

City Council Building
Chattanooga, Tennessee
January 4, 2011
6:00 p.m.

Chairman Rico called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, Ladd, McGary, Murphy, 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 the invocation for the evening.

MINUTE APPROVAL

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

AMEND ORDINANCE 10191

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,
AN ORDINANCE TO AMEND ORDINANCE NO. 10191, ENTITLED, "AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 5800 BLOCK OF CASSANDRA SMITH ROAD, BEING ON THE SOUTHEAST LINE OF CASSANDRA SMITH ROAD SOUTHWEST OF HIXSON PIKE, FROM R-1 RESIDENTIAL ZONE TO R-T/Z ZONE FOR ALL BUT THE REAR 500 FEET, SUBJECT TO CERTAIN CONDITIONS," SO AS TO AMEND THE LEGAL DESCRIPTION BY DELETING THE WORD "DRIVE" AFTER THE WORDS "RIDGEVIEW CIRCLE"

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

CLOSE AND ABANDON

MR-2010-094: Charter Real Estate

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE
6000 BLOCK OF HALL ROAD AND AN ADJACENT ALLEY, MORE
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**
Passed second and final reading and was signed in open meeting.

REZONING

2010-139: Cagle Development

On motion of Councilman Murphy, seconded by Councilman McGary,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES
LOCATED AT 2104, 2106 AND 2108 GARFIELD STREET AND 408 NORTH
WILLOW STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1
RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE,
SUBJECT TO CERTAIN CONDITIONS**
Passed second and final reading and was signed in open meeting.

REZONING

2010-144: Ronnie Bull

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 1329 GADD ROAD, MORE PARTICULARLY DESCRIBED
HEREIN, FROM M-3 WAREHOUSE WHOLESALE ZONE TO R-4 SPECIAL
ZONE**
Passed second and final reading and was signed in open meeting.

REZONING

2010-145: Passpointe Engineering (Jan Pass)

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF THE PROPERTY LOCATED AT 331 STRINGER STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2010-146: Fletcher Bright

On motion of Councilwoman Berz, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 550 SOUTH TERRACE, MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

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

REZONING

2010-148: Duckett Properties, LP

On motion of Councilman McGary, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF THE PROPERTY LOCATED AT 1701 ROSSVILLE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2010-149: Timothy W. McDonald

On motion of Councilman McGary, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 603 AND 607 EAST MAIN STREET AND 1427, 1433 AND 1435 PARK STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL DISTRICT TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

AMEND CITY CODE

Councilman Benson stated that he is not ready to vote on this tonight; that the word "excluding" should be "including" but does not believe that would make a big difference at this time without some other changes. He asked that the matter be reviewed and come back.

City Attorney McMahan stated if it is passed one week the changes necessary can be made.

Councilman Benson stated we need something put in about a "gate fee" so people can pay a fee if a car is hauled on a Friday evening and the hauler is closed on Saturday and Sunday and the people have to rent a hotel room and cannot get in on Friday, Saturday or Sunday night and are paying \$20 a day; that it is running up the price. He stated there is such a thing as a "gate fee" wherein a person can call and pay \$10 to get an employee to release it; that we have to do something about that as it accumulates the price on the vehicle and makes people have to spend two nights in Chattanooga.

Councilwoman Scott stated that the Council dealt with that; that it was her thought the ordinance was written to state if the business was not open for them to be able to access their vehicle they would not be charged for that day. She asked if she misunderstood the discussion.

Councilman Benson stated they have come to him and said they are responsible for those vehicles and do not like to accept storage without any charge when they are going to assume some financial responsibility. He asked if any representatives from the wrecker industry were present however no one came forward. He stated we need more time on this and **made the motion to defer the matter.**

AMEND CITY CODE (Continued)

Councilman McGary stated that Councilwoman Scott's recollection is correct as the matter was dealt with in discussion; that if the business was closed they were not to be charged during the time and if someone from the wrecker community has new information he would be willing to hear it. He stated it is his understanding this was already a closed issue.

Councilman Benson stated the word "excluding" is correct and asked if that is what the Council wants to vote on; that it will be stored for two days and they cannot charge.

Councilwoman Ladd stated her memory was that we had a \$50 "gate fee" and they are allowed to charge if someone did not pick the car up within a certain amount of time but cannot remember the amount of time. She stated that she thought they were given 24 hours to pick it up or there was at that time a storage fee. She stated if there is a company that does not participate in gate operations after close of business, then they do not charge the \$50, but the people cannot get their car until they open the next business day which may be a Monday if the car was towed over the weekend. She stated if this is passed and a company does not want to participate in a "gate fee" at all and do not want to be available at all for the "gate fee", they do not have to come and open up and would have the ability to have an additional storage charge. She stated that is what she remembers; that it was a \$50 "gate fee" and past 24 hours they can do storage charge.

