

**City Council Building  
Chattanooga, Tennessee  
January 26, 2010**

Chairman Benson called the meeting of the Chattanooga City Council to order with Councilpersons Berz, Gilbert, Ladd, McGary, Murphy, Rico, Robinson and Scott 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 Murphy, seconded by Councilman Rico, the minutes of the previous meeting were approved as published and signed in open meeting.

**AMEND CITY CODE  
ANIMAL ORDINANCE**

On motion of Councilman Murphy, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 7, RELATIVE TO ANIMALS AND FOWL**  
was substituted. On motion of Councilman Rico, seconded by Councilwoman Robinson, the Ordinance passed second and final reading and was signed in open meeting **with Councilwoman Scott abstaining.**

Councilwoman Scott explained her reason for abstaining, stating that she supported all that she had read but had not gotten to the bottom of the Ordinance; that she was not for tethering of animals and felt that this was inhumane; that animals should be well taken care of; well fed and looked after; that her abstention should not be taken as a disagreement; that she had adopted a pet from the shelter; that she just had not read the Ordinance completely and could not vote at this time because this was a law.

Chairman Benson acknowledged the presence of the McKamey Staff, stating that he appreciated the job being done, which he knew was a tough job and felt they were trying to make things better.

**ANNEXATION PLAN OF SERV.**

On motion of Councilman Rico, seconded by Councilwoman Ladd,

**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, BY ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF SAID CITY, BEING TAX PARCEL NO. 131-074 IN HAMILTON COUNTY, TENNESSEE, OWNED BY C. LARRY ARMOUR, BEING MORE FULLY DESCRIBED HEREIN**

passed first reading, with Councilman Gilbert voting no.

**ANNEXATION PLAN OF SERVICES**

On motion of Councilwoman Rico, seconded by Councilwoman Ladd,

**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, BY ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF SAID CITY, BEING TAX PARCEL NO. 165-001 LOCATED ON AETNA MOUNTAIN ROAD IN HAMILTON COUNTY TENNESSEE, OWNED BY BLACK CREEK FARMS, INC. d/b/a AETNA INVESTMENTS, LLC, BEING MORE FULLY DESCRIBED HEREIN**

passed first reading, with Councilman Gilbert voting no.

Councilman Rico asked Councilman Gilbert if he understood these people were asking to be annexed, and he responded “yes”.

**LIBRARY APPROPRIATION**

Councilwoman Ladd stated that she had the highest respect for the Library and what they are doing for our citizens; that she knew they depended on volunteer help; however she had two concerns—that the City had a commitment to match Hamilton County, and we had done that, and this does not go beyond the regular Budget; that we have no responsibility to match an increase just because individual commissioners choose to give from their discretionary fund; that she felt this was a dangerous precedent because we had funds in our Budget, and we were about finished with this Fiscal Year and looking at 2010. She urged not to override the Budget that we have already set; that emergencies crop up that are essentials, and she could not in good conscience consider doing this.

**LIBRARY APPROP. (CONT'D)**

Councilwoman Robinson spoke from a different perspective, stating that this was a really unique situation; that we were fulfilling a Pledge; that there had been an increase for the Library, and the Budget was revised and this amount was reduced; however we were experiencing lower expectations and the money is here; that the Library Board of Directors said that all of this money will go to buy books; that the Library had been shortchanged because of budget cuts, and it was a great time to give them this boost on a one-time occurrence; that we are now “toe to toe” with Hamilton County in funding the Library this year.

Councilman Gilbert stated that he was a great supporter of the Library and believed in opportunities for kids; that this was not in our Budget but was coming out of City Council funds, which we did not use, and there was an opportunity to give this to the Library—that it was money we did not spend.

Councilwoman Berz wanted to be duly noted for the record; that she had posed two questions to Ms. Madison. First she asked if Ms. Madison said we had excess revenue, and the answer was “no”. Secondly, this is not otherwise called for in travel money that was not used by the Council; that we elected to use our own money; that the Council did not have discretionary funds, but it was discretionary as to whether the Council traveled or chose not to travel. She asked Ms. Madison if this money was called for elsewhere or if it could be rightly given? Ms. Madison responded that this was money that was in the Council’s budget for another purpose, and the Council did have this choice. Councilwoman Berz stated that as Chairman of the Budget Committee, she had to ask these questions. Ms. Madison added that our revenue is coming in slightly less and expenditures are down; that we will be able to operate within our budget with this allocation.

