

**City Council Building
Chattanooga, Tennessee
March 27, 2007
6:00 p.m.**

Chairman Pierce called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Franklin, Gaines, Page, Rico, Robinson and Rutherford present. 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, Councilwoman Robinson gave invocation.

MINUTE APPROVAL

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

REZONING

2007-030: City of Chattanooga and Chattanooga Downtown Redevelopment Corporation c/o Paul Page, General Services

Councilwoman Bennett stated that there was a question about advertising when this came up two weeks ago. She asked if that has been settled.

City Attorney Nelson stated that he believed so and noted that this was first reading.

Councilwoman Robinson asked if this is the place on Walnut Street where the applicant wants to put in a mixed use business and was advertised for R-4.

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated that the request is for C-3 and one of the conditions says townhouse and apartment use only. He stated the applicant requested to remove the condition to have townhouse and some offices.

REZONING (Continued)

Mr. Haynes stated two weeks ago the matter was deferred to find out whether the change was made as there was some question about advertising. He stated the request today is to remove the condition for *townhouse use and parking and attendant parking* only.

Councilwoman Robinson inquired as to the developer and whether this is the one that will use the Little Miss Mag Day Care area.

Dan Johnson stated that the townhouses would have attached garages behind them.

Councilwoman Robinson indicated that she remembered, now, and noted that this is on first reading.

Councilman Benson stated that this is the Don Moon and Dale Mabee project. He stated Dale called him to say he was withdrawing it.

Mr. Haynes indicated that he did not know about it.

Councilman Benson stated that it was indicated it would be withdrawn as they do not want to make the request for C-3.

On motion of Councilman Benson, 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 201 WALNUT STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3 CENTRAL
BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**
was tabled one week.

2007-2008 CDBG GRANT FUNDING

On motion of Councilwoman Gaines, seconded by Councilwoman Robinson,
**A RESOLUTION APPROVING FISCAL YEAR 2007-2008 COMMUNITY
DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP ACT,
EMERGENCY SHELTER GRANT FUNDING (\$4,434,211 IN TOTAL) AND
TENNESSEE HOUSING DEVELOPMENT AGENCY (THDA) PROGRAM
INCOME (\$611,000) AS SHOWN MORE FULLY HEREINBELOW**
was adopted.

AD VALOREM TAXES

Councilman Page stated that this matter came before the Economic Development Committee last week and noted that some housekeeping changes were involved. He stated that he received an e-mail regarding the investment and number of jobs. He stated the copy in the Council members' notebooks does not reflect it and wanted to make sure the approved document includes that.

Atty. Alfred Smith was present and acknowledged that Councilman Page was correct; that the corrections have been made on the document recommended for adoption.

On motion of Councilman Page, seconded by Councilman Rico,

A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE STEEL WAREHOUSE OF TENNESSEE, LLC/LJT TENNESSEE, LLC PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE COUNTY OF HAMILTON, TENNESSEE, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES

was adopted.

CONTRACT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE HUMAN SERVICES DEPARTMENT TO ENTER INTO A CONTRACT WITH TENNESSEE MUNICIPAL LEAGUE (TML) RISK MANAGEMENT POOL FOR GENERAL LIABILITY OF ITS BUILDINGS AND PERSONAL PROPERTY IN THE AMOUNT OF TEN THOUSAND SIX HUNDRED EIGHT DOLLARS 9\$10,608.00) WAS AUTHORIZED BY T.C.A. SECTION 29-20-407

was adopted.

AGREEMENT

On motion of Councilwoman Gaines, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO A LICENSE AGREEMENT WITH THE CHATTANOOGA AREA FOOD BANK FOR USE OF THE WALNUT STREET BRIDGE ON APRIL 21, 2007

was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. S-07-002-201, PRIVATE SANITARY SEWER SERVICE LINE REPAIR (SLAP), TO ROTO ROOTER PLUMBING SERVICE IN THE AMOUNT OF SIXTEEN THOUSAND FIVE HUNDRED DOLLARS (\$16,500.00), PLUS A CONTINGENCY AMOUNT OF THREE THOUSAND DOLLARS (\$3,000.00), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED NINETEEN THOUSAND FIVE HUNDRED DOLLARS (\$19,500.00)
was adopted.

