

City Council Building
Chattanooga, Tennessee
April 28, 2009
6:00 p.m.

PRESENTATION OF GAVEL

Prior to the Call to Order, City Attorney McMahan stated it is customary for the City Attorney to present the incoming Council Chairman with a gavel and striking plate for use in conducting Council meetings. He expressed his pleasure in presenting the gavel to Council Chairman Jack Benson.

CALL TO ORDER

Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Berz, Gilbert, Ladd, McGary, Murphy, Rico and Scott present. Councilwoman Robinson was absent due to personal commitment. 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 Scott gave invocation.

MINUTE APPROVAL

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

FRANCHISE

Chairman Benson explained that all ordinances and resolutions on the agenda have been discussed in Committee prior to tonight's meeting.

FRANCHISE (Continued)

2009-012: Provident Life and Accident Insurance Company

On motion of Councilman Rico, seconded by Councilman McGary,
AN ORDINANCE GRANTING UNTO PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY A FRANCHISE TO CONSTRUCT AND MAINTAIN A PEDESTRIAN BRIDGE OVER THE 100 BLOCK OF EAST FIFTH STREET IN THE CITY OF CHATTANOOGA AND ANY BELOW GRADE FOUNDATIONS AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

PAYMENT AUTHORIZATION

On motion of Councilman Rico, seconded by Councilwoman Berz,
A RESOLUTION APPROVING AND AUTHORIZING PAYMENT TO THE CONSULTANT TEAM OF JUNE GARCIA AND SUSAN KENT RELATIVE TO THE MAYOR'S LIBRARY TASK FORCE IN THE AMOUNT OF ONE THOUSAND SIX HUNDRED SEVENTEEN DOLLARS (\$1,617.00) FOR ADDITIONAL TRAVEL EXPENSES INCURRED WHEN INVITED TO PRESENT THEIR FINAL REPORT TO THE TASK FORCE AND THE LIBRARY BOARD
was adopted.

APPLICATION

On motion of Councilman Rico, seconded by Councilman Gilbert,
A RESOLUTION AUTHOIRZING THE MAYOR TO SUBMIT AN APPLICATION TO ENROLL CERTAIN CITY FLOODPLAIN PROPERTIES IN THE FLOODPLAIN EASEMENT PROGRAM, WHICH IS FUNDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT, BY SIGNING UP FOR THE USDA NATURAL RESOURCES CONSERVATION SERVICE (NRCS) EMERGENCY WATERSHED PROTECTION PROGRAM (EWPP)
was adopted.

OVERTIME

Overtime for the week ending April 23, 2009 totaled \$62,284.58.

PERSONNEL

The following personnel matters were reported for the various departments:

INFORMATION SYSTEMS:

- **DAVID HOOPER** – Termination, IT Business Project Analyst, effective April 23, 2009.
- **CARL LONAS** – Hire, Network Manager, Range 27, \$68,000.00 annually, effective April 28, 2009.

CHATTANOOGA FIRE DEPARTMENT:

- **WENDELL ROWE** – End of Contract/Term, Fire Chief, effective April 23, 2009.
- **ANGELA SYMINGTON** – End of Term, Executive Assistant, effective April 23, 2009.

PUBLIC WORKS DEPARTMENT:

- **SHARON L. CRIPPS** – Retirement, Administrative Support Asst. 2, City Wide Services, effective April 24, 2009.
- **GENEAL LEWIS** – Suspension (3 days without pay), Equipment Operator 4, City Wide Services, effective April 22-24, 2009.
- **THOMAS J. SLATEN** – Suspension (7 days without pay), Equipment Operator 2, effective April 21-30, 2009.
- **GLENN S. KINDS** – Termination, Inventory Clerk, Waste Resources, effective April 20, 2009.

NEIGHBORHOOD SERVICES DEPARTMENT:

- **YOLANDA S. COTTON** – Resignation, Administrative Support Asst. 2, effective April 27, 2009.

