

**City Council Building
Chattanooga, Tennessee
November 24, 2009
11:45 a.m.**

Chairman Benson called the special meeting of the Chattanooga Council to order with Councilmen Ladd, McGary, Rico, Robinson and Scott present. City Attorney Michael McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

PUBLIC HEARING

City Attorney McMahan stated the purpose of the meeting is to have a public hearing in reference to the \$20,000,000.00 bonds issue.

Adm. Daisy Madison stated that the purpose of this public hearing is to comply with federal regulations. She stated in this case it is included in the capital budget but under certain activities for funds we have commitments to our Memorandum of Understanding; that the source of funds will benefit Volkswagen and this hearing is necessary by federal regulations; that this hearing is only required with regard to the Volkswagen clause.

Councilwoman Scott stated for the record she would like for Ms. Madison to give the Council a general perspective; that she would like to have an opinion based on Ms. Madison's knowledge of the amount of coverage this debt will require with regard to meeting general fund obligations under the Memorandum of Understanding. She stated that she knows there is more than just Volkswagen and asked if this will cover our obligation and if not how much will be requested of us after that.

Adm. Madison responded that a better answer could be provided by Bill Payne who is manager of the Volkswagen project. She stated last year there was \$11 million of the \$20 million under the new Memorandum of Understanding, with an additional \$20 million coming from Hamilton County, for a total of \$40 million. She stated in addition there is a \$3 million dollar obligation for the city and \$3 million dollars for the county for the Visitor's Center. She stated other items out there are unknown and it is not specified how much will be required; that there are no specifics in terms of dollars. She stated the city and Hamilton County has applied and received federal dollars to support the project; that the city and county has matched the \$3 million with \$3 million and is included in the capital budget request.

PUBLIC HEARING (Continued)

Adm. Madison stated there could be other project costs and who will fund them she can not specify and expressed hope it will not be necessary.

Chairman Benson asked if money would be saved while the economy is down.

Adm. Madison stated that they are definitely looking at that; that they are identifying some possible opportunities.

Chairman Benson asked if this letting of bonds will be incrementally met.

Adm. Madison stated they are exploring that option; that issuing the bonds will lock in the bonds, reiterating they are exploring that option.

City Attorney McMahan stated this is a public hearing and asked if anyone was present to speak for or against the bonds issue. No one was present to speak for or against the issue. The hearing was duly closed.

MEETING RECESS

Chairman Benson recessed the meeting of the Chattanooga Council until 6:00 p.m. on Tuesday, November 24, 2009.

CHAIRMAN

CLERK OF COUNCIL

**Chattanooga City Council
Chattanooga, Tennessee
November 24, 2009
6:00 p.m.**

Chairman Benson called the recessed meeting of the Chattanooga Council to order with Councilmen Berz, Gilbert, Ladd, McGary, Murphy, Rico, 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, City Attorney McMahan 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.

SPECIAL RECOGNITION: XAVIER DANIELLE KING

Councilman Gilbert recognized Ms. Danielle King at this time and asked that she and her former principal, Mr. Jordan, come forward. He stated Ms. King is a young lady who had an opportunity to attend the National Leadership Forum in Washington, DC and wants to become a policeman for her future employment. He stated he introduced her to some of the police personnel and noted that she is a super star for the East Ridge basketball team and has to leave the meeting immediately following this recognition.

Danielle King stated that she wanted the Council to know about her trip, noting that she attended the National Youth Leadership Forum November 3-8 which was basically a layout of forensics, law and crime. She stated there were several lawyers, police officers and forensics specialists; that they participated in various things such as a mock trial, acting as Supreme Court Justices, and had an opportunity to visit different places. She stated the Forum participants had an opportunity to do the trials themselves and in both trials she was a Supreme Court Justice and in the other was a prosecuting attorney. She stated she has decided she wants to become a lawyer because it is exciting to have an opportunity to argue cases. At this point she thanked everyone who contributed to her being able to attend.

