

**City Council Building  
Chattanooga, Tennessee  
May 4, 2010  
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, Councilman Rico gave invocation for the evening.

**MINUTE APPROVAL**

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

**AMEND CITY CODE**

On motion of Councilman Murphy, seconded by Councilwoman Ladd,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
SECTION 14-2, IN ORDER TO ADOPT THE NATIONAL ELECTRICAL CODE  
OF 2008 AS THE OFFICIAL ELECTRICAL CODE OF THE CITY OF  
CHATTANOOGA AND TO AMEND SECTION 14-3, REGARDING  
CERTAIN AMENDMENTS TO THE 2008 NATIONAL ELECTRICAL CODE**

Passed first reading.

**AMEND CITY CODE**

Councilman Benson stated in the caption the Council agreed to change should not read "*vehicle for hire*" as it is not a "vehicle for hire"; that in fact it is quite the contrary. He stated it is relevant to the non-consensual towing of vehicles and made the motion to approve with the change in caption.

Councilwoman Scott stated that it was her thought that discussion in Committee today was to change the hours and the copy she has still has . . .

Chairman Rico stated the ordinance would be passed on first reading and tweaked during the week.

City Attorney McMahan stated the draft before the Council was correcting the errors Councilwoman Scott brought forward in Committee today about the typographical errors. He stated "*non-consent tow*" was added to the caption.

Councilman Benson stated he did not see the new ordinance before them; that it is not "vehicles for hire" in the caption and that it is still wrong.

Chairman Rico assured the caption would be "fixed" before the next meeting.

Councilwoman Scott expressed that she was confused; that the ordinance was discussed in Committee and now there is another second copy before them.

City Attorney McMahan stated the copy brings forth the corrections; that there was a typographical error mentioned in Committee and that has been corrected and also the caption with the addition of "*non-consent tow*" brought forward in Committee today.

Councilwoman Scott stated the issue of the one hour or the two hour ...

City Attorney McMahan stated no substantive changes were made. He stated "no" the one hour or two hours was not changed.

Chairman Rico stated that would be done before next week.

City Attorney McMahan stated that the two sections that were inconsistent were corrected.

**AMEND CITY CODE (Continued)**

Councilwoman Scott inquired as to whether Council members had a different ordinance, clarifying that the Council has a packet of information for Committee and a new packet of information on the dais that includes overtime and all. She stated the new packet of information she has does not show the correction and expressed that she is curious as to whether it has been ignored or is it just . . . what is it!

Councilwoman Berz stated that it is her thought that what Councilwoman Scott is referring to is some changes are reflected and some may not be reflected. She stated the response was this still needs "cleaning up" but we are going to pass it on first reading and do the "cleaning up" between first and second reading.

At this point Councilman Benson called for the question.

Councilman McGary clarified for the public that the reason the Council is seeking to pass this tonight is to make sure there is a good ordinance in place before Riverbend so that individuals will not be towed at an excessive rate.

On motion of Councilman Benson, seconded by Councilman Murphy,  
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,  
CHAPTER 35, ARTICLE IV, RELATIVE TO VEHICLES FOR HIRE FOR NON-  
CONSENT TOWS**

Passed first reading.

**SETTLEMENT AGREEMENT AND MUTUAL  
RELEASE**

On motion of Councilman McGary, seconded by Councilwoman Berz,  
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT  
AGREEMENT AND MUTUAL RELEASE WITH SIEMENS WATER  
TECHNOLOGIES CORPORATION IN THE AMOUNT OF TWO MILLION  
TWO HUNDRED EIGHTY-ONE THOUSAND NINE HUNDRED FORTY-TWO  
AND 45/100 DOLLARS (\$2,281,942.45)**

Was adopted; Councilwoman Scott voted "no".

**GRANT**

On motion of Councilman McGary, seconded by Councilwoman Ladd,  
**A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO APPLY FOR  
AND ACCEPT A GOVERNOR'S HIGHWAY SAFETY OFFICE GRANT FOR  
THE CHATTANOOGA DRIVES SAFE AND SOBER PROGRAM TO PAY FOR  
OVERTIME FOR ROADSIDE SOBRIETY CHECKPOINTS IN THE AMOUNT  
OF FIFTY THOUSAND SIXTEEN AND 16/100 DOLLARS (\$50,016.16)**

Was adopted.

**GRANT**

On motion of Councilman McGary, seconded by Councilman Murphy,  
**A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO APPLY FOR  
AND ACCEPT A GOVERNOR'S HIGHWAY SAFETY OFFICE GRANT FOR  
THE CHATTANOOGA DRIVE SAFE AND SOBER PROGRAM TO PAY FOR  
OVERTIME FOR MULTIPLE VIOLATIONS AND SPEED ENFORCEMENT IN  
THE AMOUNT OF FIFTY THOUSAND SIXTEEN AND 16/100 DOLLARS  
(\$50,016.16)**

Was adopted.

