

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
SEPTEMBER 9, 2008
6:00 P.M.**

Chairman Bennett called the meeting of the Chattanooga City Council to order with Councilmen Benson, Berz, Gaines, Page, Pierce, Rico, Robinson and Shockley 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 Councilman Jack Benson, followed by invocation.

**SPECIAL PRESENTATION:
MISSY CRUTCHFIELD**

Missy Crutchfield, Administrator of Arts, Education and Culture, was present to take the opportunity to celebrate an event at the Heritage House. She noted that this was a non-profit venture, partnering with the Parks and Recreation Department, as well as Friends of East Brainerd. She stated that Friends of East Brainerd was an amazing group, especially mentioning Janet Perfetti. The event is "Bark in the Park", and Ms. Crutchfield had with her the mascot "Harry". She stated that he would be present at the event, which will be held on Saturday, September 13th from 10:00 a.m. until 2:00 p.m., as well as the Med-Life Snoopy; all of the money will go to the Park and McKamey Center. Ms. Crutchfield added that Wendell Norman of Best Buy will also be partnering with us with cameras and photos. She asked Mr. Norman to speak.

Mr. Norman stated that he was with Best Buy, and they wanted to get out in the community and partner with Arts, Education and Culture and hoped there would be many more such ventures.

Ms. Crutchfield stated that they were very grateful to Best Buy. She went on to say that this was in Councilman Benson's district and asked if he had anything to say.

MISSY CRUTCHFIELD
(CON'T.)

Councilman Benson stated that some of the proceeds would go for the new Dog Park, which will be like the downtown Dog Park; that it will be expanded to include the old Narrow Bridge property, and there will also be a Botanical Garden and extended park.

Ms. Crutchfield thanked Councilman Benson, who showed so much excitement and having faith in their ability to deliver on a daily basis.

AMEND CITY CODE
TRAFFIC MANAGEMENT

Councilman Pierce stated that there had been a long discussion on this in committee meeting about the changes; that he would like to make a recommendation to take out the word “rotator” and maybe some other “tweaking”, when the City Attorney has time; that the only thing we are hung up on is the rotator and exclusivity. He made this in the form of a motion.

Councilman Benson stated that he did not know if it was that simple and asked the City Attorney to look at it. He explained that with the moratorium being gone, we have exclusivity—that no one wanted this; that we need to do something about exclusivity with the moratorium being removed. He asked Mr. Nelson if removing the word “rotator” would be the answer?

Attorney Nelson stated that we were looking at a Result Based Standard rather than equipment; that we could take out the word “rotator” and hold them to 90 minutes.

Councilman Benson stated that as the Ordinance is presently, it is too restrictive.

TRAFFIC MANAGEMENT
(CONT'D)

Councilman Page stated that he was uncomfortable with any kind of vote tonight; that we had spent weeks and had had expert witnesses—TDOT and other entities who were saying that rotators were an important part, and he had been very supportive of this, and then in committee today, we heard another attorney say something different, and he made very good points; that we could “go with the wind” and just say taking out rotators would be okay—that it seems to be “just which way the wind is blowing”; that he was convinced to keep rotators in; now he felt that this should be deferred, and we need to take another look at Performance. He stated that he was not in a place to support removal of the word “rotator”.

Councilwoman Berz stated that the issue is safety and quick removal, and we needed “outcome oriented” language; that it was not helping to “pit” companies against each other; that she agreed with Councilman Page—that we were focusing on the equipment and not the outcome; that at the very least we needed to return the Ordinance for proper editing and more thought. She asked Councilman Pierce to withdraw his motion and agree to defer this.

Councilman Pierce stated that he would be willing to withdraw his motion and defer the matter if he felt like there was something to be accomplished; that there are two sides with their own agendas, and he did not know what could be accomplished in deferring this; that the other companies won’t acquire rotators, and we will be in the same place.

Councilwoman Berz stated that she disagreed and would like the opportunity to look at the equipment on an outcome basis.

At this point Councilman Shockley seconded the motion made by Councilman Pierce to take out the word “rotator”.

TRAFFIC MANAGEMENT
(CONT'D)

A roll call vote on the motion made by Councilman Pierce to take out the word “rotator” was taken as follows:

COUNCILMAN BENSON	“NO”
COUNCILWOMAN BERZ	“NO”
COUNCILWOMAN GAINES	“NO”
COUNCILMAN PAGE	“NO”
COUNCILMAN PIERCE	“YES”
COUNCILMAN RICO	“YES”
COUNCILWOMAN ROBINSON	“NO”
COUNCILMAN SHOCKLEY	“YES”
CHAIRMAN BENNETT	“NO”

The motion failed.

