

City Council Building
Chattanooga, Tennessee
May 8, 2012
6:00 p.m.

Vice Chairman Murphy called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, Ladd, McGary, 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

Councilwoman Robinson led the audience in the Pledge of Allegiance.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: "PUBLIC WORKS WEEK"

Mayor Littlefield stated each year he looks forward to proclaiming a special week for the Department of Public Works and recognize those who help keep our city clean, operational and those who have been on the Council for quite some time know how often Public Works comes up in the discussion of how Chattanooga maintains itself as a safe and livable city. At this point the read the Proclamation:

Proclamation

Whereas: Services provided by public works are an integral part of our citizens' everyday lives; and

Whereas: The support of an informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collection; and

SPECIAL PRESENTATION: "PUBLIC WORKS WEEK"
(Continued)

Whereas: The health, safety, and comfort of this community depend greatly on the infrastructure and services maintained by public works employees; and

Whereas: The quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of public works employees; and

Whereas: The efficiency of the qualified and dedicated personnel of the public works departments are materially influenced by their attitude and understanding of the importance of the services they provide

Now Therefore,

I, Ron Littlefield, Mayor of Chattanooga Tennessee do hereby designate the week May 20-26, 2012, as

National Public Works Week

Further, I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions the public works employees make every day to our health, safety, comfort, and quality of life.

In Witness Whereof,

I have hereunto set my hand this the
20th day of May, 2012.

Ron Littlefield, Mayor

Mayor Littlefield stated everyone knows he has a "soft spot in his heart" for Public Works and knows they do great work!

Admin. Leach asked Public Works representatives to stand at this time and noted the group represents a few of the 600-or-so-people who work hard 24/7, 366 days a year. He expressed appreciation for their dedication and hard work; that they make his job easier because they make good decisions both in the office and out in the field.

SPECIAL PRESENTATION: "PUBLIC WORKS WEEK"
(Continued)

Admin. Leach stated they occasionally have issues like tornadoes and such and they are always out there trying to help other departments, as well as helping the citizens.

Admin. Leach stated there are a couple events coming up and noted on Sunday, May 20 the "Touch a Truck" event will take place at Coolidge Park; that there will be a Community Outreach Day at Miller Plaza on Wednesday, May 23 and a public works employee luncheon on Friday, May 25 at the First Tennessee Pavilion that the Council is invited to attend. He again expressed thanks to the Council for their support of Public Works and looks forward to see them at the events.

Vice Chairman Murphy expressed thanks to Admin. Leach and Public Works for all they do!

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 24, SECTION 24-171, DRIVERS TO EXERCISE DUE CARE**
passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2012-030: Memorial Health Care System

On motion of Councilman McGary, seconded by Councilman Rico,
**AN ORDINANCE CLOSING AND ABANDONING SEVERAL SEWER
EASEMENTS LOCATED WITHIN PROPERTIES LOCATED AT 950 NORTH
CHAMBERLAIN AVENUE AND 1005 GLENWOOD DRIVE, MORE
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting;
Councilwoman Scott abstained.

AMEND ZONING ORDINANCE

On motion of Councilman Rico, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, CHAPTER 38, ZONING ORDINANCE, SECTION 38-2 DEFINITIONS: SECTION 38-201 UGC URBAN GENERAL COMMERCIAL ZONE; AND SECTION 38-222 C-3 CENTRAL BUSINESS ZONE TO ALLOW MOBILE FOOD UNITS AS A PRINCIPAL PERMITTED USE
passed first reading.

REZONING

2011-117: Scenic Land Company, LLC/Duane Horton

Pursuant to notice of public hearing, the request of Scenic Land Company, LLC/Duane Horton to rezone property located in the 100 block of Dodson Road and the 6300 block of Highway 153 came on to be heard.

The applicant was present; considerable opposition was in attendance.

Vice Chairman Murphy stated it is his understanding from media reports there is the intent to withdraw.

The applicant made the request to withdraw the matter at the request of the property owners.

Councilwoman Robinson stated there are a lot of people present who are in opposition and asked that they stand at this time; several in attendance stood.

