

**City Council Building
Chattanooga, Tennessee
April 6, 2010
6:00 p.m.**

Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Berz, Gilbert, Ladd, McGary, Murphy, Rico, Robinson and Scott 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, Councilwoman Ladd gave invocation.

MINUTE APPROVAL

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

PROCLAMATION: "FAIR HOUSING MONTH"

Mayor Littlefield stated it is an honor and privilege for him to proclaim things from time-to-time and noted the proclamation for the evening was "dead serious" and something important to the history of this community and the whole nation. He asked Beverly Cosley, Director of the Office of Multicultural Affairs (OMA), to join him at the podium. At this point he read the Proclamation in its entirety which has been spread upon the minutes:

P r o c l a m a t i o n

Whereas: April 11, 2010 marks the 42nd anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights Act of 1968, which declares a national policy of fair housing throughout the United States and makes any discrimination in the sale, lease or rental of housing, or making housing otherwise unavailable, because of race, color, religion, sex, disability, national origin or familial status illegal.

PROCLAMATION: "FAIR HOUSING MONTH"
(Continued)

Whereas: The City of Chattanooga and its Office of Multicultural Affairs, working with other local housing organizations, associations, businesses and concerned individuals, is committed to promote the Fair Housing Law, Title VIII of the Civil Rights Act of 1968, by continuing to address discrimination in our community, to support programs that will educate the public about the right to equal housing opportunities, and to plan partnership efforts with other organizations to help assure its citizens of their right to fair housing.

Whereas: The enactment of the federal Fair Housing Act on April 11, 1968 came only after a long and difficult journey as it failed to garner a strong majority for its passage. President Lyndon Johnson seized the national tragedy of Dr. Martin Luther King's death on April 4, 1968 to urge the bill's expedited passage as a fitting memorial to Dr. King's life work.

Whereas: Equal housing opportunity is a condition of life in our City of Chattanooga, Hamilton County that can and should be achieved.

Now Therefore,

I, Ron Littlefield, Mayor of the City of Chattanooga, do hereby proclaim the
month of April, 2010 as

Fair Housing Month

And Furthermore, be it resolved the City of Chattanooga commence a month-long commemoration of the U.S. Fair Housing Law in Chattanooga, Tennessee and urge all citizens to wholeheartedly recognize this celebration throughout the year.

PROCLAMATION: "FAIR HOUSING MONTH"
(Continued)

In Witness Whereof, I have hereunto set my hand and caused the

Seal of the City of Chattanooga to be affixed this the

1st day of April, 2010

Ron Littlefield, Mayor

Beverly Cosley introduced persons who were present with her noting that they are key to helping affordable housing and housing available for all people in Chattanooga. She stated a number of people were invited however those present today include Rayburn Traugher with the Chattanooga Community Housing Development Organization (CHODO), Roya Evans with CHODO, OMA Advisory Board members Tamara Hicks, Marco Diaz and James Piercy, Compliance Officer with the OMA office. She saluted them and the work they do in the community to provide affordable housing and eliminating discrimination among all people so they, too, can share the great "apple dream" of Americans, which is to have affordable housing. She stated the Proclamation kicks off the Fair Housing Luncheon and Workshop scheduled for April 13, noting David Johnson, CEO and President of Chattanooga Neighborhood Enterprise, a key partner with OMA, will be the guest speaker on at 11:30 p.m. at the Chattanooga Choo Choo.

At this point applause was given by those in attendance.

Councilwoman Robinson stated that she speaks for the entire city in thanking the Mayor for bringing the proclamation tonight and reminding us about the country that we have become. She expressed thanks to the staff and people here tonight representing the development community as advocates for housing and citizens in our community - thank you for all the work you do! She stated there is another organization doing a great deal of work, Community Impact, and she reminds the Council of it often; that Ms. Cosley has met with them along with other people from the community that will be celebrating this month together on April 18 at 4 p.m. at St. Paul Episcopal Church when the Neemah community gathers and the elders express their appreciation to the Mayor, Ms. Cosley, the Chattanooga Housing Authority, St. Paul and St. Timothy's.

PROCLAMATION: "FAIR HOUSING MONTH"
(Continued)

Councilwoman Robinson stated the purpose of the celebration is to restart teaching English as a second language and help welcome Chattanooga's newest citizens from the Burundi, South Africa location as they come into our community, welcome them and make them feel very much a part of our community. She stated it is with very heartfelt thanks and appreciation on behalf of the Council and her representation as she is so honored to be heading up the Housing Committee again and look forward to working with them in the coming years.

Chairman Benson expressed thanks and appreciation for what has been done for the Chattanooga community.

AMEND CITY CODE

Councilwoman Robinson stated a new process will be "test driven" to deal with some of the issues that this tweak to the ordinance would have attempted to correct.

On motion of Councilman Rico, seconded by Councilman Murphy
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, BY REMOVING IN THEIR ENTIRETY
SECTIONS 38-43(4) AND 38-524, RELATIVE TO TWO-FAMILY
DWELLINGS IN AN R-1 RESIDENTIAL ZONE**

Was deferred.

