

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
April 27, 2010**

Chairman Rico called the meeting of the Chattanooga City Council to order with Councilmen Benson, Berz, Gilbert, Ladd, McGary, Murphy, Robinson and Scott present. City Attorney Michael McMahan, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the City Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

The Pledge of Allegiance was led by Councilwoman Berz, followed by a short silent prayer and invocation.

MINUTE APPROVAL

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

**AMEND CITY CODE
CITY COURT**

On motion of Councilman McGary, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 12, SECTION 12-21, RELATIVE TO CITY
COURT**
passed second and final reading and was signed in open meeting.

**AMEND CITY CODE
PAVING**

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 32, ARTICLE III, SECTION 32-67 TO ADD
A NEW SUBSECTION, RELATIVE TO EXCAVATION AND
RESTORATION OF PAVING**
was substituted. On motion of Councilwoman Robinson, seconded by Councilman Murphy, the Ordinance passed second and final reading and was signed in open meeting.

COMMUNITY DEV.PLAN

Councilwoman Robinson recognized people of the neighborhoods who were present and thanked them for coming. She noted that Resolutions (e) through (j) were all discussed in the Housing Committee earlier today and come with a recommendation for approval; that these are investments in our City for clean, safe and affordable housing for the citizens of Chattanooga. The Plan was implemented by Neighborhood Services under the leadership of Beverly Johnson, and she and consultants from CNE, Habitat for Humanity and Lyndhurst Foundation came before the committee this afternoon. She asked those in attendance to stand to be recognized, stating that she appreciated their community support and leadership and hoped that this all met with their approval.

On motion of Councilman McGary, seconded by Councilwoman Berz,
**A RESOLUTION APPROVING THE CITY OF
CHATTANOOGA'S COMMUNITY DEVELOPMENT
CONSOLIDATED PLAN FOR 2010-2014**
was adopted.

**HUB FEST AND
BARK IN THE PARK**

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
THE DEPARTMENT OF PARKS AND RECREATION TO
ASSIST THE FRIENDS OF EAST BRAINERD IN THE
PRODUCTION OF THE HUB FEST AND THE BARK IN THE
PARK FESTIVALS**
was adopted.

AGREEMENT

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN
AGREEMENT WITH BROWN AND CALDWELL FOR
ENGINEERING SERVICES FOR THE DUPONT PUMP STATION
UPGRADE IMPROVEMENTS AND COLLECTION SYSTEM
EVALUATION PROJECT NO. W-09-012, IN AN AMOUNT NOT
TO EXCEED ONE HUNDRED FORTY-ONE THOUSAND THREE
HUNDRED NINETY DOLLARS (\$141,390.00)**
was adopted.

AMNESTY PERIOD
RED LIGHTS AND
SPEEDING CAMERAS

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
**A RESOLUTION AMENDING RESOLUTION NO. 26268 BY
AUTHORIZING, RATIFYING, AND APPROVING AUTOMATED
ENFORCEMENT CITATIONS FOR RED LIGHT CAMERAS AND
SPEEDING TICKETS THAT ARE SIX (6) MONTHS OR OLDER
AS OF APRIL 16, 2010, TO THE PARTIAL AMNESTY PERIOD**
was adopted.

Councilwoman Scott admonished all who owe to please pay up.

SP. POLICE APPOINT.

On motion of Councilwoman Robinson, seconded by Councilwoman Berz,
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF
ZACHARY WILEY AS SPECIAL POLICE OFFICER (UNARMED)
FOR THE CITY OF CHATTANOOGA NEIGHBORHOOD
SERVICES DIVISION, TO DO SPECIAL DUTY AS PRESCRIBED
HEREIN, SUBJECT TO CERTAIN CONDITIONS**
was adopted.

CNE AWARD

On motion of Councilman Murphy, seconded by Councilwoman Berz,
**A RESOLUTION AUTHORIZING THE ADMINSTRATOR OF
THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND
COMMUNITY DEVELOPMENT TO AWARD ONE MILLION
TWO HUNDRED SIXTY THOUSAND DOLLARS
(\$1,260,000.00) TO CHATTANOOGA NEIGHBORHOOD
ENTERPRISE TO UNDERTAKE NEIGHBORHOOD
STABILIZATION PROGRAM ACTIVITIES**
was adopted, with Councilwoman Scott abstaining.