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 PROPERTY LOCATED IN THE 100 BLOCK OF DODSON ROAD AND THE 6300 BLOCK OF HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE AND R-3 RESIDENTIAL ZONE
was withdrawn at the request of the property owners.

REZONING

2012-042: Jay M. Simpson

Pursuant to notice of public hearing the request of Jay M. Simpson to rezone property located at 5461 Hixson Pike came on to be heard.

The owner of the property was present; there was no opposition.

David Downer stated his family owns the property at 5461 Hixson Pike; that the applicant was Jay Simpson. He requested that the rezoning be continued to be rezoned from O-1 to C-2 in order to make the property more desirable to sell.

Vice Chairman Murphy inquired as to the applicant and Mr. Downer's relation to the property. Mr. Downer stated he and his mother own the property.

Councilman Benson stated he did not remember this coming before Planning and asked if Mr. Downer has a site plan.

Greg Haynes, Director of Development with the Regional Planning Agency (RPA), stated Mr. Simpson was the original applicant and the case was before Planning with a request for C-2 to permit a classic auto restoration business. He stated there was one condition recommended by Planning and between the Planning Commission meeting and tonight the applicant requested withdrawal and after that the owner of the property contacted the RPA office and expressed a desire for the matter to be heard rather than withdrawn and that is what we are looking at now; that the owner wants the case to be heard.

Councilman Benson expressed that he remembers the matter, now, but does not remember the Planning Commission giving approval because they have had a lot of classic autos come before them and end up as junk yards. He stated it is hard to define classic autos and did not think they ever got it defined.

Mr. Haynes stated the Planning Commission recommended approval of the request subject to one condition that the *“rear access on Old Hixson Pike be approved by the City Traffic Engineer”*. He stated Mr. Benson made a request of the applicant at the time that he give a definition before the Council heard the matter as to what a classic auto dealership/restoration business was so that a condition could be placed on the use.

Councilwoman Ladd stated this request is located in her district and (she) is very familiar with the property; that there is little else the owner can do with the property as it is no longer conducive for residential.

REZONING (Continued)

Councilwoman Ladd stated it is bordered by a Raceway convenience market and gas station on one side and on the other side is a residential structure that has been turned into an insurance office. She stated the property is totally surrounded by commercial and there is no residential property near it and no one could ever use it for residential property; that it would make perfect sense to allow it to become commercial and he could market it accordingly and something could go in there that falls within the zoning ordinance. She stated she highly recommends this and has not had any opposition to this nor has she heard from any of the citizens in the area. She reiterated that she highly recommends approval.

Councilwoman Scott asked if it is being said the R-2 property on the right side has gone to an office and is not R-2.

Councilwoman Ladd stated it appears it would be but she does not believe it is residential and is pretty sure it is being used as an insurance office; that the applicant may know for sure but (she) does not think there is residential property next to him at all.

Councilwoman Scott stated C-2 may be the best use of the property; that one of the concerns she has is typically when we change something to a C-2 there are some conditions and we do not know what the plan is for this. She asked if the property owner has a particular plan.

Mr. Downer stated the current plan is no change to the property whatsoever and would continue to be used as a single family residence until someone comes along and makes a purchase of the property; that they could then make the changes they want at that time.

Councilwoman Scott asked if the zoning would allow a liquor store and inquired as to what other kinds of things.

Mr. Haynes stated the reason Staff and Planning recommended approval as Councilwoman Ladd mentioned is because there is no opposition; that the Hixson Land Use Plan does support commercial use for this area, not only this property but the one next to it that is still R-2. He stated this would be an extension of an existing C-2 zone which is next door, the Raceway. He stated a liquor store is not permitted by right in a C-2 and would have to come as a special permit which would come through the same process.

REZONING (Continued)

Mr. Haynes stated the recommendation from Staff and Planning did have one condition which was for the “*rear access onto Old Hixson Pike be approved by the City Traffic Engineer*”. He stated the main reason for this was at first there was a condition to not permit that, but before it came to Planning the applicant met with the City Engineer and worked out an access agreement that it be “*exit only*” and not entrance only. He stated considering that condition would be a safeguard on the rear access to Old Hixson Pike.

Vice Chairman Murphy stated that was the intention of the motion and second and the City Attorney is making notes; that if it was not clear it will be by second reading.

