

City Council Building
Chattanooga, Tennessee
June 7, 2011
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 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.

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.

INTERIM BUDGET

On motion of Councilwoman Berz, seconded by Councilman Benson,
**AN ORDINANCE PROVIDING FOR AN INTERIM BUDGET AND
APPROPRIATING FUNDS FOR THE USUAL AND ORDINARY EXPENSES OF
THE CITY GOVERNMENT FOR THE MONTHS OF JULY, AUGUST, AND
SEPTEMBER 2011, PENDING THE ADOPTION OF THE 2011-2012 ANNUAL
BUDGET**

Passed second and final reading and was signed in open meeting; **Councilman Murphy voted "no"**.

CLOSE AND ABANDON

MR-2009-014: Windward Properties

On motion of Councilman Rico, seconded by Councilman McGary,
AN ORDINANCE CLOSING AND ABANDONING A RECORDED SEWER EASEMENT BEGINNING SOME ONE HUNDRED TWENTY-FIVE (125') FEET FROM ITS INTERSECTION WITH MF# 52070 THENCE SOUTHWEST SOME TWO HUNDRED SEVENTY-SIX (276') FEET A DEAD-END BEING PART OF THE SEWER EASEMENT, MORE PARTICULARLY DESCRIBED HEREIN
Passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2009-070: Michael S. Morgan

On motion of Councilman Rico, seconded by Councilman McGary,
AN ORDINANCE CLOSING AND ABANDONING A RIGHT-OF-WAY OF AN UNOPENED ALLEY BEGINNING ON THE SOUTH LINE OF THE 1700 BLOCK OF WEST 57TH STREET THENCE SOUTHWEST SOME TWO HUDNRED FIFTY (250') FEET TO THE NORTH LINE OF THE UNOPENED 1700 BLOCK OF C. STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
Passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2011-052: Vision Hospitality Group

On motion of Councilman Benson, seconded by Councilman McGary,
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF A RIGHT-OF-WAY IN THE OPEN 2000 BLOCK OF SKYLINE DRIVE BEGINNING AT THE SOUTHERN BOUNDARY OF THE PROPERTY AT TAX MAP NO. 148M-G-008, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
Passed second and final reading and was signed in open meeting.

AMEND ORDINANCE 12312 – AREA 6A
ANNEXATION DATE

Chairman Ladd stated the next three ordinances regard annexation action that has already been acted upon in Chattanooga. She stated a number of people interested in the three particular ordinances are present and wanted to make sure it was explained that this is not a vote tonight to decide on annexation. She stated the vote on annexation has already been taken and that was approved to annex these three areas. She stated the vote in front of the Council this evening is a vote to settle a lawsuit that was brought by some of the property owners in those affected areas and the settlement was to change the effective date, effective when they would become residents of the city of Chattanooga and come into the city boundaries, to December 31, 2012. She stated that is all this vote is about; that it is not a vote to annex or not, it is a vote whether we will delay the beginning date of the effective date of that annexation we have already voted on. She stated she is making everyone aware everything discussed tonight has been discussed at length during committee meetings and researched by the Council, so when the votes are taken a lot of the discussion has already taken place, which is why it might seem the meeting is going quickly.

Councilman Gilbert asked that those who have come to be given five minutes to speak their concerns.

Councilman McGary asked if the vote will be on items (e), (f) and (g) as a unit or independently. Chairman Ladd confirmed the votes would be done independently.

On motion of Councilwoman Robinson, seconded by Councilman Benson,
AN ORDINANCE AMENDING ORDINANCE NO. 12312 EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO CHANGE THE EFFECTIVE DATE OF ANNEXATION OF CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY, TO INCLUDE CERTAIN PARCELS, KNOWN AS AREA 6A, ADJACENT TO THE WESTERN RIGHT-OF-WAY OF HIGHWAY 58 AND TURKEYFOOT ROAD WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

Passed second and final reading and was signed in open meeting; **Councilman Gilbert voted “no”.**

AMEND ORDINANCE 12313 – AREA 6B
ANNEXATION DATE

Councilman McGary stated in regard to the extension of the date, Chairman Ladd mentioned at the outset there was an agreement reached on behalf of the plaintiff in the city, thereby to extend the date; that this was their request, their agreement. He stated in essence all the Council is doing is ratifying what has already been asked of us to extend this date and asked if he were correct.

City Attorney McMahan responded “yes, that is correct”; that we entered into negotiations with the attorney representing the parties’ plaintiff in each of these three areas, and we were actually scheduled to go to trial last week and would have probably tried the case and finished by now but for the fact we reached an agreement to delay the effective date of annexation until December 31, 2012. He stated basically this extends time that people would have to pay the taxes out there further out than they probably would have had if we and gone to court last week.

Councilman Benson inquired as to the fees. City Attorney McMahan stated obviously there are fees; that he knows Bayside Baptist Church members are interested in storm water fees. He stated taxes are the bigger issue, probably.

On motion of Councilman Benson, seconded by Councilman Rico,

AN ORDINANCE AMENDING ORDINANCE NO. 12313 EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO CHANGE THE EFFECTIVE DATE OF ANNEXATION OF CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY, TO INCLUDE CERTAIN PARCELS, KNOWN AS AREA 6B, ADJACENT TO THE WESTERN RIGHT-OF-WAY OF HIGHWAY 58 AND ADJACENT TO THE RIGHT-OF-WAY FOR HICKORY VALLEY ROAD WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

Passed second and final reading and was signed in open meeting; **Councilman Gilbert voted “no”**.

