

**City Council Building
Chattanooga, Tennessee
February 14, 2006
6:00 p.m.**

Chairman Robinson called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Franklin, Page, Pierce, Rico 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 Councilman Rico, seconded by Councilwoman Bennett, the minutes of the previous meeting were approved as published and signed in open meeting.

"SPAY DAY USA"

Councilman Benson made the motion to move Resolution 7(a) forward on the agenda; Councilwoman Rutherford seconded the motion; the motion carried.

Donna Deweese, Outreach Coordinator for Animal Care Trust, stated that this Resolution is part of national events celebrating "Spay Day USA" and serves as a reminder of the pet population problems that continue in our community today. She stated it is appropriate for the Council to pass this Resolution on Valentine's Day because the "Spay Day" campaign theme is "Do it For Love!" She stated it is because of our love and compassion for our animal friends that they are here today to help prevent the pet population from getting worse. She expressed thanks to the Council for standing with them in their efforts.

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION DESIGNATING FEBRUARY 28, 2006 AS "SPAY DAY USA"
was adopted.

FRANCHISE

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
**AN ORDINANCE GRANTING UNTO FIRST CENTENARY UNITED
METHODIST CHURCH A FRANCHISE TO CONSTRUCT AND MAINTAIN A
PEDESTRIAN BRIDGE OVER THE 400 BLOCK OF OAK STREET IN THE CITY
OF CHATTANOOGA AS SHOWN ON THE MAP ATTACHED HERETO AND
MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN
CONDITIONS**

passed first reading.

AMEND ZONING ORDINANCE

Jerry Pace, Director of Development Services with the Regional Planning Agency (RPA), requested that this matter be deferred one week.

City Attorney Nelson stated that this request was advertised for a public hearing tonight.

Chairman Robinson declared a public hearing in process and asked if there was anyone present for or against this request; being none the hearing was duly closed.

On motion of Councilman Franklin, seconded by Councilman Benson,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V,
SECTION 406, BY DELETING SAID SECTION IN ITS ENTIRETY AND
CREATING A NEW SECTION 406, MIXED USE ZONE (MXU), AS A
SEPARATE ZONING DESIGNATION**

was deferred one week.

AMEND ZONING ORDINANCE

Councilman Benson stated this request was discussed in the Legal and Legislative Committee; that this brings the ordinance up-to-date with new rulings handed down by the courts.

On motion of Councilman Benson, seconded by Councilman Rico,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE VIII,
SECTION 107(18)(A), RELATIVE TO CERTAIN DEFINITIONS OF ADULT-
ORIENTED ESTABLISHMENTS**

passed first reading.

APPROPRIATION TO TAPA

Councilman Franklin stated that this was discussed in Committee today; that it is for promotions for the city and approval is recommended.

Councilman Pierce inquired as to what is taking place in this request.

Adm. Missy Crutchfield stated that this grant will allow the city to self-promote to position ourselves to be able to have revenues above and beyond the rental fee where we are currently positioned. She stated getting promotions and receiving rental fees would allow us to keep up with the restoration and renovations needed. She stated the restoration was over 20 years ago and there is a safety issue. She stated we should position ourselves to be more sustainable by being able to promote and bring in more diversity in concerts and different types of performances. She stated the General Manger is a promoter and having this expertise in-house can create a series of performances, interest revenues and reduce the burden on the tax payer. She stated the city would be reinvesting dollars and it is felt the \$100,000 grant would be reinvested within three years and will continue to reinvest; that they would not be coming to the city for money for repairs and restoration thereby reducing the burden on the city and taxpayers. She stated the internal goal is to generate economic success in three years and put it into renovation and reinvesting.

Councilman Pierce asked if alcohol would be included in the promotions.

Ms. Crutchfield responded "no"; that that issue would be addressed in a couple weeks; that this would just be a way of enhancing revenues.

Councilman Pierce stated that it was his hope alcoholic beverages would not be encouraged.

Councilman Benson stated that was the question in Committee; that 30-45 minutes were spent on this. He commended Ms. Crutchfield for capsuling a long session and response.