City Attorney McMahan clarified that the ordinance is written that way.

On motion of Councilman Rico, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 5461 HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
passed first reading; **Councilman Benson voted “no”.**

CLOSE AND ABANDON

MR-2012-017: Tony Coco/Santek Waste Series

On motion of Councilman McGary, seconded by Councilman Rico,
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 3300 BLOCK OF WOOD AVENUE FROM THE CORNER OF WISDOM STREET GOING IN A NORTHWESTERLY DIRECTION APPROXIMATELY ONE HUNDRED FORTY (140) FEET BY FIFTY (50) FEET WIDE WITH EPB AND CHATTANOOGA GAS TO MAINTAIN THE EASEMENT IN THE FULL WIDTH, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

CODIFY AND REVISE

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
A RESOLUTION REQUEST THAT MUNICIPAL TECHNICAL ADVISORY SERVICE (MTAS) CODIFY AND REVISE THE ORDINANCES OF THE CITY OF CHATTANOOGA AT THE EARLIEST POSSIBLE DATE, FOR AN AMOUNT NOT TO EXCEED TWENTY THOUSAND DOLLARS (\$20,000.00), INCLUDING COSTS FOR ADDITIONAL COPIES
was adopted.

CONTRACT

On motion of Councilman McGary, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO SIGN A CONTRACT WITH TWO RIVERS ROOFING IN THE AMOUNT OF FIFTY-TWO THOUSAND EIGHT HUNDRED EIGHTY DOLLARS (\$52,880.00), WITH A CONTINGENCY OF FIVE THOUSAND DOLLARS (\$5,000.00), IN AN AMOUNT NOT TO EXCEED FIFTY-SEVEN THOUSAND EIGHT HUNDRED EIGHTY DOLLARS (\$57,880.00) FOR INSTALLATION OF AN EIGHT THOUSAND EIGHT HUNDRED (8,800) SQUARE FOOT SECTION OF ROOF AT THE CITY WAREHOUSE LOCATED AT 1815 MAIN STREET
was adopted.

CONTRACT

On motion of Councilwoman Robinson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO SIGN A CONTRACT WITH EASTMAN CONSTRUCTION IN THE AMOUNT OF FORTY-THREE THOUSAND NINE HUNDRED NINETY-NINE DOLLARS (\$43,999.00) FOR INSTALLATION OF WINDOWS AND DOORS AT THE NEW POLICE STATION LOCATED AT 702 EAST 11TH STREET
was adopted; Councilwoman Scott voted "no".

GRANT

On motion of Councilman Rico, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR, AND ACCEPT, A 2012 JUSTICE ASSISTANCE GRANT FOR THE PURCHASE OF RADAR UNITS AND PATROL RIFLE MOUNTS FOR THE CHATTANOOGA POLICE DEPARTMENT IN THE AMOUNT OF ONE HUNDRED FORTY-THREE THOUSAND NINE HUNDRED FOUR DOLLARS (\$143,904.00) WITH FORTY-SIX THOUSAND FIVE HUNDRED EIGHTY-FIVE DOLLARS (\$46,585.00) OF THIS GRANT GOING TO THE HAMILTON COUNTY SHERIFF'S OFFICE
was adopted.

CHANGE ORDER

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR CRANSTON ENGINEERING GROUP, P.C. RELATIVE TO CONTRACT NO. S-10-008, BRAINERD LEVEE FEMA COMPLIANCE DETERMINATION, FOR AN INCREASE OF ONE HUNDRED FIFTEEN THOUSAND NINE HUNDRED FIFTEEN DOLLARS (\$115,915.00), FOR A TOTAL AMOUNT NOT TO EXCEED SIX HUNDRED TWENTY-SEVEN THOUSAND FOUR HUNDRED THIRTY-FIVE DOLLARS (\$627,435.00)
was adopted.

