

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
May 27, 2008**

Chairman Bennett called the meeting of the Chattanooga City Council to order with Councilmen Benson, Berz, Gaines, Page, Pierce, Rico and Robinson present. Councilman Franklin was absent. City Attorney Michael McMahan, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

The Pledge of Allegiance was led by Councilman Benson, followed by invocation.

MINUTE APPROVAL

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

**AMEND CITY CODE
CITY COURT**

On motion of Councilman Rico, seconded by Councilman Page,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 12, BY AMENDING SECTION 12-21,
RELATIVE TO CITY COURT**
passed first reading.

APPROPRIATION
LIBRARY

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines,

AN ORDINANCE APPROPRIATING FOUR THOUSAND DOLLARS (\$4,000.00) FROM THE GENERAL FUND TO THE CHATTANOOGA-HAMILTON COUNTY BICENTENNIAL LIBRARY AS A MATCH OF HAMILTON COUNTY FUNDS RECEIVED

passed first reading.

AMEND CITY CODE
"MENACING DOGS"

On motion of Councilman Rico, seconded by Councilwoman Gaines,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 7, ANIMALS AND FOWL, SECTION 7-2, 7-82(b), AND 7-82(c), TO ADDRESS "MENACING" DOGS

passed first reading.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Gaines,

A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO EXECUTE A CONTRACT WITH EASTMAN CONSTRUCTION FOR RENOVATION OF THE EQUIPMENT ROOM/PENTHOUSE AT THE POLICE SERVICES CENTER IN AN AMOUNT NOT TO EXCEED NINETEEN THOUSAND EIGHT HUNDRED DOLLARS (\$19,800.00)

was adopted.

DELINQ. TAX SALES

On motion of Councilwoman Robinson, seconded by Councilman Pierce,
A RESOLUTION ACCEPTING THE HIGHEST AND BEST OFFERS FOR CERTAIN PARCELS OF PROPERTY ACQUIRED BY THE CITY OF CHATTANOOGA AND HAMILTON COUNTY THROUGH PREVIOUS DELINQUENT TAX SALES AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO AND EXECUTE DEEDS CONVEYING SAID PARCELS TO INDIVIDUALS AS SHOWN ON THE LIST ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
was adopted.

Councilman Rico noted that Resolutions © through (h) were discussed in Public Works Committee and come with a recommendation.

AGREEMENT

On motion of Councilwoman Berz, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH AQUATERRA ENGINEERING, LLC RELATIVE TO CONTRACT NO. E-06-011-301, CITY OF CHATTANOOGA BITUMINOUS RESURFACING ASPHALT LABORATORY TESTING, IN AN AMOUNT NOT TO EXCEED ELEVEN THOUSAND ONE HUNDRED ELEVEN AND 62/100 DOLLARS (\$11,111.62)
was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilman Page,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH VOLKERT & ASSOCIATES, INC. RELATIVE TO CONTRACT NO. E-05-007-101, BONNY OAKS DRIVE AT LIGHTFOOT MILL ROAD INTERSECTION IMPROVEMENTS, IN AN AMOUNT NOT TO EXCEED FORTY-TWO THOUSAND DOLLARS (\$42,000.00)
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Gaines,
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT
NO. W-08-003-201, 2008 MISCELLANEOUS SANITARY
SEWER POINT REPAIRS REQUIREMENTS CONTRACT, TO
MAYSE CONSTRUCTION COMPANY, INC. FOR UNIT PRICES
NOT TO EXCEED THOSE ON THE LIST ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE**
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilman Page,
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT
NO. W-08-004-201, 2008 MISCELLANEOUS SANITARY
SEWER REQUIREMENTS CONTRACT, TO MAYSE
CONSTRUCTION COMPANY, INC. FOR UNIT PRICES NOT
TO EXCEED THOSE ON THE LIST ATTACHED HERETO AND
MADE A PART HEREOF BY REFERENCE**
was adopted.