Chairman Benson commended the Council, stating that we had a most frugal Council; that this Council watched every penny and had not used their travel money; that no one had traveled out of Tennessee and had not gone to the League of Cities nor TML; that the Council had been frugal, and he thanked them for this.

**LIBRARY APPROP. (CONT'D)**

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**AN ORDINANCE APPROPRIATING NINETEEN THOUSAND DOLLARS (\$19,000.00) FROM THE GENERAL FUND CITY COUNCIL DEPARTMENT TO THE CHATTANOOGA-HAMILTON COUNTY BICENTENNIAL LIBRARY AS A MATCH OF HAMILTON COUNTY FUNDS RECEIVED**

passed first reading on roll call vote as follows:

<b>COUNCILWOMAN ROBINSON</b>	<b>“Yes”</b>
<b>COUNCILWOMAN LADD</b>	<b>“No”</b>
<b>COUNCILMAN GILBERT</b>	<b>“Yes”</b>
<b>COUNCILWOMAN BERZ</b>	<b>“Yes”</b>
<b>COUNCILMAN RICO</b>	<b>“Yes”</b>
<b>COUNCILMAN MCGARY</b>	<b>“No”</b>
<b>COUNCILMAN MURPHY</b>	<b>“No”</b>
<b>COUNCILWOMAN SCOTT</b>	<b>“No”</b>
<b>CHAIRMAN BENSON</b>	<b>“Yes”</b>

**HATE CRIMES POLICY**

On motion of Councilman McGary, seconded by Councilwoman Scott,  
**A RESOLUTION APPROVING THE CITY OF CHATTANOOGA HATE CRIMES RESPONSE POLICY AS ATTACHED HERETO**

was adopted.

**SPECIAL POLICE**

On motion of Councilwoman Robinson, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF  
KAREN S. WALSH AND MARVIN NICHOLSON AS SPECIAL  
POLICE OFFICERS (UNARMED) FOR ANIMAL CARE TRUST  
D/B/A McKAMEY ANIMAL CARE AND ADOPTION CENTER,  
INC., TO DO SPECIAL DUTY AS PRESCRIBED HEREIN,  
SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**DOGWOOD MANOR**

On motion of Councilman Rico, seconded by Councilwoman Ladd,  
**A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER  
TO EXECTUE LOAN EXTENSION DOCUMENTS RELATIVE TO  
THE DOGWOOD MANOR PROPERTY EXTENDING THE  
MATURITY DATE OF THE LOAN ON SAID PROPERTY FROM  
REGIONS BANK F/K/A/ AMSOUTH BANK FROM JANUARY 31,  
2010 TO JUNE 1, 2010; TO ENTER INTO AN AMENDMENT TO  
THE MANAGEMENT AGREEMENT WITH CHATTANOOGA  
HOUSING AUTHORITY (“MANAGER”) RELATIVE TO SAID  
PROPERTY TO ASSURE PAYMENT OF THE PROMISSORY  
NOTE TO REGIONS BANK IN THE EVENT FUNDS  
COLLECTED BY MANAGER ARE INSUFFICIENT TO MAKE  
REQUIRED PAYMENTS OF PRINCIPAL AND INTEREST; AND  
AUTHORIZING THE PAYMENT OF REASONABLE CLOSING  
COSTS ASSOCIATED WITH SAID LOAN EXTENSION**  
was adopted.

**CARITEN AGREEMENT**

On motion of Councilwoman Berz, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE DIRECTOR OF  
PERSONNEL TO EXTEND THE ADMINISTRATIVE SERVICES  
AGREEMENT WIT PHP COMPANIES, INC., D/B/A CARITEN  
TPA SERVICES RELATIVE TO INSURANCE BENEFITS OF  
CERTAIN RETIREES UNTIL MARCH 1, 2010**  
was adopted.

**HARTFORD DISABILITY  
INSURANCE**

On motion of Councilwoman Berz, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE  
THE NECESSARY DOCUMENTS TO OBTAIN LONG-TERM  
DISABILITY INSURANCE THROUGH THE HARTFORD AT A  
RATE OF FORTY-ONE CENTS (\$0.41) PER ONE THOUSAND  
DOLLARS (\$1,000.00) FOR AN ESTIMATED MONTHLY  
PREMIUM OF EIGHTEEN THOUSAND ONE HUNDRED NINE  
DOLLARS (\$18,109.00), WITH A THREE YEAR RATE  
GUARANTEE**  
was adopted.

