

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
FEBRUARY 27, 2007**

Chairman Pierce called the meeting of the Chattanooga City Council to order with Councilmen Bennett, Benson, Franklin, Gaines, Page, Rico, Robinson and Rutherford present. 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 Rutherford, followed by invocation given by Attorney Nelson.

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.

**SPECIAL PRESENTATION:
BEVERLY TINKER**

Chairman Pierce reminded Mayor Littlefield that Special Presentations are limited to three minutes and turned the meeting over to Mayor Littlefield.

Mayor Littlefield noted that the Proclamation for Mrs. Beverly Tinker was read in its entirety earlier in the day, stating that he would provide the Clerk of the Council with a copy so that the Proclamation could be spread upon the minutes. He stated that we were losing Mrs. Tinker to retirement and that tomorrow would be her last day, and he wished her well and urged everyone to make her last day a pleasant one.

The Proclamation was as follows:

Thirty years ago, on November 5, 1976, a talented, elegant young lady walked into the halls of the Chattanooga Police Department. As the door closed behind her, she would begin a journey of a thousand miles. During this journey, she would spend the next 30 years of her life committed to making a career for herself, being a devoted wife and mother, and being a servant to the people of Chattanooga.

**PROCLAMATION/
BEVERLY TINKER (CONT'D)**

She would begin her career as a clerk, where she would serve with great distinction under the next seven Chiefs of Police. Her keen sense of composure and dignity would be noticed by all who were around. Her vibrant personality was electrifying. In 1992, her selfless work ethic would be recognized to its fullest potential, and she would be chosen to work for the Office of the Mayor.

The position to which she was given was unlike any responsibility she had held before. Her grace, her elegance, and her voice were to become the first impressions of the Mayor's Office. For the next fifteen years, she would serve under Mayors Gene Roberts, John Kinsey, Bob Corker, and Ron Littlefield.

Her name would become synonymous with commitment and fortitude. On February 28, 2007, the City of Chattanooga will allow one of its most valuable and most dependable servants to retire with more than 30 years of distinguished service. On this day, she will close the great door of civil service to which she so courageously opened over a quarter of a century ago.

Seldom is a Mayor fortunate enough to have had the honor or the opportunity to work with such an illustrious, loyal, and faithful friend. I can only imagine that through her devoted tenure, she has answered more than half a million phone calls and met more than a quarter of the residents of Chattanooga.

Our City shall be lost without her charisma, her eloquence, and her splendor. In the harsh light of public scrutiny, she has always exhibited all that is good in the City of Chattanooga and none of its shortcomings. The Mayor's office shall never be the same.

We hope that she will enjoy a well earned retirement and may spend it basking in the sun and relishing a well lived life of service and commitment. We will miss her greatly, but we can only hope that she will come back and visit us from time to time. She can retire, knowing that her character has earned her the respect of her peers and co-workers. "Well done, thou good and faithful servant."

**PROCLAMATION/
BEVERLY TINKER**

NOW, THEREFORE, I, Ron Littlefield, Mayor of the City of Chattanooga, do hereby wish to honor and pay tribute to

Mrs. Beverly Tinker

On the eve of her retirement for 30 years of distinguished and meritorious service to the City of Chattanooga and the Office of the Mayor.

**SPECIAL PRESENTATION/
PUBLIC WORKS EMPLOYEES**

Mayor Littlefield stated that he also had another item—recognizing the wonderful men in uniform that were sitting on the front row; that this was in recognition of something wonderful that they did; that these were the men that keep our City clean and safe and that they went beyond the call of their normal duty. He proceeded to read the following proclamation:

Whereas: *The City of Chattanooga takes great pleasure in paying tribute to those special employees who have committed acts that qualify them for superior distinction and have gone above and beyond the normal call of duty, and*

Whereas: *On February 15, 2007, during their normal work routine, the Chattanooga Public Works Crew under the supervision of Mr. Eric Cox, came upon a suspicious automobile stopped in the middle of a road unattended with a door left open, and*

Whereas: *Upon further, cautious investigation, this Public Works crew found a woman who had fallen into a ditch while seeking help in time of distress, and*

**PROCLAMATION/
PUBLIC WORKS CREW**

Whereas: *After the workers called 911, they cautiously and safely helped this woman into the cab of their vehicle and kept her warm so that she would not suffer any effects of hypothermia from the severe cold weather, and*

Whereas: *The City of Chattanooga wishes to show respect to the following distinguished Public Works employees for their meritorious service to Ms. Joann Norton in her time of great urgency,*

Now Therefore

I, Ron Littlefield, Mayor of the City of Chattanooga do hereby wish to pay tribute and honor to the following distinguished Public Works Employees

***Mr. Eric Cox
Mr. Warren Tillison
Mr. Roderick Gilbert
Mr. Bobby Crutcher
Mr. Kenheart Harper
Mr. William Howard***

At this point, Mayor Littlefield shared the Proclamation with each of the employees, stating that it was his privilege, and he thanked each of them for their work.