AMEND CITY CODE

Councilman McGary expressed thanks to Councilwoman Berz and all those who worked with her to bring this legislation on whistle blower protection as it is very much needed.

On motion of Councilwoman Berz, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 2, BY ADDING A NEW ARTICLE XV TO ESTABLISH A "WHISTLE
BLOWER" PROTECTION**

Passed first reading.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING JAY FLOYD C/O WHITEHALL PROPERTIES, LLC TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 320 NORTH MARKET STREET FOR PLACEMENT OF AWNINGS OVER DISPLAY WINDOWS AND ENTRANCE TO BUSINESS, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

Was adopted.

CHANGE ORDER

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO CONTRACT NO. E-04-036-201, ENTERPRISE SOUTH ROADWAY EXTENSION PHASE 1, WITH TALLEY CONSTRUCTION COMPANY, WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY TWO HUNDRED FORTY THOUSAND DOLLARS (\$240,000.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE MILLION SEVEN HUNDRED EIGHTY-NINE THOUSAND EIGHT HUNDRED FIVE AND 16/100 DOLLARS (\$1,789,805.16), AND THE REDUCTION OF THE CONTINGENCY AMOUNT BY TWO HUNDRED TWO THOUSAND NINE HUNDRED SEVENTY-NINE AND 84/100 DOLLARS (\$202,979.84)

Was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO CONTRACT NO. E-04-036-202, ENTERPRISE SOUTH ROADWAY EXTENSION PHASE 1B, WITH EAST TENNESSEE GRADING, INC., FOR AN INCREASED AMOUNT OF FOUR HUNDRED SIXTY-ONE THOUSAND FOUR HUNDRED EIGHTY-SIX AND 01/100 DOLLARS (\$461,486.01), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE MILLION THREE HUNDRED NINETY-FOUR THOUSAND SEVEN HUNDRED SEVENTY-ONE AND 77/100 DOLLARS (\$1,394,771.77)

Was adopted.

AGREEMENT

On motion of Councilman McGary, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH S&ME, INC. FOR PROFESSIONAL SERVICES FOR MATERIALS TESTING, RELATIVE TO CONTRACT NO. W-05-007-402, NORTH WARNER PARK STORMWATER DETENTION BASIN, IN AN AMOUNT NOT TO EXCEED NINE THOUSAND DOLLARS (\$9,000.00)

Was adopted.

AGREEMENT

On motion of Councilman McGary, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH GALLET & ASSOCIATES, INC., FOR PROFESSIONAL SERVICES FOR MATERIALS TESTING, RELATIVE TO CONTRACT NO. E-07-018-401, PASSAGE REPAIR PROJECT, IN AN AMOUNT NOT TO EXCEED SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00)

Was adopted.

AGREEMENT

On motion of Councilman McGary, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH CSX TRANSPORTATION, INC. RELATIVE TO CONTRACT NO. R-09-001, SOUTH CHICKAMAUGA CREEK GREENWAY, FOR THE TRAIL CONSTRUCTION UNDER CSXT BRIDGES IN VICINITY OF MILPOSTS OWA-129.13 AND OWA-129.31, CSXT OF NUMBER TN0284, IN AN AMOUNT NOT TO EXCEED NINETY-FIVE THOUSAND THREE HUNDRED FOUR DOLLARS (\$95,304.00)

Was deferred one week.

AMEND CONTRACT

Councilwoman Scott affirmed that the monies for this program are coming from the cameras that are used; that the ticketing money is what is paying for the driver education classes for young adults.

Chairman Benson stated it is an education program in an effort to prevent speeding.

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AMEND THE CONTRACT WITH HAMAN'S TO PAY AN ADDITIONAL FORTY-SIX THOUSAND DOLLARS (\$46,000.00) FOR ADDITIONAL DRIVER'S TRAINING CLASSES

Was adopted.

WAIVER OF LANDFILL FEES

On motion of Councilman Murphy, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE WAIVER OF THE LANDFILL FEES FOR THE "KEEP AMERICA BEAUTIFUL, GREAT AMERICAN CLEANUP" TAKING PLACE MARCH THROUGH JUNE, 2010

Was adopted.

OVERTIME

Overtime for the week ending April 1, 2010 totaled \$7,675.07.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- **MAQUITA GREEN** – Hire, School Patrol Officer, \$15.08 per hour, effective March 29, 2010.

PERSONNEL (Continued)

- **DEBORAH R. DENNISON** – Resignation, Police Officer, effective April 2, 2010.
- **DANNY HILL** – Suspension (20 days without pay), Police Sergeant, effective April 30 - May 28, 2010.
- **SEAN O'BRIEN** – Suspension (7 days without pay), Police Officer, effective April 1, 2010.

