

**City Council Building
Chattanooga, Tennessee
August 15, 2006
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. Special Counsel Phil Noblett, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Benson gave invocation.

MINUTE APPROVAL

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

RECOGNITION OF BOY SCOUT TROOP 254

Chairman Pierce recognized the presence of Boy Scout Troop 254 from Tyner United Methodist Church. Troop Leader Kevin Ayers introduced himself and the Scouts with him noting that they were present to observe the meeting as part of the requirements for the Citizenship and Community merit badge.

AMEND ZONING ORDINANCE

Councilman Benson stated this matter was thoroughly discussed in today's Legal and Legislative Committee and the decision was to defer the matter 60 days.

AMEND ZONING ORDINANCE (Continued)

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 CERTAIN
SECTIONS OF ARTICLE II, ARTICLE V, AND ARTICLE VIII, SECTION 107,
RELATIVE TO THE LOCATION OF ALTERNATIVE FINANCIAL SERVICES
WHICH INCLUDE DEFERRED PRESENTMENT SERVICES AND TITLE PLEDGE
LENDERS AS DEFINED HEREIN**
was tabled 60 days (October 17).

AMEND ORDINANCE 11812: SIDEWALK VENDING

Councilman Benson stated due to the extended discussion on the previous ordinance in today's Legal and Legislative Committee, the Committee was not able to attend to this matter. He stated the request is to defer this two weeks until the Committee convenes again.

Councilwoman Robinson expressed agreement with the decision to defer two weeks.

On motion of Councilman Rico, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 11812, ENCAPTIONED,
"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" SO AS TO PROVIDE ADDITIONAL
RESTRICTED AREAS AND TO PERMIT LIMITED VENDING SUBJECT TO A
REQUEST FOR PROPOSALS**
was tabled two weeks (August 29).

REZONING

2006-104: BlueCross BlueShield of Tennessee, Inc. & GDRG, LLC

On motion of Councilwoman Robinson, 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 AT 409 AND 488 CAMERON HILL CRICLE AND 501
WEST MARTIN LUTHER KING JUNIOR BOULEVARD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE, R-4 SPECIAL ZONE
AND C-2 CONVENIENCE COMMERCIAL ZONE TO C-3 CENTRAL
BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

LIFT CONDITIONS

2006-146: Dana Lynn McKamey

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO LIFT CONDITIONS
IMPOSED IN ORDINANCE NO. 10683 (CASE NO. 1998-036) ON A
TRACT OF LAND LOCATED AT 7304 JARNIGAN ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

REZONING

2006-147: Ben F. Miller & Louis Belua

On motion of Councilwoman Rutherford, 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 6844 MCCUTCHEON ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL
ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

REZONING

2006-148: B & B Development

On motion of Councilman Rico, 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 5900 HIXSON PIKE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL
ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

REZONING

2006-153: 2525 Broad Street, LLC

On motion of Councilwoman Rutherford, 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 2517 AND 2525 BROAD STREET, TOGETHER WITH
TWO (2) UNADDRESSED TRACTS OF LAND LOCATED IN THE 400 BLOCK
OF WEST 25TH AND WEST 26TH STREETS, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3
CENTRAL BUSINESS ZONE**
passed second and final reading and was signed in open meeting.

REZONING

2006-155: Deanna Duncan & Terry Cannon

**Councilmen Rico and Rutherford made the motion and second to substitute the
amendments to this ordinance; the motion carried.**

On motion of Councilman Rico, 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 1800 ROSSVILLE AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3
CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

REZONING

2006-158: Aaron D. Smith & William E. Clegg, Jr.

On motion of Councilwoman Rutherford, seconded by Councilman Page,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 2104 HAMILL ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE
ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed second and final reading and was signed in open meeting.

REZONING

2006-160: City Council, City of Chattanooga

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 CERTAIN
TRACTS OF LAND LOCATED IN THE 2300 THROUGH 2700 BLOCKS OF
CANNON AVENUE AND THE NORTH SIDE OF THE 1200 AND 1400
BLOCKS OF EAST 28TH STREET, MORE PARTICULARLY DESCRIBED
HEREIN, FROM R-2 RESIDENTIAL ZONE AND R-4 SPECIAL ZONE TO R-1
RESIDENTIAL ZONE**

passed second and final reading and was signed in open meeting.

AMEND CHARTER

Councilman Benson stated this matter was discussed in today's Legal and Legislative Committee meeting and approval is recommended.

Special Counsel Noblett stated there is one change to this ordinance; that the sentence stating "*No chairperson may serve more than three (3) consecutive terms*" should be deleted. The correction was made in open meeting.

AMEND CHARTER (Continued)

On motion of Councilman Rico, seconded by Councilman Franklin,
AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) TO REPEAL THE PROVISIONS REGARDING THE APPOINTMENT OF MEMBERS OF THE ELECTRIC POWER BOARD AND PROVIDING THAT THE MAYOR SHALL APPOINT SUCH MEMBERS, SUBJECT TO CONFIRMATION BY THE CITY COUNCIL, AND TO PERMIT THE ELECTRIC POWER BOARD TO ELECT ITS OWN CHAIR AND VICE CHAIR

passed first reading.