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,

**AN ORDINANCE APPROPRIATING FROM THE GENERAL FUND TO THE
TIVOLI AUDITORIUM PROMOTION ASSOCIATION, INC. (TAPA) THE
AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00),
RELATIVE TO PROMOTION OF THE TIVOLI AND MEMORIAL
AUDITORIUMS**

passed first reading.

REZONING

2006-001: Jesse Curtis, Jr.

Pursuant to notice of public hearing, the request of Jesse Curtis, Jr. to rezone tracts of land located at 4105 and 4107 Highland Avenue came on to be heard.

There was no opposition present.

Mr. Pace stated that there is residential property to the north and east and to the south is the old Anchor Glass property. He stated approval is recommended from both Planning and Staff.

On motion of Councilman Franklin, seconded by Councilman Rico,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 4105 AND 4107 HIGHLAND AVENUE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING
ZONE TO R-1 RESIDENTIAL ZONE**

passed first reading.

REZONING

2006-009: DeFoor Brothers Development, LLC

The applicant was present; a person with a traffic concern was in attendance.

Mr. Pace stated this request is for R-4 on Timberlane Trail for the mixed use overlay zone. He displayed by PowerPoint residential structures along Timberlane with offices at the southern end. He stated the recommendation is for approval from both Planning and Staff and the next cases deal with another property on the west side of Timberlane and McCutcheon.

Dr. Joe Dzik stated that he has an office at the corner of Timberlane and Shallowford and is not opposed to the project, yet he has concerns about traffic. He stated a number of years ago he went before Planning and the City Commission when it was said the north side of Shallowford was to be for offices and the other side commercial. He stated he understands times have changed and commercial is not wanted on the north side, again reiterating that he is not opposed to the request. He stated that he has a problem at his location that if three cars are at the corner of Timberlane and Shallowford it is impossible for his patients to get out of the parking lot. He stated that he wants to make sure traffic at his exit is addressed so there is egress from his parking lot.

REZONING (Continued)

Dr. Dzik distributed photos of his location where three cars were present, making it impossible to get out. He asked what would happen if the same thing happened on the another side of the freeway at Shallowford Village Drive where Cracker Barrel, Shoney's and the hotels are; that traffic backs up about 20 cars, the light turns green, a few cars go out and the other ten are moved up and another ten gets backed up! He stated his only concern is that the Council address this with Mr. DeFoor so that people can get out of his lot, which he does not think is asking too much of the Council.

Councilman Benson stated that he wanted to modify one thing; that this request is not supporting commercial on the north side; that it supports mixed use and is a little different from the standard volume required in commercial in-and-out. He stated offices are in the land use plan on that side; that this would have to have approval of the city traffic engineer and inquired as to the status of his (traffic engineer) report. He stated Mr. DeFoor has shown a willingness to work with Dr. Dzik on this; that there was some mention earlier about something "in the works" to really relieve the Shallowford traffic volume if we go ahead with that, however, he did not want to talk about that at this point. He stated a ramp that would come off at Sticky Fingers has been discussed which is several years off; that Mr. DeFoor's development will be four-to-five years off. He asked Mr. DeFoor if this would put Dr. Dzik in a land locked situation and, if so, is there some innovative, care giving-type approach to solve this.

Dr. Dzik stated that there are two ways this can be addressed. He stated that it is his understanding there will be a hotel and restaurant in that development and there could be a double traffic light a few feet apart or a round-about to the right as they exit. He stated both methods would solve the problem; that he wants to make sure that it is the directive of the City Council that his traffic situation be resolved. He stated that he talked with a number of people and a Council person who said they avoid coming to Hamilton Place because of the traffic and a couple thousand more cars between Gunbarrel and the freeway will create a bigger mess than there is now!

Councilman Benson asked Mr. DeFoor to answer several questions and began by asking how many lanes would be coming out.

Ken DeFoor stated that he has one study in comparison that is on Shallowford Mill Drive, which is the best prototype to address the concerns Dr. Dzik has.

