AGENDA SESSION
December 20, 2011
3:00 p.m.

Chairman Ladd called the Agenda Session to order with Councilmen Benson, Gilbert, Murphy, Rico, Robinson and Scott present; Councilman McGary joined the meeting later. City Attorney Michael McMahan and Council Clerk Carol O’Neal were also present.


Dan Johnson stated that Ordinance 5(a) on final reading, a closure and abandonment for Memorial Health Care System, was explained last week and points and questions were cleared up; that Ordinance 5(b) involves the reapportionment of districts. He stated Ordinance 6(a) for rezoning from R-4 to C-2 for Bassam Issa is scheduled for public hearing tonight and Ordinance 6(b), closure and abandonment for North Chattanooga Enterprises, was discussed in Public Works committee last week.

With reference to Resolutions for the evening, Mr. Johnson stated Resolutions (a) – (k) were discussed in Public Works Committee last week and most involve change orders.

Councilwoman Scott inquired about Resolution (g) involving the Wilcox Tunnel and asked to be refreshed about one of the sentences in the change order.

Bill Payne stated the original contract was for a schematic conceptual design to determine options; that the environmental process was required ahead of federal funding.

Councilwoman Scott asked if any problems are anticipated with that, whether it was blasted through to build it in the first place.

Mr. Payne stated he assumes it was blasted but is not sure; that the actual environmental document already addressed technical issues in terms of review and they looked at the alignment of the geotechnical work and are working to get that moved ahead; that geotechnical investigations will continue.

Mr. Johnson stated Resolution (l) is a General Services matter involving Dogwood Manor; that the amount comes out of the operating account of Dogwood and not the General Fund of the city. He stated Resolution (m) allows for 50 percent insurance for jointly owned properties with Hamilton County and Resolutions N-U are Public Works matters.
Councilwoman Scott inquired as to Resolution (o), the grant for the downtown Riverwalk and asked where the private contributions are anticipated to come from. Admin. Zehnder stated the Lyndhurst Foundation has the majority of it and the Benwood Foundation will be asked to contribute.

Councilwoman Scott stated she was unclear; that in addition to the $4.7 million funding the city’s match is being matched by private contributions. Admin. Zehnder responded “no”; that it is an 80/20 match.

Councilwoman Scott asked which part of that would be private. Admin. Zehnder responded 20 percent, which is $900,000+.

Councilwoman Scott inquired as to TDOT’s part and the part the city pays. Admin. Zehnder stated Lyndhurst has been part of the Riverpark Committee and planning.

Councilwoman Scott asked if they committed the money.

Bill Payne stated the Resolution’s total is $4.7 million for the total project and because it is a joint project with the city and county all of that portion is matched by the Foundation; that the county has been the lead with ten percent of the total project that will be the city’s portion due to matching funds covered by Foundations; that it also applies to the county who the rest of the matching funds that will come through.

Councilwoman Scott asked if we are all in and not waiting and will not appropriate something and wind up having to find the rest of it.

Mr. Johnson stated Resolutions (t) and (u) are two different items, that the first, Resolution (t) deals with Volkswagen and Bill Payne has graphics to distribute; that this is really an opportunity to clean up the edges of the property and we will settle out the property boundaries with this recording, including several types of uses of the property. He stated this will clean up some of the edges and interior parcels.