ACCEPT DONATIONS

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING ACCEPTANCE OF DONATIONS FROM THE COMMUNITY FOUNDATION OF GREATER CHATTANOOGA, INC. IN THE AMOUNT OF ONE THOUSAND DOLLARS (\$1,000.00) AND FROM THE UNIVERSITY OF CHATTANOOGA FOUNDATION, INC. IN THE AMOUNT OF FIVE HUNDRED DOLLARS (\$500.00) TO THE DEPARTMENT OF EDUCATION, ARTS & CULTURE AND THE UNITED WAY OF CHATTANOOGA FOR "CONNECTING THE DOTS – A SUMMIT ON ARTS AND SOCIAL ISSUES" TO BE HELD ON APRIL 5, 2007 AT THE MEMORIAL AUDITORIUM'S COMMUNITY THEATRE
was adopted.

HEALTH AND HOSPITALIZATION BENEFITS

Councilman Benson stated that this matter received much discussion in the Legal and Legislative Committee. He stated approval is recommended.

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING (1) ACCEPTANCE OF BLUECROSS BLUESHIELD OF TENNESSEE'S PROPOSAL TO PROVIDE ADMINISTRATION SERVICES FOR SELF-INSURED HEALTH AND HOSPITALIZATION BENEFITS FOR CITY PERSONNEL AND RETIREES; (2) THE PURCHASE OF BLUEADVANTAGE FOR ELIGIBLE RETIREES; (3) THE PURCHASE OF STOP LOSS INSURANCE FROM HM INSURANCE GROUP; AND (4) AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE CONTRACTS FOR SAID PRODUCTS AND SERVICES, INCLUDING RENEWAL PROVISIONS FOR TERMS NOT TO EXCEED FIVE (5) YEARS
was adopted.

OVERTIME

Overtime for the week ending March 23, 2007 totaled \$12,798.90.

(COUNCILWOMAN RUTHERFORD EXCUSED HERSELF FROM THE MEETING AT THIS POINT.)

PERSONNEL

The following personnel matters were reported:

PUBLIC WORKS DEPARTMENT:

- **ERIC T. CROSS** – Demotion, Equipment Operator, City Wide Services, Pay Grade 3/Step 9, \$24,581.00 annually, effective March 20, 2007.
- **CLAYTON COOK** – Hire, Crew Worker, City Wide Services, Pay Grade 3/Step 1, \$20,000.00 annually, effective March 23, 2007.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- **BRITTANY GRAYSON** – Resignation, Teacher, Child Care, effective March 16, 2007.
- **APRENTICE ROBERTS** – Resignation, Teacher, Child Care, effective April 16, 2007.

CHATTANOOGA FIRE DEPARTMENT:

- **LONNIE B. LONG** – Resignation, Firefighter, effective March 30, 2007.

CHATTANOOGA POLICE DEPARTMENT:

- **NATHANIEL MILLER** – Removed from payroll, School Patrol Officer, effective February 22, 2007.
- **JACQUELINE V. FRANKS** – Retirement, Secretary Senior, effective March 21, 2007.

PERSONNEL (Continued)

EDUCATION, ARTS AND CULTURE DEPARTMENT:

- **SANDRA S. COULTER** – Promotion, Manager, Civic Facilities, Pay Grade 29/Step 4, \$56,656.00 annually, effective March 30, 2007.
- **RAYMOND W. ROBINSON** – Promotion, Business Coordinator, Pay Grade 17/Step 10, \$51,251.00 annually, effective March 30, 2007.
- **GEORGE R. PARKER** – Demotion, Supervisor, Civic Facilities Operations, Pay Grade 15/Step 11, \$49,481.00 annually, effective March 30, 2007.

