

City Council Building
Chattanooga, Tennessee
August 4, 2009
6:00 p.m.

Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Berz, Gilbert, Ladd, McGary, Rico, Robinson and Scott present; Council Murphy was absent due to personal commitment. City Attorney Mike McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance Councilwoman Berz gave the invocation for the evening.

MINUTE APPROVAL

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

AMEND CITY CODE

Chairman Benson explained all ordinances on final reading have been thoroughly discussed in Committee.

On motion of Councilman Rico, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 3, SECTION 3-7, RELATIVE TO SIGN PERMITS, LOCATION
RESTRICTIONS, AND PROJECTIVE SIGNS**
passed second and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilwoman Berz,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTION 10-1 AND 10-2, SO AS TO ADOPT THE 2006 EDITION OF THE INTERNATIONAL BUILDING CODE AND TO RETAIN THE 2003 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE AND CERTAIN APPENDICES OF THOSE CODES AS REVISED AND AMENDED AS THE OFFICIAL BUILDING CODE OF THE CITY OF CHATTANOOGA; TO AMEND SECTION 10-3 CONCERNING SPECIAL AMENDMENTS TO THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL RESIDENTIAL CODE CONCERNING DRAWINGS AND SPECIFICATIONS, PERMIT FEES, EXISTING BUILDINGS OR STRUCTURES, MOVED STRUCTURES, EMPLOYEE QUALIFICATIONS, AND SIGNS; TO AMEND SECTIONS 2-625 AND 2-626 CONCERNING THE CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS; AND TO AMEND SECTION 20-7 CONCERNING THE ADOPTION OF THE ANSI NATIONAL STANDARD AS THE OFFICIAL HANDICAP AND ACCESSIBILITY CODE OF THE CITY OF CHATTANOOGA

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

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilwoman Berz,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTION 10-33, SO AS TO ADOPT THE 2006 EDITION OF THE ENERGY CONSERVATION CODE, IN ITS ENTIRETY, AS THE OFFICIAL ENERGY CODE OF THE CITY OF CHATTANOOGA

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

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilwoman Ladd,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 14, ARTICLE I, SECTIONS 17-1 AND 17-2, RELATIVE TO THE ADOPTION OF THE INTERNATIONAL FIRE CODE, 2006 EDITION, AND ALL REFERENCED STANDARDS AND PUBLICATIONS SPECIFIED THEREIN, INCLUDING THE 2006 NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 101 LIFE SAFETY CODE IN ITS ENTIRETY FOR CERTAIN SPECIFIED OCCUPANCIES, AS THE OFFICIAL FIRE CODE OF THE CITY OF CHATTANOOGA; TO AMEND SECTION 17-2 AND APPENDICES TO CODE ADOPTED; AND TO AMEND SECTION 17-3 AS AMENDMENTS TO CODE

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

AMEND CITY CODE

On motion of Councilman Rico, seconded by councilwoman Berz,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTIONS 19-1 AND 19-2, SO AS TO ADOPT THE 2006 EDITION OF THE INTERNATIONAL FUEL GAS CODE AND CERTAIN APPENDICES AS REVISED AND AMENDED AS THE OFFICIAL GAS CODE OF THE CITY OF CHATTANOOGA; TO AMEND SECTION 19-3 CONCERNING AMENDMENTS TO SAID CODE; AND TO DELETE THE LAST SENTENCE IN SECTION 19-91 REGARDING "ISSUANCE OF A COPY OF THE CURRENT GAS CODE WITHOUT CHARGE" TO ALL MASTER GAS FITTERS
passed second and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTIONS 22.5-1 THROUGH 22.5-3, SO AS TO ADOPT THE 2006 EDITION OF THE ITNERATIONAL MECHANICAL CODE AND CERTAIN APPENDICES AS REVISED AND AMENDED AS THE OFFICIAL MECHANICAL CODE OF THE CITY OF CHATTANOOGA AND TO AMEND SECTION 22.5-3 CONCERNING AMENDMENTS TO SAID CODE REGARDING SCOPE, PERMITS, PERMIT FEES, EXPIRATION AND VIOLATION PENALTIES
passed second and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilwoman Ladd,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTIONS 27-1 THROUGH 27-3, SO AS TO ADOPT THE 2006 EDITION OF THE INTERNATIONAL PLUMBING CODE AS REVISED AND AMENDED AS THE OFFICIAL PLUMBING CODE OF THE CITY OF CHATTANOOGA AND TO AMEND SCTION 27-3 CONCERNING AMENDMENTS TO SAID CODE
passed second and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilwoman Scott, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 24, SECTIONS 24-474, 24-476, 24-477, 24-482 AND ADD
SECTION 24-483 RELATIVE TO BICYCLES**
was deferred for further study.

