

City Council Building
Chattanooga, Tennessee
February 6, 2007
6:00 p.m.

Chairman Pierce called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Franklin, Gaines, Page, Rico and Robinson present; Councilwoman Rutherford was absent due to illness. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Page gave invocation.

MINUTE APPROVAL

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

SOUTHERN ADVENTIST UNIVERSITY STUDENTS

Chairman Pierce recognized and welcomed students from Southern Adventist University who were present to photograph and observe the meeting. The students introduced themselves as Megan, Kirsten, Britni, Lindsey and Kaidi of the University's Photography and Advanced Reporting classes.

AMEND BUDGET ORDINANCES

On motion of Councilwoman Gaines, seconded by Councilman Rico,
AN ORDINANCE TO AMEND ORDINANCE NOS. 11434, 11581, 11728 AND 11848, AS AMENDED, RESPECTIVELY KNOWN AS THE 2003-2004 BUDGET ORDINANCE, 2004-2005 BUDGET ORDINANCE, 2005-2006 BUDGET ORDINANCE AND 2006-2007 BUDGET ORDINANCE, SO AS TO APPROPRIATE TWO HUNDRED TWENTY-SEVEN THOUSAND ONE HUNDRED NINETY-THREE DOLLARS (\$227,193.00) FROM THE GENERAL FUND TO A SPECIAL FUND TO BE USED FOR NEIGHBORHOOD PARTNERS PROJECTS AND RELATED ACTIVITIES AND INITIATIVES AND

AMEND BUDGET ORDINANCES (Continued)

AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO AGREEMENTS WITH NEIGHBORHOOD ORGANIZATIONS FOR SAME

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

REZONING

2006-236: Tracy Cooke

Councilwoman Robinson asked that this request be postponed two weeks to give the applicant an opportunity to meet with the neighbors of the area.

On motion of Councilman Franklin, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 506 TUCKER STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO RZ-1 ZERO LOT LINE RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
was tabled two weeks (February 20).

AMEND CITY CODE

Councilman Benson stated this matter was discussed at last week's Legal and Legislative Committee and approval is recommended.

On motion of Councilman Benson, seconded by Councilman Rico,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 35, SECTIONS 35-26(a) AND 35-26(c) RELATIVE TO VEHICLES FOR HIRE
passed first reading.

ACCEPT PROPOSAL

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING ACCEPTANCE OF THE PROPOSAL FROM CHEIRON FOR AUDIT OF THE FIRE AND POLICE PENSION PLAN AND TO APPROXIMATE THE IMPACT OF THE DEFERRED RETIREMENT OPTION PLAN (DROP) ON THE PLAN'S CURRENT FUNDED POSITION FOR AN AMOUNT NOT TO EXCEED EIGHTY-FIVE THOUSAND DOLLARS (\$85,000.00)
was adopted.

DONATION

On motion of Councilwoman Gaines, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING ACCEPTANCE OF A FORTY-DOLLAR (\$40.00) ANONYMOUS DONATION TO THE DEPARTMENT OF PARKS AND RECREATION FOR THE BRAINERD GOLF COURSE
was adopted.

ACCEPT LOWEST/BEST BID

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION ACCEPTING THE LOWEST AND BEST BID FROM CHATTANOOGA OFFICE SUPPLY FOR SYSTEM FURNITURE, LATERAL SHELVING AND STORAGE, TASK AND SIDE CHAIRS, CHAIR MATS, AND TABLES RELATIVE TO THE CITY HALL RENOVATIONS PROJECT IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED EIGHTY-TWO THOUSAND FIVE HUNDRED SIXTY-THREE AND 04/100 DOLLARS (\$582,563.04)
was adopted.

ACCEPT LOWEST AND BEST BID

On motion of Councilwoman Gaines, seconded by Councilman Franklin,
A RESOLUTION ACCEPTING THE LOWEST AND BEST BID FROM CENTRAL BUSINESS GROUP FOR A HIGH-DENSITY FILE SYSTEM RELATIVE TO THE CITY HALL RENOVATIONS PROJECT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FORTY-EIGHT THOUSAND EIGHT HUNDRED FIFTY-SIX DOLLARS (\$148,856.00)
was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. E-02-008-201, HAMILL ROAD FROM SR 153 TO THE CSX RAILROAD, WITH TALLEY CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY TWENTY-EIGHT THOUSAND EIGHT HUNDRED EIGHTY-ONE AND 53/100 DOLLARS (\$28,881.53), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE MILLION THREE HUNDRED NINETY-ONE THOUSAND TWO HUNDRED SIXTY-TWO AND 94/100 DOLLARS (\$1,391,262.94)
was adopted.