REZONING (Continued)

Mr. DeFoer distributed information and stated that he did a ride-by on February 13 and 14 and penciled in what he did on February 3, 6, 8, 9 and 13 at certain times. He stated that the first column reflects the amount of cars stacked up to come out at the Exxon station at the corner of Shallowford Village Drive, which would be the best comparison to the type of property Dr. Dzik has at the corner. He stated through all the times listed, there were very few cars. He stated the second column indicates the number of cars stacked in the lanes which are also very few. He stated if he doubled this with only having four hotels and restaurants, he would be hard pressed to think Dr. Dzik would be damaged. He welcomed anyone else to go out and check the numbers as he was expecting to find different amounts in the categories and thought there would be traffic stacked back to Bradley County on Sundays when people leave after church, but he did not think Dr. Dzik would be open on Sundays, but he is not sure about whether he was open on Saturdays. He stated ten years from now who knows, they could be stacked up "'til the cows come home", however, today there will be three lanes and he invites Dr. Dzik to do his own study as he has.

Dr. Dzik stated that he has eaten in Shallowford Village at the Cracker Barrel, Fazoli's, Shoney's and others about 150-200 times because he lives in the area and would say 75 – 80 percent of the time or more he would have to wait in line. He stated in looking at the same type of situation on the east side of the freeway there is a lot more traffic due to the Mall than on the west side; that there are times now in the afternoon he cannot get out of Timberlane onto Shallowford because the traffic is backed up all the way down to Gunbarrel.

Councilwoman Rutherford asked if John VanWinkle has done any professional studies. She stated that she would be willing to approve this on first reading but defer second reading until we have a professionally done study. She stated that she would like for Mr. VanWinkle to advise the Council.

Dr. Dzik again reiterated that he is not opposed to this; that the problem is that he wants some protection for his folks to get out. He stated he is in favor of the project but just wants protection.

Councilman Rico inquired as to the conditions for this request.

Mr. Pace stated one of the conditions is a review of the traffic plan and requirements by the City's Traffic Engineer; that John VanWinkle will be involved in working with the development and making sure what is in the plan would work. He stated John would be more than happy to answer any questions regarding this.

REZONING (Continued)

Councilman Page stated that he wanted to "piggyback" on Councilwoman Rutherford's comments as it seems this is a traffic engineering problem; that the Council could approve on first reading and get Mr. VanWinkle's input. He asked if a person could not turn right and make it easier to get out.

Dr. Dzik stated if a round-about is there it would be easy.

Mr. DeFoer stated he has invested millions and millions of dollars on this and (he) would be happy to work with traffic engineering. He respectfully asked that the Council move forward with this.

Councilman Benson stated this would have to have two readings anyway and suggested approving on first reading tonight and if it is not ready for second reading defer another week. He stated it would be at least two-to-three years before there is any significant traffic. He stated he would like to see what Mr. VanWinkle has to say and if it does create a problem there are two-to-three options that have been mentioned. He stated one involves the alley behind going out so a person could get out, another is the round-about and another was one going to the right which he does not think is feasible. He stated if it becomes a problem some type of condition or option should be made to solve the problem. He stated that he would like to see Messrs. DeFoer and Dzik agree on conditions if it is appropriate.

Dr. Dzik stated that he is "game" for the project but is just asking for protection.

Mr. DeFoer asked if this could be resolved by the next meeting.

Councilman Rico stated that it depends on them (DeFoer and Dzik).

Chairman Robinson added she would like to see the Traffic Engineer move on this with great dispatch.

City Attorney Nelson stated that he noticed this request is from R-1 to R-4 and that he heard about four restaurants and hotels would be included, noting that it would require C-2.

Mr. Pace stated that is part of the mixed use zone and there is another case later on this evening's agenda. He stated the mixed use zone ordinance that was deferred earlier stands alone; that this is still in the R-4 zone which will allow for mixed use and commercial uses.

REZONING (Continued)

Councilman Benson asked Mr. DeFoor to describe the context of his proposed development before any misrepresentation goes out.

Mr. DeFoor stated that there would be a minimum of 17 residential units going back in with 34 percent of 20 acres being retail.

