

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
February 24, 2009**

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

**PLEDGE OF ALLEGIANCE
INVOCATION**

The Pledge of Allegiance was led by Councilwoman Robinson, followed by invocation.

MINUTE APPROVAL

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

AMEND ZONING ORD.

On motion of Councilman Rico, seconded by Councilwoman Berz,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS
AMENDED, KNOWN AS THE ZONING ORDINANCE, BY
AMENDING ARTICLE II BY REVISING THE DEFINITION OF
"TOWNHOUSE" AND AMENDING ARTICLE V BY INCLUDING
SUCH REVISIONS WITHIN SECTION 122(1) OF THE RT-1
RESIDENTIAL TOWNHOUSE ZONE AND SECTION 162(2) OF
THE R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE
ZONE**

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

REZONING

2009-016 (Colman S. Hochman)

On motion of Councilman Rico, seconded by Councilwoman Gaines,
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, SUBJECT TO CERTAIN CONDITIONS

was substituted. On motion of Councilman Rico, seconded by Councilman Page, the Ordinance passed second and final reading and was signed in open meeting.

CITY CODE EXCEPTION
9-1-1 EMPLOYEES

On motion of Councilwoman Berz, seconded by Councilman Rico,
AN ORDINANCE TO PROVIDE A TEMPORARY EXCEPTION TO CHATTANOOGA CITY CODE, SECTIONS 2-161©(2) AND (7) FOR EMPLOYEES ASSIGNED TO THE 9-1-1 COMMUNICATION BOARD

passed first reading.

CLIMATE ACTION PLAN

For the benefit of those who might be watching this session on television and would not have had the opportunity to fully hear the Report, Councilwoman Robinson explained that the Plan was presented by Gene Hyde earlier in the day; that he and 14 other citizens had been working on this for a year and a month. She advised that a copy of this Plan would be available on internet line or anyone wishing a copy could contact the City Council Office Staff.

**CLIMATE ACTION PLAN
(CONT'D)**

On motion of Councilman Gilbert, seconded by Councilman Rico,
**A RESOLUTION ADOPTING THE CHATTANOOGA CLIMATE
ACTION PLAN SUBMITTED BY THE MAYOR'S
CHATTANOOGA GREEN COMMITTEE DATED JANUARY
2009, ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE**
was adopted.

Chairman Bennett thanked everyone for their hard work and asked those
in the audience who were present to please stand.

BLOCK GRANT FUNDS

On motion of Councilman Page, seconded by Councilwoman Gaines,
**A RESOLUTION APPROVING THE ACCEPTANCE AND
DISTRIBUTION OF FISCAL YEAR 2009-2010 COMMUNITY
DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT
PARTNERSHIP ACT FUNDS FROM THE U.S. DEPARTMENT
OF HOUSING AND URBAN DEVELOPMENT (HUD) AND
PROGRAM INCOME, ALL TOTALING APPROXIMATELY
THREE MILLION EIGHT THOUSAND DOLLARS
(\$3,080,000.00), AND FURTHER AUTHORIZING
ACCEPTANCE, AND IF AWARDED, THE DISTRIBUTION OF
EMERGENCY SHELTER GRANT FUNDS FROM THE
TENNESSEE HOUSING DEVELOPMENT AGENCY (THDA) IN
THE APPROXIMATE AMOUNT OF EIGHTY-FIVE THOUSAND
DOLLARS (\$85,000.00) AS SHOWN MORE FULLY
HEREINBELOW**
was adopted.

**HOMELAND SECURITY
GRANT**

On motion of Councilman Gilbert, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING THE GENERAL SERVICES
DIVISION TO APPLY FOR AND, IF AWARDED, ACCEPT A
GRANT FROM THE UNITED STATES DEPARTMENT OF
HOMELAND SECURITY THROUGH THE EMERGENCY
MANAGEMENT AGENCY, FISCAL YEAR 2008
INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT
PROGRAM, IN THE AMOUNT OF EIGHTY-NINE THOUSAND
THREE HUNDRED FIFTY-FOUR DOLLARS (\$89,354.00)**
was adopted.