**HARTFORD INSURANCE**

On motion of Councilman Murphy, seconded by Councilman McGary,  
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE  
THE NECESSARY DOCUMENTS TO OBTAIN GROUP LIFE AND  
ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE  
THROUGH THE HARTFORD AT A RATE OF FIFTEEN CENTS  
(\$0.15) PER ONE THOUSAND DOLLARS (\$1,000.00) FOR AN  
ESTIMATED MONTHLY PREMIUM OF THIRTEEN THOUSAND  
TWO HUNDRED NINETEEN AND 80/100 DOLLARS (\$13,219.80),  
WITH A THREE YEAR RATE GUARANTEE**  
was adopted.

**PUBLIC ACCESS TO  
DATABASES**

On motion of Councilman McGary, seconded by Councilwoman Berz,  
**A RESOLUTION EXPRESSING THE SENTIMENT OF THE CITY  
COUNCIL THAT THE MAYOR AND DEPARTMENT HEADS  
SHOULD DEVELOP PROCEDURES TO PROVIDE PUBLIC  
ACCESS TO THE CITY'S COMPUTER DATABASES TO THE  
MAXIMUM EXTENT PRACTICAL**  
was adopted.

Councilwoman Scott thanked Councilman McGary for bringing this forward, stating that it would be a great benefit to our residents and that she appreciated all of his efforts on this.

At this point, Marie Chinery left with the Staff of McKamey Animal Center and Chairman Benson thanked her for the work she was doing. He stated that Ms. Chinery, along with Councilman Murphy, had helped put the amendment to the Animal Ordinance together.

### **OVERTIME**

Overtime for the week ending January 21, 2010 totaled \$17,154.26.

### **PERSONNEL**

The following personnel matters were reported for the various departments:

#### **PUBLIC WORKS:**

- ❖ **FRANK BALES**—Five Days Suspension without pay for Plant Operator 2, effective 1/20—26/10.

#### **CHATTANOOGA POLICE DEPARTMENT:**

- ❖ **GROVER L. WILSON**—Military Leave for Police Officer, effective 1/11/10—9/30/10.

### **PUBLIC WORKS**

Adm. Leach advised the Council of a problem at Moccasin Bend in regards to an electrical problem that was undetermined that resulted in a major spill for the system. He stated that Lee Norris was at the site now; that two of our pumps were working with the help of a generator; that the staff had been working all day on ways to prevent this from happening in the future.

**REFUNDS**

On motion of Councilman McGary, seconded by Councilwoman Berz, the following refunds of personalty taxes were approved:

<b>CHICKASAW MANAGEMENT, LLC</b>	\$1,386.61.
<b>WOODBIDGE FOAM PARTNER</b>	\$1,742.22

**PURCHASES**

On motion of Councilman McGary, seconded by Councilman Rico, the following purchase was approved for use by the Public Works Department:

**BRENNTAG MID-SOUTH, INC. (Best bid meeting City Specs.)**  
**Requisition 22084**

Blanket Contract for Sodium Hypochlorite

\$ .72 per gallon/\$125 per day demurrage rate

On motion of Councilman Murphy, seconded by Councilman McGary, the following purchase was approved for use by the Public Works Department:

**CRESWELL RICHARDSON (Best bid meeting City Specs.)**  
**Requisition 20011**

Conveyor Spiral & Drive Shaft

\$13,530.00



**PURCHASES (CONT'D)**

On motion of Councilman McGary, seconded by Councilman Rico, the following purchase was approved for use by the Personnel Department on roll call vote as follows:

**REMAINSTOBESENN, Inc. (Lowest and Best Bid meeting Specs.)**  
**Requisition 21009/300032**

Employee Service Awards

\$10,000.00

<b>COUNCILWOMAN LADD</b>	<b>“No”</b>
<b>COUNCILWOMAN BERZ</b>	<b>“Yes”</b>
<b>COUNCILMAN RICO</b>	<b>“Yes”</b>
<b>COUNCILMAN MCGARY</b>	<b>“Yes”</b>
<b>COUNCILMAN MURPHY</b>	<b>“No”</b>
<b>COUNCILWOMAN SCOTT</b>	<b>“Yes”</b>
<b>COUNCILWOMAN ROBINSON</b>	<b>“Yes”</b>
<b>CHAIRMAN BENSON</b>	<b>“Yes”</b>

Councilwoman Ladd explained why she voted “no”. She stated that she was concerned about spending this kind of money in this economy and had a problem with this item.

