

City Council Building
Chattanooga, Tennessee
February 3, 2009
6:00 p.m.

Chairman Bennett called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gaines, Gilbert, Page, Pierce, Rico and Robinson present. City Attorney Michael McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Rico gave invocation.

MINUTE APPROVAL

On motion of Councilman Rico, seconded by Councilwoman Gaines, the minutes of the previous meeting were approved as published and signed in open meeting.

AMEND ORDINANCE NOS. 12139 AND 12161

On motion of Councilman Rico, seconded by Councilwoman Gaines,
**AN ORDINANCE TO AMEND ORDINANCE NOS. 12139, AS AMENDED,
KNOWN AS THE FISCAL YEAR 2008/2009 BUDGET ORDINANCE, AND
12161, AS AMENDED, KNOWN AS THE 2008/2009 CAPITAL BUDGET
ORDINANCE, TO PROVIDE FUNDING FROM THE GENERAL FUND AND
ALLOCATE FUNDS TO THE GENERAL GOVERNMENT CAPITAL PROJECTS
FUND IN ORDER TO PURCHASE PROPERTY LOCATED AT 332 EAST
MARTIN LUTHER KING BOULEVARD**

passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2008-166: Tony Devaughn

On motion of Councilman Rico, seconded by Councilwoman Gaines,
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY
LOCATED IN THE EAST LINE OF THE 3500 BLOCK OF CENTRAL AVENUE,
MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE
MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

AGREEMENT

On motion of Councilman Rico, seconded by Councilman Pierce,
**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES
TO EXECUTE A RIGHT-OF-ENTRY AGREEMENT WITH HAMILTON
COUNTY AND 1-A MALLARD LEADING, LLC RELATIVE TO 4800
CENTRAL AVENUE FOR THE PURPOSE OF CONDUCTING TEST PITTING
TO VERIFY THE QUALITY AND QUANTITY OF COAL AND COKE
MATERIAL LOCATED ON SAID PROPERTY, SUBJECT TO APPROVAL BY
HAMILTON COUNTY**
was adopted.

PAYMENT

On motion of Councilman Gilbert, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING A PAYMENT IN THE AMOUNT OF TWO
THOUSAND SIX HUNDRED THIRTY-NINE AND 39/100 DOLLARS
(\$2,639.39) TO WIDGETS AND STONE (MARKETING FIRM) FOR
PROMOTION CAMPAIGN FOR LIBRARY VISIONING EVENT AND WHICH
AMOUNT EXCEEDED THE TEN THOUSAND DOLLARS (\$10,000.00) PER
VENDOR LIMIT FOR THE YEAR 2007-2008**
was adopted.

CHANGE ORDER

Councilman Rico stated Resolutions (c) – (f) were discussed in Public Works Committee and approval is recommended.

CHANGE ORDER (Continued)

On motion of Councilwoman Gaines, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 TO CONTRACT NO. W-05-007-201, WARNER PARK COMBINED SEWER OVERFLOW (CSO) CONTROL FACILITY, WITH HAREN CONSTRUCTION CO., INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT TO FOUR MILLION FIVE HUNDRED TWENTY-FOUR THOUSAND TWO HUNDRED TWO DOLLARS (\$4,524,202.00), WHICH IS WITHIN THE PREVIOUSLY AUTHORIZED TOTAL FUNDING
was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO CONTRACT NO. W-05-007-202, WARNER PARK/ENGEL STADIUM PARALLEL INTERCEPTOR SANITARY SEWER, WITH EAST TENNESSEE GRADING, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT TO SEVEN HUNDRED THIRTY-THREE THOUSAND FIVE HUNDRED SIXTEEN AND 26/100 DOLLARS (\$733,516.26), WHICH IS WITHIN THE PREVIOUSLY AUTHORIZED TOTAL FUNDING
was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO CONTRACT NO. W-03-004-201, SHALLOWFORD ROAD SEWER RELOCATION CONTRACT WITH MAYSE CONSTRUCTION, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FORTY-ONE THOUSAND TWO HUNDRED ELEVEN AND 75/100 DOLLARS (\$41,211.75), FOR A REVISED AMOUNT NOT TO EXCEED THREE HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$385,000.00)
was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO CONTRACT NO. W-05-007-104, WARNER PARK/ENGEL STADIUM PARALLEL INTERCEPTOR SANITARY SEWER WITH LAMAR DUNN AND ASSOCIATES, INC., FROM FUNDS PREVIOUSLY AUTHORIZED, TO RESTRUCTURE FEES
was adopted.

