

**CITY COUNCIL BUILDING
AUGUST 30, 2011
6:00 P.M.**

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

**PLEDGE OF ALLEGIANCE/
INVOCATION**

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

MINUTE APPROVAL

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

SEWER EASEMENT ABANDONMENT

On motion of Councilman Rico, seconded by Councilman Murphy,
**AN ORDINANCE ABANDONING A PORTION OF A SEWER
EASEMENT FOR THE CONSTRUCTION OF THE NEW RED BANK
MIDDLE SCHOOL, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

CONTRACT

On motion of Councilman Murphy, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING THE CITY COURT JUDGE SHERRY
PATY TO ENTER INTO A CONTRACT WITH SILDETE M.
LOPEZ/D/B/A LATIN AMERICA CONSULTING COMPANY FOR
SPANISH TRANSLATION SERVICES AT A RATE OF \$35.00 PER
DEFENDANT FOR WHICH TRANSLATION IS PROVIDED**
was adopted.

CONTRACT EXTENSION

On motion of Councilman Rico, seconded by Councilman McGary,
**A RESOLUTION AUTHORIZING A ONE-YEAR EXTENSION OF
CONTRACT NO. W-10-009 WITH IMPROVED TECHNOLOGIES, LLC
FOR AN ESTIMATED ANNUAL EXPENDITURE OF TWO MILLION
DOLLARS (\$2,000,000.00)**

was adopted.

CONTRACT C.O.

On motion of Councilwoman Berz, seconded by Councilman Murphy,
**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO
CONTRACT NO. 10-010-401 WITH CONSOLIDATED
TECHNOLOGIES FOR CONSTRUCTION ENGINEERING INSPECTION
(CEI) SERVICES AT OLD LEE HIGHWAY AT APISON PIKE
SANITARY SEWER RELOCATION AND FORCE MAIN PROJECT, FOR
AN INCREASED AMOUNT OF TWELVE THOUSAND FOUR
HUNDRED TWENTY-FIVE DOLLARS (\$12,425.00), FOR A REVISED
CONTRACT AMOUNT NOT TO EXCEED NINETY TWO THOUSAND
FOUR HUNDRED TWENTY-FIVE DOLLARS (\$92,425.00)**

was adopted.

Councilman Benson noted that this was in District 4, rather than District 6, as indicated on the agenda.

TEMP. R.O.W. USE

Councilwoman Scott suggested that this be held 30 days because an out-of-state organization owns the building.

Councilman Murphy was in favor of an even longer deferral until the Urban Design guidelines were in place, noting that ice cream season is almost over anyway, and he did not think that this would hurt.

Councilman McGary stated that his reason for deferral was not because of design; that signs already exists, and we need to talk to the owners—that this is his immediate concern; that we need to be sensitive to the area, and we can rescind this; that he did not think there was a need for another sign.

TEMP. R.O.W. USE (CONT'D)

On motion of Councilman McGary, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ICE CREAM SHOW TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 105 WALNUT STREET FOR THE INSTALLATION OF A SIGN ALONG A PORTION OF THE RIGHT-OF-WAY, AS SHOWN ON THE MAPS AND DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was deferred for 30 days.

TEMP. R.O.W. USE

On motion of Councilman Rico, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING JOHN DUCKETT TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ALONG KERR STREET (ALLEY) AS IT INTERSECTS WITH EAST 18TH STREET REGARDING CONTINUATION OF THE EXISTING CURB AND GUTTER, SIDEWALK, PLACEMENT OF TRASH RECEPTACLES, AND INSTALLATION OF AN EVERGREEN VEGETATIVE SCREEN, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

TEMP. R.O.W. USE

On motion of Councilman McGary, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING VAUDEVILLE MURDER MYSTERY CAFÉ TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 138 MARKET STREET FOR THE INSTALLATION OF A SIGN ALONG A PORTION OF THE RIGHT-OF-WAY, AS SHOWN ON THE MAP AND PHOTOS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

ONE-TIME AGREEMENTS

Councilman McGary asked if there was anyone in the audience who wished to speak to this issue concerning Dogwood Manor? There being none, he asked that Daisy Madison come to the podium. He stated that he had a concern with this—that he had no problem with it being sold but wanted to know if the landlord and new owner were to provide services? He wanted to know how it would be managed and would it still be any of the City’s concern?

