

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
JANUARY 31, 2012**

Chairman Ladd called the meeting of the Chattanooga City Council to order with Councilmen Benson, Berz, Gilbert, McGary, Rico, Robinson and Scott present. Councilman Murphy was absent due to family commitments. 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 Councilwoman Berz, followed by an inspirational quote of Woodrow Wilson that she has on her desk at her office. She stated that the Council was doing their best to meet the needs of the people they serve and requested that everyone join her in prayer, as well as offering up their individual prayers.

MINUTE APPROVAL

On motion of Councilman Rico, seconded by Councilwoman Robinson, the minutes of the previous meeting were approved as published.

**SPECIAL PRESENTATION:
CHARLIE MORTON/BEUHLER'S**

Councilman McGary presented Mr. Charlie Morton of Beuhler's Market with a Certificate of Appreciation for outstanding contributions that read as follows:

WHEREAS, The City of Chattanooga wishes to honor Beuhler's Market, one of Chattanooga's oldest downtown businesses, for its many years of service to the people of Chattanooga; and

WHEREAS, For over 100 years, the residents of downtown Chattanooga have depended on Beuhler's Market for their everyday goods and groceries; and

WHEREAS, The owner of Beuhler's Market, Mr. Charlie Morton, began his career as a sack boy in 1965, and

WHEREAS, Mr. Morton continues to be a good corporate citizen to this City and he and Beuhler's Market should be publically acclaimed and recognized.

Signed by Mayor Ron Littlefield

BEUHLER’S/CHARLIE MORTON
(CONT’D):

Chairman Ladd stated that Beuhler’s Market was a downtown icon—that she often gave directions with Beuhler’s Market in mind.

Chairman Ladd stated that the Ordinances and Resolutions that would be read and voted on had been thoroughly discussed in committee meeting and had been studied, and Councilmembers were ready to vote tonight.

AMEND CITY CODE/
APPEAL HEARINGS

Councilman Rico made the motion that this Ordinance be approved. This was seconded by Councilman Benson.

Councilwoman Berz offered up an amendment to read as follows: *“Any employee who loses income as a result of demotion, suspension or termination shall have the right to appeal, following the conclusion of full, administrative due process”*. **On motion of Councilwoman Berz, seconded by Councilman Benson, this amendment was approved on roll call vote as follows:**

COUNCILMAN GILBERT	“YES”
COUNCILWOMAN BERZ	“YES”
COUNCILMAN RICO	“NO”
COUNCILMAN MCGARY	“YES”
COUNCILWOMAN SCOTT	“NO”
COUNCILWOMAN ROBINSON	“YES”
COUNCILMAN BENSON	“YES”
CHAIRMAN LADD	“YES”

On motion of Councilman McGary, seconded by Councilman Benson,
**AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART
II, CHAPTER 2, ARTICLE III, SECTION 174, RELATIVE TO
PERSONNEL APPEAL HEARINGS**

passed second and final reading and was signed in open meeting **with Councilman Rico and Councilwoman Scott voting “no”**.

APPEAL HEARINGS (CONT'D):

Councilman McGary stated that there was some discrepancy in whether Chattanooga is a “Due Process City” or “Employee at Will City”. He questioned which category we fell under and asked that Councilwoman Scott “hash” this out in her committee. Councilwoman Scott stated that it should be “hashed” out in the Legal and Legislative Committee. It was noted by Chairman Ladd that Councilman Murphy, Chairman of Legal and Legislative, was not present but that we would place this in his committee!

APPROPRIATION

On motion of Councilman McGary, seconded by Councilman Rico,
AN ORDINANCE APPROPRIATING FIFTY THOUSAND DOLLARS (\$50,000.00) TO THE CHATTANOOGA AREA URBAN LEAGUE AND TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) TO THE CHATTANOOGA AREA CHAMBER OF COMMERCE FROM THE ECONOMIC DEVELOPMENT FUND TO BE USED FOR THE PURPOSE OF SUPPORTING SMALL BUSINESSES, MULTICULTURAL, MINORITY, AND WOMEN-OWNED BUSINESSES IN THE CITY OF CHATTANOOGA
passed first reading.

CARTA LINE OF CREDIT

On motion of Councilman Rico, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO ENTER INTO A LINE OF CREDIT AGREEMENT WITH THE CHATTANOOGA AREA REGIONAL TRANSIT AUTHORITY (CARTA) TO PROVIDE A CASH FLOW UP TO ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.00) RESULTING FROM SHORTAGE DUE TO A DELAY IN RECEIPT OF GRANT FUNDS
was adopted.

