

AGENDA SESSION
October 27, 2009
3:00 p.m.

The Agenda Session was called to order by Chairman Benson, with Councilpersons Berz, Ladd, Robinson, Scott, Gilbert, McGary, Murphy, and Rico present. City Attorneys Michael McMahan and Valerie Malueg and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Dan Johnson, Chief Parker, Paul Page, Lee Norris, Daisy Madison, Larry Zehnder, Richard Beeland, Peggy Townsend, Beverly Johnson, Gary Hilbert, Chief Williams, Bill Payne, Dallas Rucker, Karen Rennich, Barry Bennett, Dennis Malone, and Jerry Stewart. Chief Cooper joined the meeting later.

AGENDA ITEMS FOR OCTOBER 27, 2009

Mr. Johnson proceeded to go over agenda items, noting that the two final readings on tonight's agenda are Public Hearings for Annexation areas 3A and 4B, being part of Lookout Mtn. and a modified version of Hixson Pike. Chairman Benson noted that Gold Crest had been taken out of 4B.

Ordinances (a), (b), (c), and (d) for First Reading all adopt Plan of Services for Annexation areas along Highway 58. **Ordinances (e) and (f)** were discussed in Public Works Committee last week. **Ordinance (g)** addresses the sale of beer in the UGC Urban General Commercial Zone. Attorney McMahan explained that restaurants get Beer Permits from the City and Alcohol Permits from the State—that in this new zone, the real purpose is both beer and alcohol. Councilwoman Robinson stated that we needed to take a hard look at the downtown area. Councilman McGary stated that he thought we were trying to shrink the business zone and not make it any bigger. Mr. Bennett stated that the C-3 Zone reflects the true business district—this is the fringe area, and they would have something ready for the December Planning meeting. Councilwoman Robinson stated that instead of cutting off the business district at Georgia Ave., we should expand it in order to not hamstring beer at the Memorial Auditorium; that we were trying to neutralize an arbitrary boundary and extend it; that we need the largest footprint we can have for a “big” downtown. Attorney McMahan noted that the C-3 Zone does not have to have parking, setbacks, and height requirements—that this is only for downtown; that this is what the fringe zone is for. Councilman Murphy stated that the UGC Zone is intended for the urban footprint with setback requirements—that we would be putting people first, rather than cars. Mr. Bennett agreed that it was an additional tool.

Steve Leach had a map in regards to **Ordinance (h)** amending the City Code so as to exclude certain properties known as Lot 24, Rossville Avenue from the Downtown Fire District Boundaries, subject to certain conditions.

Before this discussion ensued, Councilman McGary noted that last week the Council voted for Campbell & Associates to do LEED certification; that he contacted Green Spaces, and they have agreed to pay this \$22,000 because this is what they do. He stated that he would make this announcement later tonight.

Adm. Leach continued with the Codes issue, noting that a contractor is building houses on Rossville Ave., and there is an issue about the Fire District and not being able to build with wood; that this area will be taken out of the Fire District. Chairman Benson asked if there would be any other repercussions and Adm. Leach stated that this should have been excluded all along.

Resolutions (a) and (b) were discussed last week. **Resolutions (c) and (d)** were discussed in Public Works committee last week. Resolution (c) deals with the North Warner Park Stormwater Detention Basin to Thomas Brothers Construction Co., Inc. in the amount of \$1,703,999.00. This is subject to appropriation of funds. Councilman McGary asked if this would be in the Capital Budget? Ms. Madison responded that it is the ISS Capital Budget. Councilwoman Scott questioned approving this now before the Capital Budget is even passed—that if it is not appropriated in the Capital Budget, then it would not get done. Ms. Madison stated that she would expect that this would be approved. Councilwoman Scott questioned entering into an agreement that would already be approved by Resolution. Ms. Madison stated that the City would not be obligated legally, but morally. Councilwoman Berz asked if this Resolution could wait? Adm. Zehnder stated that parking had to be done. Councilwoman Berz stated that this was putting the cart before the horse. Councilwoman Scott stated that she had looked at the Capital Budget request and many departments were making requests and questioned the amount of money to go around. Councilwoman Berz asked if the matter could be put off for two weeks? Adm. Leach stated that this was the 4th part of the work around the Stadium. Councilwoman Berz stated that she was not arguing the project but would like this put off. Ms. Madison noted that this comes out of the ISS Fund, and they are prioritized. Mr. Stewart stated that they could wait until the Capital Budget is passed, and it could be **deferred two weeks**.

