the city's revenue grow as things develop more. He stated they are asking consideration of R-4 for a multiple use zone as a good transition between Ooltewah-Harrison Road and back to the freeway as there is various zoning for commercial and manufacturing; that looking toward the future the R-4 would increase revenues.

Councilman Benson stated that worries him which is why he wanted to go slow on these and asked if this is across from Mike Wilson's home. Mr. Sons indicated he did not know.

Councilman Benson stated we normally do not change a zone if it is in a speculative arena; that we have had a lot of people protesting a piece of property off Hunter Road.

Mike Wilson stated he was not aware anything like this was going to come about and stated Councilman Benson knows where he lives and noted Ooltewah-Harrison Road is located right down below him at the day care; that he is familiar with the area and what they want to do.

PERMANENT ZONES, AREA 8A (Continued)

Councilwoman Scott stated typically when we have a proposal for a zoning change there is an elaborate process with RPA with signs that go up on property indicating rezoning to R-1 and a public meeting; that if the sign went up on the property indicating a public meeting for rezoning to R-1 and the people in the community are thinking R-1 is acceptable but are not aware R-4 might be proposed, it may catch them unaware that we would consider making a transition on this tonight and would be her concern for not going forward -- not to say what is being proposed is a terrible idea but she is not sure we know all of that. She asked how much discussion has there been with the community and if it has been broached.

Mr. Haynes stated Mr. Sons contacted him a couple weeks ago inquiring as to the process in making the request; that he told him to come to the Council to make the request and the problems this may create, as well as the typical process with signage notification. He stated the neighborhood is sensitive to what is going on and Staff would acknowledge R-4 may be a good zone to transition away from manufacturing commercial to residential. He stated Staff is not in a position to make a recommendation on the R-4 because it has not been vetted through the process, not a specific use and there is no a site plan, but it is not to say if an R-4 were requested and went through the process then we would have a chance to look at it.

Councilwoman Scott stated she assumes this has gone through RPA as a proposal for R-1 and was approved; that if the decision was to make a change now would it need to go back through RPA.

City Attorney McMahan responded "yes" and wholehearted agreed with the concept; that an amended version could be submitted next week referring these five parcels back to Planning for further study and not act on them tonight because the public had no notice; that it is a much unrestricted zone than what was recommended by Planning.

Councilman Gilbert stated we have had people in Harrison come down about the narrowness of the road with no shoulder and just a drop, asking if this is the same area.

Mr. Haynes responded "yes, on Hunter Road"; that these particular properties front Ooltewah-Harrison at that intersection.

PERMANENT ZONES, AREA 8A (Continued)

Councilman Gilbert stated he knows a site plan is needed but if someone wanted to build apartments how many could they build. Mr. Haynes stated he does not know; that R-4 does allow any type of residential, offices and banks; that apartments would be the "hot button" on this one however they have not looked at the number of acres and not sure how many could go in, but looking at previous cases of a similar size it could be between 200-250 units.

Councilman Gilbert inquired as to the notice to the community to review it as they did have a problem the last time. Mr. Haynes stated when Mr. Sons called to ask how he could get on the Planning Commission's agenda as they got their dates confused; that at the time the Planning Commission had already met and made a recommendation on this.

Councilmen McGary and Scott made the motion and second to defer this matter.

Councilwoman Berz stated this is merely speculative zoning and asked why not go ahead as this is just making permanent what has been temporary and does not change anything and when and if all the requisites are met then it is brought up as a new zoning issue; that she is not sure what we are deferring.

Councilman Benson expressed agreement with Councilwoman Berz; that this is sort of a "back door" way in if it is sent back without an application or site use plan.

City Attorney McMahan stated on an annexation rezoning we are obliged to be the applicant and to consider whatever anybody would make a recommendation on for that zoning; that the city sent the matter to the Planning Commission and the Planning Commission made a recommendation that may not have been for the temporary zones; that it may have been to change the zone to something else so it comes with their recommendation for the R-1 zone. He stated whether it is deferred or not or sent back or not is completely up to whatever the Council wants to do tonight.

Councilman Murphy stated he does not see the point of deferring unless we remand it to the Planning Commission for a recommendation; that Mr. Sons and the people he represent were annexed and now it is time to establish a permanent zone and due to timing issues did not get their day to present their vision; that it would be fair to remand it to Planning so we can have their opinion and go from there. He made the recommendation to remand the matter to the Planning Commission for their professional opinion.

