

City Council Building
Chattanooga, Tennessee
November 16, 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 Phil Noblett; 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 Chairman Rico, followed by invocation.

MINUTE APPROVAL

On motion of Councilman McGary, seconded by Councilman Murphy, the minutes of the previous meeting were approved as published with one correction. Councilman Gilbert noted that he was the one that voted “No” on the Highland Park Commons Closure and Abandonment rather than Councilman Murphy.

SPECIAL GUEST/BOB EDWARDS

Chairman Rico noted that we had a special guest with us tonight—Mr. Bob Edwards, who is present on the behalf of the Sister Cities Association.

Mr. Edwards introduced **Ms. Jun Duan**, who is with the Embassy of the People’s Republic of China out of Washington, D.C.. He stated that Dr. Swansboro of UTC had taken the initiative of getting someone from the Embassy to Chattanooga and that Ms. Duan had taken on the responsibility. He asked her to say a few words.

Ms. Duan wished Chairman Rico and the rest of the Council a good evening, stating that it was an honor and pleasure for her to be here, and she thanked everyone for inviting her. She stated that she would like to pass on a message of greetings to the Council—that China’s relationship with local governments and the Sister Cities Association is very important; that she appreciated very much the tremendous work and efforts that had been made in relation to Wuxi and the understanding of China and its people; that they would continue to work with Chattanooga with any support they could. She again thanked the Council.

BOB EDWARDS (CONT'D)

Councilwoman Robinson stated that she would like to add her voice as a special welcome and express her appreciation for the time that she spent in Wuxi; that this was a very special time to her and that Mr. Edwards was a wonderful guide. She encouraged Ms. Duan to visit the Peace Grove in honor of Wuxi and thanked her for being here, asking her to give our regards to the Embassy.

Chairman Rico stated to Ms. Duan that she was always welcome in Chattanooga.

AMEND CITY CODE/MXU ZONE

On motion of Councilman Benson, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, ARTICLE V, DIVISION 10, SECTION 39-133(4), MXU-MIXED USE ZONE, TO APPLY THE MAXIMUM BUILDING FOOTPRINT TO RETAIL USES ONLY
passed second and final reading and was signed in open meeting with Councilman Gilbert voting “no”.

AMEND CITY CODE/BENEFITS

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 2, ARTICLE III, SECTIONS 2-150, 2-161, AND 2-162, RELATIVE TO HOSPITALIZATION AND OTHER BENEFITS AFTER RETIREMENT, PERSONAL LEAVE, AND THE PERSONAL LEAVE TRANSFER PROGRAM, RESPECTIVELY
passed second and final reading and was signed in open meeting.

REZONING

2010-069 (Page Family Properties, LLC)

On motion of Councilwoman Robinson, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 1500 AND 1506 EAST 51ST STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM 4-2 RESIDENTIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2010-117 (Page Family Properties, LLC)

On motion of Councilwoman Robinson, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1562 EAST 51ST STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was substituted. On motion of Councilwoman Robinson, seconded by Councilman Murphy, the Ordinance passed second and final reading and was signed in open meeting. City Attorney Noblett noted that Attorney Anderson wanted one phrase deleted "*an additional 4 feet from right of way*". On motion of Councilwoman Robinson, seconded by Councilman Murphy, this revision was approved. On motion of Councilwoman Robinson, seconded by Councilman Murphy, the Ordinance was approved on second and final reading as revised.

REZONING

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1617 ROSSVILLE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE AND R-3 RESIDENTIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE

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

AMEND CITY CODE/ALCOHOL

On motion of Councilman McGary, seconded by Councilman Gilbert,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART
II, CHAPTER 5, ARTICLE III, SECTION 5-145, RELATIVE TO
ALCOHOLIC BEVERAGES**
passed first reading.

ANNEXATION/PLAN OF SER.

On motion of Councilwoman Scott, 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 THE NORTHERN MOST PART OF
TAX PARCEL NO. 153-007 LOCATED ALONG WEST HILLS DRIVE
NEAR CUMMINGS HIGHWAY IN HAMILTON COUNTY,
TENNESSEE, OWNED BY OBAR INVESTMENTS, LLC BEING
MORE FULLY DESCRIBED HEREIN**
passed first reading with **Councilman Gilbert** voting “no”.

Attorney Noblett noted that a Public Hearing was needed on this case—that a small part was left out of the original annexation. He called on Attorney Bobo.

Mr. Bobo stated that this was a “friendly” annexation and that he would be brief. He went over the project time line—Public Hearing on November 16th, which is now being held; First Reading next Tuesday (November 23rd); Second and final reading on November 30th; Official Annexation date will be December 30th. A map was provided to show the parcel that is being discussed. He stated that Adm. Leach was present, also, to answer questions.

Mr. Leach explained that this is a three-acre site—that it is not large and is split by the City and County; that the owner wished to develop a PUD, and he would go through the Plan of Services based on the completion of the PUD—that Traffic Engineering is first and that all the signage will be developed by the developer; refuse will be collected and there will be routine maintenance after the development is completed. Street signs and lighting will be provided by the developer. He explained that the sewer system is in somewhat of a quandary as to whether it will be the WWTA or us. Normal inspection services will occur during development.