PUBLIC WORKS DEPARTMENT:

- **DANNY L. VIAR** – Promotion, Plant Operator 2, Waste Resources, Range 11, \$29,544.00 annually, effective February 26, 2010.
- **WILLIAM MORGAN** – Termination, Electrician 2, Waste Resources, effective March 25, 2010.
- **HAROLD J. MURRAY** – Termination, Equipment Operator 4, City Wide Services, effective March 31, 2010.
- **JUAN M. TONEY** – Promotion, Equipment Operator 3, City Wide Services, Range 8, \$29,323.84, effective March 19, 2010.
- **ROGER L. BURKE** – Promotion, Equipment Operator 3, City Wide Services, Range 8, \$25,521.00 annually, effective March 19, 2010.
- **TIMOTHY MILLER** – Suspension (1 day without pay), Crew Worker 3, City Wide Services, effective March 25, 2010.
- **HEATH R. SILVEY** – Resignation, Equipment Operator 4, City Wide Services, effective March 19, 2010.
- **RICHARD K. CRISP** – Hire, Sewer Project Coordinator, Waste Resources, Range 15, \$35,911.00 annually, effective March 26, 2010.

CHATTANOOGA FIRE DEPARTMENT:

- **SONJA Q. YORK** – Promotion, Personnel Assistant, Range 8, \$27,046.28 annually, effective April 5, 2010.

INTERNAL AUDIT:

- **MICHAEL S. HICKS** – Termination, Internal Auditor 1, effective April 5, 2010.

DONATION

On motion of Councilwoman Robinson, seconded by Councilman Rico, the acceptance of a \$500.00 donation from Wal-Mart to the Chattanooga Police Department's Narcotics Fund was duly reported and approved.

PURCHASES

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

PUBLIC WORKS DEPARTMENT:

NORTH AMERICAN SALT COMPANY (Change Order #1)
R23418/501912

Salt for De-Icing

\$39,445.00	-- Original Contract approved 2/16/10
<u>4,374.45</u>	-- Change Order #1 Increase
\$43,819.45	-- New Purchase Contract Total

GENERAL SERVICES:

OHLIN SALES (Lowest and best bid)
R23290

Radio Batteries

\$21,450.00

HEARING: MICHAEL S. HICKS

City Attorney McMahan stated that a request for hearing has been received from Michael Samuel Hicks regarding his discharge from the Department of Internal Audit. He stated Mr. Hicks did not indicate he is represented by an attorney.

A hearing for Mr. Hicks was scheduled for Monday, May 3, 2010 beginning at 4 p.m. with Councilmen McGary, Ladd, Robinson and Benson; Councilman McGary will serve as Chair and Councilman Benson volunteered as alternate.

PURCHASING MANUAL

Councilman McGary stated at last week's meeting he requested a report be given as to the status of the purchasing manual the Council has been told would be prepared and asked if the person scheduled to make the report were present tonight.

Chairman Benson stated that he might have "dropped the ball" on this; that he was to talk with Paul Page.

Dan Johnson stated that he has spoken with Mr. Page about this but was not instructed to inform the Council; that he would tell him . . .

Councilman McGary stated a couple months ago the Council took up the notion of the "tie breaker ordinance" and was told the actual items referenced in the ordinance would find its way in the revised purchasing manual; that he is interested in an update as to the status of the manual.

Mr. Johnson stated that he talked to Mr. Page this morning; that the manual is in its final stages and they are looking at two-to-three weeks.

Councilman McGary asked if the Council would receive a copy of the manual, to which Mr. Johnson replied "oh, yes; that the Council has to pass it"!

Chairman Benson stated when a copy is ready the Council would like to see it.

COMMITTEES

Councilwoman Scott scheduled a meeting of the **Economic Development Committee for Tuesday, April 20** to hear a presentation regarding the Moccasin Bend Gateway Plan.

Councilwoman Scott stated in following up on our topic of discussion this afternoon relative to due diligence necessary to make sure home purchases or foreclosures and all categories of home purchases, that the buyers understand the need to do their own due diligence in determining what the zoning is and how properties can be used with some of the laws on the books governing homes that have been vacant for over 100 days.

Councilman Rico reminded Council members of the **Public Works Committee scheduled for Tuesday, April 13 immediately following the Agenda Session.**

Councilman Murphy stated the **Legal and Legislative Committee would meet on Tuesday, April 13** to discuss a recommendation from the Beer and Wrecker Board and other things that come under the Committee's jurisdiction.

Councilman McGary scheduled a meeting of the **Education, Arts and Culture Committee for Tuesday, April 13** to discuss the selling of alcohol and wine at the Tivoli and Memorial Auditorium. He stated he has just heard from Senator Berke who came before the Committee about three months ago regarding his efforts to make sure we are able to sell alcohol and wine, and was told we are at the last stages of getting an ordinance passed by the State Legislature to allow us to do that. He stated that he hopes to bring the report at the next Committee meeting.

Chairman Benson stated that is permissive legislation; that the decision has not been made to do it as it just allows us.

Councilwoman Berz reported that Council members received the budget forms from the departments and agencies today and they will be reviewing all of that as well as speaking with administration and the agencies so they can make the best decisions possible relative to the Mayor's presentation of his budget scheduled for May 18.

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, April 13, 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)**