

CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
JANUARY 25, 2011

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 Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

The Pledge of Allegiance was led by Councilman Gilbert, followed by invocation given by Attorney McMahan.

MINUTE APPROVAL

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

**SPECIAL PRESENTATION:
PARKS & REC. RETIREES**

Adm. Zehnder was present to recognize employees from his department who had recently retired. He stated that he was pleased to recognize these employees who had many years of service; that they had already been recognized by his Staff and received special gifts for their service. The first person recognized was **Andrew Ragland** who had been employed since 1997 and had worked at the Tennessee Riverpark downtown; at Brainerd for four years; and also involved in landscaping. Adm. Zehnder noted that his retirement had already been celebrated by the Staff, and he had received a gift in honor of this service.

Ms. Jacqueline Tankersly was also recognized as an employee who had worked for the City since 1977 in a part time capacity with Poss Homes. She had been with the department for 33 years and possessed a Criminal Justice Degree from Tennessee State and had been a great part of the department. She also worked at the North Chattanooga center, East Lake Courts, Tyner, and finally at the Brainerd Recreation Center since 2000. Adm. Zehnder noted that she had spent 33 years working with children and young adults and had made a difference in their lives.

RETIREES (CONT'D)

Ms. Lexine Alexander was next recognized by Adm. Zehnder. She had been with the department for 38 years and in 1972 worked at the old Lincoln Park facility. She was a Recreation Specialist who had also worked at many housing sites. She retired from the Avondale Center in 2007 as Facility Manager and loved her work. She did a tremendous job all these many years and her only question was what to do with her leisure time now. Ms. Alexander expressed that she had enjoyed her association with Parks and Recreation throughout the years.

Ms. Tankersley also expressed appreciation for being allowed to work for the City, stating that it was one of the great challenges of her life; that she had fought a good fight and won the battle.

**AMEND CODE/
VEHICLES FOR HIRE**

On motion of Councilman McGary, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY
CODE, CHAPTER 35, ARTICLE IV, SECTIONS 162 AND 171
RELATIVE TO VEHICLES FOR HIRE**
passed second and final reading and was signed in open meeting.

**AMEND CITY CODE/
NIGHTCLUB REGUL.**

On motion of Councilwoman Berz, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART
II, CHAPTER 38, ZONING ORDINANCE, BY AMENDING SECTIONS
38-2 AND 38-527 RELATIVE TO THE REGULATION OF
NIGHTCLUBS**
was substituted. On motion of Councilwoman Robinson, seconded by Councilman Murphy, the ordinance passed second and final reading and was signed in open meeting.

**AMEND ORD. 12414/
DELETION DUE TO DUPL.**

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND ORDINANCE NO. 12414,
ENCAPTIONED, "AN ORDINANCE TO AMEND CHATTANOOGA
CITY CODE, PART II, CHAPTER 2, ARTICLE 1, SECTION 2-3, IN
GENERAL, AND ARTICLE III, DIVISIONS 1 THROUGH 7, SECTIONS
2-136 THROUGH 2-174, AND TO REPEAL SECTION 2-193 OF THE
PERSONNEL ORDINANCE," SO AS TO DELETE SECTION 2-176,
DUE TO DUPLICATION**
passed second and final reading and was signed in open meeting.

**AMEND CITY CODE/
PERSONNEL ORD.**

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART
II, CHAPTER 2, ARTICLE III, DIVISIONS 1, 6, AND 9, SECTIONS 2-
138, 2-160, 2-161 AND 2-180 OF THE PERSONNEL ORDINANCE**
passed second and final reading and was signed in open meeting.

REZONING

2010—Bill Wilkerson/Memorial Hospital

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART
II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE
PROPERTY LOCATED AT 809 NORTH CHAMBERLAIN AVENUE,
MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1
RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS**
passed second and final reading with Councilwoman Scott abstaining.

**ZONING ORDINANCE/
LIFT CONDITIONS**

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO LIFT CONDITIONS 1 AND 2 IMPOSED IN ORDINANCE NO. 11290 AND TO AMEND CONDITIONS 1 IMPOSED IN ORDINANCE NO. 11372 ON PARTS OF PROPERTIES LOCATED AT 706 ASHLAND TERRACE, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

**AMEND CITY CODE/
MAINT. AGREEMENTS**

On motion of Councilman Benson, seconded by Councilman McGary,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, ARTICLE VIII, DIVISION 7, FEES, SECTION 31-356(d) RELATIVE TO INSPECTION AND MAINTENANCE AGREEMENTS
was postponed for 60 days.