Ms. Madison responded that it would still be our concern, and we would have the same vested interest to keep people there—that lower income residents would still be there; however HUD would maintain this according to their standards.

Councilman McGary wanted to know what recourse citizens would have—would it be to the property owner or with the manager? Mr. Johnson responded that it would be the manager.

Councilman McGary also wanted to know if the \$80,000 commission was guaranteed? He was told by Ms. Madison that this is the maximum.

Councilwoman Scott stated that she knew we had to meet some Federal guidelines; that one of the things that was a benefit was not having an extra layer of bureaucracy; that people would be talking to those who own the building and control what happens; that people always want to know who they need to talk to; that HUD has a lot of regulations to be followed, and people have to go to the Federal government with complaints; that there would be less of a problem with going to the owner directly; that this would be taking away an extra layer, and people could go directly to the owner.

On motion of Councilman Rico, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO ONE-TIME SHOWING AGREEMENTS WITH COMMERCIAL REAL ESTATE BROKERS WHO HAVE CLIENTS THAT OWN OR OPERATE HUD PROPERTIES REGARDING THE SALE OF DOGWOOD MANOR WHEREIN THE COMMISSION WILL BE NEGOTIATED UP TO AN AMOUNT NOT TO EXCEED EIGHTY THOUSAND DOLLARS (\$80,000.00)

was adopted.

**FIRE HALL PROPERTY
ACQUISITION**

On motion of Councilwoman Scott, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING THE ACQUISITION OF VACANT
PROPERTY LOCATED AT 449 VALLEYBROOK ROAD FOR A NEW
FIRE HALL FOR A PURCHASE PRICE OF SIXTY-FIVE THOUSAND
NINE HUNDRED DOLLARS (\$65,900.00), AS MORE PARTICULARLY
DESCRIBED BELOW**
was deferred for two weeks.

AGREEMENT

On motion of Councilman Murphy, seconded by Councilman Gilbert,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN
AGREEMENT WITH THOMPSON ENGINEERING, FOR
PROFESSIONAL SERVICES, RELATIVE TO CONTRACT NO. C-11-
002-101, CITY WIDE SERVICES TOOL SUPPLY BUILDING, DESIGN
OF REPLACEMENT ROOFING SYSTEMS, IN AN AMOUNT NOT TO
EXCEED TWENTY-TWO THOUSAND NINE HUNDRED FORTY-FIVE
DOLLARS (\$22,945.00)**
was adopted.

Councilwoman Scott wanted to know if this was a heated building with tools?
Mr. Norris responded that it was heated as there were employees there also.

**PARTIAL PAYMENT/
OFFICE OF SUSTAINABILITY**

On motion of Councilwoman Robinson, seconded by Councilwoman Berz,
**A RESOLUTION AUTHORIZING APPROVAL FOR THE DIRECTOR
OF THE OFFICE OF SUSTAINABILITY TO MAKE A PARTIAL
PAYMENT OF TWENTY THOUSAND DOLLARS (\$20,000.00) TO
ICLEI LOCAL GOVERNMENTS FOR SUSTAINABILITY FOR THE
STAR BETA COMMUNITY FEE FOR THE 2011-2012 FISCAL YEAR,
FOR THE TOTAL STAR FEE IN THE AMOUNT OF TWENTY-FIVE
THOUSAND DOLLARS (\$25,000.00), WITH THE BALANCE OF FIVE
THOUSAND DOLLARS (\$5,000.00) DUE BY YEAR END**
was approved with Councilman McGary voting "no".

