

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
JANUARY 30, 2007**

Chairman Pierce called the meeting of the Chattanooga City Council to order with Councilmen Bennett, Benson, Franklin, Gaines, Page, Rico, Robinson and Rutherford present. City Attorney Randall Nelson, 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 Robinson, followed by the invocation.

**SPECIAL PRESENTATION;
EAGLE SCOUTS**

Chairman Pierce acknowledged the presence of a group of Eagle Scouts, Boy Scout Troop 30. He called on Mayor Littlefield to make the presentation.

Mayor Littlefield stated that he had the opportunity to know a number of Eagle Scouts over the years, even though he himself did not attain this honor; that the Eagle Scouts he had known had gone through a rigorous program and went on to do great things—that Mr. Leach, Public Works Administrator, was an Eagle Scout. He noted that this was an honor that was not to be taken lightly. At this point, he read the following proclamation:

Whereas: The Eagle Scout Award has its foundation rooted in respect, courage, and extraordinary civic service; and

Whereas: In being awarded this noble and prestigious honor, you will join a long, proud history of distinguished Eagle Scout recipients such as President Gerald Ford, Astronaut Neil Armstrong, and Senator Lamar Alexander; and

EAGLE SCOUTS (CONT'D)

Whereas: The Eagle Scout Award was designed many years ago to teach young men civic duty, patriotism, humility, and the tools necessary to live their lives dedicated to their family and in service to their country; and

Whereas: On this day, the City of Chattanooga wishes to pay tribute and respect to the following Boy Scouts of America who have worked conscientiously, diligently, and respectfully to obtain this most prestigious Eagle Scout Award: and

Now therefore, I, Ron Littlefield, Mayor of the City of Chattanooga do hereby wish to pay tribute and honor on behalf of the City of Chattanooga to the following:

***Mr. George Eric Gulas
Mr. William Scott Hughes
Mr. Jon Benjamin McNair
Mr. Valdis Joseph Howard Richelson
Mr. Michael Kelly Short
Mr. Joshua Lee Solomon***

At this point, Chairman Pierce noted that Councilwoman Rutherford and Councilman Franklin also have some awards to present. Councilwoman Rutherford stated that she was so proud of these young men; that she had spent many years working with the Scouts and raising money for them. She went on to say that she thought Brainerd Rd. belonged to her and that this group meets at the Brainerd United Methodist Church; however she found out that this is in Councilman Franklin's district, and he is also jointly recognizing the Scouts. At this point she read the beautiful certificate that was presented to each Eagle Scout.

Chairman Pierce recognized several more Scouts that were in the audience and asked that these young men be identified. Their Scout Leader, Lee Solomon, introduced the four Scouts, explaining that attendance at this meeting was part of their citizenship and community merit badge. Chairman Pierce welcomed them to come back at any time.

Councilwoman Rutherford also expressed appreciation to the families of these Scouts and the Scout Leaders, noting that this takes a support system and tremendous effort and time.

AMEND CITY CODE
LIQUOR STORE LOCATIONS

Councilman Benson noted that this was discussed in the Legal and Legislative Committee this afternoon and comes with a recommendation; as does Resolutions ©, (d), (e), (f) and (g).

On motion of Councilman Benson, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 5, SECTION 5-198(a) RELATIVE TO
LOCATION AND SIGNS FOR LIQUOR STORES**
passed second and final reading and was signed in open meeting.

AMEND CITY CODE
SIGN PERMITS

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 3, SECTIONS 3-7, 3-8, AND 3-61
RELATIVE TO SIGN PERMITS, LOCATION RESTRICTIONS,
AND PROJECTING SIGNS**
passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2006-218 (Ken DeFoor)

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
**AN ORDINANCE CLOSING AND ABANDONING THE 2300
BLOCK OF TIMBERLANE TRAIL, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAPS
ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

AMEND BUDGET ORDS.
NEIGHBORHOOD PROJ.