CONTRACT

On motion of Councilwoman Scott, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. W-11-001-201, TO SERVICE ELECTRIC COMPANY, INC. MOCCASIN BEND WASTEWATER TREATMENT PLANT 45-kV POWER CIRCUIT BREAKER REPLACEMENT SUBSTATION CONSTRUCTION, IN THE AMOUNT OF ONE HUNDRED FORTY-NINE THOUSAND NINE HUNDRED SEVENTY-SIX DOLLARS (\$149,976.00), WITH A CONTINGENCY AMOUNT OF FIFTEEN THOUSAND DOLLARS (\$15,000.00), FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED SIXTY-FOUR THOUSAND NINE HUNDRED SEVENTY-SIX DOLLARS (\$164,976.00)
was adopted.

CHANGE RIGHT-OF-WAY NAME

Councilman McGary made the motion to take Resolutions (g) through (m) as one unit; Councilman Rico seconded the motion.

Prior to voting on the motion, Vice Chairman Murphy stated Resolutions (g) – (m) involve street name changes and there are people who take renaming their street very personally. He asked if there is any member of the public wanting to be heard on any street name change before the Council tonight. Being none, the meeting continued.

At this point the vote on the motion by Councilmen McGary and Rico was taken; the motion carried.

CHANGE RIGHT-OF-WAY NAME (Continued)

2012-PW-007: City of Chattanooga c/o Dennis Malone

On motion of Councilman McGary, seconded by Councilman Rico,
A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME FOR THE 2500-2599 BLOCK OF CAMDEN STREET TO THE 2500-2599 BLOCK OF HIWASSEE STREET, TAX MAP NO. 136-M, DUE TO DUPOLICATE 911 ISSUES FOR EMERGENCY RESPONDER REPORTS
was adopted.

NAME UNNAMED ALLEY

2012-PW-008: City of Chattanooga c/o Dennis Malone

On motion of Councilman McGary, seconded by Councilman Rico,
A RESOLUTION TO NAME AN UNNAMED ALLEY NEAR DALLAS ROAD TO THE 800-899 BLOCK OF STELLAR VIEW, TAX MAP NO. 126M, DUE TO THE DEVELOPMENT OF NEW HOMES FOR ADDRESS ASSIGNMENT
was adopted.

CHANGE RIGHT-OF-WAY NAME

2012-PW-009: City of Chattanooga c/o Dennis Malone

On motion of Councilman McGary, seconded by Councilman Rico,
A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME FOR THE 5800-5899 BLOCK OF NORTHWOODS VIEW TO THE 6000-6099 BLOCK OF STARDUST TRAIL, TAX MAP NO. 099D, DUE TO MULTIPLE 911 CALLS IN THE AREA
was adopted.

CHANGE RIGHT-OF-WAY NAME

2012-PW-010: City of Chattanooga c/o Dennis Malone

On motion of Councilman McGary, seconded by Councilman Rico,
A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME FOR THE 1600-1999 BLOCK OF BALDWIN STREET TO THE 1600-1999 BLOCK OF CAPPELLA STREET, TAX MAP NO. 145M, DUE TO MULTIPLE BROKEN STREET SEGMENTS NAMED BALDWIN
was adopted.

CHANGE RIGHT-OF-WAY NAME

2012-PW-011: City of Chattanooga c/o Dennis Malone

On motion of Councilman McGary, seconded by Councilman Rico,
A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME FOR THE 1400-1499 BLOCK OF BALDWIN STREET TO THE 1400-1499 BLOCK OF PASSENGER STREET, DUE TO MULTIPLE BROKEN STREET SEGMENTS NAMED BALDWIN
was adopted.

CHANGE RIGHT-OF-WAY NAME

2012-PW-012: City of Chattanooga c/o Dennis Malone

On motion of Councilman McGary, seconded by Councilman Rico,
A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME FOR THE 3000-3099 BLOCK OF BALDWIN STREET TO THE 3000-3099 BLOCK OF DOUBLEDAY WAY, TAX MAP NO. 155F, DUE TO MULTIPLE BROKEN STREET SEGMENTS NAMED BALDWIN
was adopted.

CHANGE RIGHT-OF-WAY NAME

2012-PW-013: City of Chattanooga c/o Dennis Malone

On motion of Councilman McGary, seconded by Councilman Rico,
A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME FOR THE 700-799 BLOCK OF BALDWIN STREET TO THE 700-799 BLOCK OF CAMPUS DRIVE, TAX MAP NO. 145D AND 146A, DUE TO MULTIPLE BROKEN STREET SEGMENTS NAMED BALDWIN
was adopted.

