

Council Building
Chattanooga, Tennessee
February 1, 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, Chairman Rico gave the invocation for the evening.

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

On motion of Councilman McGary, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 24, SECTION 24-505, RELATIVE TO PARKING METER ZONES
ON FOURTEENTH STREET EAST**

Passed first reading.

AMEND CITY CODE

On motion of Councilwoman Berz, seconded by Councilman Gilbert,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 24, ARTICLE XIV, SECTION 24-502, TO REVISE SPECIFIC SPEED
LIMITS ON BONNY OAKS DRIVE**

Passed first reading.

AMEND ORDINANCE 12453

On motion of Councilman McGary, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND ORDINANCE NO. 12453 (CASE NO. MR-2010- 116), ENCAPTIONED, "AN ORDINANCE CLOSING AND ABANDONING A RIGHT-OF-WAY EASEMENT ALONG THE SOUTH SIDE OF 17TH STREET AND ADJACENT TO 1702 LONG STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS," TO CORRECT THE LEGAL DESCRIPTION

Passed first reading.

AMEND CITY CODE

Councilman Murphy made the motion and second to approve on first reading "the version that makes no charge to any of the above"; Councilman McGary seconded the motion.

Councilman Benson then made the motion to amend the ordinance to include "... to city residents" after the word "... away", however the motion failed for lack of a second.

Councilman Murphy stated his motion is to give it away at no charge to any of the above or all entities as we have more than we can store and have to get rid of it.

Councilman Benson stated that he did not think we should move this rapidly to give it way to county residents. He stated we are collecting it and knows it is stored and we have too much at this point in time. He stated it is his thought people need to begin to see the benefits of living in the city by what is returned to them in services and benefits (from living in the city); that if we are going to time-after-time give things to people living outside the city that our city residents are paying to collect in this case, we are wrong to move into it at this point in time. He stated the best thing to do is give it to the city residents and charge a minimum charge for the non-city residents to pick this up. He stated this is a message that needs to get out there so we can finally get equity in our governmental services and cost of services.

At this point, Councilman McGary "called for the question".

AMEND CITY CODE (Continued)

On motion of Councilman Murphy, seconded by Councilman McGary,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 18, ARTICLE VII, SECTION 18-124 RELATIVE TO THE PRICE OF
LEAF COMPOST FOR NON-CITY RESIDENTS, CONTRACTORS AND
PERSONS-FOR-HIRE AND COUNTY RESIDENTS**

Passed first reading; **Councilman Benson** voted “no”.

GRANT

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PUBLIC WORKS TO ACCEPT A GRANT FROM SAFE
KIDS USA FOR ENVIRONMENTAL MODIFICATIONS TO IMPROVE
CONDITIONS FOR CHILD PEDESTRIANS IN THE 1800 BLOCK OF E. 32ND
STREET AND AT THE INTERSECTION OF HOLTZCLAW AVENUE AND
E. 34D STREET IN THE AMOUNT OF TWENTY-TWO THOUSAND EIGHT
HUNDRED DOLLARS (\$22,800.00)**

Was adopted.

SPECIAL EXCEPTIONS PERMIT

Dr. L. Raymond DeBarge and Jane DeBarge

Councilwoman Scott stated that she plans to abstain on this request.

On motion of Councilman McGary, seconded by Councilman Murphy,
**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR THE
OPENING OF A WINERY LOCATED AT 1617 ROSSVILLE AVENUE**

Was adopted; **Councilwoman Scott** abstained.

PAYMENT AUTHORIZATION

Councilman Murphy stated we could save \$12,000.00 by just paying the fine.

PAYMENT AUTHORIZATION (Continued)

On motion of Councilman Benson, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING PAYMENT TO ASSOCIATED GENERAL CONTRACTORS OF EAST TENNESSEE FOR DEVELOPMENT OF THE CONSTRUCTION EXCELLENCE PROGRAM/SOFTWARE IN THE AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000.00) AS PROVIDED BY THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION COMMISSIONER'S ORDER NO. WPC10-0055

Was adopted; Councilman Murphy voted "no".

OVERTIME

Overtime for the week ending January 27, 2011 totaled \$47, 254.13.

PERSONNEL

The following personnel matters were reported for the various departments:

INFORMATION SYSTEMS:

- **MARK TIMON** – Promotion, Network Analyst, Range 22, \$60,000.00 annually, effective January 28, 2011.

CHATTANOOGA FIRE DEPARTMENT:

- **LLOYD JONES** – Family Medical Leave, Captain, January 28 – April 14, 2011.

