Chairman Rico called the Agenda Session to order, with Councilpersons Scott, Ladd, Benson, Robinson, Berz, Gilbert, and Murphy present. Councilman McGary joined the meeting later. City Attorney Michael McMahan; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Dan Johnson, Debbie Johnson, Chip O’Dell, Karen Rennich, Greg Haynes, John Bridger, Daisy Madison, Paul Page, Richard Beeland, Alice Cannelli, Chief Parker, Gary Hilbert, Mike Patrick, Chief Maffett, Larry Zehnder, Lee Norris, Bill Payne, Rusty Rymer, and Jeff Eldridge. Dickie Hutsell, Steve Leach, Dennis Malone, Ulystein Oates and Crystal Freiberg joined the meeting later.

Mr. Johnson began with Ordinance Final Reading (a), which was an abandonment for CNE and has been discussed several times in Public Works committee.

Ordinance (a) First Reading is a District 3 item, amending the legal description of an address. Ordinance (b) has to do with areas of scenic value and will be deferred at tonight’s meeting until the second week in January. Ordinance (c) is relative to vehicles for hire and will be discussed in Legal and Legislative Committee. Ordinance (d) is an abandonment for Charter Real Estate will be deferred to work out utilities. Ordinance (e) is a zoning matter for Ken Pritchard. Councilwoman Scott noted that the applicant had asked for a two months’ deferral to ascertain community interests. Ordinance (f) is an abandonment for David Macallister. This was covered by Public Works’ Committee. Councilmen Rico and Benson noted that opposition would be present at tonight’s meeting and allowed to speak at that time. Ordinances (g) thru (l) are zoning matters. Councilman Benson stated that Ordinance (g) would need conditions added on the floor tonight. Chairman Rico pointed out that this is in Councilman Murphy’s district, with Councilman Benson saying “he told me what to say”. The question was asked if the neighborhood had made recommendations, and Councilman Murphy stated that he would make a couple of phone calls about this.

Mr. Bridger stated that there was some opposition to Ordinance (j), but it had been worked out, with Councilman Scott noting that this was her understanding, as well—that they wanted to keep the main traffic on Cherokee and did not want to add to the traffic—that a chain would be put up.

Resolution (a) authorizes an agreement with Brightbridge in the amount of $34,980.00 for Brownfield Cleanup Programmatic Services and Project Management.
Resolution (b) authorizes a quiet title action for 1029 Dartmouth Street and the former Alton Park Recreation Center located at the corner of West 45th and Central Ave. Geri Spring was present and stated that a group of people were present to discuss this Resolution. A lady in the audience stated that they would like time to discuss with the City what they want to do with this Center; that their concern is not being able to have recreation at this site; that they had had no chance to talk with the City. Mr. Page responded that they had met with groups and groups had been to the Council; that the City can’t get a title on the Deed Restriction; that they would have to come back to the Council, and this would not hamper anything in the community. The lady confirmed that this action is just for the City to get ownership of the property and that the City has not decided yet about the use of the property. Another lady asked if the community would be notified when this is to come back to this body—that they definitely wanted to know. Mr. Page stated that they would have to come back to this body with a Plan. The first lady asked what it meant to “declare surplus” and if the City would sell? Mr. Page responded that we are asking for proposals; that we need to do something with the property because it is deteriorating. She asked if it were deteriorating because the City has not kept it up? Mr. Page responded that the City does not own it outright. The lady stated that this was confusing—that it had been used for city recreation for decades. She verified that this action is so the city can move forward. Councilman Benson stated that we have two options—to let it sit there and decay or get a clean title. Mr. Bridger added that it would have to go through the Mandatory Referral Process, with Attorney McMahan noting that litigation could last for six months.

At this point Councilwoman Berz stated that she would really appreciate having the Council District noted after the Resolution so that people will know which Councilperson to speak to.

Resolution © authorizes acceptance of a sculpture entitled “Arise” by Andrew Light to be located in the Hixson Community at Access Road and Hixson Pike. This is in District 3.