On motion of Councilman Page, seconded by Councilman Benson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, TO AMEND SECTIONS 35-146 THROUGH 35-180
KNOWN AS THE TRAFFIC INCIDENT AND MANAGEMENT
SERVICE ORDINANCE**
was deferred for 30 days.

Councilman Benson stated that Attorney Nelson could come back with a good solution and give the Council the opportunity to review the present Ordinance with a look at the outcome.

Councilman Pierce asked where we would get our information to enhance our ability to make a decision.

TRAFFIC MANAGEMENT
(CONT'D)

At this point Councilman Page stated that he had been asked by the Attorney to change the deferral time to **35 days** rather than 30, and we would request information as to the number of wrecks and make sure performance is adequately envisioned; that he still was not convinced that taking the rotator off was the best thing; that he understood that the Council was reluctant because the “winds” are blowing every way.

Councilman Pierce wanted to know who the Council would talk to?

Councilman Page responded that he did not have the answer or even if we needed to talk to anyone else.

Councilman Benson stated that he knew we did not need to talk to the same people; that some who we have listened to have changed their opinion, and he questioned what made them change their opinion; that we needed to get data and facts; that there are a lot of problems, and if we talk to someone, it needs to be someone new.

Chairman Bennett noted that we are changing the focus to Performance Base, and we need accurate data—that we are going in a new direction.

Councilman Rico stated that surely it would not take 30 days—that 30 days was a long time; that we should be able to handle this quicker than that—that there was not that much to discuss. He reiterated that it would not take 30 days.

Councilwoman Berz indicated a problem with one word in the motion—that she was not sure we wanted to eliminate “rotators”; that this needed to be Performance Based and Issue focused as opposed to being focused on equipment; that we need to focus on the training of people using the equipment—that it is a different focus; that we don’t need to re-hash this.

Councilman Page stated that he thought looking at the minutes where the City put the rotator in was important; that he would like to go back and see why we put it in in the first place; that his motion as stated is **35 days deferral**.

TRAFFIC MANAGEMENT
(CONT'D)

Councilman Pierce questioned if we did not need a new motion to change it from 30 days to 35 days? Councilman Page stated that he thought it could just be a “friendly” substitution—that whether it was 28-35 days made no real difference.

Councilman Benson asked where we went from here? He asked if he should be working with the City Attorney in getting new people to come in? He stated that all of this was very disturbing and there was a question of how free people felt and were willing to talk.

Chairman Bennett stated that we needed input from the Traffic Department and minutes of the past committee meeting when the decision was made for rotators; that we are now going in a Performance Based direction; that we need to see what emergency response looks like because they play a critical role

Councilman Benson stated that it was difficult to get long-term data; that we need to see if we can make the Ordinance more practical and acceptable.

Councilman Shockley stated that he did not think we needed rotators; that we need to talk to someone who can share some information on Performance Base.

AMEND ZONING ORD.

Mr. Greg Haynes, Director of Development with Planning, went over some of the language of the MXU Zone, mentioning setbacks of facades. Chairman Bennett stated that this was covered in last week’s agenda meeting.

On motion of Councilman Rico, seconded by Councilwoman Gaines,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS
AMENDED, KNOWN AS THE ZONING ORDINANCE, BY
AMENDING ARTICLE V, SECTION 406(13), TO PROVIDE FOR
A BUILDING FAÇADE FRONTING EXISTING OR PLANNED
PUBLIC MAINTAINED STREETS WITHIN THE MIXED USE
ZONE (MXU)**

passed first reading.

AMEND ZONING ORD.

Mr. Greg Haynes, Director of Development with Planning, stated that this amends an additional few items. He identified the **Major Changes** to PUD's after they have been reviewed by the Planning Commission or adopted by the legislative body, stating that then they shall be considered the same as a new petition and shall be made in accordance with the procedures specified in this section. He added that this would ensure that PUD's are consistent with the earlier version. He further identified two Major Changes—Any change to the location of access and any increase in building height one story or greater.

Another change is the Review Process, which is a **Minor Change**. Minor changes made to the PUD after it has been reviewed by the Planning Commission or adopted by the legislative body, may be approved by the Planning Commission Staff. These changes can go back to be re-reviewed, and the Staff still has discretion over what are considered major or minor changes. This provides a better review process.