Councilman Franklin asked if there is any other ingress or egress other than Timberlane.

Mr. DeFoor stated that the city is in discussion so there can be a better intersection; that there is a problem with the hill on Gunbarrel which needs to be leveled.

Mr. DeFoor stated there would be a library and part of the 3.5 acres will be a ten foot sidewalk around the lake as well as an amphitheatre. He stated 50 percent of the residents have to be over the shops in this main street development; that there would be retail shops with residents over them and there would be nine acres left for residents and offices. He stated he had numerous calls today from folks interested in how much the units will sell for and whether there is an opening. He stated this would be an opportunity for those who want to live and shop there rather than drive. He stated there would be a post office in the development and a place where grandchildren can walk.

City Attorney Nelson stated that he is not talking against Mr. DeFoor but advised the Council that several years ago the City Council drew a line on Shallowford Road and said no commercial north of the line. He stated we got sued and went to the Tennessee Supreme Court and the line was drawn with no exceptions to it. He stated it is a legislative function, now, if we permit commercial north of Shallowford Road

Councilman Benson stated we are not permitting it as it is not being zoned commercial.

Councilman Pierce stated he is completely aware of what the City Attorney said; that we have gone back and forth several times about the line. He asked them to think of the little church wanting to sell out and the Council definitely would not allow it to happen. He stated he has to say if the City Attorney is giving the Council legal advice, is the Council going to open "Pandora's Box" to all the applicants that applied previously that now say it is opened up. He stated if it means changing the ordinance, redoing it and saying open it up, he is not certain he could go along with that.

REZONING (Continued)

Councilman Benson stated the land use plan calls for R-4 which was taken back to the public and it has been all through the neighborhood. He stated everyone prefers a mixed main street USA community with all the amenities self-contained as it is. He stated what it calls for is apartments and in looking at this it makes it better for the general welfare; that Planning recommended what was done in Duluth, Georgia and other forward thinking places. He stated this is smart growth and is the first to be tried in Tennessee for this type of mixed use self-contained community. He stated that it is this thought this is an improvement on the land plan; that it is not making it commercial as that is not the focus of this community.

Mr. Pace stated Councilman Benson is correct and attempted to continue speaking, however Councilman Pierce interrupted him and made the motion to move on and bring the matter back to Committee (there was no second to the motion).

Councilman Benson attempted to respond to Councilman Pierce's comment and was gavelled by Chairman Robinson who called for "order". Councilman Benson stated Councilman Pierce deserved an answer from the professional staff.

Councilman Pierce stated he did not want the matter to keep going back-and-forth.

Chairman Robinson suggested that the Council move forward; that the final vote would be next week, the Traffic Engineer could address the special issue on the traffic and Councilman Benson can do further community work.

Councilman Benson stated there is no need for the community to act as they are willing.

Councilman Franklin amended his motion to approve on first reading by adding that first reading is approved subject to confirmation from the Traffic Engineer and that second reading would be deferred. He asked how long the second reading would be deferred.

Councilwoman Rutherford stated that she did not say that; that she is willing to vote for this until she hears a report from Mr. VanWinkle.

Councilman Pierce asked if the Council is going to be guided by the traffic engineer; that if he comes back and is not favorable to this it could be turned down is what he is hearing.

REZONING (Continued)

Chairman Robinson stated a solution will have to be found.

Mr. Pace stated that a solution to Mr. Dzik's problem is needed; that what the engineers will look at is a recommendation as to how best his (Dzik's) clients can get out. He stated as far as the lawsuit and complaint, the new neighborhood plan developed when Councilman Benson came into office changed the recommendations on the north side of Shallowford. He stated it is his thought that in 1990 in the general plan for East Brainerd the line at Shallowford did not come north; that since then a new plan has been adopted with an entire neighborhood involved and changed to allow offices and high density residential on the north side. He stated the mixed use zone gives relief to residents in the area caught in the middle of not being a nice residential area and an area not good enough to be commercial. He stated this would provide for an opportunity to develop in a planned order to make the area more viable and solve some of the traffic situations. He stated an additional lane from Gunbarrel to the freeway will be added to give more traffic flow in the area; that this solution will help the neighborhood solve some of the problems of the past.