**GRANT**

On motion of Councilman Murphy, seconded by Councilwoman Ladd,  
**A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO ACCEPT A  
GRANT FROM WALMART IN THE AMOUNT OF ONE THOUSAND  
DOLLARS (\$1,000.00) FOR SWAT TO PURCHASE LOAD-BEARING  
EQUIPMENT TO CARRY AND DEPLOY WITH OTHER RECENTLY  
PURCHASED EQUIPMENT**

Was adopted.

**OVERTIME**

Overtime for the week ending April 29, 2010 totaled \$10,924.78.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**PARKS AND RECREATION:**

- **LATOYA WILLIAMS** – Promotion, Park Ranger Supervisor, Range 9, \$27,691.00 annually, effective April 23, 2010.
- **ANDREW RAGLAND** – Retirement, Crew Worker 2, effective April 29, 2010.

**INFORMATIONS SYSTEMS:**

- **GEOFFREY NORMAN** – Termination, Network Manager, effective April 15, 2010.

**PUBLIC WORKS:**

- **MAURICE FITTEN** – Suspension (2 days without pay), Crew Supervisor 1, City Wide Services, effective April 26-27, 2010.
- **KENTRAIL D. JONES, TIMOTHY R. BECKETT** -- Termination, Crew Worker 1, City Wide Services, effective April 23, 2010.
- **CEDRIC L. NEAL** – Suspension (2 days without pay), Equipment Operator 4, City Wide Services, effective March 17-18, 2010.
- **ANTONIO D. SANDS** – Suspension (2 days without pay), Equipment Operator 5, City Wide Services, effective April 21-22, 2010.
- **HARRY J. BRADLEY** – Suspension (1 day without pay), Equipment Operator 4, City Wide Services, effective April 27, 2010.
- **KENNETH L. TRAMMELL** – Reinstatement, Crew Worker 1, City Wide Services, Range 2, \$22,050.00 annually, effective May 7, 2010.
- **HEATH R. SILVEY** – Reinstatement, Equipment Operator 4, City Wide Services, Range 10, \$33,788.28 annually, effective May 7, 2010.

**PERSONNEL (Continued)**

- **SANDRA R. BARBEE** – Promotion, Sewer Project Coordinator, Waste Resources, Range 15, \$35,911.00 annually, effective March 26, 2010.

**CHATTANOOGA FIRE DEPARTMENT:**

- **JACK THOMPSON** – Military Leave, Firefighter Senior, effective April 12-May 6, 2010.

**HOTEL PERMIT**

On motion of Councilman McGary, seconded by Councilman Murphy, the following hotel permit was approved:

**HAMPTON INN** – 3641 Cummings Highway, Chattanooga, TN

**DONATION**

On motion of Councilman Murphy, seconded by Councilwoman Robinson, the donation of \$1,500.00 from an anonymous donor to the Office of Multicultural Affairs (OMA) for the purpose of funding OMA programs was duly reported and approved.

**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:

<b>HOME DEPOT USA, INC.</b>	\$ 4,765.29
<b>AKZO NOBEL SPG LLC</b>	4,429.80
<b>AKZO NOBEL SPG LLC</b>	1,614.60
<b>CNF PARTNERSHIP</b>	1,076.40

**REFUNDS (Continued)**

LOOKOUT MOTELS INC.	\$ 1,076.40
JDNT PROPERTIES OF CHATT LLC	1,614.60

**PURCHASES**

On motion of Councilman McGary, seconded by Councilman Murphy, the following purchases were approved for use by the Chattanooga Police Department:

**MORPHO TRAK (Single source)**  
**R26510**

Software Maintenance and Support per TCA 6-56-304.2

\$20,990.00

**BOARD APPOINTMENTS/RE-APPOINTMENTS**

On motion of Councilwoman Robinson, seconded by Councilman Murphy, the following Board appointment was approved:

**BEER AND WRECKER BOARD:**

- ❖ Appointment of **DR. CLARK ELDRIDGE** WHITE for a three-year term expiring May 4, 2013 representing District 9.

On motion of Councilman Benson, seconded by Councilman Murphy, the following Board re-appointment was approved:

**ELECTRIC POWER BOARD:**

- ❖ Re-Appointment of **JOHN FOY** for a five-year term expiring May 4, 2015.