Councilman Page stated that he thought this included a better definition of “substantial” changes. Mr. Haynes stated that he thought Councilman Page was looking for “significant” changes. At this point he read the list of **Major Changes**: (a) Any increase in density; (b) Any change in the outside(exterior) boundaries; (c) Any significant change in the land use classification; (d) Any significant change in the location or amount of land devoted to a specific land use; (e) Any significant change in the exterior appearance from what is shown on any plans, if such exterior plans are submitted or presented by the developer; and the two new changes (f) Any change to the location of access; and (g) Any increase in building height one story or greater. Mr. Haynes noted that (c) was a gray area, and the Staff had learned if it is a gray area that it is to be considered a **Major Change** and sent back to the Planning Commission. Councilman Page indicated that this was certainly an improvement.

Mr. Haynes stated that PUD's are tough and site plans determine what gets built; that if there are any changes in the future, they will make sure the changes are similar and keep site plans consistent.

AMEND ZONING ORD.
CONT'D

Councilwoman Robinson noted that we had had this come up recently with a significant impact; that there was an old PUD on Hixson Pike, and the land changed hands; that they imposed the PUD and the old plan and key changes had been made, and it ended up creating a huge furor. She asked if this would have protected us in this incident? Mr. Haynes responded that he thought it would have. Councilwoman Robinson added that Stringer's Ridge was another example, and we had learned a lesson.

On motion of Councilman Rico, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V, SECTIONS 1212(1) AND (2) AND 1311(1) AND (2), RELATIVE TO MAJOR AND MINOR CHANGES TO RESIDENTIAL AND INSTITUTIONAL PLANNED UNIT DEVELOPMENTS AFTER REVIEW OR ADOPTION
passed first reading.

CAPITAL IMPROV.BUDGET

On motion of Councilman Rico, seconded by Councilman Gaines,
AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 2008/2009 AND TO AMEND THE FISCAL YEAR 2008/2009 BUDGET ORDINANCE NO. 12139, THE 2004/2005 CAPITAL BUDGET ORDINANCE NO. 11606, THE 2006/2007 CAPITAL BUDGET ORDINANCE NO. 11903, AND THE 2007/2008 CAPITAL BUDGET ORDINANCE NO. 12024
passed first reading.

CLOSE AND ABANDON

2008-053 (Bob Franklin c/o Girl's Preparatory School)

Mr. Franklin stated that he had an agreement concerning the Right-of-Way abandonment, which the Council might or might not have.

Chairman Bennett noted that there were some discrepancies.

Mr. Franklin stated that the document that Attorney Nelson looked at was the one we are talking about.

Attorney Nelson stated that the document he had adds conditions and proceeded to read the conditions that he had. Mr. Franklin felt that Condition (I) went on to say something further. Attorney Nelson felt that what he had was substantially the same. Mr. Franklin pointed out that the neighbors want it very, very clear.

Rich Bailey was present and stated that there was a second version.

Attorney Nelson explained that we did not have to hold up first reading tonight for the second version.

Mr. Franklin stated that he thought Condition (4) had an additional sentence. Attorney Nelson stated that it would be all right if both of them would please initial this change.

Mr. Bailey stated that the neighbors had submitted a list with some changes, and he did not feel we had them all; that he would like to see a draft with all of the changes.

Mr. Franklin stated that he would love to see the Council vote on this tonight—that it appears to be “plain” English; that he thought most attorneys needed it to be one document and not two.

Chairman Bennett pointed out that everything could be in place before the final vote.

Mr. Bailey indicated that he was uncomfortable having this voted on tonight.

Chairman Bennett reminded him that it would just be first reading.

CLOSE AND ABANDON
(CONT'D)

Councilman Page stated that he would like to hear what Attorney Nelson has to say about this.

Attorney Nelson stated that the Ordinance needs to be passed on first reading; that we will have first reading tonight and make minor amendments during the week and it can be substituted next week.

Mr. Bailey stated that he was unfamiliar with the protocol. Attorney Nelson stated that he was explaining the protocol to him now.

Chairman Bennett assured Mr. Bailey that this happens all the time when parties are this close; that there is no action until the final vote; that we are just moving through "hoops", and tonight is not the final deal.

Attorney Nelson asked that they merge the two documents and give them to him. Mr. Bailey stated that there was actually a third document. Attorney Nelson stated that we would merge the two. Mr. Bailey stated that he could provide this to Mr. Nelson but that it would be "chicken scratches". Attorney Nelson stated that this was fine.