TEMP. R-O-W

On motion of Councilwoman Scott, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING PAST TIME ANTIQUES TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 139 RIVERS STREET FOR PLACEMENT OF SHOP ITEMS ALONG THE FRONT OF THE BUSINESS AND IN PORTIONS OF THE RIGHT-OF-WAY DURING BUSINESS HOURS, AS SHOWN IN THE PHOTO ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was denied.

AGREEMENT

On motion of Councilman McGary, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO ENTER INTO AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF REVENUE THAT ALLOWS IT TO COLLECT REVENUE ON BEHALF OF THE CITY FOR RENEWALS OF AUTO DECALS
was adopted.

EMINENT DOMAIN

On motion of Councilman Benson, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST ERIC SMITH AND CAMI SMITH, FOR PROPERTY LOCATED AT 4971 LILLIE LANE, CHATTANOOGA, TN. TAX MAP NO. 140A-A-001, TRACT NO. 2, RELATIVE TO CONTRACT NO. W-10-010, OLD LEE HIGHWAY AT APISON PIKE SANITARY SEWER RELOCATION AND FORCE MAIN PROJECT, WITH AN ESTIMATED VALUE OF TWO THOUSAND FIVE HUNDRED TWENTY-FIVE DOLLARS (\$2,525.00)
was adopted, with Councilman Gilbert voting “no”.

TAKE-HOME CAR POLICY

On motion of Councilman Benson, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE MAYOR TO IMPLEMENT A POLICY, AS MORE FULLY SET FORTH HEREIN, RELATIVE TO TAKE-HOME CARS SO AS TO PROVIDE FOR THE USE OF TAKE-HOME CARS BY SAID EMPLOYEES LIVING WITHIN THE CITY LIMITS WITHOUT PAYMENT OF FEE
was adopted, with Councilman Gilbert “abstaining”.

Councilman McGary asked if this would take effect immediately and was told “yes”.

OVERTIME

Overtime for the week ending January 20, 2011, totaled \$46,663.49.

PERSONNEL

The following personnel matters were reported for the various departments:

CITY ATTORNEYS' OFFICE:

- ✓ **CRYSTAL FREIBERG**—FMLA, effective 1/25—2/27-2011.

INFORMATION SERVICES:

- ✓ **TIMOTHY GOINS**—Hire as Programmer 1, Range 18, \$41,572 annually, effective 1/14/11.

CHATTANOOGA POLICE DEPT.:

- ✓ **PAMELA TALLEY-HICKMAN**—Unpaid Leave of Absence for Police Service Tech., effective 1/20—2/19—2011.
- ✓ **CHRISTOPHER CAMPBELL**—Resignation of Police Service Tech., effective 1/20/11.

PARKS AND RECREATION DEPT.:

- ✓ **DAVID NATION**—Termination of Park Ranger, effective 1/12/11.

DEPARTMENT OF PUBLIC WORKS:

- ✓ **KEVIN BEAVERS**—Hire as Crew Worker 2, Range 4, \$22,050, effective 1/14/11.

CHATTANOOGA FIRE DEPARTMENT:

- ✓ **ABDUL SWAFFORD**—FMLA for Senior Firefighter, FD2, \$37,000 annually, effective 12/15/10—3/8/11.
- ✓ **DAVID TALLENT**—Return from FMLA of Fire Capt., effective 1/6/11.

DONATIONS

Adm. Zehnder of the Parks and Recreation Dept. reported the following two donations: **River City Co.**—25 Wood Benches and 8 Trash Cans valued at **\$5,000 to \$6,000** to be used in the parks. **Sherry and Charles Hubbard**—Pool Table and Two Work Tables, totaling **\$1,000**. **On motion of Councilman McGary, seconded by Councilwoman Robinson, these donations were accepted.**

HOTEL PERMITS

On motion of Councilman Benson, seconded by Councilwoman Robinson, the following Hotel Permits were approved:

AMERICA BEST VALUE INN—7638 Lee Highway

HILTON GARDEN INN—2364 Shallowford Village Drive

RED ROOF INN—7014 Shallowford Road

RIGHT WAY INN MOTEL—6200 Fisk Ave.