**COMMITTEES**

Chairman Benson noted that the Blue Ribbon Water Quality Committee will meet on Thursday and there will be a time for public arena discussion at 4:00 p.m. here in the Council Assembly Room to discuss the Clean Water Act and also the fee. This meeting will last from 4:00 p.m. until 5:00 p.m.. At 6:00 p.m. there will be another public meeting to accommodate those who are only able to come in the evening. This will last until 7:00 p.m. He encouraged Councilmembers to come to both sessions, noting that there would not be a meeting at 10:00 a.m. on Thursday.

Councilwoman Scott scheduled a meeting of the **Economic Development Committee for Tuesday, February 2<sup>nd</sup> to immediately follow the Public Works Committee** to discuss de-regulation of cable rates for Comcast.

Councilwoman Robinson reported that a **Housing Committee** meeting was held today to hear from the Chattanooga Housing Authority in regards to the Fairmount Avenue project that is to be built with stimulus funds awarded by HUD; they plan to remove the housing that is there and replace it with new construction. They will be moving from 27 units to 32 units.

Councilman Rico confirmed that the **Public Works Committee would meet on Tuesday February 2<sup>nd</sup> immediately following the Agenda Session.**

Councilman Murphy confirmed that there would be a **Legal and Legislative Committee meeting on Tuesday, February 2<sup>nd</sup> to immediately follow the Budget, Finance and Personnel Committee meeting.** This is the last meeting on the agenda.

Councilwoman Ladd scheduled a meeting of the **Safety Committee on February 9<sup>th</sup> to immediately follow the Legal and Legislative Committee** to discuss checks and balances with the Beer Ordinance.

Councilwoman Berz announced that the Budget, Finance and Personnel Committee met today and discussed the recent saving of money in regards to the Wellness Pharmacy. She encouraged everyone to read the minutes from this meeting and the report on-line; that the City was doing a good thing. She reminded that there would be a meeting of the **Budget, Finance and Personnel Committee on Tuesday, February 2<sup>nd</sup>, immediately following the Economic Development Committee** for the first status report from the Council Audit Committee. On **February 9<sup>th</sup>**, there will be another meeting of the **Budget, Finance and Personnel Committee to immediately follow the Safety Committee** in response to e-mails relating to the way the Council does Personnel Appeals Hearings; that the Council has been giving this lots of consideration, and we are setting aside a time to discuss this in open session.

**NEXT WEEK'S AGEND**

Chairman Benson inquired as to there being any questions about the Agenda for February 2, 2010. There being none, the meeting proceeded.

**CHRIS SCOGGINS**

**Chris Scoggins of 133 River Street** appeared before the Council stating that he was an advocate for 8,000 people who ride skateboards; that their mission is to get a Public Skate Plaza or Park. He stated that there was a great need, and they would like the Council's support as they moved forward with fund raisers and awareness.

Councilwoman Robinson asked if he knew about the Skate Park at the First Tennessee Pavilion? He responded affirmatively; however this is different in that it would be a Public Skate Plaza. Councilwoman Robinson thought that this was a great idea, as people on skates would also be included.

**JOHNNY HOLLOWAY**

**Johnny Holloway with the Rainbow/PUSH Coalition** addressed the Council, stating that he just had one question concerning the Fairmount Housing. He wanted to know if this would not "smack in the face" of Fair Housing Laws? He stated that he thought it would be a violation of Fair Housing Laws.

Chairman Benson explained that it is not a matter of Fair Housing but public safety. He stated that he would talk to Mr. Holloway after the meeting concerning this. Mr. Holloway responded that it would be hard to argue with public safety. Chairman Benson agreed to meet with him after the meeting, again stating that it was not an issue of Public Housing; however they were trying to make this the issue.

**JAMES HENDERSON**

**Mr. Henderson of 3309 44<sup>th</sup> St.** stated that he was a Viet Nam veteran, and he used to be proud of this city; that he had had a nervous breakdown, and it was sad to see what is happening—that the city is impersonal and does not care for others. He went on to say, however, that there were some real "diamonds" in this city and that he might someday run for Mayor.

**ADJOURNMENT**

Chairman Benson adjourned the meeting of the Chattanooga City Council until Tuesday, February 2, 2010, 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)**