Councilwoman Scott stated that it was her understanding that either they were available to open that up and allow the car to be picked up or, in which case if it was not business hours, then they would be charged the \$50 for the luxury of getting someone down there. She stated if it is a weekend and a private citizen has no way to access and no way to do that, then they are not going to be charged for an additional day of storage that they do not have any control over. She stated if they want to go and pick up their car and pay the \$50 she thought that was what was agreed to, but for a person not to get their car, cannot pay for it and cannot pick it up and still going to charge seems a little excessive. She stated if we need to argue about that more we need to defer it.

Councilman Benson stated there are too many understandings here and **again made the motion to defer for one week for discussion in Legal and Legislative Committee; Councilwoman Berz seconded the motion.** He stated the Attorney can work it out to make everyone happy.

AMEND CITY CODE (Continued)

On motion of Councilman Benson, seconded by Councilwoman Berz,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
CHAPTER 35, ARTICLE IV, SECTIONS 162 AND 171 RELATIVE TO
VEHICLES FOR HIRE**
Was deferred one week.

AMEND CITY CODE

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 3, SECTION 3-92, RELATIVE TO GENERAL REGULATION OF
PERMANENT ON-PREMISE SIGNS**
Passed first reading.

AMEND CITY CODE

Adm. Leach stated in Committee we talked about a two week deferral; that normally the Storm Water Board would have a meeting however due to the federal holiday it will be three weeks before they can get back to it if it is going to go before the Storm Water Board.

Councilman Benson asked if Mr. Leach will work this through the Blue Ribbon Committee Chair, at least, or do we need to start meeting with the Blue Ribbon Committee. Mr. Leach stated it is up to the Council.

Councilman Benson asked if Mr. Leach would "tie them into it". Mr. Leach stated he would contact the Blue Ribbon Chair and let him know when the Storm Water Board would meet.

On motion of Councilman McGary, seconded by Councilwoman Robinson,
**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 deferred three weeks (January 25, 2011).

AMEND CITY CODE

On motion of Councilman McGary, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 24, ARTICLE X, SECTION 24-318, DESIGNATION OF SPACES;
DUTY TO PARK ENTIRELY WITHIN; PARKING MULTIPLE MOTORCYCLES,
MOTORIZED BICYCLES AND MOTOR-DRIVEN CYCLES**

Passed first reading.

CLOSE AND ABANDON

MR-2008-171: Derthick Henley & Wilkerson

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
**AN ORDINANCE CLOSING AND ABANDONING THE 1600 BLOCK OF
ROBBINS STREET AND A PORTION OF THE 900 BLOCK OF KILMER
STREET, MORE PARTICULARLY DESCRIBED HEREIN**

Was denied.

CLOSE AND ABANDON

MR-2008-183: Betts Engineering Associates, Inc.

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
**AN ORDINANCE CLOSING AND ABANDONING THE 900 BLOCK OF
NORTH CHAMBERLAIN AVENUE ALONG THE FORMER PORTION OF
SYLVAN STREET TO A DEAD END, MORE PARTICULARLY DESCRIBED
HEREIN**

Was denied.

CLOSE AND ABANDON

MR-2010-077: Tammy Haas

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,
**AN ORDINANCE CLOSING AND ABANDONING TWO UNOPENED
ALLEYS LOCATED IN THE 2600 BLOCKS OF EAST 18TH AND REECE
STREETS WITH TENNESSEE AMERICAN WATER COMPANY TO MAINTAIN
AN EASEMENT IN THE FULL WIDTH, MORE PARTICULARLY DESCRIBED
HEREIN, SUBJECT TO CERTAIN CONDITIONS**

Passed first reading.

CLOSE AND ABANDON

MR-2010-078: Tammy Haas

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY
LOCATED IN THE 900 BLOCK OF BUCKLEY STREET WITH AT&T
SOUTHEAST TO MAINTAIN AN EASEMENT IN THE FULL WIDTH, MORE
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**
Passed first reading.

DONATE USE OF FROST STADIUM

On motion of Councilwoman Ladd, seconded by Councilman Murphy,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PARKS AND RECREATION TO DONATE THE USE OF
FROST STADIUM FOR ONE DAY ANNUALLY (INCLUDES THE SUITE AND
FIELD FOR A GAME) TO BE USED AS AN AUCTION ITEM BY BAYLOR
SCHOOL**
Was denied.

ACCEPT REQUEST FOR PROPOSAL

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES
TO ACCEPT AN RFP FROM ARTHUR J. GALLAGHER TO PROVIDE
PROPERTY, EQUIPMENT, AND FLEET INSURANCE FOR ONE YEAR (1)
YEAR WITH FOUR (4) ONE YEAR RENEWAL OPTIONS FOR AN ESTIMATED
ANNUAL PREMIUM OF TWO HUNDRED NINETY-ONE THOUSAND EIGHT
HUNDRED FORTY-EIGHT DOLLARS (\$291,848.00)**
Was adopted.

