

**City Council Building  
Chattanooga, Tennessee  
July 3, 2012  
6:00 p.m.**

Chairmen Ladd called the meeting of the Chattanooga Council to order with Councilman Benson, Berz, Gilbert, McGary, Murphy, Rico and Scott present; Councilwoman Robinson was absent due to District commitment. City Attorney Michael McMahan, Management Analyst/Auditor Randy Burns and Council Clerk Carol O'Neal were also present.

### **PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Councilwoman Scott gave the invocation for the evening.

### **MINUTE MATERIAL**

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

### **2012-2012 CAPITAL IMPROVEMENTS BUDGET**

**Councilwoman Berz made the motion to move Ordinance (a) and Resolution (a) forward on the agenda; Councilman Rico seconded the motion; the motion carried.**

Councilwoman Scott stated she would not support this vote because she does not think the items in the budget are allocated for enough of the infrastructure which includes our roads that are in terrible condition and it also includes things she considers to be of lower priority with significant allocations.

Councilman Benson stated that he will have to vote for it on first reading but it does not mean he supports it for second reading and expressed agreement with Councilwoman Scott's statement. He stated we will have to do some changing of money around especially as it relates to trying to get more pavement money; that his vote this time does not mean support for the final ordinance as this is just to get it before us next week for the final reading.

**2012-2012 CAPITAL IMPROVEMENTS BUDGET**  
**(Continued)**

Councilwoman Berz stated we had a thorough two hour discussion on this today and took a consensus vote; that Councilwoman Scott is correct as we talked about budget, parks and recreation and "massaging" some of the budget to move around to pavement issues. She stated it was the consensus of the Council to go ahead with first reading; that a detailed list of items will be addressed next week prior to second reading. She stated we need to go forward with the capital budget.

Councilman Murphy stated due to being out of town due to travel and the inability to get an earlier flight he was not able to hear from his colleagues this afternoon; that he intends to listen to the recording in total because he values everyone's insights and points of view on these matters; that he will be abstaining and asked that it not to read it as a "no" or "yes" vote.

Councilwoman Berz called for the question.

On motion of Councilwoman Berz, seconded by Councilman Rico,  
**AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING  
FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR  
2012-2013 AND TO AMEND THE FISCAL YEAR 2012-2013 BUDGET  
ORDINANCE NO. 12622**

passed first reading; **on roll call vote:**

<b>BENSON</b>	<b>YES</b>
<b>GILBERT</b>	<b>NO</b>
<b>BERZ</b>	<b>YES</b>
<b>RICO</b>	<b>YES</b>
<b>MCGARY</b>	<b>YES</b>
<b>MURPHY</b>	<b>ABSTAINED</b>
<b>SCOTT</b>	<b>NO</b>
<b>LADD</b>	<b>YES</b>

The motion carried: five (5) "yes"; two (2) "no"; one (1) abstention.

## FIVE-YEAR CAPITAL IMPROVEMENT PLAN

Councilwoman Berz stated even though requirements for bond issues require a five year capital improvements plan it is no more than a plan and as many know a Council can only bind the current year. She stated the Council is in no way binding in the way the law would define binding for five years.

Councilman Benson stated he has a concern about the five year plan; that if he is correct, Goodwin Road was allocated one million dollars and then was told in the capital budget for this year it is being changed and moved to go to some other places. He stated we have been putting back money for Goodwin Road for about eight years; that he will have to vote against this because Goodwin has been removed.

City Attorney McMahan stated to the extent there is an ordinance the ordinance will control.

Councilman Benson stated he will have to vote "no" on this, and then realized he misunderstood the City Attorney noting the ordinance will control.

City Attorney McMahan stated the ordinance is the actual appropriation of the money. Councilman Benson asked for this year.

City Attorney McMahan responded "exactly" that it will control for any expenditure required this year.

Admin. Madison clarified there is no appropriation in the current year for Goodwin Road in the five year plan which is what the Council had been informed. She stated in FY2014 there is \$2.750 million that is in the five year plan for Goodwin Road; that it was not taken out of the plan, it was taken out of the current year ordinance and current year appropriations.

Councilman Benson expressed "okay".

Chairman Ladd asked if Councilman Benson is clear on what he will be voting; Councilman Benson responded "yes".