CHATTANOOGA POLICE DEPARTMENT:

- **SHEILA JETTON** – Leave of Absence Without pay, Police Officer, effective January 15-February 15, 2011.
- **MELISSA BUETOW** – Hire, Police Service Tech, Range 4, \$22,050.00 annually, effective January 28, 2011.

PERSONNEL (Continued)

- **JONATHAN ADAMS, JOSHUA AUSTIN, CHARLES BRAMLETT, EDWARD BUCKMAN, JASON DITTMAR, ALMIR DIZDAREVIC, JAMES GOEHRING, JARED HAMILTON, JUSTIN HEADDEN, RENE HERNANDEZ, STEPHEN HUCKABEE, WORLIE JOHNSON, JOHNNY JONES, MATTHEW LYNCH, MARKUS MASON, STEVEN MEADOR, DENNIS NELSON, CAMERON NICHOLS, KANHAI PANDYA, JACOB RETCHKO, MARC SAINT-LOUIS, MICHAEL A. SHARP, CLAYTON SMITH, JEREMY WINBUSH** – Hire, Police Cadet, PD1, \$34,118.00 annually, effective January 28, 2011.

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:

MAUREEN C. BURKE -- \$1,631.64

BRENT L. BASS -- \$1,292.21

JAMES C. ROGERS, JR. -- \$1,343.59

JONATHAN WITT -- \$2,917.17

PURCHASES

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

PUBLIC WORKS DEPARTMENT:

VULCAN MATERIALS (Best bid)
R38230/B300819

Blanket Contract for Washed Crushed Stone

\$130,000.00 - Annual estimation

PURCHASES (Continued)

CHATTANOOGA POLICE DEPARTMENT:

CERTIFIED MAINTENANCE SERVICES (Lowest and best bid) R35839/300728)

Blanket Contract for Janitorial Services

\$60,000.00 – Annual estimation

RESIGNATION OF AL CHAPMAN

Dan Johnson reported the resignation of the Al Chapman, Administrator of Human Services, noting that he would be leaving the city's employ in the next week or two.

Councilwoman Robinson stated that his service has been commendable and has done a fine job; that we have a department to be very proud of. She stated she goes there often because that is where the office of NEMA Resettlement Ministry is located; that Father Peter Kanye works there which is a great operation underway on a campus we can be really be proud of as he has done a lot over there.

Mr. Johnson stated he (Chapman) has done a fantastic job of going in and straightening a lot of problems out; that he is going back to a place he has previously worked.

HEARING: MICHAEL DOUGLAS

City Attorney McMahan stated this request for Mr. Douglas has been pending for approximately one year; that he was originally terminated facing criminal charges dealing with lap top computers from the school system and the chargers were ultimately resolved through a misdemeanor manner. He stated Mr. Douglas has not retained Counsel noting that Mr. Benson, Jr. has consulted with Mr. Douglas and is not currently representing him.

A hearing for Mr. Douglas was scheduled for Monday, February 21 at 4 p.m. with Councilmen Murphy (Chair), Gilbert and Scott serving as the panel. An alternate will be selected closer to the hearing date.

BRIEFING ON LEASING PROGRAM

Councilman McGary expressed how good it is to see the number of officers hired as reflected on the personnel transaction sheet noting that it is such good news and wished success to every one of the officers listed. He stated that he mentioned previously that Paul Page would give the Council a briefing on the leasing program and wanted to know if the Council could agree upon a time to have that presentation, whether after the budget meeting on Tuesday, February 8 or before.

Councilwoman Berz stated Councilman McGary requested the Audit Committee look at purchasing which was forwarded to them and they were to get back with him. She asked if the two are related.

Councilman McGary stated "no" they are two separate items; that the leasing concern came up during the discussion of the police take home cars wherein he asked the Director of Purchasing to explain what the leasing program was and the ins-and-out of that; that it is separate and distinct from having an audit of the purchasing department.

Councilwoman Berz asked if he would be satisfied if it is on the agenda next week wherein a time would be set for Mr. Page to come before the Council as there are a number of requests that Council members have for people to talk with us as we are working through the budget.

Councilman McGary stated he is open to whatever the pleasure of the Council is. Councilwoman Berz stated it would be on Tuesday's agenda for the Council to set a time when everyone could be present.