ANNEXATION (CONT'D):

Chief Parker stated that there were no problems in so far as the Fire Dept. was concerned, noting that a new fire station is being built in the Tiftonia area that will service this property. He noted that there were no buildings on the land; that they would do an inspection but there were presently no problems. He also spoke for the basic Plan of Services for the Police Dept., stating that they would not incur any additional costs.

Mr. Bobo asked that the property owner be allowed to speak. He came forward, stating that he did not wish to speak but was here to answer any questions; that this is a contiguous piece of land that is completely undeveloped.

Councilwoman Scott stated that she would like for the City Attorney to address the WWTA problem that was mentioned in that the WWTA had not ceded this; that she needed some clarification; that she thought the WWTA had ceded everything in the growth boundaries.

Attorney Noblett stated that he had not seen such an agreement; that any annexed area is allowed time for ceding, which is normally a time period of 30 days; that as yet we had not received an answer from WWTA. Councilwoman Scott asked if we had received an answer on other annexations? Attorney Noblett stated that this was a discussion that Attorney McMahan had, and he was not sure about all of the annexations.

AMEND CITY CODE/ALCOHOL

On motion of Councilman McGary, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART
II, CHAPTER 5, ARTICLE III, SECTION 5-55, RELATIVE TO
ALCOHOLIC BEVERAGES**
passed first reading.

**AMEND CITY CODE/
Off-STREET PARKING**

On motion of Councilman McGary, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART
II, CHAPTER 24, ARTICLE X, SECTIONS 24-303(a) AND (b),
RELATIVE TO OFF-STREET PARKING REQUIRED FOR PERSONS
PARKED TRANSACTING BUSINESS FROM VEHICLES AND
CARTS IN CERTAIN ZONES**
passed first reading.

CONTRACT

On motion of Councilwoman Robinson, seconded by Councilman Murphy,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF NEIGHBORHOOD SERVICES AND
COMMUNITY DEVELOPMENT TO ENTER INTO A PROJECT
MANAGEMENT SERVICES CONTRACT WITH COUNTESS B.
JENKINS TO PROVIDE PROGRAM MANAGEMENT AND PROJECT
OVERSIGHT SERVICES IN ADMINISTERING THE HOMEAGAIN
PROGRAM IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND
DOLLARS (\$50,000.00)**
was adopted.

AGREEMENT

On motion of Councilman Gilbert, seconded by Councilwoman Berz,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO
AN AGREEMENT WITH "A BETTER TOMORROW" TO PROVIDE
AN AFTER SCHOOL PROGRAM AT THE BRAINERD RECREATION
CENTER FROM NOVEMBER 2010, THROUGH MAY 2011**
was adopted.

SPECIAL POLICE OFFICERS

On motion of Councilwoman Robinson, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF JASON W. CHAUNCEY AND DAVID A. KOWALSKI AS SPECIAL POLICE OFFICERS (UNARMED) FOR THE NEIGHBORHOOD SERVICES DIVISION TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

AGREEMENT

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH A.D. ENGINEERING, INC. FOR PROFESSIONAL SERVICES RELATIVE TO THE CONSTRUCTION ENGINEERING INSPECTION (CEI) AND MATERIAL TESTING FOR CONTRACT NO. S-10-007-402, STERLING AVENUE DRAINAGE DITCH REPAIR, IN AN AMOUNT NOT TO EXCEED SEVENTY-SEVEN THOUSAND SIXTY-TWO DOLLARS (\$77,062.00)

was adopted.

**DEANNEXATION/
PUBLIC HEARING ADV.**

On motion of Councilman McGary, seconded by Councilwoman Scott,
A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK OF THE COUNCIL TO ADVERTISE FOR PUBLIC HEARING ON NOVEMBER 30, 2010, REGARDING THE DEANNEXATION OF CERTAIN TERRITORY ADJACENT TO O'GRADY DRIVE AND SCENIC WATERS LANE WHICH ARE CURRENTLY WITHIN THE CITY OF CHATTANOOGA UPON THE REQUEST OF THE LITTLE, FRYAR, AND SHOWN FAMILIES BEING MORE FULLY DESCRIBED HEREIN

was adopted. **On motion of Councilwoman Robinson, seconded by Councilwoman Ladd, the Tifton Family Property will be included as well.**

**DEANNEXATION/
PUBLIC HEARING ADV.**

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
**A RESOLUTION AUTHORIZING AND DIRECTING THE CLERK OF
THE COUNCIL TO ADVERTISE FOR PUBLIC HEARING ON
NOVEMBER 30, 2010, REGARDING THE DEANNEXATION OF
CERTAIN PROPERTIES ON ELDER MOUNTAIN WHICH ARE
CURRENTLY IN THE CITY OF CHATTANOOGA, BEING MORE
FULLY DESCRIBED HEREIN**

was adopted with Councilwoman Robinson abstaining.