SUPER 8—7024 McCutcheon Road

POLICE GRANT

On motion of Councilwoman Robinson, seconded by Councilman Gilbert, a Grant from Walmart in the amount of \$500.00 for Fingerprint Kits was accepted.

REFUND

On motion of Councilman McGary, seconded by Councilman Murphy, the Administrator of Finance was authorized to make the follow refund for water quality fees and/or property taxes:

CHATTANOOGA CHRISTIAN SCHOOL--\$6,055.20

PURCHASES

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

PARKS AND RECREATION DEPARTMENT:

CHATTANOOGA PARENT MAGAZINE (Best bid meeting specs.)
Requisition 37993

Monthly Advertising

\$15,000

GENERAL SERVICES:

PPG PORTER PAINTS (Lowest and best bid)
Requisition 37625/300821

Blanket Contract for Paint and Paint Supplies

\$60,000 annually, approximately

BOARD APPOINTMENTS

On motion of Councilman McGary, seconded by Councilwoman Robinson, the following Board appointments were approved:

HEALTH EDUCATION BOARD

- ✓ Appointment of **DIANA BULLOCK** for a Three-Year Term, expiring **January 25, 2014**.

BOARD OF MECHANICAL ENGINEERS

- ✓ Appointment of **STEVE JACKSON** for a term to expire **September 9, 2012**, filling the unexpired four year term of Rick Skiles.

BOARD OF PLUMBING EXAMINERS

- ✓ Appointment of **MICHAEL WEBB** for a two-year term to expire **January 25, 2013**.

PERSONNEL HEARING:
MARK MESSER

This is a request for a hearing for a former employee of the Audit Staff. Attorney McMahan noted that this was being handled by outside attorneys, stating that he would come back with dates next week.

PERSONNEL HEARING:
MICHAEL DOUGLAS

Councilman Murphy stated that there had been some sort of error between Ms. Freiberg and Ms. O'Neal, and we needed to reset this; that this is one of the last ones that we will have to hear under the old procedure; however this occurred prior to the change in procedure and will be handled under the old system.

Councilwoman Berz asked where we were on the ALJ Contract? Attorney McMahan stated that Crystal Freiberg was the lead person on this; that Mr. Stovall was supposed to come and speak to the Council, and he would follow up on this. Councilman McGary wanted to know when the effective date was for ALJ procedure? Attorney McMahan explained that it was effective 60 days after this passed, but we have to implement an Ordinance and will follow the old procedure until the new is in effect. Councilwoman Berz expressed that she hoped the Ordinance would be implemented soon.

COMMITTEES

Councilman Murphy scheduled a meeting of the **Legal and Legislative Committee to immediately follow the Agenda Session on Tuesday, February 1st.** He stated that we would have a visit from the Judicial Branch—that both judges, Bean and Paty, will be present.

Councilwoman Ladd noted that the **Public Works Committee would meet immediately following** the Legal and Legislative Committee on **Tuesday, February 1st.** At this time, she recognized students from Southern Adventist University who were in the audience taking pictures, noting that they were experiencing the City Council first hand.

COMMITTEES (CONT'D)

Councilwoman Berz noted that there was a recommendation earlier in the day to begin deliberations on next year's Budget. Deliberations will begin on **February 8th from 10:00 a.m. to 12:00 p.m.**

FIRE CODE ORDINANCE

Councilman Benson stated that the Ordinance on next week's agenda amending the City Code relative to the adoption of the International Fire Code, 2006 Edition **will be deferred for four weeks**; that there will be another Safety Committee meeting in two or three weeks, after we have the draft.

ALLEY CLOSURE

Councilman Benson stated that he had talked to Mike Price who had told him that Bill Payne was familiar with what he was about to speak to; that this was an issue that had come before the Planning Commission. The property in question is on Willow Street with plans for a Dollar General; that one of the conditions, which everyone agreed to, was to close a portion of an alley; that this was holding the entire project up. He reiterated that Mr. Price stated that Bill Payne was familiar with this and was in agreement.

Adm. Leach stated that he was not familiar with this; that he was not sure the alley had been to the Planning Commission, but he would ask the City Engineer about this tomorrow.

Councilman Benson stated that it was holding up development.

AGENDA: FEB. 1, 2011

Chairman Rico stated that the agenda for February 1, 2011, was discussed earlier during the agenda session.

ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga City Council until Tuesday, February 1st 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)**