Bill Payne stated the Council might recall the original memorandum of understanding (MOU) between Volkswagen and all parties was originally 1,300 acres of total land and not all was transferred, only a portion as referenced on the color coded map that was distributed. He stated the numbers in red correlate to areas that have different deeds to be executed for those tracts; that the segments in blue are rights-of-way which take care of the perimeter areas. He stated the public road that was anticipated to go through the site was not desired by Volkswagen; that the rights-of-way are in the federal government’s name and GSA had to be followed for it to be transferred. He stated tracts five and 8 on the west side the details were not known during the initial transfer; that the larger tracts of one, two, three and six define the property line between Volkswagen and the nature park and were not transferred initially as an exact drawing of the boundary and was not necessary to know at the time. He stated this completes that portion and Mike St. Charles is present on behalf of Volkswagen; that a presentation was made at today’s Industrial Development Board (IDB) meeting, reiterating this completes the 1,300 acre transaction.
Councilwoman Scott stated she would like to read again the original lease that has been amended as there have been two amendments to the original lease and before voting she would like to read the original to see what we are amending it to. She stated she probably will not be ready to vote on this today and will ask that it be deferred until the next meeting (January 3, 2012) as she does not feel comfortable voting and she has not read an amendment to something that we need to be able to compare what they are. She stated we have done this once already and does not remember seeing it then.

Chairman Ladd stated Councilwoman Scott can make a motion to defer this evening.

Councilman Benson asked if there is any time pressure on this as the Council will not have a meeting until January.

Mike St. Charles of Chambliss Bahner and Stophel was present on behalf of Volkswagen and stated the timing is to get their deeds and do the other things contingent on the approval; that in terms of the original lease they are asking for property description . . .

Councilwoman Scott interjected by stating “no”; that she would like to read the entire lease noting that she would not sign an amendment for her own personal self with an entity without looking at the first one and has difficulty doing that as a representative for the people she represents; that it is just good business to read and understand completely.

Mr. St. Charles stated it is good to never sign something that a person did not understand and is supportive of that; that the lease agreement has been signed and all this is doing is just the city and county committing to provide Volkswagen with 1,300 acres to fulfill the original obligation.

Councilwoman Scott stated she would like to read it for herself if it is okay.

City Attorney McMahan stated he requested that the matter be placed on the agenda tonight rather than in the ordinance course of things as he was told Volkswagen needed some quick action on the property. He stated one of the other parts shown on the map is they are getting ready to do a solar farm and they want to do that; that Councilwoman Scott’s point is understood and all the drawings about changes in the road and railroad or surveying issues come from Barge Waggoner and the deed involved was prepared by Bill Jones Title Company. He stated even he could not possibly read the agreements without being a lawyer and surveyor or both and fully understand everything in the property description; that the original was not signed by the city. He stated the city signed the Memorandum of Understanding and executed deeds to the portions in white on the map to the IDB and the IDB, in turn, could execute the lease with Volkswagen. He stated the lease is actually between the IDB and the city and the purpose of this Resolution is to convey nine slivers of property outlined in yellow and blue to the IDB to complete the process. He stated it is the pleasure of the Council whether or not to defer the matter.

Councilwoman Scott stated only if this was within the purview of the IDB then they would not need our vote at all; that if they do need a vote they need an informed vote even if it means reading a document; that it worries her that the city attorney read it and cannot understand it, noting maybe she does need to read it!
City Attorney McMahan stated he did not say he could not read and understand it; that surveyors and title insurance personnel give him comfort they have drawn the property description.

Mr. St. Charles stated reading and understanding the lease is separate and apart; that these are property descriptions to determine where the property is subject to the lease. He stated he does not know if anyone from Barge Waggoner is present, however they worked closely with engineers on the parcels that should be included in the legal description that should have been conveyed to Volkswagen.

Mr. Johnson continued with Resolution (u), software upgrade by Accela.

Gary Hilbert of the Land Development Office explained that this is an upgrade to the software system and is a permitting insurance tracking database and record keeping system for the Land Development Office, as well as the Treasurer’s Office that uses a module of that. He stated it will upgrade servers as they will purchase bigger servers to hold more data; that it will upgrade the integrated voice response system, upgrade user interface for permit clerks and inspectors as the screen shots will be easier to use and more efficient. He stated the main advantage is that it will be more efficient, will clean up some of the “bugs” in the system now and will allow them to begin the process of electronic plans review, as well as save time and money. He stated drawings can be submitted in PDF and the system will work smoother; that the Mayor requested that they begin doing online permitting, a promise made in 2004 when the technology fee was instituted to begin the process of accepting and issuing some of the permits online. He stated the cost of the system will be divided between the Treasurer and Land Development Offices; that the Land Development Office will take the largest portion of that from the Technology Fee Fund and the remaining amount will come out of the Treasurer’s Office capital account.

