

CITY COUNCIL BUILDING  
CHATTANOOGA, TENNESSEE  
March 28, 2006  
6:00 P.M.

Chairman Robinson called the meeting of the Chattanooga City Council to order with Councilmen Bennett, Benson, Franklin, Page, Pierce, Powers and Rico present. Councilwoman Rutherford was absent due to prior commitment. 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 Bennett, followed by invocation.

**MINUTE APPROVAL**

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

**CAPITAL IMPROV. BUDGET**

On motion of Councilman Franklin, seconded by Councilwoman Bennett,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 11762  
ENTITLED "AN ORDINANCE APPROPRIATING,  
AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL  
IMPROVEMENTS BUDGET FOR THE FISCAL YEAR  
2005/2006" TO PROVIDE FOR THE APPROPRIATION OF A  
DONATION FROM THE THRUST FOR PUBLIC LAND TO  
PARKS AND RECREATION GREENWAYS CAPITAL PROJECTS  
AND A GRANT FROM THE AMERICAN BATTLEFIELD  
PROTECTION PROGRAM TO PRESERVE BILLY GOAT HILL**  
passed second and third readings and was signed in open meeting.

**AMEND CITY CODE**  
**SIDEWALK VENDING**

Councilman Benson noted that we had a guest present who has an investment in this district.

Chairman Robinson stated that she had had a conversation with the folks who are interested in the vending area and the place they are concerned about is adjacent to the protected vending zone and not actually in the zone. She stated that he could still speak, if he wished.

**Timothy Crane** stated that he had a hot dog stand that was approximately 3 ft. x 4 ft., and the area we are talking about is the Coolidge Bridge walking area, and if you look on the map, there is a circle you turn around in and sidewalks; that the protected zoning area is for the Walnut Street Bridge, Ross' Landing, and the whole business is in this circle—that this is the “cream of the crop” spot. He explained that he has a City Permit and does not obstruct the sidewalk; that the only other area is 50 ft. to 75 ft. from the Bridge, where the parking meters are located, and to put him there is a much smaller area—that he would not be able to be seen there, and he did not belong in business if he could not be where he presently locates and where he could make money; that there is no reason to prohibit him and that he and a friend are the only ones who set up there—a Lemonade and Hot Dog Stand.

Chairman Robinson reiterated that she had met with these folks and that the map used for the purpose of this Ordinance shows that they are outside the boundary according to the map, and there should be no problem; that they would not be 75 ft. away.

Mr. Crane noted that the map is so small that it is hard to read, and one can hardly see the spot he is talking about; that it seems the City does not want them in there and if you put him down in the other area, he just does not belong in business.

Chairman Robinson maintained that 1 ft. away is where we are talking about and that is not in the vending zone. She assured Mr. Crane that he would still be in the “action” area.

Mr. Crane noted that that the sidewalk is 4 ft. versus 7 ½ ft.

**SIDEWALK VENDING**  
**(CONT'D)**

**Councilman Rico moved to defer this issue, as it may affect more people than just Mr. Crane.**

Councilman Benson stated that he thought we had another option; that Chairman Robinson was saying that what Mr. Crane wanted was legal. He suggested passing this tonight and if Mr. Crane encountered any problems that we could amend the Ordinance at a later date.

Chairman Robinson agreed that this is a brand new Ordinance, and we should try it out.

Mr. Crane questioned if he would be cited.

Chairman Robinson maintained that if he were in the area outside of this map, then he should not be cited; that the way she saw this, he was 1 ft. away from the turn-around. She suggested that we go ahead and try this ordinance.

Councilman Benson told Mr. Crane that if he got cited, he should bring it to the Council.

**Councilman Rico withdrew his motion to defer.**

On motion of Councilman Page, seconded by Councilman Pierce,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 11, SECTION 11-377, TO INCLUDE A  
NEW SUBSECTION (10), WHICH PROHIBITS SIDEWALK  
VENDING ON THE CITY BLOCKS LOCATED BETWEEN  
MARKET STREET BRIDGE AND OLGATI BRIDGE ADJACENT  
TO RIVERFRONT PARKWAY AND ALSO FOR THE SIDEWALK  
AND PARKS LOCATED BETWEEN MARKET STREET AND  
WALNUT STREET ADJACENT TO FIRST STREET WITHIN  
THE PROTECTED VENDING ZONES OF THE TWENTY-FIRST  
CENTURY WATERFRONT DEVELOPMENT PROJECT AS  
SHOWN ON THE ATTACHED MAP**

passed second and third readings and was signed in open meeting.