PURCHASE

On motion of Councilwoman Scott, seconded by Councilwoman Ladd,
**A RESOLUTION AUTHORIZING THE PURCHASE OF AN ATOMIC
ABSORPTION SPECTROPHOTOMETER FOR THE LABORATORY AT THE
MOCCASIN BEND WASTEWATER TREATMENT PLANT FROM PERKIN-
ELMER FOR A TOTAL COST OF SIXTY-THREE THOUSAND TWENTY-ONE
AND 45/100 DOLLARS (\$63,021.45), WITH A CONTINGENCY OF ONE
THOUSAND DOLLARS (\$1,000.00) TO COVER FREIGHT COSTS**
Was adopted.

CHANGE ORDER

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 WITH MATERIAL MATTERS, INC. TO PROVIDE ADDITIONAL BIOSOLIDS-RELATED DATA MANAGEMENT SUPPORT AND SERVICES IN CONJUNCTION WITH THE USE OF THE MATERIAL MATTERS DATABASE WHICH WAS DEVELOPED FOR THE BIOSOLIDS MANAGEMENT PROGRAM, FOR AN INCREASE IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000.00), FOR A TOTAL PROJECT COST OF FIFTY-FOUR THOUSAND FIVE HUNDRED DOLLARS (\$54,500.00)

Was adopted.

TEMPORARY USE

On motion of Councilman McGary, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING CHARLES KING ON BEHALF OF HOLIDAY INN & SUITES TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 434 CHESTNUT STREET TO INSTALL A CANOPY THAT WILL PROJECT INTO THE RIGHT-OF-WAY, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HERE OF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

Was adopted.

TEMPORARY USE

On motion of Councilman McGary, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING JENNIFER WARD ON BEHALF OF CUSTOM DESIGN AWNING TO USE TEMPORARILY 1265 MARKET STREET FOR THE INSTALLATION OF AN AWNING GRAPHICS ABOVE THE MAIN ENTRANCE OF SOUTHSIDE SALON, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

Was adopted.

TEMPORARY USE

Councilwoman Scott asked the applicant for more information about this business.

TEMPORARY USE (Continued)

Steven W. Holt stated the property has been used for parking for the past 30 years and he wants to formally say they can use it and noted that he has purchased the building.

Councilwoman Scott asked the nature of the business.

Mr. Holt explained that it is an auction and real estate company with limited destinations.

On motion of Councilwoman Ladd, seconded by Councilwoman Scott,
A RESOLUTION AUTHORIZING STEVEN W. HOLT ON BEHALF OF DIBBLE DABBLE DEVELOPMENT, LLC TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED AT 901 CHEROKEE BOULEVARD TO USE AND RE-CONDITION THE EXISTING PARKING AREA, PLANT BOX, AND SIGN POLE IN ORDER TO FACILITATE BUILDING, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

Was adopted.

TEMPORARY USE

On motion of Councilwoman Ladd, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING TOM MARSHALL ON BEHALF OF HIXSON CHAMBER TO USE TEMPORARILY A RIGHT-OF-WAY TO INSTALL A SIGN ON STATE ROUTE 153 IN HAMILTON COUNTY, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

Was adopted.

TEMPORARY USE

On motion of Councilman Gilbert, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING BRENDA HAMMOND ON BEHALF OF THE WASHINGTON HILLS NEIGHBORHOOD ASSOCIATION TO INSTALL LAND MARKERS TO BEAUTIFY THE COMMUNITY, AS SHOWN ON THE PHOTOS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

Was adopted.

TEMPORARY USE

On motion of Councilman Murphy, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING FRANKLIN ASSOCIATES ARCHITECTS, INC. ON BEHALF OF ELECTRIC POWER BOARD (EPB) TO USE TEMPORARILY BAILEY AVENUE BETWEEN CENTRAL AVENUE AND THE NORFOLK SOUTHERN RAILROAD FOR STORM WATER MANAGEMENT, PAVING AND OTHER IMPROVEMENTS THAT WILL INCLUDE ALSO OUTDOOR STORAGE OF NON-COMBUSTIBLE MATERIALS, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

Was adopted.

AGREEMENT

On motion of Councilwoman Ladd, seconded by Councilman Gilbert,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH THE NORTH CHICKAMAUGA CREEK CONSERVANCY TO RESTORE THE HISTORIC SNITEMAN CABIN

Was adopted.

CHANGE PURCHASE ORDER/AGREEMENT

On motion of Councilwoman Robinson, seconded by Councilwoman Scott,
A RESOLUTION AUTHORIZING THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO CHANGE THE PURCHASE ORDER CONCERNING THE AGREEMENT WITH META TO REDUCE ONE OSHA 10 CLASS FOR THE BROWNFIELDS JOB TRAINING PROGRAM AND THE ADDITION OF THREE EPA LEAD RENOVATION REPAIR AND PAINTING REFRESHER CLASSES, FOR AN INCREASE OF TWO THOUSAND SEVEN HUNDRED THIRTY-NINE DOLLARS (\$2,739.00), FOR A REVISED PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND SEVEN HUNDRED SIXTY-THREE DOLLARS (\$50,763.00)

Was adopted.