AMEND ORDINANCE 12314 – AREA 6C
ANNEXATION DATE

Jay Clements, a member of Bayside Baptist Church and Chairman of the Deacon Board, stated he was asked to speak on behalf of the Board of Trustees and congregation of the Church. He stated Bayside Baptist is going to survive this fee; that he will not call it a tax although someone just called it a tax and understands it is called a storm water fee.

AMEND ORDINANCE 12314 – AREA 6C
ANNEXATION DATE (Continued)

Mr. Clements stated they are a fairly large entity; probably the largest entity as far as square footage is concerned on the lots affected by this annexation. He stated he understands the settlement of the lawsuit as they were following it with great interest but was not part of it; that their pastor would have been called to testify about the impact it was going to have, noting that he (pastor) is not present tonight due to being out of the city with his family. He stated he came to the committee meetings a year ago when there was some fairly substantial consternation and watched Mike Price work “magic” with numbers; that Bayside will survive but a lot of churches will not survive these fees; that Luther Massengill’s church will die because it has a very small number and they will not be able to absorb this kind of fee. He stated Bayside Baptist has a fairly significant budget which will be trimmed back meaning vacation bible school, needs for the public, our youth outreach and recreation ministry will be impacted by a fee that will hit them disproportionately because of the size of their parking lot. He stated they expanded the parking lot recently and will get credit, he is certain, whether they are one time or continuing credits is still somewhat hazy in his calculations, but that will help on at least a one time basis.

Mr. Clements stated it is going to have an impact even for a large church but they reach out to the community in numerous ways, not just those mentioned, including benevolence funds when people need money just for bills; that they help meet those needs. He stated with this kind of fee that may not be there anymore; that some of the recreational ministries that reach out to all on the Highway 58 and Harrison areas will be affected. He expressed hope this will work; that they budget has taken a substantial hit like every other business with the economy. He stated they are trying to rally right now but it is a significant impact on every nonprofit; that they will survive but others will not be so fortunate and he knows that. He expressed hope this can be amended at certain times to deal with the issue of nonprofits and how they deal with the community and the support they give to the community on a going forward basis.

Councilman Murphy stated that he received a lot of e-mails and phone calls and expressed appreciation for the good work Bayside is doing and thanked everyone who contacted him. He stated one of the numbers he kept seeing in the e-mail is people were thinking it was going to be a \$20,000 - \$24,000 impact and (he) forwarded that to the technical people in public works because it seemed like a very, very high number as he was not familiar with the parking lot and roof the Church has.

AMEND ORDINANCE 12314 – AREA 6C
ANNEXATION DATE (Continued)

Councilman Murphy asked that they look at the property and “run the math” divided by the equivalent residential units, and the number they came up with, without giving any credit for the detention ponds and skimmers and all the good things they are doing to be good stewards of our creation, was about \$12,000 and that did not take into account any of the work they have done so far to mitigate. He stated that is the first thing and wanted to get that out. Mr. Clement stated he has seen those numbers, as well.

Councilman Murphy stated it probably will not be \$10,000 once the credits are applied. He stated their presence brings up another point he had during the whole discussion; that these are fees, whether a governmental entity, nonprofit, church or Salvation Army, everybody is supposed to be treated the same just like the sewer fee they pay; that the water company charges the access fee and if they have sprinklers they charge that fee, too. He stated regardless what business they are in, not all pavement is created equal, that the supermarket/grocery store parking lot gets amazingly more use in oil/transmission/anti-freeze drippings, dust and litter than does the typical church parking lot; that the typical church parking lot is not as burdensome as many other types of parking surfaces. He asked if we could not get some work done and it may be that it needs to be driven by the faith community; that we cannot give them a differential rate without some data to demonstrate a reason. He stated if we can demonstrate through studies that the runoff that comes off of church parking lots is not coming off in any less volume, that the water might not run off the parking lot as fast as it runs off a grocery store parking lot, but the water that might go past a skimmer out of a detention pond, though he is not a water scientist, he would bet it is cleaner, and if a basis can be determined for that there might be a differential rate for parking areas that are rarely used. He expressed hope that the faith community could partner with us to develop a rational scientific basis to grant a differential rate.

Chairman Ladd quickly quipped that is the theory and we will have to see if it holds water!

Councilman Benson stated he does not disagree with a thing Mr. Clements said, nor does this Council. He stated when the Council first found out about what was “hanging over us” as far as the federal EPA and the State EPA and their declaration of what we had to do and we realized what it is going to cost the nonprofits as well as the homeowners, we formed the Blue Ribbon Committee that Mr. Clements visited. Mr. Clements indicated that was what he was referring to.

AMEND ORDINANCE 12314 – AREA 6C
ANNEXATION DATE (Continued)

Councilman Benson stated they did everything within their power to try to figure out how we could get this accomplished within reason; that he remembers in the sixties we felt the same way when the federal and state governments indicated we had to do something about all the pollutants coming from the smokestacks in Chattanooga as soot was all over the ground. He stated he is so thankful they made us do it then as it cost industry and a lot of us a lot, but it would have cost us our lives and we would not have had air to breathe if we had not corrected that. He stated thank goodness we are being made to do something about the wastewater runoff that we are trying to make into drinking water; that it is going in the River and we cannot continue to have that amount of pollutants go in. He stated it is just not the churches, it is the hospitals and everybody that is running this wastewater off into our future drinking water; that he is sorry as he does not know any way around it and the Blue Ribbon Committee found out there was no way around it. He stated he received a call or two not to annex them; that the county is going to have to do this anyway and we have given extra time because it will be done and has to be done in this country or we will lose our future source of drinking water. He stated the annexation is coming about because they are in the urban growth plan; that they built the church out there when it was rural and it is no longer rural so we have to have the services and the protection out there; that we have three schools in danger out there every single day with a volunteer fire service and will realize the value of first responder with the professionals that can service it. He stated we have to go ahead and annex it and it seems we have to go ahead and do something about our pollutants in our water.