**BOARD APPOINTMENTS/RE-APPOINTMENTS**  
**(Continued)**

On motion of Councilwoman Robinson, seconded by Councilwoman Ladd, the following Board appointment was approved:

**NORTHSHORE/C7 REVIEW COMMITTEE:**

- ❖ Appointment of **RICE WILLIAMS** to serve as the Urban Designer/Architect required by City Code for a three-year term expiring May 4, 2013.

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

**BOARD OF GAS EXAMINERS:**

- ❖ Re-Appointment of **RANDALL TAYLOR** to serve as the Mechanical Engineer required by City Code for a four-year term expiring May 4, 2014.

On motion of Councilman McGary, seconded by Councilwoman Scott, the following Board appointment was approved; **Councilwoman Robinson abstained:**

**CHATTANOOGA METROPOLITAN AIRPORT AUTHORITY BOARD:**

- ❖ Appointment of **MICHAEL C. MALLEN** for a three-year term expiring May 4, 2013.

Councilwoman Robinson acknowledged the presence of Mr. Mallen's wife and her daughter, Elizabeth.

Councilman Gilbert added that Mr. Mallen would do a great job because he has compassion for people.

**HEARING CANCELLATION: MICHAEL S. HICKS**

City Attorney McMahan reported that the hearing for Michael S. Hicks was cancelled at his (Hicks') request. He stated it is his understanding Mr. Hicks decided to retire.



### **ADAM SOWATZKA**

City Attorney McMahan stated that he sent an e-mail to Council members advising that Adam Sowatzka, formerly with King and Spaulding, had transferred his practice to the law firm of Baker, Donelson and it is administration's desire to maintain the relationship with him in his new law firm noting that Chattanooga attorneys will also be assigned to work on the matter.

Councilman Murphy stated it would be his thought Mr. Sowatzka would be moved to Chattanooga and he would be a Chattanooga lawyer!

City Attorney McMahan responded "that is a thought"!

### **COMMITTEES**

Councilwoman Robinson stated the Health, Human Services and Housing Committee met today to begin discussion of trying to have our *City Code* reflect State case law and practice; that the reason this is important is that we are looking at the length of time that duplexes and multi-family housing can be vacant, thereby if they fall within the 100 day "window" preserving their legal non-conforming uses. She stated this arises from some properties that are out of compliance where illegal activity is taking place and/or residents are overcrowded and in disrepair. She stated the Committee would continue discussion and will find the next available date for the Committee to meet.

Councilman Murphy stated the **Legal and Legislative Committee** met today and took up matters of great import; that he would get out to everyone the current iteration of regulations to try and address "pop up" parties and **will meet again on Tuesday, May 11** to take up matters within the Committee's jurisdiction. He stated the Committee will trade positions on the schedule with the Education, Arts and Culture Committee.

Councilman McGary announced the **Education, Arts and Culture Committee would meet immediately following Legal and Legislative on Tuesday, May 11.**

Councilwoman Ladd stated on next **Tuesday, May 11 at 2:30 p.m.**, an **education informational meeting of the Public Works Committee** would be held to discuss the brush pick-up program and recycling. She stated **the regular meeting of the Committee would immediately follow the Agenda Session.**

**COMMITTEES (Continued)**

Councilwoman Berz stated the **Budget, Finance and Personnel Committee will meet on Tuesday, May 18 at 2 p.m.** for the presentation of the operational budget by the Director of Finance who will give the Council members all the budgetary material needed and an explanation sent by the Mayor for the Council to begin reviewing. She stated the presentation is rather lengthy and questions will be left; that during the interim week the Council would have time to meet with any department head; that discussions would begin at 2 p.m. the following week to try to get the budget passed on time. She stated this is the first part of our budget; that we also have Capital Budget coming forward and next week the Council would receive the operational, water quality and the OPEB budgets. She stated it will take the full hour on May 18 which will be a time to understand how the figures were reached and have a week to discuss and get educated as the Council wishes prior to discussion, leading to a vote the following week.

**ARTICLE**

Councilman Benson called the Council's attention to an article on the dais by Beverly Carroll in *The Pulse*; that he wished the Council had had that prior to today's Committee meeting regarding the towing industry and some of the charges being made in not only Chattanooga but in other cities. He stated Ms. Carroll did a good job and commended her; that it would be well if all on the Council would read the article carefully before next week's meeting prior to second reading of the towing ordinance.

**NEXT WEEK'S AGENDA: MAY 11, 2010**

Chairman Rico stated the agenda for next week was discussed during the Agenda Session this afternoon.

**ADJOURNMENT**

Chairman Rico adjourned the meeting of the Chattanooga Council until Tuesday, May 11, 2010 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

(A LIST OF NAMES OF PERSONS IN ATTENDANCE IS FILED WITH MINUTE MATERIAL OF THIS DATE)