

AGENDA SESSION
February 9, 2010
3:00 P.M.

The Agenda Session was called to order by Chairman Benson, with Councilmen Rico, Scott, Ladd, Robinson, Berz, McGary and Murphy present. Councilman Gilbert joined the meeting later. City Attorney Michael McMahan and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Dan Johnson, Gary Hilbert, Beverly Johnson, Mark Keil, Paul Page, Jerry Stewart, Richard Beeland, Officer Haskins, Officer Collins, Chief Maffett, Barry Bennett and Dennis Malone. Susan Dubose and Barry Bennett joined the meeting later.

Chairman Benson noted that we have three more committee meetings after this and need to move as quickly as possible.

Ordinance V(a) extends the time to file a notice of protest concerning the water quality fee.

Ordinance VI(a) amends the City Code relative to bidding processes and will be discussed in detail in the Legal and Legislative Committee meeting.

Ordinance VI(b) is a Zoning Ordinance change, which has been covered by Barry Bennett.

Ordinances (c) thru (f) are zoning matters.

Ordinance (g) is an abandonment that was discussed in Public Works Committee last week.

Resolution (a) authorizes payment for architectural services to remove and replace the roof at the Fire Training Center. Questions arose as to whether this involved a discussion of a nuclear scan of a roof. **Resolution (b)** authorizes architectural services for the expansion of the Chattanooga Communications Building. **Resolution (c)** modifies a lease agreement with the Department of the Navy. **Resolution (d)** has to do with a maintenance service agreement for Dogwood Manor and had to be reported to the Council because it was over \$10,000 (\$12,932.00). **Resolutions (e) thru (j)** were discussed last week in Public Works Committee.

Councilwoman Scott went back to (e), in reference to a contract with Thompson Engineering, Inc. and asked if it were common practice to charge for vehicle use? Mr. Malone responded “yes, it is”. Councilwoman Scott confirmed that we were paying them for a daily rental charge and wanted to know if they were just working for us and no one else? Mr. Malone explained that this goes along with TDOT rules that allows them to bill us. Councilwoman Scott noted that it was \$.51 a miles for the State of Tennessee. At this point Chairman Benson stated that he had never seen this, with Councilwoman Scott responding that you have to read the whole contract—that it is for 210 days at \$.27 a day which adds up to \$5,670.

Resolution (k) was a Special Exceptions Permit for River City Management, Inc. for a duplex in an R-1 Zone on a tract of land located at 719 Highland Park Ave. The recommendation for this is denial, with Mr. Johnson noting that we are getting rid of the Special Exceptions Permits.

Resolution (l) is a Preliminary PUD for D&M Properties, LLP, known as the Mackey Glen Planned Unit Development. This will be discussed by Barry Bennett. Chairman Benson asked if there had been a change of conditions and was told “yes”. He went on to say that this is a Don Walker premier project. Mr. Bennett stated that all of the conditions appear to be reasonable—that one dealt with landscaping and another with a requirement for sidewalks. At this point, Attorney McMahan read the entire list of conditions, with Mr. Bennett stating that they were not unusual or unreasonable.

Resolution (m) authorizes a lease agreement with Dale Lovelady for a tract of land located at 2300 Mark Lane for a term of ten years at \$1.00 a year. Mr. Johnson termed this a “Lawn Mowing” Contract.

AGENDA ITEMS FOR FEBRUARY 16, 2010

Ordinance VI(a) provides for certain changes in the Capital Improvements Budget and the Fiscal Year Budget. Mr. Johnson noted that this is for Police laptops and can be explained in more detail next week.

Ordinance VI(b) is relative to parking fines and Attorney McMahan asked that this be held until the Legal and Legislative Committee; that Attorney Bobo will be present at that time. Councilman Murphy suggested holding it until next week.

Ordinance VI(c) is a closure and abandonment and will be discussed in Public Works Committee next week.

Resolution (a) authorizes a grant from the Department of Health and Human Services for the expansion of the Head Start Program, Children’s Academy and the Chambliss Shelter. This will be covered next week by Bernadine Turner.

Resolution (b) concerns grants from the Benwood Foundation and Lyndhurst Foundation to support the costs of the Chattanooga Public Art Program for 2010. This is a repetitive thing with Benwood and Lyndhurst paying 2/3rds of the cost and the City the other 1/3rd.

Resolution (c) concerning 2010-2011 Community Development Block Grant and Home Investment Partnership Act funds will be covered in committee next week.

Resolutions (d) (e) and (h) are Public Works' items that will be covered next week.

Resolution (g) is a Special Permit for a Nightclub in C-2 on a tract of land located at 5740 Highway 153. This is for a "Wild Wings". Planning was recommending denial.