**PROPERTY PURCHASE
DON WALKER**

Councilwoman Rutherford moved that Resolution (e) on tonight's agenda be moved forward. Chairman Pierce questioned the reason for this and was told by Councilwoman Rutherford that she would like to have this discussed before Mayor Littlefield left the meeting. **The request to move forward was seconded by Councilman Benson.**

PROPERTY PURCHASE
DON WALKER (CONT'D)

Councilman Page stated that this issue had been discussed in the Public Works Committee and some questions had arisen as to whether it was appropriate for the City to be doing this. He stated that he would like to hear, again, our need for this and if this was truly something we need to attain from a stormwater standpoint.

Mayor Littlefield stated that he would like to speak to this; that as Councilwoman Rutherford knew, this goes back several years to the time of Mayor Jon Kinsey; that the owner of this property proposed to develop several homes on the wooded site; that the site is a stormwater collector; that the owner moved dirt and tore down trees and disturbed the neighborhood; that this was not a site that served well for development. He went on to say that this was not a recorded subdivision and the owner had gone to the Board of Appeals and that he (Mayor Littlefield) had testified against this, and this had gone on for years; that mud flows down Brainerd Rd. to the Food Lion.

Councilwoman Rutherford added that this is a natural drainage area.

Mayor Littlefield went on to say that we had to either buy it or condemn it; that the Trust for Public Land had gotten an appraisal, and we were satisfied that this was a fair price, and this is the conservative thing to do; that even though this is unusual, it is a stormwater project, and if we did not purchase it, we would have to use police power to make this happen.

Bill Payne added that this property is on the side of Missionary Ridge and is a natural valley between two hillsides, and this is the bottom line and functions as a natural detention area. He mentioned numerous complaints of mud and flooding; that if the owner continued to develop, he would have filled this area in, and we could easily be looking at ten times this amount of money if we had to make repairs; this way it can be contained and left as is.

PROPERTY PURCHASE
DON WALKER (CONT'D)

Chairman Pierce stated that there was no way he could support this, as he thought it was setting the precedent for other constituents to make similar claims and to come back to the Council to buy their property if there was trouble with the community; that he did not think it was in good taste for the City to purchase property from private individuals for \$75,000 and again questioned how many other properties could be so identified. He also questioned if there was some "magic" with \$75,000, noting that if you added another "0", you would come up with \$750,000! He stated that this was not in the best interest of the taxpayers of the City, and he did not support this.

Councilman Benson stated that he could see the dilemma; that the property owner had created his own problem and questioned if the owner increased the problem when he cut down the trees.

Mr. Payne agreed that this did increase the problem; however, the problem already existed.

Councilman Benson asked if his cutting down the trees factored in to what we are paying; that Mr. Walker is partly responsible, and we are "bailing" him out.

Mr. Payne stated that this was 4.63 acres, and we were not paying a lot of money for it; that he can't develop the land if we buy it, and if he should develop it, it would cost us much, much more.

Mayor Littlefield stated that Mr. Walker would be shocked and surprised that the Council was questioning this; that we were really doing this for the community and City and not for Mr. Walker, the owner of this property.

**PROPERTY PURCHASE/
DON WALKER (CONT'D)**

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE PURCHASE FROM DON WALKER OF TRACTS OF LAND LOCATED IN THE 3300 BLOCK OF PROVENCE STREET, PARCEL NOS. 157A-A-001 THROUGH 005, 005.01, 005.02 AND 156D-J-026 THROUGH 031, AS REFERENCED IN CASE NO. MR-2007-005, FOR STORMWATER DETENTION AND WATER QUALITY ABATEMENT, FOR AN AMOUNT NOT TO EXCEED SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) AND AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE SAID PURCHASE
was adopted on roll call vote as follows:

COUNCILWOMAN BENNETT	“ABSTAIN”
COUNCILMAN BENSON	“ABSTAIN”
COUNCILMAN FRANKLIN	“YES”
COUNCILWOMAN GAINES	“ABSTAIN”
COUNCILMAN PAGE	“YES”
COUNCILMAN RICO	“YES”
COUNCILWOMAN ROBINSON	“YES”
COUNCILWOMAN RUTHERFORD	“YES”
CHAIRMAN PIERCE	“NO”

Councilwoman Robinson explained her reasoning for voting “yes”, stating that anytime the Trust for Public Land comes to us, she thinks it is important.