Mr. Clements stated he understands and hopes Councilman Benson is right.

Councilwoman Robinson stated she wanted to follow-up on what her fellow Council members have said; we are forced to find new solutions to old problems. She stated as we look ahead as a community that we should keep our eye on is a product for paving parking lots that is permeable. She stated instead of the water runoff it soaks through the surface and can go into a subterranean cistern and then be reused to water landscape and beautify the property; that there is an example of this in use in our community at the First Tennessee Pavilion which is paved over with this permeable pavement and reduces runoff tremendously. She stated that water is perfect for irrigation and saves a lot of money, and asked that everyone who is listening think ahead to those kinds of solutions because we can really make our tomorrow better and cleaner with those kinds of new technologies that are forced upon us.

AMEND ORDINANCE 12314 – AREA 6C
ANNEXATION DATE (Continued)

Councilman Gilbert used Councilman Benson’s famous words “double dipping” because some ministers are present and their sole source of income comes from the members of the church and some of that money is going to go toward water quality. He stated that same members will turn around and pay again in their homes \$115.00 currently, so that is considered “double dipping” in his eyes in having to pay it twice. He stated he is not talking about just the 501(c)3 because churches’ sole supply of funds comes from the members of that particular church; that Mr. Clements is correct some of the smaller churches will not be able to afford this as some do have pretty good size parking lots but not a lot of members within the church. He stated there is going to be a problem staying open and hopefully in the future we can look at that closer again, just that part of it, due to “double dipping”.

Councilwoman Berz thanked the Church members for getting in touch with the Council and sharing their thoughts. She stated it is a tough situation; that this vote has to do with when the annexation takes place not whether or not there is going to be an annexation. She stated the people that filed the lawsuit against us, suing us not to be annexed, settled and decided rather than continuing with the suit they would be agreeable to it if we would put off the execution date until December and that is what this vote is about; that we are agreement to put off the execution date and not go ahead and annex immediately. She stated we are going along with the people who filed the lawsuit not to be annexed as they changed their mind and postponing the execution date and that is just what this vote is about. She stated she wanted to make sure no one thought we were not listening; that Mr. Clements comments are extremely well taken, however, the vote is not about that tonight.

Councilman Murphy called for the question.

On motion of Councilwoman Robinson, seconded by Councilman Rico,
AN ORDINANCE AMENDING ORDINANCE NO. 12314 EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO CHANGE THE EFFECTIVE DATE OF ANNEXATION OF CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY, TO INCLUDE CERTAIN PARCELS, KNOWN AS AREA 6C, ADJACENT TO THE EASTERN AND WESTERN RIGHTS-OF-WAY OF HIGHWAY 58 UP TO ITS INTERSECTION WITH HARRISON-OOLTEWAH ROAD, INCLUDING PORTIONS OF OTHER STREETS NAMED BENT PINE, CONGRESS, DEERWOOD, MAHLON CLARK, CHURCH, TYNER, AND EASTER, WITHIN

AMEND ORDINANCE 12314 – AREA 6C
ANNEXATION DATE (Continued)

**THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA IN
HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP**

Passed second and final reading and was signed in open meeting; **Councilman Gilbert voted “no”**.

CLOSE AND ABANDON

MR-2009-015: AC Properties

On motion of Councilman Gilbert, seconded by Councilman McGary,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF AN
UNOPENED ALLEY BEGINNING AT ITS INTERSECTION WITH THE 200
BLOCK OF WEST 19TH STREET, MORE PARTICULARLY DESCRIBED HEREIN,
SUBJECT TO CERTAIN CONDITIONS**

Passed first reading.

CLOSE AND ABANDON

MR-2010-138: Chattanooga Housing Authority

On motion of Councilman Murphy, seconded by Councilman Rico,
**AN ORDINANCE CLOSING AND ABANDONING A RIGHT-OF-WAY AT
THE OPEN 1900 BLOCK OF BURTON STREET, MORE PARTICULARLY
DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

Passed first reading.

CLOSE AND ABANDON

MR-2011-005: Duckett Properties

On motion of Councilman Rico, seconded by Councilman Murphy,
**AN ORDINANCE CLOSING AND ABANDONING TWO UNOPENED
ALLEYS: (1) BETWEEN THE 1600 BLOCK OF ROSSVILLE AVENUE AND THE
300 BLOCK OF EAST 18TH STREET; AND (2) BETWEEN THE FIRST ALLEY
AND THE 1700 BLOCK OF KERR STREET, MORE PARTICULARLY
DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

Passed first reading.

AGREEMENT

On motion of Councilman Benson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE PERSONNEL ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH TWH ARCHITECTS, INC. TO PERFORM ARCHITECTURAL SERVICES FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION OF A NEW EMPLOYEE HEALTH CENTER FOR A TOTAL FEE IN AN AMOUNT NOT TO EXCEED ONE HUNDRED NINETY-SEVEN THOUSAND ONE HUNDRED DOLLARS (\$197,100.00), AND TO AUTHORIZE ADDITIONAL FUNDS FOR SERVICES AS NEEDED AT THE SAME RATE, BUT NOT TO EXCEED AN ADDITIONAL FORTY-FOUR THOUSAND DOLLARS (\$44,000.00)

Was adopted; Councilmen McGary, Murphy and Scott voted "no".