Attorney Noblett noted that his office would send notices to the few people around these deannexation areas via certified mail.

OVERTIME

Overtime for the week ending November 11, 2010, totaled \$4,955.33.

PERSONNEL

The following personnel matters were reported for the following departments:

CHATTANOOGA FIRE DEPARTMENT:

- **LISA ROBERSON**—Retirement of Captain, effective 11/8/2010.

PARKS AND RECREATION DEPARTMENT:

- **AARON PATILLO**—Hire as Crew Worker 1, Range 2, \$22,050 annually, effective 11/5/2010.
- **ALFRED CANTRELL**—Five-Day Suspension without pay for Recreation Facility Manager 1, effective 10/25—10/29-2010.
- **DENNIS LEFTWICH**—One-Day Suspension without pay for Recreation Facility Manager 1, effective 11/12/2010.

PERSONNEL (CONTD):

PUBLIC WORKS DEPARTMENT:

- **HEATH SILVEY**—Resignation of Equipment Operator 4, effective 11/10/10.
- **ADAM GIPSON**—Hire as Equipment Operator 4, Range 10, \$28,137 annually, effective 10/22/10.
- **PATRICIA ALLISON**—Hire as Adm. Support Asst. 1, Range 4, \$22,050 annually, effective 10/15/10.
- **GREGORY NEAL**—Hire as Crew Worker 2, Range 4, \$22,050, effective 10/22/10.
- **DONNIE PERDUE**—Hire as Crew Worker 1, Range 2, \$22,050, effective 10/22/10
- **WILLIAM CARTER, JR.**—Promotion to Equipment Operator 5, Range 12, \$31,285.52 annually, effective 10/22/10.
- **JAMES CORRELL**—Retirement from Crew Worker 1, effective 10/31/10.
- **NATHANIEL HOWARD**—FMLA for Equipment Operator 5, effective 11/3/10—1/19/11.
- **HARRY BRADLEY**—Termination of Equipment Operator 3, effective 11/11/10.

CHATTANOOGA POLICE DEPT.:

- **MARIO CUNNINGHAM**—Report to Duty from Military Leave of Police Officer, effective 10/22/10.

PERSONNEL (CONT'D):

- **SYDNEY HOGSETT**—Rehire as Police Property Technician, Range 7, \$24,306 annually, effective 10/22/10.
- **SHAKIR GHAZI**—Military Leave Extension for Police Officer, effective 11/4—12/23/10.
- **JANICE LEE**—Promotion to Police Service Technician, Range 06, \$23,149.00, effective 11/5/10.

REFUNDS

On motion of Councilwoman Robinson, seconded by Councilman McGary, the City Finance Officer was authorized to make the following refunds for 2009 Property Taxes and 2010 Overpayments for Water Quality Fees and/or Property Taxes:

ELECTRIC MOTOR SALES & SUPPLY CO.--\$14,433.88.

CHARLIE HUGH ARMSTRONG--\$1,928.34

PURCHASES

On motion of Councilman McGary, seconded by Councilwoman Robinson, the following purchases were approved for use by the various departments:

GENERAL SERVICES DEPARTMENT:

AMERICAN PAPER AND TWINE (Lowest and Best Bid)
Requisition 33658/300700

Blanket Contract for Cleaning Supplies

\$64,000 annually, approximately

PURCHASES (CONT'D)

PUBLIC WORKS DEPARTMENT:

HERTZ EQUIPMENT (Lowest and Best Bid)
Requisition 35323/300713

Blanket Contract for Crane Rental

\$34,000,00 annually, estimated

HUMAN SERVICES DEPARTMENT:

COMMERCIAL BUILDING SERVICES, INC. (New Contract)
Requisition R28521

Rescind Contract for Janitorial Services and award new Contract

\$112,800.00 annually

APPOINTMENTS

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd, the following Board Appointments were approved:

BOARD OF ZONING APPEALS:

- Re-appointment of **JIM WILSON** (District 1 Representative), for a three-year term expiring **April 3, 2013**.

CARTER STREET CORPORATION:

- Re-Appointment of **ANNE M. WILKINS**, for a four-year term to expire **November 28, 2014**.

OFFICE OF MULTICULTURAL AFFAIRS ADVISORY BOARD:

- Re-Appointment of **LOUISE PATTERSON** (District 8 Representative) for a term to expire **June 10, 2013**.

COMMITTEES

Councilman Murphy stated that there would not be a Legal and Legislative Committee meeting next week.

Councilwoman Ladd reminded the Council that the **Public Works Committee would start immediately after the Agenda Session on Tuesday, November 23.**

Councilwoman Berz scheduled a **Budget, Finance and Personnel Committee to immediately follow the Public Works Committee on Tuesday, November 23rd.** We will continue the discussion pertaining to the Firefighters and FLSA matters.

Councilman Benson scheduled a **Public Safety Committee to immediately follow the Budget, Finance and Personnel Committee on Tuesday, November 23rd** to discuss the Wrecker and Beer Board issue.

ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga City Council until Tuesday, November 23, 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)