PERMANENT ZONES, AREA 8A (Continued)

Chairman Ladd stated it was her thought we were doing that by deferring it.

Councilman Murphy stated Planning did not hear this request and we do not need to charge them a fee and we have to make the zone permanent. He stated the matter should be taken back and presented to the Planning Commission for their opinion and then back here.

Mr. Haynes stated if they want to submit a site plan Planning could review it more reasonably.

Chairman Ladd stated that is exactly what the Council wants to do to give RPA a chance to educate everyone on the process for the best decision.

John Bridger, Executive Director of RPA, stated as far as state law is concerned action needs to be taken going to R-1. Mr. Haynes states 90 days from the time it is annexed the Planning Commission recommends permanent zoning to the City Council so we are probably within the 60 day "window" but does not know if the 90 day time would expire if it went to the Commission and back to us.

Councilman McGary amended his motion to defer to exclude the five properties in question and approve as is.

At this point Councilwoman Scott withdrew her second.

Councilman Benson stated the cleanest way is to bring it in as it is right now in the county and then let them go through the regular process of filing an application with a site plan.

Councilman McGary stated his concern was in regard to the time concern according to Mr. Haynes, which is why he made the amendment. He stated if there is no concern we can pass it as is.

Mr. Haynes stated since this was annexed and this is a new citizen, they will waive the fee if Mr. Sons wants to come back and apply the appropriate way.

Chairman Ladd stated if we amend this evening to allow the five parcels to be considered differently we can vote on this and bring it within the time frame; if it is deferred we will miss the 90 day time frame.

PERMANENT ZONES, AREA 8A (Continued)

Mr. Haynes stated the preference would be as Councilman Benson suggested that they be approved as recommended by Staff and Planning and let the property owner submit an application through the proper process.

Councilman Rico stated to keep it simple let's pass this and then they can do whatever they want!

Councilman McGary stated his only question is if we pass it as is will this gentleman still have to pay a fee to apply. The response was "no".

Councilman McGary retracted his motion to defer and made the motion to pass as is and add that the gentleman would not have to pay the fee to apply; Councilwoman Scott seconded the motion.

On motion of Councilman McGary, seconded by Councilwoman Scott,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED ON HUNTER ROAD, I-75, SUE RON LANE, AND OOLTEWAH-HARRISON ROAD, ANNEXATION AREA 8A, TO ESTABLISH PERMANENT ZONES, AS SET FORTH MORE FULLY HEREIN
passed first reading.

PERMANENT ZONES, AREA 6B

2013-002: City of Chattanooga/RPA

Pursuant to notice of public hearing, the request of the City of Chattanooga/RPA to rezone properties located in the 5400 block of Highway 58 and 8604 North Hickory Valley Road came on to be heard.

There was no opposition.

On motion of Councilman McGary, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED IN THE 5400 BLOCK OF HIGHWAY 58 AND 8604 NORTH HICKORY VALLEY ROAD, ANNEXATION AREA 6B, FROM TEMPORARY ZONES TO PERMANENT ZONES, AS SET FORTH MORE FULLY HEREIN
passed first reading.

PERMANENT ZONES, AREA 6C

2013-003: City of Chattanooga/RPA

Pursuant to notice of public hearing, the request of the City of Chattanooga/RPA to rezone properties located in the 5500 to 6300 blocks of Highway 58, Mahlon Drive, Harrison-Ooltewah Road, Clark Road, Holder Road, Easter Drive, Tyner Lane and Church Road came on to be heard.

There was no opposition.

On motion of Councilman McGary, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED IN THE 5500 TO 6300 BLOCKS OF HIGHWAY 58, MAHLON DRIVE, HARRISON-OOLTEWAH ROAD, CLARK ROAD, HOLDER ROAD, EASTER DRIVE, TYNER LANE, AND CHURCH ROAD, ANNEXATION AREA 6C, TO ESTABLISH PERMANENT ZONES, AS SET FORTH MORE FULLY HEREIN

passed first reading.

PERMANENT ZONES, AREA 9B

2013-005: City of Chattanooga/RPA

Pursuant to notice of public hearing, the request of the City of Chattanooga/RPA to rezone properties located on Hunter Road, I-75, Sue Ron Lane and Ooltewah-Harrison Road came on to be heard.

There was no opposition.