CONTRACT

On motion of Councilwoman Ladd, seconded by Councilwoman Berz,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. W-10-009-201, MISCELLANEOUS SANITARY SEWER LINING CONTRACT, TO IMPROVED TECHNOLOGIES, LLC, IN THE AMOUNT OF NINE HUNDRED THOUSAND DOLLARS (\$900,000.00)

Was adopted.

REIMBURSEMENT

On motion of Councilman McGary, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO REIMBURSE HAMILTON COUNTY FOR FIFTY (50%) PERCENT OF THE JOINTLY OWNED FACILITIES, RIVERWALK AND COURTS BUILDING INSURANCE PREMIUM IN THE AMOUNT OF TEN THOUSAND SEVEN HUNDRED EIGHTY-NINE AND 03/100 DOLLARS (\$10,789.03)

Was adopted.

RATIFY LETTER AGREEMENT

On motion of Councilwoman Robinson, seconded by Councilwoman Scott,
A RESOLUTION RATIFYING THE EXECUTION BY THE MAYOR OF A LETTER AGREEMENT WITH CHATTANOOGA HOUSING AUTHORITY CONCERNING THE FAIRMONT STREET PROJECT

Was adopted.

OVERTIME

Overtime for the weeks ending December 16, 2010 (\$49,419.13), December 23, 2010 (\$17,618.39) and December 30, 2010 (\$20,937.83) totaled \$87,975.35.

ELECTION COMMISSION MEMBERS

Councilman Murphy acknowledged the presence of Election Commissioners Walden and Guinn and expressed thanks for their service.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA FIRE DEPARTMENT:

- **DAVID TALLENT** – Family Medical Leave, Captain, effective December 8, 2010 – March 2, 2011.
- **PATRICIA JOHNSON** – Voluntary Demotion, Personnel Assistant, Range 10, \$28,572.85 annually, effective December 17, 2010.
- **KENNETH PATTON** – Voluntary Demotion, Building Maintenance Mechanic 1, Range 11, \$26,798.00 annually, effective December 13, 2010.
- **MICHAEL MEDLEY** – Retirement, Senior Firefighter, effective December 20, 2010.
- **JESSE ASHLEY** – Retirement, Senior Firefighter, effective December 16, 2010.
- **RODNEY SMITH** – Retirement, Lieutenant, effective December 31, 2010.
- **WILLIAM KNOX** – Retirement, Battalion Chief, effective December 31, 2010.

INTERNAL AUDIT:

- **MARK MESSER** – Discharged, Internal Auditor 1, effective December 17, 2010.

CHATTANOOGA HUMAN SERVICES:

- **CAROLYN DELASHMITT** – Retirement, Family Services Supervisor, effective December 16, 2010.
- **JOYCE FEARS** – Retirement, Family Services Supervisor, effective December 30, 2010.
- **LISA MANGHANE** – Resignation, Family Services Asst., effective December 16, 2010.

PERSONNEL (Continued)

- **JEAN STONE** – Retirement, Family Services Asst., effective December 30, 2010.

PARKS AND RECREATION:

- **LEXINE ALEXANDER** – Retirement, Recreation Facility Mgr. 1, effective December 30, 2010.
- **JACQUELYN TANKERSLEY** – Retirement, Recreation Facility Mgr. 2, effective December 30, 2010.
- **SHERRY REED** – Retirement, Accounting Technician, effective December 30, 2010.

PUBLIC WORKS DEPARTMENT:

- **CALVIN WILSON** – Suspension (3 days without pay), Equipment Operator 3, City Wide Services, effective December 20-22, 2010.
- **ERIC CROSS** – Suspension (2 days without pay), Equipment Operator 4, City Wide Services, effective December 15-16, 2010.
- **WALTER BANTHER** – Family Medical Leave, Equipment Operator 5, Waste Resources, effective December 3, 2010 – February 1, 2011.
- **DONNIE UNDERWOOD** – Hire, Plant Operator 1, Waste Resources, Range 9, \$26,798.00 annually, effective December 17, 2010.

CHATTANOOGA POLICE DEPARTMENT:

- **JULIUS SEAWRIGHT** – Hire, Police Services Tech, Range 4, \$24,000.00 annually, effective December 13, 2010.
- **PAM TALLEY-HICKMAN** – Leave of Absence without Pay, Police Services Tech, effective December 20, 2010 – January 19, 2011.
- **TAMMY BOSTICK-MCCLINTOCK** – Family Medical Leave, Police Services Tech, effective December 20, 2010 – February 25, 2011.

