

**City Council Building  
Chattanooga, Tennessee  
October 3, 2006  
6:00 p.m.**

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

### **APPROPRIATION**

Councilwoman Rutherford stated that it was her thought that a policy had been established that we would not buy tables anymore and this ordinance indicates a table would be purchased. She stated she is happy to do this however she wanted to go to some event and wanted the Council to purchase a table and was told we were not buying tables any longer. She stated we need a policy so that if we are doing it for one, we could do it for all or vice versa.

Chairman Pierce expressed agreement and noted he was not sure the ordinance was for a table.

Adm. Daisy Madison confirmed that the ordinance is for an appropriation and not a purchase and clarified that it is for sponsorship of a table for the Ruby Hurley Dinner.

Councilwoman Rutherford stated that she does not have any problem with this; that her question is whether there is going to be a policy so that when the next thing comes along we can buy eight tickets for a table.

**APPROPRIATION (Continued)**

Chairman Pierce stated that he questioned putting this item on the agenda for \$750.00; that it was mentioned on Talk Radio that the amount was \$750,000.00 and this is the way the public is being led to think. He stated the way administration has it outlined, requests now have to come this way for small expenditures; that his thought was that it had been done without an ordinance for less than \$1,000.00

Councilwoman Rutherford stated that we have all kinds of organizations that come to us; that the AIM Center is the one she was referring to that she was interested in a few months ago for the Council to have a table. She stated she is happy for us to support any and all of them but would like some kind of policy so that we know what we are doing.

**Councilman Benson** suggested rather than stop this ordinance, he would like to make a motion to approve this with the understanding we get a list of all the organizations we normally do this for during the year. He stated we have done this every year for this organization, at least in the six years he has been here. He stated he did not think we should "cherry pick" it, but look at all of them, set a budget and get the budget approved one time to cover this. He stated we get requests all the time for tables. At this point he **made the motion to approve this ordinance on first reading** with the understanding that Randy Burns (the Council's Management Analyst) do research on what is being done along with Carol O'Neal (Council Clerk) and then take it into one of the committees.

Councilman Rico stated in the past when the Council purchased tables no one showed up and it was a waste of money; that someone could request a ticket but not the whole table.

On motion of Councilman Gaines, seconded by Councilwoman Rutherford,

**AN ORDINANCE APPROPRIATING FROM THE GENERAL FUND TO THE CHATTANOOGA HAMILTON COUNTY BRANCH OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP) THE AMOUNT OF SEVEN HUNDRED FIFTY DOLLARS (\$750.00), AS SPONSORSHIP FOR "THE 14<sup>TH</sup> ANNUAL RUBY HURLEY DINNER"**

passed first reading.

**REZONING**

**2006-162: Elite Hotels Group, LLC**

Chairman Pierce explained that the applicant has requested an additional three weeks deferral.

On motion of Councilman Franklin, seconded by Councilwoman Gaines,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 440 WEST MARTIN LUTHER KING BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE AND C-2 CONVENIENCE COMEMRCIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**  
was deferred three weeks at the request of the applicant.

**AMEND CITY CODE**

On motion of Councilman Benson, seconded by Councilman Franklin,  
**AN ORDINANCE TO AMEND CITY CODE PART II, CHAPTER 18, SECTION 18-48, SO AS TO PROVIDE FOR WEEKLY RESIDENTIAL GARBAGE SERVICE AND MONTHLY CURBSIDE RECYCLING SERVICE**  
passed first reading.

**LOWEST AND BEST BID**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,  
**A RESOLUTION ACCEPTING THE LOWEST AND BEST BID FROM INTERNATIONAL EQUIPMENT COMPANY FOR INSTALLATION OF A SECURITY SYSTEM RELATIVE TO THE CITY HALL RENOVATIONS PROJECT IN AN AMOUNT NOT TO EXCEED SIXTY-ONE THOUSAND NINE HUNDRED FIFTY DOLLARS (\$61,950.00)**  
was adopted.

**LOWEST AND BEST BID**

On motion of Councilman Rico, seconded by Councilman Franklin,  
**A RESOLUTION ACCEPTING THE LOWEST AND BEST BID FROM DIRECT IS FOR INSTALLATION OF AN AUDIO/VISUAL SYSTEM RELATIVE TO THE CITY HALL RENOVATIONS PROJECT IN AN AMOUNT NOT TO EXCEED NINETY-EIGHT THOUSAND FOUR HUNDRED FORTY-SEVEN DOLLARS (\$98,447.00)**  
was adopted.

## DONATION

On motion of Councilwoman Robinson, seconded by Councilman Franklin,  
**A RESOLUTION ACCEPTING A DONATION TO THE CHATTANOOGA  
FIRE DEPARTMENT FROM MEMORIAL HOSPITAL IN THE AMOUNT OF  
TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) TO BE USED TO  
FUND FIRE PREVENTION WEEK ACTIVITIES AND EXPRESSING THE  
GRATITUDE OF THE MAYOR AND THE CITY COUNCIL FOR SAID  
DONATION**

was adopted.

## ISSUANCE AND SALE OF BONDS

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,  
**A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF BONDS IN  
THE AGGREGATE AMOUNT NOT TO EXCEED TWENTY-FIVE MILLION  
DOLLARS (\$25,000,000.00) OF THE CITY OF CHATTANOOGA,  
TENNESSEE FOR THE PURPOSE OF PAYING ALL OR A PORTION OF THE  
COSTS OF THE FOLLOWING: (i) POLICE PROJECTS: PORTABLE RADIOS,  
DIGITAL CAMERAS FOR VEHICLES, BUILDING RENOVATIONS, SECURITY  
SYSTEM AND AFIS UPGRADE; (ii) FIRE PROJECTS: FIRE STATION  
CONSTRUCTION, FIRE APPARATUS, ROOF REPLACEMENTS AND  
BUILDING RENOVATION AND MOBILE LIVE FIRE TRAINER (TRAILER); (iii)  
PARKS AND RECREATION PROJECTS: RIVERFRONT IMPROVEMENTS,  
PLAYGROUND IMPROVEMENTS, ZOO IMPROVEMENTS, RECREATION  
CENTER IMPROVEMENTS, GREENWAYS, TENNIS COURT  
IMPROVEMENTS, PARK IMPROVEMENTS AND CIVIC FACILITIES  
IMPROVEMENTS; (iv) PUBLIC WORKS PROJECTS: EQUIPMENT, AREA IIA  
AND IIB CLOSURE, AREA III GAS SYSTEM AND LINER PHASE I,  
STORMWATER PROJECTS, SIDEWALKS, TRAFFIC SIGNALS/SYSTEMS,  
STREET/ROAD IMPROVEMENTS AND REHABILITATIONS, PARKING METER  
REPLACEMENT, REPAIR AND MODERNIZATION, BRIDGE REPAIRS AND  
REPLACEMENTS, BUILDING RENOVATIONS, RECYCLE CONVENIENCE  
CENTERS AND SEWER PROJECTS; AND (v) OTHER PROJECTS: ERP  
(ENTERPRISE RESOURCE PLANNING) SOFTWARE PURCHASE AND  
INSTALLATION, CARTA VEHICLES AND EQUIPMENT, REPLACE EXISTING  
TELEPHONE SYSTEM, SOFTWARE, DIGITAL RADIOS, DIGITAL CAMERAS  
AND CERTAIN BUILDING RENOVATIONS AND FIXING THE MAXIMUM  
RATE OF INTEREST SUCH BONDS SHALL BEAR**

was adopted.

**JOINT AGREEMENT**

On motion of Councilwoman Gaines, seconded by Councilwoman Rutherford,  
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A JOINT AGREEMENT WITH HAMILTON COUNTY WITH A TERM ENDING OCTOBER 14, 2009 FOR A TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) GRANT FOR DEVELOPMENT OF THE ENTERPRISE SOUTH NATURE PARK, WHICH REQUIRES MATCHING CASH AND IN-KIND SERVICES IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) FROM THE CITY OF CHATTANOOGA**  
was adopted.

**PAYMENT AUTHORIZATION**

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000.00) TO ALLIED ARTS OF GREATER CHATTANOOGA FOR THE LEASE OF ART FOR PLACEMENT IN THE FIRST STREET STEP SCULPTURE GARDEN AS PART OF THE CHATTANOOGA BI-ANNUAL SCULPTURE EXHIBITION**  
was adopted.

**DONATION**

Councilman Rico stated Resolutions (g) – (k) were discussed in today's Public Works Committee meeting and approval is recommended.

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE DONATION OF CERTAIN SURPLUS EQUIPMENT FROM THE DEPARTMENT OF PUBLIC WORKS TO THE UNIVERSITY OF TENNESSEE AT CHATTANOOGA**  
was adopted.

**CONTRACT**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. W-06-005-201, MOCCASIN BEND WASTEWATER TREATMENT PLANT OXYGEN GENERATION SYSTEM IMPROVEMENTS COOLING TOWER REPLACEMENT, TO JAKE MARSHALL, LLC IN THE AMOUNT OF SIXTY-FIVE THOUSAND THREE HUNDRED DOLLARS (\$65,300.00), PLUS A CONTINGENCY AMOUNT OF SIX THOUSAND FIVE HUNDRED DOLLARS (\$6,500.00), FOR A TOTAL AMOUNT NOT TO EXCEED SEVENTY-ONE THOUSAND EIGHT HUNDRED DOLLARS (\$71,800.00)**  
was adopted.

GRANT

On motion of Councilman Benson, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) RELATIVE TO THE NORTH CHICKAMAUGA CREEK GREENWAY TRANSPORTATION ENHANCEMENT PROGRAM IN THE AMOUNT OF SEVEN HUNDRED THIRTY-SEVEN THOUSAND FIVE HUNDRED EIGHTY-FIVE DOLLARS (\$737,585.00), WHICH REQUIRES THE CITY TO MATCH TWENTY PERCENT (20%) OF THE TOTAL PROJECT AMOUNT OF NINE HUNDRED TWENTY-ONE THOUSAND NINE HUNDRED EIGHTY-ONE AND 25/100 DOLLARS (\$921,981.25), OR ONE HUNDRED EIGHTY-FOUR THOUSAND THREE HUNDRED NINETY-SIX AND 25/100 DOLLARS (\$184,396.25)**  
was adopted.

TEMPORARY USE

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,  
**A RESOLUTION AUTHORIZING HEIDI HEFFERLIN TO USE TEMPORARILY THE 1600 BLOCK OF LONG STREET AT WEST 17<sup>TH</sup> STREET TO ALLOW ENTRY STOOPS TO EXTEND TO THE EDGE OF THE SIDEWALK AT STREET LEVEL AND FOR CANOPIES AND BALCONIES ABOVE THE THIRD FLOOR LEVEL, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**A RESOLUTION AUTHORIZING ROBERT L. HAYNES TO USE TEMPORARILY AN UNOPENED ROAD BEHIND 2110 EAST 21<sup>ST</sup> STREET TO INSTALL A WATER LINE, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

OVERTIME

Overtime for the week ending September 29, 2006 totaled \$65,560.42.

## PERSONNEL

The following personnel matters were reported for the various departments:

### PUBLIC WORKS DEPARTMENT:

- **ROGER L. SAMPLES** – Return to duty from Family Medical Leave, Crew Worker, Sr., City Wide Services, effective September 6, 2006.
- **TRACY L. MURRAY** – Suspension (3 days without pay), Equipment Operator, Sr., City Wide Services, effective September 27-29, 2006.
- **TSHOMBE M. HIGH** – Suspension (4 days without pay), Crew Worker, City Wide Services, effective October 2-5, 2006.

### CHATTANOOGA FIRE DEPARTMENT:

- **LOUIS PEMBERTON** – Retirement, Firefighter, effective September 29, 2006.
- **TAMMY WEY** – Leave of Absence (without pay), Senior Firefighter, effective September 28 – October 27, 2006.

### FINANCE DEPARTMENT:

- **MELANIE EVERETT** – Hire, Tax Clerk, Treasurer's Office, Pay Grade 6/Step 2, \$22,068.00 annually, effective September 15, 2006.
- **LISA H. JONES** – Termination, Accountant, effective September 21, 2006.

## PURCHASES

On motion of Councilwoman Robinson, seconded by Councilman Rico, the following purchase was approved for use by the Public Works Department:

### MCKAY METERS (Best bid) R092788/B003506

*Parking Meter Parts (POM, Inc. submitted the lowest bid, however, past experience has proven that POM parts are not interchangeable and cannot be used to repair Duncan or McKay Parking meters. The City of Chattanooga uses only these two types of meters for parking and their parts are interchangeable.)*

\$18,456.00

**EMERGENCY PURCHASE**

The emergency purchase for Mold Remediation Services for the Public Works Department Stormwater Division, due to storm water damage at 720 Curve Street, in the amount of \$12,605.68 on Requisition R0093312 to Affinity Environmental was duly reported and signed in open meeting.

**PURCHASE**

On motion of Councilwoman Robinson, seconded by Councilman Rico, the following purchase was approved for use by the Neighborhood Services and Community Development Department:

**MUNICIPAL SOFTWARE CORPORATION (Single source)**  
**R0092886**

Software Maintenance and Support Services per TCA 6-56-304.6

\$10,000.00

**PURCHASE**

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

**FDM SOFTWARE, LTD. (Single source)**  
**R0092893**

Software Maintenance and Support (*This is a single source purchase; FDM Software, Ltd. designed this software which has been in use by the City since 2002. This is a renewal agreement for one year.*)

\$33,017.48

**HOTEL PERMIT**

On motion of Councilwoman Rutherford, seconded by Councilman Rico, the following hotel permit was approved:

**HAMPTON INN – 3641 Cummings Highway, Chattanooga, Tennessee**



## PURCHASE

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

### GT DISTRIBUTORS (Best bid) R0092396/B0003496

Ammunition (Requirements Contract) *(The Hunting Shack, which was the low bidder, committed an error in pricing its bid and requested their bid be withdrawn from award consideration.)*

\$75,296.45

## COMMITTEES

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, October 10 beginning at 3 p.m.**

Councilman Page scheduled meetings of the **Economic Development Committee for Tuesday, October 17 at 3:45 p.m.** to hear a request for the Wrigley PILOT **and Tuesday, October 31 at 3:30 p.m.** to hear a report regarding the Chattanooga Metropolitan Airport.

### 2006-060: CHATTANOOGA HOUSING AUTHORITY

Councilman Rico stated rezoning request 2006-060 for the Chattanooga Housing Authority on next week's agenda should be referred back to Planning. He stated there would be no fee charged for resubmitting the request.

**On motion of Councilman Rico, seconded by Councilwoman Robinson, the matter was duly referred back to Planning.**

## CELEBRATE IN BRAINERD!

Councilwoman Rutherford extended an invitation to the Council to Celebrate in Brainerd! October 14. He stated the celebration will take place in the old part of Brainerd near the tunnel; that there will be more than twenty musical groups and more than 40 visual artists.

## **CELEBRATE IN BRAINERD!**

Councilwoman Rutherford stated Dr. Cornelius, known across the country as a great story teller, is being sponsored by Allied Arts and CARTA will provide buses that will leave from McCallie and Century 21 School parking lots. She stated everyone is welcome and expressed hope that everyone would have a good time!

## **DAVE PORTFIRI**

Dave Portfiri of 4109 Bal Harbor Circle addressed the Council and stated that he lives in Councilman Page's district. He stated in light of the decision made in Public Works Committee today about recycling he had a few comments. He stated he wanted to be sure there would be accountability as to how the education funds proposed would be spent. He stated an open bidding process is needed and the city should not automatically go with Waterhouse. He stated the best ideas need to be brought out if the city makes that type of investment to increasing recycling; that part of the money should be used to survey (people) to understand why people are not participating or do it in neighborhoods first to see if it is useful information. He suggested having citizens' oversight as to how it will be spent and noted that people from the Task Force Committee could be used as they are already there and ready to go. He stated the important thing to keep in mind is that a benchmark is needed to know if we are successful with the new "world order" for curbside recycling; to know that everyone knows the goal and determine if it is successful or not.

Mr. Portfiri stated that the Mayor mentioned the possibility of going to bi-weekly collection after a long term if monthly recycling works and indicated that he will hold him to that and will not let him forget he said it. He stated there needs to be a way to gauge how successful the drop-off centers are and not just pour money into them with no way to get feedback if they are working or not. He suggested buying one drop-off center rather than the four as proposed; that one should be tested first before committing that much money. He stated the city should get behind the State Legislature in getting closure on the bottle law which should be a wonderful opportunity to get rid of road side litter. He stated trucks need to be replaced and bio-diesel should be looked at for fuel for vehicles; that it is an alternative fuel for vehicles rather than buying traditional trucks.

At this point Chairman Pierce thanked Mr. Portfiri for his comments and stopped him as his three minute time limit had expired.

### DAVE PORTFIRI (Continued)

Councilman Benson expressed appreciation to Mr. Portfiri for his remarks and stated that he wanted to get some answers from the City Attorney regarding the issue of a professional services contract. He stated we are nine people and one mayor and we look to citizens to make this work. He informed Mr. Portfiri that he (Portfiri) would have to be positive about this, too, as he kept hearing overtones in his comments that he was negative about trying to make it successful. He asked him to think and "search his own heart"; that people can make it work. He asked that he rally people around him to bring education so they will participate. He stated we have to start with "baby steps" and make it cost effective and then end up being a product of what we have done. He asked Mr. Portfiri to help and not bring back the past. He asked the City Attorney whether the city could bid legally for this service.

City Attorney Nelson stated that the process is to seriously look to the professionals and not amateurs when it comes to state permits. He stated on occasion we can put out a request for proposal; that we can not bid but, "yes", we could ask for proposals.

### **(At this point Councilman Rico excused himself from the meeting.)**

Councilman Page thanked Mr. Portfiri for his comments and his time over the last few weeks, as well as sharing his views and ideas; that he is a smart guy who has looked at this a lot and is very interested in it. He thanked him and his committee noting that each served many hours and he knows it was not the most positive thing but it did help. He stated that it helped him personally get a "handle" on recycling in Chattanooga. He expressed thanks to him from the bottom of his heart!

### NEIGHBORHOOD SERVICES CONFERENCE

Councilwoman Rutherford stated that she wanted to go on record in thanking Beverly Johnson and Neighborhood Services for doing an outstanding job this past week. She stated she had been to a number of conferences throughout the years and this was the best one! She expressed sorrow that more of the Council members did not attend as it was a great experience.

Chairman Pierce also joined in expressing thanks, noting that he attended the opening session and was out-of-the city for the remainder of the Conference.

**ADJOURNMENT**

Chairman Pierce adjourned the meeting of the Chattanooga Council until Tuesday, October 10, 2006 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

**(A LIST OF NAMES OF PERSONS IN ATTENDANCE  
IS FILED WITH MINUTE MATERIAL OF THIS DATE)**