TEMP. ROW USE

On motion of Councilman Rico, seconded by Councilwoman Gaines,
**A RESOLUTION AUTHORIZING PEGGY H. BOWMAN TO USE
TEMPORARILY THE RIGHT-OF-WAY FOR AN EXISTING
PORTICO LOCATED BETWEEN EAST 33rd STREET AND THE
2800 BLOCK OF EAST 34th STREET FOR A STRUCTURE
THAT WAS BUILT ACROSS THE ALLEY IN 1977, AS SHOWN
ON THE DRAWING ATTACHED HERETO AND MADE A PART
HEREOF BY REFERENCE, SUBJECT TO CERTAIN
CONDITIONS**
was adopted.

TEMP. ROW USE

Attorney McMahan noted that the condition requiring a hammerhead turn around was discussed in the Public Works Committee.

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING JAMES BALL TO USE TEMPORARILY THE 2500 BLOCK OF DOOLITTLE STREET TO INSTALL A DRIVEWAY, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

TEMP. ROW USE

On motion of Councilman Benson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING GREG ROSS TO USE TEMPORARILY ROSSVILLE AVENUE TO INSTALL FOUR (4) GEOTHERMAL WELLS, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

OVERTIME

Overtime for the week ending May 23, 2008, totaled \$86,662.04.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ❖ **MILTON V. TINDELL**—Retirement of Accident Investigator, effective 5/22/08.

PERSONNEL (CONT'D)

CHATTANOOGA POLICE DEPARTMENT:

- ❖ **RICKY L. BALLARD**—Resignation of Police Officer, effective 5/22/08.
- ❖ **TASHA LASS**—Resignation of Police Officer, effective 5/22/08.
- ❖ **JEFFERY BALLARD**—Resignation of Police Officer, effective 5/23/08.
- ❖ **JORDAN CARROLL**—Resignation of Communications Officer, effective 5/28/08.
- ❖ **JESSICA RABE**—Resignation of Police Service Technician, effective 6/1/08.
- ❖ **AARON J. SAWYER**—Termination of Police Cadet, effective 5/21/08.

PURCHASES

On motion of Councilman Rico, seconded by Councilwoman Berz, the following Purchase was approved for use by the Parks and Recreation Dept.:

KEEFE PLUMBING

Requisition R0097754-R0100075-R0109737-R010992

Plumbing Services

\$6,465.17

PURCHASES (CONT'D)

On motion of Councilwoman Robinson, seconded by Councilwoman Berz, the following purchase was approved for use by the Parks and Recreation Dept.:

BLISS PRODUCTS (Lowest and Best Bid meeting specs.)
Requisition R0108479-B0005150

Picnic Shelter

\$20,600.00

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines, the following purchase was approved for use by the Parks and Recreation Dept.:

TN. HOTEL SUPPLY (Lowest and best bid meeting specs.)
Requisition R0107299-B00004975

Blanket Contract for Fresh Produce

12-15% Fixed Percentage Mark-Up

On motion of Councilman Rico, seconded by Councilwoman Berz, the following purchase was approved for use by the Parks and Recreation Dept.:

CENTRAL NEBRASKA PACKING (Lowest and best bid meeting specs.)
Requisition R0107746-B0005091

Blanket Contract for Feline Meat Diet

\$40.00 per 40lb Case

PURCHASES

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

**3M COMPANY, OSBURN ASSOCIATES, INC., CUSTOM PRODUCTS CORP.
(Multiple Awards meeting specs.)**

Sheeting, Sigh Faces, Film and Tape—Traffic Operations

(See minute material for pricing)

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following purchase was approved for use by the Department of Public Works:

**STOWERS MACHINERY CORP. (Best bid meeting specs.)
Requisition R0107660/B0004999**

Requirements Contract for Equipment Maintenance & Repair

(See Minute material for individual pricing)

On motion of Councilman Rico, seconded by Councilwoman Berz, the following purchase was approved for use by the Department of Public Works:

**DEMPSTER SALES, INC. (Best Bid meeting specs.)
Requisition R0108628/B0005171**

Dumpster Hoist Haul Unit

\$47,520.00

PURCHASES (CONT'D)

On motion of Councilman Rico, seconded by Councilwoman Berz, the following purchase was approved for use by the Dept. of Public Works:

SOUTHERN COACH (Meets specifications)
Requisition R0109367/B0005213

Rental of three (3) 15-Passenger Vans for Summer Youth Program

\$10,773.00

Councilwoman Gaines noted that she did not have this last purchase in her notebook. Adm. Leach explained that it was added at the last minute. She also noted that where it said “see attached”, she had no attachment. Adm. Leach stated that he was not sure the Council got the attachments prior to the meeting.