Resolution (d) authorizes a Loan Agreement with the Tennessee Department of Environment and Conservation in the amount of $5,500,000.00 for ISS capital projects. This has already been talked about. Councilwoman Scott asked the long-term debt percentage-wise now. Ms. Madison responded that we were better off than we were; that this much is paid off, and we are retiring debt each year, prompting Councilwoman Scott to note that no sewer tax increase will be needed.

Resolution (e) authorizes payment of 2011 Membership Dues for the National League of Cities in an amount not to exceed $10,610.00.

Resolution (f) is the Lease Agreement between the City and MarineMax East, Inc. for Ross’s Landing Marina. Councilwoman Scott stated that she would like to get an amendment to this agreement to leave out the word “restaurant”. Crystal Freiberg stated that “restaurant” could
be removed. Councilwoman Scott stated that it reads that the Auditor can only request records once every 12 months, which would limit the scope if it were just every 12 months; that in previous audits, things go back three years; that if we find a problem, we should be able to go back as far as the Contract goes; that this section should be amended to go back five years. Ms. Freiberg explained that this does allow you to go back, but we could make it 100% clear; that we said 12 months in an effort to try to make sure it was not more onerous on them. Councilwoman Scott felt that we should be able to go back as far as the contract shows and not have to notify within 12 months. Mr. Johnson stated that he had no problem with the way the agreement was written, but the Council could change it if they wanted to. Councilwoman Berz noted that these changes were just for clarification.

**Resolution (g)** authorizes the Police Dept. to apply for and accept a Buffer Zone Protection Plan Grant in the amount of $170,091.80. **Resolution (h)** authorizes the Police Department to accept a Domestic Preparedness State Homeland Security Grant in the amount of $99,000.00. **Resolution (i)** authorizes a Memo of Agreement between the City and Volkswagen with regard to the donation, transfer, and use of two (2) 2010 Volkswagen Jetta Sportswagens.

**Resolution (j)** authorizes contract administration services from EMJ Corp. relative to the Volkswagen Set-Out Yard and other related rail projects in an amount not to exceed $400,000.00. **Resolution (k)** authorizes design and construction management services from SSOE Systems, Inc. relative to the Volkswagen Support Yard and other related rail facilities in an amount not to exceed $300,000. Mr. Payne explained that both of these are relative to Volkswagen and rail access to the site; that this is within the budget amount and scope, and there will be a 50% cost share with the County. Councilwoman Berz asked in the first Resolution if our piece was $200,000? She asked if we were paying EMJ to be the Project Manager? Mr. Payne explained that this actually encompasses a significant amount of work, with Mr. Johnson noting that EMJ had been there all along. (Councilman Murphy stated that he liked this type presentation better than the power point).

Mr. Johnson went over the purchases for tonight’s meeting. The first was for Public Works and the emergency purchase of a replacement transformer from the Electric Power Board for $40,747. Councilwoman Berz confirmed that this was at Moccasin Bend. The second purchase was also for Public Works and the purchase of Rosemount Transmitters from Procure, Inc. for $15,145. The third purchase was for the Fire Dept. and a MSA Facepiece & Voice Amplification System for the Tennessee Fire Equipment in the amount of $21,424. The last purchase was for the Radio Shop and was a contract for Tennessee Valley Regional Communications System Insurance from J. Mark Bowery Insurance for an estimated amount of $83,125 annually. Mr. Page explained that we assess for each for each radio in the system and that everyone kicks in; that this is a specialty and no one wants to get involved. Councilwoman Scott asked if it includes all the cell towers and was told “yes”—in all the counties.
Mr. Johnson next went over appointments. The first was for Community Development, District 9—Carolyn Jackson. The next was for the Board of Sign Appeals for District 3; Another one was for the Board of Sign Appeals—Mike Feeley, District 7. There was an appointment for the Board of Zoning Appeals—Dr. Ed McKinney and a District 7 appointment—Theresa Woods.

The meeting adjourned at 3:30 p.m.