AIM HOUSING, INC. AWARD

On motion of Councilman McGary, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO AWARD UP TO ONE HUNDRED EIGHT THOUSAND DOLLARS (\$108,000.00) TO AIM HOUSING, INC. IN HOMEAGAIN PROGRAM FUNDS FOR THE PURPOSE OF CREATING AFFORDABLE, PERMANENT, SUPPORTIVE HOUSING AND AUTHORIZING AN AGREEMENT WITH THE ENTITY FOR THE SAME
was adopted.

ORANGE GROVE AWARD

On motion of Councilwoman Robinson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO AWARD UP TO THREE HUNDRED EIGHT THOUSAND FOUR HUNDRED SEVENTY TWO DOLLARS (\$308,472.00) TO ORANGE GROVE CENTER, INC. IN HOMEAGAIN PROGRAM FUNDS FOR THE PURPOSE OF CREATING AFFORDABLE, PERMANENT, SUPPORTIVE HOUSING AND AUTHORIZING AN AGREEMENT WITH THE ENTITY FOR THE SAME
was adopted.

ATARAXUS PROP. AWARD

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO AWARD UP TO EIGHTY SEVEN THOUSAND DOLLARS (\$87,000.00) TO ATARAXIS PROPERTIES, INC. IN HOMEAGAIN PROGRAM FUNDS FOR THE PURPOSE OF CREATING AFFORDABLE, PERMANENT, SUPPORTIVE HOUSING AND AUTHORIZING AN AGREEMENT WITH THE ENTITY FOR THE SAME
was adopted.

TEMP. ROW USAGE

On motion of Councilman Rico, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING OAK HILL NEIGHBORHOOD ASSOCIATION C/O TERRY McCULLOUGH TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED IN THE 4000 BLOCK OF GRAND AVENUE AT ITS INTERSECTION WITH WEST 40TH STREET TO INSTALL COMMUNITY MARKERS TO INDICATE THE ASSOCIATION BOUNDARIES, AS SHOWN ON THE MAPS AND DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

AGREEMENT

On motion of Councilman McGary, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH THE UNIVERSITY OF TENNESSEE AT CHATTANOOGA (UTC) RELATIVE TO CONTRACT NO. S-11-006-101, POST STREAM RESTORATION ASSESSMENT FOR CITICO CREEK AND FRIAR BRANCH, IN AN AMOUNT NOT TO EXCEED FORTY-TWO THOUSAND SEVENTY-NINE DOLLARS (\$42,079.00)
was adopted.

BEER LAWS RECIPROCITY

On motion of Councilwoman Scott, seconded by Councilman McGary,
A RESOLUTION REQUESTING THE LEGISLATURE TO ADOPT LEGISLATION FOR RECIPROCAL ENFORCEMENT OF ALCOHOL AND BEER LAWS AND REGULATIONS
was adopted.

PROFESS. SER.AGREEMENT

On motion of Councilwoman Scott, seconded by Councilman McGary,
A RESOLUTION AUTHORIZING THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO EXTEND THE PROFESSIONAL SERVICES AGREEMENT WITH JONES & JONES ARCHITECTS AND LANDSCAPE ARCHITECTS, LTD. TO DEVELOP SCHEMATIC DESIGNS FOR THE PROPOSED MANUFACTURERS PARK AND A FEASIBILITY STUDY FOR A BICYCLE/PEDESTRIAN PATH ALONG THE U.S. 27 CORRIDOR BETWEEN MANUFACTURER'S ROAD AND DAYTON BOULEVARD AND TO ACCEPT A GRANT FROM THE LYNDBURST FOUNDATION IN THE AMOUNT OF ONE HUNDRED FIVE THOUSAND DOLLARS (\$105,000.00)

was adopted.

OVERTIME

Overtime for the week ending January 26, 2012, totaled \$24,547.65.

PERSONNEL

The following personnel matters were reported for the various departments:

PARKS AND RECREATION DEPT.:

- **MARQUIS BONNER**—Termination of Park Ranger, effective 1/26/12.

CHATTANOOGA POLICE DEPT.:

- **CHARLES MCMAHAN**—7 Days Suspension without pay for Police Services Technician, effective 1/26—2/3/12.
- **GREG CHAMBERS**—7 Days Suspension without pay for Police Officer 3, effective 1/26—2/3/12.
- **CLIFTON E. GLENN**—Voluntary Demotion to Police Service Technician, Range 4, \$26,599.00 annually, effective 1/30/12.

PERSONNEL (CONT'D):

FINANCE DEPARTMENT:

- **CINDY PETTY**—Resignation of Payroll Technician, effective 1/11/12.

