

City Council Building
Chattanooga, Tennessee
March 4, 2008
6:00 p.m.

Chairman Page called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Berz, Franklin, Gaines, Pierce, Rico and Robinson present. City Attorney Randall Nelson and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, City Attorney Randall Nelson gave invocation and asked for special prayers for Randy Burns and his family due to the death of his daughter.

MINUTE APPROVAL

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

RIGHT-OF-WAY NAME CHANGE

2007-185: DeFoor Brothers, LLC

On motion of Councilwoman Bennett, seconded by Councilwoman Gaines,
**AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME FOR PART OF
THE 2300 BLOCK OF TIMBERLANE TRAIL TO LIFESTYLE WAY, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**
passed second and final reading and was signed in open meeting.

RIGHT-OF-WAY NAME CHANGE

2007-186: DeFoor Brothers, LLC

On motion of Councilman Benson, seconded by Councilman Franklin,
**AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME FOR PART OF
THE 7300 BLOCK OF MCCUTCHEON ROAD TO LIFESTYLE WAY, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**
passed second and final reading and was signed in open meeting.

AMEND CITY CODE

Councilman Rico stated Ordinances (a) and (c) were discussed in Public Works Committee and approval is recommended.

On motion of Councilman Rico, seconded by Councilwoman Gaines,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 24, ARTICLE XIV, SECTION 24-502, SCHEDULE II, SPEED ON
THROUGH STREETS**
passed first reading.

AMEND CITY CODE

Councilman Benson stated after many weeks of consideration and representation from the various segments of the transportation industry, this matter has been reviewed and comes from the Legal and Legislative Committee with a recommendation for approval. He stated that it is requested that this be approved on first reading tonight and changes or amendments could be made later. He stated the document is 97 pages long and asked that it be "field tested" by application of the new ordinance; that if it is necessary to make changes it could be changed without any problem.

Chairman Page acknowledged the involvement of Councilmen Benson, Rico and Pierce for their work on this ordinance and expressed hope it would be very effective for the city.

Later in the meeting Councilman Benson stated that the new ordinance calls for nine appointees to the Board with certain categories. He asked that someone in administration take the initiative and get that moving as soon as possible after second reading as the Board is floundering now.

AMEND CITY CODE (Continued)

On motion of Councilman Benson, seconded by Councilwoman Gaines,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
CHAPER 35, RELATIVE TO VEHICLES FOR HIRE AND TO ADD A NEW
ARTICLE RELATIVE TO PEDAL CARRIAGE OR PEDICABS, RICKSHAWS
AND PERSONAL MOBILITY DEVICES USED AS VEHICLES FOR HIRE**
passed first reading.

CLOSE AND ABANDON

MR-2007-216: Matthew & Keri Todd

On motion of Councilman Rico, seconded by Councilwoman Bennett,
**AN ORDINANCE CLOSING AND ABANDONING A PART OF AN
UNOPENED PORTION OF THE 700 BLOCK OF MARIETTA STREET, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**
was denied.

DISTRIBUTION OF 2008-2009 CDBG, HOME
INVESTMENT PARTNERSHIP ACT AND EMERGENCY
SHELTER GRANT FUNDING

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines,
**A RESOLUTION APPROVING THE ACCEPTANCE AND DISTRIBUTION OF
FISCAL YEAR 2008-2009 COMMUNITY DEVELOPMENT BLOCK GRANT,
HOME INVESTMENT PARTNERSHIP ACT AND EMERGENCY SHELTER
GRANT FUNDING TOTALING FOUR MILLION ONE HUNDRED THIRTY-
THREE THOUSAND SEVEN HUNDRED THIRTY DOLLARS (\$4,133,730.00)
AS SHOWN MORE FULLY HEREINBELOW**
was adopted.

PAYMENT AUTHORIZATION

On motion of Councilwoman Robinson, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING PAYMENT TO THE CHAMBER OF
COMMERCE IN THE AMOUNT OF ONE HUNDRED THIRTY THOUSAND
DOLLARS (\$130,000.00) FOR EXPENDITURES RELATED TO MARKETING
AND RECRUITMENT FOR ENTERPRISE SOUTH INDUSTRIAL PARK, WITH
HAMILTON COUNTY GOVERNMENT REIMBURSING THE CITY OF
CHATTANOOGA ONE-HALF (1/2) OF SAID AMOUNT OR SIXTY-FIVE
THOUSAND DOLLARS (\$65,000.00)**
was adopted Councilman Pierce voted "no".

