

**AGENDA SESSION
OCTOBER 9, 2012
3:00 P.M.**

Chairman Ladd called the Agenda Session to order with Councilpersons Scott, Rico, Benson, Berz, Robinson, 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 Daisy Madison, Attorney Patrick Bobo, Dan Johnson, Mark Keil, Dennis Malone, Tony Boyd, Mike Patrick, Steve Leach, Alice Cannella, Gary Hilbert, Johnny Feagans, Jim Templeton, John Van Winkle, Larry Zehnder, Beverly Johnson, Richard Beeland, Jana Lowery, Dickie Hutsell, John Bridger, Chief Dodd, and Chief Parker. Danny Thornton and Attorney Valerie Malueg joined the meeting later, as did Donna Kelley, Jenny Lowry, and Missy Crutchfield.

On motion of Councilman Murphy, seconded by Councilman Rico, the minutes of the previous meeting were approved.

Mr. Johnson noted that there would be a special presentation tonight on the "Chattanooga Zoo".

Ordinance 5(a) has been discussed in Public Works. **Ordinance 5(b)** is a zoning matter. **Ordinances on first reading** are zoning issues.

Resolutions (a) through (h) will be discussed in Public Works' committee. **Resolution (i)** will be discussed in the following committee meeting. **Resolutions (j) and (k)** were discussed last week.

Resolution (l) is a General Services matter and concerns a lease agreement with Diagnostic Radiology Consultants to lease 173 square feet for an x-ray examination area at the Well Advantage Center. **Resolution (m)** authorizes the Gang Task Force to apply for a Grant from Community Cultural Connections from Allied Arts in the amount of \$4,500.

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Mr. Johnson asked Attorney McMahan to explain **Ordinance 6(a)** which adopts a Plan of Services by annexing certain territory contiguous to said city limits and owned by Barrier Properties. Attorney McMahan explained that this property is in front of the Honors Golf Course and is 4/10th of an acre, and they want this in the city.

Resolution (a) adopts a 90 day moratorium on approval of any TIF's to allow time to develop appropriate guidelines. Councilwoman Scott asked if we were absolutely positive we would have this developed in 90 days? She stated that it was her understanding that there was quite a bit of work in putting these guidelines together in order to make sure we will not be challenged. She questioned whether this would be ready to go in 90 days? She felt that it would be clearer to just drop the 90 day limit.

Councilman Murphy stated that he was an expert concerning "Murphy's Law"—that work expands to fill the time allotted so that the work is over in a reasonable amount of time.

Councilwoman Berz stated that Councilwoman Scott's point was well taken; however if at the end of 90 days we are not ready, we can postpone it; that right now we needed to move on.

Councilwoman Scott stated that she would like to say that work does not expand without excellent reasons; that the people leading the charge is RPA, and they have an excellent record of doing what is right and not lagging—that this was just her suggestion—that the Council could go forward if they wanted to.

Resolution (b) is a Public Works' item.

Resolution (c) is a Parks and Recreation item to accept a donation of a Deed of Conservation Easement from W.R. Grace & Co. for a piece of property located at 1451 Mueller Ave. to assist in the continuation of the South Chickamauga Creek Greenway. Adm. Zehnder was present for questions. There were none.

Resolution (d) approves special police commissions for parking enforcement for CARTA for a group of people. Councilwoman Scott noted that in the past, the City has issued special commissions for lots of things—some coming from the private sector and people at hospitals. She stated that she would like to know what happens when we do this? She wanted to know what we were authorizing, when these are not city employees? She wanted to know if we were vetting them through our Police Dept. and what the vetting was? Thirdly, she wanted to know if these were CARTA employees or Republic Parking employees?

Attorney McMahan responded that we issue police commissions to a large variety of folks; that in recent years it has been only government employees and CARTA is quasi-governmental; that these are actually CARTA employees; that it was his understanding that Republic Parking was involved but that CARTA was to provide employees.

Chief Dodd added that they did background checks on these employees; that we had issued commissions to some at Erlanger and Memorial Hospital, but they now had private security; that none of these are city employees.

Councilwoman Scott stated that she would like an opinion as to why we would be offering positions with badges? Chief Dodd responded that they were not getting **their** badges; that Public Works' commissions carry badges, but they are not police badges.

Mr. Johnson explained that the City Code authorizes Special Commissions with a limited scope of job positions; that most of the time they only provide citations.