On motion of Councilman Benson, seconded by Councilman Franklin,
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 AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO AGREEMENTS WITH NEIGHBORHOOD ORGANIZATIONS FOR SAME

passed first reading.

REZONING

2006-236 (Tracy Cooke)

On motion of Councilman Franklin, seconded by Councilwoman Bennett,
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

passed first reading.

CONTRACT

On motion of Councilwoman Bennett, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. W-03-009-201, ASHLAND TERRACE SEWER RELOCATION, TO EAST TENNESSEE GRADING, INC. IN THE AMOUNT OF TWO HUNDRED EIGHTY-NINE THOUSAND TWO HUNDRED SIXTY-SEVEN AND 65/100 DOLLARS (\$289,267.65), PLUS A CONTINGENCY AMOUNT OF TWENTY-EIGHT THOUSAND SEVEN HUNDRED THIRTY-TWO AND 35/100 DOLLARS (\$28,732.35), FOR A TOTAL AMOUNT NOT TO EXCEED THREE HUNDRED EIGHTEEN THOUSAND DOLLARS (\$318,000.00)
was adopted.

**MEMO OF UNDERSTANDING
CATOOSA COUNTY**

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH HAMILTON COUNTY, TENNESSEE, AND CATOOSA COUNTY, GEORGIA, FOR USE OF THE HAMILTON COUNTY/CITY OF CHATTANOOGA COMMUNICATIONS SYSTEM AND THE CITY OF CHATTANOOGA MOBILE COMMUNICATIONS SERVICES FOR MAINTENANCE, DISPATCH EQUIPMENT, AND RADIOS CATOOSA COUNTY IS ADDING TO THE SYSTEM
was adopted.

SURPLUS PROPERTY

(2007-010 City of Chattanooga)

On motion of Councilwoman Rutherford, seconded by Councilwoman Bennett,

A RESOLUTION DECLARING AS SURPLUS CERTAIN REAL PROPERTY LOCATED AT 1126 EAST 14TH STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

was adopted.

SURPLUS PROPERTY

(2007-011 City of Chattanooga)

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

A RESOLUTION DECLARING AS SURPLUS CERTAIN REAL PROPERTY LOCATED IN THE 1700 BLOCK OF NORTH CHAMBERLAIN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

was adopted.

PROP. ACQUISITION

(2007-019 City of Chattanooga)

On motion of Councilman Rico, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE ACQUISITION OF AN UNPLATTED TRACT OF LAND LOCATED AT 201 WALNUT STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM THE ELECTRIC POWER BOARD

was adopted.

SURPLUS PROPERTY

(2007-020 City of Chattanooga)

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

A RESOLUTION DECLARING AS SURPLUS CERTAIN REAL PROPERTY LOCATED AT 201 WALNUT STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

was adopted.

SURPLUS PROPERTY

(2007-021 City of Chattanooga)

On motion of Councilwoman Gaines, seconded by Councilwoman Rutherford

A RESOLUTION DECLARING AS SURPLUS THE CITY RIGHT-OF-WAY LOCATED ON AN UNPLATTED TRACT OF LAND BEING A FORMER ABANDONED RIGHT-OF-WAY IN THE 200 BLOCKS OF 2ND AND LOOKOUT STREETS, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

was adopted.

OVERTIME

Overtime for the week ending January 26, 2007 totaled \$17,492.55.

PERSONNEL

The following personnel matters were reported for the various department:

PUBLIC WORKS DEPARTMENT:

- **GARY L. LANSDEN**—FMLA for Senior Crew Worker, effective 01/11/07—04/05/07

PERSONNEL (CONT'D)