Councilman Franklin indicated that he was still unclear about this, asking if it were saying you can't set up on sidewalks?

**SIDEWALK VENDING**

Attorney Nelson explained that you can't block sidewalks.

Councilman Franklin stated that Mr. Crane would be blocking the sidewalk if it were only 4 ft., but it was not 4 ft. but 7 ft.; that pedestrians should still be able to flow by.

Councilman Benson reiterated that Mr. Crane, should he be cited, should bring it to the Council's attention immediately.

Chairman Robinson agreed that if there were any problems, Mr. Crane should let us know.

**AMEND CITY CODE  
PARKING**

On motion of Councilman Pierce, seconded by Councilman Franklin,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 24, SECTION 24-305, RELATIVE TO  
PARKING**  
passed second and third readings and was signed in open meeting.

**REZONING**

**2005-153 (Reid M. Henson)**

Councilwoman Bennett explained that this had been deferred earlier, and they were still in the midst of the Study, and the matter should be deferred indefinitely.

Attorney Nelson stated that "indefinite" was a bad word to use and suggested 91 days.

On motion of Councilwoman Bennett, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS  
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS  
TO REZONE A TRACT OF LAND LOCATED AT 327  
STRINGER STREET, MORE PARTICULARLY DESCRIBED  
HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2  
CONVENIENCE COMMERCIAL ZONE AND R-4 SPECIAL  
ZONE, SUBJECT TO CERTAIN CONDITIONS**  
was deferred for 91 days. (June 27, 2006)

**URBAN FORESTRY  
GRANT**

On motion of Councilman Rico, seconded by Councilwoman Bennett,  
**A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR  
AND, IF APPROVED, ACCEPT AN URBAN AND COMMUNITY  
FORESTRY GRANT ASSISTANCE PROGRAM GRANT FROM  
THE TENNESSEE DIVISION OF FORESTRY IN THE AMOUNT  
OF TWENTY THOUSAND DOLLARS (\$20,000.00)**  
was adopted.

**MOBILE BURN BLDG.**

On motion of Councilman Rico, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE FIRE CHIEF TO APPLY  
FOR THE 2006 ASSISTANCE TO FIREFIGHTERS GRANT  
FROM THE UNITED STATES FIRE ADMINISTRATION IN AN  
AMOUNT NOT TO EXCEED FOUR HUNDRED SIXTY  
THOUSAND DOLLARS (\$460,000.00) FOR THE PURCHASE  
OF A MOBILE BURN BUILDING WHICH, IF AWARDED, WILL  
REQUIRE LOCAL MATCHING FUNDS OF TWENTY PERCENT  
(20%) AND, IF SELECTED FOR APPROVAL, AUTHORIZING  
THE ACCEPTANCE OF SAID GRANT IN THE AMOUNT OF  
THREE HUNDRED SIXTY-EIGHT THOUSAND DOLLARS  
(\$368,000.00) AND AUTHORIZING LOCAL MATCHING  
FUNDS IN AN AMOUNT NOT TO EXCEED NINETY-TWO  
THOUSAND DOLLARS (\$92,000.00)**  
was adopted.

**AGREEMENT**

On motion of Councilman Page, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF AN  
AGREEMENT WITH THE CHATTANOOGAN RELATIVE TO  
ACCOMODATIONS FOR ADMINISTRATION OF  
PROMOTIONAL EXAM TESTING FOR FIRE LIEUTENANT  
AND FIRE CHAPTAIN IN AN AMOUNT NOT TO EXCEED  
TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)**  
was adopted.