On motion of Councilman McGary, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED ON HUNTER ROAD, I-75, SUE RON LANE, AND OOLTEWAH-HARRISON ROAD, ANNEXATION AREA 9B, TO ESTABLISH PERMANENT ZONES, AS SET FORTH MORE FULLY HEREIN

passed first reading.

REZONING

2013-024: BYD, LLC/Kevin C. Boehm/GADG Leasing, Ltd.

Pursuant to notice of public hearing, the request of BYD, LLC/Kevin C. Boehm/GADG Leasing, Ltd. to rezone property located at 1616 Broad Street came on to be heard.

On motion of Councilman McGary, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY
LOCATED AT 1616 BROAD STREET, MORE PARTICULARLY DESCRIBED
HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS
ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

REZONING

2013-025: Hefferlin & Kronenberg

Pursuant to notice of public hearing, the request of Hefferlin & Kronenberg to rezone properties located at 625 East Main Street came on to be heard.

On motion of Councilman McGary, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES
LOCATED AT 625 EAST MAIN STREET, MORE PARTICULARLY DESCRIBED
HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL
BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

REZONING

2013-027: Inasmuch, Inc. d/b/a/The Samaritan Center

Pursuant to notice of public hearing, the request of Inasmuch, Inc. d/b/a/The Samaritan Center to rezone part of property located at 6021 Ooltewah Georgetown Road came on to be heard.

REZONING (Continued)

On motion of Councilman Benson, seconded by Councilman Rico,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 36, ZONING ORDINANCE, SO AS TO REZONE PART OF PROPERTY LOCATED AT 6021 OOLTEWAH GEORGETOWN ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE
passed first reading.

CLOSE AND ABANDON

MR-2009-073: Reginald Ruff, III, John P. Franklin, Jr.

On motion of Councilman Gilbert, seconded by Councilman Rico,
AN ORDINANCE CLOSING AND ABANDONING PART OF AN UNOPENED ALLEY LOCATED IN THE 2500 BLOCK OF EAST 12TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

CLOSE AND ABANDON

MR-2009-076: Mike Price, Crosswinds Properties, LLC

On motion of Councilman Benson, seconded by Councilman Rico,
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF A SEWER EASEMENT LOCATED AT 712 AND 716 GENTRY ROAD, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

INSTALLATION OF FIRE HYDRANTS

Councilwoman Scott expressed thanks to Tennessee-American Water Company officials for the hydrant installations!

On motion of Councilwoman Scott, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE FIRE CHIEF TO REQUEST THE INSTALLATION OF TWENTY-FIVE (25) FIRE HYDRANTS TO BE INSTALLED BY TENNESSEE AMERICAN WATER COMPANY, AT NO CHARGE, WHICH

LOCATIONS WILL BE DETERMINED AFTER CONSULTING THE CHATTANOOGA FIRE DEPARTMENT WATER SUPPLY DIVISION
was adopted.

EASEMENTS

Councilman Murphy stated this was donated by this entity to the city and county.

On motion of Councilwoman Berz, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE ANY AND ALL DOCUMENTS TO GRANT PERMANENT EASEMENTS TO CHATTANOOGA WAREHOUSE GROUP, GP UPON A PORTION OF PROPERTY JOINTLY-OWNED BY HAMILTON COUNTY AND THE CITY OF CHATTANOOGA LOCATED WITHIN THE TENNESSEE RIVERPARK FOR THE PURPOSE OF ACCESS AND MAINTENANCE OF ITS EXISTING OUTDOOR ENTRANCE SIGN, BILLBOARD, AND VALVE BOX
was adopted.

AGREEMENT

Councilwoman Scott asked if the manual would come back to the Council for approval once it is created. Admin. Leach stated it will be a guide as to how to receive credits; that it could be brought back so the Council could see what the product is.

Councilwoman Scott stated her vision is this is not only educational but would be policy and would be setting forth amounts of abatement.

City Attorney McMahan stated that would come in the form of an ordinance in relation to fees.

Councilwoman Scott stated she wanted to make sure it does come back and we are not passing on a manual that has not been created, yet, and "blessing" it fully. Admin. Leach stated any involvement of fees would have to come back; that it will be a technical manual for the developer.

AGREEMENT (Continued)

Councilwoman Scott stated it would not become effective until passed by the Council. Admin. Leach stated the fees will not become effective until then; that it will show best practices and may or may not affect assessment of fees; that if a certain standard is met in a commercial situation it might reduce the fee structure.