SPECIAL RECOGNITION: XAVIER DANIELLE KING
(Continued)

Chairman Benson thanked Ms. King for taking the trip, noting the quality of her character and her vision for the future. He encouraged her to keep it up in the hope she would remain ambitious.

Councilman McGary also expressed thanks to Ms. King and stated that they know each; that prior to his being elected she was in his youth ministry program. He expressed his pleasure to see her and the accomplishments she has made. He wished her all the best and expressed hope to see her at another event with more awards!

Councilman Gilbert also encouraged Ms. King to keep up the good work, especially in her desire to become a lawyer, noting it is his hope she will become number one in the nation and maybe one day she would be on the Supreme Court!

Mr. Jordan spoke at this time and stated that he has known Ms. King for a long time as her principal in middle school. He stated she is a fine, outstanding young lady, "has her head on right" and can see the future. He stated she has taken those steps and expressed appreciation to Councilman Gilbert who helped with this group and others. He thanked the Council members for all they do for the city.

Everyone in attendance applauded Ms. King at this time.

WAIVE FEES

On motion of Councilman McGary, seconded by Councilwoman Ladd,
**AN ORDINANCE WAIVING ANY FEES OR RESTRICTIONS FOR USE OF
THE RIGHTS-OF-WAY THROUGHOUT THE DOWNTOWN CENTRAL
BUSINESS DISTRICT TO ALLOW PLACEMENT OF SIGNS, BANNERS,
DECALS AND OTHER DISPLAYS OF VARIOUS SIZES TO PROMOTE THE
NCAA CHAMPIONSHIP GAME DURING THE WEEK OF DECEMBER 14 -
19, 2009, ONLY, SUBJECT TO CERTAIN CONDITIONS**

passed second and final reading and was signed in open meeting;
Councilwoman Scott voted "no".

INTERCEPTOR SEWER SYSTEM BUDGET

On motion of Councilwoman Berz, seconded by Councilman Rico,
AN ORDINANCE TO AMEND ORDINANCE NO. 12288, ENTITLED "AN ORDINANCE, HEREINAFTER ALSO KNOWN AS 'THE FISCAL YEAR 2009-2010 BUDGET ORDINANCE', TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, AND ENDING JUNE 30, 2010, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES," SO AS TO SET FORTH THE BUDGET OF THE INTERCEPTOR SEWER SYSTEM AND TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, SECTIONS 31-36, 31-37, 31-41 AND 31-43

passed second and final reading and was signed in open meeting; **on roll call vote:**

SCOTT	"No"
ROBINSON	"Yes"
LADD	"Yes"
GILBERT	"No"
BERZ	"Yes"
RICO	"Yes"
MCGARY	"Yes"
MURPHY	"No"
BENSON	"Yes"

2009-2010 CAPITAL BUDGET

Councilwoman Berz stated for the record there were a number of very productive meetings working on this budget.

2009-2010 CAPITAL BUDGET (Continued)

Councilwoman Berz commended the Council for their insightful thoughts and comments and for studying hard each one of the issues. She stated the process was not a problem or bother in any way to spend all this time on the budget and (she) is proud to be able to chair the process.

On motion of Councilwoman Berz, seconded by Councilman Rico,
AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 2009/2010 AND TO AMEND THE FISCAL YEAR 2009/2010 BUDGET ORDINANCE 12288 AND TO AMEND THE 2008/2009 CAPITAL BUDGET NO. 12161

passed first reading.

CLOSE AND ABANDON

MR-2009-112: Chestnut Properties, LLC

A representative for the applicant was present; there was no opposition.

City Attorney McMahan stated certain conditions were added after it was originally presented and noted Section 2 now states “*this closure and abandonment shall be subject to an easement for ingress and egress for adjoining property 2133 Rossville Avenue*”. He stated that is the version that was read by the Clerk.

Chairman Benson asked if the applicant is in agreement with the conditions.

Wes Kliner, General Counsel for Chestnut Properties, responded “yes” that is what they requested after consultation with the adjoining property owner.