Councilman McGary asked Councilwoman Berz when we would be hearing about the Capital Budget? Councilwoman Berz stated that there would be a power point overview next week, and the Council would have a week to review; that it could be approved the following week; that we might get more information than we can digest. She went on to say that there would be a spread sheet, and the Council would have a week to digest and discussion the following week. The ISS Budget will also be discussed.

Resolution (e) will be discussed in the Legal and Legislative Committee meeting. Councilman Murphy stated that this would be held over for a week. Councilman McGary asked how this request would factor in to RPA's picture. Mr. Bennett stated that it involved the long-range Transportation Plan. Councilman McGary stated that we wanted these people to have a Plan but questioned if this would put a greater burden on RPA and maybe should be put off. Mr. Bennett agreed that RPA really needed help because of significant cuts in the Transportation Budget; that they were having to do everything in-house, which required high tech skills that they did not have; that they did not want to lose the transportation funds; that they were able to accommodate some things and had some plans that were still operational—that they would not drop everything. Councilman Murphy stated that this was subject to staff availability; that they just wanted this “on the plate”. Chairman Benson stated they would be given authority if funds are available, with Councilman Murphy stating that this just puts them to the front of the plate. Councilman Gilbert noted that he, too, had been asking for a Study or Plan. Ms. Rennich acknowledged that Councilman Gilbert had been talking to them. Chairman Benson told him that he needed to have a Plan authorized for his area.

Resolutions (f) and (g) were to be discussed together by Dennis Malone. They both have to do with TDOT Grants for bicycle facility improvements—one on Manufacturers Road and the other on Highway 58. The Highway 58 area will be from Webb Rd. to Jersey Pike; they would do both sides of the road with a Bike Plan and would get \$985,000 from TDOT for this project. He noted a major drainage problem in front of K-Mart; the second phase will cover Murray Hills Drive, and they will be asking for both sides of the road.

Councilman Gilbert stated that he had had a meeting with Hamilton County, and they would like to see it from Oakwood going through Bi-Lo. Mr. Malone stated that they would do the south side of the roadway first with funds. Councilwoman Scott confirmed that this was an 80/20 split. The final cost would be \$3 million and our cost would be \$600,000. She asked if this would be under the 2010 Capital Budget? Mr. Malone stated that it would be September of next year before we hear back—that it would be in the next Capital Budget or the one following that.

Mr. Malone went on to talk about Manufacturers Rd., stating they would make this road more visitor friendly; that both sides would be streetscaped, and they were looking at the south side right now with \$2 million dollars and \$400,000 for the City's share. Mr. Payne noted that this would be a dedicated Bike Route and not a Multi-Path.

AGENDA ITEMS FOR NOVEMBER 3, 2009

Ordinance (a) First Reading is a re-do for Annexation Area 9B.

Resolution (a) authorizes a 5.5 acre conservation easement at 5600 Hixson Pike from Clear Creek Church of Christ to be used as part of the North Chickamauga Greenway Master Plan. **Resolution (b)** authorizes an agreement with Barge, Waggoner, Sumner and Cannon, Inc. for the Brownfields Cleanup Projects at the Ohls Ave. Glass Field site and the Anchor Glass Office Building site in an amount of \$59,565.00, plus contingencies for an amount not to exceed \$77,565.00.

Going back to Resolution (a), Councilman McGary asked if we said “thank you”? Adm. Zehnder responded that Parks and Recreation does—not the Council.