Councilwoman Scott stated the Council approved the policy manual for the bidding process and (she) sees this as the same thing; that if it is going to be a policy for how bidding happens and this body approves that this manual is very heavily tied to abatement of fees.

Admin. Leach stated they work with developers day-in-and-day-out as to what their fee structure will be on a piece of property; that if they already have built-in structures the fee is reduced by a certain number of residential units.

Councilman Benson stated anyone should worry about this having the force of law and it does not; that it is not being passed as anything except a guide manual and best practices; that if they establish a new fee structure they certainly will bring it back.

Councilwoman Scott stated establishing a fee and abating the existing fee are about the same importance. Admin. Leach stated the manual will be back in some form or fashion.

After further discussion City Attorney McMahan stated we have a current manual based upon the old water quality standards now being ratcheted out; that the new manual will have to address the new standard imposed upon us by EPA and TDEC and our current manual does give incentives, reduces fees to people who follow the processes set forth in the manual and it is actually built into our existing ordinance. He stated this one will be also when it comes back, whatever recommendations they make, we will incentivize people to go beyond what they have to do and retain more stormwater and give them credits and that will be part of the ordinance on the stormwater system; that the way we do it now should come back that way and be a part of the ordinance on the stormwater fees.

On motion of Councilman Rico, seconded by Councilwoman Robinson,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH
ARCADIS U.S., INC. FOR PROFESSIONAL ENGINEERING SERVICE
RELATIVE TO CONTRACT NO. S-13-001, DEVELOPMENT OF A CREDIT**

AGREEMENT (Continued)

AND INCENTIVE MANUAL FOR THE WATER QUALITY PROGRAM, FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED FORTY-NINE THOUSAND NINE HUNDRED EIGHTY-FIVE DOLLARS (\$149,985.00)

was adopted.

AGREEMENT

Councilwoman Scott inquired as to why this is not part of the usual agreement; that she thought we were paying for billing service to "xyz" and does not understand why this would be if that has already been done.

Alice Canella stated these additional software licenses are for the 311 Center; that the original contract had a specific number of software licenses for the billing software and there was only one for 311. She stated this does not allow the 311 callers to help customers if another caller is using the software; that additional licenses are being provided so all 311 calls can have simultaneous access to the software and be able to look up a customer's bill and answer questions for that customer.

Councilwoman Scott asked if 311 is the customer service representative rather than the billing service. Ms. Canella responded "yes"; that the rate payers are asked to call 311 if they have questions; that 311 is prepared to answer questions about their bills noting 311 has done a good job in responding to customer questions about their bills.

Councilwoman Scott stated if 311 operators are answering questions about the sewer bills what is ENCO doing. **Joachim Volz** stated they are doing the billing.

Councilwoman Scott asked if they have any contact with the public. Mr. Volz stated they have very limited contact.

Chairman Ladd stated she was in charge of remittance processing in another job and in that process they should do nothing but focus on getting the checks deposited; that they would charge an additional fee as it will not be the operators doing the remittance processing as they would have to do customer service in addition to the contract. She stated remittance people should not be on the telephone; that every minute they get a deposit in is quicker turn around on our deposit and interest earned in the bank; that they are in a room by themselves and get the deposits made. She stated it makes sense to her that the city would keep the customer service end of it.

AGREEMENT (Continued)

Ms. Canella stated they are adding to the number of licenses they have.

On motion of Councilman Benson, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH DATA WEST CORPORATION FOR THE PURCHASE OF EIGHT (8) ADDITIONAL USER LICENSES FOR THE BILLMASTER UTILITY BILLING SOFTWARE (ENCO SEWER BILLING) FOR THE MOCCASIN BEND WASTEWATER TREATMENT PLANT, FOR AN AMOUNT NOT TO EXCEED TWELVE THOUSAND DOLLARS (\$12,000.00)

was adopted.

CHANGE ORDER

On motion of Councilman Benson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL) FOR TALLEY CONSTRUCTION COMPANY, INC. RELATIVE TO CONTRACT NO. E-11-010-201, GUNBARREL ROAD AT HAMILTON PLACE ENTRANCE INTERSECTION IMPROVEMENTS, FOR A DECREASED AMOUNT OF TWENTY-ONE THOUSAND AND 75/100 DOLLARS (\$21,000.75), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED THREE HUNDRED THIRTY-NINE THOUSAND SIX HUNDRED FIFTY AND 81/100 DOLLARS (\$339,650.81)

was adopted.