GRANT

On motion of Councilman McGary, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE DEPARTMENT OF EDUCATION, ARTS & CULTURE TO APPLY FOR AND, IF AWARDED, ACCEPT A GRANT FROM THE SOUTHEAST TENNESSEE AREA AGENCY ON AGING AND DISABILITY FOR THE EASTGATE SENIOR ACTIVITY CENTER PROGRAMMING, IN THE AMOUNT OF FORTY THOUSAND DOLLARS (\$40,000.00)

Was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXTEND THE AGREEMENT WITH BRIGHTBRIDGE FOR THE ADMINISTRATION OF THE EPA BROWNFIELD REVOLVING LOAN FUND, FOR A ONE (1) YEAR TERM WITH THE OPTION FOR TWO (2), ONE (1) YEAR EXTENSIONS, WITH NO NEW FUNDS

Was adopted.

AMEND RESOLUTION 26711 – AGREEMENT

Councilman Murphy inquired as to the percentage of this we expect to have reimbursed from FEMA. Lee Norris responded "87 ½ percent".

Councilman Murphy asked if all of this is related to the tornado and wind events when we were declared a federal disaster area. Mr. Norris responded "yes".

AMEND RESOLUTION 26711 – AGREEMENT
(Continued)

On motion of Councilman Benson, seconded by Councilwoman Robinson,
**A RESOLUTION TO AMEND RESOLUTION NO. 26711 ENCAPTIONED, “A
RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT
OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH TRUE NORTH
EMERGENCY MANAGEMENT, FOR PROFESSIONAL SERVICES FOR THE
DEBRIS REMOVAL MANAGEMENT SERVICES, RELATIVE TO CONTRACT
NO. C-11-001-401, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED
THOUSAND DOLLARS (\$300,000.00)”;** AND AUTHORIZING AN
INCREASE IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED THOUSAND
DOLLARS (\$500,000.00), BASED UPON UPDATED INFORMATION
Was adopted; Councilman Gilbert voted “no”.

AMEND RESOLUTION 26712 – AGREEMENT

On motion of Councilwoman Scott, seconded by Councilman Rico,
**A RESOLUTION TO AMEND RESOLUTION NO. 26712 ENCAPTIONED, “A
RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT
OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH BYRD
BROTHERS EMERGENCY SERVICES, LLC, FOR THE DEBRIS REMOVAL
COLLECTION SERVICES, RELATIVE TO CONTRACT NO. C-11-001-201,
IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED FIFTY THOUSAND
DOLLARS (\$750,000.00)”;** AND AUTHORIZING AN INCREASE IN AN
AMOUNT NOT TO EXCEED TWO MILLION DOLLARS (\$2,000,000.00),
BASED UPON UPDATED INFORMATION
Was adopted; Councilman Gilbert voted “no”.

HOMEAGAIN PROGRAM FUNDS

On motion of Councilwoman Robinson, seconded by Councilman Murphy,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY
DEVELOPMENT TO AWARD UP TO FORTY-SEVEN THOUSAND FIVE
HUNDRED DOLLARS (\$47,500.00) TO QUALITY LIFESTYLE SERVICES, INC.
IN HOMEAGAIN PROGRAM FUNDS FOR THE PURPOSE OF CREATING
AFFORDABLE, PERMANENT, SUPPORTIVE HOUSING, AND AUTHORIZING
AN AGREEMENT WITH THE ENTITY FOR THE SAME**
Was adopted.

HOMEAGAIN PROGRAM FUNDS

On motion of Councilwoman Robinson, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO AWARD UP TO SEVENTY-FOUR THOUSAND FIVE HUNDRED DOLLARS (\$74,500.00) TO QUALITY BUILDING AND DESIGN IN HOMEAGAIN PROGRAM FUNDS FOR THE PURPOSE OF CREATING AFFORDABLE, PERMANENT, SUPPORTIVE HOUSING, AND AUTHORIZING AN AGREEMENT WITH THE ENTITY FOR THE SAME

Was adopted.

DISTRICT IDENTIFICATION ON AGENDA

Councilwoman Berz stated where districts can be identified she would like to see the District number listed; that any time items can be related to a district she is asking that the district be identified on the agenda so they can receive credit.

TEMPORARY USE

On motion of councilman McGary, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING ARCADE, INC. AND THE SUBSEQUENT PROPERTY OWNER, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 1524 EAST MAIN STREET REGARDING PARKING CAPACITY TO BE COMPLETED IN THE SUBJECT PORTION OF RIGHT-OF-WAY, AS REFERENCED ON THE ATTACHED DRAWING, SUBJECT TO CERTAIN CONDITIONS

Was adopted.

SUPPORT APPLICATION

On motion of Councilwoman Robinson, seconded by Councilman Murphy,
A RESOLUTION SUPPORTING THE APPLICATION OF MIDDLE TENNESSEE STATE UNIVERSITY (MTSU) TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL TO PROVIDE THE CITY OF CHATTANOOGA WITH SUPPORT IN TECHNICAL ASSISTANCE IN PROMOTING HEALTHY HOMES INITIATIVES IN RESIDENTIAL CONSTRUCTION AND REHABILITATION PROJECTS UNDERTAKEN AND OR FUNDED BY THE CITY AND AUTHORIZING THE ADMINISTRATION OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR THE SAME

Was adopted.

