

City Council Building
Chattanooga, Tennessee
February 2, 2009
6:00 p.m.

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

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.

ANNEXATION AND PLAN OF SERVICES

City Attorney McMahan stated this is the public hearing for this item and the next item on the agenda. He stated Adm. Steve Leach and Chief Randy Parker will present a brief overview from their departments and the matter would then be open for discussion from any member wanting to speak. He stated anyone who wants to speak as a proponent or opponent will have ten minutes each to make a presentation and if there is more than one the time would be divided into three-minute segments.

Adm. Steve Leach stated this is a request for annexation for an area in Ooltewah adjacent to the city's boundary. He stated this involves all of Hunter Road and in viewing the map the area is split on the west and the other on the east side of Hunter at this location. He stated it is near a commercial node at the intersection of Exit 11 at the interchange on I-75; that at this point both properties on the east and west are vacant.

ANNEXATION AND PLAN OF SERVICES
(Continued)

Adm. Leach stated Public Works will begin solid waste collection within 90 days following annexation and Traffic Engineering will make sure there is no need for street signs or striping on the area; that the area was most recently rebuilt as part of the interchange construction. He stated immediately following annexation there would be routine maintenance as needed; that they will check all street signs within six months to get them up to standard and if any street lights are required they will be done as standard. He stated the water quality folks will be engaged and within six months they will establish the needs in the area, noting there is a creek. He stated Inspection and codes enforcement would begin immediately or as building begins; that there are sanitary sewers and the city would be taking over per the agreement with the Hamilton County Wastewater Authority. He stated if there is a need for animal control it will be provided by the McKamey Center.

Fire Chief Randy Parker stated he was reporting for the Police Department since they are similar in nature and noted police services would begin immediately upon coming into the city; that the police would immediately run calls as soon as they can coordinate 911 and get the jurisdiction set up with the GIS system and once that is done they would be running calls after 90 days. He stated a study would be performed to see if any additional officers are needed for the area.

Chief Parker stated as for the Fire Department, they would run calls immediately as soon as the 911 district is redistricted; that they have to renegotiate the contract with Tri-Communities and will have six months to work out the contract with them on the running of calls. He stated they would do a dual response with the Chattanooga Fire Department and Tri-Communities will respond, also. He stated they would locate any additional hydrants within six months and would get with the vendors to spot hydrants in the area. He stated this is in the East Side Utility District and there should not be any additional costs for hydrants in the area. He stated if for some reason an agreement cannot be worked out we would have to staff it with a fire station at some point in the future.

City Attorney McMahan stated this is the time the public has the opportunity to speak "for or against" the matter and asked if anyone present wanted to speak; being none, the hearing was duly closed.

ANNEXATION AND PLAN OF SERVICES
(Continued)

On motion of Councilman Murphy, seconded by Councilman Rico,
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING
THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSE,
BY ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT
CORPORATE LIMITS OF SAID CITY, BEING TAX PARCEL NO. 131-074 IN
HAMILTON COUNTY, TENNESSEE, OWNED BY C. LARRY ARMOUR,
BEING MORE FULLY DESCRIBED HEREIN**

Passed second and final reading and was signed in open meeting; **Councilman Gilbert voted "no"**.

ANNEXATION AND PLAN OF SERVICES

Adm. Leach explained that this is an area that is to be developed as there are no houses per se on this site of 1,815 acres, a very large tract. He stated a representative for the developer is present tonight and as mentioned there are no homes on this site at this point in time and there are some development plans for the site. He stated as it is developed Public Works will begin developing solid waste collection within 90 days and the Traffic Engineer will work with the developer as they layout the subdivision plans to make sure it meets the standards of the Traffic and City Engineers. He stated if there is need for a traffic engineering study that would be done within 90 days to determine any needs; that the road and street construction will be the developer's responsibility and the city will work with them as they develop the property to make sure the streets are built in accordance with the standards of the city. He stated water quality will be involved very quickly within six months of establishing needs as there are several creeks in the area; that inspection and codes enforcement will be in effect as soon as housing begins to be developed on the site. He stated sanitary sewers will be the developer's responsibility, as well as any pump station that is required. He reiterated that this is an area that is to be sewerred by the developer and that any animal control would be handled by the McKamey Center.

Chief Parker stated in reporting for the Police Department they will start running calls immediately as soon as the 911 district is redistricted; that they will respond on calls immediately as soon as that can be completed. He stated after 90 days a study will be performed to see if additional officers are needed in the area.

ANNEXATION AND PLAN OF SERVICES
(Continued)

In reporting for the Fire Department, Chief Parker stated that there is a difference in this area than the other area as we have already talked about putting a fire station in an area near here. He stated there will be an additional fire station with a Quint; that the station will be constructed. He stated any hydrants would be built on the part of the developer as far as expenses of the hydrants are concerned and there would not be any additional hydrant costs associated with this area. He stated the calls would be answered immediately by the station already in Tiftonia and the other station, once constructed, will respond as the initial company. He stated the only additional service would be through the Fire Marshall's Office and Fire Prevention as there is nothing out there now but property; that there are no actual buildings or businesses to protect at this time.

