

**AGENDA SESSION
SEPTEMBER 6, 2011
3:00 P.M.**

Chairman Ladd called the Agenda Session to order with Councilpersons Scott, Rico, Berz, Gilbert, and Benson present. Councilman Murphy 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 Dennis Malone, Capt. Neblette, Greg Haynes, Larry Zehnder, Dan Johnson, Gary Hilbert, Steve Leach, Bill Payne, Jerry Stewart, Tony Boyd, Lee Norris, Danny Thornton, Daisy Madison, Chief Parker, Chief Dodd, Chief Kennedy, Johnny Feagans, Richard Beeland, and John Van Winkle. Paul Page joined the meeting later.

Mr. Johnson began with **Ordinance VI(a)** that extends the corporate limits of the City to annex certain territory contiguous to the present limits, known as Area 9B, being certain parcels adjacent to Old Lee Highway and Apison Pike and changes the effective date of said annexation to December 31, 2012. Councilwoman Scott asked if any of the figures for infrastructure had changed since the last time? Attorney McMahan noted that the biggest infrastructure cost was still sewers.

Resolution (a) authorizes the issuance and sale of an amount not to exceed \$30 million principal amount, General Obligation Bonds, Series 2011A. **Resolution (b)** will be further discussed in Public Works. **Resolution (c)** will also be discussed in Public Works later today. **Resolution (d)** authorizes an Interlocal Agreement with Hamilton County; Industrial Development Board; Health, Educational and Housing Facility Board; and Volkswagen Group of America Chattanooga Operations. **Resolution (e)** authorizes the payment of the 2011-2012 membership dues for the TN Municipal League in the amount of \$30,350.00.

AGENDA ITEMS FOR SEPTEMBER 13, 2011

Ordinance 6(a) amends the City Code relative to use of hand-held mobile telephone or personal digital assistant prohibited while driving. Mr. Johnson stated that it was his understanding that this will conform with State law on texting.

Councilman Gilbert stated that he read this; that the Police have a lot to do currently without having to see if people are texting; that there were some exemptions; that it would be something they could not do; that he did not agree with this; that if one brought a new car, they had to “fiddle” with all the new buttons—that this also would be dangerous; that it would be kind of impossible to enforce this.

Councilwoman Scott asked if the Council could be provided a copy of State Law? Chief Dodd stated that he had a copy and copies were made for the Council (Copy included with this minute material).

Attorney McMahan stated that this could be discussed now or in Legal and Legislative, wanting to know the prevailing view.

Councilwoman Scott noted that Chief Dodd was present now, stating that she would like to hear his ideas on this. She noted that some of his people were exempt under this rule and wanted to know how he felt about this?

Chief Dodd responded that there is a State Law in place, and he did not see a need for this Ordinance—that the State has only a \$10.00 fine plus court costs; that as far as exemptions, those charged with the enforcement of the laws of the State when in discharge of their official duties were exempt; emergency medical technicians and firefighters when in discharge of their duties are exempt. He stated that “distracted driving” was “distracted driving”; that he would have to look at the data. He stated that to be honest, State Law on this was hard to enforce; that an officer can say that he saw someone texting, and they can deny it. He reiterated that State Law is hard to enforce.

Attorney McMahan explained that under State Law concerning a traffic offense, that the City can “track” the State Law; that we had received requests from City Judges—that they can only hear City Ordinances and officers cannot bring to them a violation of State Law; that this will be tracking citations to City Court.

Councilman Benson noted that some indicated they did not know how important this was—that it was very, very important that we impress on people not to text while driving. He mentioned a fine couple who were hit in his neighborhood, off of Pinewood—that a young teenage girl was texting and hit them and they were killed—that three lives were ruined; that this is an unsafe activity while trying to drive; that such an Ordinance as this can’t do any harm, and it could make an impression on people.

Chief Dodd agreed with this, noting that 26 people were killed because of distracted driving; that the bigger concern is State Law and duplicating State Law—that this is more of a public education issue.

Councilman Gilbert agreed that people should not be texting, stating, however that our curfew laws are not enforced; that we have laws in place now that are difficult to enforce; that there is already a State Law and to make a law just to make a law did not make sense to him; that this will put more people in the courtrooms and put the police in a positions to try to determine if someone is texting or just calling someone; that the paperwork will fill the Courts up.

Councilman Murphy, who had just joined the meeting, stated that he thought this was to be brought up in his committee.