'C.H.I.P.S' GOLF CLASSIC

On motion of Councilman Gilbert, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING THE DEPARTMENT OF
PARKS AND RECREATION, THERAPEUTIC RECREATION
DIVISION, TO HOLD THE "C.H.I.P.S FOR GHARITY GOLF
CLASSIC" EACH YEAR TO RAISE FUNDS TO PROVIDE
SCHOLARSHIPS AND NEEDED EQUIPMENT FOR ITS USGA
ADAPTIVE GOLF PROGRAM**
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilman Pierce,
**A RESOLUTION RESCINDING RESOLUTION NO. 25633,
WHICH AUTHORIZED THE AWARD OF CONTRACT NO. S-
08-004-201, PRIVATE SANITARY SEWER SERVICE LINE
(SLAP), TO ROTO ROOTER, FOR FAILURE TO EXECUTE THE
CONTRACT, AND FURTHER AUTHORIZING THE AWARD OF
SAID CONTRACT TO C&C CONSTRUCTION SERVICES IN
THE AMOUNT OF ELEVEN THOUSAND TWO HUNDRED
DOLLARS (\$11,200.00), PLUS A CONTINGENCY AMOUNT
OF THREE THOUSAND FIVE HUNDRED DOLLARS
(\$3,500.00), FOR A TOTAL AMOUNT NOT TO EXCEED
FOURTEEN THUSAND SEVEN HUNDRED DOLLARS
(\$14,700.00)**
was adopted.

CONTRACT C.O.

On motion of Councilman Rico, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. E-04-002-201, MOUNTAIN CREEK ROAD IMPROVEMENTS—NORTH OF STONEBROOK DRIVE, WITH STEIN CONSTRUCTION COMPANY, INC. WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FORTY-ONE THOUSAND SIX HUNDRED FORTY-FIVE AND 46/100 DOLLARS (\$41,645.46), FOR A REVISED TOTAL CONTRACT AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY-TWO THOUSAND THREE HUNDRED TWENTY-SEVEN AND 46/100 DOLLARS (\$252,327.46)
was adopted.

CONTRACT C.O.

On motion of Councilman Gilbert, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO CONTRACT NO. E-08-010-101, SHALLOWFORD ROAD AT JENKINS ROAD INTERSECTION IMPROVEMENTS, WITH VOLKERT & ASSOCIATES, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THIRTY-TWO THOUSAND EIGHT HUNDRED DOLLARS (\$32,800.00), FOR A REVISED TOTAL CONTRACT AMOUNT NOT TO EXCEED NINETY-EIGHT THOUSAND EIGHT HUNDRED DOLLARS (\$98,800.00)
was adopted.

TEMP. ROW USE

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING CINDY HIXSON TO USE TEMPORARILY THE RIGHT-OF-WAY AT THE ENTRANCE OF SPRING VALLEY SUBDIVISION ON VALLEY BRIDGE ROAD TO IMPROVE THE SAFETY AND APPEARANCE OF THE ISLAND AREA, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

OVERTIME

Overtime for the week ending February 19, 2009, totaled \$7,254.63.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPT.:

- ❖ **BARRY BURNS**—Return to Duty from Military Leave of Police Sergeant, effective 2/9/09.

CHATTANOOGA FIRE DEPT.:

- ❖ **DEANGELO NEWSON**—One Day Suspension without pay for Senior Firefighter, effective 2/18/09.

PUBLIC WORKS DEPARTMENT:

- ❖ **ALONZO GOODWIN**—Ten Days Suspension without pay for Equipment Operator 3, effective 1/8—22/09.
- ❖ **RONNIE BURT**—Two Days Suspension without pay for Crew Supervisor 3, effective 11/20—21/08.
- ❖ **EDWARD F. WELLMANN**—Promotion to Project Engineer, Range 22, \$50,531.00, effective 1/30/09.
- ❖ **MICHAEL L. GRAVETT**—Five Days Suspension without pay for Equipment Operator 4, effective 2/19—25/09.
- ❖ **BRANDON S. COLLIER**—90 Days Extension of Probation for Plant Operator 1, effective 2/23—5/24/09.

DONATION

Adm. Leach reported a donation from the concrete industry in the amount of approximately \$2,000, which will be used to fund Mr. Ariel Soriano's attendance and presentation to the American Concrete Institute Spring convention in San Antonio, Texas from March 15-29, 2009.

HOTEL PERMITS

On motion of Councilwoman Gaines, seconded by Councilwoman Berz, the following hotel permits were approved:

SHERATON READ HOUSE HOTEL, 827 Broad Street, Chattanooga, TN

MARRIOTT RESIDENCE INN, 215 Chestnut St., Chattanooga, TN

BOARD APPOINTMENTS

CHATTANOOGA HOUSING AUTHORITY BOARD:

On motion of Councilwoman Berz, seconded by Councilwoman Gaines, the following Board Appointment was approved:

- ❖ **MOLLY COOPER** to fill the unexpired term of Gordon Mellencamp, to expire **June 1, 2011**.