PERSONNEL (Continued)

- **JAMES HOSTETTER** – Death, Police Officer, effective December 22, 2010.
- **BEVERLY GILLILAND** – Retirement, Administrative Support Asst. 2, effective December 31, 2010.
- **GARY A. WILLIAMS** – Suspension (3 days without pay), Police Officer, effective December 20-22, 2010.
- **CARLOS WOODRUFF** – Suspension (5 days without pay), Police Officer, effective December 17-21, 2010.
- **JANICE WRIGHT** – Retirement, Police Services Tech 2, effective December 31, 2010.
- **TAMMY COOK** – Military Leave (for a period of 400 days), Sergeant, effective January 5, 2011.
- **CHRISTOPHER LAWSON, DAVID YOUNG** – Military Leave (for a period of 400 days), Police Officer, effective January 5, 2011.
- **SHEILA JETTON** – Leave of Absence without Pay, Police Officer, effective December 17, 2010 – January 14, 2011.
- **SHAWN HICKEY** – Military Leave, Sergeant, effective January 18, 2011.

TREASURER'S OFFICE:

- **SARAH BETH SCHENCK** – Retirement, Assistant Treasurer, effective December 30, 2010.

FINANCE DEPARTMENT:

- **MARIA JORDAN** – Hire, Accounting Technician 1, Range 8, \$24,521.00 annually, effective January 3, 2011.

DONATION

Adm. Zehnder duly reported the donation of \$850.00 for the department's employee retirement luncheon (\$150 in drinks; \$300 in food and \$400 for vegetables and gifts), as well as a \$3,000.00 donation from Dicks Sporting Goods for basketball starter kits for all coaches (30 kits valued at \$85 each for a total of \$2,550.00) and a monetary donation of \$450.00 for awards and prizes.

PEPSI GRANT UPDATE

Adm. Crutchfield updated the Council on the grant submitted to Pepsi for \$250,000.00 noting that the city has been approved and expressed thanks to the media outlets. She stated that the \$250,000.00 would reduce the tax payer's burden and provide a way to assist in the renovation completion. She encouraged everyone to vote each day either by texting, going on Facebook or e-mailing each day to the site as everyone's help is needed!

Councilman Benson commended Ms. Crutchfield for going after all the grants; that this totals a quarter of a million dollars for refurbishing the Community Theatre. He stated he received a call from a citizen who had mistakenly read the newspaper article and thought it was money the city was spending and again commended her for all she does.

RECOGNITION OF JUDGE WALTER WILLIAMS

Chairman Rico acknowledged the presence of Judge Walter Williams at this point.

HOTEL PERMIT

On motion of Councilman McGary, seconded by Councilwoman Robinson, the following hotel permit was approved:

QUALITY SUITES – 7324 Shallowford Road, Chattanooga, TN

REFUNDS

On motion of Councilman McGary, seconded by Councilman Murphy, the Administrator of Finance was authorized to issue the following refunds of water quality fees and/or property taxes:

REFUNDS (Continued)

PIONEER TITLE -- \$11,216.89

DONNIE CREEKMORE -- \$1,123.08

WILLIAM RAINES -- \$2,740.50

RONALD O'REAR -- \$1,115.00

CATHERINE BOLDEN -- \$1,292.21

THE CANNON PARTNERSHIP -- \$1,431.15

THOMAS PARKS -- \$1,027.26

SUNTRUST BANK TN-CHATT 0325 -- \$5,210.38

SABR MORTGAGE LOAN -- \$1,506.95

NEIL BRUNETZ -- \$1,019.17

JAMES SMITH -- \$1,278.94

JAMES BENJAMIN -- \$1,287.59

AMY REED -- \$1,059.58

STEVEN HOBBS -- \$1,074.01

KELCO LLC -- \$1,170.99

BRADLEY SEDGWICK -- \$1,061.31

DAVID A. HARTMAN -- \$1,096.53

JEFFREY RINKEL -- \$2,440.94

DAVID DWYER -- \$1,039.38

RON CAMPBELL -- \$3,224.27

RONALD HARDEN -- \$1,532.35

REFUNDS (Continued)

LLOYD BARDOWELL -- \$2,799.41

MICHELLE MEADOWS -- \$1,034.18

DIANE POJANOWSKI -- \$1,098.26

JOHN HOLDER -- \$1,460.77

JOSHUA VRAZEL -- \$1,373.03

CHRISTINE BAUBACH -- \$1,181.96

JAMES JOHNSON -- \$1,142.71

TURNER WOOD -- \$2,066.88

REJECT ALL BIDS

On motion of Councilwoman Ladd, seconded by Councilwoman Robinson, all bids were rejected on R35530 for Ford Fiestas on behalf of the Fleet Management Division, General Services Department, as there was no government concession for this vehicle at this time.