AWARD/THE JANDAS

On motion of Councilman McGary, seconded by Councilman Gilbert,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND
COMMUNITY DEVELOPMENT TO AWARD ONE HUNDRED
FORTY THOUSAND DOLLARS (\$140,000.00) IN
NEIGHBORHOOD STABILIZATION PROGRAM FUNDS TO
CHRIS AND AMANDA JANDA FOR THE PURPOSE OF
CREATING AFFORDABLE, PERMANENT, SUPPORTIVE
HOUSING IN AREA OF GREATEST NEED**
was adopted.

AWARD/AIM CENTER

On motion of Councilman McGary, seconded by Councilman Gilbert,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND
COMMUNITY DEVELOPMENT TO AWARD ONE HUNDRED
THOUSAND DOLLARS (\$100,000.00) IN NEIGHBORHOOD
STABILIZATION PROGRAM FUNDS TO AIM CENTER FOR
THE PURPOSE OF CREATING AFFORDABLE, PERMANENT,
SUPPORTIVE HOUSING IN AREA OF GREATEST NEED**
was adopted.

**AWARD/HABITAT FOR
HUMANITY**

Councilman McGary shared his excitement concerning this and the work that Habitat for Humanity is doing; that he had shared in the joy of first time homeownership and looked forward to their future work.

Councilman Benson noted that all of these Resolutions that were being approved were Federal Government money.

HABITAT FOR HUMANITY
(Cont'd)

On motion of Councilman Murphy, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO AWARD FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) IN NEIGHBORHOOD STABILIZATION PROGRAM FUNDS TO HABITAT FOR HUMANITY TO DEVELOP HOUSING PRIMARILY FOR FAMILIES WITH INCOMES AT OR BELOW FIFTY PERCENT (50%) OF THE AREA MEDIAN INCOME
was adopted.

NEIGHBORHOOD STABILIZATION FUND PUR.

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY AT 201 SEQUOIA DRIVE WITH NEIGHBORHOOD STABILIZATION PROGRAM (NSP) FUNDS TO ASSIST IN STABILIZING PROPERTY VALUES IN NEIGHBORHOODS IMPACTED BY FORECLOSURES IN THE AMOUNT OF FIFTY-EIGHT THOUSAND DOLLARS (\$58,000.00), PLUS CLOSING COSTS
was adopted.

ROW NAME CHANGE

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd,
A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME OF THE 5600 TO 5609 BLOCK OF DIXIE AVENUE TO THE 5600 TO 5699 BLOCK OF ORCHID LANE DUE TO DUPLICATION OF STREET NAME (2010-PW-001)
was adopted.

ROW NAME CHANGE

On motion of Councilman McGary, seconded by Councilwoman Scott,
**A RESOLUTION TO CHANGE THE RIGHT-OF-WAY NAME OF
THE 5700 TO 5729 BLOCK OF DIXIE AVENUE TO THE 5700
TO 5799 BLOCK OF PUMPKIN PIE LANE DUE TO
DUPLICATION OF STREET NAME (2010-PW-002)**
was adopted with Councilman Benson voting “no”.

FEE WAIVER

On motion of Councilman Murphy, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE DEPARTMENT OF
PARKS AND RECREATION TO WAIVE A PORTION OF THE
SOFTBALL TEAM REGISTRATION FEES ATTRIBUTED TO
GAME OFFICIALS WHO WILL BE PAID DIRECTLY BY THE
TEAMS**
was adopted.

OVERTIME

Overtime for the week ending April 22, 2010, totaled \$51,459.18.

PERSONNEL

The following personnel matters were reported:

CHATTANOOGA POLICE DEPARTMENT:

- **RANDALL J. WOOD**—Approximately 400 days of Military Leave for Police Officer, effective 4/7/10
- **JOY E VARNELL**—Resignation of School Patrol Officer, effective 4/15/10

DONATION

Adm. Zehnder reported a donation to the City of Chattanooga from Roger Deversa, M.D. in memory of Julia Deversa, RN. The sculpture is entitled "Black & White" and the artist is Samuel Burns. It is currently in exhibition at the Tennessee RiverPark through September 2010. It is very beautiful and worth \$8,000 and has been donated to us for our Public Arts Program.