APPROPRIATION

On motion of Councilman Benson, seconded by Councilwoman Rutherford,
AN ORDINANCE APPROPRIATING FROM THE GENERAL FUND, OFFICE OF FAITH BASED INITIATIVES, TO FRONT PORCH ALLIANCE THE AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00) FOR SUMMER YOUTH PROGRAMS

passed first reading.

REZONING

2003-085: Oscar T. Hurley

The applicant was present; there was no opposition.

Jerry Pace, Director of Development Services with the Regional Planning Agency (RPA), stated that this case was deferred indefinitely three years ago and at the time there was no plan or buyer/user for this property. He stated it has now come to a conclusion and there is a buyer and use for the property and approval is recommended for rezoning to R-4. He stated a condition should be added that the *"development would be included in the property to the east and the office complex"*.

Councilman Benson stated this is the one that should have been considered three months ago but was not ready as part of the package for this development. He stated there is no objection from the community.

REZONING (Continued)

Chairman Pierce asked the applicant if he understood what was being approved tonight.

Mr. Hurley responded "yes".

On motion of Councilwoman Rutherford, 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 7210 JARNIGAN ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

CHARTER AMENDMENT

Special Counsel Noblett stated that this amendment provides for deletion of the City Engineer position from those Charter officials who must be appointed after the election of the Mayor.

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO DELETE THE CITY ENGINEER POSITION FROM THOSE CHARTER OFFICIALS WHO MUST BE APPOINTED AFTER THE ELECTION OF THE MAYOR
passed first reading.

PAYMENT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING PAYMENT TO THE TENNESSEE MUNICIPAL LEAGUE FOR 2006-2007 ANNUAL MEMBERSHIP DUES IN THE AMOUNT OF TWENTY-FOUR THOUSAND TWO HUNDRED FIFTY-TWO DOLLARS (\$24,252.00)
was adopted.

PAYMENT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING PAYMENT TO THE UNITED STATES
CONFERENCE OF MAYORS FOR 2006 DUES IN THE AMOUNT OF TEN
THOUSAND DOLLARS (\$10,000.00)**
was adopted.

CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER
NO. 2 FOR DESIGN OF THE OUTDOOR CENTER AT RENAISSANCE PARK
WITH HEFFERLIN AND KRONENBERG, WHICH CHANGE ORDER
INCREASES THE CONTRACT AMOUNT BY FIVE THOUSAND FIVE
HUNDRED DOLLARS (\$5,500.00), PLUS REIMBURSABLE EXPENSES, FOR A
REVISED TOTAL CONTRACT PRICE NOT TO EXCEED ONE HUNDRED
FIFTY THOUSAND SIX HUNDRED DOLLARS (\$150,600.00)**
was adopted.

LEASE AGREEMENT

On motion of Councilman Page, seconded by Councilwoman Gaines,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PARKS AND RECREATION TO EXECUTE A LEASE
AGREEMENT WITH THE NORTH CHICKAMAUGA CREEK CONSERVANCY
FOR THE USE OF OFFICE SPACE AT GREENWAY FARM FOR A TERM
BEGINNING SEPTEMBER 1, 2006 AND ENDING AUGUST 31, 2007**
was adopted.

GRANT

On motion of Councilman Franklin, seconded by Councilwoman Gaines,
**A RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE
TENNESSEE DEPARTMENT OF AGRICULTURE TO THE DEPARTMENT OF
PARKS AND RECREATION FOR THE CHATTANOOGA MARKET PROJECT
IN THE AMOUNT OF FIVE THOUSAND DOLLARS (\$5,000.00)**
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 EXECUTE A SERVICE AGREEMENT WITH KARL D. GARDNER TO MANAGE, DIRECT, PRODUCE, AND COORDINATE THEATRICAL AND EDUCATIONAL PROGRAMS AND VARIOUS OTHER SERVICES IN AN AMOUNT NOT TO EXCEED SIX THOUSAND DOLLARS (\$6,000.00)
was adopted.

OVERTIME

Overtime for the week ending August 11, 2006 totaled \$10,454.50.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **WILLIAM A. SPEARS** – Resignation, Electrician, Traffic, effective August 7, 2006.
- **ROGER L. SAMPLES** – Family Medical Leave, Crew Worker Senior, City Wide Services, effective August 2 – September 6, 2006.

CHATTANOOGA FIRE DEPARTMENT:

- **JON CAMPBELL** – Resignation, Senior Firefighter, effective August 10, 2006.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- **CINDY BARNWELL, KIMBERLY KNIGHT** – Resignation, Teacher Assistant, Head Start, effective August 3, 2006.
- **TAVIA BROWN** – Resignation, Teacher, Head Start, effective August 3, 2006.

PERSONNEL (Continued)

- **LARRY WORSHAM** – Resignation, Dietary Assistant, Head Start, effective August 3, 2006.

FINANCE DEPARTMENT:

- **ROBERTA LONG** – Promotion, Business Tax Inspector, Treasurer’s Office, Pay Grade 11/Step 1, \$27,194.00 annually, effective July 28, 2006.