SPECIAL POLICEMAN (UNARMED)

On motion of Councilwoman Gaines, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF DWAIN REDDEN AS SPECIAL POLICEMAN (UNARMED) FOR THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

LEASE AGREEMENT

On motion of Councilman Pierce, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO A LEASE AGREEMENT WITH UNUMPROVIDENT CORPORATION FOR 224 WALNUT STREET IN THE AMOUNT OF ONE DOLLARS (\$1.00) ANNUALLY AND A TERM OF THREE (3) YEARS TO CONTINUE TO BE USED AS A CHATTANOOGA POLICE DEPARTMENT PRECINCT
was adopted.

MEMORANDUM OF UNDERSTANDING

Councilman Pierce stated that he was not familiar with this ever being done by Resolution authorizing the police department officers for overtime for the weed and seed program.

City Attorney Nelson stated he would have to go back and check; that it may have been handled as departmental business.

Councilman Pierce stated that it might be something he overlooked.

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION RATIFYING, CONFIRMING AND APPROVING THE EXECUTION BY THE CHIEF OF POLICE OF A MEMORANDUM OF UNDERSTANDING WITH THE EAST CHATTANOOGA WEED AND SEED PROGRAM AND THE CHATTANOOGA HOUSING AUTHORITY, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO PROVIDE FOR POLICE OFFICERS TO SUPPORT SAID PROGRAM, WITH OVERTIME PAY BEING FUNDED FROM A GRANT ADMINISTERED BY THE CHATTANOOGA HOUSING AUTHORITY
was adopted.

CHANGE ORDER

Councilman Rico stated Resolutions (f) – (i) were discussed in Public Works Committee and approval is recommended.

On motion of Councilman Franklin, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO CONTRACT NO. E-06-024-101, TUNNEL BOULEVARD SIDEWALK IMPROVEMENTS, WITH BARGE, WAGGONER, SUMNER AND CONNON, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THIRTEEN THOUSAND DOLLARS (\$13,000.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED THIRTY-FIVE THOUSAND FOUR HUNDRED FIFTY-EIGHT DOLLARS (\$35,458.00)

was adopted.

CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO CONTRACT NO. E-03-028-102, TRINITY LANE AND GENESIS LANE CONNECTOR, WITH VOLKERT AND ASSOCIATES, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FIFTEEN THOUSAND FOUR HUNDRED NINETY DOLLARS (\$15,490.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FORTY THOUSAND FOUR HUNDRED NINETY DOLLARS (\$40,490.00)

was adopted.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING DEFOOR BROTHERS DEVELOPMENT TO USE TEMPORAIRLY THE RIGHT-OF-WAY ALONG LIFESTYLE WAY AND ELAM LANE TO INSTALL A YARD SPRINKLER SYSTEM FOR WATERING THE LANDSCAPING, MORE PARTICULARLY DESCRIBED HEREIN AND 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 Gaines, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE DIRECTOR OF RISK MANAGEMENT
AND INSURANCE TO ENTER INTO AN AGREEMENT WITH HODGES-
MACE BENEFITS GROUP FOR EMPLOYEE BENEFIT ENROLLMENT AND
COMMUNICATION SERVICES, INCLUDING VOLUNTARY BENEFITS**
was adopted.

PERSONNEL

The following personnel matters were reported for the various departments:

INFORMATION SERVICES:

- **LURENA BANGHART** – Resignation, Programmer effective March 7, 2008.
- **CHARLIE GARRETT** – Retirement, Administrative Coordinator, effective March 13, 2008.

PUBLIC WORKS DEPARTMENT:

- **ROBERT A. SMITH, JR.; CALVIN W. MCGHEE** – Promotion, Equipment Operator, City Wide Services, Pay Grade 6/Step 2, \$22,730.00 annually, effective February 22, 2008.