OVERTIME

Overtime for the week ending January 29, 2009 totaled \$78,440.61.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **MICHAEL L. DAVIS** – Suspension (1 day without pay), Equipment Operator 3, City Wide Services, effective January 22, 2009.
- **RAYMOND L. LOUNDS** – Suspension (5 days without pay), Crew Worker 1, City Wide Services, effective January 21-27, 2009.
- **LARRY G. COULTER** – Suspension (1 day without pay), Equipment Operator 2, City Wide Services, effective January 29, 2009.
- **JEFFREY M. MOORE** – Family Medical Leave, Equipment Operator 4, City Wide Services, effective January 16 – April 10, 2009.

CHATTANOOGA POLICE DEPARTMENT:

- **MICHAEL BOLTON** – Suspension (28 days without pay), Police Officer 2, effective January 23, 2009.
- **RALPH K. FREEMAN** – Suspension (28 days without pay), Police Officer, effective January 26, 2009.

PERSONNEL (Continued)

FINANCE DEPARTMENT:

- **LINDA ERWIN** – Termination, Accounting Technician, effective January 14, 2009.
- **LINDA BISHOP** – Retirement, Administrative Support Asst. 2, effective January 29, 2009.

REFUND

On motion of Councilman Rico, seconded by Councilwoman Robinson, the Administrator of Finance was authorized to issue the following refund due to Hamilton County Tax Assessor’s amended assessment per Tax Management Associate’s audit:

AERISYN ENERGY LLC	\$2,400.71
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BOARD APPOINTMENT

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following Board re-appointment was approved:

GENERAL PENSION PLAN BOARD OF TRUSTEES:

- Re-appointment of **KATIE REINSMIDT** for a four year term expiring June 30, 2013.

PURCHASES

On motion of councilman Rico, seconded by Councilman Page, the following purchases were approved for use by the various departments:

CHATTANOOGA-HAMILTON COUNTY BICENTENNIAL LIBRARY:

AT & T (Lower and better bid)
R0117921/B0005755

PURCHASES (Continued)

Internet Service Provider (*AT&T submitted a lower cost option; the Library chose Option 2 because it offered a better connection with a minimal increase in price.*)

\$66,854.80 Estimated cost

PUBLIC WORKS DEPARTMENT:

ROLL-AID INDUSTRIAL SUPPLY and WALTER A. WOOD SUPPLY COMPANY (Best bids)
R0116742/B0005726

Chainsaw Supplies (*These vendors are located on opposite sides of town; awarding dual contracts will help promote fuel efficiency and better utilization of worker man hours by allowing the work crews to go to the nearest supplier.*) Estimated cost for the past contract which was a three (3) year period was \$18,542.

(Price information available and filed with minute material of this date.)

AMERI-PRIDE UNIFORM SERVICE (Best bid)
R0116756/B0005685

Uniform Rental – Estimated cost for the past contract which was a three year period was \$217,130.

(Price information available and filed with minute material of this date.)

HEARING: KENNETH FREEMAN

City Attorney McMahan stated the request for hearing from Detective Kenneth Freeman has been received to appeal his 28-day suspension without pay.

Councilman Benson stated that his point is extraneous to actually selecting someone however he wanted to say what he had to say. He stated that it is getting harder and harder to find a panel to serve (on hearings) and suggested the Council seriously think about putting before the city in the next coming election a proposal to change the *Code* so each Council person elected can either serve or select a person to represent himself or herself. He stated in his case he has two-to-three retired Federal judges who would love to serve all Monday mornings! He stated the longer he serves on the Council the more he finds himself in conflict of interest sitting in judgment of some of his peers.

HEARING: KENNETH FREEMAN (Continued)

Councilman Benson asked that the Council think about it and expressed knowing Councilman Pierce feels differently. He stated it is his idea that the Council person can serve or have his appointee serve. He asked if that is possible.

City Attorney McMahan stated it is possible if the matter is approved by referendum.

At this point City Attorney McMahan reminded Council members of the hearings that are already scheduled for February and March and related the available dates prior to the new Council coming on board. Initially, March 9 was suggested as the date for the hearing however Councilman Pierce suggested a March 2 date.