AMEND CITY CODE

On motion of Councilwoman Berz, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SECTIOSN 38-2, 38-185, AND 38-
527, RELATIVE TO THE REGULATION OF NIGHTCLUBS**
was deferred two weeks (August 18, 2009).

GRANT

On motion of Councilman Rico, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND, IF
APPROVED, ACCEPT A CLIMATE SHOWCASE COMMUNITIES GRANT
FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY IN AN
AMOUNT UP TO AND INCLUDING FIVE HUNDRED THOUSAND DOLLARS
(\$500,000.00) FOR THE WARM MIX ASPHALT PROJECT, WHICH GRANT
REQUIRES A LOCAL MATCH FROM THE CITY IN AN AMOUNT UP TO
AND INCLUDING TWO HUNDRED FIFTY THOUSAND DOLLARS
(\$250,000.00)**
was adopted.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilwoman Ladd,
**A RESOLUTION AUTHORIZING WADE R. VERBLE TO USE TEMPORARILY
AN UNPAVED RIGHT-OF-WAY LOCATED AT THE REAR OF 4374 GUILD
TRAIL (A/K/A FORTY-FOURTH STREET), AS SHOWN ON THE MAPS
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE,
DURING CONSTRUTION ON 4374 GUID TRAIL, SUBJECT TO CERTAIN
CONDITIONS**
was adopted.

ECONOMIC RECOVERY ZONE

On motion of Councilman McGary, seconded by Councilwoman Berz,
**A RESOLUTION DECLARING THE AREA IN AND AROUND ENTERPRISE
SOUTH INDUSTRIAL PARK AS MORE FULLY DESCRIBED HEREIN AN
ECONOMIC RECOVERY ZONE**
was adopted.

AUTHORIZATION TO FILE SUIT

City Attorney McMahan asked the Council's indulgence to introduce an emergency matter stating that information has been received from the Fire Department, Police Department and Public Works Inspection that there is a certain place in town being used as a shelter for the homeless. He stated there are very dangerous circumstances and a Resolution has been prepared giving authorization -- if the Council desires after hearing information from Adm. Leach and Chiefs Parker and Williams -- to declare it a nuisance and seek relief in the courts.

At this point, the Clerk of Council read the caption of the Resolution as prepared by the City Attorney.

Councilmen Rico and Scott made the initial motion to adopt this Resolution as presented.

Adm. Leach stated this is a project that many staffs of the city have been working on for several weeks including Neighborhood Services, the Fire and Police Departments and Public Works; that they have been trying to figure out the best approach to take on this facility. He stated it was a small church that is now being occupied as a homeless shelter; that it is his thought there are 25-27 beds in a basement. He stated from the public works side their concern is primarily that it is a zoning issue, but they are very concerned about electrical, mechanical and normal building codes issues that they have seen. He stated an E-Team visit has been made to the site several times to check to see what the situation was and separate follow-up visits have been made to determine what the critical issues were. He stated there were a lot of issues they felt made this facility very dangerous for folks to stay in overnight. He stated if they use it as a church during the day it would not pose as many issues, however, this is overnight staying with small rooms and a lot of folks in them with very limited ways to get in and out of the building. He stated the Fire Chief would talk more about the potential for a fire and other fire issues; however, from the public works side there are a lot of building and zoning issues that they are concerned about at this site.

