Chairman Ladd called the Agenda Session to order with Councilpersons Berz, Rico, Murphy, Scott, Benson and Gilbert present. Councilman McGary joined the meeting later. City Attorney Michael McMahan and Shirley Crownover, Assistant Clerk to the Council, were also present. Others present included Gary Hilbert, Steve Leach, John Feagans, Chief Parker, Mo Minkara, Greg Haynes, Jerry Stewart, Lee Norris, Chief Carroll, Chief Maffett, Dan Johnson, Larry Zehnder, Chief Dodd, Paul Page, Brian Kiesch, Daisy Madison, Bill Payne, Richard Beeland, and Susan DuBose.

Mr. Johnson proceeded with the Agenda, noting that there would be a Special Presentation on “Report for Plan of Services for Area 1B”. Adm. Leach and Chief Parker will be involved, as will the City Attorney.

The three Ordinances for final reading are all abandonments that were covered last week.

**Ordinance 6(a)** has to do with C-7 North Shore Commercial/Mixed Use Zone and a two week’s deferral is requested.

**Ordinance 6(b)** is a zoning Ordinance and a four week’s deferral has been requested. Councilwoman Berz stated that it was her understanding that a number of people will be here tonight on this issue, stating that these people needed to be heard. Councilman Rico indicated that there would be no problem in hearing them. She stated that there might be a move to deny rather than defer. Adm. Leach explained that this is the County Industrial Park—the Bonny Oaks Industrial Park that the County developed 20 years ago. The request is from M-2 to M-1. He noted that Greg Haynes has details on the issue. Councilwoman Berz reiterated that people with issues would be here tonight, and they might not want a deferral. Adm. Leach stated that Mike Price had asked for the deferral.

**Ordinances (c) and (d)** are zoning matters. Councilman Gilbert asked Mr. Haynes for clarification on Ordinance (c) concerning areas between a house. Mr. Haynes explained that this is just for one side rather than the whole property. On Ordinance (d), Councilman Gilbert wanted to know if this particular property was left out? Mr. Haynes explained that all of the rest of the property is M-2 and office, and this is for assembly use.

**Resolution (a)** is shifting land from US Real Estate Limited Partnership over to EPB for a substation—one PILOT into another PILOT, and it is to our advantage.
Resolution (b) was discussed in Public Works’ committee last week. Councilman Benson indicated that he would like to know more about this—that it is in Councilwoman Scott’s district, and he sent her an e-mail, which she had not responded to.

Councilwoman Scott responded that she was not ignoring his e-mail but was concerned that answering it might violate the Sunshine Law. She explained that the Council approved a temporary use over a sewer access on Browns Ferry Rd.; that she went back and looked at the minutes; that there had been complaints from surrounding property owners, and they contended that when their grandfather owned the land, he gave the easement to the City, and it was never his intention for the City to grant use to others who did not live on the land—that it was not donated for the City to re-grant for a boat dock. She stated that she had gone to the site and Attorney McMahan had also visited the site; that there was no house to escape from during high water; that it was not an emergency high water access; that on behalf of the homeowners, this was coming back before the City Council so that we can hear the facts from both sides and consider whether we should rescind the temporary easement.

She went on to say that if we allow this to happen, it could have a chilling effect on other easements; that we will have done this once because of a mistake and might leave ourselves open to others in the future; that this was granted to the City, and we granted it to someone else.

Councilman Rico stated that he thought the man lived there and needed to get out when it flooded. Councilwoman Scott indicated that she thought it was to help a person exit a home to safety during high water, but there was no home.

Councilman Benson stated that just for a point of information, would Councilwoman Scott have been out of compliance to have told him what she had related by e-mail? Attorney McMahan indicated that she could have been.

Resolution © authorizes EPA Revolving Loan Fund to provide loans to qualified applicants. Councilwoman Scott asked if the Council had gotten additional written information on this? Attorney McMahan explained that it was revised due his misunderstanding; that it is a Revolving Loan Fund of EPA brownfield money to the City; that it goes through Mr. Guthrie’s outfit and then Bankers review the applicants; that it is a city match.