DONATIONS

Admin. Zehnder reported the donation of a television from the YMCA of Chattanooga and ceramic molds to the Shepherd, Eastdale, Wyatt and Carter Recreation Centers for a total donation amount of \$225.00

On motion of Councilman Rico, seconded by Councilwoman Scott the report of the donation was duly accepted.

DONATION

Fire Chief Randy Parker reported the donation of CPR mats from the Sheraton Read House Hotel, as well as vinyl folders with note pads that were left over from a convention held at the Hotel.

On motion of Councilman Rico, seconded by Councilman Gilbert, the report of the donation was duly accepted.

HOTEL PERMITS

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

AIRPORT INN – 7725 Lee Highway, Chattanooga, TN

PURCHASES

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

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

A CARROLL COMPANY (Lowest and best bid)

R0119727

HVAC Classroom Units

\$12,786.00

PURCHASES (Continued)

CHATTANOOGA GAS COMPANY (Single source)

R0121263

Installation and Connection to Natural Gas Line per TCA 6-56-304.2

\$14,954.00

GENERAL SERVICES:

MOUNTAIN CITY SERVICES

R0121272

HVAC Services

\$3,022.32 (Excess of the \$10,000 limit)

BEST ONE TIRES (Lowest and best bid)

R0121111/B0005962

Blanket Contract for Truck Tires

\$118,645.31 (Estimated Amount for 3 Year Period)

COMMITTEES

Chairman Benson stated that the committee structure has been organized and a listing has been distributed and posted on the board in the Council's corridor.

Councilwoman Berz scheduled meetings of the **Budget, Finance and Personnel Committee for Tuesday, May 5 beginning at 2 p.m.** for continuation of discussion regarding the Auditor's position and **Tuesday, May 12 at 2 p.m.** to discuss the Council's Mission Statement. She reminded Council members of the invitation that was extended to attend the General Pension Plan Board meeting on Thursday, April 30 at 8:45 a.m. She reminded them, also, of the continuation of budget sessions on the afternoon of Thursday, April 30 from 1 p.m. – 4 p.m. consisting of presentations by CARTA, Carter Street Corporation, Tennessee Multicultural Chamber of Commerce, Chattanooga Neighborhood Enterprise, Chattanooga Downtown Partnership, Public Works – ISS, Solid Waste, Office of Multicultural Affairs and the Children's Advocacy Center.

COMMITTEES (Continued)

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, May 5 immediately following the agenda discussion.**

BARTON AVENUE MEETING

Councilwoman Scott announced that a community meeting would be held in the Frierson Theatre at GPS on Thursday, May 7 at 4:30 p.m. for a community forum, feedback and educational session regarding the Barton Avenue situation. She stated the public is invited regardless of their district.

NEXT WEEK'S AGENDA; MAY 5, 2009

Dan Johnson stated on next week's agenda the franchise for Provident would be heard on second and final reading. He stated on first reading there would be an amendment to the City Code in reference to the Transportation Board, as well as a request for closure and abandonment of the 4400 block of Calhoun Avenue. He read through the resolutions and noted that a resolution has been added in reference to a contract with Talley Construction Company, Inc. for Enterprise South Roadway Extension Phase 1.

The agenda for next week has been spread upon the minutes for further clarification:

Ordinances - Final Reading:

- a) 2009-012 Provident Life and Accident Insurance Company (Franchise). An ordinance granting unto Provident Life & Accident Insurance Company a franchise to construct and maintain a pedestrian bridge over the 100 block of East Fifth Street in the City of Chattanooga and any below grade foundations as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning and Public Works.)**

Ordinances – First Reading:

- a) An ordinance to amend Chattanooga City Code, Part II, Chapter 35, Vehicles for Hire, Section 35-17, to reconstitute the Transportation Board, and Section 35-55 relative to driver's permits.