Chairman Pierce mentioned doing everything against the landowner and down zoning and trying to bring churches in, stating that he was now against “bailing” people out and thought this was in bad taste.

APPROPRIATION
CHATT. TRACK CLUB

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
AN ORDINANCE APPROPRIATING FROM THE CHATTANOOGA OUTDOOR OPERATING BUDGET TO THE CHATTANOOGA TRACK CLUB THE AMOUNT OF FIVE THOUSAND DOLLARS (\$5,000.00) AS PART OF THE PARTNERSHIP TO HOST THE CHATTANOOGA WATERFRONT TRIATHLON
passed first reading.

COMCAST FRANCHISE

On motion of Councilman Rico, seconded by Councilman Benson,
AN ORDINANCE GRANTING A FRANCHISE TO COMCAST OF THE SOUTH TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE SYSTEM IN THE CITY OF CHATTANOOGA, TENNESSEE, FOR THE PURPOSE OF PROVIDING CABLE SERVICE; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM AND THE PUBLIC RIGHTS-OF-WAY IN CONJUNCTION WITH THE CITY'S RIGHT-OF-WAY ORDINANCE, IF ANY; AND PRESCRIBING PENALTIES FOR THE VIOLATIONS OF THE PROVISIONS HEREIN
passed first reading.

Councilman Benson stated that this was discussed at length in the Legal and Legislative Committee, and he took this opportunity to commend Attorney Nelson, and others on his Staff, for negotiating a fair and good contract for the City, noting that this contract provides more increases for the City from the franchise fee and that it was much better than the one in previous years.

AMEND CITY CODE
PARKING

Councilman Benson stated that this was discussed in today's Legal and Legislative Committee and comes with a recommendation.

On motion of Councilman Benson, seconded by Councilwoman Rutherford,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 24 BY ADDING SECTIONS 24-333
THROUGH 24-336 RELATIVE TO PARKING**

passed first reading.

Councilman Page questioned if there were not some revisions that needed to be made, and Attorney Nelson explained that these changes could be made between first and second readings.

PAYMENT OF DUES

On motion of Councilwoman Gaines, seconded by Councilman Page,
**A RESOLUTION AUTHORIZING PAYMENT TO THE UNITED
STATES CONFERENCE OF MAYORS FOR 2007 DUES IN THE
AMOUNT OF ELEVEN THOUSAND EIGHT HUNDRED
EIGHTY-FIVE DOLLARS (\$11,885.00)**

was adopted.

CASH DONATION

On motion of Councilwoman Rutherford, seconded by Councilwoman Gaines,

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A
CASH DONATION FROM FRED'S DISCOUNT STORES TO
THE CHATTANOOGA FIRE DEPARTMENT IN THE AMOUNT
OF ONE HUNDRED FIFTY-FOUR AND 50/100 DOLLARS
(\$154.50) TO BE USED FOR FIRE PREVENTION ACTIVITIES
AND EXPRESSING THE GRATITUDE OF THE MAYOR AND
CITY COUNCIL FOR SAID DONATION**

was adopted.

CASH DONATION
(CONT'D)

Chairman Pierce questioned this donation, stating that there was no reference on how this money was to be spent.

Ass't. Chief Parker explained that it would be used for Fire Prevention methods for children and for badges and buttons and such.

Chairman Pierce wanted to know if each fireman received \$154.50 and was told by Chief Parker that it was just one donation. Councilwoman Rutherford added that she thought this was done on an annual basis.

CASH DONATION

On motion of Councilwoman Gaines, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING ACCEPTANCE OF A CASH DONATION FROM UNITED STATES STEEL WORKERS OF AMERICA TO THE DEPARTMENT OF PARKS AND RECREATION, TYNER RECREATION CENTER, IN THE AMOUNT OF FOUR HUNDRED DOLLARS (\$400.00) FOR LITTLE LEAGUE BASKETBALL

was adopted.

PROPERTY PURCHASE
GOODWIN RD. EXT.