- ❑ **TSHOMBE M. HIGH**—12 Days Suspension without pay, for Crew Worker, effective 01/05,8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22/07.
- ❑ **BARRY L. CHILDRESS**—5 Days Suspension without pay, for Crew Worker, effective 01/02, 3, 4, 5, 8/07.
- ❑ **JESSEY L. HARVEY, JR.**—4 Days Suspension without pay, for Senior Crew Worker, effective 12/26, 27, 28/06 01/02/07.
- ❑ **J. WAYNE WILKERSON**—2 Days Suspension without pay for General Supervisor, Sr., effective 01/16,17/07.
- ❑ **LEROY FITCH**—3 Days Suspension without pay for Senior Equipment Operator, effective 01/2, 3, 4/07.
- ❑ **JEROME K. BURCH**—Retirement of General Supervisor, effective 12/29/06.
- ❑ **WILLIAM D. LANFORD**—2 Days Suspension without pay for Equipment Operator, effective 01/24, 25/07.
- ❑ **BARRY L. CHILDRESS**—10 Days Suspension without pay for Crew Worker, effective 01/24/07—02/06/07.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- ❑ **LEIGHTON SMITH**—Resignation of Family Service Supervisor, effective 01/12/07.

CHATTANOOGA POLICE DEPARTMENT:

- ❑ **DESTRY SPILLER**—Resignation of Police Officer, effective 1/24/07.
- ❑ **SCOTT DIETER**—Resignation of Staff Services Coordinator, effective 1/26/07.

PERSONNEL (CONT'D)

CHATTANOOGA PERSONNEL DEPARTMENT:

- **JOE L. SHAW**—Demotion to Training Coordinator, Pay Grade 15/11, \$49,481.00 annually, effective 1/19/07.

CHATTANOOGA FIRE DEPARTMENT:

- **JAMES M. WILKES**—Promotion to Battalion Chief, Pay Grade F5/7, \$57,367.00 annually, effective 2/02/07.
- **WILLIAM D. ANDREWS, CHRIS F. ARENDALE, CHARLES T. CHAVIS & TYLER S. HEAD**—Promotion to Lieutenant, Pay Grade F3/5, \$37,871.00 annually, effective 2/2/07.
- **RANDALL K. HERRON**—Promotion to Lieutenant, Pay Grade F4/6, \$45,727.00 annually, effective 2/2/07.
- **DANIEL J. HAGUE**—Promotion to Captain, Pay Grade F4/7, \$47,533.00 annually, effective 2/2/07.
- **DAVID W. HULLANDER**—Promotion to Captain, Pay Grade F4/6, \$45,727.00 annually, effective 2/2/07.
- **JAMES K. STONE**—Promotion to Captain, Pay Grade F4/8, \$49,340.00 annually, effective 2/2/07.
- **MICHAEL P. WRIGHT**—Promotion to Captain, Pay Grade F4/5, \$43,920.00 annually, effective 2/2/07.
- **DALE DODD**—Promotion to Lieutenant, Pay Grade F3/6, \$39,424.00 annually, effective 2/2/07.

Councilman Franklin asked if a demotion for Joe Shaw in Personnel was correct. Ms. Kelley confirmed this. Councilman Franklin asked if she wanted to elaborate on this, and she responded “no”, stating that this needed to be discussed privately if possible.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following purchases were approved for use by the Department of Human Services:

ATHLETIC SPECIALTIES (Lowest Bidder meeting specs):
Requisition R0093555/B0003693

Mulch for N. Chattanooga Head Start

\$23,984.00

ATHLETIC SPECIALTIES (Lowest Bidder meeting specs):
Requisition R0093646/B0003694

Mulch for Summit Head Start Center

\$17,009.00

PURCHASE

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines, the following purchase was approved for use by the Public Works Department:

SUN VALLEY LIGHTING, INC. (Sole Source Purchase)
Requisition R0095267/B0003777

Streetscape Project Lighting

\$131,758.00

HOTEL PERMITS

On motion of Councilwoman Gaines, seconded by Councilwoman Rutherford, the following hotel permits were approved:

SUPER 8 MOTEL – 20 Birmingham Highway, Chattanooga, TN.

THE CHATTANOOGAN – 1201 S. Broad Street, Chattanooga, TN.