PURCHASES

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

PUBLIC WORKS DEPARTMENT:

SPECIALIZED OPERATIONS SERVICES, INC. (Best bid)
36637

Chlorine Vaporizer Parts

\$27,044.00

PURCHASES (Continued)

WATER & WASTE EQUIPMENT, INC. (Lower bid)
300760/36657

Purchase of Grinder Pumps

\$16,660.00

SPECIALIZED OPERATIONS SERVICES, INC. (Best bid)
36634

Purchase of Chlorine Vaporizer

\$23,741.00

INGRAM EQUIPMENT COMPANY, LLC (Per City Code Sec. 2-552)
37553

Purchase of One Used Sewer Combination Truck

\$190,584.00

CHATTANOOGA POLICE DEPARTMENT:

MdE. Inc. (Sole source)
37314

Software, Training and Support Services per TCA 6-56-304.2

\$23,665.00

MOTOROLA, INC. (Single source)
37286

Motorola Radios and Accessories per TCA 6-56-304.6

\$250,550.08

PURCHASES (Continued)

INFORMATION SERVICES:

MOTOROLA (Single source)
R36983

Motorola CSR System Maintenance per TCA 6-56-304.6

\$31,019.00

GENERAL SERVICES, FLEET MAINTENANCE:

PARMAN LUBRICANTS (Lowest bid based on unit prices bid)
36180/300782

Oil and Lubricants Blanket contract

\$25,000.00

BOARD APPOINTMENT CORRECTION

On motion of Councilman Benson, seconded by Councilman Murphy, the following Board appointment was corrected:

COMMUNITY DEVELOPMENT ADVISORY BOARD:

- Appointment of **TERESA WOOD** as Mayoral appointment for a term expiring December 14, 2013; inadvertently submitted as representing District 7.

BOARD APPOINTMENT

Councilwoman Scott inquired as to the residency location of the appointee and asked if the person lives in Councilman Benson's district as Pine Ridge Road is in her district and the address location on information submitted is listed as Ooltewah, Tennessee.

BOARD APPOINTMENT (Continued)

Councilman Benson stated that Ms. Pratt is active in the Friends of East Brainerd and took for granted that she lives in his district; that she attends every meeting and is an officer.

Councilwoman Scott again stated Pine Ridge Road is in her district in North Chattanooga and the documentation regarding Ms. Pratt indicates Ooltewah.

Councilman Benson stated he would still like to appoint her to represent East Brainerd and have it said Councilwoman Scott has two representatives!

On motion of Councilman Benson, seconded by Councilman Murphy, the following board appointment was approved; **Councilwoman Scott abstained:**

MULTICULTURAL AFFAIRS ADVISORY BOARD:

- Appointment of **DAISY PRATT** for a term expiring January 4, 2014 representing District 4.

EXTEND MORATORIUM

Councilman Murphy stated a moratorium for a special exceptions permit was passed awhile ago; that the issue is being reworked and it had to go to Planning and then back to us and the moratorium will expire prior to it coming back to us. He **made the motion to adopt on first reading the new legislation in accordance with the prepared ordinance to extend the moratorium until January 31, 2011; Councilman McGary seconded the motion.**

On motion of Councilman Murphy, seconded by Councilman McGary,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SECTIONS 38-527 SPECIAL EXCEPTIONS FOR NIGHTCLUBS OR SIMILAR USES, TO EXTEND THE MORATORIUM ON THE GRANTING OF ANY SPECIAL PERMITS UNTIL JANUARY 31, 2011, IN ORDER FOR THE COUNCIL TO DISCUSS SPECIAL CONDITIONS WHICH MAY BE IMPOSED ON USES UNDER THIS SECTION

Passed first reading.

COMMITTEES

Councilman Murphy stated the **Legal and Legislative Committee would meet on Tuesday, January 11.**

AGENDA: JANUARY 11, 2011

Chairman Rico stated the agenda for January 11, 2011 was discussed earlier during the agenda session.

TERESA WOOD

Teresa Wood of 1708 West 56th Street stated as a city tax payer she was present in support of the police department for take home cars. She stated Chattanooga officers are not paid as much as other municipalities and believes it would be in our best interest as tax payers to allow them to have take home cars as part of their benefits package. She stated what she expects from the Council and government is the provision of basic services the citizens desire and need in Chattanooga – fire, safety, sewer systems, roads, and anything else citizens get that is not related to public services that are needed services is “icing on the cake”! She stated right now the police department is not “icing on the cake” as they are part of the “cake” and we need to make sure we have a good, rich foundation before we put the “sugar on top”! She stated parks and recreation and other wonderful human services are not essential services; that the police department is. She stated we need to make sure we adequately fund our police and safety services and our city roads and infrastructure as they are our number one priorities as residents of the city; that they should be adequately funded before we fund anything else, period!

FRANK DEPINTO

Frank DePinto spoke for Chattanooga's Recycle and distributed the city's curbside recycling informational card. At this point he referenced the Gaia Award and explained Gaia is a Greek Goddess meaning “the living earth, life” and comes from the book *Revenge of Gods* about climate crisis, global warming and changing environment; that the symbol represents the healing of our earth and part of the healing is recycling, which not only saves natural resources but cuts down on methane which is 21 times stronger than carbon. He stated it is an important element and the city has gotten a start with its two times monthly recycling and new data has been received from public works via Lee Norris for the year 2010; that the data gives the highest amount of percentage of those recycling in the Council districts. He stated the district winner for the 2010 Gaia Award is District 2 and the Award was presented to Councilwoman District.

Councilwoman Robinson accepted the award on behalf of all citizens recycling all over the city.