AMEND CONTRACT

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AMENDMENT NO. 1 WITH ARCADIS U. S., INC. FOR ADDITIONAL ENGINEERING SERVICES RELATIVE TO THE ODOR ASSESSMENT STUDY FOR THE MOCCASIN BEND WASTEWATER TREATMENT PLANT, WHICH AMENDMENT INCREASES THE CONTRACT AMOUNT BY NINE THOUSAND NINE HUNDRED FIFTY DOLLARS (\$9,950.00), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED FORTY-NINE THOUSAND NINE HUNDRED FIFTY DOLLARS (\$49,950.00)

was adopted.

AUTHORIZATION

On motion of Councilman Franklin, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING CERTAIN AMENDMENTS TO THE CONFERENCE CENTER COMPLEX AND PARKING GARAGE LEASE AGREEMENT, APPROVING THE FINANCIAL TERMS OF INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA, TENNESSEE, CHATTANOOGA LEASE RENTAL REFUNDING REVENUE BONDS SERIES 2007A AND AUTHORIZING CERTAIN ACTION RELATING THERETO

was adopted.

ISSUANCE AND SALE OF BONDS

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF AN AMOUNT NOT TO EXCEED TWENTY-SIX MILLION FIVE HUNDRED THOUSAND DOLLARS (\$26,500,000.00) PRINCIPAL AMOUNT OF THE CITY OF CHATTANOOGA, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2007A

was adopted.

AMEND RESOLUTION 24814

Councilwoman Robinson stated that she did not understand Resolutions (i) and (j) and asked for a review. She stated that she knows they involve Morrison Springs and Carr Street and was discussed in Committee earlier, however, she is not certain she understands.

AMEND RESOLUTION 24814 (Continued)

Paul Page, Director of General Services, stated people took a look at the property and found there was aluminum wiring around the Morrison Springs property and the city had to make restitution back to them for that item. He stated in reference to the Carr Street property many things were found that were not remotely consistent with good management and it hurt the sale.

Councilwoman Robinson asked if there had been an inspection performed and these things were found that compromised what they were willing to pay.

Mr. Page responded "yes". Councilwoman Robinson then noted that she understood.

Councilman Benson stated that he wanted to make it clear the city has not been managing these properties. Mr. Page stated it is perfectly clear!

Councilman Benson stated that CNE was given authorization to sell these two properties and there will be many more to follow.

Mr. Page stated that CNE managed these properties and the city is actually selling them. Councilman Page asked if there would be some revenue from the two.

Mr. Page stated there would be some revenues and noted that HUD had other items in the Morrison Springs property. He stated the Carr Street property came directly to the city, as he understands it, and does not have any HUD money in it.

Councilman Benson asked if the revenue would go to CNE.

Mr. Page stated that the money ends up with a part being paid to CNE for their outstanding debt and what is left comes to the city after the debt has been paid off on the property; that there will not be much left over.

On motion of Councilwoman Robinson, seconded by Councilman Franklin,

A RESOLUTION AMENDING RESOLUTION NO. 28414 BY REDUCING THE PURCHASE PRICE FROM PARTHENON PROPERTIES, INC. FOR THE MORRISON SPRINGS APARTMENTS PROPERTY FROM THREE MILLION FIFTEEN THOUSAND DOLLARS (\$3,015,000.00) TO TWO MILLION EIGHT HUNDRED NINETY THOUSAND DOLLARS (\$2,890,000.00) AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE SAID SALE

was adopted.

AMEND RESOLUTION NO. 24993

On motion of Councilman Benson, seconded by Councilman Rico,
RESOLUTION AMENDING RESOLUTION NO. 24993 BY REDUCING THE PURCHASE PRICE FROM DONALD KURKOWSKI AND ERIC POIRER FOR THE CARR STREET APARTMENTS PROPERTY FROM ONE HUNDRED FIFTEEN THOUSAND DOLLARS (\$115,000.00) TO ONE HUNDRED THREE THOUSAND DOLLARS (\$103,000.00) AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE SAID SALE

was adopted.

OVERTIME

Overtime for the week ending February 2, 2007 totaled \$68,548.20.

