

**Council Building
Chattanooga, Tennessee
March 26, 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 Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman McGary gave the invocation for the evening.

PRESENTATION OF CHATTANOOGA FLAG

Chairman Ladd invited everyone's attention to the placement of the new Chattanooga Flag to the left of the dais.

MINUTE APPROVAL

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

AMEND CITY CODE

On motion of councilman McGary, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, CHAPTER
20, SECTION 20-145, RELATIVE TO MOBILE FOOD UNITS**
passed second and find reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilman McGary, seconded by Councilman Rico,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, CHAPTER 38, ZONING ORDINANCE, SECTION 38-2, DEFINITIONS, RELATIVE TO MOBILE FOOD UNITS
passed second and find reading and was signed in open meeting.

AMEND CITY CODE

On motion Councilman Rico, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 35, SECTION 35-17(b), RELATIVE TO THE TRANSPORTATION BOARD ADVISORY COMMITTEE
passed second and find reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, ARTICLE XIV, CHAPTER 24, SECTION 504, SCHEDULE IV, ONE-WAY STREETS
passed second and find reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 14, SECTION 14-84, RELATIVE TO THE BOARD OF ELECTRICAL EXAMINERS
passed first reading.

AMEND CITY CODE

On motion of Councilwoman Robinson, seconded by Councilman Rico,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 26, SECTIONS 26-22, 26-23, 26-24, 26-25, 26-26, 26-27, 26-28, 26-29, 26-30, 26-31, 26-32, 26-33 AND 26-34, ESTABLISHING THE EVENT FEES FOR USAGE OF VARIOUS CHATTANOOGA PARKS AND RECREATION FACILITIES
passed first reading.

AMEND BUDGET ORDINANCE

Councilwoman Scott explained that this amendment has to do with sewer charges and corrects a typographical error in cost.

On motion of Councilwoman Berz, seconded by Councilman Rico,

AN ORDINANCE TO AMEND ORDINANCE NO. 12622, ENTITLED "AN ORDINANCE, HEREINAFTER ALSO KNOWN AS 'THE FISCAL YEAR 2012-2013 BUDGET ORDINANCE', TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, AND ENDING JUNE 30, 2013; APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES; AND TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 2, SECTION 2-267, RELATIVE TO PAID LEAVE FOR ACTIVE-DUTY TRAINING AND TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, SECTIONS 31-36, 31-37, 31-41 AND 31-43," TO AMEND SECTION 23 PERTAINING TO SEWER SERVICE CHARGES

passed first reading.

LEASE AGREEMENT

On motion of Councilwoman Berz, seconded by Councilman Gilbert,

A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO A LEASE AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED, WITH THE OSBORNE BUILDING CORPORATION FOR OFFICE SPACE IN THE 5900 BUILDING, SUITE 1500, 5705 MARLIN ROAD, TO LEASE APPROXIMATELY NINE THOUSAND EIGHTY-FOUR (9,084) SQUARE FEET FOR THE PUBLIC LIBRARY

was adopted; Councilwoman Scott voted "no".

SOLICIT/ACCEPT DONATIONS

Councilwoman Scott stated she would vote against this again simply because it is her thought it is inappropriate for the city of Chattanooga to solicit funds for a project from individuals that it also solicits bids from; that there is a conflict of interest there.

SOLICIT/ACCEPT DONATIONS (Continued)

On motion of Councilwoman Robinson, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO SOLICIT AND ACCEPT DONATIONS FROM BUSINESSES AND OTHER ORGANIZATIONS IN SUPPORT OF THE PUBLIC WORKS WEEK CELEBRATION
was adopted; Councilwoman Scott voted "no".

AGREEMENT

On motion of Councilman Gilbert, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO A USE AGREEMENT WITH THE CITY OF COLLEGEDALE FOR USE OF THE SUMMIT OF SOFTBALL FACILITY, FOR THE PERIOD OF APRIL 2013 THROUGH SEPTEMBER 2013
was adopted.

AGREEMENT

On motion of Councilman Benson, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE COMMUNITY FOUNDATION TO ESTABLISH AN ACCOUNT FOR RECEIPT OF DONATIONS FROM INTERESTED PARTIES TO SUPPORT AND MAINTAIN PUBLIC ART
was adopted.

OVERTIME

Overtime for the week ending March 21, 2013 totaled \$23,993.84.

PERSONNEL

The following personnel matters were reported for the various departments:

CITY ATTORNEY'S OFFICE:

- **PATRICK BOBO** – Resignation, Staff Attorney, effective March 15, 2013.

PERSONNEL (Continued)

REGIONAL PLANNING AGENCY:

- **JOSHUA SMITH** – Hire, Administrative Support Assistant 2, Range 7, \$27,536.00 annually, effective March 8, 2013.

CHATTANOOGA POLICE DEPARTMENT:

- **HARRY HORTON** – Return to Duty from Military Leave, Police Officer 1, effective March 18, 2013.

CHATTANOOGA FIRE DEPARTMENT:

- **GARY SPANGLER** – Family Medical Leave, Building Maintenance Mechanic 2, effective March 11-April 1, 2013.