Councilwoman Berz strongly suggested the Council skip the March 2 date, reminding them that March 2 is the day before election and a lot of energies would be going on.

A hearing for Mr. Freeman was scheduled for Monday, March 9 beginning at 9 a.m. with Councilmen Berz, Rico and Pierce as the panel; an alternate was not selected.

CANCELLATION OF MARCH 3 COMMITTEE AND COUNCIL MEETINGS

Chairman Bennett stated that March 3 is the city election date and the Council has not usually met on election evening.

On motion of Councilman Rico, seconded by Councilwoman Berz the Committee and Council meetings for March 3 were duly cancelled.

COMMITTEES

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, February 10 immediately following the agenda session.**

MTAS TRAINING/PRE-BUDGET SESSION II

Councilwoman Berz reminded Council members of the MTAS training (pre-budget session) scheduled for Thursday, February 5 from 9 a.m. – 1 p.m.

DISTRICT 3 MEETING

Councilman Page expressed thanks to everyone in attendance at the Mayor's District 3 meeting last Thursday. He stated there was a good turnout and a lot of things were talked about. He extended special thanks and appreciation to persons on staff who showed up and were very helpful.

CLIMATE CONTROL REPORT

Chairman Bennett stated that a special presentation to the Council by Gene Hyde regarding the Climate Control Report is scheduled for Tuesday, February 24 at 2 p.m.

Councilwoman Robinson stated that this report comes from the Mayor's Green Committee; that it is a long range plan for Chattanooga and planning helps us reach those goals!

NEXT WEEK'S AGENDA: FEBRUARY 10, 2009

Chairman Bennett stated next week's agenda was reviewed in today's work session and includes the second and final reading of the Devaughn closure and abandonment. She stated in addition to the Resolutions on the agenda an additional project contract would be added which was covered in today's Committee work session. The agenda for next week's Council meeting is spread upon the minutes:

Ordinances – First Reading:

- a) An ordinance to amend Chattanooga City Code Section 2-424 to clarify the effective date of additional payments for the Deferred Retirement Option Plan election.

NEXT WEEK'S AGENDA: FEBRUARY 10, 2009
(Continued)

- b) 2009-006 Jim Williamson (From R-3 to C-2). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located on part of a property located at 7420 Bonny Oaks Drive and all of the property located at 7635 Lee Highway, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-3 Residential Zone to C-2 Convenience Commercial Zone.

2009-006 Jim Williamson (From R-3 to C-2). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located on part of a property located at 7420 Bonny Oaks Drive and all of the property located at 7635 Lee Highway, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-3 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions. **(Recommended for approval by Planning and Public Works.)**

- d) 2009-013 Vasco Jones (From R-5 & R-1 to R-T/Z). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 2841 and 2845 Harrison Pike, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-5 Residential Zone and R-1 Residential Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone.

2009-013 Vasco Jones (From R-5 & R-1 to R-T/Z). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 2841 and 2845 Harrison Pike, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-5 Residential Zone and R-1 Residential Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone, subject to certain conditions. **(Recommended for approval by Planning and Public Works.)**

- e) 2009-016 Colman S. Hochman (From R-4 to RT-1). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 6203 East Brainerd Road, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-4 Special Zone to RT-1 Residential Townhouse Zone. (Recommended for approval by Planning. Not recommended for approval by Staff.)

NEXT WEEK'S AGENDA: FEBRUARY 10, 2009
(Continued)

- a) A resolution authorizing the Chief of Chattanooga Fire Department to enter into a contract with Surplus A Porta Count Plus Fit/Test machine to be traded in on new equipment.
- b) A resolution authorizing Lauren Hollingsworth to use temporarily 328 Martin Luther King Blvd. to install an awning to overhang the front door entrance, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions.
- c) A resolution authorizing Buck Stop's Here, LLC to use temporarily 807 Cherry Street to install a banner and a canvas awning, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions.
- d) A resolution authorizing Denis Pellerin to use temporarily 1100 Block of Market Street to install a canopy and stair for the entry of the food court for Warehouse ROW, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions.
- e) A resolution authorizing the award of Contract No. E-08-003-201, 2008 City Sidewalk Requirements Contract in the amount of \$196,155.60, plus a contingency amount of \$19,614.40, for a total amount not to exceed \$215,770.00, and further authorizing the Administrator of Public Works to accept funds in the approximate amount of \$10,000.00 from Hamilton County Government for the construction of the Lake Haven Drive sidewalk as part of this project.
- f) A resolution authorizing the Mayor of the City of Chattanooga to execute an Interlocal Agreement with Hamilton County, Tennessee, for Homeland Security Grant funds awarded by the United States Government during the Fiscal Year 2008-2009 to be used by the City Fire Department for the purchase of approved Homeland Security Training Equipment and supplies in the amount of \$321,221.00 and by the City Police Department for the purchase of a chemical response vehicle in the amount of \$198,922.50, for a total amount not to exceed \$520,143.50, which purchases shall be completed by June 30, 2011, as shown on the attached Interlocal Agreement.
- g) A resolution authorizing the adoption of the Martin Luther King (MLK) Community Plan, a copy of which is attached hereto and made a part hereof by reference.