GRANT

On motion of Councilwoman Berz, seconded by Councilman Rico,

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND, IF APPROVED, ACCEPT A U.S. ECONOMIC DEVELOPMENT ADMINISTRATION GRANT, IN AN AMOUNT NOT TO EXCEED ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.00), FOR SEWER SYSTEM IMPROVEMENTS AT THE ENTERPRISE SOUTH INDUSTRIAL PARK

Was adopted.

TEMPORARY USE

On motion of councilman McGary, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING TOP IT OFF/ZACH SMITH, TO USE TEMPORARILY THE RIGHT-OF-WAY ALONG 401 BROAD STREET FOR THE INSTALLATION OF OUTDOOR SEATING, AS SHOWN IN THE DRAWING, PHOTOGRAPH, AND MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

Was adopted.

OVERTIME

Overtime for the week ending May 25, 2011 totaled \$83,556.85.

COUNTY COMMISIONER TIM BOYD

Chairman Ladd acknowledged the presence of County Commissioner Tim Boyd.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **JACOB MCCRARY** – Promotion, Plant Operator 2, Moccasin Bend Plant, Range 11, \$29,544.00 annually, effective June 3, 2011.
- **CHARLES FREEMAN** – Termination, Monitoring Technician, Moccasin Bend Plant, effective May 23, 2011.

PERSONNEL (Continued)

- **CHARLOTTE CUNNINGHAM** – Promotion, Asset Management Systems Coordinator, Moccasin Bend Plant, Range 13, \$46,500.00 annually, effective May 23, 2011.
- **JACKIE MCCRARY** – Lateral Transfer, General Supervisor, City Landfill, Range 18, \$42,129.60 annually, effective May 27, 2011.
- **MICHAEL PARDUE** – Lateral Transfer, General Supervisor, Moccasin Bend Plant, Range 18, \$45,000.00 annually, effective May 27, 2011.
- **ADAM GIPSON** – Termination, Equipment Operator 4, City Wide Services, effective May 27, 2011.

CHATTANOOGA POLICE DEPARTMENT:

- **TODD CLAY** – Suspension (14 days without pay), Police Officer 1, effective May 31 – June 17, 2011.
- **RICHARD H. PHILLIPS, JR.** – Retirement, Police Officer, effective June 3, 2011.

PARKS AND RECREATION DEPARTMENT:

- **ERIC JELINSKI** – Hire, Assistant Director Recreation, Range 21, \$52,124.00 annually, effective May 31, 2011.
- **PHILLIP HARRIS, MATTHEW HAYES** – Hire, Crew Worker 1, Range 2, \$22,050.00 annually, effective June 3, 2011.
- **DAVID ROSE** – Hire, Park Ranger, Range 4, \$22,050.00 annually, effective June 3, 2011.

CHATTANOOGA FIRE DEPARTMENT:

- **STEVEN ARNOLD, CARL HARTUNG, TROY MILLSAPS, JASON RAINS, CHARLES THOMASON** – Promotion Fire Lieutenant, Range F3A, \$43,358.00 annually, effective May 6, 2011.

PERSONNEL (Continued)

- **ERIC GORDON, ROY ROGERS** – Promotion, Fire Captain, Range F4A, \$49,132.00 annually, effective May 6, 2011.
- **KEVIN STRICKLAND** – Promotion, Fire Captain (Administrative staff assignment), Range F4C, \$52,132.00 annually, effective May 6, 2011.
- **ANDREW WATERS** – Promotion, Fire Lieutenant (Administrative Staff assignment), Range F3C, \$46,358.00 annually, effective May 6, 2011.

HOTEL PERMITS

On motion of Councilwoman Robinson, seconded by Councilman McGary, the following hotel permits were approved:

BLUFF VIEW INN, INC./ MARTIN – 412 East Second Street, Chattanooga, TN

BLUFF VIEW INN, INC./MACLELLAN – 411 East Second Street, Chattanooga, TN

BLUFF VIEW INN, INC./THOMPSON – 212 High Street, Chattanooga, TN

BUDGET MOTEL – 3535 Cummings Highway, Chattanooga, TN

FIRE STATION GROUND BREAKING

Chief Parker invited Council members to ground breaking for the fire station in Tiftonia on Thursday at 10 a.m. at 4003 Cummings Highway. He stated Councilwoman Scott will help dig the trench which is to be 100 feet long! He stated shovels will be available for all.

REFUND

On motion of Councilman McGary, seconded by Councilman Rico, the Administrator of Finance was authorized to issue the following refund of Payment In Lieu of Taxes due to County Tax Assessor’s amended assessment based upon appeal:

ALSTOM POWER, INC. \$215,074.13

PURCHASES

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

CHATTANOOGA FIRE DEPARTMENT:

FIRE PROTECTION PUBLICATIONS (Lowest and best bid)
R42645/301086

Purchase of IFSTA Manuals

\$20,484.96

PARKS AND RECREATION DEPARTMENT:

GREENVILLE TURF & TRACTOR (Lowest bid meeting specifications)
R42947

Purchase of One Top Dresser

\$11,132.50

GREENVILLE TURF & TRACTOR (Lowest bid)
R42624

Purchase of Two Field Finishers

\$22,056.58

EMERGENCY PURCHASE

The emergency purchase of Meth Lab Cleanup for the Police Department of R44172 to Marion Environmental, Inc. in the amount of \$14,224.54 was duly reported and signed in open meeting.