PURCHASES

On motion of Councilman Rico, seconded by Councilman Franklin, the following purchases were approved for use by the Public Works Department:

JWC ENVIRONMENTAL (Best bid)
R0096023/B0003803

Septage Receiving System

\$151,051.00

PURCHASES

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following purchases were approved for use by the Chattanooga Police Department:

REMINGTON ARMS COMPANY, INC. (Single source)
R0097313

Eye Ball R1 Surveillance Equipment (Homeland Security Equipment) per TCA 6-56-3-4-2

\$15,997.00

PURCHASES (Continued)

SAFETY AND SECURITY INTERNATIONAL, INC. (Lowest and best bid)
R0092696/B0003575

Police and School Patrol Uniforms (*Alpine Trading Company submitted the lowest bid; however, they failed to meet the required specifications for items 46 and 47, the police badges and hat wreath badges.*)

(Price information available and filed with minute material of this date)

SOUTHERN PRECISION ARMORY (Single source)
R0097323

SIMRAD Night Observation Device per TCA 6-56-3-4-2

\$11,784.70

FILE LAWSUIT

City Attorney Nelson reported that the Fire Department has reported that a certain engine purchased over ten years ago has developed manufacturer's defects and thus far the manufacturer has been unwilling to repair. He asked for a motion to file suit to direct them to make repairs.

On motion of Councilman Rico, seconded by Councilman Franklin, the City Attorney was duly authorized to file suit.

DISTRICT 1 MEETING

Councilwoman Bennett announced that the Mayor's District 1 meeting is scheduled for Thursday, April 5 at 5:30 p.m. in Lookout Valley.

COMMITTEES

Councilman Rico reminded Council members of the meeting of the Public Works Committee scheduled for Tuesday, April 3 a 3 p.m.

STEVEN BROTHER, SR.

Steven Brother, Sr. addressed the Council and stated that he has owned and lived at his residence at 820 Kay Circle in Irwin Acres for forty-two-and-a-half years after purchasing it in November of 1964; that Irwin Acres contains 30-plus brick homes. He stated that he was present to speak on behalf of all the property homeowners in Irwin Acres whose homes contain 1,600 square feet including garages or carports and are set deep on half acre-plus lots with 90 to 100 feet frontage and 175-220 feet depth. He stated that Gary Baumgardner is proposing to build eight homes on the Goins property adjacent to Irwin Acres and on Kay Circle at Graysville Road. He stated the Goins property is 2.6 acres and the builder refers to these houses as "move up" homes rather than "starter homes". He stated there would not be room to build eight homes that would be in harmony of construction design with the homes on Kay Circle in Irwin Acres. He stated he (Baumgardner) could possibly place four homes, but not eight. He stated additional problems are overcrowding, safety (as the traffic on Graysville Road is far too heavy), and possible devaluation of property. He stated construction of the homes would increase the already extremely bad water runoff.

Mr. Brother stated that he and other residents on Kay Circle oppose this building proposal and request it be denied. He stated residents of Irwin Acres and Karr Street recently appeared before the Council and the Planning Commission to oppose "starter homes" as being built on Karr Street and the proposal, at that time, for building on the Goins property on Kay Circle. He stated the Planning Commission denied further building on Karr Street. He stated new rules and guidelines have been set up by the Planning Commission and a Task Force was formed. He asked if the new proposal or any other proposal by Gary Baumgardner for building on the Goins property on Kay Circle have to be proposed and acted on by the Planning Commission before the City Council would receive it for final approval or denial.

City Attorney Nelson responded that as he understood it in talking about subdivision regulations they are solely within the providence of the Planning Commission and not this body; that it is really not a matter of which this body has jurisdiction.

Mr. Brother clarified that the matter would have to be taken to Planning. City Attorney Nelson responded "correct".

Mr. Brother stated that he sent a copy of the Irwin Acres building restrictions to Councilman Benson along with signed petitions opposing the type of crowded buildings in their area.

ADJOURNMENT

Chairman Pierce adjourned the meeting of the Chattanooga Council until Tuesday, April 3, 2007 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)**