NEXT WEEK'S AGENDA: FEBRUARY 10, 2009
(Continued)

- h) 2009-010 Katherine Anderson (Home for Handicapped). A resolution approving a Special Exceptions Permit for a Home for the Handicapped on a tract of land located at 1411 Arlington Avenue, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference.
- 2009-010 Katherine Anderson (Home for Handicapped). A resolution approving a Special Exceptions Permit for a Home for the Handicapped on a tract of land located at 1411 Arlington Avenue, more particularly described herein and as shown on the map and drawing attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended by Planning and Public Works.)**
- k) 2009-PW-001 City of Chattanooga c/o Steve Leach, PW (Street Name Change). A resolution to change the rights-of-way names of 1, 2, 3, 4, 110, 112, 114, 116, 118, and 120 Benham Drive to the 400 Block of Monya Lane, as shown on the map attached hereto and made a part hereof by reference, due to duplicate street name-inaccurate street numbers-911 issues.

RECOGNITION OF WILMA AKRIDGE

Chairman Bennett recognized the presence of Wilma Akridge of the Hill City Neighborhood Association.

CHARLES PAYNE

Charles Payne, President of the Chattanooga Neighborhood Association Council (CNAC) and President of the Washington Hills Neighborhood Association stated that he was before the Council today as requested by the governing board of CNAC to ask the Council for assistance regarding persons in their districts. He stated CNAC was actually set up in 2001 to provide representation from all nine neighborhood districts and noted that they do not have all the members they would like to have in the organization. He noted that Councilman Gilbert went through CNAC during its initial stage and acknowledged the involvement of Wilma Akridge and Councilwoman Bennett, who helped get the organization started and expressed thanks to her. He asked the Council members to give CNAC some assistance in recommending persons adding that he knows Council members can not ask persons to participate if they are not willing to do so.

CHARLES PAYNE (Continued)

Mr. Payne stated that they have good activities in the community and work closely with the Neighborhood Leadership Institute. He stated Districts 2, 3 and 6 have no representation at all and each district is supposed to have three representatives for a total of 27 members. He stated there is a depletion of members due to attrition, as well as some leaving due to sickness. He stated that they are doing great things and working in concert with the city in an effort to address crime, blight and other things they see. He concluded his comments by asking the Council to give a recommendation of leaders within their districts.

Chairman Bennett asked how often the group met and the time frame.

Mr. Payne responded that they meet for about an hour on the fourth Monday at 6 p.m. at the Community Foundation. He stated they have invited the Mayor, Council persons and others to come and have had Dr. Amanda of the McKamey Center present, as well. He stated they have exciting guests to come in and give information and did some research for CARTA. He reiterated that they do good things and plan to have a retreat in the spring.

Councilwoman Berz stated that she did not know District 6 needed people on the Board and asked if he could provide packets of information for the three persons she will refer. She stated the packets would be very helpful and (she) would get three people right away. Mr. Payne acknowledged that he would get the packets of information to her on tomorrow.

Chairman Bennett stated that it would be helpful to use additional packets so when vacancies occur Council members will have them available and will know what their "homework" is.

Mr. Payne expressed thanks to the Council for allowing him to address them.

Chairman Bennett thanked him for making the Council aware of the need.

Councilwoman Robinson thanked Mr. Payne for what the organization is doing; that they are doing great work!

Mr. Payne stated District 5 has a good group and is covered with all three representatives; that some districts only have one or two members.

ADJOURNMENT

Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, February 10, 2009 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

**(A LIST OF NAMES OF PERSONS IN ATTENDANCE IS FILED
WITH MINUTE MATERIAL OF THIS DATE)**