Chief Dodd agreed that there is a problem in proving if someone is texting; that it is hard to enforce but would not hurt anything. He also noted that his officers could not bring State cases to a City Judge.

Councilwoman Berz asked Chief Dodd if he was for or against this? Chief Dodd responded that it won't hurt anything. He asked who sent this to the Council and was told the City Judges. He stated that public education was needed on distracted driving; that sure, he was all for this.

Ordinances (b), (c), and (d) are zoning issues.

Resolution (a) authorizes a TIGER III Grant relative to the Wilcox Tunnel Project in an amount up to \$25 million with the City matching funds in the amount of \$17 million through local and/or other grants. Public Works will go into this in more detail.

Resolution (b) authorizes General Services to enter into an interlocal agreement with U.S. Communities to purchase, as necessary, products that present a savings to the City. Councilwoman Scott noted that this was not like past Interlocal Agreements, as it indicated a price. Mr. Page explained that this was authorized by legislation; that cities will join together to get the best buys they can; that with the Council's permission, they would like to make a presentation on this next Tuesday night. Councilwoman Scott asked if there would be more opportunities for better prices and questioned if we would be leaving out our ability to compare with a local price? Mr. Page stated that that would be something that they would all need to have an understanding on as to what the Council's wishes were; that they would do this however the Council would like for them to do it; that there could be certain adjustments. Councilwoman Scott stated that she would like to get a copy of the Agreement ahead of time, asking if this was one item or multiple items? Mr. Page reiterated that they would do what the Council tells them to do. He stated that he could provide the Agreement, and they would like to make a presentation next Tuesday night if permissible. Councilman Rico questioned if he meant at the Tuesday night Council meeting? Mr. Johnson stated that it would be Tuesday afternoon.

Resolution © authorizes the purchase of 189 camera systems and lap tops from U.S. Communities for a total amount of \$1,505,710. This is through this same system and will be explained next week.

Resolution (d) authorizes the Fire Chief to apply for a U.S. Dept. of Homeland Security under FEMA Grant for funding equipment and training to increase firefighter safety with the City providing a cost share of non-federal funds of 20% of the total project cost. Chief Parker noted that the total project cost is \$160,000 and \$28,000 is our match; that he would have the exact figures next week; that this is a carbon monoxide issue and replacement of gas operating fans.

Resolution (e) is a Special Exceptions Permit approving a Preliminary and Final Planned Unit Development Special Exceptions Permit for a PUD known as Crescent on the Green located in the 4200 Block of Cummings Highway.

Resolution (f) authorizes the acquisition of vacant property located at 449 Valleybrook Road. Mr. Johnson noted that there had been a meeting on this. Chairman Ladd indicated that her constituents had some questions. Chief Parker stated that he would get some information from Danny Thornton and would review it and get with the City Attorney.

Councilwoman Berz wanted to know more about the Special Exceptions Permit in Resolution (e). Greg Haynes explained that this was a PUD—one-half was in the County and one-half was in the City. It is all in the City now. Councilwoman Berz asked if we always have Special Exceptions for PUDs and was told “yes”.

Councilwoman Scott asked what the appraised price was for this land on Valleybrook Rd.? Mr. Thornton responded \$56,000 as a residential lot; that it is currently zoned R-1, and it appraised for \$56,000; that we are offering \$55,000. She asked if the house was vacant and was told “yes”. She asked if there was landscaping and improvements on a vacant lot and was told “yes”.

Mr. Johnson went over the purchases that will be on tonight’s agenda. (A copy is filed with this minute material). Councilwoman Scott questioned the first purchase which was Alumina Pelletized Chlorine Removal Media from Purafil, Inc. in the amount of \$105,316 plus shipping costs. She stated she thought we had purchased chlorine by the truck load. Mr. Stewart explained that this is liquid chlorine. She asked if this was something we had been buying? Mr. Stewart explained that we had used it for minor spills and had used all the capacity of the scrubber—that this was a safety issue.

Councilwoman Scott also questioned the Citywide Blanket Contract for Temporary Employment Services from Outsource Staffing for an estimated \$800,000 annually. She asked if we spent this amount last year? Mr. Johnson responded “yes”—that was how we came up with this estimate.

Mr. Johnson went over appointments. Two for the Planning Commission—Mary Eastman until 2015 and Wanza Lee until 2015. Also two for the Metropolitan Airport Board—Linda Griffin until 2014 and Dan Jacobson until 2014.

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

The meeting adjourned at 3:35 P.M.