CHATTANOOGA POLICE DEPARTMENT:

- **SHAMEIKA R. RUSSELL** – Hire, School Patrol Officer, \$29.27 per day, effective August 11, 2006.
- **GERALD DOSSETT** – Resignation, Police Officer, effective August 16, 2006.
- **RON PARSON** -- Retirement, Sergeant, effective August 17, 2006.

PURCHASES

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

CHATTANOOGA TRAILER (Lowest and best bid)
R0091108/B0003351

Twelve Ton Trailer

\$17,580.00

MAURICE BEAVERS (Lowest and best bid)
R0091585/B0003452

Vegetation Control

\$16,200.00

PURCHASES (Continued)

Councilwoman Rutherford inquired as to what is meant by "vegetation control".

Deputy Admin. Norris explained that it involves the use of goats (to get rid of the kudzu) on Missionary Ridge.

Councilwoman Rutherford asked when the goats would be made available.

Mr. Norris responded that it would be a week from Monday.

Chairman Pierce inquired as to the number of goats.

Mr. Norris responded there would be 30-50 goats through September and October. He stated if this is successful, they would be used for seven months through next summer.

PURCHASES

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

RESCUEVAC SYSTEMS, INC. (Only bid received)
R0091364/B0003374

RescueVac System

\$12,800.00

WITMER ASSOCIATES (Lowest and best bid)
R0091616/B0003379

\$10,649.25

CANBERRA INDUSTRIES, INC. (Lowest and best bid)
R0091367/B0003359

Mini-Radiac Personal Radiation Monitors

\$41,828.00

PURCHASES (Continued)

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

10-33 EQUIPMENT (Lower and better bid)

R0090509/B000343

Breathing Apparatus
\$129,767.00

REFUNDS

On motion of Councilman Rico, seconded by Councilman Franklin, the Administrator of Finance was authorized to issue the following refunds for tax year 2005:

OLAN MILLS, INC. -- \$13,563.88

MUELLER COMPANY -- \$2,088.33

PURCHASES

On motion of Councilman Rico, seconded by Councilwoman Rutherford, the following purchases were approved for use by the Mayor's Office, General Services Division:

LAUREL MOUNTAIN SPRING WATER (Best evaluated bid)

R0087800/B0003280

Bottled Water
\$21,131.20
(\$9,807.00 bottle deposit)

COCA COLA BOTTLING COMPANY (Best complete bid)

R0089134/B0003167

City Wide Soft Drinks
\$72,973.30

PURCHASE

On motion of Councilman Franklin, seconded by Councilman Page, the following purchase was approved for use by the Mayor's Office, Information Services Division:

LBMC TECHNOLOGIES, LLC (Best evaluated proposal)

R0091072

Software Installation

\$125 per hour; not to exceed \$40,000.00

EMERGENCY PURCHASE

The emergency purchase of HVAC System for Tyner Recreation Center for the department of Parks and Recreation, Purchase Order R0091645 to Mountain City Service, Inc. in the amount of \$33,070.00 was duly reported and signed in open meeting.

COMMITTEES

Councilman Rico reminded Council members of **the Public Works Committee meeting scheduled for Tuesday, August 22 at 4 p.m.**

Councilwoman Gaines scheduled a meeting of the **Parks and Recreation Committee for Tuesday, August 22 beginning at 3:30 p.m.**

Councilman Benson stated the Legal and Legislative Committee met this afternoon and one unfinished item would be taken up two weeks from now regarding vending. Later in the meeting Chairman Pierce informed Councilman Benson that one Charter change was deferred until next week. It was then determined that the Committee would "piggyback" onto the Public Works Committee on Tuesday, August 22 to discuss proposed Charter amendments.

"THE EAC WAY"

Councilwoman Rutherford announced that the Department of Education, Arts and Culture (EAC) will present "The EAC Way," a showcase of programs and activities available in neighborhoods throughout the city. She stated the showcase will begin at 7 p.m. on Friday, August 18 at the Tivoli Theatre and admission is free. She stated that she would like for all on the Council and any constituents that could to attend.

'THE EAC WAY" (Continued)

Admin. Crutchfield stated that this will be an exciting event as the first half of the showcase will include a video of the program specialists working in the various neighborhoods. She stated the second half involves an original play written by Coretta Holmes, a Cultural Arts Specialist, which explores the choices youth are faced with every day and the difficult decisions that must be made that affect their lives. She stated it is a message to children and the community about right choices.

SPECIAL COUNCIL MEETING

Chairman Pierce reminded Council members of the special Council meeting scheduled for Tuesday at 1:15 p.m. pertaining to the bond issue for the Electric Power Board. He stated the meeting was originally scheduled for 11 a.m. as it was thought the figures would be available earlier; however, it has been determined that is not the case; thus, the 1:15 p.m. change in time. He stated lunch would be served at noon.

ADJOURNMENT

Chairman Pierce adjourned the meeting of the Chattanooga Council until Tuesday, August 22, 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)**