Councilman Rico inquired as to why there is so much overtime for the Parks and Recreation Department. He stated there should be some way to reschedule people's time for them to come in late or get off early. He asked if someone could explain why the overtime for this department is so high.

Chairman Pierce stated that no one from Parks and Recreation is present to answer Councilman Rico's question and suggested that it be heard in committee. He stated administration is looking into all of the overtime for all departments and asked if time could be given for them to make a report.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **DENNIS MARSHALL** – Suspension (2 days without pay), Crew Worker Senior, City Wide Services, effective February 1, 5, 2007.
- **JEFFERY B. TEMPLIN** – Lateral Transfer, Crew Supervisor, Sr., City Wide Services, Pay Grade 12/Step 10, \$42,088.00 annually, effective February 2, 2007.
- **HUBERT PARIS, JR.** – Suspension (7 days without pay), Refuse Inspector, City Wide Services, effective January 30 - February 7, 2007.

PERSONNEL (Continued)

- **STANLEY L. NEALY** – Family Medical Leave, Crew Worker, City Wide Services, effective January 29 – April 23, 2007.
- **JEROME HINES** – Death, Crew Worker, Sr., City Wide Services, effective January 24, 2007.
- **SARA CRABTREE** – Hire, Office Assistant, Engineering, Pay Grade 5/Step 2, \$20,775.00 annually, effective January 19, 2007.
- **GARY BRUCE HILBERT** – Hire, Director, Land Development Office, Pay Grade 36/Step 9, \$82,637.00 annually, effective February 16, 2007.

GENERAL GOVERNMENT:

- **STEVE L. ELLIOTT** – Resignation, Programmer Analyst, effective January 31, 2007.

CHATTANOOGA POLICE DEPARTMENT:

- **SHELIA MARIE BLANKENSHIP** – Promotion, Police Officer, Pay Grade P1/Step 1, \$30,319.00 annually, effective February 9, 2007.
- **REBECCA A. ROYVAL** – Promotion, Police Officer, Pay Grade P1/Step 4, \$34,782.00 annually, effective February 9, 2007.
- **BOBBY W. ADAMS, CALEB A. BROOKS, JAMES A. DAVES, JOAQUIN (JAKE) EAVES, TRISHA L. HISSAM, BARRY J. HUGHES, ADAM P. JENKINS, EILER N. MCCALL, JUSTIN S. MITCHELL, MIRZA MURETCEHAJIC, CHRISTOPHER M. POLICASTRO, RODNEY D. PROFFITT, GEORGE A. RICHART, JAMES M. RUSS, JAMES P. SOYSTER, JR., MICHAEL B. TERRY** – Hire, Police Officer, Pay Grade P1/Step 1, \$30,319.00 annually, effective February 9, 2007.
- **DEBORAH R. DENNISON** – Promotion, Police Officer, Pay Grade P1/Step 3, \$33,293.00 annually, effective February 9, 2007.
- **BRENT A. HOLCOMB, JOSHUA E. WEST** – Lateral Hire, Police Officer, Pay Grade P1/Step 3, \$33,293.00 annually, effective February 9, 2007.

PERSONNEL (Continued)

- **JOSEPH B. MONTIJO** – Lateral Hire, Police Officer, Pay Grade P1/Step 5, \$36,269.00 annually, effective February 9, 2007.
- **GALEN ROBERTS** – Transfer, Police Officer, Pay Grade P1/Step5, \$36,269.00 annually, effective February 9, 2007.

PURCHASE

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines, the following purchase was approved for use by the Chattanooga Human Services Department:

SOUTHEASTERN MEATS (Lower and better bid)
R0094679/B0003770

Frozen Foods and Meats

\$50,000.00

PURCHASE

On motion of Councilman Rico, seconded by Councilwoman Bennett, the following purchase was approved for use by the Public Works Department:

MATERIAL MATTERS (Best proposal)
R90482/B0003828

Biosolids Data Management Systems (*Material Matters did not submit the lowest proposal; their proposal offers several advantages over the lower proposal submitted by Ecotracking. Several key advantages of accepting Material Matters' proposal were: they have more experience, more human resources to provide the services and their annual maintenance cost is significantly less than Ecotracking's.*)