Councilwoman Rutherford stated that at next week's Legal and Legislative Committee meeting she would like for the City Attorney to address the issue as far as the lawsuit; that she is a little bit confused in the advice she thinks City Attorney Nelson is trying to give the Council. She stated that she is ready to vote for this tonight but would like clarification from a legal standpoint.

Chairman Robinson stated approval on first reading calls for two "jobs", one with Mr. VanWinkle and the other involves the Council hearing from the City Attorney.

Councilwoman Rutherford called for the question.

On motion of Councilman Franklin, seconded by Councilman Benson,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED IN THE 2300 BLOCK OF TIMBERLANE TRAIL, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-
4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

REZONING

2006-010: DeFoor Brothers, Development, LLC

Mr. Pace stated that this is another piece of the puzzle as the other lot and the same applies to this parcel as the others on the east side. He stated this is part of the overall development for the R-4 mixed use zone and is recommended for approval from both Planning and Staff.

On motion of Councilman Pierce, seconded by Councilman Franklin,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 2339 TIMBERLANE TRAIL, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL
ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

REZONING

2006-011: DeFoor Brothers Development, LLC

Mr. Pace stated the previous request was for the mixed use overlay zone and this one is for rezoning to C-4. He stated this is an area abutting the freeway on the west; that the mixed use overlay zone will be buffering this property from the R-1 areas east of Gunbarrel Road. He stated the recommendation is for approval from both Planning and Staff for the rezoning from the mixed overlay zone to C-4 for a commercial center.

On motion of Councilman Rico, seconded by Councilman Franklin,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED IN THE 2300 BLOCK OF NAPIER DRIVE, 7301 AND 7307
MCCUTCHEON ROAD, AND 7301 SHALLOWFORD ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-4 MXU-OZ MIXED USE
OVERLAY ZONE TO C-4 PLANNED COMMERCE CENTER ZONE, SUBJECT
TO CERTAIN CONDITIONS**

passed first reading.

REZONING

2006-013: DeFoer Brothers Development, LLC

Mr. Pace stated these are all properties under the R-4 zone for a request of the mixed use overlay zone and comes with a recommendation for approval from both Staff and Planning. He stated that the ordinance dealing with the mixed use zone that was deferred stands alone and would put language into the ordinance that would automatically transfer property recently zoned R-4 into the overlay zone. He stated the effort is to get this development under one zone.

On motion of Councilman Benson, seconded by Councilman Franklin,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED IN THE 2300 BLOCK OF TIMBERLANE TRAIL, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO MXU-
OZ MIXED USE OVERLAY ZONE**

passed first reading.

FINAL PUD

2006-034: DMW Group, LLC

Mr. Pace stated this request is located in the East Brainerd area and is the final plan that is recommended for approval from both Planning and Staff after review. He stated this would make some improvement to the property and widen the road to city street standards.

On motion of Councilman Benson, seconded by Councilwoman Bennett,

**A RESOLUTION APPROVING A PROPOSED FINAL PLANNED UNIT
DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT
DEVELOPMENT KNOWN AS PETTY CROSSING PLANNED UNIT
DEVELOPMENT ON TRACTS OF LAND LOCATED AT 1700 AND 8600
PETTY ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS
SHOWN ON THE FINAL PLANNED UNIT DEVELOPMENT PLAN ATTACHED
HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO
CERTAIN CONDITIONS**

was adopted.

CONTRACT

Dan Kral stated that the Parks and Recreation Department moved to push this Resolution through in a hurry. He stated they have engaged the Corps of Engineers for their assistance and approval and gained that today. He stated that he met with representatives of the Tennessee Department of Environment and Conservation who recommended the method for dealing with not necessarily just the aesthetics but the environmental friendliness for riprap. He stated this method and the installation material used is unique to this provider and for that reason have a single source contract; that they have excellent experience.