On motion of Councilman Benson, seconded by Councilwoman Gaines,

A RESOLUTION AUTHORIZING THE PURCHASE FROM JOHN A. AND VOULA J. PETROS OF A TRACT OF LAND LOCATED AT 1953 JENKINS ROAD, PARCEL NO. 159B-C-003, AS REFERENCED IN CASE NO. MR-2006-245, RELATIVE TO THE EXTENTION OF GOODWIN ROAD, FOR AN AMOUNT NOT TO EXCEED ONE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$1,400,000.00) AND AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE SAID PURCHASE

was adopted.

SURPLUS PROPERTY SALE

On motion of Councilwoman Gaines, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY LOCATED IN THE 1700 BLOCK OF NORTH CHAMBERLAIN AVENUE, TAX MAP NO. 136L-Q-008, AS REFERENCED IN CASE NO. MR-2007-011, TO ANDREW B. BAKER, JR. FOR THE AMOUNT OF ONE THOUSAND (\$1,000.00) AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE ANY AND ALL DOCUMENTS TO FACILITATE SAID SALE
was adopted.

OVERTIME

Overtime for the week ending February 20, 2007, totaled \$10,186.90.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPT.:

- **JAMIE HOLLOWAY**—Military Leave for Police Officer, effective 2/17—3/11/07.
- **MICHAEL W. CHOQUETTE**—Military Leave for Police Officer, effective 2/19-3/9/07.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- **JOYCE DUKE**—Retirement of Dietary Assistant, effective 2/5/07.
- **LISA GENTRY**—Resignation of Teacher, effective 2/8/07.
- **CATHY HUDSON**—Resignation of Family Service Asst., effective 2/15/07.

PERSONNEL (CONT'D)

- **MELBA KELLY**—Retirement of Teacher, effective 1/31/07.
- **DONNA SHIELDS**—Resignation of Lead Teacher, effective 2/2/07.

PUBLIC WORKS DEPARTMENT:

- **ANGELIA STEVENSON**—Promotion to Refuse Inspector, Pay Grade 10/6, \$32,319.00 annually, effective 2/2/07.
- **KELLI S. RICHARDSON**—Hire as Engineering Designer, Pay Grade 17/8, \$47,168.00 annually, effective 2/16/07.
- **ROGER D. KILGORE**—Promotion to Engineering Designer, Pay Grade 17/4, \$39,680.00 annually, effective 2/16/07.
- **JACK A. BRENEMAN**—Hire as Plant Operator, Pay Grade 9/1, \$24,732.00 annually, effective 2/16/07.

PURCHASE

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

TITELIST (Single Source Purchase)

Requisition R0096605, R0096609, R0096612, R0096613, R0096617 & R0096671

Pro Shop Merchandise

\$14,979.00

PURCHASES

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

AMTEC SURVEYING, INC. (Best bid meeting specs)
Requisition R0095581

Closed Circuit TV/Sonar Inspection & Survey Services

(See minute material for various prices)

SUN VALLEY (Change Order to Contract)
Requisition R0095267/P0025831

Streetscape Project Lighting

\$131,758.00 (Original Contract
\$ 8,640.00 (Change Order due to typo)
\$140,398.00 (New Contract Price)

REFUND

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson, the Administrator of Finance was authorized to issue the following refund of property taxes due to State Board of Equalization change:

BRIGHT PAR 3 ASSOCIATES, L.P.--\$3,249.28

COMMITTEES

Councilwoman Rutherford scheduled a meeting of the **Arts, Education and Culture Committee for Tuesday, April 3rd, 2007, following the appropriate 3:00 scheduled meeting on that date.** She stated that a meeting had been held today where the proposal for the Tivoli Theater and Memorial Auditorium was discussed, and there will be a Resolution on next week's agenda.

COMMITTEES (CONT'D)

Councilwoman Robinson announced that there had been a meeting of the Cell Tower Advisory Committee and the Industry; that they took about an hour and had had follow-up conversation on ways to soften the process of permitting and putting some provisions in place so that neighbors can be notified through the mail, in addition to the sign that is placed on the site. She stated that she would let the Council know when the next meeting will be held.

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, March 6th at 3:00 P.M.**

Councilman Page mentioned that there had been a Town Hall meeting for Districts 3 and 5 last week; that the appropriate Staff had been present and there was a good turnout.

ADJOURNMENT

Chairman Pierce adjourned the meeting of the Chattanooga City Council until Tuesday, March 6th, 2007 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)**