\$44,600.00

CARGILL, INC. (Lowest and best bid)
R0095593/B0003765

De-Icing Salt

\$27,475.00

NEIGHBORHOOD SERVICES DEPARTMENT

Adm. Beverly Johnson stated that applications are now being accepted for the 2007 World Changers Program through the end of March. She stated a number of public announcements have been distributed and indicated the Program is a partnership between the Department of Neighborhood Services, the Office of Faith Based Initiatives and the Front Porch Alliance to rehabilitate low income and mature citizens' homes at no cost to them. She stated if Council members know of anyone who would be eligible to please get in touch with her or a member of the staff and she would make sure those persons would receive an application. She stated housing repairs are normally limited to roof, window, door and other health/safety measurements. She noted they do not do any electrical or plumbing repairs. She stated this program takes place the last week in July and there will be about 300 young volunteers coming to the city who will spend a week on this project. She stated that she wanted to make sure the Council was aware and (she) wanted to give ample notice.

SPECIAL THANKS TO FIRE DEPARTMENT

In addressing Chiefs Rowe and Flint, Councilman Benson stated that he wanted to take this opportunity to commend the Fire Department for their quick service involving a situation in his district on yesterday. He stated some young kids had "rolled" trees in a front yard. He stated the tissue was placed in a garbage can in the garage and somehow it ignited and blew up the homeowner's car and one side of the house. He commended the Fire Department for saving two-thirds of the house and responding so quickly.

Chief Rowe expressed thanks and noted that Chief Shields was in charge of that effort.

Councilman Benson stated everyone has talked about how efficiently the Department worked, again commending Chief Rowe for the firefighters' training and implementation (learned through training).

Chief Rowe again expressed appreciation for Councilman Benson's kind words and noted he would pass it on to Chief Shields.

PURCHASE

On motion of Councilman Franklin, seconded by Councilman Bennett, the following purchase was approved for use by the Department of Education, Arts and Culture:

PURCHASE (Continued)

CARRIER CORPORATION (Only bid)
R0088584/B0003703

Preventive Maintenance for HVAC System

\$33,300.00

HOTEL PERMITS

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

HILTON GARDEN INN – 311 Chestnut Street, Chattanooga, TN

HAMPTON INN – 2420 Williams Street, Chattanooga, TN

HOME AWAY EXTENDED STAY STUDIOS– 1949 Northpoint Boulevard, Chattanooga, TN

REFUNDS

On motion of Councilman Rico, seconded by Councilwoman Gaines, the Administrator of Finance was authorized to issue the following refunds stormwater fees/property taxes and amended report from TMA audit, respectively:

L. B. AUSTIN, III \$ 2,335.72

COCA COLA BOTTLING COMPANY, UNITED EAST LLC 26,053.54

HEARING CANCELLATION: JERRY HAYES

City Attorney Nelson stated that Jerry Hayes contacted the Clerk of Council to make her aware that he was canceling his hearing scheduled for Monday, February 12 at 9 a.m. He noted that the hearing would have been heard by Councilmen Gaines, Rico and Pierce.

HEARING: HUGH D. REECE

City Attorney Nelson stated that a request for hearing has been received from Hugh D. Reece regarding his termination from Division 1 of Chattanooga City Court.

A hearing for Mr. Reece was scheduled for Monday, February 26 at 9 a.m. with Councilmen Rico, Benson and Gaines serving as the panel; Councilmen Bennett and Page volunteered as alternates.

HEARING RESULTS: BOBBY M. WALKER

Councilman Rico reported that a hearing for Bobby M. Walker was held on Monday, February 5 with himself and Councilmen Gaines and Pierce serving as the panel. He stated it was unanimously voted to sustain administration's decision for termination.

CELL TOWER ADVISORY COMMITTEE

Councilwoman Robinson stated that the Cell Tower Advisory Committee is scheduled to have their first meeting on Thursday, February 22 at 1:30 p.m. in the Council Conference Room. She stated this is an advisory committee and they will just be having conversation; that it is not a task force. She stated in addition Council members may choose to appoint someone and the Mayor is welcome to make an appointment; that there will a representative from the City Attorney's office, someone from the neighborhood associations, the Variance Board, professionals from the wireless association and local cellular service providers, such as Verizon. She stated if anyone knows of local contacts for other carriers such as Cingular, Nextel and Sprint, please let her know as there is a representative from Verizon. She stated anyone else is welcome if they will get in touch with her.

COMMITTEES

Councilman Page stated the **Economic Development Committee will meet on Tuesday, February 13 at 4 p.m.**

Councilman Franklin scheduled a Safety Committee meeting for **Tuesday, February 20 at 3:30 p.m.** regarding the incentive program for police officers.