PURCHASES

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines, the following purchases were approved for use by the Public Works Department:

GUTHRIE SALES & SERVICE COMPANY (Only bidder) **R0106303/B0004854**

Fairbanks Morse Pump Parts

\$10,229.00

PURCHASES (Continued)

EAST CHATTANOOGA LUMBER (Lowest and best bid)
R0106473/B0004893

Shed Roof Lumber

\$10,036.05

PURCHASE

On motion of Councilwoman Robinson, seconded by Councilman Franklin, the following purchase was approved for use by the Chattanooga Police Department:

GT DISTRIBUTORS (Change Order #1)
R0092396/P0025185

Ammunition (Change order #1 increase results from escalating costs of metal components used in the manufacturing of ammunition; in addition, higher fuel costs has played a significant role.)

Original Contract	
Approved 10/3/06	\$ 79,296.45
Change Order #1	<u>70,703.55</u>
New Amount	\$150,000.00

City Attorney Nelson asked if the new amount specified in the contract is in the budget.

Deputy Chief Maffett stated that the raw materials and fuel in the present contract have gone up.

City Attorney Nelson again asked if the money is in the budget.

Deputy Chief Maffett responded that he "suppose we do".

City Attorney Nelson stated that he wanted to be sure they were not trying to change the budget.

Deputy Chief Maffett noted that it is just a change order.

PURCHASE

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines, the following purchase was approved for use by the Chattanooga-Hamilton County Air Pollution Control Bureau:

BB&T HUFFAKER & TRIMBLE (Best proposal) R106446/B0004946

Insurance Coverage *(Although the proposal from Stevens Insurance Associates had a lower premium, it did not guarantee rates for the three year policy period. The RFP stipulated that preference would be given to proposals with multi-year guaranteed rates and no significant fee increases. Multi-year guaranteed rates are important to the Bureau for budgeting purposes.)*

\$8,596.00

BOARD APPOINTMENTS

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

CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS:

- Reappointment of **MIKE WEBB** for a term expiring February 26, 2012.
- Reappointment of **JAMES F. BALLARD, JR.** for a term expiring May 9, 2011.
- Reappointment of **KENNY SMITH** for a term expiring February 25, 2012.
- Reappointment of **BETH SOLOFF** for a term expiring March 4, 2010.

COMMITTEES

Councilwoman Bennett stated that the **Budget, Finance and Personnel Committee is scheduled to meet on Tuesday, March 11 immediately following Legal and Legislative.**

Councilman Benson stated the **Legal and Legislative Committee is scheduled to meet on Tuesday, March 11 at 3 p.m.**

COMMITTEES (Continued)

Councilman Franklin scheduled a meeting of the **Economic Development Committee for Tuesday, March 18 immediately following Health, Human Services and Housing Opportunities.**

Councilwoman Gaines asked Councilman Benson whom to contact if she would like for an item to be considered at his Committee meeting.

Councilman Benson asked that Councilwoman Gaines get with the Clerk of Council, Carol O'Neal.

Councilwoman Gaines stated that she is interested in the Council looking at a consent agenda.

City Attorney Nelson stated that the answer is in order for the city to do anything it requires five votes.

Councilwoman Gaines stated that is her interest; that she is asking in the early stages.

FIRE AND POLICE PENSION STUDY COMMITTEE

Councilman Benson stated Dan Johnson is prepared to read off the committee composition for the firemen and policemen pension study committee; that he would like for him to get the names out in the open to reduce speculation and other rumors.

Dan Johnson stated that the committee composition was completed as of yesterday and read them off in alphabetical order:

Kirk Eidson, active policeman; **Todd Gardenhire**, citizen and taxpayer; **Jim Graham**, citizen and taxpayer; **Frank Hamilton**, Fire and Police Pension Board; **Lamar Henry**, retired fireman; **Dan Johnson**, Chairman; **Donna Kelley**, personnel director; **Daisy Madison**, the city's chief financial officer; **Wayne Morris**, retired policeman; **"Chip" O'Dell**, active fireman; **Ralph West**, citizen and taxpayer; **Atty. Bill Robinson**, Fire and Police Pension Board attorney; **Mike McMahan**, city attorney's office.

Councilwoman Berz stated there was a request to consider putting a union representative on.

Mr. Johnson responded that the union is represented.