ACCEPT STATE INDUSTRIAL ACCESS FUNDING

On motion of Councilman Benson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR AND ACCEPT STATE INDUSTRIAL ACCESS (SIA) FUNDING RELATIVE TO THE VOLKSWAGEN DRIVE INTERSECTION IMPROVEMENTS, OPTION 1 AND 2, OF THE TDOT ENTERPRISE SOUTH TRAFFIC IMPROVEMENT STUDY
was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH ALTON PLACE LP 2009, L.P., ALTON PLACE APARTMENTS (APA) FOR AN UPGRADE OF THE ALTON PARK PUMP STATION AND CONSTRUCTION OF SEWER MANHOLE AT 33RD STREET, WITH APA CONTRIBUTING ONE HUNDRED SIXTY THOUSAND DOLLARS (\$160,000.00) IN CASH AND DESIGN SERVICES, CITY'S FUNDS OF TWO HUNDRED FIFTEEN THOUSAND DOLLARS (\$215,000.00) FOR AN ESTIMATED TOTAL COST OF THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$375,000.00)
was adopted.

OVERTIME

Overtime for the week ending May 3, 2012 totaled \$45,242.02.

PERSONNEL

The following personnel matters were reported for the various departments:

EDUCATION, ARTS AND CULTURE:

- **MARKUM STONE** – Hire, Supervisor Civic Facilities Operation, Range 18, \$52,622.00 annually, effective May 4, 2012.

CHATTANOOGA POLICE DEPARTMENT:

- **STANLEY ALLEN** – Retirement, Police Lieutenant, Range P7, \$65,000.00 annually, effective May 7, 2012.
- **LEROY WRIGHT, JR.** – Military Leave (approximately 400 days), Police Officer 1, effective April 26, 2012.

CHATTANOOGA HUMAN SERVICES:

- **FREDERICK WATSON** – Resignation, Dietary Supervisor, Head Start, effective April 19, 2012.

PURCHASES

Dan Johnson stated three purchases were reported this afternoon during Committees but something happened since this afternoon and the third purchase has been pulled.

Councilwoman Scott made the motion to vote on the two purchases separately; Councilwoman Ladd seconded the motion; the motion carried.

On motion of Councilman McGary, seconded by Councilman Rico, the following purchase was approved for use by the Chattanooga Fire Department:

EXCALIBUR (Lowest complete bid)
R56601/301831

Purchase of Brocade Network Equipment

\$49,300.37

On motion of Councilman McGary, seconded by Councilman Rico, the following purchase was approved for use by the Public Works Department; **Councilwoman Scott voted "no":**

VULCAN SIGNS (Lowest bid)
R56482

Blanket Contract for Sign Posts

\$35,000.00 – Annual estimation

BOARD REAPPOINTMENT/APPOINTMENTS

On motion of Councilman Rico, seconded by Councilwoman Ladd, the following Board appointments were approved:

ENTERPRISE CENTER BOARD OF DIRECTORS:

- Reappointment of **RON LOVING** for a three year term expiring on the date of the Corporation's Annual Meeting in 2015.

BOARD REAPPOINTMENT/APPOINTMENTS
(Continued)

CARTER STREET CORPORATION BOARD:

- Appointment OF **JESSICA M. DUMITRU** to fulfill the unexpired four year term of Ann Wilkins, for a term expiring November 28, 2014.

INDUSTRIAL WASTEWATER BOARD:

- Appointment of **MARTY BOURQUIN**, filling the City Code required field of Environmental Engineer, for a four year term expiring May 7, 2016.

CARTA BOARD:

- Appointment of **JADE DODDS** for a five year term expiring May 8, 2017.
- Appointment of **MIKE FEELY** for a five year term expiring May 8, 2017.

BOARD OF GAS EXAMINERS:

- Appointment of **JANA HALL PAPA**, fulfilling the unexpired term of Darrel Blancett, for a term expiring September 9, 2012.
- Appointment of **JOHN A. SMITH**, fulfilling the unexpired term of William Benton, Jr., for a term expiring September 9, 2012.
- Appointment of **MATTHEW J. WILLIAMS, P.E.**, fulfilling the unexpired term of Randall Taylor, for a term expiring May 4, 2014.