COMMITTEES (Continued)

Councilman Benson stated the **Legal and Legislative Committee will meet on Tuesday, February 13 at 3 p.m.** He stated there will be discussion regarding a proposed ordinance about parking meters and the way they are constituted throughout the city. He stated it is important for Council members to be present for discussion prior to a vote on a possible ordinance.

OVERTIME DISCUSSION

Councilman Page stated since the question has been raised about overtime in the Parks and Recreation Department, it could be answered in a written form or communication. He stated it could be written or Larry Zehnder could come to the next Council meeting and explain as the question needs to be answered.

Councilman Rico stated that he raised the question and would like to inquire about the Department of Education, Arts and Culture, too. He stated the two departments should be able to reschedule things as there is no real necessity that they would have to have overtime. He stated events could be rescheduled, people's hours adjusted or whatever is needed rather than overtime.

Councilman Page stated there is no Finance Committee meeting scheduled nor a Parks and Recreation Committee meeting. He stated the question has been raised and should be answered and he does not know of a better way to put that process in place.

Chairman Pierce stated administration is working on overtime not only in Parks and Recreation but all departments, including the Fire and Police Departments. He asked that they be given due time to make the report.

Councilman Benson stated Dan Johnson indicated he could not be present tonight; that Mr. Johnson should come in and report to us after he gets the report.

Councilwoman Bennett stated that she would check with Chief of Staff Johnson to schedule a time for him to give information before the Budget and Finance committee.

Chairman Pierce stated administration may have been the first that noticed the excessive overtime and they are working on it. He stated as soon as they are ready they are welcome to come back to the Council and make a report.

OVERTIME DISCUSSION (Continued)

Chairman Pierce stated he does not want to rush them into it as it is something that has been going on for years, can not be resolved overnight and would take time.

DISTRICT 5 MEETING

Councilman Franklin announced that the District 5 Community Forum is scheduled for Thursday, February 22 at 6 p.m. at Oakwood Baptist Church. He encouraged all residents and those residing in Murray Hills to attend. He asked city administrators to be present to offer expertise in their particular areas.

TML DISTRICT 3 MEETING

Councilwoman Bennett announced that the TML District 3 meeting will be held in the City Council Assembly Room on Friday, February 16 from 9 a.m. – 11 a.m. She stated State Representatives and Senators will be present and it will be a great opportunity for our Council to join with other communities to talk about some of the issues that need to be addressed.

REV. OVERSTREET

Rev. Overstreet thanked Council members for the good things he has been reading in the newspaper and seeing on television. He thanked Chairman Pierce for his altruism and reaching out to the community to try to get people amalgamated and the thought behind our Mayor. He stated he is a New Yorker but wants to go on record as saying he is privileged and the only one, other than the Mayor, to have been one of the progenitors of the Eleventh Street property idea. He stated somehow he got lost in the shuffle but he walked every inch of that property before the Mayor become Mayor. He stated he and "brother" Bill Thompson, who is in the Father's House, and our Mayor, before elected, walked through every building and every inch and he was glad he was instrumental in putting one hand on our Mayor's shoulder and the other on Mr. Thompson's to bring about an amalgamation of thought to create the property upon which this homeless property idea could be launched. He stated that he thanks God for that. He stated that the idea does not seem to please a lot of people with "funny badges" from Washington who have been tiptoeing around his funeral home.

REV. OVERSTREET (Continued)

Rev. Overstreet again offered congratulations on what the Mayor has done in purchasing the property and on the entire process, reiterating that he was there every minute of the entire procedure. He thanked Chairman Pierce for forming a committee to look into the procedures and protocol when it comes to this property as he has been made uncomfortable and thanked God he was "holding to his gun". He stated Bill Thompson was an honorable man and prior to the election of our Mayor his intentions were and still are honorable with that property. He reiterated that he is proud to be one of the progenitors of the Eleventh Street property purchase!

CONGRATULATIONS TO OFFICE OF MULTICULTURAL AFFAIRS

Chairman Pierce offered congratulations to Mrs. Jacqueline Strong-Moss of the Office of Multicultural Affairs for the "Living Legends" luncheon held last week. He stated he was sorry he was not selected as a "Living Legend", however, a beautiful program was enjoyed by everyone in attendance. He expressed thanks to her and for her to keep up the good work!

ADJOURNMENT

Chairman Pierce adjourned the meeting of the Chattanooga Council until Tuesday, February 13, 2006 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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