

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
JUNE 23, 2009**

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

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Councilman Murphy led the Pledge of Allegiance, followed by invocation.

MINUTE APPROVAL

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

“OLYMPIC DAY”

Chairman Benson stated that we would have a Special Presentation today and a Proclamation by the Mayor for “Olympic Day” and to recognize local youth athletes. He called on Adm. Zehnder to continue the presentation.

Adm. Zehnder stated that it was his honor to recognize athletes from our community and to present them to the Council; that they had been working hard, thinking about the 2016 Olympics and hoping it would take place in Chicago. He stated that he would introduce each young athlete and ask them to come forward and would also note their accomplishment and reason for being here. This will be followed by a Proclamation given by Mayor Littlefield. Each child came forward as their name was called. When Adm. Zehnder was finished with introductions, he made mention of the fact that we hoped the U.S. Olympics would be in Chicago in 2016 and that each one of these young athletes had the potential to be a U.S. Olympian. He asked Mayor Littlefield to read the Proclamation.

“OLYMPIC DAY” (CONT’D)

Before reading the Proclamation, Mayor Littlefield stated that we are proud of all the trophies that these young people have won; that we are proud of their medals; but we are mostly proud of the young people because they represent our City and at the urging of Chicago Mayor Daley during the U.S. Conference of Mayors, he had joined with fellow mayors across the country in a collective pledge of support for hosting the Olympic Games in Chicago in 2016. He noted that at the same time, Chattanooga and the Aquarium were mentioned. He pledged to the young people that the City would give them its support and the resources to go as far as they wanted to go in sports.

He read the following Proclamation:

Whereas: For over 100 years, the Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play: and

Whereas: The United States Olympic Committee is dedicated to coordinating and developing amateur athletic activity in the United States to foster productive working relationships among sports-related organizations; and

Whereas: The City of Chattanooga promotes and supports amateur athletic activities involving Olympic and Paralympic sports; and

Whereas: The City of Chattanooga promotes and encourages physical fitness and public participation in amateur athletic activities; and

Whereas: The City of Chattanooga assists organizations and persons concerned with sports in the development of athletic programs for able-bodied and disabled athletes regardless of age, race, or gender; and

'OLYMPIC DAY'(CONT'D)

Whereas: Hundreds of cities across the country are joining together to show their support for bringing the Olympic Games to the United States in 2016 in Chicago, Illinois; and

Whereas: June 20, 2009 is the anniversary of the founding of the modern Olympic movement, representing the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics:

Now Therefore,

I, Ron Littlefield, Mayor of the City of Chattanooga, do hereby proclaim the June 23rd, 2009 as

OLYMPIC DAY

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Chattanooga to be affixed this the 23rd day of June, 2009

Pictures were made that will be sent to the Olympic Committee to urge them to bring the Olympics to Chicago in 2016.

Chairman Benson stated that before the young people left the meeting, he would like to say that the Council had heard a lot of "boring" Proclamations, but this one had meant the most and carried the greatest impact of any, and he thanked all of the young athletes, stating that he hoped that one or more of them would be involved in the Olympics in Chicago in 2016.

MISSION STATEMENT

The Council Clerk was asked to read this Resolution. She stated that she did not have this Resolution because the City Attorney was still working on it.

MISSION STATEMENT
(CONT'D)

Councilwoman Berz stated that there had been some discussion about which version the committee was recommending to be passed—that the one that was handed out in committee was not the one that had been contemplated, and she would ask the Chairman of the Legal and Legislative Committee if he wished to postpone this.

Councilman Murphy, Chairman of the Legal and Legislative Committee, stated that the one that was handed out in Committee was the one that had been discussed in Committee, which might not have been the intent of some Council members; that if the Council wished to do something other than vote, then it would be their prerogative.

Councilman McGary stated that he would like to refresh everyone's memory; that we were concerned about the order of (1), (2) and (3) because some felt that they were repetitive, and we decided on taking out (a), (b), (c), (d) and (e) and bring this up to date on the last one that was discussed, and this was not the last one discussed; that he thought we should be consistent with the last one discussed.

Councilwoman Berz stated that she thought Councilman McGary was correct; that we had had several discussions; that we have the version that the Chairman handed out and that was reviewed and voted on, and she felt we should go forward with this.

On motion of Councilman Rico, seconded by Councilman Murphy,
**A RESOLUTION ACCEPTING AND ADOPTING A MISSION
STATEMENT, GOALS, AND OBJECTIVES FOR THE FISCAL
YEARS 2010 AND 2011 BUDGETS**
was adopted, with Councilpersons Scott, McGary and Benson voting
"no".

**AGREEMENT/
BESSIE SMITH HALL**

On motion of Councilman Murphy, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE AN INTERLOCAL AGREEMENT WITH HAMILTON COUNTY, TENNESSEE RELATIVE TO MAINTENANCE AND OPERATIONAL FUNDING FOR THE BESSIE SMITH HALL, LOCATED AT 200 EAST MARTIN LUTHER KING BOULEVARD

was adopted.