City Attorney McMahan stated this is the time the public has the opportunity to speak "for or against" the matter and asked if anyone was present to speak; being none, the hearing was duly closed

On motion of Councilman Murphy, seconded by Councilwoman Scott,
AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, BY ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF SAID CITY, BEING TAX PARCEL NO. 165-001 LOCATED ON AETNA MOUNTAIN ROAD IN HAMILTON COUNTY, TENNESSEE, OWNED BY BLACK CREEK FARMS, INC., d/b/a/ AETNA INVESTMENTS, LLC, BEING MORE FULLY DESCRIBED HEREIN

Passed second and final reading and was signed in open meeting; **Councilman Gilbert voted "no"**.

APPROPRIATION

On motion of Councilwoman Robinson, seconded by Councilman Rico,
AN ORDINANCE APPROPRIATING NINETEEN THOUSAND DOLLARS (\$19,000.009) FROM THE GENERAL FUND CITY COUNCIL DEPARTMENT TO THE CHATTANOOGA-HAMILTON COUNTY BICENTENNIAL LIBRARY AS A MATCH OF HAMILTON COUNTY FUNDS RECEIVED

Passed second and final reading and was signed in open meeting; **on roll call vote:**

SCOTT	"No"
ROBINSON	"Yes"

APPROPRIATION (Continued)

LADD	"No"
GILBERT	"Yes"
BERZ	"Yes"
RICO	"Yes"
MCGARY	"No"
MURPHY	"No"
Benson	"Yes"

AMEND CITY CODE

On motion of Councilwoman Berz, seconded by Councilman McGary,
**AN ORDINANCE TO AMEND THE CHATTANOOGA CITY CODE, PART II,
CHAPTER 2, SECTION 2-553, RELATIVE TO LOCAL PREFERENCE**
Was deferred one week.

AMEND CITY CODE

City Attorney McMahan stated that Adm. Madison asked that he announce that the delay from March 1 to June 1 only applies to the storm water fees; that residents are still responsible for paying all property taxes by March 1 so as not to be subjected to any interest and penalty.

Councilman Murphy asked if the fee is going to be due when tax bill is due regardless of an appeal being filed.

City Attorney McMahan responded "no", that it normally would be due; that by this ordinance it will relieve them of any interest payments if they file their appeal by June 1. He stated this relieves them of the interest that would normally run from March 1.

AMEND CITY CODE (Continued)

On motion of Councilman McGary, seconded by Councilman Rico,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, SECTION 31-355(a), TO EXTEND THE TIME IN WHICH TO FILE A NOTICE OF PROTEST CONCERNING THE ACCURACY OF WATER QUALITY FEES IMPOSED IN 2009 ONLY FROM MARCH 1, 2010 TO JUNE 1, 2010

Passed first reading.

OVERTIME

Overtime for the week ending January 28, 2010 totaled \$47,991.24.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS:

- **FRANK E. BALES, JR.** – Suspension (5 days without pay), Plant Operator 2, effective January 20-26, 2010.

PARKS AND RECREATION:

- **KIRK PARKER** – Hire, Zookeeper 2, Range 7, \$24,306.00 annually, effective January 15, 2010.
- **SERENE SIENER** – Promotion, Personnel Assistant, Range 8, \$25,521.00 annually, effective January 15, 2010.
- **CRAIG MCCLURE** – Termination, Crew Supervisor 2, effective January 15, 2010.

CHATTANOOGA FIRE DEPARTMENT:

- **JOYCE BRIDGES** – Return to Duty from Family Medical Leave, Fire Lieutenant, effective February 1, 2010.

HOTEL PERMITS

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

EXTENDED STAY AMERICA #125 – 6240 Air Park Drive, Chattanooga, TN

HAMPTON INN – 7013 Shallowford Road, Chattanooga, TN

MICROTEL INN – 7014 McCutcheon Road, Chattanooga, TN

SUPER 8 – 7024 McCutcheon Road, Chattanooga, TN

PURCHASES

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

PARKS AND RECREATION:

R & S TRUCK & TRACTOR (Lower and better bid)
REQ. 22342/B0006599

Utility Vehicles (2)

\$16,000.00

MAYOR’S OFFICE:

TRIAD ELECTRICAL
REQ. 22586/B0006501

Electrical Work on Veteran’s Bridge

\$20,139.00

DONATION

On motion of Councilman Rico, seconded by Councilwoman Berz, the donation of a surplus Ballistic Vest to the Polk County Sheriff’s Office was duly approved.

HEARING: LILLIAN SMITH

City Attorney McMahan reported that the hearing for Lillian Smith was held on yesterday with Councilmen Berz, Rico and Scott as the panel who voted 2-to-1 to uphold Administration's recommendation.

HEARING: NICK SEWELL

City Attorney McMahan reminded the Council of the personnel hearing for Firefighter Nick Sewell scheduled for Monday, February 8 at 9 a.m. with Councilmen Berz, Ladd and Rico as the panel. He noted Councilwoman Berz is Chair and Councilman Murphy is Alternate.