At this point Councilwoman Berz asked Adm. Leach to brag about the Youth Program.

Adm. Leach stated that this program gives at-risk youth an opportunity to do something; that it was well-received last year with a lot of participation; that it was not a make-work program and gives these young people a work ethic—that they have to show up on time and work hard. He stated that it was a worthwhile effort and gives at-risk kids a great opportunity.

Chairman Bennett congratulated Adm. Leach on a great Public Works' Week, stating that they showcased the department well.

HOTEL PERMIT

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines, the following Hotel Permit was approved:

**DELIGHT MANAGEMENT LLC d/b/a AIRPORT INN—7725 Lee Highway,
Chattanooga, TN 37421**

PURCHASES

On motion of Councilman Rico, seconded by Councilwoman Berz, the following purchase was approved for use by the Department of Finance—City Court:

TYLER TECHNOLOGIES (Single-Source Purchase)
Organization B00401

Renewal Agreement for Annual Software Maintenance & Support Services

\$27,518.10

On motion of Councilwoman Robinson, seconded by Councilwoman Berz, the following purchase was approved for use by the Bicentennial Library:

AWE (Single Source Purchase)
Organization A06901

Early Literacy Stations (10)

\$24,460

REFUND

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines, the City Finance Officer was authorized to make the following refund due to collection in error of City's portion of the hotel/motel occupancy tax for the period from October 2002 through April 2008:

CHEROKEE MOTEL, 1105 Dayton Blvd.--\$22,538.66.

PURCHASE

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following purchase was approved for use by the Information Services Division:

INSIGHT PUBLIC SECTOR OF BLOOMINGTON, IL (Single Source Purchase)

Organization C05637

26 Panasonic Touch Laptop Computers & Accessories

\$103,156.82

BOARD RE-APPOINTMENT

On motion of Councilwoman Berz, seconded by Councilwoman Robinson, the following Board Re-appointment was approved:

THE ENTERPRISE CENTER BOARD:

- ❖ Re-appointment of **RONALD LOVING** for a one-year term to expire **April 2009**. (Amendment to April 1st re-appointment)

BOARD APPOINTMENT

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines, the following Board Appointment was approved:

BEER AND WRECKER BOARD:

- ❖ Appointment of **Ronald W. Smith** for a three-year term, expiring **July 31, 2011** for District 6.

**RESIGNATION/
JOHN FRANKLIN, JR.**

Attorney McMahan stated that it was discussed at the 2:00 P.M. Committee meeting that Councilman Franklin's letter of resignation should be spread upon the minutes in its entirety and that the Council should take formal action in accepting the resignation. The letter of resignation is as follows:

Dear Chairman Bennett:

Recent events make it necessary for me to resign my position as a member of the Chattanooga City Council representing District 5. Present economic times and the needs of our community deserve full-time attention of all elected and appointed officials. I recognize that I am not able to give such attention at this time.

Residents of District 5 have always enjoyed effective representation and my present circumstances may not insure the same level of representation. Therefore, I tender my resignation effective June 3, 2008. I have enjoyed my years of service to the community and only hope the best for all of the citizens of Chattanooga.

My prayers are forever with all of you and I hope you will remember me in your prayers as I navigate through the next several days and months.

I remain,

Sincerely yours,

John P. (Duke) Franklin, Jr.

After the letter was read, on motion of Councilman Page, seconded by Councilwoman Gaines, the recommendation of Councilman Franklin on June 3, 2008, was accepted.

HEARING:
SHAUN STANDIFER

Attorney McMahan noted that the hearing set for **Shaun Standifer on July 7, 2008**, would have to be rescheduled. The previous panel consisted of Councilmen Page, Berz, and Pierce, with Councilwoman Gaines as an alternate.

The hearing was rescheduled for **Monday, June 23rd at 9:00 a.m.** Due to the fact that Councilwoman Berz could not be present at this time, a new panel will consist of Councilmen Page, Benson, and Pierce, with Councilwoman Gaines as alternate.

