

**City Council Building
Chattanooga, Tennessee
April 3, 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, Councilman Page gave invocation.

MINUTE APPROVAL

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

REZONING

2007-009: Phillip Barry Robertson

Chairman Pierce stated that the neighborhood and applicant met last week and came up with six conditions that were to be added to the ordinance.

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated that the conditions are included in the ordinance and include, "*No convenience store, no liquor store (no special exception should be granted), no alcohol package store, no adult-oriented establishments as defined in Chattanooga City Code, Part II, Article VIII, no pawn shops and no payday lending establishments*".

City Attorney Nelson clarified with the Clerk of Council that the amendments were included in the ordinance before the Council. The Clerk of Council confirmed that she read the version which included the additional amendments.

REZONING (Continued)

Councilmen Benson and Robinson made the motion and second to substitute the amendments to this ordinance; the motion carried.

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 621 EAST 11TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-2 LIGHT INDUSTRIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

REZONING

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

Councilman Benson noted that everything is in order with this request; that he was in error last week regarding this matter.

On motion of Councilman Rico, seconded by Councilman Benson,
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
passed first reading.

CONTRACT

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. S-07-001-201, PRIVATE SANITARY SEWER SERVICE LINE REPAIR (SEP), TO STREET CUTS, LLC IN THE AMOUNT OF TEN THOUSAND FIVE HUNDRED FORTY-FIVE DOLLARS (\$10,545.00), PLUS A CONTINGENCY AMOUNT OF ONE THOUSAND FOUR HUNDRED FIFTY-FIVE DOLLARS (\$1,455.00), FOR A TOTAL AMOUNT NOT TO EXCEED TWELVE THOUSAND DOLLARS (\$12,000.00

was adopted,

PROPERTY ACQUISITION OFFERS

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION ACCEPTING THE HIGHEST AND BEST OFFERS FOR CERTAIN PARCELS OF PROPERTY ACQUIRED BY THE CITY OF CHATTANOOGA AND HAMILTON COUNTY THROUGH PREVIOUS DELINQUENT TAX SALES AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO AND EXECUTE DEEDS CONVEYING SAID PARCELS TO INDIVIDUALS AS SHOWN ON THE LIST ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
was adopted.

DONATION

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING ACCEPTANCE OF A DONATION FROM CHATTANOOGA STATE TECHNICAL COMMUNITY COLLEGE FOUNDATION 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.

GRANT

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO APPLY FOR AND, IF APPROVED, ACCEPT A GRANT FROM THE UNITED STATES GOLF ASSOCIATION IN AN AMOUNT UP TO FIVE THOUSAND DOLLARS (\$5,000.00) TO BE USED BY THE THERAPEUTIC RECREATION DIVISION
was adopted.

DONATION

On motion of Councilwoman Gaines, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING ACCEPTANCE OF A CASH DONATION FROM CRICKET WIRELESS TO THE DEPARTMENT OF PARKS AND RECREATION, BRAINERD RECREATION CENTER, IN THE AMOUNT OF TWO HUNDRED DOLLARS (\$200.00) FOR A YOUTH SPORTS BANQUET AT THE END OF THE 2007 SEASON
was adopted.

AGREEMENT

On motion of Councilman Franklin, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO NEGOTIATE AND EXECUTE A PARTICIPATION AGREEMENT WITH MEDALIST SPORTS, LLC AND OUTDOOR CHATTANOOGA TO HOST THE TOUR DE GEORGIA EVENT IN CHATTANOOGA ON APRIL 18, 2007
was adopted.

OVERTIME

Overtime for the week ending March 30, 2007 totaled \$67,069.17.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **WILLIAM F. MASSENGALE** – Retirement, Plant Maintenance Mechanic, Waste, effective March 19, 2007.
- **NATHAN D. HOLLINGSWORTH** – Resignation, Pretreatment Inspector, Waste, effective March 21, 2007.

CHATTANOOGA POLICE DEPARTMENT:

- **BARRY BURNS** – Return to duty, Sergeant, effective March 27, 2007.
- **JANICE LEE** – Hire, School Patrol Officer, \$29.27 per day, effective March 30, 2007.
- **GLORIA JACKSON** – Promotion, Secretary Senior, Pay Grade 7/Step 11, \$34,226.00 annually, effective April 6, 2007.
- **BILLIE M. WILLIAMS** – Resignation, Police Service Technician, effective March 30, 2007.

PERSONNEL (Continued)

CHATTANOOGA FIRE DEPARTMENT:

- **NAKIA SWAFFORD** – Suspension (2 days without pay, date to be determined), Firefighter.
- **MATTHEW BROWN** – Termination (not retained during probationary period), Recruit, effective March 29, 2007.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- **MARK A. HARVEY** – Resignation, Delivery Worker II, CSBG, effective March 29, 2007.