EMERGENCY PURCHASE

The emergency purchase of Repair to Summit of Softball for the Parks and Recreation Department to Dillard Construction, Inc. on R44387 in the amount of \$45,060.00 was duly reported and signed in open meeting.

BOARD APPOINTMENT

On motion of Councilwoman Berz, seconded by Councilman Rico, the following board appointment was approved:

STORM WATER BOARD:

- Appointment of **KARL H. SODERGREN** for a four year term expiring June 7, 2015 filling an "at-large" vacancy.

CANCELLATION OF JULY 5, 2011 COUNCIL MEETING

Councilwoman Robinson made the motion that the Council not plan to meet on the Tuesday after July Fourth, July 5, 2011; Councilman Gilbert seconded the motion.

Councilman Benson stated Councilwoman Robinson did not vote on the prevailing side. Councilwoman Robinson stated there was no prevailing side as there was a tie vote and also noted she was not present last week.

Councilman Benson stated he wanted to speak against the motion; that Memorial Day was observed on a Monday and we did not discontinue the Tuesday meeting then; that he personally thinks the Council should meet every Tuesday except the normal Christmas vacation days. He stated when Council members ran for this office they ran knowing they would have to be present every Tuesday and we do not have a budget set for this year, yet, and begging to get to the deadline on that. He stated even if we did have a light agenda, we have people that come in on Tuesdays expecting to be able to express their opinions of their needs in our communities. He stated we should not run for this office if we are not willing to serve every Tuesday.

Councilman Murphy stated the State Legislature does not meet every week, Congress does not meet every week and it is his thought the dear citizens of Chattanooga would be better off and safer when the Legislature is not in session; that one week is not going to make a "hill of beans" difference and they can communicate with us at any time.

**CANCELLATION OF JULY 5, 2011 COUNCIL
MEETING (Continued)**

Councilman Murphy stated we live in a modern era with telephone communications and e-mail; that he does not think the “sky is going to fall”!

Councilwoman Scott stated even in the private sector people are given two weeks off a year, so it is not that unusual.

Councilwoman Berz stated we have two consecutive weeks at Christmas, already; that her only concern has to do with getting this budget passed as it is very important. She stated she can live with it either way, however, it is her thought we have a duty here.

Councilman Gilbert stated most companies do have vacation times and he tries to be present on Council meeting days. He stated this would provide an opportunity to take his family on vacation rather than one on Wednesday through the weekend; that he would appreciate the Council members’ vote on this one to be off on July 5.

Councilman Rico called for the question.

On roll call vote on Councilmen Robinson and Gilbert’s motion and second:

GILBERT	YES
BERZ	NO
RICO	YES
MCGARY	NO
MURPHY	YES
SCOTT	YES
ROBINSON	YES
BENSON	NO
LADD	NO

The motion carried.

REDISTRICTING PROCESS

Councilman McGary asked if there is a sense as to when the Council would begin redistricting conversations.

Councilman Murphy stated he has asked Mr. Burns for data for quite some time; that as soon as he has the data the process can begin. He stated he does not have it scheduled as he does not have the data and we need the data.

REFER MATTER TO ADMINISTRATIVE LAW JUDGE

City Attorney McMahan stated this is a matter Councilman Benson is recusing himself from. (Councilman Benson left the Assembly Room at this time.) He stated he presented in today's Legal and Legislative Committee this afternoon a recommendation to settle the Lillian Smith vs. the City of Chattanooga lawsuit by assigning her case to the Administrative Law Judge, Secretary of State's office to be reheard as to whether or not she should have been discharged.

On motion of Councilman Murphy, seconded by Councilwoman Berz, the request was approved.

COMMITTEES

Councilwoman Scott scheduled a meeting of the **Personnel, Performance and Audit Review Committee for June 21** and noted that the Committee would meet every third Tuesday every month, unless there is an emergency.

Councilman Murphy scheduled a meeting of the **Legal and Legislative Committee for Tuesday, June 14**. He thanked Councilwoman Ladd for adding the Safety portion to his Committee as he was privileged to take part in a fire department ceremony honoring several fire fighters who took brave actions to save lives in a structure fire not long ago; that unfortunately, one of the victims did not make it but another child and babysitter were rescued. He stated we owe our fire fighters, police officers and all our employees great debts of gratitude, but our fire fighters and police officers are the only ones we ask to do things that "on the face" are not reasonable requests. He stated for anybody who has ever been to a control burn and stood out at the perimeter, it feels like your skin is melting off even though the person is 300 feet away and not wearing all that gear and going into the structure. He stated that is what we ask our fire fighters to do; that our police officers are asked to go down dark alleys after people who just shot somebody and who mean harm to other people.

COMMITTEES (Continued)

Councilman Murphy stated he has a great deal of gratitude for the special kind of craziness that they have to go through and knows it is a special kind of craziness because if you talk to a fire fighter they say the police officer is "nuts" to do what they do, and if you talk to a police officer they uniformly say the fire fighter is "nuts" to do what they do! He expressed thanks to all for what they do and to Chief Parker for including him.

Councilwoman Berz stated it appears the Council should plan for a couple more weeks discussing the budget; that they have been alternating between 10:00 a.m. – 12 p.m. and 1:00 p.m. – 3:00 p.m. and inquired as to the Council's preference in setting the time for the meetings – whether they want to keep alternating.