Councilwoman Scott noted that we would be commissioning people who will be working for a private company, with a badge. She wanted to know if there was no liability to this? She added that Republic Parking was not a quasi-governmental agency. Chief Dodd stated that he knew nothing about a badge. Councilwoman Scott went on to say that they would be "ambassadors"; that they would be ambassadors with a badge who could issue a ticket, and they would be working for a private company. She questioned how many citizens or visitors to our city would get close enough to see what kind of badge it actually was?

Dickie Hutsell explained that city employees have special commissions; that McKamey Animal Center has commissions—that they are unarmed but able to cite; that there are parking regulations in the City Code, and we have created a city badge with the city seal and each badge has a number; that no where in the City Code does it imply that it would be a police officer.

Resolution (e) is a Public Works' item. **Resolution (f)** authorizes the Administrator of the Department of Education, Arts, and Culture to apply for an Allied Arts Grant to fund cultural arts classes at the Eastgate Senior Activity Center in the amount of \$3,350.00.

Mr. Johnson went over the three purchases on tonight's agenda. The first was for Public Works and the purchase of Maintenance Services and Supervision for Cryogenic Oxygen Plant from Solutionwerks, Inc. in the amount of \$217,300. Councilwoman Scott stated that she had been in office for four years and remembered purchasing the contract for oxygen. She wanted to know what we are doing now? Ms. Cannella stated that Councilwoman Scott was right—that in 2007 we rehabilitated the Oxygen Plant and again in 2008; that in 2009 we changed equipment, and this is maintenance function that we have to do every five years. This is for re-certification and changing out the valves and is routine maintenance that we do every five years; that it is expensive because the tower has to be removed and installed—that this is in our budget this year.

The next purchase was also for Public Works for one rotacut macerator from The Eshelman Company for \$26,586. Mr. Johnson anticipated Councilwoman Scott's question, stating that he did not know what a rotacut macerator was either. Ms. Cannella explained that it was a device that protects a pump and cuts up material.

The third purchase was for fitness equipment for the Personnel Dept. from Fitco in the amount of \$179,769.00. Councilman McGary noted that we are expanding and wanted to know if this was new equipment and what would happen to the old equipment? Ms. Kelley responded that there is a plan in place to use the existing equipment; that this is for replacement and has a dual purpose for rehabilitation. Councilman McGary asked if the equipment would be in the new fitness center or elsewhere? Ms. Kelley responded “elsewhere”. Following Councilman McGary’s line of questioning, Councilman Murphy asked if “elsewhere in the City” was a secret? He wanted to know where. Ms. Kelley responded that they had developed a plan to deploy the existing equipment into fire halls.

Mr. Johnson continued with Board appointments. One being for the Library Board. Councilman Benson asked if this individual lived in the City limits—that the Library is in the city limits? Mr. Johnson responded that she lived on Signal Mountain—that living in the city limits is not a requirement. Councilman Benson, again, asked if she lived in the city limits? Mr. Johnson responded “the city limits of Signal Mountain”. Councilman Benson asked about a resume.

The second appointment was for the Stormwater Regulation Board. Councilwoman Berz asked where this individual lived? Mr. Johnson responded at 3800 Montview Drive. Councilwoman Berz added that Councilman Benson’s concern of the Library Board members living the city limits was well taken—that it was not a requirement—that we might want to look at this with due diligence. Chairman Ladd asked if the Library Board was our primary consideration? Councilman Rico asked if this was a re-appointment (Library). Mr. Johnson responded that this was a new appointment. The appointment to the Stormwater Regulation Board was also a new appointment. Councilman McGary asked if the Library appointment was pressing? He wanted to know if this could not be delayed for a week or two? Attorney Malueg responded that the Stormwater Board needs something in place now. Councilman McGary clarified that he was referring to the Library Board appointment. Attorney McMahan explained that the Library Board has been expanded, and we are adding four more people—going from seven members to eleven members.

Councilman McGary stated that he agreed with Councilman Benson—that he felt this needed further consideration—that this could constitute negligence on the Council’s part. He asked if this matter could not be taken up prior to the Library Board appointment? Councilman Murphy stated that Councilman McGary had seconded Councilman Benson’s concern; that this could be taken up in his committee and this appointment held up tonight.

Mr. Johnson continued with several appointments to the CHA Board.

This meeting was adjourned at 3:25 p.m.