

**CHATTANOOGA, TENNESSEE
AUGUST 24, 2010
6:00 P.M.**

Chairman Rico called the meeting of the Chattanooga City Council to order with Councilmen Benson, Berz, Gilbert, Ladd, McGary, Murphy, and Scott present. Councilwoman Robinson was absent due to illness. 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 given by Attorney McMahan.

MINUTE APPROVAL

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

REZONING

2010-088 (City of Chattanooga)

On motion of Councilman McGary, seconded by Councilman Murphy,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 5050, 5336, AND 5344 HUNTER ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM TEMPORARY R-1 RESIDENTIAL ZONE TO R-1 RESIDENTIAL ZONE AND TEMPORARY C-2 CONVENIENCE COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE
passed second and final reading and was signed in open meeting.

AMEND CITY CODE/SEWERS

Attorney McMahan explained that a Public Hearing was in order on this Ordinance and called on Jerry Stewart, Director of Moccasin Bend Wastewater Plant, to make a short presentation.

Mr. Stewart approached the podium along with Rick Tate. He explained that they were required to make these changes and that this had been approved by TDEC; that it had been before the Chattanooga Manufacturers' Association, and they had no concerns; that it had been advertised for the proper 30 days and that period was now up.

No one from the audience wished to speak, and the Public Hearing was duly closed.

On motion of Councilman McGary, seconded by Councilwoman Ladd,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART
II, CHAPTER 31, SEWERS, MAINS AND DRAINAGE**
passed first reading.

CLOSE AND ABANDON

2010-093 (DALE D. DARBY)

On motion of Councilwoman Ladd, seconded by Councilman Gilbert,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF A
30 FOOT SEWER LINE EASEMENT MF #52141 LOCATED IN THE
5500 BLOCK OF CASSANDRA SMITH ROAD, SUBJECT TO
CERTAIN CONDITIONS**
passed first reading.

LEASE

On motion of Councilman Murphy, seconded by Councilman Gilbert,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PUBLIC WORKS TO EXECUTE A LEASE WITH
VOLKSWAGEN OF CHATTANOOGA OPERATIONS, LLC OR
ASSIGNEE FOR A TRACT OF LAND AT SUMMIT LANDFILL**
was adopted.

AGREEMENT

On motion of Councilman Murphy, seconded by Councilman Gilbert,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PUBLIC WORKS TO ENTER INTO A LANDFILL
GAS AGREEMENT WITH VOLKSWAGEN OF CHATTANOOGA
OPERATIONS, LLC OR ASSIGNEE**
was adopted.

EASEMENTS

On motion of Councilman Murphy, seconded by Councilman McGary,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PUBLIC WORKS TO EXECUTE EASEMENTS WITH
THE ELECTRIC POWER BOARD FOR ELECTRIC DISTRIBUTION
LINES ACROSS SUMMIT LANDFILL PROPERTY**
was adopted.

AGREEMENT

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN
AGREEMENT WITH FRIENDS OF THE ZOO FOR THE LEASE AND
MANAGEMENT OF THE CHATTANOOGA ZOO AT WARNER PARK**
was deferred.

POLICE TRAINING

On motion of Councilman Murphy, seconded by Councilman Gilbert,
**A RESOLUTION AUTHORIZING THE POLICE CHIEF TO PAY UT-
MTAS FOR CUSTOMIZED TRAINING IN THE AMOUNT OF ELEVEN
THOUSAND TWO HUNDRED DOLLARS (\$11,200.00)**
was adopted.

BOND INTENT & PURPOSE

Councilman Benson explained that all of these Resolutions were discussed thoroughly in committee, especially this one; that we did not have the capability of the money authorized for these programs this year but were setting aside the money, noting that it had taken ten years on a Goodwin Rd. project to release the contract; that this is being done on an annual basis to build forward.

On motion of Councilman Murphy, seconded by Councilwoman Ladd,

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF CHATTANOOGA TO ISSUE BONDS IN THE AGGREGATE AMOUNT NOT TO EXCEED TWENTY MILLION DOLLARS (\$20,000,000.00) OF THE CITY OF CHATTANOOGA, TENNESSEE FOR THE PURPOSE OF PAYING ALL OR A PORTION OF THE COSTS OF THE FOLLOWING: CARTA MATCH FUNDS; ROAD IMPROVEMENTS – HAMILL ROAD; RIVER STREET EXTENSION; ROSSVILLE BLVD. STREETScape; JERSEY PIKE AT PELICAN DRIVE R/R CROSSING; FAIRMONT SAFEWALK; ROAD IMPROVEMENT – HIGHWAY 58 PEDESTRIAN AND BIKE FACILITIES; ROAD SLOPE FAILURES; ROAD IMPROVEMENT – GOODWIN DRIVE; ROAD IMPROVEMENTS – SHALLOWFORD ROAD GUNBARREL TO JENKINS; CREST ROAD REHABILITATION; THERMOPLASTIC MACHINE; ESIP INTERSECTION IMPROVEMENTS; ESIP RAILWAY LINES; TENNESSEE RIVERWALK EXPANSION; ENTERPRISE SOUTH NATURE PARK; ROSS’ LANDING MARINA; MONTAGUE PARK DEVELOPMENT; FIRE STATION REPLACEMENT; SECURITY CAMERAS; PHONE SYSTEM REPLACEMENT; PUBLIC SAFETY WIRELESS INFRASTRUCTURE; CITY WIDE TIME CLOCK; FLEET LEASING PROGRAM; WAREHOUSE ON MAIN STREET

was adopted with Councilwoman Scott voting “no”.