REJECT ALL BIDS

On motion of Councilman Rico, seconded by Councilwoman Rutherford, the bid for Concrete Pipe for the Public Works Department, Citywide Services, R0095862/B0003810 was rejected due to inadequate specifications. Specifications will be revised and re-advertised.

PURCHASES

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

STAMM MANUFACTURING (Lower and better bid)
R0096026/B0003847

Aerial Lift Truck

\$84,840.00

MUNICIPAL SALES, INC. (Lowest and best bid)
R0097204/B0003929

Root Control Services

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

PURCHASES (Continued)

DURANGO ENTERPRISES, LLC (Lowest and best incomplete bid)
R0096974/B0003812

Galvanized Fittings (*HD Supply Company and EBN Construction & Industrial Supplies bid all items; their overall bid prices were higher than those items Durango bid. In this instance, it would not serve the best interest of the City of Chattanooga to award this contract to one of the complete bidders and pay considerably higher prices for this material.*)

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

DURANGO ENTERPRISES, LLC (Lower and better incomplete bid)
R0096975/B0003809

Copper Fittings (*Although both bids were incomplete Durango's bid prices were overall lower than that of Piping Supply.*)

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

PARK EQUIPMENT, INC. AND SHELTON LANDSCAPE SUPPLIES (Best bids)
R0096709/B0003898

Top Soil (*These vendors are located on opposite sides of town; awarding two contracts will help promote fuel efficiency and better utilization of worker man hours by allowing the work crews to go to the nearest supplier.*)

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

PURCHASES

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

ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. (Single source)
R0097590

Mapping Equipment, Training, Software and Licenses per TCA 6-56-304-6

\$76,956.90

PURCHASES (Continued)

CENTRAL STATES FIRE APPARATUS (Change Order No. 1)
P0024500

Fire Tanker Apparatus

\$139,944.00 – Original, Approved 5/23/06
147,886.00 – Change Order #1 Increase
\$287,830.00 – New Contract Total

EMERGENCY PURCHASE

The emergency purchase of Noritsu Photo Lab Printer Repair for the Police Department in the amount of \$13,058.47 on R0096479 was duly reported and signed in open meeting.

REJECT ALL BIDS

On motion of Councilman Rico, seconded by Councilman Page, all bids for Medical Supplies for the Medical Clinics, R0094103/B0003653 were duly rejected as it was determined the specifications were inadequate to perform a proper evaluation of the bids. Specifications will be revised and re-advertised.

PURCHASE

On motion of Councilman Rico, seconded by Councilman Franklin, the following purchase was approved for use for the Department of Finance and Administration, City Court Clerk's Office:

TYLER TECHNOLOGIES (Single source)
R0097891

Annual Software Maintenance and Support per TCA 6-56-304.2

\$30,124.00

BOARD APPOINTMENT

On motion of Councilwoman Bennett, seconded by Councilwoman Rutherford, the following Board appointment was approved:

VARIANCE APPEALS BOARD:

- Appointment of ***JIM WILSON***, District 1 representative, for a three year term expiring April 3, 2010.

Councilwoman Rutherford inquired as to whether this is the same person who formerly served on the Board.

Councilwoman Bennett responded "no"; that Mr. Wilson is her appointee from North Chattanooga and a totally different person.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following purchase was approved for use by the General Services Division:

WASTE EQUIPMENT PARTS (Lowest and best bid)

R0092156/B00034883

Contract for Heil Truck Parts

Not to exceed \$95,000.00 annually

ARMSTRONG RELOCATION (Completion of original bid)

R0097546

Part Two of Contract for the Move to City Hall (*Armstrong's price is fair and is within guidelines of the original bid.*)

\$45,000.00 approximate amount

SHERWIN WILLIAMS (Best bid)

R0096599/B0003879

City Wide Paint and Paint Supplies (*Porter Paint's incomplete bid appeared to be the lowest bid because they failed to place a bid on five items.*)

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

PURCHASES (Continued)

BEST ONE TIRE OF CHATTANOOGA (Lowest and best bid) R0096566

Annual Blanket Contract for Tires for Fleet

\$148,030.36

DISTRICT 1 MEETING

Councilwoman Bennett reminded everyone of the Mayor's District 1 meeting scheduled for Thursday, April 5 in Lookout Valley at the John A. Patten Recreation Center beginning at 5:30 p.m.