On motion of Councilman Rico, seconded by Councilwoman Ladd,
AN ORDINANCE CLOSING AND ABANDONING THE 900 BLOCK OF EAST 23RD STREET, A PORTION OF THE UNOPENED 2000 BLOCK OF EAST END AVENUE, AND A PORTION OF AN UNOPENED ALLEY LOCATED ON THE WEST LINE OF THE 2000 BLOCK OF CENTRAL AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, AND SUBJECT TO CERTAIN CONDITIONS

passed first reading.

FIVE YEAR CAPITAL IMPROVEMENT PLAN

On motion of Councilwoman Berz, seconded by Councilman McGary,
**A RESOLUTION ADOPTING 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.

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Ladd,
**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES
TO ENTER INTO AN AGREEMENT WITH BRIGHTBRIDGE FOR THE
ADMINISTRATION OF THE EPA BROWNFIELD REVOLVING LOAN FUND,
WITH A TWO-YEAR CONTRACT FOR STAFFING, IN AN AMOUNT NOT TO
EXCEED ONE HUNDRED NINETY ONE THOUSAND DOLLARS
(\$191,000.00)**
was adopted; Councilman McGary abstained.

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Ladd,
**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES
TO ENTER INTO AN AGREEMENT WITH BRIGHTBRIDGE FOR THE
ADMINISTRATION OF THE BROWNFIELD GRANTS AT OHLS AVENUE AND
THE ANCHOR GLASS OFFICE BUILDING SITES FOR A COST OF ELEVEN
THOUSAND THREE HUNDRED DOLLARS (\$11,300.00) FOR OHLS AVENUE
AND FOURTEEN THOUSAND DOLLARS (\$14,000.00) FOR THE ANCHOR
GLASS OFFICE BUILDING**
was adopted; Councilman McGary abstained.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Ladd,
**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE
DEPARTMENT TO ENTER INTO A CONTRACT WITH BRADANNA, INC. TO
CONSTRUCT FIRE STATION NO. 7 AT ENTERPRISE SOUTH IN THE
AMOUNT OF ONE MILLION EIGHT HUNDRED SEVENTY-SIX THOUSAND
DOLLARS (\$1,876,000.00), WITH A CONTINGENCY IN THE AMOUNT OF
ONE HUNDRED EIGHTY-SEVEN THOUSAND SIX HUNDRED DOLLARS
(\$187,600.00), FOR A TOTAL COST NOT TO EXCEED TWO MILLION
SIXTY-THREE THOUSAND SIX HUNDRED DOLLARS (\$2,063,600.00)**
was adopted.

OVERTIME

Overtime for the week ending November 19, 2009 totaled \$49,924.14.

RECOGNITION OF KENNY SMITH

Chairman Benson acknowledged the presence Hamilton County School Board Chairman, Kenny Smith. He stated Mr. Smith used to be one of his students when he was principal.

Mr. Smith quickly added he was not one of Chairman Benson's better ones!

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- **BARRY BURNS** – Military Leave of Absence, Police Sergeant, effective November 13, 2009 – December 10, 2010.
- **ANDREA SANTOS** – Resignation, Police Service Technician, effective November 17, 2009.
- **DAVID L. YOUNG** – Return to Duty from Military Leave, Police Officer, effective November 13, 2009.

CHATTANOOGA FIRE DEPARTMENT:

- **DAVID ANDERSON** – Extension of Leave of Absence, Staff Captain, effective November 10 – December 10, 2009.
- **THOMAS BLACKBURN** – Military Leave of Absence, Firefighter Senior, effective November 18 – December 4, 2009.

PUBLIC WORKS DEPARTMENT:

- **JESSICA L. HENDRIX** – Promotion, GIS Analyst 1, Range 18, \$41,572.00 annually, effective November 6, 2009.