AUTHORIZATION TO FILE SUIT (Continued)

Chief Parker stated there have been several issues going back three-and-a-half weeks ago when the E-Team went there. He stated a letter was sent referencing the things they need to correct including the issue of sleeping there, one way in-and-out of the basement area, cramped quarters and too many people in that area. He stated Councilwoman Scott stopped by one day and saw the conditions, reiterating written instructions of what was needed to be corrected has not been done. He stated as of late today the Fire Marshall was there and reviewed the issue with them. He stated that they talked with them about not using the cook stove and they went back the next week and they were cooking while they were there! He stated they were told not to use the stove until a hood system had been installed. He stated he spoke with David Brooks (Fire Marshall) and Steve Leach today and all felt there are too many issues to overcome at this point for them to stay in the building.

City Attorney McMahan asked if it is Chief Park's belief there might be a clear and present danger there might be a fire.

Chief Park stated there are electrical issues and electrical inspection noted open wiring and other issues that go along the lines of the Fire Code – outlets not covered, bare wiring, candles being burned in the living area. He stated they talked with them about the candles, telling them they could not have candles or open flames in the area; that this has been observed several times they have been there. He stated they just can not allow them to continue at this point.

City Attorney McMahan asked if it is the Chief's believe it is safe for the people who are there.

Chief Parker responded, "No, I do not".

City Attorney McMahan asked Assistant Police Chief Mike Williams if he wanted to add something.

Chief Williams stated that the Chattanooga Police Department supports what has been said; that he would also add that there are security concerns at that location as it is close to the neighborhood, as well. He stated the Police Department is in support of what Public Works and the Fire Department is trying to do.

City Attorney McMahan asked Chief Williams if from his perspective it is a zoning issue and not being in a residential use, but institutional use. Chief Williams responded, "Yes, sir".

AUTHORIZATION TO FILE SUIT (Continued)

Councilman McGary stated it is his understanding the Union Gospel Mission was leasing this building from the Church, noting that he did not know the correct name for the church.

Adm. Leach stated that he can not say as he is not sure about that.

Chief Parks stated that the Church gave the building to the Mission as a donation.

Councilman McGary stated John Rector came to see him three-or-four days ago and he asked the same question; that it is his understanding they are leasing it from the Church, and if so why are we filing a suit against the Union Gospel Mission if they are leasing the building from the Church, asking why not go after the Church that is leasing it.

Adm. Leach stated that the title on the exterior is Union Gospel Church.

Councilman McGary stated when he spoke to Mr. Rector he informed him they were allowed to put up a sign; that part of the history is that they were on Main Street and were offered the Senter School Building but did not have enough dollars to put up and had to move. He stated the arrangement is they were given a very cheap deal in the form of a lease agreement. He asked if the matter could be checked into to find out who is actually the primary responsible agent; that he would be more comfortable in finding out who is actually at fault. He stated if the Mission is violating the terms of their lease he would like to know if that is part of it, as well.

City Attorney McMahan stated based upon Councilman McGary's comments the Resolution could be amended to include "all interested parties" in the event there is another owner we need to be involved with.

Chairman Benson stated this in no way means we have any lack of appreciation the Mission has accomplished throughout the years; that they have a tremendous history of service at Main and Market. He stated that he is surprised anyone would defy zoning and safety regulations and that is the person we want to direct this to, those people who are defying the law.

Councilwoman Scott stated that she wanted to make it clear that Mr. Rector was told in advance of moving in he would be in violation of zoning and could not occupy this building; that after being told that verbally and given that information in writing, he proceeded to move into the building.