OVERTIME

Overtime for the week ending August 23, 2011, totaled \$62,015.04.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA BENEFITS DEPT.:

- **RANDY GLAZE**—Hire as Safety Program Coordinator, Range 21, \$56,000 annually, effective 8/19/11.

FINANCE DEPARTMENT:

- **CHRISTY CREEL**—Promotion to Budget Analyst 2, Range 21, \$50,000 annually, effective 8/26/11.
- **FANG LIU**—Promotion to Accountant 2, Range 21, \$50,000 annually, effective 8/26/11.

CHATTANOOGA POLICE DEPT.:

- **JENNIFER ROBERTS**—Re-Hire as Police Records Tech., Range 5, \$23,046, effective 8/26/11.
- **SERENE SIENER**—Transfer to Personnel Assistant, Range 8, \$26,521 annually, effective 8/26/11.
- **CHANDRA MCFARLAND**—Promotion to Adm. Support Ass't 2, Range 7, \$33,389 annually, effective 8/26/11.
- **SHEILA JETTON**—Return to duty from Leave of Absence for Police Officer, effective 9/2/11.

PERSONNEL (CONT'D)

PUBLIC WORK DEPARTMENT:

- **TAWANNA CLARK**—Resignation of Electrician 2, effective 8/22/11.
- **KEITH CURTIS**—Resignation of Manager Storm Water, effective 8/29/11.
- **LEONARD OFFICER**—Retirement of Crew Worker 1, effective 8/31/11.

HOTEL PERMIT

On motion of Councilman McGary, seconded by Councilwoman Berz, the following Hotel Permit was approved:

DELTA QUEEN STEAMBOAT CO. 100 River St.,Chatt., TN

SOFTBALL GAME

Councilman Murphy urged Capt. Neblette and the Police Dept. to not be too modest. Chief Dodd related that the score of the game between the Police Dept. and Fire Dept. was 16-3 in favor of the Police Dept. Chief Parker responded by saying that they would see them in December. He also noted that this game raised money for United Way and that Councilman Murphy was there (sitting on the wrong side, at first!) Chairman Ladd stated that she appreciated what both departments do every day and for making this event possible to raise money for United Way. She congratulated both teams.

REFUNDS

On motion of Councilman McGary, seconded by Councilman Gilbert, the City Finance Officer was authorized to make the following Property Tax Refunds:

HOME DEPOT USA, INC.	\$5,355.65
GUNBARREL PLACE, LLC	\$11,569.49

REFUNDS (CONT'D)

MALON D. MIMMS	\$3,789.86
MIMMS INVESTMENTS	\$17,706.17

PURCHASES

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

PUBLIC WORKS DEPARTMENT:

HOWELL SPECIALITY (Lowest Bid Per Specs)
Requisition R47060

Blanket Contract for Traffic Detector Loop Installation Services

\$13,000 annually

CHATTANOOGA BUSINESS MACHINES (Lowest Bid Meeting Specs)
Requisition R41743

Lease of Two Multifunction Digital Copiers

\$13,000 annually

CIVIC ENGINEERING & INFORMATION TECHNOLOGIES, INC. (Lowest & best bid)
Requisition \$45069

Blanket Contract for Computerized Maintenance Management System

\$65,000 annually

PURCHASES (CONT'D)

WD SCOTT COMPANY (Lowest Bid Per Specs)
Requisition R46514

Blanket Contract for Tree Planting Services

\$20,000 annually

NORTRAX, INC. (Lowest and best bid meeting specs)
Requisition R42733/301114

One Landfill Compactor

\$501,000

PARKS AND RECREATION DEPT.:

ULTRA PLAY SYSTEMS (Lowest bid meeting specs)
Requisition R46716

Bicycle Parking Racks

\$11,217.00

CHATTANOOGA FIRE DEPT.:

KLEEN A MATIC (Best bid meeting specs)
Requisition R46739/301299

Blanket Contract for Weekly Laundry Service

\$324.00 weekly

GENERAL SERVICES DEPT.:

FWL ENTERPRISE (Lowest and best bid meeting specs)
Requisition R45082/301337

Blanket Contract for Citywide Minor Electrical Services

\$500,000 annually

PURCHASES (CONT'D)

TRIAD ELECTRIC (Lowest and best bid meeting specs)

Requisition R45078/301335

Blanket Contract for Citywide Major Electrical Services

\$1,000,000.00 annually

AVIAT NETWORKS (Single Source Purchase)

Requisition R48172

Microwave Radio Maintenance & Support

\$16,100 annually

BOARD APPOINTMENT

On motion of Councilwoman Berz, seconded by Councilman Rico, the following Board Appointment was approved:

MEMORIAL AUDITORIUM & TIVOLI ADVISORY BOARD:

- Appointment of **MARV MARTIN** for a three year term, expiring **August 30, 2014**.

CITY ATTORNEY

Attorney McMahan had two issues to report. First, he noted that on July 12th, the Council passed an Ordinance to de-annex a certain portion of Elder Mountain. A Petition has been filed objecting to this de-annexation. This will go to referendum in August and those people who are qualified to vote will decide whether or not they want to be de-annexed. This portion of Elder Mountain will remain in the City until the referendum. He stated that he thought it would be less than a dozen people.

Councilwoman Scott asked if State Law specified that it would be just those involved? Attorney McMahan stated that it would be those in the affected area that are qualified to vote. She asked if this would be an actual ballot with other elections? Attorney McMahan responded “yes”—it would be a specially printed ballot for this precinct to vote.

CITY ATTORNEY (CONT'D)

Attorney McMahan's second issue was a recommendation by Attorney Freiberg to go to mediation in the case of Collier versus the City of Chattanooga. There are three defendants wherein a diseased tree caused serious injury. **On motion of Councilman Benson, seconded by Councilman Rico, the City Attorney was authorized to proceed with mediation.**

Councilwoman Scott stated that she was on the other side of this argument; that EPA and every other environmental organization is telling us to plant and preserve trees, and we are caught in the middle; that in trying to preserve trees, we looked at normal trees, and it is impossible to predict when one will fall, which puts us in a "Catch 22" situation.

Attorney McMahan responded that the City has an Arborist and can give notice if we know, or should know, if a tree is diseased and should be cut down; that it is not the City's responsibility if we don't know. He stated that this was a contested area, and they wished to settle.

Councilman Gilbert stated that he agreed with Councilwoman Scott. **It was so noted that Councilwoman Scott and Councilman Gilbert voted against the mediation.**

BEER SUB-COMMITTEE

Councilwoman Scott announced to the Council that if they were not doing anything tomorrow morning that they were invited to come to the Sub-Committee to review the Beer Code—that it would not be exciting. Councilman Rico, jokingly asked if beer would be served? The answer "no", of course.

COMMITTEES

Councilman Gilbert announced that there would be a meeting of the **Parks and Recreation Committee on Tuesday, September 13th to immediately follow the Legal and Legislative Committee** concerning the Chattanooga Bike Share Program and the Comprehensive Planning Process.

Councilwoman Murphy confirmed that there would be a **Legal and Legislative Committee meeting next Tuesday, September 6th to immediately follow the Public Works' Committee. The following week, Tuesday, September 13th,**

COMMITTEES (CONT'D)

there will also be a Legal and Legislative Committee to immediately follow the Agenda Session. He stated that there were concerns about the State Photo Requirements for voting and that he had talked to Councilman Benson, who had spoken with State representatives, and they are willing to come talk to us. He stated that a letter of invitation will be sent to local delegates, and they are to speak to us in two weeks.