On motion of Councilwoman Berz, seconded by Councilman Rico,  
**A RESOLUTION ADOPTING A FIVE YEAR CAPITAL IMPROVEMENT PLAN  
FOR FISCAL YEARS 2013-2017, SUBJECT TO FUTURE REVISION; A COPY  
OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF BY  
REFERENCE**

was adopted; **on roll call vote:**

FIVE-YEAR CAPITAL IMPROVEMENT PLAN  
(Continued)

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

The motion carried: six (6) "yes"; two (2) "no".

REPEAL CITY CODE: WEIGHTS AND MEASURES

On motion of Councilman Rico, seconded by Councilman Murphy,  
**AN ORDINANCE TO REPEAL CHATTANOOGA CITY CODE, CHAPTER 37,  
WEIGHTS AND MEASURES, IN ITS ENTIRETY**  
passed second and final reading and was signed in open meeting.

AMEND BUDGET ORDINANCE 12523

On motion of Councilman Rico, seconded by Councilwoman Berz,  
**AN ORDINANCE TO AMEND ORDINANCE 12523 KNOWN AS "THE  
FISCAL YEAR 2011-2012 BUDGET ORDINANCE" TO APPROPRIATE AN  
ADDITIONAL TWO THOUSAND FOUR HUNDRED NINETY-SIX AND  
80/100 DOLLARS (\$2,496.80) TO THE SOUTHEAST TENNESSEE  
DEVELOPMENT DISTRICT/CHATTANOOGA AREA REGIONAL COUNCIL  
OF GOVERNMENTS FOR A TOTAL AMOUNT OF THIRTY-EIGHT  
THOUSAND FIVE HUNDRED THIRTY-FOUR AND 80/100 DOLLARS  
(\$38,534.80) FOR THE CITY'S ASSESSMENT DUES BASED ON THE 2010  
CENSUS POPULATION DATA**  
passed second and final reading and was signed in open meeting.

**AMEND CITY CODE**

On motion of Councilman Murphy, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, ARTICLE X, CHAPTER 24, STOPPING, STANDING AND PARKING, SO AS TO CREATE THE CHATTANOOGA PARKING AUTHORITY AND DELEGATE CERTAIN DUTIES TO THE CHATTANOOGA AREA REGIONAL TRANSPORTATION AUTHORITY (CARTA) TO MAKE CERTAIN OTHER AMENDMENTS AS SET FORTH HEREIN**  
passed first reading; Councilwoman Scott voted "no".

**CLOSE AND ABANDON**

**MR-2012-044: Shane Lloyd c/o John Wise**

On motion of Councilman Rico, seconded by Councilwoman Scott,  
**AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED IN THE 100 BLOCK OFF KENT STREET, MORE PARTICULARLY DESCRIBED HEREIN**  
passed first reading.

**CLOSE AND ABANDON**

**MR-2012-050: Hopkins Properties, LLC c/o Parker Wamack**

On motion of Councilman Gilbert, seconded by Councilman Benson,  
**AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED IN THE NORTH LINE OF THE 200 BLOCK OF WEST 20<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**LICENSE AGREEMENT**

On motion of Councilman McGary, seconded by Councilwoman Scott,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO EXECUTE A TWO (2) YEAR LICENSE AGREEMENT (WITH THREE (3) ADDITIONAL OPTIONAL ONE-YEAR TERMS) FOR THE RIVER CITY DUCKS, LLC, FOR THE USE OF THE ROSS' LANDING RAMP TO ACCESS THE TENNESSEE RIVER FOR THE OPERATION OF AN AMPHIBIOUS VEHICLE IN AN AMOUNT OF THREE HUNDRED DOLLARS (\$300.00) PER MONTH FOR THE FULL CALENDAR YEAR**  
was adopted.

## AGREEMENT

On motion of Councilman Gilbert, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO EXTEND A CONSERVATION SERVICES AGREEMENT WITH THE TRUST FOR PUBLIC LAND, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) TO BE PAID IN FOUR (4) QUARTERLY INSTALLMENTS OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) EACH FOR A TERM OF ONE (1) YEAR BEGINNING JULY 1, 2012, THROUGH JUNE 30, 2013**

was adopted.