PERSONNEL (Continued)

- **CEDRIC A. DOZIER** – Suspension (2 work days without pay), Crew Worker 1, effective November 12-13, 2009.
- **TIMOTHY L. MILLER** – Suspension (6 work days without pay), Crew Worker 3, effective November 12-19, 2009.
- **BOBBY G. CRUTCHER** – Suspension (2 work days without pay), Crew Worker 1, effective November 16-17, 2009.
- **RAYMOND L. LOUNDS** – Suspension (2 work days without pay), Crew Worker 1, effective November 20 and 23, 2009.
- **RAYMOND L. LOUNDS** – Suspension (4 work days without pay), Crew Worker 1, effective November 16-19, 2009.

HOTEL PERMITS

On motion of Councilman McGary, seconded by Councilwoman Berz, the following hotel permits were approved:

BEST WESTERN ROYAL INN – 3644 Cummings Highway, Chattanooga, TN

HIXSON TN LODGING LLC d/b/a COUNTY INN BY CARLSON – 5105 Highway 153, Hixson, TN

QUALITY SUITES – 7324 Shallowford Road, Chattanooga, TN

REFUND

On motion of Councilman McGary, seconded by Councilwoman Berz, the Administrator of Finance was authorized to issue the following refund of water quality fees due to overpayment:

JOHN OR JOYCE OLIVER -- \$2,305.81

REJECT ALL BIDS

On motion of Councilman Rico, seconded by Councilwoman Berz, all bids for the purchase of HVAC units for Avondale and Summit Head Start Centers for the Chattanooga Human Services Department, Head Start Division, on R0127204 were duly rejected.

HEARING: LOYD LEMLEY

City Attorney McMahan reported that it is his understanding Mr. Lemley's disability pension was approved by the Fire and Police Pension Board but is still asking for a hearing. He stated it should be short or may not occur at all. He stated at last week's Council meeting the hearing was rescheduled for Monday January 18, however, it was realized that is a holiday and it has been suggested that the hearing be rescheduled for Tuesday, January 19 at 1 p.m., again noting it is thought it will be a very, very short matter and may not happen.

The hearing for Mr. Lemley was rescheduled for Tuesday, January 19, 2010 beginning at 1 p.m. with Councilmen Murphy, Scott, and McGary; with Councilman Murphy as Chairman and Councilman Benson as alternate.

HEARING: LILLIAN SMITH

City Attorney McMahan stated Lillian Smith has retained legal counsel (Jack Benson, Jr.) and the hearing needs to be rescheduled.

Councilman Benson withdrew as Alternate for the hearing; Councilwoman Berz volunteered to serve as Alternate.

The hearing for Lillian Smith was rescheduled for Monday, February 1, 2010 at 9:00 a.m. with Councilmen Rico, McGary and Scott as the panel, with Councilman Rico as Chairman and Councilwoman Berz as Alternate.

HEARING: NICK SEWELL

City Attorney McMahan reported the request for hearing from Firefighter Nick Sewell who is appealing a two day suspension. He noted that Mr. Sewell does not appear to be represented by counsel.

HEARING: NICK SEWELL (Continued)

A hearing for Mr. Sewell was scheduled for Monday, February 8, 2010 beginning at 9 a.m. with Councilmen Berz, Ladd and Rico, with Councilwoman Berz as Chair and Councilman Murphy as Alternate.

COMMITTEES

Councilman McGary publicly thanked Senator Andy Berke for his participation in the Education, Arts and Culture Committee meeting today, noting that he shared great light on the subject and gave new reasons to move forward.

Councilman Murphy stated the **Legal and Legislative Committee would meet on Tuesday, December 1** to discuss matters within the Committee's jurisdiction.

Councilman Rico reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, December 1 following the agenda session.**

Councilwoman Scott reminded Council members of the meeting of the **Economic Development Committee scheduled for Tuesday, December 1 immediately following Public Works** to consider the SIAG PILOT.

NEXT WEEK'S AGENDA: DECEMBER 1, 2009

Chairman Benson stated that the agenda for next week was discussed earlier today in Committee.

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, December 1, 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)**