AUTHORITZATION TO FILE SUIT (Continued)

Councilwoman Scott stated the issue here is one of safety and it has been demonstrated through repetitive inspections that we have a safety issue and that is what we need to make sure we rectify.

Chairman Benson asked Adm. Leach if it is not just only a safety matter; that when he went over there it looked like the sewer line was on top of the ground!

Adm. Leach stated some issues are very specific to building codes and we need to rectify that before anyone occupies this building, particularly at the level it is occupied now. He stated there are safety, electric, mechanical and gas Code issues – a litany of issues involving this particular building. He stated when the building was a church the downstairs was a recreation/fellowship hall and was not built to be an overnight habitable structure and that is really what it has turned into. He stated just going through seeing the amount of material stored in the storage room just goes on-and-on; that every time you “turn a corner” there is another issue.

Councilman McGary stated that he also inquired of Mr. Rector with reference to zoning and was told he is currently pursuing to have an exception made through the Regional Planning Agency. He stated his immediate gut feeling is he would like to see him (Rector) undergo that process and if he fails then he has to move out; that if there is, indeed, clear and present danger someone’s life could be at risk, he would not want to wait that process.

Councilmen McGary and Scott made the motion and second to amend the Resolution to reflect “...and all individuals responsible...”; the motion carried.

Councilman Rico and Scott made the motion and second to adopt the Resolution as amended; the motion carried.

On motion of Councilman Rico, seconded by Councilwoman Scott,
**A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO
FILE SUIT AGAINST JOHN RECTOR, UNION GOSPEL MISSION, AND ALL
INDIVIDUALS RESPONSIBLE REGARDNG A CONTINUING NUISANCE
CONDITION AT 124 SIGNAL HILLS DRIVE**

was adopted.

OVERTIME

Overtime for the week ending July 30, 2009 totaled \$71,077.89.

OVERTIME (Continued)

Councilwoman Scott stated that she looked at the last overtime report in comparison to this week and in the overtime report for \$80,394.70 there was 500 hours of overtime billed by 911 for \$13,000 and in looking at the detail on the amount which was just presented to us, there was 366 hours of overtime for an additional \$9,646.39, an amount additional from the last report of \$80,394.70. She stated Head Start had a total of 1,134 hours for \$15,527.09 and on the overtime report just mentioned there were \$1,388.75 hours for a total of \$18,284.59. She stated it is her understanding Head Start is a federally funded program administered through the city of Chattanooga. She stated that she has questions as to what we are getting; that we are using our money in overtime and wanted to know if we are doing everything with our dollars we could be doing and if we have these issues under control. She stated that she also has issues and questions concerning the amount of overtime in 911, the number of people doing double shifts who are doing emergency work and she assumes is doing dispatch. She asked who we might get to respond about these issues of overtime.

Chairman Benson stated Councilman Scott raised good questions and asked Mr. Johnson if the matter needs to be assigned to someone.

Dan Johnson responded "we can" and asked that the Council understand 911 is a separate unit; that we really do not have administrative control over 911.

Chairman Benson asked if 911 has ever been audited.

Mr. Johnson stated an audit was performed on 911 but not through internal audit.

Councilwoman Scott stated that it is her understanding even though we do not manage these people we do pay their salaries because they are city employees. She stated her question would be if we are paying for this service by paying these individuals, do they have some responsibility to manage overtime. She asked if we are winding up paying more for our part because they are in overtime; that some individuals are working more than double shifts.

Mr. Johnson expressed concern about the double shift.

Councilwoman Scott stated in one particular instance an individual during a biweekly pay period - and it is her assumption that would be 40 hours each week for a total of 80 hours - that person had 100 hours of overtime, which would be 180 hours in a two week period and if they are working an eight hour shift, it is her thought they would be double timing.

OVERTIME (Continued)

Mr. Johnson stated there is probably some of that going on; that we can find out the detail but we still do not supervise them.

Councilwoman Scott stated if they have our dollars would not we have something.