FIRE AND POLICE PENSION STUDY COMMITTEE
(Continued)

Councilwoman Berz asked "which ones".

Mr. Johnson responded that the only ones he knows for sure are "Chip" O'Dell and Kirk Eidson.

Sgt. Julie Dean stated that Kirk Eidson is with the Chattanooga Police Department and is the FOP representative.

Councilwoman Berz asked if that is what they were looking for.

Sgt. Dean stated four names were submitted; that Sgt. Zachary McCullough was who they were sure would get on as he is the representative of the employee group.

Councilwoman Berz stated all were assured that would happen and everyone is acting in good faith. She asked if they are satisfied.

Sgt. Dean responded "yes".

Councilwoman Berz then asked those in attendance from the fire department if they were satisfied and the response was affirmative.

Mr. Johnson clarified that "Chip" O'Dell is a fireman.

Chairman Page expressed thanks to Mr. Johnson for the work involved in pulling the committee together noting that everyone looks forward to a productive, open and transparent discussion.

EVA PATE

Eva Pate of 3113 Calhoun Avenue stated that she read an article in the *Times-Free Press* about a discussion of the diversity study. She stated that she is a majority partner in Pate Hauling and Demolition, a woman-owned company, specifically involved in demolition and overgrowth abatement. She expressed thanks for allowing her to do business with the city and stated that she looks forward to continuing. She stated her current contract is with Neighborhood Services and the process they go through in screening for license, insurance and other items are issued at a fair, negotiated rate.

EVA PATE (Continued)

Ms. Pate stated when the diversity study is completed she wanted to make sure women in the community of Chattanooga would be part of that and figured-in. She stated that she wanted to make sure the women in Chattanooga would not be forgotten.

Councilwoman Bennett stated that she did not realize, and thinks it is very important, that women and small businesses are included; that when minority contracts are mentioned women-owned businesses are a very important point.

WILLIAM WALL

William Wall of 1140 Highland Drive stated that he was present in regard to the new transportation ordinance and asked if the current members on the Taxi Board would also be on the new Transportation Board. He stated the new Board should have a new panel and not anyone that was on the former Board as favoritism was shown. He stated that he started Scenic City Limousines and tried to operate for years and the Taxi Board never "let him in". He stated that he was wondering how much favoritism would be shown with the new Board if members from the old Taxi Board are on it.

Councilman Benson stated that this will be a whole new board that would represent the universal interest of all transportation services throughout the area providing quality assurance and safety for those using these services, with the responsibility of public safety. He reiterated this will be a whole new board; that the Mayor would nominate and the Council would approve. He stated there would be nine members on the Board and hopes there would be some representation from the present board, as well as others who have been unrepresented for many years. He stated the sooner we have second reading the matter would take effect immediately.

LAWRENCE CURRY

Lawrence Curry of 2312 Wilson Street stated that he was not present when the Transportation Ordinance passed on first reading, but knew it was on the agenda. He stated Councilman Benson and others have been working along with them on this and (he) thinks it is pretty good but still has some "bugs" in it. He stated the "bugs" need to be worked out before another reading and asked the Council to pass by word of mouth that no other member of this Council will be allowed to serve on the new Board because on the old Board they had something happen that should not have happened. He stated that is all he has to say, that the "bugs" have to be worked out.

LAWRENCE CURRY (Continued)

Councilman Benson stated that it is his belief the new ordinance calls for one Council member to be on the Board, and jokingly noted that Mr. Curry does not want "that bug" (pointing to Councilman Rico) on the Board!

Mr. Curry responded, "right"! He stated it is his thought if a Council member is going to be on the Board the person should be handpicked; that he does not think there should be a person on the Board with favoritism.

BUDGET MEETINGS

Councilwoman Bennett stated that departmental budget hearings would be held next week and reminded Council members that the meetings are scheduled from 9 a.m. – 12 noon on Wednesday (March 12), Thursday (March 13) and Monday (March 17).

Councilman Pierce noted that he would not be able to attend the meetings scheduled for Wednesday and Thursday, March 12 and 13.

ADJOURNMENT

Chairman Page adjourned the meeting of the Chattanooga Council until Tuesday, March 11, 2008 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)**