Councilwoman Scott asked if Resolution (b) was a Grant? Mr. Page explained that it was actually two grants for a better price. She noted that typically contingencies are for 10% and wanted to know why it was 20% sometimes. Mr. Page stated that he could break this out for her. She was just questioning why they would not know ahead of time what is needed. Mr. Page stated that it just keeps them from having to come back to the Council to ask for more. Councilwoman Scott stated that it was her general observation that it was from 10% to 20%, and it seems to fluctuate—that this made her uncomfortable. Mr. Page stated that we don’t spend any money that we don’t have to; that he had a feeling we would have to spend more on this. Councilwoman Scott felt that when a contractor puts a proposal out there, they should have a figure in mind. Councilwoman Berz questioned the whole idea of contingencies; that the people bidding these jobs are experienced folk, and it seems they have no idea what it will cost without the contingency; that the contingency always seems to be used, and she questioned why not just include it in the bid? Mr. Page responded that they get the dollars if awarded. Councilwoman Berz added that they always get the contingency, too. Mr. Johnson stated that we were trying to protect. Councilwoman Berz asked if any Study had been done on contingencies that were not used?

Resolutions (c) and (d) will be discussed in Public Works’ Committee next week.

Beverly Johnson was asked to go over **Resolution (e)** that authorizes a Professional Services Contract with Asset Property Disposition, Inc. to oversee a Neighborhood Stabilization Implementation Plan for funds in the amount not to exceed \$205,050.00 for 24 months. She explained that this was a stimulus program they managed; that they received the funds in March and had 18 months to commit the dollars; that they put together a Plan with public input and would hire a consultant to do the day-to-day work because they did not have the staff nor the time. There are no general fund dollars involved. This company is based out of Jacksonville, Florida; that they narrowed the companies down to two. Councilwoman Scott asked if the name of the company should be included and was told that it did.

Mr. Johnson stated that there would be a Bond Inducement Resolution next week, which Daisy Madison would cover for the \$20 million dollar bond issuance.

Ms. Madison stated that she knew the Council would ask why authorize bonds without a Capital Budget being passed? She explained that it takes months to get a bond deal done, and this will expedite the process to go to market; that it will be a “not to exceed” amount subject to adoption of the Capital Budget; that we also have some stimulus dollars to get the process in place; that this has a lot to do with Volkswagen, and we need to get the finances in place to approve the MOU. Councilwoman Scott asked what we were being asked to do tonight and was told nothing. Ms. Madison stated that the Council would express an intent to issue bonds next week and once the Budget is passed, we will do a competitive bond sale. Councilwoman Scott asked if when we go over this Budget, we would see the Debt Service and the answer was “yes”. Councilwoman Robinson asked if the bond market was okay and was told “yes”.

Mr. Johnson went over one purchase for tonight’s Council meeting. It was to reject all bids for restroom hygiene services for Education, Arts & Culture. Councilman Murphy stated that we had rejected all bids twice. Mr. Johnson explained that they could not deliver the supplies. Councilman Murphy questioned something as simple as cleaning bathrooms, stating that rejecting bids twice seemed odd. Councilwoman Ladd explained that it was a chemical purchase—not the labor of cleaning commodes.

Chairman Benson stated that before this meeting ended, we had a good problem; that in his mind, this Council was the most dedicated, decisive and responsive Council that we have had, with great diversity. (Councilwoman Robinson added and also verbose!). Chairman Benson went on to say that we had a problem—that meeting from 3:00 p.m. to 5:00 p.m. did not suffice for responding to the Council’s concerns; that he appreciated this Council—that they were changing the way we were running things; that he thought we needed, as a Council, a whole day for a discussion on Water Quality and this needed to start from scratch; that it was killing our citizens and businesses, and the Council needed to be able to understand more fully; that we could not comprehend all of this and needed a three-four session on this and expand the meeting time; that the Council needed answers. He stated that Administration had not had to give answers in the past, but this Council was not this way; that they had a different agenda, and it was good for the citizens.

Adm. Leach stated that they would be happy to have a briefing.

Chairman Benson said make it the DRC Building and Ray Childers needed to be there. Councilwoman Robinson stated let’s go to the DRC Building and do it. Mr. Norris stated that they had held education sessions for the Council. Chairman Benson stated that this was not just for the Council. He asked that they set up a date and time—just not make it on a Tuesday.

Councilwoman Berz stated that she preferred mornings.

Attorney McMahan stated that it had to be advertised.

Chairman Benson stated get with Adm. Leach and work out a date. He reiterated that there was no better Council, even though it made more work for Administration.

Councilman Murphy noted that Councilmembers had not received a copy of **Ordinance (g)**.

The meeting adjourned at 4:00 p.m.