BUDGET SESSIONS

Chairman Ladd stated there is a scheduling conflict noting that the budget information was received today and (we) will be starting on budget discussions, as well as a schedule of when we need to approve the budget and have it complete; that we are in a mode to concentrate on budget sessions now to get this work accomplished.

BUDGET SESSIONS (Continued)

Chairman Ladd reminded Council members that we have an employee safety meeting we have had scheduled on the agenda for a while on May 22 in the afternoon from 2 p.m. – 3 p.m., but there is also a time we need to have our budget meetings. She stated she understands it is now being said there will need to be a second meeting on Tuesday, May 29 for discussion on employee safety.

Councilwoman Scott stated we were going to give the Personnel Department their full time on a meeting and then save City Council discussion of that until a second week to allow them the full time as they apparently were cut short last year on employee safety, which is where the second time came from.

Chairman Ladd stated her concern is Councilwoman Berz had asked, as Chair of Budget, for feedback as to when the Council wanted to have budget hearings and her feedback was from 1 p.m. – 3 p.m. on Tuesdays; that if she starts on May 15 from 1 p.m. – 3 p.m. and we have Safety on May 22, she asked if the Council agrees to ask safety to move their second meeting to either a morning time on that Tuesday or maybe a Thursday to allow the Budget Committee to continue each Tuesday from 1 p.m. – 3 p.m. She inquired as to the Council's impression of prioritizing to give Budget the Tuesday meeting on May 29 and finding another day for the second employee safety meeting; that there is a conflict and she needs help in resolving it and we need to keep budget on schedule as she did not know about the need for a second employee safety meeting, noting if she knew she had forgotten, and was surprised today when we had this conflict.

Councilwoman Berz stated she talked to Chairman Ladd about how she wanted to handle the meetings as the Council stated they wanted to meet from 1 p.m. - 3 p.m. on Tuesdays. She stated the Tuesday, May 22 meeting involving employee safety has been scheduled from 2 p.m. - 3 p.m. for Personnel for a while; that she would like for the Council to consider 10 a.m. -12 Noon on Tuesday, May 22 and from then on out 1 p.m. – 3 p.m. for deliberation sessions open to the public so we can meet our deadline.

Vice Chairman Murphy stated 10 a.m. – 12 noon on May 22 for budget deliberations is fine unless someone raises their hand with an objection; there was no objection.

Councilwomen Robinson stated she wanted to make sure this is okay with the Chairman of Personnel, Performance and Audit Review with the two sessions, if they are in the form of deliberations or budget hearings.

BUDGET SESSIONS (Continued)

Councilwoman Scott stated the employee safety discussion is not a budget hearing other than if the Council decides they want to allocate funds based on what the Council might find out, what they like or do not like or what they think needs to be done; that she would say it needs to be folded in at some point with that in mind. She stated she has no objection to what was suggested by Councilwoman Berz.

HUBFEST

Councilman Benson invited everyone to the HubFest scheduled for Saturday, May 12 from 11:30 a.m. – 4 p.m. at Heritage Park, noting that 4,000-5,000 people are expected to attend.

COMMITTEES

Councilwoman Ladd stated the **Legal and Legislative Committee is scheduled to meet on Tuesday, May 15.**

Councilman Gilbert reminded Council members of the meeting of **the Parks and Recreation Committee scheduled for Tuesday, May 15 following the Agenda Session** to hear results of an MTAS report regarding a potential Recreation Commission and information regarding the Department's summer programs.

Councilwoman Berz scheduled an education session of the **Budget and Finance Committee for Tuesday, May 15 from 1 – 3 p.m.** to begin deliberations on the 2012-13 operating budget. She asked that whatever questions Council members have to get them co-jointly to Mr. Johnson and Mrs. Madison; that the following week **on May 22 the Committee will be from 10 a.m. – 12 Noon and if we still need it on May 29, the Committee will meet from 1-3 p.m.** and then decide how many afternoon meetings we might need. She stated the other issue coming up that she wants to make the Council aware of is the capital budget will be coming forward and the deliberations will be on more than operational budget as it will be capital during this time. She inquired as to when the capital budget will be coming forward. Admin. Madison responded "not at this point and will report that later".