**OVERTIME**

Overtime for the week ending March 24, 2006, totaled \$10,510.54.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**PUBLIC WORKS DEPARTMENT:**

- ❖ **RONALD L. MADDEN** – Dismissal of Senior Crew Worker, effective 3/27/06.
- ❖ **RONALD L. SIMMONS**—Hire as Plant Operator, Pay Grade 9/1, \$24,012.00, effective 3/22/06.

**CHATTANOOGA FIRE DEPARTMENT:**

- ❖ **ANDREW CARSON**—Promotion to Captain, Pay Grade F4/6, \$44,395.00 annually, effective 3/17/06.
- ❖ **JAMIE RATCHFORD**—Promotion to Lieutenant, Pay Grade F3/5, \$36,767.00 annually, effective 3/17/06.

**CHATTANOOGA HUMAN SERVICES DEPT.:**

- ❖ **ROBIN HARALSON**—Resignation of Health Technician, effective 3/17/06.
- ❖ **HEATHER JOHNSON**—Change from full time to part time position as Dietary Assistant, \$11,104.41, effective 3/17/06.

**CHATTANOOGA POLICE DEPARTMENT:**

- ❖ **STACY TONEY**—FMLA of Communications Officer, effective 3/18/06—6/10/06.
- ❖ **TOM MCKINNEY**—Suspension, 14 days without pay of Sergeant, effective 3/31/06—4/13/06.

**PURCHASES**

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

**LEE SMITH, INC. (Lowest and best bid meeting specs.)**  
**Requisition No. R0087761/B0002919**

Medium Dump Truck

\$78,126.46

**ENVIRONMENTAL SYSTEMS (Single Source Purchase)**  
**Requisition No. R0088796**

Software Maintenance & Support Services Agreement

\$17,801.09 annually

**QUALITY TRAFFIC SYSTEMS (Lowest and best bid meeting specs.)**  
**Requisition No. R0087877/B0002929**

Traffic Signal Poles

\$13,040

**NORTEL VOICE NETWORK EQUIPMENT(Single Source supplemental purchase):**  
**Invoice Numbers 48182 and 48183**

Installation

\$6,580 and  
\$6,300

### BOARD APPOINTMENTS

On motion of Councilman Powers, seconded by Councilman Rico, the following Board appointments were approved.

#### LIBRARY BOARD:

Re-appointments of **HERB COHN, TOM GRISCOM, MAI BELL HURLEY, Dr. CHRYSTAL L. PARTRIDGE and DAVID TURNER** for three year terms expiring **July 1, 2008**. (Their terms expired July 1, 2005).

Re-appointment of **BILL ROBINSON** for a three year term expiring **July 1, 2009**.

Appointment of **THOMAS MCLAREN** to replace Emma Hughes, for a three year term expiring **March 31, 2009**.

### PERSONNEL HEARINGS

City Attorney Randall Nelson scheduled the following Personnel Hearings:

**Sgt. Leigh Taylor Noorbergen** scheduled for **Monday, May 1<sup>st</sup> at 10:00 a.m.** The panel consists of **Councilmen Bennett, Franklin, and Powers. Councilman Rico is the alternate.**

**Sgt. Tom McKinney** scheduled for **Monday, May 15<sup>th</sup> at 9:00 a.m.** The panel consists of **Councilmen Page, Rico, and Robinson. Councilwoman Rutherford is the alternate.**

**Ronald Lebron Madden** scheduled for **Monday, May 8<sup>th</sup> at 10:00 a.m.** The panel consists of **Councilmen Benson, Pierce, and Rutherford. Councilman Rico is the alternate.**

### COMMITTEES

Councilwoman Bennett announced that there would be a **7:30 a.m. meeting in regards to an update on North Shore Parking to be held at the Chattanooga Theater Center on Wednesday, March 29<sup>th</sup>.**



**COMMITTEES (CONT'D)**

Councilman Benson mentioned that in lieu of his June District Meeting, there would be a **Heritage Park Opening** on **Saturday, April 1<sup>st</sup> at 10:00 a.m.** The Ribbon Cutting will be at **11:00 a.m.** There will be refreshments and music will be provided by Allied Arts. Councilman Benson noted that Mayor Littlefield would be present, and well as Mayor Corker, and he urged all to attend.