FRANK DEPINTO (Continued)

At this point Mr. DePinto referenced a PowerPoint presentation noting that the city now has regular household curbside recycling and the district numbers were shown with District 2 having the highest percentage. He stated the Gaia Award will be an annual award and expressed hope other Council members would be encouraged to encourage their constituents so next year they can get the award. He stated everyone would like to see Chattanooga be the number one sustainable city in the United States and displayed a sustainability ranking of 50 cities which does not include Chattanooga, noting Portland, Oregon is listed as number one; that Chattanooga does not collect commercial data and needs to. He stated the percentage of recycling in Portland is 61.2 and in Chattanooga is .06 noting we have a long way to go and referenced the new Office of Sustainability and the amount of work they have to do. A pie chart was displayed of the tonnage of recycling collected and noted 75 percent of the city's waste is diverted. He referenced methane in the landfill and stated one quarter of our waste produces 40 million cubic yards of methane that translates into one billion four hundred million carbon pounds; that carbon is the main greenhouse gas. (At this point Chairman Rico stopped Mr. DePinto as his time had expired.)

Councilwoman Robinson again expressed thanks and displayed the Award for all to see.

PHIL GRUBB

Phil Grubb, President of the International Brotherhood of Police Officers, stated in committee today he listened to all the Council members talk and expressed hope that he took what he heard in the meeting the wrong way, because what he heard was that the cost of the service they provide is more important than the service itself; that hoped he heard it wrong and did take it right as that is what he took out of it. He distributed information regarding a series of surveys and studies done across the country and state of Tennessee on take home programs in police departments; that the first point he wanted to make is since 1995 more police departments have gone to the take home car policy instead of a pulled vehicle program as the Council has been told before as the number keeps going up. He stated Atlanta just went to a take home car program and in the studies the points made are the reasoning behind the departments going to a take home car policy.

PHIL GRUBB (Continued)

Mr. Grubb stated the first point the studies make is that contrary to what the Council has been told the take home policy is cheaper to maintain and cheaper to operate than a pulled vehicle; that they are comparing buying a few gallons of gas and some maintenance to buying new cars more frequently and having to equip the cars which is the biggest savings. He stated the only two downfalls in the take home program that the studies have provided is the initial cost to buy the vehicles to issue to the officers; that we have already passed that part of the program. He stated the second cost that goes up is the overtime of officers interrupting crime while they are off duty which is a pretty good trade-off -- overtime for the crime they interrupt. He stated the third point they make is there are fewer accidents involved with police officers in police vehicles with the take home car policy which means fewer officers are injured in these vehicles. He stated with those points being made it is his hope the Council will use their good judgment, the facts that have been presented and make a decision based on those and not on some fuzzy math and fictitious numbers and political agendas.

JOEL CRAIG

Joel Craig stated it is now a moot point based on the committee's decision as the matter is not to be brought up on the agenda, but noted that he feels obligated to make one statement to point out the facts not transmitted in committee or the discussions transmitted through the media. He stated they never discussed benefits, pay and salary and never brought up Atlanta or New Orleans; that cities of four million do not really compare to Chattanooga. He stated everything has been discussed but what is their actual concern is the ability to provide service. He stated in 1986, to answer a question from committee, is when they actually began the basis of the take home car program; that the city came up with an idea that in trade for a few gallons of gas they double their police department; that at any given time there is a working shift of officers and now we have another shift of oncoming officers or outgoing offices at any given time off the clock with no salary and no benefits as they are off the clock; that for the price of the gas we have doubled it and predicated our operation on having twice the amount of police cars for half the cost this whole time. He stated that is a cost plus as the Council is so focused on the micro gallon of gas and on the wear of the tires and are losing the fact that there is a two-for-one deal for all of this.

JOEL CRAIG (Continued)

Mr. Craig stated they have a take home car program implemented because they are not big enough to have a SWAT team full time floating around the city, nor helicopters to drop them anywhere; that they do not have a full time hostage negotiations team, do not have a full time bomb squad but assured the Council the bomb squad works harder than the Council would be comfortable knowing with the amount of callouts they have. He stated eliminating half of their visibility means the other half has to take up the things they catch on the way to and from work; that when they are on the way home it has been insisted this is some kind of perk; that many on the Council have done ride-alongs and when they are in the police car he does not know how they felt about the gadgets on the side or lights on the roof as they are not perks.

Mr. Craig stated on his way home he has stopped for the last robbery at the First Tennessee Bank on Highway 58, stopped for a pedestrian who was struck in front of Hardees on Highway 58 in the city, and stopped to help the single mom changing a tire in the dark on Champion Road – that these are calls he answered on his own in that car because we had double the manpower which is gone now. He stated the SWAT teams will not respond from their houses where they live in the city in Hixson or out of the city in Ooltewah and will be driving in traffic (and hopefully there will not be a wreck) to get to the center of the city off East Main Street, passing the emergencies they are on the way to and then turn around and rush back to them! He stated that is what they have been focused on; that this gas everyone is so focused on he has heard costs \$400,000, \$800,000, \$1.2 million and \$1.5 million as of today. He stated whatever the price really is he assured the Council it is a bargain; that whatever the priorities are he assured them the police protection they are providing should be at the top. He stated millions are being spent elsewhere and everywhere they feel it should not be spent; that this is not about a perk or a benefit as he is begging the Council to be able to provide the service of the police department and it is being cut in half based on these things. He asked the Council to please consider the cars will be parked and will be paying instead now for 400 parking spaces to be maintained and secured with millions of dollars of their equipment instead of having a cop in it for the equipment they need to take directly from their house or wherever straight to the emergencies. He asked that the Council consider the operational aspects of this, please.