**LEASE AGREEMENT/
AFRICAN AMERICAN
MUSEUM**

On motion of Councilman McGary, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO A LEASE AGREEMENT WITH THE CHATTANOOGA AFRICAN AMERICAN MUSEUM AND HAMILTON COUNTY FOR PROPERTY LOCATED AT 200 EAST MARTIN LUTHER KING BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, FOR A TERM OF TEN (10) YEARS AND FOR A MONTHLY RENTAL RATE OF ONE DOLLARS (\$1.00) AND OTHER GOOD AND VALUABLE CONSIDERATION

was adopted.

AGREE. (CHATTEM)

On motion of Councilman Rico, seconded by Councilwoman Ladd,
A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE CHATTEM, INC. PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES

was adopted.

CONTRACT

On motion of Councilman McGary, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO ENTER INTO A CONTRACT WITH JDH TO REMOVE AND REPLACE THE ROOF AT THE FIRE TRAINING CENTER FOR (1) A BASE BID IN THE AMOUNT OF SIXTY-EIGHT THOUSAND FOUR HUNDRED TWENTY-TWO DOLLARS (\$68,422.00); (2) AN ALTERNATE BID TO REMOVE AND REPLACE THE ROOF OVER THE GYM IN THE AMOUNT OF FORTY-EIGHT THOUSAND TWO HUNDRED EIGHTEEN DOLLARS (\$48,218.00); AND (3) A CONTINGENCY OF TEN (10) PERCENT FOR DAMAGED STEEL IN THE AMOUNT OF ELEVEN THOUSAND SIX HUNDRED SIXTY-FOUR DOLLARS (\$11,664.00), FOR A TOTAL PRICE NOT TO EXCEED ONE HUNDRED TWENTY-EIGHT THOUSAND THREE HUNDRED FOUR DOLLARS (\$128,304.00)

was adopted.

TEMP. USE

On motion of Councilman Rico, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING SANJAY ACTUARYA, ON BEHALF OF DELIGHT HOSPITALITY, LLC, TO USE TEMPORARILY THE RIGHT-OF-WAY AT 7725 LEE HIGHWAY TO PLANT SHRUBS, AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMP. USE

On motion of Councilwoman Ladd, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING KEN J. DEFOOR TO USE TEMPORARILY THE RIGHT-OF-WAY AT THE CENTER OF THE ROUND-ABOUT AT THE NEW PHASE OF NORTH POINT BOULEVARD TO INSTALL A SPRINKLER LINE UNDER THE ROADWAY FOR LANDSCAPING, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

GRANT

On motion of Councilman McGary, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND ACCEPT THE 2009 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FROM THE BUREAU OF JUSTICE ADMINISTRATION IN WASHINGTON, D.C., IN A TOTAL AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY-SIX THOUSAND FIVE HUNDRED FORTY-NINE DOLLARS (\$256,549.00), FOR A THREE YEAR PERIOD, TO BE SHARED WITH HAMILTON COUNTY SHERIFF'S DEPARTMENT AND EAST RIDGE POLICE DEPARTMENT, WITH NO LOCAL MATCHING FUNDS, AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN ALL PARTIES FOR THE SHARING OF SAID FUNDS
was adopted.

GRANTS

On motion of Councilman McGary, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND, IF AWARDED, ACCEPT 2009 UNITED STATES DEPARTMENT OF ENERGY, NATIONAL ENERGY TECHNOLOGY LABORATORY, RECOVERY ACT ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANTS (EECBG)- FORMULA GRANTS
was adopted.

RESCIND RES.25923
CONTRACT

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,
A RESOLUTION RESCINDING RESOLUTION NO. 25923 AWARDED CONTRACT NO. E-08-027-201, TRAFFIC OPERATIONS RE-ROOFING PROJECT TO JDH COMPANY, INC., AND AWARDED SAID CONTRACT TO DON GRANT COMPANY IN THE AMOUNT OF EIGHTY-TWO THOUSAND SIX HUNDRED FORTY-SIX DOLLARS (\$82,646.00), PLUS A CONTINGENCY AMOUNT OF EIGHT THOUSAND TWO HUNDRED FIFTY-FOUR DOLLARS (\$8,254.00), FOR A TOTAL AMOUNT NOT TO EXCEED NINETY THOUSAND NINE HUNDRED DOLLARS (\$90,900.00)
was adopted.

**ADMINISTRATIVE
APPOINTMENTS**

On motion of Councilman McGary, seconded by Councilman Murphy,
**A RESOLUTION CONFIRMING THE MAYOR'S
ADMINISTRATIVE APPOINTMENTS AS PRESENTED TO THE
CITY COUNCIL ON JUNE 16, 2009 AND APPOINTING
JOINTLY WITH THE MAYOR, MICHAEL A. MCMAHAN, AS
CITY ATTORNEY**
was adopted.

**REORGANIZATION
PLAN**

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,
**A RESOLUTION ADOPTING A REORGANIZATION PLAN FOR
THE GOVERNMENT OF THE CITY OF CHATTANOOGA**
was adopted.

OVERTIME

Overtime for the week ending June 18, 2009, totaled \$77,508.86.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPT.:

- ❖ **DANIEL L. YOUNG**—Military Leave for Police Officer, 6/15—8/20/09.