Chairman Benson asked for a reason for the denial. Mr. Bennett responded that they had no choice—that it did not conform to the criteria of a Special Permit in so far as distance requirement and the regulations as written; that they would recommend the approval of the Special Permit with the statement that we would amend the regulations at the present time to deal with this issue; that it was never the intent to prohibit these type of uses; that this is in the process of being amended.

Councilwoman Robinson stated that she certainly remembered the discussion that led to this; that it was because of a business operating as a night club; that this is a restaurant, and we may have to fine tune this because we don't want to prohibit these type of things in a newly developed area.

Councilwoman Ladd echoed the remarks of Councilwoman Robinson. She noted a seven lane buffer of traffic noise that would keep the noise from getting to residential; that this is an unusual buffer that we don't usually see, and we would not have any noise.

Councilman Rico asked if we needed to change the Ordinance or amend it?

Councilwoman Berz suggested that we be real careful about making a Special Exception to a Special Permit; that this could be discriminatory; that we needed to "fix" the Ordinance and obviate what we don't want.

Councilman Murphy added that he remembered mentioning that this exact type business would not be allowed under this Ordinance; that he thought we could make this achieve the goals we all want.

Councilwoman Scott asked if the Ordinance included a Special Exceptions Permit? Attorney McMahan explained that it had to be 750 ft. away from the nearest residence. She questioned if the distance limits this.

Councilwoman Berz stated that a restaurant was okay but not an establishment that would interrupt the quiet enjoyment of people—that we did not anticipate a restaurant; that we needed to get these words right and do a really fast change to the legislation.

Mr. Johnson agreed that there was a time element here, with Chairman Benson mentioning two weeks. Mr. Bennett noted that approval of a Special Permit goes straight from the Staff to the City Council—that the criteria would be that it meets the original intent of the Ordinance. Councilwoman Berz asked if this would alleviate the nine months' wait before re-applying? Chairman Benson stated that we could expedite this by hearing the case, but we can't expedite waiting for the Planning Commission. Mr. Bennett stated that this could be considered on its own merit—that it met the intent of the Ordinance. Chairman Benson asked the next step. Attorney McMahan stated that this could be discussed in Legal and Legislative Committee next week. Councilman Murphy stated that the change in Ordinance would have to be referred back to the Planning Commission. Mr. Bennett added that a Special Exceptions Permit does imply discretion on the part of the Council.

Resolution (h) concerns an Interlocal Agreement with Hamilton County for digital orthophotography images at a total cost not to exceed \$147,547.00, with the City reimbursing Hamilton County for a total amount of \$42,773.50.

Councilwoman Berz wanted to go back to the one we are voting on tonight for Don Walker, which was **Ordinance (f)**. She wanted to know if this was the same thing as the Mackey Ave. case? She was told “no”; that Ordinance (f) is a suggestion for a particular condition to be lifted. Mr. Bennett explained that this has to do with a request for a solid fence as opposed to landscaping, and the neighborhood is okay with this.

Councilman Gilbert had a question about the Site Plan for Ordinance (d) on Bonny Oaks Drive.

Mr. Johnson proceeded to go over purchases. The first one being for a Maintenance Contract for storage for the Mayor's Office from Airnet in the amount of \$58,248.13. Mr. Johnson stated that Mark Keil was present to talk about this. Mr. Keil explained that this finished up the contract and will not be occurring after February because they will be into the new building. Councilwoman Scott asked if this was where people live or a webhost? Mr. Keil explained that it is not people but equipment.

The second purchase was for Public Works annual software from DLT Solutions for \$15,982.28; the third purchase was for the Library Internet Service Provider from Electric Power Board and Telecom in the amount of \$63,900.00. The fourth purchase was for the Mayor's Office and a contract for Oracle in the amount of \$115,975.23. The fifth purchase was for General Services for a Contract for Vehicles and light trucks from Mountain View Ford, Village Volkswagen and Marshall Mize Ford in the amount of \$3.2 million annually.

The sixth purchase was for the Fire Dept. for medical supplies from Henry Schein in the amount of \$10,913.61. The seventh purchase was for the Mayor's Office for a contract for cabling work on the Walnut Street Bridge from Integrated Network Technologies (INTE) in the amount of \$14,159.21. Mr. Johnson noted that was for Port Security. Councilman McGary asked how this differed from the last one? Mr. Keil stated it was for wiring. Councilman McGary questioned if this was a total project, stating that he had inquired the last time as to why this came out of the Mayor's Office. Mr. Keil stated that one went out and had to be cancelled, and we had to rebid; that the other one was for installation of cameras and not the same as this. The last purchase was for the Police Dept. and the purchase of a contract for software from Equipment Management Technology in the amount of \$22,960.00.

The meeting was adjourned at 3:35 P.M.