COUNCIL SCHEDULE

At this point, Councilman Benson announced the Council schedule as outlined at the Legal and Legislative Committee meeting today. Councilman Franklin's resignation is effective as of June 3rd. **Friday, June 6th** will be the last day for applicants for the District 5 position to turn their names in if they are interested in serving in District 5, with the understanding that they will not be candidates in November; that they can only apply if they give verbal commitment that they are not interested in running in the election. He reiterated that the last date to apply is **Friday, June 6th at 1:00 p.m.** He went on to say that on the following Tuesday, **June 10th**, the Council will hear the applicants with a three-minute presentation at the Council meeting. At that time the applicants will give a verbal commitment that they are not interested in running for election in November. He noted that the person elected in November will only be in office until the April, 2009 election, when the entire Council will be elected or re-elected.

Chairman Bennett added that the Clerk of the Council will send out a press release with this information, also noting the dates of training for the Council on **Wednesday, June 11th**.

Councilman Rico asked what would happen if we had no applicants that wanted to serve on an interim basis? Councilman Benson stated that he had already had two who had verbally indicated an interest.

Chairman Bennett added that interested parties could submit their applications to the Council Clerk now.

COMMITTEES

Councilman Benson announced that there would be a **Legal and Legislative Committee meeting on Tuesday, June 3rd at 3:00 p.m.**

GREGG WITCHER

Mr. Gregg Witcher of 600 Georgia Ave., Apartment 25, approached the Council. He stated that he had talked to Councilman Pierce about his problem—that they have garbage trucks that come in the middle of the night to pick up garbage—that this is at least three nights a week from 2:00 a.m. to 2:30 a.m. He stated that they were extremely loud, and people had a problem with this. He stated that he had talked to the owner of the Apartment Building, Mr. Fred Robinson, and he told him that he could not help him. He asked if there was any kind of Noise Ordinance; that we wanted people to move downtown and be in Chattanooga but that this is a quality of life issue in the downtown area. He stated that there were several 100 people in apartment buildings who live within a few hundred feet of where this is occurring.

Attorney McMahan stated that we do have a Noise Ordinance.

Councilman Benson stated that he thought the time for garbage pick-up was from 7:00 a.m. to 7:00 p.m.

Adm. Leach stated that he would have to check into this.

Councilman Benson added that there were a couple of companies north of here who use college students; that he did not think our local companies were violating this Ordinance.

Mr. Witcher stated that the company name was Allied Waste.

Councilman Benson stated that he would call Fred Robinson tomorrow; that people needed their rest, and he believed that he could get this stopped.

GREGG WITCHER (CONT'D)

Councilwoman Robinson stated that she thought Mr. Witcher had made a good point; that we think of downtown as being commercial, but it is becoming a neighborhood with people living in townhouses, apartments, and condos. She stated that she thought we needed to follow up on this and make it known publicly that our downtown dwellers are entitled to the same comforts as those living in the suburbs. She stated that she would like to see the laws upheld.

Councilman Benson stated that this could be discussed in the Legal and Legislative Committee next Tuesday, reiterating that he thought our local companies were abiding by the rules of 7:00 a.m. to 7:00 p.m. and paying day time wages; that these outside companies were hiring night workers and undercutting, again stating that he thought the company was coming from outside of our community. He stated that we needed to protect our local people.

Councilman Page stated that he would also suggest that this be discussed in Legal and Legislative Committee, and he thought it would be a good idea to have the City Attorney review this Ordinance.

Councilman Pierce asked Mr. Witcher if he could be back next week at 3:00 p.m. for the Legal and Legislative Committee meeting. He then added that it probably would not be necessary for Mr. Witcher to be present since we already know his problem.

Mr. Witcher stated that 3:00 p.m. was during his work hours; that he would be glad to write up a description of the problem and also the history of the problem. He added that Fred Robinson was a nice guy, and he knew that there was a "sticking point" with him keeping the restaurant going but that he (Mr. Witcher) had to go to work exhausted.

Chairman Bennett stated that Mr. Witcher had done a good job of describing his problem, and she thanked him for being here.

ADJOURNMENT

Chairman Bennett adjourned the meeting of the Chattanooga City Council until Tuesday, June 3rd, 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)**