## PAY AUTHORIZATION

On motion of Councilman McGary, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE CHATTANOOGA HOUSING AUTHORITY AS MANAGER OF DOGWOOD MANOR TO PAY SERVPRO FOR EMERGENCY CLEAN-UP OF A KITCHEN FIRE DUE TO WATER DAMAGE OF CERTAIN APARTMENTS AT DOGWOOD MANOR, IN THE AMOUNT OF TWELVE THOUSAND DOLLARS (\$12,000.00) ON BEHALF OF THE CITY**

was adopted.

## OVERTIME

Overtime for the week ending June 28, 2012 totaled \$54,028.36.

## PERSONNEL

The following personnel matters were reported:

CHATTANOOGA POLICE DEPARTMENT:

- **MICHAEL BURNS** – Retirement, Police Officer 1, effective June 25, 2012.
- **ANTHONY GIBSON** – Resignation, Police Officer 1, effective June 27, 2012.
- **JEFFREY CLARKE** – Retirement, Police Sergeant, effective July 5, 2012.

**PERSONNEL (Continued)**

PARKS AND RECREATION DEPARTMENT:

- **PATRICE HAWKINS** – Termination, Crew Worker 2, effective July 2, 2012.

PUBLIC WORKS DEPARTMENT:

- **EDUARDO PALACIOS, JR.** – Suspension (7 days without pay), Equipment Operator 4, City Wide Services, effective June 25 – July 3, 2012.

EDUCATION, ARTS AND CULTURE DEPARTMENT:

- **THADDEUS OLIVER** – Appointment, Deputy Administrator, Range 30, \$50,000.00 annually, effective June 29, 2012.

**HOTEL PERMITS**

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

**LAQUINTA INN** – 100 West 21<sup>st</sup> Street, Chattanooga, TN

**LOOKOUT LAKE BED AND BREAKFAST** – 3408 Elder Mountain Road, Chattanooga, TN

**PURCHASE**

On motion of Councilwoman Berz, seconded by Councilman Rico, the following purchase was approved for use by the Public Works Department:

**A & H SAFETY SUPPLY COMPANY (Lowest bid)**  
**R60211**

Blanket Contract for Traffic Barricades

\$16,000.00 – Annual estimation

## LIQUOR LICENSE

Admin. Madison presented the request for a liquor license at 607 Cherokee Boulevard for Wanda Cagle noting that the location is in Councilwoman Robinson's district. She submitted the request for five Council member signatures.

## COMMITTEE MEETING REQUESTS

Councilman McGary asked Councilman Murphy to take up a matter in Legal and Legislative next week; that he has been approached by two entities: one, an advertising sign company at 423 Market, and the other the Chattanooga Pedicabs Company who asked that we make changes concerning moving billboards. He stated he has been in conference with John Van Winkle and UTC's office of Traffic Engineering who are proposing that we undertake a six month study to determine whether or not we would like to move in that direction. He stated the City Attorney's office has drafted an ordinance that would spell this out and would ask all parties to be present who are asking for the change.

Councilman Murphy stated it will not be next week and would have to be three weeks from now.

Councilwoman Scott stated she would like to see if there could be a discussion about moving our elections for the municipal officers up to coincide with some of the other November elections; that the second request is that she would like to have a discussion about term limits at the same time.

Councilman Murphy stated that would be appropriate in his committee; that it will not be next week and sounds like a "big kettle of fish" noting that it would have to wait until after the pedicabs discussion.

Councilman Gilbert asked that Councilman Benson discuss PILOTs again as there was no clear understanding of what we will do; that he wants to revisit it and make some type of guidelines that the Council and the person asking for the PILOT can go by.

Councilman Benson stated it will be placed on the agenda when there is an opportunity to schedule the meeting.

## COMMITTEES

Councilman Murphy scheduled a meeting of the **Legal, Legislative and Safety Committee for Tuesday, July 10.**

Councilwoman Berz stated the **Budget and Finance Committee will meet from 1 – 3 p.m. on Tuesday, July 10** to continue discussion on the capital budget.