Paul Page explained that it was a 20% match and involves several Bank Presidents; that all that review are in the banking business, and they must approve all loans. He explained that this needed to be kept private but that the Bankers do qualify the loan applicants. Mr. Johnson mentioned the Privacy Act. Mr. Page reiterated that the Bankers have to say “yes” that the applicants deserve the loans.
Councilwoman Scott asked if this was in the Budget for Fiscal Year 2012? She asked if it were loans for brownfield cleanup, and they make application to Bridghtbridge?

Mr. Guthrie responded that it was to a process that they were overseeing. She asked if it was evaluated as a risk? Mr. Guthrie explained that Bridghtbridge oversees the Revolving Loan Fund; that applications are processed, and they used the information to send to EPA as those who are eligible; that once this is done, they ask the owner to submit financial information for the Loan Review Committee, and they evaluate the applicants’ ability to repay the loan; then, through General Services, the loan documents are prepared. He stated that they had no problem with allowing someone to know the loan recipient; however sometimes business people are hesitant to be made a part of public record. He explained that they were able to make sub-grants to not-for-profit entities—that no city money is used, and there are two that are being processed. He talked about the environmental standpoint and then an evaluation to make sure we get the money back. He stated that this was all the last round before EPA had changed their rules; that when funds are gone, we can reapply.

Councilman Gilbert asked in areas where there is a cleanup, if residents are trained to do the clean-up? Mr. Guthrie responded that RPA trains people and also the Enterprise Center has funds to train. Councilman Gilbert asked if residents were given the opportunity to train and how the information got to the community? Mr. Guthrie responded that this was not under their purview but that RPA meets with neighborhood associations. He noted that there had been some complaints about this; that some who were not qualified for testing were given a period to come back and take the test, and they did not show up two different times. He stated that there was information in the community. Councilman Gilbert stated that he would like to give Mr. Guthrie a name to contact to make sure not showing up did not happen again.

Resolution (d) is a Public Work’s issue concerning an agreement with Griggs & Maloney, Inc. for engineering services at the Summit Landfill, City Landfill on Birchwood Pike, and the former J.H. Holding Co. site for an amount not to exceed $91,297.50.

Resolution (e) is a Special Exceptions Permit to allow a duplex in an R-1 Residential Zone. Councilwoman Berz asked if the duplex already existed and was told “yes”. She stated that we would talk more about this tonight. She questioned the R-1 Zone, asking if RPA had different plans? Mr. Haynes did not know.

AGENDA ITEMS FOR JUNE 21, 2011

Ordinance First Reading (a) is an abandonment and will be discussed in Public Works’ committee next week.
Resolution (a) relates to an agreement with Maycreate, LLC for web design services to create a new Content Management System with a Phase 1 cost of $128,000 projected and Phase II projected cost of $200,000 based on $85.00 per hour. This will be discussed at committee next week. Councilwoman Scott asked if we could also have an update on Peace Communications? Attorney McMahan explained that the City presently has no plans with Peace Communications, prompting Councilwoman Scott to ask “then why the contract?” Attorney McMahan stated that he did not know. She asked if there was anything in the works? She noted that this was the second contract in a week or two. Attorney McMahan stated that he was told this was not the case; that she would need to talk to Mark Keil. Councilwoman Scott stated that she would like to get this clarified next week.

Resolution (b) authorizes Parks and Recreation to apply for a grant from the Tennessee Dept. of Health and its Project Diabetes initiative for 33% of matching funds for implementation of a program on the prevention and treatment of diabetes. Mr. Johnson explained that no cash was involved and that this was for a track around Warner Park.

Councilwoman Scott mused “A track around Warner Park”? She noted that Warner Park already has a Spray Park, a Fitness Center and Ballfields. She asked if this was the same Warner Park? Councilman Murphy responded that Warner Park is one of the “jewels” of the Park System—that yes, it is Warner Park! He stated that this was typical of what residents love about our City, adding that Warner Park also has a Zoo! Councilwoman Scott responded “that it is a large crown with no jewels at all!” She stated that she would like to suggest that we rethink this.

Mr. Johnson reiterated that no money was involved.