On motion of Councilwoman Rutherford, seconded by Councilman Rico,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO A SINGLE SOURCE CONTRACT WITH EARTHSCAPES FOR THE INSTALLATION OF AN ECO-BLANKET TO COVER THE RIPRAP IN COOLIDGE PARK IN AN AMOUNT NOT TO EXCEED FIFTY-FOUR THOUSAND FIVE HUNDRED DOLLARS (\$54,500.00)

was adopted.

CONTRACT

On motion of Councilman Pierce, seconded by Councilman Page,

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-06-001-201, 2006 CITY SIDEWALK REQUIREMENT CONTRACT – PHASE I, TO TALLEY CONSTRUCTION COMPANY, INC. FOR A TOTAL AMOUNT NOT TO EXCEED TWO HUNDRED THIRTY THOUSAND SEVEN HUNDRED FORTY-TWO AND 56/100 DOLLARS (\$230,742.56), SUBJECT TO APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING

was adopted.

CONTRACT

On motion of Councilman Franklin, seconded by Councilman Benson,

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-06-001-202, 2006 CITY SIDEWALK REQUIREMENT CONTRACT – PHASE I, TO YERBEY CONCRETE CONSTRUCTION COMPANY FOR A TOTAL AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000.00), SUBJECT TO APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING

was adopted.

OVERTIME

Overtime for the week ending February 10, 2006 totaled \$12,677.82.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **CHARLES E. SANDERS** – Family Medical Leave, Crew Worker, City Wide Services, effective February 6 – May 1, 2006.
- **GARY M. SIVLEY** – Hire, Plumbing Inspector, Land Development, Pay Grade 13/Step 5, \$34,444.00 annually, effective February 3, 2006.

CHATTANOOGA FIRE DEPARTMENT:

- **NICHELLE WOODRUFF** – Return from Family Medical Leave, Senior Firefighter, effective February 7, 2006.
- **LESLEY COLE** – Promotion, Captain, Pay Grade F4A/Step 5, \$42,641.00 annually, effective February 17, 2006.
- **DONNY MCMILLIAN** – Promotion Lieutenant, Pay Grade F3A/Step 5, \$36,767.00 annually, effective February 17, 2006.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- **SHERRELL GIBSON** – Resignation, Lead Teacher, Head Start, effective February 2, 2006.
- **ERIKA HUGHES** – Field Supervisor, FGP, effective February 10, 2006.
- **JOHNNIE STEPP** – Retirement, Teacher, Head Start, effective January 31, 2006.
- **CHARLENE THREATS** – Resignation, Family Services Assistant, Head Start, effective February 1, 2006.

PERSONNEL (Continued)

FINANCE DEPARTMENT:

- **MICHELE R. PICKETT** – Reinstatement, Programmer, Information Systems, Pay Grade 16/Step 5, \$37,743.00 annually, effective February 10, 2006.

CHATTANOOGA POLICE DEPARTMENT:

- **KEITH A. PITTS** – Resignation, School Patrol Officer, effective February 3, 2006.

PURCHASE

On motion of Councilman Rico, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Parks and Recreation Department:

ARCHER SEATING CLEARINGHOUSE (Single source) R0088066

Used Stadium Seats

\$22,226.00

Chairman Robinson noted that this is an excellent price on seating and a smart buy for the city!

WARNER PARK ROSE GARDEN

Councilwoman Rutherford stated that she was thrilled to read about the Warner Park Rose Garden and glad the Parks and Recreation Department is moving in that direction.

Dan Kral stated that they have money set aside and spoke with someone prior to the Council meeting regarding the improvements.