Mr. Johnson stated that we have a contract to provide the emergency services they provide; that Daisy Madison and the Chiefs of the Fire and Police Departments are on the administrative board of directors, reiterating that we do not have administrative supervision of those people.

Councilwoman Scott stated that it her thought this is a safety and money issue and we ought to have some satisfaction in knowing exactly how this is being done and what is being done to keep it safe and keep our dollars in check. She stated that she knows the City Council has been looking at revising the 911 addressing policy and persons doing that want to eliminate the accidents and duplications for sending people to the wrong place at the wrong time. She stated with regard to that if we are going through the long and drawn out process of changing addresses all over the city of Chattanooga to get people to the right place, it is her thought it is just as important to have individuals who are taking these calls and sending these people and typing things to be at the top of their game.

Councilwoman Berz stated if this is an administrative or government board of directors she expressed agreement with what Councilwoman Scott is saying and asked if they set policy.

Adm. Madison responded "yes, they do".

Councilwoman Berz stated that it her thought this is a policy issue about so many hours of overtime and part of that policy is stewardship over this as these are city dollars; that she understands how independent authority works. She stated that she would like a complete report about how this happened as far as Head Start is concerned as she has been led to believe it is all federal dollars.

Adm. Madison responded "yes". Councilwoman Berz asked how the city is putting anything in overtime. Adm. Madison stated that the city is actually just administering the dollars; that it is 100 percent federally funded.

Councilwoman Berz stated that is what she thought; that it is not "city dollars" as it is coming out of some other place. Adm. Madison responded "correct".

OVERTIME (Continued)

Councilwoman Berz inquired as to the impact on the program when we are using dollars for overtime and asked if that is contemplated when we get the grant or somehow impacts the program quality wise.

Adm. Madison stated the best person to respond to the issues of overtime would be whoever manages that program. Councilwoman Berz responded "if we could".

Adm. Madison stated with that it mind she would let John Stuermer of 911 discuss the issue and see what his response is. She stated with respect to Human Services the federal program is of long standing with the city and the amount allocated to that program is set on an annual basis to serve "x" number of children and as part of that program overtime is anticipated. She stated they are actually paying for a service for "x" amount of children for a certain period of time and it is assumed the federal government decides what the reasonable value is for that service. She stated the level of overtime varies depending upon what happens in the staffing and hopefully it is not an ongoing type situation; that it is a constant thing with departments and the Chief of Staff has "been on it" that we constantly evaluate the use of overtime wisely. She stated a certain level of overtime is prudent but excessive overtime is not and we have to weigh that against the cost of adding additional full time staffing.

Councilwoman Berz stated that she would like to better understand; that although she would love to hear from Mr. Stuermer, she noted if there is a governing board of directors don't they direct and oversee his activities.

Adm. Madison stated there again that is absolutely true and with respect to 911, the city of Chattanooga Police Department used to manage 911 operations; that actually they managed the communications call takers and there were issues with respect to the way calls were handled. She stated in an attempt to improve the operation, both governments along with others decided to unify the operation in order to reduce the amount of time to answer calls and reduce the amount of dropped calls for safety considerations. She stated as a result of that efficiencies have been realized in terms of much reduced dropped calls and reduced the amount of time in answering calls, and, in addition, Chattanooga, as part of its cost of that unified operation, has realized savings in terms of actual dollars that we pay for that service. She stated while that in and of itself suggests there are some efficiencies, we will not ever totally eliminate the overtime, but expressed agreement that one individual should not be working more than a double shift; that John Stuermer, who is the manager, has strived for professional certification with respect to 911 and emergency operations of that sort.

OVERTIME (Continued)

Adm. Madison stated there are rules and guidelines in place with respect to what call takers can do and she is sure as part of Mr. Stuermer's program as he strives for certification will have that discussion with them.

Chairman Benson stated both issues really need discussion in detail, as he is not clear of the answer given.