Councilman Gilbert asked if it is possible to begin at 11:00 a.m. rather than 10:00 a.m.

Chairman Ladd stated that would take them to 1:00 p.m.; that instead of the 10:00 – noon, he would prefer 11:00 a.m. – 1:00 p.m. Councilwoman Robinson responded "that is fine".

Councilwoman Berz asked if Councilman Gilbert is including next week, as well, that we can change it as it is a week ahead of time. Council members agreed that the meetings would be from 11:00 a.m. – 1:00 p.m.

Councilwoman Berz reminded Council members of the **11:00 a.m. – 1:00 p.m. meeting of the Budget and Finance Committee on Tuesday, June 14 and the following week (June 21)** in the Conference Room to continue deliberations on the 2011-12 budget. She reminded the public that these are work sessions, not public hearings, when Council "rolls up their sleeves" and deal with very difficult matters; that if there are things that persons want to speak to their representative about please do so, however, do not think them rude if they are not allowed to speak at the meetings.

AGENDA: JUNE 14, 2011

Chairman Ladd stated the agenda for next week was discussed earlier during the agenda session.

**RULES OF PROCEDURE FOR ADDRESSING THE
COUNCIL**

At this time City Attorney McMahan read from the Council's Rules of Procedure with reference to persons wishing to address the Council on non-agenda matters.

DEMETRIUS MENIFEE

Demetrius Meniffee of 1120 Greenwood Road addressed Councilman Gilbert because he is the Parks and Recreation Committee Chairman, and stated her concern is the media is constantly reminding everyone there is a lot of black-on-black crime, not only black-on-black crime but all crime. She stated it troubles her that Parks and Recreation receives tax payer money and for them to charge \$280 for camp for children to attend does not seem feasibly right and is not fair for Districts, 5, 7, 8 and 9 as they are impoverished communities and the income medium is \$19,000 - \$20,000 . She asked how a regular family household of three children can afford to pay \$280.

Councilman Gilbert stated if he is not mistaken there are scholarships given to people who qualify; that the persons Ms. Meniffee is referring qualify for the scholarships. He stated he and Admin. Zehnder could meet with her following the meeting.

Ms. Meniffee stated there were scholarships provided but no free scholarships as there was still a substantial amount that had to be paid. She stated she has two children and is a single parent and her income is \$20,000 or less and she cannot afford to send her two daughters to this camp. She stated she is within the urban communities mentioned and there are other parents just as troubled over having to pay \$280 or even half of that amount. She asked if there are any other solutions and understands he would like to meet, but would like for it to be on record in case anyone else has an issue with this matter.

Councilman Gilbert stated he would have to ask Mr. Zehnder to come forward; that he (Gilbert) is Chairman of the Parks and Recreation Committee but is not Administrator of Parks and Recreation. He stated he knows they give scholarships and parents qualify, but as far as any other additional money they qualify for he does not know but can find out.

Councilwoman Scott asked what camp is \$280 and if it is per person. Ms. Meniffee stated it is \$280 per child that the Parks and Recreation hosts at the community centers such as Avondale.

DEMETRIUS MENIFEE (Continued)

Councilwoman Scott asked how long the camp lasts. Ms. Meniffee stated it lasts for the whole summer; that during the summer is when there is the greatest need as school is out and the parent is being charged for a child to attend for something that should be public.

Councilwoman Scott asked if it is an eight week program; Ms. Meniffee stated it is a 12 week program.

Chairman Ladd suggested that Ms. Meniffee meet with Mr. Zehnder following the meeting to answer any additional questions.

STEPHEN WEST

Stephen West of 5280 Rotary Drive stated he was before the Council recently talking about the same thing regarding the brush contract; that he informed the Council that the fee was going to go up and it did as it is now another million. He stated it is bad that all on the Council say that they care about employees of the city and Councilman Murphy just spoke about the police and fire and they do the same as first responders; that they go out when it snows because some could not get out and when the tornado hit they had to open the streets up; that they all go hand-in-hand and not to forget about public works as they do their fair share of going into bad neighborhoods, too. He stated since the last time he was before the Council overtime has been cut back to one day and told the Council that would happen and are only able to work on Saturdays. He stated it is bad when we go outside the city to spend \$2 million dollars and let this company take \$2 million out of this city that the Council says we need; that they could have hired an inside contractor or let the public works department do it. He stated we should get rid of the call list and guaranteed they can do the work; that we need the machines but the manpower is something they can do themselves rather than spending \$2 million dollars going to another city; that the money would have been spent here with our employees that would help families that work with this city. He stated the Council adopted this and it is like a "slap" to them in a sense; that it appears they do not care about what public works employees are going through; that they are going through the same thing as everyone else. He suggested that Council members go to their constituents as if they were running for office again and ask how they feel about brush getting picked up in their yard and are told their name is not on the list. He stated if we get rid of the call list we can get it all cleaned up and guaranteed they could do it. He stated somebody needs to control public works because it is as if they do not care about them (public works workers).

STEPHEN WEST (Continued)

Councilman Gilbert stated he asked about overtime earlier and was told weekends would be allowed with an extra eight hour shift, which is six days a week of working an eight hour shift and on weekdays was told it would be more strenuous on employees if they worked 10 hours. He asked how many hours are worked in the wintertime. Mr. West stated during the snow they did 16 hours.

Councilman Gilbert asked how long that continued. Mr. West stated it went on for a while but could not tell exactly how long.