Councilman Rico reminded everyone of the **Public Works Committee that will meet next Tuesday, September 6th, immediately following the Agenda Session.**

Councilwoman Robinson stated that as Chairman of the **Housing and Neighborhood Services Committee** that she was invited to attend a meeting relating to Community Development and Neighborhood Services that was organized by Beverly Johnson, along with HUD. The Knoxville Field Officer was present. She stated that this meeting affected what Councilman McGary and Councilwoman Scott were talking about in regards to Dogwood Manor and its association with HUD. She stated that it was an honor to meet with Mr. Ellis from Knoxville and his staff. She reiterated that this meeting was organized by Beverly Johnson and representatives were present from the Community Kitchen, CNE, Front Porch Alliance, and the World Changers. She stated that it was a good meeting, and she left there happy to have met the Regional Director; that it was a very nice time.

UNITED WAY

Chief Parker invited everyone to the United Way Kick Off on Wednesday, August 31st from 11:00 a.m. to 1:00 p.m. He stated that there would be a cakewalk and entertainment outside, and he would like to see everyone from 11:00 a.m. to 1:00 p.m.

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.

ANTONIO BOSTON

Mr. Boston of North Chamberlain Ave. addressed the Council, stating that there was a big problem in Chattanooga—that it was a problem with local government; that he had been in Security for ten years and had opened up his own business; however we had people impersonating Security Officers and people were getting hurt as a result; that the Council needed to look at this situation. He noted that there were also impersonators of local Bail Bondsmen. Mr. Boston stated that he was licensed by the State and was State Certified and was going to leave information with the Council concerning Security Officers. He stated that he did private property and not the streets of Chattanooga and would be glad to leave this information for the Council and would do anything to help them; that they could get with him because this is a big problem.

Councilman Benson stated that he was glad that Mr. Boston had brought this problem to the Council; that he had had complaints about a restaurant that just hands out t-shirts with Security written on them; that they just hire people off the street with no techniques, and there is abuse by Security Officers. He stated that we needed some form of creditability for security—that just a t-shirt that says Security is not enough and does more damage than good. He suggested coming to the Beer Board to have accreditation for a Security Officer; that we needed quality control over security. He asked Capt. Neblette to speak to this.

Captain Neblette stated that we have different events downtown after hours with standard accreditation type of security that requires (x) amount of security for (x) amount of people. He stated that he did not see a downside to accreditation, noting that there was a difference between a security person and a bouncer.

Councilwoman Scott mentioned an authorized security organization in town called J. Hall Security, wanting to know if they were certified the same way as Mr. Boston? Mr. Boston responded that his certification was “higher”, noting that he did not do clubs but churches and private and professional gatherings—that it was a different type of security. She asked if the State training was different and he responded “yes”. He reiterated that this is a real big problem.

Councilwoman Berz stated that she thought the law was that certain establishments do have to have certified security officers; that we already have that requirement concerning certification. She asked Mr. Boston if he was saying that local people are not following the law? She noted that the Task Force of the Beer Board was working on this—that the requirement is certified

ANTONION BOSTON (CONT'D)

security officers—that she thought Mr. Boston was right; that they would look at the thing about security just being written on t-shirts—that this would be a violation of a Food and Drink Establishment to just “okay” people.

Councilman Gilbert stated that he agreed with his colleagues; that there is a need for certified security; that just anyone does not know how to handle certain people, and it can cause damage; that there is a definite need to have some way of dealing with this.

Councilman McGary stated that he would certainly be present when the Sub-Committee of the Beer Code meets tomorrow morning—that it is one thing to pass legislation and another thing to enforce it. He asked if this would put an extra burden on police officers?

Captain Neblett stated that he did not think “burden” was the right word; that it would add another task, but it was not a burden if it would head off future problems; that they would need to see what the legislation looks like and what the requirements are. He mentioned Beer cards to serve beer and also requirements for security officers—that it just takes a few minutes to check beer cards; that this would all depend on the legislation.

Councilman McGary asked if anyone from the Police Department would be at tomorrow’s meeting. Councilwoman Scott stated that Sgt. Haskins would be present and also Chief Dodd.

Chairman Ladd stated that this was an interesting topic and thanked Mr. Boston for bringing it to the Council’s attention, stating that we would get some “legs” on it.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga City Council until Tuesday, September 6, 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)**