Councilwoman Berz stated that she would be happy to take the matter for discussion in Budget Committee with the caveat that our concerns go to the board of directors. She stated she is glad Mr. Stuermer is pursuing certification; however, the board needs to also take responsibility for it.

Councilman Gilbert stated that he knows money is an issue that we need to look into, but it is a safety issue also; that we solely depend on 911 -- citizens and also police to get accurate information. He stated that he knows a person doing double overtime can not be accurate every minute of the day; that we need to look at this more closely to see if there is a need to hire people. He stated it might be cheaper to hire more versus double time to make it safer and noted that he knows we will not be the one hiring.

Adm. Madison stated as a member of the board, she assured Council members this will be discussed with John to find out about double shifts and excess, which is why she mentioned the part about certification; that she can not imagine that being acceptable in an emergency communications operation. She stated at this point she could not respond other than to say they will discuss it.

PERSONNEL

The following personnel matters were reported for the various departments:

PARKS AND RECREATION DEPARTMENT:

- **BOBBY H. DODD, JR.** – Resignation, Crew Worker 1, effective July 31, 2009.

CHATTANOOGA POLICE DEPARTMENT:

- **EMMA ARMSTRONG** – Resignation, School Patrol Officer, effective July 27, 2009.

PERSONNEL (Continued)

- **MICHAEL FAVORS** – Return to Duty from Medical Leave, Police Officer, effective July 24, 2009.

NEIGHBORHOOD SERVICES DEPARTMENT:

- **MICHELLE CRUMLEY** – Transfer/Promotion, Administrative Support Asst. 2, Codes and Community Services, Range 7, \$24,306.00 annually, effective July 17, 2009.

INFORMATION SYSTEMS:

- **KIRTI NAIK** – Resignation, Programmer 1, effective July 21, 2009.

CHATTANOOGA FIRE DEPARTMENT:

- **CHARLES WADDELL** – Military Leave, Firefighter Senior, effective August 1-22, 2009.

PUBLIC WORKS DEPARTMENT:

- **JASON SHELL** – Suspension (3 days without pay), Plant Maintenance Mechanic, Waste Resources, effective July 23-27, 2009.
- **JONATHAN HAGEN** -- Promotion, Water Quality Specialist 1, Engineering (Stormwater), Range 14, \$34,749.00 annually, effective June 19, 2009
- **VIRGINIA LEWIS** – Hire, Water Quality Technician 1, Engineering (Stormwater), Range 12, \$31,021.47, effective June 19, 2009.
- **DON GREEN** – Hire, Water Quality Supervisor, Engineering (Stormwater), Range 19, \$55,253.47, effective July 13, 2009.
- **JOSHUA ROGERS** – Hire, Water Quality Specialist 1, Engineering (Stormwater), Range 14, \$34,201.17, effective July 3, 2009.

HOTEL PERMITS

On motion of Councilwoman Berz, seconded by Councilman McGary, the following hotel permits were approved:

SUPER 8 – 5112 Hunter Road, Chattanooga, TN

TENNESSEE RIVER PLACE – 3104 Scenic Waters Lane, Chattanooga, TN

TENNESSEE RIVER PLACE – 3128 Scenic Waters Lane, Chattanooga, TN

REFUND

On motion of Councilwoman Robinson, seconded by Councilwoman Berz, the Administrator of Finance was authorized to issue the following refund of personalty tax:

VOLUNTEER OUTDOOR ADVERTISING -- \$1,401.80

PURCHASES

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

GENERAL SERVICES:

AARON'S PEST CONTROL (Lowest and best bid)
R0123900/B0006209

City Wide Pest Control Services

\$28,000.00

CHATTANOOGA POLICE DEPARTMENT:

REMOTEC, INC. (Single source)
R0125513

Parts and Components to Upgrade Remote Robot per TCA 6-56-304.2

\$77,725.50

BOARD APPOINTMENTS

Chairman Benson inquired as to the Board appointments that were initially submitted to the Council and asked whether they would be presented within the next two weeks.