COMMITTEES

Councilman Benson reminded Council members of the **Legal and Legislative Committee meeting scheduled for Tuesday, April 10 beginning at 3 p.m.**

Councilwoman Rutherford stated that the Education, Arts and Culture Committee met today to discuss a campaign to raise funds for the renovation and maintenance of the Tivoli, Auditorium and the Community Theatre in the Auditorium. She stated three resolutions regarding this will be on next week's agenda.

CELL TOWER ADVISORY COMMITTEE

Councilwoman Robinson stated that the Cell Tower Advisory Committee met this afternoon for the second time to discuss ways Chattanooga can work with the cell phone industry to assure growth and coverage while ensuring best practices in building and location of cell towers; specifically, encouraging innovative design of stealth cell towers designed to appear to be church towers or other things and not just a cell tower appearance in an effort to possibly reduce the need for the largest and highest of the cell towers we are currently building. She stated there are only two of the stealth towers in the entire city and what they would like to do is encourage the cell service providers and the other companies to come up with innovative designs and "bring them to the table" as is being done in other areas and cities in the United States. She stated there are many examples of best practices in other cities with various innovative designs and she would like to make Chattanooga one of those cities.

HOMELESS COMMITTEE

Chairman Pierce stated the Homeless Committee is about to “wind up” their findings and would like to get a date certain for them to make a report before the Council. He stated that he is not certain it would take ten minutes, yet would hope to have a meeting scheduled to discuss this.

Councilwoman Bennett stated there may be a need for two more weeks to finish everything and would get with the Clerk of Council to find a date that is open. She stated that she knows Councilman Pierce will be away one week and would try to plan the report three weeks out.

RONALD MOORE

Ronald Moore of 1703 East Twelfth Street stated he was present on behalf of himself and his wife, Sandra Bulloch Moore. He expressed hope that Council members had received the paper (letter) he left for them earlier in the day and noted that he was not trying to cause any confusion. He stated that the way he looks at his situation is that he was forced into foreclosure; that he tried to talk about making arrangements concerning his home and CNE forced him into foreclosure. He stated all he asked CNE to do was to show proof of their claim; that the construction company abandoned his property and went bankrupt. He stated that he did not sign anything and went by the federal guidelines; that he has respect for the Council and expects the Council not to allow a conflict of interest and unethical practices. He stated that he did talk with the Federal government and papers were given to him; that he went to a meeting to verify everything concerning what went on and “they” know he did not sign any papers. He stated he was verbally told “they” were willing to give him papers but he did not sign any papers and the work was not done.

Mr. Moore stated that he went to the City Auditor and asked questions; that he keeps hearing “them” talk about his being in litigation. He stated he nor his wife work and they are barely making it; that he has no litigation money. He stated he is simply asking for proof of the debt; that it should be a public record and he is willing to pay any debt and willing to verify that the Federal government asked him to sit in a meeting and what CNE said did not happen. He stated he does not understand why he can not receive public information about this; that the City Auditor said that he could not because of litigation. He again stated that he wants proof of his debt; that if he were to call Calvin Sneed he would be told not to do “this” and “that”; that he did not do “this” and “that”! He stated his family has been punished for five years for something they do not owe; that their house was torn up and he never saw them (construction company) again; that he was told they went to Florida.

RONALD MOORE (Continued)

Mr. Moore concluded his comments by stating that he is asking for proof of the debt; that 120 days ago he was before the Council and CNE said they would give him proof of the debt.

Councilman Benson indicated that he is on the CNE Board and asked with whom he spoke at CNE.

Mr. Moore stated that this goes back to 2003. He stated Brandon Baker took his bathtub and, because of his health, he wants it back!

Councilman Benson asked if he has talked to Mr. Traughber.

Mr. Moore responded that he talked to him one time; that he was directed in a direction that was not going to be of benefit to his wife as they wanted him to go into arbitration.

Councilman Benson asked Mr. Moore to talk with him after the meeting and give him his telephone number; that he would call Mr. Traughber and get answers and call him (Moore) back.

Mr. Moore stated that he is asking for a public record; that he does not see what Mr. Traughber has anything to do with this.

Chairman Pierce clarified that Councilman Benson would meet with him (Moore) after the meeting and will try to "get to the bottom" of this.

Mr. Moore stated that he is not under any negotiations about what went on with CNE; that he wants to know if he owes something; that under the Federal guidelines . . .

Chairman Pierce interrupted Mr. Moore at this point and informed him his time was up; that Councilman Benson would talk with him and if he can help he will try.

Mr. Moore stated that it seems simple to him to just give him the paper and he would pay the debt and, if not, take the lien off his house.

ADJOURNMENT

Chairman Pierce adjourned the meeting of the Chattanooga Council until Tuesday, April 10, 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)**