PUBLIC WORKS DEPARTMENT:

- **RODERICK GILBERT**—Termination of Crew Worker 1, effective 12/30/11.
- **JOSH CALHOUN**—Promotion to GIS Analyst 1, Range 18, \$43,650.60, effective 1/13/12.
- **JAMES BOYNTON**—Leave of Absence without pay for Plant Operator 2, effective 1/4—2/14/12.
- **TRISTAN JOHNSON**—Hire as Water Quality Technician, Range 12, \$31,021.00 annually, effective 1/27/12.
- **JOHN SHEALY**—Hire as Project Engineer, Range 22, \$50,531.00 annually, effective 1/20/12.
- **KARI LAWMAN**—FMLA for Engineering Contracts Technician, effective 1/2—2/16/12.

EMERGENCY PURCHASE

Mr. Ron Swafford, Administrator of the Department of Human Services reported an emergency purchase of Property and Crime Insurance Coverage, Requisition 54367, to Selective Insurance Company of South Carolina, in an amount not to exceed \$12,361. This was duly signed in public meeting.

DONATION

Mr. Larry Zehnder, Administrator of the Department of Parks and Recreation reported a donation from **Dick's Sporting Goods Foundation** for basketball league support in the amount of \$500.00.

EMERGENCY PURCHASE

Mrs. Beverly Johnson, Administrator of Neighborhood Services, reported the emergency purchase of emergency demolition at 860 McCallie Ave., Requisition 5406, by Pates Hauling and Demolition for a total of \$141,504. This was duly signed in open meeting.

Councilwoman Scott asked if we owned the structure and was told "no". She asked if there would be a lien placed on it to the owner of the property? Ms. Johnson explained that a lien has been filed, and we should receive reimbursement for the demolition.

REFUND

On motion of Councilman McGary, seconded by Councilman Rico, the Administrator of Finance was authorized to issue a refund for overpayment of Water Quality Fees and/or Property Taxes for **Alexrules LLC, in the amount of \$6,061.13.**

PURCHASES

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

CHATTANOOGA POLICE DEPT.:

SINA'S CUSTOM LAB (Lowest and Best Bid meeting specs.):
Requisition 51841

Digital Cameras & Accessories

\$11,206.38

PURCHASES (CONT'D):

INNOVATIVE DATA SOLUTIONS (Sole Source Purchase)

Requisition 53107

Software and Software License

\$10,625.00

PARKS AND RECREATION DEPT.:

WEEKS PAVING, INC. (Lowest and Best Bid meeting specs.)

Requisition 52151/301550

Repairs and Resurfacing, Brown Acres Golf Course Parking Lot

\$18,500.00

PUBLIC WORKS DEPT.:

SOUTHERN LIME CO. (Lowest and best bid meeting specs.)

Requisition 52528/301588

Blanket Contract for Quicklime

\$200,000.00 annually, approximately

SOLUTIONWERKS, INC. (Next Lowest Bidder):

Requisition PO 512205

Rescind purchase of two Cryogenic Water Valves from Venture Technology and replace

\$25,630.00

PIPING SUPPLY COMPANY (Lowest Composite Bid meeting specs.):

Requisition R52188/301554

Blanket Contract for PVC Pipe & Fittings

\$50,000 annually, approximately

PURCHASES (CONT'D):

FILTMORE TECHNOLOGIES, LLC (Lowest and Best Bid meeting specs.):
Requisition R52368/301584

Hydromatic Pumps

\$11,983.16

CBS BUILDING MANAGEMENT, INC. (Best Bid meeting specs.):
Requisition R52719/301602

Blanket Contract for Custodial Services

\$45,000.00 annually, approximately

LEGAL

Attorney McMahan reported the claim for settlement for **Haven Rakestraw**, who was rear-ended by a Public Works Sanitation driver, resulting in damage in the amount of \$4,608.59 to his vehicle, which has been paid. His medical bills total \$31,015.00, and the negotiated settlement of this claim is \$90,000.00. **On motion of Councilman McGary, seconded by Councilman Rico, Council approval was given for this settlement.**

COMMITTEES

Chairman Ladd announced that there would be an Informational Session with Matt Lea on **Tuesday, February 7th at 2:00 P.M. in the J.B. Collins Conference Room** concerning legislative bills at the State level. Mr. Lea will discuss the life of a bill and what we can expect, as we are following four bills very closely.

Councilwoman Robinson stated that we had a meeting today of the **Housing and Neighborhood Services Committee** to hear from a group from Atlanta, Georgia, concerning a program that had been successful in their city. This was information only.

Councilman McGary announced that there would be an Informational Session at 6:00 P.M. Wednesday at the Renaissance Presbyterian Church at 1211 Boynton Drive featuring a film called "More than a Roof".

COMMITTEES (CONT'D):

Councilman Gilbert announced that there would be a **Parks and Recreation Committee meeting on Tuesday, February 7th to immediately following the Agenda Session.**

RULES OF PROCEDURE FOR ADDRESSING THE COUNCIL

At this time, City Attorney McMahan read from the Council's Rules of Procedure with reference to persons wishing to address the Council on non-agenda matters.