Councilman Gilbert stated 16 hours is a lot more than 10 hours. Mr. West stated it is by law, that drivers can only drive for 16 hours with eight hours off.

Councilman Gilbert stated for the ones Mr. West knows do they feel they can work 10 hours and be off on Saturday would be better than having to work six days a week.

Mr. West responded "yes"; that they would rather do what they were doing, working 8 hours or ten hours on Saturday and still doing two hours. He gave an example of his work day today noting he was in Hixson and had to go to Tiftonia to dump; that from Hixson Pike to the burning pit only takes ten minutes and from Hixson to Tiftonia is about 45 minutes. He stated he did more driving than picking up!

Councilman Gilbert stated he asked the question and was told that would not be done anymore. Mr. West stated they have been doing that for about the last three weeks; that if he were working in Alton Park going to Tiftonia is feasible and a good idea; that if he were in Brainerd It is feasible; but when he has to go all across town to dump that is tax payers money, which the Council says they care about. He stated he did more driving than picking up.

Councilman Gilbert stated the Council cares more about the employees and funds we supply and make sure we spend it wisely; that it is his hope administration and department heads will look at the time they can give overtime to the employees rather than spending so much money toward the \$2 million which will not be directly given to the company but based off the loads unladed. He stated if it is based on that they may hopefully reconsider in giving the employees the 10 hours per day instead of just eight.

STEPHEN WEST (Continued)

Councilman Gilbert stated most companies he knows, especially nurses, have a 12 hour shift and they have to be more on point because they are dealing with patients. He expressed hope administration will look at it again and not make the decision to cut them out during the week.

Mr. West asked that the Council relook at this; that he has been in brush for a long time and thinks back to the way it used to be done; that they would get it up without a problem. He referenced having to call 311 and people putting the signs up when neighborhoods knew when public works would pick up.

Councilman Benson stated he has gotten to know Mr. West during the last 10 years and has grown to respect him for standing up in front of his supervisors and bosses and giving constructive criticism; that he admires him for that as it is healthy for the system. He stated that it was his thought Mr. West was wrong on this; that if he was his own flesh and blood he would tell him he would not want him to work more than six days because he could get fatigued and kill himself or some citizen with some of the heavy equipment he drives; that he cannot push himself that hard as it is counter productive. He stated we need to get the trees and the residue from the tornados cleaned up quickly to get back to work and get the economy moving. He stated he has a son like him (West) who works until he drops but cannot have him (West) dropping out there and cannot have our people working so they are unable to work the next week because they have just broken themselves down. He stated our public works is right on this; that he has agreed with him (West) on a lot of things but does not agree on letting him work to the point of dropping and hurting himself or others.

Councilwoman Berz stated the word is micromanage; that she really believes good people are hired to do a job and then let them do it unless they prove otherwise and not micromanage the good people involved, which includes him (West). She stated he is talking about two different issues in her mind: one is having money outside of Chattanooga that should be spent in Chattanooga and goes a step further to say with our own employees in overtime. She stated the second one has to do with efficiencies; that it is her thought he is saying during this particular time it is more efficient to allow them to cover one whole street and dump at the nearest place as opposed to the 311 calls and there has been a lot of discussion among the Council members about that. She stated this is a special time and it is her thought it is the most cost effective way at this point because people are getting really disgruntled, particularly about seeing trucks on directive pass houses and she is hearing him on that; that is an efficiency issue and a public perception issue and expressed agreement with him on that.

STEPHEN WEST (Continued)

Councilwoman Berz stated what she heard today was that they are getting overtime up to eight hours and he is saying they would like to work perhaps ten, two hours a day four-to-five days a week. She stated effectively if that overtime is up to eight hours on Saturday are they losing overtime; that she would like for him to help her understand and is not challenging him.

Mr. West stated they were working from 7:30 a.m. – 7:30 p.m., twelve hour days and they cut it down to eight hours only on Saturday. He stated they want to get the debris up and why not let the ones who want to work, as he stated last time. He stated there were guys who want to work Saturday and they were told no they could not because they are doing it by seniority. Councilwoman Berz stated that is another issue.

Mr. West stated that is another issue; that they should be able to work it, especially as Mr. Norris indicated, they will get reimbursed anyway and it is not coming out of the city's budget. He stated 12 percent is what the city has to pay; that if the public finds out a million is being paid for this and we have employees why not let them work it. He stated every constituent he has talked to that is all they are saying and he tells them an outside contractor is being hired. He stated the Council members will get a lot of calls when this hits the paper.

Councilwoman Berz stated even if they worked overtime which, they have been doing, there is still a need to bring in other folks because of the fact it is going to take so long to clean up this mess.

Mr. West stated they can get it cleaned up and is positive; that everyone that works down there that call him ask why they are not working. He stated he talked to Mr. Norris when he returned last week and was told they would still work it, but it is still just the one day a week.

Councilwoman Berz asked if the eight hours partially fixes the problem. Mr. West responded "no" and asked why they cannot do 10 hours a day and if they want them to work on Saturday...

Councilwoman Berz stated she is not saying that could not happen, and again asked if the eight hours partially fixes the problem. Mr. West responded "no" that it is not going to fix the problem; that they have had the same damage as the other citizens have had and still have to pay their deductible; that they have had trees fall and they still have to pay what the others pay and again asked why they cannot work the overtime.

STEPHEN WEST (Continued)

Chairman Ladd stated she is not hearing new information and has extracted what they can for this evening. She expressed appreciation to Mr. West noting that he conducts himself in a very professional manner.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, June 14, 2011 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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