HEARING: SHAUN CUNNINGHAM

City Attorney McMahan reported that the hearing for Shaun Cunningham needs to be rescheduled; that both attorneys have agreed to the dates of March 29-30. He stated it is a complex case and that Councilmen McGary, Ladd and Scott are listed as the panel with Councilman Gilbert as Alternate.

Councilman McGary stated that he has taken a job and is not able to chair the meeting on Monday morning.

City Attorney McMahan reminded Council members that Councilman Benson is recused, Councilman Rico is ineligible to serve and Councilwoman Berz cannot serve.

Chairman Benson asked Councilman McGary if he is not able to serve on any panel at any time. Councilman McGary responded "not currently".

Councilman Murphy inquired as to the normal length of time for the hearing and noted that it continues through Tuesday.

City Attorney McMahan stated that the case is pretty complex and is hopeful it will be shorter than two days. He stated an Alternate is needed as the panel now consists of Councilmen Ladd, Scott and Gilbert.

At this point Councilman Gilbert stated he could not serve on the panel.

Councilmen Robinson and Murphy volunteered to serve with the understanding one would serve as Alternate.

HEARING: SHAUN CUNNINGHAM (Continued)

The hearing for Shaun Cunningham was rescheduled for Monday and Tuesday, March 29-30 beginning at 9 a.m. with Councilmen Ladd, Scott, Robinson and Murphy, with Councilwoman Ladd as Chair and Councilmen Robinson and Murphy to decide who would serve as Alternate.

COMMITTEES

Councilwoman Ladd scheduled a meeting of the **Safety Committee for Tuesday, February 9 immediately following Legal and Legislative** for a discussion regarding "checks and balances" in reference to the beer board ordinance.

Councilman Murphy stated the **Legal and Legislative Committee would meet on Tuesday, February 9** for an education session on disciplinary hearings; that he has spoken with Chairman Benson who has given approval to bring in outside Counsel and does not know who that will be as he has a couple folks he could ask. He stated the person would come in and give a refresher on procedures as to what to do and not do and what to do if someone tells you something outside of the hearing and the corrective action that does not automatically ruin the hearing; things that we need to be reminded of.

Councilwoman Robinson scheduled a meeting of the **Health, Human Services and Housing Opportunities Committee for Tuesday, February 9 immediately following Public Works** for a report from the Homeless Blueprint Oversight Committee.

Councilwoman Scott stated the Economic Development Committee met today and will be scheduling another meeting in two weeks pending the schedule.

Councilwoman Berz stated the **Budget, Finance and Personnel Committee will meet on Tuesday, February 9 for a discussion of personnel committees that hear employee termination/suspension hearings**. She asked Councilman Murphy if his meeting would be talking about appeals, to which Councilman Murphy responded "yes". She then stated several have asked for the discussion and thought perhaps the Legal and Legislative and Budget Committee could meet together to talk about that whole process.

Councilman Murphy stated that he does not disagree as it makes sense; that they are limited by Charter in what they can do in some respect; that procedurally they would have something that looks a lot more like an unemployment hearing than a trial.

COMMITTEES (Continued)

He stated his point about an education session is to touch on State law and the rules we have; that he does not think we can presume the rules will change until we can change them.

Councilwoman Berz stated that she would go ahead and have the Budget Committee meeting to discuss the matter; that all are well aware of the options as there have been very relative and creative ideas that have come up.

AGENDA FOR NEXT WEEK: FEBRUARY 9, 2010

Chairman Benson stated the agenda for next week was discussed earlier during the Agenda session in Committee.

TERESA BROWN

Teresa Brown stated she was present on behalf of herself and her sister, Gail Benn, to remind the Council about the flood at her home on Juandale Trail in September. She stated her home and about five other houses were flooded and there is a sewer plant very near her; that her home was flooded when the water came in their yard from the sewer plant. She stated by the water being in her yard it was also downstairs in her seven room house. She stated what brought this to her attention was that she was listening to the radio and a gentleman from Moccasin Bend was speaking about the problem they had with one of the systems that broke down and all the sewage was in the water and River downtown, noting that the gentleman stated they had to get that fixed. She stated her problem is if they can fix that, they should be able to fix the system when there is water on Juandale Trail. She stated that TVA and Moccasin Bend flooded her house and they have denied it, but they did do it! She stated if they can fix the system downtown they can also fix it out where she lives. She also stated that she is still waiting on the meeting that Councilman Gilbert said he would call with TVA, the City of Chattanooga and Moccasin Bend and expressed hope it will be soon.

Chairman Benson acknowledged that Ms. Brown has been before the Council twice and expressed hope that she would not have to come back with the same problem. He asked that she bring pictures next time as proof of problem in the area.

TERESA BROWN (Continued)

Ms. Brown stated that she has shown pictures once before and has them with her. Chairman Benson stated he would look at them after the meeting.

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, February 16, 2010 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)**