POLICY REGARDING USE OF PUBLIC FACILITIES

Councilman McGary stated the East Chattanooga Weed and Seed in his district receives federal dollars to do work in the community; that they are trying to schedule a city wide gang awareness seminar and have requested we waive the fee for the use of the Tivoli. He stated the Council has discussed the issue of whether we waive fees; that his question is can we as a Council have a conversation if a group is trying to do something for the betterment of the city versus a private group wanting to get the fee waived. He asked if there can be a conversation about making distinctions.

POLICY REGARDING USE OF PUBLIC FACILITIES
(Continued)

Councilwoman Ladd stated this brings up a point as we may have a larger issue that needs to be discussed; that the Council does need to talk about it. She stated there are certain entities we work within at our recreation centers and they have free access to the recreation center, and then there are certain venues where we are charging for things. She stated as a Council we need to look at everything and what organizations fall within the Council's goals and objectives to support in that manner as well as which ones qualify for needing to have the fee stay in place. She stated we need to be careful as we will get on a "slippery slope" which is already starting when doing something for one; that the requests are going to "snowball in". She stated before we do anything we need to stop and make sure we have an understanding, as well as parks and recreation and the Tivoli and Auditorium because they will have groups come and the recreation centers may tell them one thing that they can do it at no charge; then they go Education, Arts and Culture and they may be told "no" as there needs to be a set fee. She stated there will be some going back and forth and people will become confused; that we need to set a good policy that spells out what we do for "who" and make sure it is within our goals and objectives of what we want to support for the organizations in Chattanooga; that that is the discussion we need to have.

Councilman Benson expressed "amen" to Councilwoman Ladd's comments noting that is the biggest and worst "Pandora's Box" that we can open! He stated Councilwoman Robinson recently had a request for a group; that if that "Box" is opened it will cost the city a lot of money on supervision, maintenance, heat and a lot of confusion! He stated he does not mind talking about it but does not want to get anyone's hopes up.

Councilwoman Scott expressed agreement with what has been said; that both made very good points with regard to what we extend permission to and what we abate in terms of rentals. She stated we have also recently had a report that apparently there is some misunderstanding in some of our departments on who can give free access to some of our public facilities and because there is a lot of confusion, (she) asked administration to come up with a proposal that we can discuss as we do not know what each of the policies say in each of the individual departments. She stated there should be some continuity for that and asked that administration come with a proposal before we talk about this.

Chairman Rico stated that he thought the Council discussed this several times and it was said we would not waive fees for anyone because it would cause problems; that we have been through this.

POLICY REGARDING USE OF PUBLIC FACILITIES
(Continued)

Councilman McGary stated his concern is in talking with this group he has come to the understanding there are different fees, a rental fee and fees for supervision and if we are saying we are not going to allow any waivers all across the board, in connection with Councilwoman Ladd's comments, that needs to be the statement. He stated there are distinctions made and that is where his question comes in, particularly when we have a private group versus a public group. He stated there needs to be clarity on what we are waiving and why.

Councilman Benson suggested that churches be found in the community and use the churches; that they are more than willing to get some of those people in there for the first time!

COMMITTEES

Councilwoman Berz reminded Council members of the work session of the **Budget, Finance and Personnel Committee for Tuesday, February 8 from 10 a.m. – 12 noon**; that there will be a number of things on the agenda and it is hoped everyone will be present to discuss among other things the vehicle leasing, sales tax and a number of things that are coming up.

Councilman Murphy stated the Legal and **Legislative Committee would meet on Tuesday, February 8** for a discussion of a matter at the behest of Councilwoman Scott that would require a *Charter* change relative to discussing whether there should be term limits for City Council members; that we will get a briefing from Friends of the Zoo and other ordinances and resolutions within the Committee's jurisdiction.

Councilwoman Scott scheduled a meeting of the **Economic Development Committee for Tuesday, February 8 immediately following Legal and Legislative Committee** for a review of the PILOTs in terms of performance in comparison with what the requirements are over a long period of time. She stated the Chamber of Commerce will present the data to the Council at this time.

NEXT WEEK'S AGENDA: FEBRUARY 8, 2011

Chairman Rico stated next week's agenda was discussed earlier during the Agenda Session.

MIKE PRICE

Mike Price of MAP Engineers stated he has a request for an unopened alley off North Willow Street and requested that it be placed on the agenda for next week, noting he did not see it on the printed agenda for next week. He stated he does not believe there would be a problem in presenting it next week.

Chairman Rico asked if Public Works has any problem with it; that he knows they have been dealing with this.

Adm. Leach stated that he signed the documents today.

Chairman Rico asked that Mr. Price contact the Clerk of Council to have it placed on the agenda.

ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga Council until Tuesday, February 8, 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)**