Councilwoman Scott stated that this sounds like a wonderful thing and knows contractors will benefit by this. She asked if we are the first city to do this or is it something done in other places.

Mr. Hilbert stated there are other municipalities using Accela; that he talked with someone in Omaha, Nebraska who has just upgraded to the same system; that they are thrilled with it and it is working well for them!

**AGENDA: JANUARY 3, 3012**

Mr. Johnson stated the item on first reading, Ordinance (a), Administrative Hearing Officer, will be deferred again.

City Attorney McMahan stated the matter was deferred four weeks from last week and will appear on the January 10, 2012 agenda, the second week in January. He stated two ordinances will be added for first reading to amend annexation ordinances to provide annexation for areas eight and ten effective December 31, 2012 and will only leave two pending annexation lawsuits in Hixson and Big Ridge.
Mr. Johnson stated **Resolution (a), payment to Arthur Gallagher**, is in reference to the renewal of the property premium.

Councilwoman Scott asked if this is insurance for all city buildings all over. Mr. Johnson responded that it is for all city buildings, including the library.

Councilwoman Scott asked if that includes this one (Council building); Mr. Johnson responded “yes”.

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**PURCHASES**

The following purchases were requested for approval to the full Council:

- **Blanket Contract for Sewer Repair Services from Mayse Construction Company for Public Works at approximately $500,000.00 annually.**

Councilman McGary asked when a purchase indicates $500,000 annually is it a yearly amount, for what certain places, is it city wide and where do the dollars go.

Jerry Stewart explained that the repairs are over 14 feet deep and are back hoe repairs; that they have to find collapsed sewer lines as it cannot be lined properly without this. He stated they have to support their folks when they get a significant backlog of repairs to be done.

Councilman McGary asked if the dollars go toward maintenance; that the sewer system is 100 years old noting that is not being addressed by these dollars.

Mr. Stewart responded “not unless there is a problem as we have a large sewer system”.

- **Blanket Contract for Sewer Pipeline Debris Removal Services from Tower Construction Company for Public Works at an estimated $50,000.00**

- **Blanket Contract for Welding Supplies and Gases from Industrial Welding Supply Co. for General Services at approximately $15,000.00 annually**

- **Blanket Contract for Heil OEM Truck Parks from Cherokee Truck Equipment, LLC for General Services at approximately $200,000.00 annually**

- **Sole source purchase of Business Permit Analysis from Accela Government Software for Finance and Administration for $12,020.00**

Councilwoman Scott asked how this purchase differs with the other previous item on the agenda. Admin. Madison explained they are separate licenses to do a separate type of function by the same vendor.
Emergency purchase for Sanitary Sewer Extension from Brown Brothers, Inc. for Public Works in the amount of $43,550.00

Admin. Leach explained that a contractor in the Red Bank area figured the sewer line was not functioning for whatever reason; that it is a 1970 sewer line, predated long before the WWTA and is located on the western side of Red Bank around the high school. He stated the line was in a different location than thought and they are trying to work with Brown Brothers to do the work to resolve our problems with a faulty line serving the school and Erlanger North. He stated the decision was made to take care of our sewer line immediately.

Councilwoman Scott asked if this is a second issue with a different sewer from a few weeks ago or the same sewer line.

Bill Payne stated they identified the issue presented in Committee the last time; that it was reviewed and was not put before the Council that evening at 6 p.m. and is brought back now. He stated it is the same as before with the same amount; that it was withdrawn to make sure they had it correct.

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

The meeting was adjourned.