Dan Johnson explained that the requests for appointment were withdrawn in an effort to speak with Council members.

Chairman Benson then asked if the appointments would be resubmitted within the next two weeks, to which Mr. Johnson replied they could probably be ready by next week.

Chairman Benson addressed the Council noting that it was his belief that they wanted them submitted within two weeks.

Councilwoman Ladd explained due to trying to bring efficiencies for the Clerk and office staff, we will go back to the original agreement to have two weeks to review Board appointments and we are trying to get on that schedule. She stated that the Council received the bios today or yesterday and would like to have a two week period to go through them as there were several.

Mr. Johnson indicated that could be established but there had not been a previous policy of that nature.

HEARING: MICKEL HOBACK

City Attorney McMahan stated that the hearing date for Mr. Hoback needs to be changed noting Crystal Freiberg, the attorney assigned, has a conflict on the September 14 date previously set.

The hearing for Mr. Hoback was rescheduled for Monday, September 21 beginning at 9 a.m. with the same panel – Councilmen McGary, Ladd and Berz, with Councilwoman Berz serving as Chair; Councilman Gilbert will serve as alternate. (Councilwoman Berz stated she was not certain of her availability and would check her schedule in reference to the September 21 date.)

COMMITTEES

Councilwoman Scott scheduled a meeting of the **Economic Development Committee for Tuesday, August 18 immediately following Legal and Legislative.**

COMMITTEES (Continued)

Councilwoman Robinson stated that the Health, Human Services and Housing Opportunities Committee met today and Barry Bennett brought a synopsis of where we are in terms of how we record zoning changes and keep records up-to-date for property descriptions in the hope we can improve record keeping and avoid having citizens buy property and then find they are given a different understanding from when they purchased. She stated the matter would be followed up and Mr. Bennett will evaluate software and bring a budget for consideration for updating their "toolbox".

Councilman Rico reminded Council members of the meeting of the **Public Works Committee scheduled for Tuesday, August 11 immediately following the Agenda session.**

Councilman Gilbert stated at today's **Parks and Recreation Committee** meeting there was an opportunity to go over several things. He scheduled another **meeting for Tuesday, August 11 immediately following Legal and Legislative** to discuss the Spraypark Grant and the Convention and Visitors Bureau's State Historical Marker Program.

NEXT WEEK'S AGENDA: AUGUST 11, 2009

The agenda for next week is spread below:

Ordinances – First Reading:

- a) An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, to include suburban infill lot frontage and setback regulations and urban infill lot compatibility subdivision option, delete flag lot provisions, and change the definition of frontage.

- b) 2009-087 Eric Myers (Elemi Architects, LLC) (R-3 Residential Zone and R-2 Residential Zone to RT-1 Residential Townhouse Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 600 block of Hamilton Avenue and 640 North Market Street, more particularly described herein and as shown on the maps and drawings attached hereto and made a part hereof by reference, from R-3 Residential Zone and R-2 Residential Zone to RT-1 Residential Townhouse Zone. **(Not recommended for approval by Planning – see alternate version.)**

NEXT WEEK'S AGENDA: AUGUST 11, 2009
(Continued)

2009-087 Eric Myers (Elemi Architects, LLC) (R-3 Residential Zone and R-2 Residential Zone to RT-1 Residential Townhouse Zone). An ordinance to amend Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to rezone tracts of land located at 600 block of Hamilton Avenue and 640 North Market

Street, more particularly described herein and as shown on the maps and drawings attached hereto and made a part hereof by reference, from R-3 Residential Zone and R-2 Residential Zone to RT-1 Residential Townhouse Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- c) MR-2009-082 OBAR Investments, LLC and Black Creek Farm, LLC (Closing and Abandonment). An ordinance closing and abandoning Aetna Mountain Road within the City limits of Chattanooga, more particularly described herein and as shown on the maps and drawings attached hereto and made a part hereof by reference. (Not recommended for approval by Public Works.) **(Deferred from July 28, 2009.)**