AMEND AGREEMENT

On motion of Councilman Rico, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE MAYOR TO AMEND THE AGREEMENT WITH THE HAMILTON COUNTY WATER AND WASTEWATER TREATMENT AUTHORITY (HCWWTA) AND THE CITY OF ROSSVILLE, GEORGIA, RELATIVE TO A UTILITY PLANNING NETWORK FOR ADDITIONAL CONSULTANT SERVICES RELATIVE TO THE BILLING AND COLLECTION OF SEWER CHARGES, FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED FORTY THOUSAND DOLLARS (\$140,000.00), WHEREIN THE CITY'S PORTION IS (70.92%) OR NOT TO EXCEED NINETY-NINE THOUSAND TWO HUNDRED EIGHTY-EIGHT DOLLARS (\$99,288.00), FOR A TOTAL PROJECT COST IN THE AMOUNT OF THREE HUNDRED FOURTEEN THOUSAND DOLLARS (\$314,000.00)

was adopted.

ADOPT SUMMIT PLAN

On motion of Councilman Benson, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADOPTION OF THE SUMMIT PLAN
was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) TO THE AGREEMENT WITH RBA CONSTRUCTION, INC. FOR ADDITIONAL SERVICES PERFORMED BY SIGNATURE BRIDGE, INC. ON THE SOUTH CHICKAMAUGA CREEK GREENWAY (CONTRACT NO. R-09-001), FOR AN INCREASED AMOUNT OF ONE HUNDRED EIGHTY-ONE THOUSAND ONE HUNDRED FIFTY AND 91/100 (\$181,150.91), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED TWO MILLION SEVEN HUNDRED TWENTY-SIX THOUSAND SEVENTY-EIGHT AND 76/100 DOLLARS (\$2,726,078.76)
was adopted; Councilwoman Scott abstained.

OVERTIME

Overtime for the week ending February 28, 2013 totaled \$22,819.59; for March 7, 2013 totaled \$78,103.96 for a total of \$100,923.55 for the two weeks.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA HUMAN SERVICES:

- **CHRISTOPHER HARRIS** – Hire, Service Delivery Worker II, Emergency Program, \$25,500 annually, effective February 22, 2013.
- **LILLIE (BILLIE) WRIGHT** – Promotion, Director, Foster Grandparent Program, \$39,827.00 annually, effective February 22, 2013.

PERSONNEL (Continued)

PUBLIC WORKS:

- **DENNIS SAUNDERS** – Suspension (5 days without pay), Crew Supervisor 3, Waste Resources, Range 14, \$46,680.88, effective February 22-28, 2013.
- **STEVEN O'SHIELDS** – Resignation, Plant Maintenance Mechanic, Waste Resources, effective February 15, 2013.
- **GEORGE MORIARTY** – Resignation, Equipment Operator 4, Traffic Engineering, effective February 22, 2013.
- **JOHN SHEALY** – Deceased, Project Engineer, Waste Resources, effective February 26, 2013.
- **THOMAS CARD** – Retirement, Equipment Operator 4, Waste Resources, effective February 28, 2013.
- **JUSTIN MATTHEWS** – Termination, Electronics Technician 1, Traffic Engineering, effective March 4, 2013.
- **RODNEY HAMMONDS** – Termination, Equipment Operator 2, City Wide Services, effective February 25, 2013.
- **WILLIE NORMAN** – Suspension (4 days without pay), Equipment Operator 3, City Wide Services, effective February 25-28, 2013.
- **STEVE BRANAM** – Suspension (1 day without pay), Equipment Operator 4, City Wide Services, effective March 1, 2013.
- **RICHARD AUTRY** – Suspension (1 day without pay), Equipment Operator 4, City Wide Services, effective March 8, 2013.
- **MARTHA MOORE** – Suspension (1 day without pay), Equipment Operator 4, City Wide Services, effective March 11, 2013.

CHATTANOOGA POLICE DEPARTMENT:

- **WILLIE GREER** – Resignation, Police Cadet effective February 27, 2013.