JIM FOLKNER

Jim Folkner of Mountain Creek Road spoke in support of what was previously stated; that the police are a critical part of our community along with roads, picking up the garbage. He stated to him it is about the morale of the police department; that they put their lives on the line everyday for us and a few dollars of gas they were promised years ago and as Craig said he is not asking for a perk but there were promises made years ago in lieu of a salary increase. He stated to take that away is a violation of a contract that does exist; that we have a contract with our police to work with them, to lead them and for them to protect us. He stated as a homeowner and property owner and someone in the city he is safer when those cars are out there; when it is parked down the road in front of his house he is safer, even at the edge of the city he is safer. He stated he does not believe it is about the money; that \$750,000 was available to give a private club on private property work on a drainage ditch paid for by the city; that \$300,000 was spent to additionally train some people at the Planning Commission; \$300,000 was committed a couple months ago for the Mayor's lawyers that fought them in the recall and still fighting them in Appeals Court noting this is work that could be done by the City Attorney's office; that \$100,000 was spent for a cell tower in middle Tennessee to be paid for over a number of years and several hundred thousand dollars of park work at Enterprise South. He stated the money is there; that it is a matter of priorities and leadership; that this problem is not going to go away as crime is not going to go away; that he does not believe anyone is happy with the police cars being taken away and with them being parked there is no saving. He stated this can be taken care of now as it is not going to go away and will get worse; that the only people who could be happier are the gangs in Chattanooga. He asked the Council to restore this, take the leadership and not let this vendetta continue; to work with the police, lead them and have high morale in the police department and solve our crime problem because 91 percent of the people in Chattanooga, according to the *Times-Free Press* poll yesterday, believe crime is a central problem in Chattanooga.

REBECCA LITTLE

Rebecca Little read from a prepared statement and stated her family has been observing activities in Committee and Council meetings as they have attempted to have their voice heard regarding the de-annexation of their family property on the fringe of the city limits adjoining the current county line and adjacent to properties that were de-annexed for the same lack of services in 2003. She stated it is her understanding the city is currently in a financial shortfall due to the depressed economy and reduced taxes, a shortfall which has affected the benefits of city employees, our police officers and firefighters.

REBECCA LITTLE (Continued)

Ms. Little stated Tennessee Statute 651-101 and -108 clearly mandate annexing municipalities have a responsibility to provide services to annexed territory within a maximum of three years; that their properties were adversarially annexed 36 years ago followed by a two year court battle that ended when property owners ran out of money. She stated based upon the city's own descriptions the needed services include, but are not limited to, achieving a 28 foot pavement width on roads that are currently as narrow as 15 feet wide, lifting huge sections of city road out of the flood plain, and installing a regional super pump station in the area for a total estimated cost of a few-to-several million dollars. She stated in order to be compliant with the Tennessee Statute the city has two choices: it can dedicate several million dollars to three properties located on the county line next to properties de-annexed eight years ago, or the city may grant a petition for de-annexation thus relieving the city of legal obligations to provide the services (mandated by the Tennessee Statute). She stated although the Tennessee Statute requires it, it is her belief it would be a travesty to allocate several million dollars to three properties whose owners have requested de-annexation rather than a fulfillment of their legal rights, especially given the city's recent practice of denying the rights and deserved benefits of city employees who risk their lives daily for the safety of the city's constituents. She stated in as much as the three affected property owners were not afforded the opportunity to speak before a vote was cast at the November 30 meeting and due to the fact the December 3 request to be placed on the Council agenda has been denied, she asked the Council for them to be placed on the agenda so individual property owners can be heard prior to a vote. She quoted from the Council's procedure for placement on the Council's agenda and again asked that the Council implement the procedure for placement on the agenda January 11 or soon thereafter.

CARL EPPERSON

Carl Epperson of the Golden Gateway area of the city asked the Council to enact an ordinance to do something in regard to the construction going on downtown for a lot of people in wheelchairs and on walkers. He referenced sidewalks that have signs indicating "sidewalk closed" and noted if a person is not ambulatory, on a walker or on a cane he will have to cross the street to go to the other side, however, someone in a wheelchair has to go back to the end and cross again. He also referenced vehicles/trucks that park on the sidewalk and block the way. He stated in this administration and Council if take home cars are taken away a major, major error has been made!

ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga Council until Tuesday, January 11, 2011 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)**