Councilman Franklin shared with the Council that last evening he attended a meeting held by Governor Bredesen concerning Health Care initiatives and providing health care for individuals and small business owners; that it is notable to be able to offer affordable insurance for employees of small businesses, as well as children; that the State will match this, and there will be no premiums over \$100. He also mentioned High Risk Initiatives by Caregivers. Councilman Franklin explained that Governor Bredesen was trying to counteract the phase out element of the TennCare Program. He stated that the new program would be ran efficiently, and dollars were isolated for this, and it was a joint effort of members of the Senate and the House of Representatives. He noted that former Governor McWherter was present. He went on to say that this was a very informative meeting and will allow all cities of the State of Tennessee to be insured and will include children, as well. He ended by saying that Governor Bredesen was working towards getting the Senate and House of Representatives to support this.

Councilman Pierce announced for the benefit of the news media, especially Channel 9 TV and Fox 61, who had made quite an issue about his paying his property taxes, that he would be paying his taxes tomorrow at 1:00 p.m. and anyone interested in a news story should be there.

**TROY COX**

**Mr. Troy Cox** was present stating that unfortunately he missed the 4:00 meeting concerning Ashland Terrace and that he needed details.

Councilman Rico suggested that he be given the minutes of the 4:00 meeting.

Chairman Robinson stated that she would get the minutes to Mr. Cox. She stated that there was a long discussion at the 4:00 meeting with Mayor Littlefield attending and an examination of the projects that the City was working on and how they were ranked. She noted that since this was her district, she had the most to say. She explained that a lot of the Councilmembers were under the impression, based on the Capital Budget of '05, that the widening project and funding on Ashland Terrace would begin in the Spring of '06; that when they received the Capital Budget update in November, this had been changed, and it was not pointed out to the Council. She stated that some of the Councilmembers thought it was still on-going and believed it was on track for the Spring of '06. She stated we then got down to the brass tacks, and the Council was told the funding from the City was not there, and the change had been made based on priorities. She explained to Mr. Cox that she took issue with this, and the Mayor explained and informed the Council of competing interests. She stated that she thought she heard the Mayor say that he would go to work on this and help us out; that maybe other funds could be moved over, and we may still be able to get this on track. She noted that the Mayor was going to Nashville and would be talking about this. She related to Mr. Cox that the Council had asked for better communication, stating that they needed to be told about these things.

Mr. Cox asked if he was to assume that this could still go forward this year.

Chairman Robinson stated that the Mayor made no promises but stated that he would work with us on this.

Mr. Cox reminded the Council that they all agreed to fund this.

Chairman Robinson agreed that it was in the Capital Budget of '05, which was passed in November of '05.

Mr. Cox asked if it would take roughly \$3 million dollars.

TROY COX (CONT'D)

Chairman Robinson responded that she did not think it would take that much.

Councilman Pierce informed Mr. Cox that everyone went over this in committee meeting and that the Clerk was writing the same thing over and over; that we will have minutes of the 4:00 meeting; that discussing it in this fashion, many people do not know what we are talking about. He reiterated that this was all part of the committee meeting, and he did not see any need in prolonging this; that Mr. Cox could get a copy of the minutes; that it was not fair to take up all this time discussing this.

Chairman Robinson noted that she just summarized what was said at the meeting; that we could get a copy of the minutes to Mr. Cox and that she and Public Works would talk with him at a later time.

Mr. Cox apologized to Councilman Pierce for spending too much time on this.

Councilman Pierce explained to him that we all have priorities and things that are important in each district; that sometimes there is the need to go back to the drawing board, and it was discussed in committee why priorities change.

Mr. Cox stated that he just wanted to ask one question, "Where did the money go"?

Chairman Robinson asked that Mr. Cox talk to her privately after this meeting; that she would set up a meeting with Public Works and that she would also attend and Mr. Cox could get more explicit information.

Mr. Cox asked if no one from the Finance Department was present. Chairman Robinson explained that Ms. Madison was out this evening; that she had been in committee meeting. She reiterated that she would talk to Mr. Cox after the meeting.

**ADJOURNMENT**

Chairman Robinson adjourned the meeting of the Chattanooga City Council until Tuesday, April 4<sup>th</sup> at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**