DONATIONS

Admin. Swafford duly reported donations from the Electric Power Board through United Way for Social Services to assist clients with utilities assistance in the amount of \$4,125.35; a \$100 donation from Larry and Catherine Cox for books for Head Start children; the donation of \$300 from Little Miss Mag Center for the Foster Grandparent program for transportation; a non-monetary donation from United Way for Exercise Curriculum DVD's and books for classroom and door prizes estimated at \$1,600; and a donation from Good Deeds 360 in the amount of \$205.67 for miscellaneous household items for the Foster Grandparent program for a grand total of \$6,331.02.

LIQUOR LICENSE

Admin. Madison reported the request for liquor license for Richard E. Cummings and Gavin Thomas for a location at 1515 Long Street in Councilman McGary's district. She distributed the document for five signatures from Council members.

LIQUOR LICENSE (Continued)

Councilman McGary stated the location is the new Enzo's Market noting there will be a wine shop immediately adjacent much as Green Life has its own shop adjacent to its store; that this will be located inside the Enzo's Market which should be opening three-to-four weeks from now.

PURCHASES

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

PUBLIC WORKS DEPARTMENT:

SOUTHEASTERN MATERIALS (Only bid)
R71570

Blanket Contract for Asphaltic Concrete

\$330,000.00 – Annual estimation

CHATTANOOGA FIRE DEPARTMENT:

MURMAID MATTRESS (Best bid)
R72813/302554

Purchase of Mattresses and Box Springs

\$13,568.00

CATALYST TECHNOLOGIES (Lowest complete bid)
R73083 & 473571/302551

Purchase of Panasonic Toughbooks and Accessories

\$17,101.00

PURCHASES (Continued)

GENERAL SERVICES:

TENNESSEE DEPARTMENT OF SAFETY

Declare Surplus – Surplus Radios and Microwave Dishes

BOARD APPOINTMENT

On motion of Councilman Rico, seconded by Councilwoman Robinson, the following Board appointment was approved:

STORMWATER REGULATIONS BOARD:

- Appointment of **ANNA M. MASSEY** to fill the unexpired term of Joe Moegling due to his death for a term expiring March 30, 2014.

CITY'S BOND RATING

Councilman Benson asked for a summary of the City's fiscal condition as there has been a rumor we are in great debt and it is quite the contrary. He stated a report was given earlier today indicating we have an AA+ rating. He requested a summary of where we are now in comparison to where we were three years ago; that in 2001 we had a bad problem.

Mr. Johnson stated the city has always been in great shape and has reached one of its highest reserve funds.

Admin. Madison stated the fiscal condition of the city as of June 30, 2012 is very good with a benchmark of 20% for reserves, 20% of operating revenues; that we are on that benchmark at \$45 million dollars after having been as low as 14% during the recessionary period in 2008 and 2009. She stated the Council's position on impacting the tax to generate additional revenues has afforded us the opportunity to pay our bills, continue to operate and build up a reserve back to a very healthy level and the rating agencies recognize that and during that same period and based on those actions and other things they have increased our bond rating a notch from AA to AA+.

CITY'S BOND RATING (Continued)

Chairman Ladd stated Mrs. Madison will always give credit of her staff; that we have wonderful leadership in what Mrs. Madison does and (she) is brilliant at her job! She stated it is her thought with Mrs. Madison and the Chief of Staff the numbers speak for themselves.

Councilwoman Scott thanked all of those individuals that sent in the increase in taxes that helped us get there; that without them this would not be possible.

Councilman Benson added without the consumer index improving and the economy in Chattanooga, the growth of the industry, the sales tax increasing – that keeps us from having to raise taxes. He stated if we can continue to attract all the industry and economic development we have, plus the visitors coming in, we had to raise taxes once in the eleven years; that we had to raise them another time during Corker's first year – two increases in twelve years. He stated what keeps those increases from being necessary is an improved economy, where as the national economy has not been good we are "on the move" in Chattanooga!

CERTIFICATION OF ELECTION RESULTS

City Attorney McMahan stated we received the certification form the Hamilton County Election Commission on the results of the election on March 5; that the certification is dated March 13 and gave it to the Clerk to include in the minute material. He stated all are aware of a pending lawsuit between one of the races between Mr. Hakeem and Mr. Murphy; that the final results will not be known but all the other races have been decided. *(Document filed with minute material of this date.)*

PAYMENT AUTHORIZATION

On another matter City Attorney McMahan asked to pay to the Woodard Company the sum of \$113,658.05 for four different parcels that were involved in the Old Lee High-Apison Pike Sanitary Sewer Relocation and Force Main project. He stated the total amount is what our appraiser said is a fair market value for these properties and the land owner agreed to accept our appraisal. He stated from our perspective this is a very excellent result and requested approval to pay that amount.

On motion of Councilwoman Robinson, seconded by Councilman Murphy the City Attorney was so authorized.

COMMITTEES

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, April 2** immediately following the Agenda Session.

Councilwoman Berz stated there has been a change in schedule in the **Budget and Finance Committee** educational sessions as there was an incorrect date for the runoff on the original schedule; that out of respect for the runoff on April 9 there will not be budget hearings that day. She stated next week **on April 2 at 1:00 p.m.** which was originally listed as the runoff date, final hearings will be held on departments which involves Public Works and various sub-entities which will include discussion of needs including sidewalks, roadways and all the things the Council has been talking about; that everything will be devoted to that presentation.

NEXT WEEK'S AGENDA: APRIL 2, 2013

Chairman Ladd inquired as to whether there were questions regarding next week's agenda; being none the meeting continued.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, April 2, 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)**