MR-2009-082 OBAR Investments, LLC and Black Creek Farm, LLC (Closing and Abandonment). An ordinance closing and abandoning Aetna Mountain Road within the City limits of Chattanooga, more particularly described herein and as shown on the maps and drawings attached hereto and made a part hereof by reference, subject to certain conditions. (Recommended for approval by Public Works.) **(Deferred from July 28, 2009.)**

- d) MR-2009-097 City of Chattanooga c/o Dan Thornton (Closing and Abandonment). An ordinance closing and abandoning a right-of-way of the 400 block of Cherry Street and the southern right-of-way of the 100 block of East 4th Street, more particularly described herein and as shown on the maps and drawings attached hereto and made a part hereof by reference. **(Not recommended for approval by Planning and Public Works – see alternate version.)**

MR-2009-097 City of Chattanooga c/o Dan Thornton (Closing and Abandonment). An ordinance closing and abandoning a right-of-way of the 400 block of Cherry Street and the southern right-of-way of the 100 block of East 4th Street, more particularly described herein and as shown on the maps and drawings attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning and Public Works.)**

NEXT WEEK'S AGENDA: AUGUST 11, 2009
(Continued)

Resolutions:

- a) A resolution authorizing the appointment of V. Quinn Lewis, Joshua Rogers, and Don Green as special police officers (unarmed) for the Public Works Water Quality Department as prescribed herein, subject to certain conditions and restrictions.
- b) A resolution authorizing payment in the amount of \$24,000.00 to Chattanooga Parent Magazine for advertisements to run eight (8) times during the school year promoting the Parks and Recreation Department's programs.
- c) A resolution authorizing the Administrator of the Department of Parks and Recreation and the Administrator of the Department of Education, Arts & Culture to apply for and accept a mini-grant available through the "JumpStart" grant program from Met Life Corporation and distributed through the Choose Chattanooga Organization in the amount of \$1,000.00 for each department to provide basic computer and technology training to staff.
- d) A resolution authorizing the execution of Change Order No. 1 (Final), relative to Contract No. E-08-003-202, 2008 City Sidewalk Requirements Contract with Yerbey Concrete Construction, Inc., which change order is to decrease the contract amount by \$12,738.82, for a revised contract amount of \$183,416.78, and to release the contingency amount of \$19,614.40.
- e) A resolution authorizing Robert E. Sanders to use temporarily 2474 Clay Street to install a directional sign at the corner of Appling Street and Amnicola Hwy., as shown on the maps attached hereto and made a part hereof by reference, subject to certain conditions.
- f) A resolution authorizing the Department of Education, Arts & Culture to accept a low bid from J. D. Helton Roofing for a base amount of \$96,390.00, not to exceed \$101,209.50, for the replacement of the roof over the stage house and crossover at the Soldiers and Sailors Memorial Auditorium.
- g) A resolution authorizing the Department of Education, Arts & Culture to make an additional payment not to exceed \$1,354.00 to Garnet Chapin, Architect, for the redesign of the stairway chairlift at Heritage House. The total renovation design contract is \$10,854.00.
- a) A resolution authorizing the Department of Education, Arts & Culture to make additional payments not to exceed \$12,271.00 to Custom Lifts Access for the purchase and installation of a stairway chairlift at Heritage House.

NEXT WEEK'S AGENDA: AUGUST 11, 2009
(Continued)

- b) A resolution authorizing purchase of two (2) ten (10) ton Liebert AC and ductwork from Carrier International to be installed at 332 M.L. King Building for the City's new data center for a total cost of \$80,000.00. (Added by permission of Councilman Rico.)

JOE GRAHAM

Joe Graham of 104 Fern Avenue thanked Councilwoman Scott for catching the overtime and expressed his thought that it is terrible one particular person is working 90 hours in a week while running our emergency service, again thanking her for doing an excellent job!

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, August 11, 2009 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)**