PERSONNEL (Continued)

- **PEDRO BACON, SCOTT FULGHAM, GLENN SCRUGGS, DARREL WHITFIELD** -- Promotion, Police Lieutenant, Range P7, \$61,000.00 annually, effective February 21, 2013.
- **PONDA FOSTER, JASON IRVIN, TODD ROYVAL** – Promotion, Police Lieutenant, Range P7, \$53,000.00 annually, effective February 21, 2013.
- **JERRI SUTTON** – Promotion, Police Lieutenant, Range P7, \$57,240.00 annually, effective February 21, 2013.
- **WILLIAM CAMPBELL, MARVIN CRIDER, TRACI MAY, TIMOTHY TOMISEK, MICHAEL WENGER** – Promotion, Police Sergeant, Range P6, \$49,271.98 annually, effective February 21, 2013.
- **JOSEPH CARPENTER, RUSSELL MORRISON** – Promotion, Police Sergeant, Range P6, \$50,000.00 annually, effective February 21, 2013.
- **DAMON DAVIDSON, JAMES FRANKLIN, DANIEL JONES** – Promotion, Police Sergeant, Range P6, \$45,538.66 annually, effective February 21, 2013.
- **NEALIE HOGG, JR., ERIC TUCKER** – Promotion, Police Captain, Range P8, \$64,660.00 annually, effective February 21, 2013.
- **CHAD HIGHFILL** – Resignation, Police Cadet, effective February 21, 2013.
- **MARY L. JONES** – Family Medical Leave (not to exceed 12 weeks), Police Records Technician effective March 5, 2013.
- **JULIE ALBRIGHT** – Hire, Police Records Technician, Range 5, \$23,050.00 annually, effective March 12, 2013.

REFUNDS

On motion of Councilwoman Robinson, seconded by Councilwoman Scott, the Administrator of Finance was authorized to issue the following refunds of overpayment of property taxes:

PATTON JAMES E. DEBORD ZACHERY JAMES	\$10,807.54
JOSEPH & MARY WELCH	\$1,530.04

REFUNDS (Continued)

JACK & ROBIN CURRIER	\$1,516.19
ROBYN WILSON	\$1,132.89
BEAR BRANCH, INC.	\$1,425.11
BEAR BRANCH, INC.	\$2,134.49
PATTEN INVESTORS, LLC.	\$8,709.00
GOOD NEIGHBORS HOUSING INC.	\$1,470.00
M & A PROPERTIES LLC	\$3,124.30
M & A PROPERTIES LLC	\$3,192.30
TENN. TEMPLE SCHOOL COLLEGE	\$1,470.00
TENN. TEMPLE SCHOOL COLLEGE	\$1,155.00
TENN TEMPLE SCHOOL	\$1,917.89
JARNIGAN ROAD II LLC.	\$6,825.00
SHIRLEY WERLEY	\$1,315.30
INDUSTRIAL DEVELOPMENT BOARD OF HAMILTON COUNTY	\$9,555.00
MICHAEL & DENISE COOPER	\$1,532.35
HELENE KNIGHT	\$1,037.65
TENN TEMPLE SCHOOL COLLEGE	\$1,155.00
BUNGE FOODS CORP.	\$54,545.33
ROMAN CATHOLIC CHURCH	\$1,275.75
STOWERS PARTNERS LP	\$7,644.00

REFUNDS (Continued)

A&D HOLDINGS GP	\$100,077.81
A&D HOLDINGS GP	\$22,739.35
WRINKLE PARTNERSHIP	\$4,098.75
BILLY J. WOODALL	\$4,253.51
LARRY PELMONS	\$1,254.36

PURCHASES

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

GENERAL SERVICES:

KIRKLAND'S PEST CONTROL LLC (Lowest and best bid)
R65808

Blanket Contract for City Wide Pest Control

\$30,000.00 – Annual estimation

HAVRON CONTRACTING CORP. (Lowest and best bid)
R71895

Demolition of the Building at the Farmer's Market

\$99,000.00 – Estimation

BEST ONE TIRE (Best complete bid)
R70749/302513

Blanket Contract for After Hours Service Calls and Heavy Tire Repair

\$20,000.00 – Annual estimation\

PURCHASES (Continued)

PUBLIC WORKS:

GREEN EFFECTS (Lowest bid)

R72150/302485

Blanket Contract for Grounds Maintenance, MBWWTP

\$40,000.00 – Annual estimation

**GREEN EFFECTS, FIMCO SERVICES, SPECIAL TOUGH LAWN CARE, GRASS BUSTER
LAWN MAINTENANCE (Lowest and best bids)**

R72136/302486

Blanket Contract for Grounds Maintenance at Pump Stations

\$25,000.00 – Annual estimation

PIPING SUPPLY CO. (Best bid)

R71472/302453

Blanket Contract for Galvanized Steel Fittings

\$10,000.00 – Annual estimation

BOARD RE-APPOINTMENT

On motion of Councilwoman Robinson, seconded by Councilman Gilbert, the following board re-appointment was approved:

ENTERPRISE CENTER BOARD:

- Re-appointment of *JAMES E. HALL* for a three year term expiring April 1, 2016.

