AGENDA (WORK) SESSION  
April 7, 2009  
3:00 P.M.  

Chairman Bennett called the Agenda (Work) Session to order with Councilpersons Gaines, Rico, Gilbert, Benson, Robinson, Pierce and Berz present. Councilman Page joined the meeting later. City Attorney Michael McMahan and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Greg Haynes, Larry Zehnder, Paul Page, Jerry Stewart, Dan Johnson, Gary Hilbert, Dennis Malone, Steve Leach, Chief Dodd, Chief Parker, and Lee Norris. Daisy Madison and Jim Templeton joined the meeting later.

Mr. Johnson proceeded to go over agenda items, noting that Ordinance First Reading (a) was a Closure and Abandonment for Grady H. Dagnan and would be covered by Public Works. Resolution (a) regarding a Homeland Security Grant for the Police Dept. was covered last week. Resolutions (b), (d), and (e) will be covered by Public Works.

Mr. Johnson stated that Resolution (h) adopting a mission statement of the Council was added last week by permission of the Budget and Finance Committee.

Resolution (i) was added by permission of Chairman Bennett because Outdoor Inc. could not fulfill their Contract and a new Contract was awarded to Ooltewah Nursery in the amount of $55,876.55, plus a contingency amount of $10,775.31.

AGENDA ITEMS FOR APRIL 14, 2009

The first three Ordinances on first reading are Zoning matters and changes to the Zoning Ordinance, which are matters of definition. Greg Haynes was present and verified that this included definitions and clarifications; however Ordinance (c) is a new concept that provides for a Revocable Special Exceptions Permit for Non-Profit Heritage Educational Facilities and to allow use in certain zones. Chairman Bennett asked if this was attached to Ordinance (g) with the Nature Center.

Mr. Johnson went on to note that Ordinance (d) is a zoning matter. Ordinance (j) lifts conditions imposed in Ordinance No. 12184 on tracts of land located in the 7200 Block of East Brainerd Rd. and the 1200 Block of Panorama Drive, which is a concern of Councilman Benson. Councilman Benson stated that this might need to be deferred until they could get 100% agreement.

Ordinance (k) is a zoning matter.
Resolution (a) authorizes a grant from the Governor’s Highway Safety Office in the amount of $300,000. The Resolution reads “radar detectors” and should be “radar guns”.

Resolution (b) is a greenway item and will be discussed by Larry Zehnder in next week’s Legal and Legislative Committee.

Resolution (c) is a Public Works’ item and will be discussed later.

Resolution (d), adopting the Shallowford Road Policy was briefly discussed last week.

Resolution (e) is a Special Exceptions Permit for a Non-Profit Heritage Educational Facility on a tract of land located at 400 Garden Road. Chairman Bennett asked Mr. Haynes if they had met with the neighborhood on this and if they were okay with this. Mr. Haynes responded that they were okay as far as he knew; that the Nature Center was building sort of a tree house on the creek, and it might need to be rezoned to R-4; that they accepted the request but the Staff and the neighborhood were more uncomfortable with R-4 and the idea of creating a Special Permit with conditions and a specified use had come into being, and this is where this Resolution originated; that the residents were more comfortable with this approach. Chairman Bennett added that the Nature Center had been a good neighbor.

Resolution (f) is a Final PUD known as Longholm at Riverview Planned Unit Development located in the 1100 and 1200 Blocks of Longholm Court. Mr. Haynes explained that this is a revision of the existing PUD; that the developer started building outdoor fireplaces, which were not under the original PUD; in order to make this acceptable, outdoor fireplaces need to be identified on the PUD Plan; this clears this up, and they can proceed. Chairman Bennett noted that there had been a lot of public discussion with this PUD, and asked if there was a need to communicate with the community? Mr. Haynes responded that this goes to the Planning Commission, and they had applied for a new process and yellow signs had gone up as if this were a new zoning case. He stated that he did not feel there was a need for further communication.