NEXT WEEK'S AGENDA: MAY 15, 2012

Vice Chairman Murphy asked if there were any questions regarding next week's agenda; being none, the meeting continued.

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.

PATRICK KELLOGG

Vice Chairman Murphy stated it is his understanding Mr. Kellogg has litigation presently with some city officials and is representing himself. He reminded Mr. Kellogg that his comments are being recorded.

Patrick Kellogg of 2510 Oak Street stated Councilman Murphy alluded to his (Kellogg's) complaint against the city which will be going to Circuit Court, Phase I in Division III on Monday, May 14 at 9 a.m. He stated the basis of the initial complaint with the city is requesting them to comply with the laws related to open records and open meetings; that one of the remedies listed in the complaint is to place an injunction on Riverbend 2012 until the city has sufficiently addressed the issues, provided corrective safeguards and posted signage they are in compliance with the law. He stated it is important to also relook at key factors such as fencing and the price of admission as this issue goes back to April 4 and has severely inhibited the public from having balanced information and him personally being able to make a living and expressed hope there will be an amicable resolution before or on May 14. He stated he will seek an exception to the beer regulatory bureau to submit an application before being heard by the board and is following Ordinance 518 regarding the less than five percent alcohol sales requirements as it was voted by the Council. He stated he sent questions to the attorney to confirm rules regarding this issue and is hopeful that the response will be fairly quick; that business owners need to have balanced and accurate information in order to obtain special permits for responsible beer sales at all events, including the Bessie Smith Strut. He stated in helping to facilitate that process he has also initiated conversation with two business owners about lease agreements for June 10 and if all parties' questions are sufficiently answered we should be able to move forward and submit the application by May 11. Lastly, he stated he would like to request the Council's support in bringing gang outreach activities to the inner city neighborhoods and distributed a color flier to the Council. He stated the Howard vs. Tyner basketball game is to be played at an outdoor location in one of our city's recreation centers; that the event is tentatively scheduled to take place at either the East Chattanooga or Avondale Recreation Center on May 19 with a host of other activities. He stated there is a gathering that will take place at Jewel Park at the end of the month.

JEFF BERNSTEN

Jeff Bernsten of SEIU, 3942 Volunteer Drive, stated a week ago tomorrow there was a shooting at the Eastdale Recreation Center in Councilman Murphy's district; that he drove by the day after it happened and went to a couple other recreation centers, talked to the managers and a few of the employees and obviously they are quite concerned. He stated he was talking to a couple of the employees and a gang person walked in and everyone knew he was (a gang member); that he was 18 years old, shook hands and was the nicest guy. He stated he (gang member) walked around a little bit, shot one basket and walked out. He stated he asked the manger if he allows the gang person in the center and the response was he could not stop him; that everyone knows who they are with the colors and they come in and go as they do not want to be on the "hit list". He stated they continued to talk a little bit about that, about the programs they have and asked if they go to other sites and the response was "oh, no, no, no". He stated Avondale is two miles up the road and they do not take the eight year olds to other centers and the response was "no" that they do not take anybody out of the center to another area because of the gang problem as the Woodlawn gang is there. He stated he began to think about that and how sad it is that we cannot take our youngsters that come to the facilities, put them on a bus and take them three miles to play the other eight year old teams at another facility. He stated he is concerned about the employees as well as the people that patronize the recreation centers; that this happened at Eastdale about 8 p.m. at night which is, theoretically, broad day light and in a few months it will be dark at 6 p.m. and that concerns him, as well. He stated we have security here in this facility and he feels safe but does not know why he is more important than the residents or employees at Eastdale, Avondale, East Chattanooga or Washington Hills. He stated something needs to be done and it is proper Mrs. Berz had her Budget Committee today as there has to be some sort of security whether from 4 p.m. – 8 p.m. when most of the recreation centers close (at 8 p.m.); that maybe from 4-8 there could be some sort of security of off-duty officers or something as he would hate to have something happen to one of the employees or somebody else and we will have done nothing to curb it.

ADJOURNMENT

Vice Chairman Murphy adjourned the meeting of the Chattanooga Council until Tuesday, May 15, 2012 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)**