BOARD APPOINTMENTS

On motion of Councilwoman Robinson, seconded by Councilman Murphy, the following board appointments were approved:

CHATTANOOGA-HAMILTON COUNTY BICENTENNIAL LIBRARY BOARD:

- Appointment of **THOMAS GRISCOM, MAI BELL HURLEY, Dr. CHRYSTAL PARTRIDGE, KAREN RUDOLPH, RON HARR, DR. RICHARD BROWN, DANIEL STETSON.**

(These appointments will allow the Public Library to transfer their endowed funds to the new Board of Directors due to a clerical oversight. This is the only responsibility the reconstituted board must make; after a vote, the reconstituted board will vote to dissolve and their board membership will be complete.)

MICHAEL HOBACK HEARING/REVIEW

City Attorney McMahan excused himself from the dais at this point.

Atty. Larry Cash stated he represents the Council in the Michael Hoback matter and the last time he was before the Council the matter was remanded back to Chief Dodd for a decision. He stated Mr. Hoback was terminated in 2009 and through two separate legal proceedings it has gone to the Court of Appeals and Federal Court and part of it is back; that the Council remanded it back to Chief Dodd three weeks ago and Chief Dodd made his decision and upheld the termination. He stated Mr. Hoback's counsel has filed another request for appeal to the City Council which he is entitled to do; that this is under the old Act, a three person panel, who will now review Chief Dodd's decision and decide whether to affirm, modify or reverse the decision. He stated the prior panel consisted of Councilmen Robinson, McGary and Ladd; that he received a letter and phone call today from Mr. Hoback's counsel who objects to Councilwoman Ladd serving as a member of the panel because she has been involved in the mediation process in his case in Federal Court and is privy to information that was not part of the City Council hearing in 2009. He stated he and Councilwoman Ladd have discussed this and she feels it is probably appropriate to recuse herself as she is uncomfortable serving in that role.

Chairman Ladd stated that is correct; that it was her duty as chair to be involved in the mediation process and does not want anyone in the room to assume that she impeded upon a process and in so doing did so incorrectly.

MICHAEL HOBACK HEARING/REVIEW (Continued)

Chairman Ladd stated as chair it was her responsibility to be involved in the mediation process, therefore hearing some information the others would not be privy to and totally agrees she would come off the panel. He stated she wanted to explain that because lately there has been a whole twisting of anything she has said or done and wanted to make sure that got out.

Atty. Cash stated that is exactly right; that tonight we need to set a date for the new panel and select someone who is going to take the chair's place on the panel.

Councilman Rico stated before the hearing he was asked not to be on the panel because he had said some things to some constituents that got back to them and assumes he is still . . . Atty. Cash stated that is fair and a good idea if he were not the third panel member and this needs to be done prior to the new Council coming in on April 15.

Chairman Ladd stated she and Mr. Cash talked earlier and noted because this case has been ongoing perhaps an alternate would be appropriate also in case a date is set and one of the three is unable to participate.

Councilwoman Scott stated she does not mind serving but in all honesty she attended the trial in Federal Court so that may put her out. Atty. Cash stated that could create a problem; that we have to be careful and cautious as to whom the representative is.

Councilman Benson stated he cannot serve as he has prejudicial feelings in this.

Councilwoman Robinson suggested that the Council as a whole serve noting that has been done before.

Atty. Cash stated this will not be a hearing as it was before; that the panel will review the transcript and evidence that was presented in 2009; that it is going to be a shorter process than the first time and an alternate is needed.

Chairman Ladd stated if she does not get a volunteer she will make two assignments to the panel.

Councilwoman Berz stated there has been a lot of publicity about this and she had no part of the hearings or Federal trial and asked about the parameters regarding the review.