REFUND

On motion of Councilwoman Bennett, seconded by Councilman Franklin, the Administrator of Finance was authorized to issue the following refund of Gross Receipts Tax:

COVE CREST PROPERTIES LLC \$1,415.44 (Amended Tax Return Filed)

PURCHASE

On motion of Councilwoman Gaines, seconded by Councilman Franklin, the following purchase was approved for use by the General Services Dept.:

WALLACE TILE, INC. (Lowest and best bid)
Requisition R0095148/B0003795

Installation of Flooring for the Wellness Center

\$17,770.00

HEARING:BOBBY M. WALKER

City Attorney Nelson reminded the Council of the Hearing set for **Bobby M. Walker on Monday, February 5th at 9:00 a.m.** The panel will consist of Councilmen Pierce, Rico, and Gaines, with Councilwoman Bennett as alternate.

COMMITTEES

Councilman Page thanked the Public Works Department, Administration, and Neighborhood Services for attending the Valleybrook Neighborhood Association meeting with him. He stated that it was a big help to have the Staff there.

Councilman Rico reminded councilmembers of the **PUBLIC WORKS COMMITTEE meeting scheduled for Tuesday, February 6th at 4:00 p.m.**

Councilwoman Robinson gave an update on the Cell Tower Advisory Committee, which will be finalized later this week. The first meeting will be scheduled within two weeks. She stated that the purpose of these discussions was not to challenge any law but rather to pursue a dialog between wireless tower builders, cell phone companies and other cell tower users, along with neighborhoods and adjacent property owners to proposed sites; also to understand the current and future capacity needs; to work cooperatively and proactively in tower site selection; and to discover the best practices for tower design from all across the United States.

SHIRLEY DEAKINS

Ms. Deakins thanked the Council for letting her speak. She also thanked those present at this meeting and the media for listening to her. She stated that she was here to be an advocate for a type of program that we do not have in this city. She was referring to the indigent who need help in keeping their houses up to code; that there is no money and that the HOPE Program caters to Glenwood and Bushtown and Habitat for Humanity has a limited mission. She stated that people all over town need help. She went on to say that she found the way that Neighborhood Services was doing their job was suspect, citing how they managed their block grants; that Human Services had helped her, and she would be happy to have them help her again and that she was also advocating help for others. She stated that this Council did not know how it feels to be indigent. She also stated that she thought Bernadine Turner had the wherewithal to write programs. She questioned why we could not provide for the citizens of Chattanooga; that only God knew how much money had been given to the city and how little had been delivered to citizens like herself. She urged the Council to think about what they could do to be an advocate for this; that there were a lot of dogs, and she did not want to know what they were hunting! She stated that she could embrace this because she came from poor people on her daddy's side.

LAWRENCE CURRY

Mr. Curry stated that he resided at 2312 Wilson St.; that he was here about the issue of taxi cabs and that he understood the Council was going to do something about this and vote it up or down tonight.

Chairman Pierce explained that this was discussed at length in the Legal and Legislative Committee and asked Councilman Rico to speak to this. Councilman Rico stated that we are working on this.

Councilwoman Rutherford stated that she thought it was supposed to be on the agenda next week.

Councilman Rico reiterated that we are studying this.

Mr. Curry stated that he was advised that this was to come up tonight.

Councilman Rico explained that it did come up tonight—in a committee meeting.

Chairman Pierce stated that this would be voted on next week; that they decided in committee, today, to go to the \$2.00 rate.

Mr. Curry wanted to know if this would be permanent or temporary and was told by Chairman Pierce that it would be permanent. Mr. Curry stated that taxi drivers were the lowest on the totem pole. Chairman Pierce reminded him that this was all discussed in the Legal and Legislative Committee today and that he could rest assured that we are doing what is in the best interest of taxi drivers.

ADJOURNMENT

Chairman Pierce adjourned the meeting of the Chattanooga City Council until Tuesday, February 6th, 2007 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)**