FIVE-YEAR CAPITAL PLAN

Councilman Benson confirmed that the Parking Deck had been taken out and that we had also removed the downtown Police Precinct. Ms. Madison added that \$260,000 had been added for fire hydrants in the out years.

FIVE-YEAR PLAN (CONT'D)

On motion of Councilwoman Berz, seconded by Councilman Murphy,
A RESOLUTION AMENDING A FIVE-YEAR CAPITAL IMPROVEMENT PLAN, SUBJECT TO FUTURE REVISION, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
was adopted, with Councilmen McGary and Gilbert voting “no”.

DONATION OF PROPERTY

2010-107 (CITY OF CHATTANOOGA)

On motion of Councilman McGary, seconded by Councilman Murphy,
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION OF PROPERTY LOCATED ADJACENT TO THE NORFOLK SOUTHERN RAILROAD TRACKS NEAR THE HAMILL ROAD CROSSING FROM TOMMY AUSTIN, MORE PARTICULARLY DESCRIBED HEREIN, AND AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY RELATING THERETO
was adopted.

TATUM PARK ACQUISITION

On motion of Councilman Murphy, seconded by Councilwoman Ladd,
A RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO ACQUIRE TATUM PARK, 1603-1615 UNION AVENUE FROM TENNESSEE TEMPLE UNIVERSITY FOR A CONSIDERATION OF TWO HUNDRED FIVE THOUSAND DOLLARS (\$205,000.00), PLUS CLOSING COSTS PAYABLE OVER TWO (2) FISCAL YEARS AND AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY RELATING THERETO
was adopted.

OVERTIME

Overtime for the week ending August 19, 2010, totaled \$10,385.76.

PERSONNEL

The following personnel matters were reported for the various departments:

CITY ATTORNEY'S OFFICE:

- **ANGELA DAVIS** – Return to Duty from Leave of Absence, effective 8/16/10.

PARKS & RECREATION DEPT.:

- **DAVID NATION** – FMLA for Park Ranger, effective 8/18/10.

PUBLIC WORKS DEPARTMENT:

- **BENJAMIN T. COX** –Voluntary Demotion of Crew Worker 2, Range 4, \$28,136.99, effective 8/13/10.
- **PETER D. WOODARD** –Promotion to Crew Worker 3, Range 7, \$33,204.29.
- **JOHN TONY KINDER** – Hire as Civil Engineer, Range 19, \$45,485.00 annually, effective 6/18/20.
- **MARK HEINZER** – Hire as Civil Engineer, Range 19, \$45,485.00 annually, effective 8/13/10.
- **JIDONG YANG** – Hire as Traffic Signal Systems Engineer, Range 25, \$72,000.00 annually, effective 8/23/10.

FIRE DEPARTMENT

Chief Parker addressed the Council, thanking those who attended the opening of Fire Station 7 on Discovery Drive. He expressed his appreciation for those who came out, while understanding that Tuesday is a difficult day for the Council to be away.

REFUNDS

On motion of Councilman McGary, seconded by Councilwoman Berz, the Administrator of Finance was authorized to issue the following refunds of 2009 Property Taxes:

EQI FINANCING PARTNERSHIP IV -- \$5,987.12

W 2007 EQUITY INNS REALTY, LLC -- \$5,134.05

PURCHASES

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

PUBLIC WORKS DEPT.:

DALY INSTRUMENTATION (Lowest and best bid) **Requisition 31678**

Eight (8) Infrared Gas Monitors

\$18,520.00

PURCHASES (CONT'D)

CHATTANOOGA FIRE DEPT.:

PMI (Lowest and best bid)
Requisition 30745/300467

Ten (10) Impact Uni-Vent Portable Ventilators

\$19,582.50

NEIGHBORHOOD SERVICES & COMMUNITY DEVELOPMENT:

WIDOW'S HARVEST (Donation)

Surplus Items such as Containers of Paint, Roof Cement, Sheetrock Compound, Sheetrock Panel, Plywood and Lumber

MUNICIPAL SOFTWARE (Single Source Purchase)
Requisition 32152

Software Maintenance

\$11,787.00

COMMITTEES

Councilwoman Ladd scheduled a meeting of the **Public Works Committee for Tuesday, August 31st to immediately follow the Agenda Session.**

Councilman Murphy scheduled a meeting of the **Legal and Legislative Committee to immediately follow the Public Works Committee on Tuesday, August 31st.** He also announced that there was confirmation in the meeting today of support of expanding National Park boundaries, and he would be working with the City Attorney on this.

AGENDA FOR AUGUST 31, 2010

Chairman Rico stated that the agenda for next week was discussed earlier during the Agenda Session.

COUNCIL RULES OF PROCEDURE

City Attorney McMahan read the Rules of Procedure with respect to recognition of members of the public on non-agenda items:

“The following procedural rules relative to recognizing members of the public who wish to address the Council on a matter not on the regular meeting agenda shall apply: 1) Each speaker wishing to address the Council shall be recognized only at the microphone provided for that purpose. 2) The speaker may address the Council only upon matters within the legislative and quasi-judicial authority of the Council. 3) Each speaker shall limit his or her remarks to three (3) minutes, unless permission for additional time is provided. 4) The speaker shall not be permitted to use any vulgar or obscene language. 5) The use of the floor by persons addressing the Council shall not be used to personally attack or personally denigrate others. 6) The Chair is prohibited from recognizing any person, neighborhood-association or organization to speak to the City Council during the “non-agenda matters” portion of the agenda more than twice in any thirty (30) day period.”

ADJOURNMENT

Chairman Rico adjourned the meeting of the Chattanooga City Council until Tuesday, August 31, 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)**