MICHAEL HOBACK HEARING/REVIEW (Continued)

Atty. Cash stated the panel will be asked to review the transcript of the 2009 hearing before the City Council and review all evidence presented at that time. He stated there will not be any additional evidence because the decision should be based upon what was presented in 2009 and nothing after that. He stated we have all heard a lot about it but the panel will have to as best they can base their decision purely and simply on the transcript and evidence presented during the hearing.

Councilwoman Berz stated that includes whether we uphold the Chief's determination or not. Atty. Cash stated that is right.

Councilwoman Berz stated it is not a hearing at this point so much as a review. Atty. Cash stated that is correct; that this time it really is a review of the evidence already presented and the Chief's recent decision.

Councilwoman Berz asked if this is done independently of one another and inquired as to the process. Atty. Cash stated this is a new process as we have never done this; that we will reconvene a meeting here, Mr. Hoback and his counsel will be present the panel will be asked to review the evidence prior to that date and then both sides argue their respective positions. He stated the panel will have the opportunity to ask questions based upon the transcript and the evidence read; that this is his view as to how this will proceed and thinks Mr. Hoback's counsel agrees with that but has not had any final discussions but feels reasonably comfortable that will happen.

Councilwoman Berz stated she has no prior knowledge of anything and will serve on the panel.

Chairman Ladd announced that Councilman Gilbert will serve as the alternate

Councilman McGary inquired as to the earliest date for the hearing. Atty. Cash asked that it be scheduled as quickly as possible.

The hearing/review for Michael Hoback was scheduled for Friday, March 22 beginning at 9 a.m. in the Council Assembly Room with Councilmen Robinson, McGary and Berz; Councilman Gilbert will serve as alternate.

City Attorney McMahan rejoined others on the dais at this point.

COMMITTEES

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, March 19** immediately following the Agenda Session.

Councilwoman Berz reminded Council members of the educational session of the **Budget and Finance Committee for Tuesday, March 19** beginning at 1 p.m. and noted that the schedule may vary a bit.

POLICE PROMOTIONS

Councilman McGary expressed congratulations to the police officers recently promoted as reflected on the personnel report.

EDWARD L. GREEN, JR.

Edward L. Green, Jr. of 4101 Gayle Drive expressed his concern that the easement on the other side of his property is so overgrown that it has reached the brand new roof of his home; that he contacted 311 on February 12 and today, March 12, he has not received an answer as to what to do in regard to the overgrowth. He stated a gentleman called and told him he would have his supervisor call him and noted it probably belongs to the city but was not aware if it's the city's responsibility regarding the upkeep of the overgrowth as he has taken care of the overgrowth prior to his father's passing in 2008. He stated he does not think it is fair for him to continue to maintain the overgrowth on the property and is curious as to who is responsible for helping to maintain the property.

Councilman Murphy stated he was visiting with Mr. Green's neighbor the other day concerning the condition of the road and noted if it is an easement it gives the sewer, water or gas company authority to go under his (Green's) property noting it is still his property on top; that he will have it checked out completely for him. He stated he knows there are no gas lines on the front of Gayle Drive and the gas line comes in from the back for everyone who has gas; that it is his understanding if it is on the property line even though there is an easement it is still going to be up to the property owner to cut it and take care of it. He stated if it is not on the property it will be addressed as to whose property it is; that it will be pulled up on GIS to figure out what can be done and explain it to Mr. Green so he could understand it. He stated if it is someone else's responsibility they will get on it.

MARTHA MOORE

Martha Moore of 5124 Mimosa Circle stated she works for public works as an EQ4 noting when she was hired her son was killed on July 28, 2011 and upon getting the job her boss and everyone was aware she would have to go back-and-forth to court. She asked if the *Code* could be revised noting people are approved for jury duty but she has to use her personal leave to go back-and-forth to court, noting the trial is coming up. She stated some of her co-workers attempted to donate time but were refused noting she would have to be sick or off work for 30 days; that she is trying to get a clear understanding or trying to get parents of slain children to be able to go to court and other proceedings without being reprimanded for running out of time. She stated she does not know who to talk to; that she had a conversation with Mr. Norris who was very rude and inconsiderate and if he had not been that mean she would not have appeared before the Council tonight; that he asked why she had to be in court and it greatly insulted her. She stated she does not know what else to do and asked the Council to please help her.

Chairman Ladd expressed the Council's sorrow for her loss and asked that she speak with Susan DuBose of the Personnel Office for direction to be made aware of the policy for the city noting she (DuBose) is the best help for her (Moore) right now.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, March 19, 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)