Mr. Zehnder stated that maybe “track” was the wrong word—that it was a Fitness Walk and part of an ongoing plan; that walking trails were planned originally with State funds; that experts in fitness monitor the use; that this is an effort to help with diabetes and obesity; that we have made many improvements at Warner Park, and this was just taking advantage of available funds.

Councilman Benson stated that he did not put this down at all! He stated that he supported this opportunity; that Friends of the Zoo and the Warner family had put a lot of private money into the Park, and we needed to keep it viable. He asked if any local money was needed and was told “no”. Councilman Benson questioned “then why would we want to turn it down?” Mr. Zhender responded that he was not sure why.

Resolution © is a Neighborhood Services’ item. Mr. Johnson asked if Beverly Johnson was present to discuss this? She was not. He explained that a Grant would be cut across the board to all of the agencies.
Resolutions (d) through (h) are Public Works’ matters that will be discussed in their committee.

Mr. Johnson proceeded to go over two pages of purchases. The first was for Public Works’ purchase of annual support for sewer modeling license agreement from Innovyze in the amount of $14,345.00. Next was also for Public Works and the purchase of water analysis testing services from Laboratory Resources and Solutions, Inc. in the amount of an estimated $33,000 annually. Next was for General Services and the purchase of Tel Com Batteries from OSI Batteries for $10,488. The next for the Fire Department and the purchase of Medical Surge Cots from EMS Innovation in the amount of $15,286. Councilwoman Scott stated that she knew what a cot was but wanted to know why we need them? Chief Parker responded that area hospitals had asked us to provide them for disasters—that it was through a MMRS Grant. Councilwoman Scott wanted to know why Civil Defense did not handle this? Chief Parker explained that we are the administrators and have been since the inception of MMRS money.

The next purchase was for Parks and Recreation and the purchase of Two-Wheel Drive Utility Vehicles from Homestead Lawn and Tractor for $15,112.48. The next for Public Works and the blanket contract for equipment maintenance and repair services from Stowers Machinery Corp. in an estimated amount of $300,000 annually. The next was also for Public Works and the purchase of steel train poles from Quality Traffic Systems in the amount of $14,096. The next for Human Services for repair of refrigerator and freezer by Jake Marshall Service for $11,129.00. The next for Public Works and the purchase of three Walk-Behind Mowers from Homestead Lawn and Tractor for $12,876. The next for Parks and Recreation for five gas powered golf carts from Specialty Car Company for $23,145. The next for Public Works’ purchase of a 480V Bus Duct from Thurman Bryant Electric Supply Co. for $38,100. Councilwoman Scott wanted to know what this was? Chairman Ladd quipped “It is for Warner Park!” Mr. Stewart explained the electrical outage in 2010, when we evaluated needs to be done; that this was part of the replacement infrastructure.

The next purchase was for Public Works and a blanket contract for wet weather polymer from SNF Polydyne, Inc. for approximately $20,000 annually. The next was also for Public Works and a blanket contract for Biosolids Laboratory Analysis Services from Analytical Services, Inc. for approximately $25,000 annually. Councilwoman Scott asked if we did not have our own lab? Mr. Stewart noted that there are some things that we cannot test for, stating that this tells us what we don’t do.

The next purchase was for General Services and a blanket contract for Citywide Toner and Ink Cartridges from Unstar-Sparco Computers, Inc. for an estimated $100,000 annually. The next for Human Services and the purchase of a DLM Early Childhood Express from McGraw-Hill Companies for approximately $58,000 annually. The next, also, for Human Services for the purchase of a dishwasher from Culinary Depot for $13,272.51. The last for Parks and Recreation and the purchase of a rough mower for Brainerd Golf Course and one from Brown Acres Golf Course from Smith Turf & Irrigation and Ladd’s in the amount of $18,800.00.
Councilwoman Scott wanted to go back and ask about Resolution 7(e) for next week, which is a change order for improvements to the Oxygen Generation System, decreasing the contract amount by $16,350.94. Mr. Stewart stated that this was the final change order. She asked if the Oxygen Generation System is taken care of and was told “yes”.

**On motion of Councilwoman Berz, seconded by Councilman Gilbert, the minutes of the previous meeting were approved as published.**

The meeting adjourned at 3:50 P.M.