PURCHASES

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

BEARINGS & DRIVES, INC. (Best bid)

R0086752/B0002815

Combination Chains

\$10,920.00

SPECIALTY CHEMICAL (Only bidder)

R0085241/B0002592

Inhibited Hydrochloric Acid

\$7,560.00 (\$1.55 per gallon)

JAKE MARSHALL (lowest and best bid)

R0087499/B0002864

Mechanical Services

\$250,000.00

ACCELA (Change Order #2)

R0065429/P0021535

Permits and Inspection Records Management System

| | |
|---|---------------------|
| Original Purchase (Council approved 6/29/04) | \$305,000.00 |
| Change Order #1 Increase (Council approved 3/8/05) | 39,672.00 |
| Change Order #2 Increase | <u>7,400.00</u> |
| NEW CONTRACT TOTAL | \$352,072.00 |

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Rico, the following purchase was approved for use by the Chattanooga Police Department:

G. T. DISTRIBUTORS (Only bidder)

R0084803/B0002624

Weapons (Twelve months contract with option to renew for an additional twelve month period)

\$35,000.00

PURCHASES

On motion of Councilman Rico, seconded by Councilwoman Rutherford, the following purchases were approved for use by the Finance and Administration Department:

XPEDX and AMERICAN PAPER & TWINE (Best bids)

R0085386/B0002660

Multi-Purpose Printing Paper (*Xpedx will be awarded a contract for items 1, 2,3,4,8 and 14 in the amount of \$34,433.73. American Paper and Twine Company will be awarded a contract for items 5,6,7,9,10,11,12 and 13 in the amount of \$3,464.40*)

| | |
|------------------------|-------------|
| Xpedx | \$34,433.73 |
| American Paper & Twine | 3,474.40 |

JAT OIL, INC. (Only local company who can supply this service to the City of Chattanooga)

R0087548/B0002900)

Bulk Fuel Loading

\$509,734.00

REFUNDS

On motion of councilman Rico, seconded by Councilman Pierce, the Administrator of Finance was authorized to issue the following refund of stormwater fees and/or property taxes:

Yao Liang \$1,334.63

Ernest & Ellis LLC 4,124.54

HEARING: SGT. TOM MCKINNEY

City Attorney Nelson stated that the hearing set for next Monday for Sgt. McKinney should be rescheduled as Atty. Shelley Park is scheduled to be out of town. He stated the matter should be deferred at least one week.

The hearing for Sgt. McKinney was rescheduled for Monday, February 27 at 10 a.m. with Councilmen Robinson, Rutherford and Franklin serving as the panel and Councilwoman Bennett as alternate.

COMMITTEES

Councilman Benson stated next Monday in the Council Committee Room candidates for the interim position for District 9 would be interviewed beginning at 3 p.m. He stated the following day, the **Legal and Legislative Committee would meet at 3 p.m. (February 21)** to make a decision and take action on the appointment of that person to fill the interim position.

Councilman Page asked if a certain time limit would be given each applicant so as to provide some structure for the meeting.

Chairman Robinson indicated that the three-minute timing device would be used.

Councilman Franklin scheduled a meeting of the **Parks and Recreation Committee for Tuesday, February 21 at 4:00 p.m.**

Councilman Rico scheduled a meeting of the Health, **Education, Human Services and Housing Opportunities Committee for Tuesday, February 21 at 4:15 p.m.**

DISTRICT 9 APPLICANTS

Councilwoman Rutherford inquired as to whether any more applications had been received for the District 9 seat.

Carol O'Neal, Clerk of the Council, responded that one additional letter had been received in Monday's mail.

ELIZABETH BUSH

Elizabeth Bush stated that she appeared before the Council three months ago to complain about her neighborhood. She stated she was present to recognize the Council and police department and had not intended to call names however she thanked Councilwoman Rutherford for being so helpful in solving the problem firsthand; that she went out of her way to make her feel as if she had a \$200,000 home, too! She stated it is good to be a regular citizen and have the Council's cooperation. She expressed thanks to the Delta Team of the Police Department and noted that Captain Mike Williams went out of his way; that the lieutenants and everyone were very helpful and it is a blessing to live in a city like this. She stated that she never thought she would see this and to get action this quickly is a blessing from God. She again expressed thanks, wished God's blessing upon all and asked the Council to remember the police department when budget negotiations start to get more help as they do a super job!

ADJOURNMENT

Chairman Robinson adjourned the meeting of the Chattanooga Council until Tuesday, February 21, 2006 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)**