NEXT WEEK'S AGENDA: MAY 5, 2009 (Continued)

- b) 2009-028 Jimar Sanders (Miller & Martin, Attorneys) (Close & Abandon). An ordinance closing and abandoning a portion of the unopened 4400 block of Calhoun Avenue, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference. **(Not recommended for approval by Planning and Public Works – see alternate version.)**

2009-028 Jimar Sanders (Miller & Martin, Attorneys) (Close & Abandon). An ordinance closing and abandoning a portion of the unopened 4400 block of Calhoun Avenue, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning and Public Works.)**

Resolutions:

- a) A resolution authorizing payment in the amount of \$25,900.00 to Hamilton County Government as the City's portion of the cost to refurbish the *Fireman's Memorial Fountain* as per an agreement dated May 16, 1988.
- b) A resolution authorizing the City of Chattanooga to amend the Consolidated Plan 2008 Action Plan to accept an allocation of \$465,678.00 of Community Development Block Grant funds from the U.S. Department of Housing and Urban Development awarded under the American Recovery and Reinvestment Act of 2009 (Stimulus Funds), and authorizing the Department of Neighborhood Services and Community Development to distribute and manage the funds.
- c) A resolution authorizing the City of Chattanooga to amend the Consolidated Plan 2008 Action Plan to accept an allocation of \$712,946.00 from the U.S. Department of Housing and Urban Development awarded under the Homeless Prevention and Rapid Re-Housing Program (Stimulus Funds), and authorizing the Department of Neighborhood Services and Community Development to distribute and manage the funds.
- d) A resolution declaring surplus and authorizing conveyance of two (2) 2006 police patrol vehicles to the Meigs County Sheriff's Department for the sum of \$17,600.00.
- e) A resolution authoring the award of Contract No. E-08-028-201, Old Hixson Pike Roadway Improvements, to Thomas Brothers Construction, Inc. in the amount of \$644,211.64, plus a contingency amount of \$64,488.35, for a total contract amount not to exceed \$708,700.00, subject to continuing appropriation in fiscal year 2010 budget, and authorizing acceptance of funds from the Hamilton County Board of Education in the amount of \$10,000.00 and from Hixson Development Partners, LLC in the amount of \$25,000.00.

NEXT WEEK'S AGENDA: MAY 5, 2009 (Continued)

- f) A resolution authorizing James C. Hudson, III, on behalf of Regions Bank, to use temporarily the right-of-way at 345 Frazier Avenue to install a directional sign, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions.
- g) A resolution authorizing Mitchell Bell, on behalf of the Sweet Peppers Deli, to use temporarily 407 Broad Street to install a canopy along a portion of the right-of-way, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions.
- h) A resolution authorizing Karen L. Loveless to use temporarily the right-of-way at 116 Cross Street to install a 6' wide handicap ramp that will service a new banquet space currently under construction, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions.
- i) **A resolution authorizing the award of Contract No. E-04-036-201, Enterprise South Roadway Extension Phase 1, to Talley Construction Company, Inc. in the amount of \$2,029,805.16, plus a contingency amount of \$202,979.84, for a total contract amount not to exceed \$2,232,785.00, with the City's portion estimated at \$223,278.50. (Added by permission of Council Chair Benson.)**

GARY BALL

Gary Ball was present representing the Ridgedale community and stated that he has attended the Planning Commission meetings for a number of years representing the neighborhood. He stated some years back for the convenience of the rest of the Council, Councilman Benson opted to stay on the Commission since he was retired and could relieve everyone else, noting his assumption that the Council's placement on the Planning Commission was through rotation. He stated that he has felt over the years that the city should be the advocate for the neighborhoods when they come before Planning, especially on items appearing to be heavily weighted toward the developer. He stated he has found smaller, inner city neighborhoods do not get a "fair shake" unless someone on the Commission speaks for them. He expressed his thought that Councilman Benson has done a good job and noted that the overall good of the city is not served by one person constantly representing everyone on the Council. He stated he may be the only one that feels that way, yet it is his thought a lot can be learned about the city and other districts; that for most the meetings could be pretty boring however a lot of "stuff" comes up -- things that are quite controversial. He asked that the Council consider his comments.

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, May 5, 2009 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)**