## NEXT WEEK'S AGENDA: JULY 10, 2012

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

## RULES OF PROCEDURE FOR ADDRESSING THE COUNCIL

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

## GREG LUTHER

**Greg Luther** of 4213 Tennessee Avenue addressed the Council regarding receipt of a post card indicating he would receive a letter about an audit – that he received a letter stating he was going to get a letter which seemed redundant! He stated it cost twenty-eight cents postage to mail the card, then the cost of the card, the time to do the card and the cost of the people to take care of all the business – that the one card cost at least one dollar to tell him he was going to get another piece of mail! He stated he heard the Council talk about the budget and in these times there is not a lot of money to go around for the entire budget and different facilities have to go wanting; that he wanted to know if it is necessary to get things like this that waste our tax dollars to tell us we are going to get more mail!

Chairman Ladd inquired as to whether the department name is on the card.

Mr. Luther handed the card to Chairman Ladd and noted that he has already received the other piece of mail and mailed it back.

### GREG LUTHER (Continued)

City Attorney McMahan stated he received the same post card and apparently it is not mailed to everyone but mailed on a statistical sample; that he and his wife sat down together and completed the six-to-seven pages that ask about all the city's services. He encouraged Mr. Luther to follow up on the next mailing.

Mr. Luther stated he filled it out and sent it back and did not mind that but thought it was a waste of tax payer money because by the time 1,000 are sent out it will be about \$10,000 just to tell people another piece of mail is coming!

Councilman Benson expressed appreciation for Mr. Luther's presence; that it is ridiculous to spend money to say another letter will be sent out; that we need more citizen "watch dogs" like him!

### ELIZABETH MILLER

**Elizabeth Miller** of 201 Old Mountain Road stated she is a citizen land owner on Aetna Mountain and became alarmed at the hasty passage of funding for the TIF funding for the Black Creek project. She distributed information from the Tennessee Advisory Commission on Intergovernmental Relations on how to grant TIF funds before the vote. She stated in listening to Council meeting audio she stated the majority of the Council did not know what TIF guidelines were about and learned about it from the developer and their attorneys; that there was no option for the required two week study period. She stated we are in a recession and our country is at war; that it is a time to take stock in what we have, manage our necessities, schools, water and roads with the utmost frugality and efficiency; that we should "run a tight ship". She stated this is not a time to give money to a group that can afford to build their own road and infrastructure; that there are plenty of alternatives developers could get for funding that would benefit more than the gated few. She stated our city's sewer system is failing and our water is poisoned, yet \$9 million was granted to build new construction up a mountain. She asked if an economical or environmental impact study has been performed on the viability of such a massive undertaking to thrive. She suggested Googling "failed developments" as they are being given money they do not plan to pay back and referenced the undertaking at Johnson Creek in Georgia and Seven Falls near Ashville. She asked that the Council reconsider their vote; that if anyone is related to anyone on the developer's team they should recuse themselves from the vote. She stated she has been informed the issue can be re-addressed and change their vote.

### ELIZABETH MILLER (Continued)

Chairman Ladd stated making sure parameters and guidelines for anything that might come up as a TIF in the future was discussed this afternoon in Committee.

Councilman Murphy stated he wanted to make it clear as Ms. Miller made the reference to "...someone being related" and made a hand gesture toward Mrs. Robinson's seat, noting that her (Robinson's) son-in-law was an attorney for the developer and she recused herself and took no part in any of the discussion. He suggested that Ms. Miller look up how each Council member voted.

### HAROLD MURRAY, III

**Harold Murray, III** of 1112 East 35<sup>th</sup> Street Place stated he works for the sanitation department and noted they have to work every major holiday and in order for them to make overtime they have to sign for eight hours of their personal time and does not see that as being right. He asked why they should have to sign their personal time for eight hours of a national holiday; that when they were on four ten hour days everything got switched over to five eight hour days. He stated since that has come about there has been nothing but problems as the garages cannot keep the trucks up-to-date, cannot keep them serviced and cannot maintain them like they should; that fives days and no off day does not allow time to keep up the vehicles; that sometimes they are running trucks that should not be on the road! He stated when everyone else is at home with their families the sanitation department is the only one still out there; that if they miss one day during that week of that pay period in order for them to accrue overtime if they sign for the eight hours they have to go past 48 hours to make overtime. He asked how can it be 40 physical work hours yet they sign their personal time and the time is still kept through the city and not given back to them if they are not able to make it in due to family issues or an emergency.

Chairman Ladd stated this is a question for Donna Kelley and Steve Leach to address and asked Mr. Murray to stay after the meeting to meet with them and talk through that.

**ADJOURNMENT**

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, July 10, 2012 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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