REFUNDS

On motion of Councilman McGary, seconded by Councilwoman Robinson, the Administrator of Finance was authorized to issue the following refunds of Water Quality Fees and/or Property Taxes:

CAROLEX PROPERTIES--\$2,235.60

PATTEN TOWERS LP II c/o YARCO CO. INC.--\$2,520.70

CT CHATTANOOGA TN LLC--\$88,278.60

PURCHASES

The motion was made by Councilwoman Robinson, seconded by Councilwoman Berz, to approve the two purchases; however Councilman McGary requested that the two purchases be voted on separately. Councilwoman Robinson and Councilwoman Berz withdrew their previous motions.

On motion of Councilwoman Robinson, seconded by Councilwoman Berz, the following purchase was approved for use by the Air Pollution Control Board on **Roll Call Vote as follows:**

**FAIRWAY OUTDOOR ADVERTISING (Best Proposal meeting specs.)
Requisition R25054**

Purchase of Billboard Advertising

\$14,000.00

PURCHASING (CONT'D)

COUNCILWOMAN SCOTT	NO
COUNCILWOMAN ROBINSON	YES
COUNCILWOMAN LADD	NO
COUNCILMAN GILBERT	YES
COUNCILWOMAN BERZ	YES
COUNCILMAN MCGARY	NO
COUNCILMAN MURPHY	NO
COUNCILMAN BENSON	YES
CHAIRMAN RICO	YES

On motion of Councilman Murphy, seconded by Councilman McGary, the following purchase was approved for use by **GENERAL SERVICES**:

WASTE EQUIPMENT PARTS (Lowest Overall Bid meeting specs)
Requisition R24772

After Market Heil Parts

\$60,000 (annually, not to exceed)

BOARD APPOINTMENTS

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd, the following Board Appointment was approved:

NORTHSHORE/C7 REVIEW COMMITTEE

- Appointment of **MARY EASTMAN** for a three year term, expiring **April 27, 2013**.

BOARD APPTS (CONT'D)

On motion of Councilman Murphy, seconded by Councilwoman Ladd, the following Board Appointment was approved:

NORTHSHORE/C7 REVIEW COMMITTEE

- Appointment of **JOSEPH SAWYER** for a three year term expiring **April 27, 2013.**

HEARING:
MICHAEL S. HICKS

Attorney McMahan reminded Councilmembers of the Hearing for **Michael S. Hicks**, scheduled for Monday, May 3rd at 4:00 P.M. The panel consists of Councilmen McGary, Ladd and Robinson, with Councilman McGary as Chair and Councilman Benson as alternate.

Councilman McGary stated that he had a community meeting until 4:00 P.M. that day and would be late and asked that the time be moved to **4:15 P.M.**

Councilman Benson suggested that another alternate be chosen. Councilman Gilbert will serve as alternate.

ATTORNEY MCMAHAN

On motion of Councilman Murphy, seconded by Councilman Benson, Attorney McMahan was authorized to make a payment of \$13,376.00 to Zibin Guo and Delena Guo for property damage to their 2006 Mitsubishi that was totaled by a park ranger.

Councilman Benson stated that Mr. Johnson was using the term "Appointment"; that he thought Board Appointments were nominated by the Mayor and the Council affirms. Attorney McMahan responded that sometimes we use the word "Appointment"; that appointments are subject to confirmation by the Council.

NEXT WEEK'S AGENDA:
MAY 4, 2010

Chairman Rico stated that the agenda for next week was discussed this afternoon during the Agenda session.

COMMITTEES

Councilman Benson stated that week before last the Council deferred the Wrecker Ordinance for 30 days; that he had been apprised by his Beer Board representative that this needs to be considered before Riverbend. **He made the motion to bring this proposed Wrecker Ordinance to the earliest possible date, possibly next week. This was seconded by Councilwoman Robinson.**

Councilman McGary mentioned two District 8 meetings that were exciting and invigorating; that the comments and questions were thoughtful, and he expressed thanks to everyone who had a part in the planning of these meetings, stating that he was looking forward to working with these people and the suggestions that they had made. He scheduled an **Education, Arts and Culture Committee to immediately follow the Public Works Committee on Tuesday, May 11th.**

Councilwoman Berz reported that approval was given to go forward with an Ordinance that would affect our employees and insure that we were following FLSA standards.

Councilman Murphy stated that the **Legal and Legislative Committee would meet on Tuesday, May 4th, immediately following the Agenda Session** and we would take up the Wrecker and Beer Board Ordinance and also regulating certain community gatherings.

Councilwoman Robinson noted that the **Housing Opportunities Committee met today**, stating that she appreciated the Neighborhood Services Department and all of their hard work.

ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga City Council until Tuesday, May 4th, 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)**