CAMERAS

Chairman Ladd asked those who were using cameras to please go the Media Box. She thanked the students from the Southern Adventist University for their cooperation.

GREG LUTHER

Mr. Greg Luther of Tennessee Ave. stated that he was in Councilman Rico's district and had received a pamphlet, and he was unaware of the information in it and had some questions; that it was addressed to the citizens of Alton Park and St. Elmo, telling them that their local Fire Station #14 will be downsized from two fire apparatus to one. He stated that the pamphlet asked "What does this mean to you"—that it meant longer response time to emergencies. He stated that this raised other questions; that their fire trucks serviced St. Elmo, Alton Park, the Southside, and part of Downtown—that this was two fire trucks, and if one got removed they would have a problem—that this was a large area for one truck, and the Fire Dept. felt that one of their trucks was needed in Tiftonia.

Councilman Rico stated that this had been explained to the citizens and asked that Mr. Luther talk to Chief Parker after this meeting—that he would explain this to him.

Mr. Luther stated that this was supposed to take place on February 6th, and the neighborhood was not notified about the downsizing of the fire station. He was asking the Council to delay this, pending proper notification to the neighborhood.

GREG LUTHER (CONT'D):

Chairman Ladd stated that she was surprised by this information and asked that Mr. Luther get with Councilman Rico and Chief Parker, and the Council would ask for information dealing with this.

LEROY GRIFFITH

Mr. Leroy Griffith of 1115-A Grove Street in the Golden Gateway Apartments addressed the Council. He stated that he attended and provided some leadership for Renaissance Presbyterian Church, where he served as the organizing pastor of the Church of Reconciliation from 1966-1972, after which he served as the Director of the Presbytery of West Jersey's Atlantic City Metropolitan Ministry and later as the anti-poverty planner and public relations director of Atlantic Human Resources; that Renaissance is the only church remaining in the Westside's residential community. He stated that he wanted to call the Council's attention to facts and truths about the Westside; that first, our Secretary of State, Hillary Rodham Clinton, and Professor Maya Angelou are in full agreement with the proverbial truth that "It takes a village to raise a child"; that he would add it is only in whole villages that our elders receive the respect they are due and by village he meant the residents of a community that is larger than a hamlet and smaller than a town—a community like the Westside that has slowly developed out of the oppressive urban renewal that destroyed a previous village in the same area. He went on to say that the previous village successfully met the housing, business, health, education and religious needs of its residents—yet it was destroyed by local and state politicians, who worshiped before the thrones housed on Lookout Mountain and Signal Mountain, and bowed to priests of urban planning who spoke of facilitating the gentrification of the middle class through expanding transportation to and from the Elysian Fields of Exurbia. He stated that villages were sacrificed on the altars of promised progress, but the city digressed, crime increased, schools closed, gangs opened up, and the planners planned and the politicians ruled and no one admitted the error of their ways. He stated that those same errors are being promulgated today, and if they are approved, they will destroy the relatively peaceful and low and moderate income village known as the Westside. He stated that there was a long notorious history in Chattanooga, which is attested by Ross Landing and the Trail of Tears and like the Cherokees before them, they did not seek special privileges from their government but what they did seek is the fulfillment that their elected officials will respect the promises government has made to its citizens. (His statement was much longer but his three minutes had expired—the full statement is made a part of this minute material).

ROXANNE LARSON

Ms. Roxanne Larson of Gateway Ave. addressed the Council, stating that she was concerned about Purpose Built Communities coming in here. She addressed Councilman Benson, stating that as he noticed, the lady did not give a definite answer (adding that she should be a politician). She asked Councilman McGary if she was not right! She stated that anyway, she thought we needed to look at this further before any moves are made; that she appreciated the Council letting them speak at the 6:00 meeting tonight. She mentioned that there would be a meeting at the Renaissance Presbyterian Church on Wednesday night at 6:00 p.m. and that there would be a video that would only last for 30 minutes. She asked that all councilmembers attend, stating that they would like to speak with them; that there would be time to make sure that they were recognized—that she was very disappointed that they were not recognized at the 3:00 meeting.

Councilwoman Robinson responded that no one group was singled out for recognition today; that all were given equal access following the presentation.

Ms. Larson asked Councilwoman Robinson if it were not true that she had written an e-mail stating that they would be allowed to speak. She asked her to stop and think—that there would be a lot of people without housing.

Chairman Ladd stated that we were just getting information out, and there would be a lot of discussion; that we wanted to get good information, and that the Council appreciated their communicating with them. She also stated that she appreciated the nice manners that they had displayed tonight.

Chairman Ladd also thanked the students from Southern Adventist that were present for their cooperation.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga City Council until Tuesday, February 7th 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)**