Resolution (g) declares surplus part of a tract of land located in the 500 Block of Stringer Street. Councilman Pierce asked the purpose for this? Mr. Page explained that a correction was needed in the deed by TDOT to assist with revenue back to the City. Chairman Bennett asked if this was market rate and was told by Mr. Page that we were going to take bids on this. Councilwoman Robinson asked about a minimum bid and was told by Mr. Page that we will establish the minimum bid, noting that there might be a lot of properties in this category. That being the case, Councilman Pierce asked if these properties could not be grouped together? Mr. Page stated that we just wanted to get this back on the tax rolls and needed a correction to be made. Mr. Johnson added that there would need to be research done on each one, with Adm. Leach adding that they are all unique.
Resolution (h) authorizes a Lease Agreement with Heather Wagner for property known as the “Little Greenhouse” located at 451 West Main St. This has been used for a number of years and Mr. Page explained that the contract had expired. Councilman Pierce confirmed that this was the same contract and there was no increase in fees.

Chairman Bennett asked if it were the consensus that we could move forward with this agenda?

Councilman Benson went back to Resolution 7(h) on tonight’s agenda that adopts a mission statement for the Council. He stated that this Resolution needed more work on it and until this work was done, he would move to take it off the agenda.

Councilwoman Berz stated that this would be discussed in the Budget and Finance Committee meeting later; that she would like this left on the agenda and not just arbitrarily taken off.

Mr. Johnson stated that this could be done formally later.

Mr. Johnson then proceeded to go over purchases, beginning with the first one, which was for the Air Pollution Control Board for purchase of Outdoor Advertising. They were asking for rejection of bids and to issue a new advertisement. The estimated cost will be $10,000. The second purchase was for Parks and Recreation for a blanket contract for Sure Dry for Softball Fields with Southern Athletic Fields being the lowest and best bid in the amount of $11,000 annually, estimated. Purchase #3 was also for Parks and Recreation and was a contract for Marking Marble Dust for Softball Fields from Southern Athletic Fields with an estimated cost of $10,000 annually. Councilman Pierce asked what Marble Dust was? Councilman Benson stated that it used to be “lime”, with Councilman Pierce saying “thank you”. Purchase #4 was for General Services and the purchase of Vehicle Body Repair, including parts, from Worldwide Equipment, Inc. in the amount of $38,447.98. This is for Fleet Management, and Mr. Johnson stated if more information is needed that Paul Page is present. Mr. Page explained that we gained $10,000—that the man was killed who hit the truck. He went on to say that he hoped to propose to the State Legislature that we up this to $10,000.00. Councilwoman Berz asked him to restate this, asking if we were suing the estate? Mr. Page explained that we would reserve this right if the man had anything. Councilwoman Berz asked if we did not go after the estate because the man did not have anything? Mr. Page responded “nothing that we could attach”.

Purchase #5 was for Public Works and the purchase of a Flow & Rain Gauge from ADS Environmental Services with an estimated cost of $250,000 annually. Purchase #6 was also for Public Works for the purchase of aluminum sign blanks from Vulcan Aluminum in the amount of $38,481.20. This was for the Traffic Operations Dept.
At this point, Chairman Bennett asked if any of these were local companies? Mr. Johnson responded that JAT Oil was local. Attorney McMahan added that Worldwide Equipment was also local.

Purchase #7 was also for Public Works and was payment of the Flow & Rain Gauge Service received before the Contract with Geotivity, Inc. in the amount of $38,055.50.

The last purchase was for General Services for the purchase of bulk fuel from JAT Oil in the amount of $22,796.58. Mr. Johnson stated that this was like the purchase two weeks ago.

Councilwoman Berz confirmed that the payment of Flow & Rain Gauge Service was before the contract went into effect. Mr. Stewart explained that the first company went bankrupt, and the new company took over the complete contract. She asked if there was an overage and was told “no”.

The meeting adjourned at 3:20 P.M.