BOARD OF ELECTRICAL EXAMINERS:

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following Board Appointments were approved:

- ❖ **BRIAN KEITH OWENSBY** to fill the expired term of Mark Christian, to expire **February 24, 2013**.
- ❖ **KARLENE CLARIDY** to fill the expired term of Veronica Young, to expire **February 24, 2013**.

PURCHASES

On motion of Councilwoman Gaines, seconded by Councilman Rico, the following purchases were approved for the various departments:

PUBLIC WORKS DEPARTMENT:

WORLDWIDE EQUIPMENT, INC. (Best Bid meeting specs.)
Requisition R0118065/B0005767

One Roll-Off Truck

\$132,500.00

H.H. BROWN, INC. & JAKE MARSHALL, LLC (Dual Contract for Best Bids):
Requisition R0118029/B0005756

Blanket Contract for Mechanical Service, Parts & Equipment

\$1,142,608.79 (approximately)

PARKS AND RECREATION DEPARTMENT:

HEWLETT PACKARD (City Wide Contract):
Requisition R0118515

57 Desk top Computers

\$27,759.00

CHATTANOOGA FIRE DEPT.:

DAWSON ASSOCIATES (lowest and best bid)
Requisition R0118564/B0005785

Blanket Contract for Gas Monitor Parts

\$20,313.56

PURCHASES (CONT'D)

GENERAL SERVICES DEPT.:

AMERICAN PAPER AND TWINE (Lowest complete bid):
Requisition R0116367/B0005690

Blanket Contract for Multi-Purpose Printing Paper

(City has spent \$204,000 since March, 2006)

TENNESSEE KENWORTH (Used Equipment
Requisition R0119589

Used Tractor for Fleet Management

\$102,480.96

INFORMATION SERVICES:

DELL/ASAP SOFTWARE (Single Source Purchase)
Requisition R0119125

Software Maintenance

\$72,491.91

RECOGNITION

At this point, Chairman Bennett recognized the presence of Kenny Smith, School Board Chairman, who was in the audience.

COMMITTEES

Councilwoman Robinson scheduled an **Education, Arts and Culture Committee** for **Tuesday, March 10th** immediately after the Agenda Work Session. (It was later decided by Councilwoman Robinson that this meeting would immediately follow the **Public Works Committee**, which immediately follows the Agenda Work Session.) The purpose of this meeting is to present the Library Task Force's Final Report.

COMMITTEES (CONT'D)

Councilman Rico reminded everyone of the **Public Works Committee**, which is scheduled for **Tuesday, March 10th to immediately follow the Agenda Work Session.**

Councilman Page reported that the **Economic Development Committee** met earlier in the day to discuss the purchase of 4.45 acres of land at Enterprise South for expansion by Orlandi. Also discussed was a Tax Abatement PILOT for UNUM, which will come before the Council in two weeks.

Councilman Gilbert announced that there would be a gathering held on Thursday, February 26th for the opening of the new softball fields. He stated that he hoped everyone would come.

MARCH 10TH AGENDA

Chairman Bennett went over the Agenda for March 10th, noting that there would be a Special Presentation of the **Marshall Fellows by Eleanor Cooper.**

Ordinance—First Reading (a) adopts and enacts a new Code for the City of Chattanooga, including the Chattanooga Zoning Ordinance.

Ordinance (b) amends the Zoning Ordinance to provide for open space within the PUD.

Ordinance © amends the Zoning Ordinance to include R-3 Residential Zone within the Special Exceptions process for two-family dwellings.

Ordinances (d), (e), and (f) are rezonings.

Resolution (a) is the PILOT for UNUM Provident that was referred to earlier by Councilman Page.

Resolution (b) authorizes eminent domain proceedings against Corral of Columbus, LLC at 4506 Hixson Pike, relative to the Hamill Road at Hixson Pike Roadway Improvements Phase 2.

MARCH 10TH AGENDA
(CONT'D)

Resolution © concerns an agreement with Volkert & Associates, Inc. relative to Hamill Road Improvements Phase 2 and 3 in an amount not to exceed \$64,500.00.

Resolution (d) authorizes the appointment of Sheena Benavente, Jordan Buffat, Dianna Burrow, Chris Gayton, Rebekka Gayton, and Cindy Glover as special unarmed policemen for Animal Care Trust d/b/a McKamey Animal Care and Adoption Center, Inc.

Resolution (e) is a Special Exceptions Permit for a two-family dwelling in an R-1 Residential Zone for Ward Properties, LLC on a tract of land located at 3816 Montview Drive.

ADJOURNMENT

Chairman Bennett adjourned the meeting of the Chattanooga City Council until Tuesday, March 10th, 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)**