PUBLIC WORKS DEPT.:

- ❖ **JEFFREY C. ERLANDSON**—Promotion to Chief Electrical Instrument Tech., Range 19, \$43,650 annually, effective 5/1/09
- ❖ **CHRIS WILSON WALKER**—Termination of Plant Operator 1, effective 5/18/09.

LARRY ZEHNDER

Adm. Zehnder announced that tonight there will be a fundraiser for their Therapeutic Division at Chilis; 10% of the proceeds goes to the Therapeutic Division, and he invited the Council to join them for dinner. He recognized that the Council had probably already had dinner but asked that they come by anyway and say hello to those that were supporting them.

Councilman McGary thanked Adm. Zehnder for inviting the Council to the Summitt Ballfield today, stating that this was a wonderful asset, and he thanked Adm. Zehnder for his leadership.

STEVE LEACH

Adm. Leach stated that he usually talks about things that “blink, stink, or sink”, but he wanted to address the Council tonight concerning our City Engineer, Bill Payne, who was chosen as 2009 Outstanding Engineer of the Year by the Tennessee Society of Professional Engineers. He noted that he was in competition with a lot of folks and stated that it is an honor to have him working for use. He is a graduate of Tyner High School and was named to the position of City Engineer in 2005. He added that he could not have achieved this by himself—that the Staff had been very helpful while Mr. Payne has been overseeing work at the Enterprise South site for the new Volkswagen facility and that Dennis Malone had been particularly helpful and had done a lot to guide the Staff in the absence of Mr. Payne. He again commended Bill Payne on this honor.

Chairman Benson stated that we all appreciate Mr. Payne.

Councilman Gilbert added that the main reason for this honor was because Mr. Payne was a Tyner alumni.

MISSY CRUTCHFIELD

Adm. Crutchfield stated that she wanted to introduce her dear friend and supporter of the City of Chattanooga—**Lavinna Johnston**, daughter of Mr. Summerfield Johnston; that Ms. Johnston was the first female administrator of CADAS and was instrumental in getting us the Ingram Grant. She asked Ms. Johnston if she would like to say a few words.

Ms. Johnston stated that Ms. Crutchfield had been very helpful; that Mr. Ingram was a dear friend of their family and was happy to help when he found that Ms. Crutchfield was involved. She stated that she was pleasantly surprised but not shocked; that he was delighted to do this, and she was happy to pass this on.

HOTEL PERMITS

On motion of Councilman Rico, seconded by Councilwoman Ladd, the following Hotel Permits were approved:

TOWN AND COUNTRY INN—2000 E. 23rd St., Chattanooga, TN.

KING'S LODGE—2400 Westside Drive, Chattanooga, TN.

INTOWN SUITES—5730 Lee Highway, Chattanooga, TN.

REFUND

On motion of Councilman Rico, seconded by Councilwoman Berz, the Administrator of Finance was authorized to issue the following refund due to a double assessment of parcels.

DEFOOR BROTHERS DEVELOPMENT, LLC \$6,518.18

PURCHASES

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

GENERAL SERVICES:

REJECTION OF ALL BIDS: (Due to lack of sufficient volume)

Blanket Contract for the purchase of wholesale fuel (Estimated annual cost of \$1,300,000.00.

CHEROKEE TRUCK EQUIPMENT (Single Source Purchase)
R0123942 and R0124125

Ratification of purchases for Heil Repair Parts and Service

\$33,411.33

PUBLIC WORKS DEPARTMENT:

CARRIER SOUTHWEST (Lowest and Best Bid)
R0122436/B0006094

Two (2) HVAC Replacement Units

\$12,610.00

AIR POLLUTION CONTROL BOARD:

FAIRWAY OUTDOOR ADVERTISING (Lowest and Best Bid)
R0122159

Billboard Advertising

\$14,000.00

PURCHASES (CONT'D)

HUMAN SERVICES DEPT.:

SOUTHEAST TN. HUMAN RESOURCES AGENCY (Only Bidder)
R0121343

Requirements Contract for Child Care Transportation Services

\$60,240.00 (estimated annual cost)

ATTORNEY MCMAHAN

City Attorney Michael McMahan noted that the City will need to change some City Codes relative to guns in parks. He stated that he would be bringing this forward in the near future in regards to city parks. Chairman Benson noted that we have until the middle of August.

COMMITTEES

Councilwoman Scott scheduled an **Economic Development Committee** meeting for **Tuesday, June 30th to immediately follow the** Public Works Committee.

Chairman Benson noted at this time that Councilwoman Robinson was out of town.

Councilman Rico reminded everyone of the **Public Works Committee** meeting scheduled for **Tuesday, June 30th to immediately follow the** Agenda Items session.

Councilman McGary announced that this Friday (**June 26th**) there will be a Public Art Exhibition on Main St. He stated that this was a new installation and invited everyone to be present at **4:00 p.m.** on Friday.

NEXT WEEK'S AGENDA

Chairman Benson noted that next week's agenda was reviewed this afternoon in committee and asked if there were any questions. There were none.

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga City Council until Tuesday, June 30th, 2009 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL