

**City Council Building  
Chattanooga, Tennessee  
February 20, 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 Franklin gave invocation.

**MINUTE APPROVAL**

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

**SPAY DAY USA"**

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

Councilman Benson stated the Council is fortunate to have good volunteer citizens present tonight representing the Animal Care Trust (ACT) who are involved in developing the McKamey Animal Shelter and Adoption Center. He asked Ashley Mayo and her dog, "Harry" the Spokesdog, Dan Alderman and Donna DeWeese to come forward.

Donna DeWeese, Community Outreach Coordinator with ACT, expressed thanks to the Council for moving this matter forward on the agenda and noted that she and others are present to promote the National emphasis, "Spay Day USA". She stated the McKamey Center has organized several activities locally to coincide with the national event and referenced the resolution on the agenda designating February 27 as "Spay Day" in Chattanooga. She expressed hope the Council would adopt it as they have in past years.

### "SPAY DAY USA" (Continued)

Ms. DeWeese stated that she would like to make the Council aware of the activities the McKamey Center has implemented in regard to "Spay Day" and expressed thanks to the Council for helping to bring attention to the pet overpopulation problem and promoting spaying and neutering as a simple, humane and effective way to end the tragedy of euthanizing homeless pets.

In referencing the activities of the Center, Ms. DeWeese stated that a \$1,000 grant has been received from the PetCo Foundation to expand a program begun last October while working with the rescue group CATS to combat feral cat colonies. She stated they have utilized Auburn University's Operation Cat Nap and Dr. Amanda Wojtalik, with the help of the University of Tennessee veterinary students and certified veterinary technicians, has performed 123 spay/neuter surgeries on "Spay Saturdays" at the animal hospital on Signal Mountain. She stated the grant from PetCo allows them to perform an additional 200 surgeries.

Ms. DeWeese continued by stating that a few weeks ago the announcement of the "Love Your Pet" coloring contest began, which is open to all Hamilton County elementary school children in grades K-5 and noted almost 100 entries have been received. She stated winners will be chosen in two grade levels, K-2 and 3-5; that winners will receive an ice cream party plus a visit from "Harry" our Spokesdog for their class. She stated they are utilizing this opportunity to promote responsible pet ownership which includes spaying or neutering pets. She stated the contest is open through February 28 and winners will be announced on March 5. She stated that they have partnered with Greenlife Grocery where "Spay Day" posters are displayed along with donation canisters to collect donations for more spay or neuter surgeries. She also noted that a partnership has been established with News Channel 9 and PBS Channel 45 who are running special spay/neuter public service announcements through March, if not longer.

Ms. DeWeese concluded her comments by stating that the activities mentioned demonstrates their ability and desire to establish and perform outreach efforts in the community – even *before* the McKamey Center opens later this year and asked the Council to imagine what can be accomplished *after* the Center is open!

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**A RESOLUTION DESIGNATING FEBRUARY 27, 2007 AS "SPAY DAY USA".**  
was adopted.

### APPROPRIATION

On motion of Councilwoman Rutherford, seconded by Councilman Page,  
**AN ORDINANCE APPROPRIATING FROM THE GENERAL FUND TO THE ASSOCIATION OF VISUAL ARTISTS THE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000.00) TO SUPPORT THE ANNUAL 4 BRIDGES ARTS FESTIVAL**

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

### AMEND ZONING ORDINANCE

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V BY ADDING A NEW SECTION 1706, MODIFIED PARKING IN SPECIAL DISTRICTS**

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

### REZONING

#### **2006-236: Tracey Cooke**

The applicant was present; there was no opposition in attendance.

Councilwoman Robinson stated that she had not heard if a meeting with the neighbors had been held, noting that she needs to hear from the applicant.

Tracy Cooke, applicant, stated that he has met with Mr. Johnson several times and talked with him today. He stated Mr. Johnson is satisfied with what is being planned and has been invited to view the site before and during construction. He stated Mr. Johnson is satisfied with the plan and stated it was not necessary for him to be present tonight.

Councilwoman Robinson asked if there was a large group Mr. Cooke met with or just Mr. Johnson.

Mr. Cooke stated he did not hear from anyone else.

Councilwoman Robinson stated that the Council could go ahead and vote tonight as it has been deferred from February 6.

REZONING (Continued)

On motion of Councilman Rico, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 506 TUCKER STREET, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO RZ-1 ZERO LOT  
LINE RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed second and final reading and was signed in open meeting.

REZONING

**2007-001: John M. Petrey & Peggy B. Petrey**

**Councilmen Franklin and Bennett made the motion and second to substitute the amendment to this ordinance; the motion carried.**

On motion of Councilwoman Robinson, seconded by Councilwoman Bennett,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED IN THE 1400 BLOCKS OF JEFFERSON AND ADAMS  
STREETS, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-3  
WAREHOUSE AND WHOLESALE ZONE AND R-3 RESIDENTIAL ZONE TO  
C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed second and final reading and was signed in open meeting.

REMITTANCE

Councilman Benson stated this matter was discussed the Legal and Legislative Committee and noted there is a contractual obligation when employees are withdrawing pension funds. He stated after discussion the Committee expressed approval.

On motion of Councilman Rico, seconded by Councilman Benson,  
**A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO REMIT  
TWO HUNDRED EIGHTY-THREE THOUSAND TWO DOLLARS (\$283,002.00)  
TO THE LABORERS' INTERNATIONAL UNION OF NORTH AMERICA  
("LIUNA") NATIONAL (INDUSTRIAL) PENSION FUND FOR WITHDRAWAL  
LIABILITY DUE TO TERMINATION OF CITY EMPLOYEE PARTICIPATION IN  
THE LIUNA**  
was adopted.

**AD VALOREM TAXES**

Councilman Page stated the Economic Development Committee discussed this matter and approval is recommended.

On motion of Councilwoman Bennett, seconded by Councilwoman Robinson,

**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE JARNIGAN ROAD III, LLC/EMJ CORPORATION PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES**

was adopted.

**CONTRACT**

Councilman Rico stated Resolutions (d), (e), (j) and (k) were discussed in Public Works Committee and approval is recommended.

On motion of Councilman Rico, seconded by Councilwoman Rutherford,

**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. W-06-009-201, 2006 MISCELLANEOUS SANITARY SEWER LINING CONTRACT, TO INSTITUFORM TECHNOLOGIES, INC. IN THE AMOUNT OF NINETY-TWO THOUSAND ONE HUNDRED TWENTY-FIVE DOLLARS (\$92,125.00), PLUS A CONTINGENCY AMOUNT OF SEVEN THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$7,875.00), FOR A TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)**

was adopted.

**CONTRACT**

On motion of Councilman Rico, seconded by Councilwoman Rutherford,

**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. W-06-010-201, MISCELLANEOUS SANITARY SEWER MANHOLE ADJUSTMENT CONTRACT, TO MAYSE CONSTRUCTION COMPANY FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)**

was adopted.

**AGREEMENT**

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH SCENIC CITY AQUATIC CLUB TO RENT THE WARNER PARK SWIMMING POOL FOR THE PURPOSES OF THE QUAD SWIMMING MEET TO BE HELD JUNE 9-11, 2007, FOR THE AMOUNT OF ONE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$1,500.00)**  
was adopted.

**AGREEMENT**

On motion of Councilwoman Rutherford, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH SCENIC CITY AQUATIC CLUB TO RENT THE WARNER PARK SWIMMING POOL FOR THE PURPOSES OF PRACTICE FROM MAY 22, 2007 THROUGH AUGUST 12, 2007, FOR THE AMOUNT OF TWO THOUSAND AND 00/100 DOLLARS (\$2,000.00)**  
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 ENTER INTO AN AGREEMENT WITH THE CHATTANOOGA AREA SWIM LEAGUE HOST TEAM TO RENT THE WARNER PARK SWIMMING POOL FOR THE PURPOSES OF THE CHATTANOOGA AREA SWIM LEAGUE CHAMPIONSHIP TO BE HELD JULY 13-16, 2007, FOR THE AMOUNT OF TWO THOUSAND AND 00/100 DOLLARS (\$2,000.00)**  
was adopted.

**CONTRACT**

On motion of Councilwoman Rutherford, seconded by Councilwoman Bennett,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND COMMUNITY DEVELOPMENT TO ENTER INTO A CONTRACT WITH CHATTANOOGA STATE TECHNICAL COMMUNITY COLLEGE FOR INSTRUCTIONAL COSTS ASSOCIATED WITH THE NEIGHBORHOOD LEADERSHIP INSTITUTE PROGRAM IN AN AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000.00)**  
was adopted.

**SPECIAL POLICEMAN**

On motion of Councilman Rico, seconded by Councilman Page,  
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF ANGELIA STEVENSON AS SPECIAL POLICEMAN (UNARMED) FOR THE CITY OF CHATTANOOGA DEPARTMENT OF PUBLIC WORKS TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**SPECIAL POLICEMEN**

On motion of Councilman Rico, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF RONNIE CARPER AND EDWARD LECOMPTÉ AS SPECIAL POLICEMEN (UNARMED) FOR THE CITY OF CHATTANOOGA DEPARTMENT OF PUBLIC WORKS TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**DONATION**

On motion of Councilman Franklin, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE FIRE CHIEF TO ACCEPT THE DONATION OF ONE (1) 1986 FORD 40 PASSENGER BUS FROM THE CHATTANOOGA AREA REGIONAL TRANSPORTATION AUTHORITY (CARTA), VALUED AT APPROXIMATELY TWO THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$2,500.00)**  
was adopted.

**OVERTIME**

Overtime for the week ending February 16, 2007 totaled

**PERSONNEL**

The following personnel matters were reported for the various departments:

**PUBLIC WORKS DEPARTMENT:**

- **OATHER DEWAYNE CALES** – Promotion, Crew Worker, Waste, Pay Grade 10/Step 1, \$25,964.00 annually, effective February 9, 2007.

**PERSONNEL (Continued)**

- **GINNIFER M. DAVIS** – Hire, Plant Operator Senior, Waste, Pay Grade 12/Step 1, \$28,424.00 annually, effective January 26, 2007.
- **STEPHEN MICHAEL HALES** – Hire, Plant Operator Senior, Waste, Pay Grade 12/Step 1, \$28,424.00 annually, effective February 2, 2007.
- **ADAM M. BATES** – Hire, Electrical Instrument Technician, Waste, Pay Grade 12/Step 1, \$28,424.00 annually, effective February 2, 2007.
- **JASON CRASS** – Suspension (1 day without pay), GIS Specialist, Engineering, effective February 13, 2007.
- **WILLIAM WAYNE WALDROP** – Hire, Traffic Electrician Apprentice, Traffic Engineering, Pay Grade 9/Step 1, \$24,732.00 annually, effective February 26, 2007.

GENERAL GOVERNMENT:

- **KEVIN M. GERMAIN** – Resignation, Network Technician, Information Systems, effective February 15, 2007.

**EMERGENCY PURCHASE**

The emergency purchase of Sewer Pipeline Inspection 23<sup>rd</sup> Street for the Public Works Department, Requisition No. 0096534 assigned to Amtec Surveying, Inc. of Atlanta, Georgia in the amount of \$11,218.20 was duly reported and signed in open meeting.

**PURCHASE**

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

**CUSTOM LANDSCAPE & DESIGN, GRASSCAPES, INC., SPECIAL TOUCH LAWN CARE, A PERFECT LAWN (Multiple best bidders based upon per cut bid prices) R0095529/B0003793**

Grounds Maintenance

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



**EXPRESSION OF THANKS**

Deputy Fire Chief Flint expressed thanks to Tom Dugan of CARTA for the donation of the 40 passenger bus adopted by Resolution this evening.

**RESCIND CONTRACT**

On motion of Councilwoman Bennett, seconded by Councilman Franklin, the contract with PK Safety Supply, P0025767, approved by the City Council on January 23, 2007 in the amount of \$21,548.00 to furnish four Canberra Radiagem Radiation Dose Rate Meters and four Canberra Dosiman Electronic Personal Dosimeters was duly rescinded.

**PURCHASES**

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

**FEDERAL RESOURCES SUPPLY COMPANY (Revised low bidder)**

**R0095447/B0003753/P0025767**

Chattanooga Metropolitan Medical Response System Grant, Radiological Detection and Monitoring Equipment

\$25,400.00

**EAST RIDGE UNIFORM (Best bid)**

**R0093073/B003769**

Fire Fighters Station and Dress Uniforms (*Safety and Security International submitted the lowest bid; however, the bid was ruled non-responsive since it was incomplete.*)

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

**HEARING: HUGH REECE**

City Attorney Nelson reminded Council members of the hearing scheduled for Hugh Reece on Monday, February 26 beginning at 1:30 p.m. with Councilmen Rico, Benson and Gaines serving on the panel and Councilman Page as alternate.

## COMMITTEES

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for 3:00 p.m. on Tuesday, February 27.**

Councilwoman Rutherford scheduled a meeting of the **Education, Arts and Culture Committee for 4:00 p.m. on Tuesday, February 27.**

## HEARING: NATHAN CARTER

Councilman Benson reported that he and Councilmen Rico and Page sat as the panel for the hearing for Nathan Carter and sustained the decision of Public Works; that due process was followed in the termination. He stated the panel sustained the decision at 100 percent.

## DISTRICT 5 TOWN HALL MEETING

Councilman Page reminded everyone of the town hall meeting scheduled for Thursday, February 22 at Oak Hill Baptist Church for District 5 and the Highway 58 area in District 3. He expressed hope that everyone could attend as the meeting will be very informative.

## TABLE REZONING: 2007-009

Chairman Pierce asked that rezoning case 2007-009: Phillip Barry Robertson be tabled until Tuesday, March 20. He stated the request was initially tabled until February 27 for an opportunity for the applicant to meet with the M. L. King Neighborhood Association. He stated the Association does not meet until Thursday, March 15 and the matter would be on the March 20 Council agenda.

**On motion of Councilman Benson, seconded by Councilman Franklin, rezoning case 2007-009: Phillip Barry Robertson was duly tabled until March 20.**

## DOUG FISHER

Doug Fisher presented tickets to Council members who had confirmed a reservation to hear President Bush speak at the Trade Center on Wednesday afternoon. He stated President Bush would hold a discussion on health care and it should be a very spirited crowd.

**MAYOR'S COUNCIL ON DISABILITY**

Sandra Booher, a member of the Mayor's Council on Disability, stated she and others on the Council wanted to come and visit a City Council meeting to see what is happening in the city in an effort try to keep aware of what is going on.

Chairman Pierce expressed appreciation for their attendance.

**ADJOURNMENT**

Chairman Pierce adjourned the meeting of the Chattanooga Council until Tuesday, February 27, 2007 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)**