Chairman Bennett stated that we would need to hear something back from Mr. Bailey by Monday of next week to get this on second reading for Tuesday.

Mr. Bailey stated that he would send the additional changes on e-mail.

On motion of Councilman Rico, seconded by Councilman Benson,
**AN ORDINANCE CLOSING AND ABANDONING THE 700
BLOCK OF FRAZIER AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAPS
ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

AMEND ZONING ORD.
LIFT CONDITIONS

On motion of Councilman Rico, seconded by Councilwoman Gaines,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS
TO LIFT THE CONDITION IMPOSED IN ORDINANCE NO.
7654, RESERVATION OF ANY EXISTING EASEMENT FOR
ANY UTILITY, ON A TRACT OF LAND LOCATED ON THE
FORMER 1600 BLOCK OF FIRST STREET, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON
THE MAP ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2008-140 (DON SKILES & RICHARD CRIBBS)

Pursuant to notice of public hearing this request to rezone tracts of land located at 6918 and 2920 Northside Drive from R-2 to R-3 came on to be heard.

Mr. Greg Haynes, Director of Development with Planning, made the presentation. He explained that the purpose of this rezoning was to bring two residences into compliance. These are two structures in the East Brainerd area and are two structures built as duplexes with two units. At the time they were built, the owner asked for additional power meters for each structure for storage areas and each structure contained four meters; that the owner had later asked that two of these storage meters be converted to residential meters. The two duplexes were now a tri-plex and a quad-plex. This error was caught and found to be out of zone. Mr. Haynes went on to say that next door there is an existing duplex and on the corner is a single-family residence and to the rear are single-family residences. He stated that this is being recommended for denial by Planning because it would be setting a bad precedent.

REZONING (CONT'D)

Councilman Benson stated that there was opposition in form of a letter; that he would like to expand on Mr. Haynes' presentation. He stated that this was a sad situation; that Mr. Skiles and Mr. Cribbs are fine young men; that he had looked at the quad-plex and 200 yards down westward is the Interstate and all around are duplexes; that he thought they might have a shot at getting this rezoned, but he had not thought this through and was now worried that it was spot zoning, but he still thought that they might have a shot; however the community does not want an extension into their R-2 Zone; that they don't like apartments we are talking about. He questioned how this happened and why the Electric Power Board connected something that this was not zoned for?

Mr. Skiles stated that there was never a request made to change a meter; that the meters were the same as day one.

Councilman Benson still questioned why this was done and asked for Adm. Leach to explain why an Electrical Inspector would sign off on it—four units in an R-2 Zone that they wanted zoned R-3. He stated that he was certain that Public Works was innocent in this and that R-3 would be spot zoning but still questioned how this had happened?

Adm. Leach responded that it was obvious that at some point in time the duplexes were granted permits but questioned why there were extra meters for garages? He stated that such conversions often happen when folks see that they can make more money, and they go to multi-family dwellings without getting permits. He stated that his department did not actively search these out; that the Electric Power Board has told us to let them know when this happens; that they did not get a permit for the multi-dwellings, and Public Works did not go out and check; that this happens all over the City.

Councilman Benson asked if they got a building permit? Adm. Leach responded "not to convert to a quad-plex because it would not meet the standards; that there is only enough land for one duplex, and the City would not issue any Building Permit over a duplex—that this was a fairly egregious error and no inspection had been done.

REZONING (CONT'D)

Chairman Bennett stated that the applicant had heard the comments from Planning and stated that they had nine minutes to respond.

Mr. Don Skiles stated that the issues were the size of the lot, safety, and opposition; that they had not seen who was opposing them; that he had walked the neighborhood and everyone said they were not opposed to this rezoning; that he went to the Inspection Department and asked what needed to be done; that they would not do anything without rezoning and stated that they would have to come to this body; that he had a Home Inspector come out and look at this for safety; that as far as size of the lot, he could not do anything about this. He stated that this was a very secluded area on a dead-end street with an open back yard; that as far as opposition, he did not know who it was; that he had walked the area three times.

Councilman Benson stated that he had a list of the opposition; that they might not be in this immediate vicinity, but they were in the community—that Bill Knowles was one of them, and he was five blocks away. He reiterated that this was a very sad thing, but he did not feel it would be legal for the Council to consider this.

Mr. Skiles noted that it would be a change to R-3 MD only.

Mr. Haynes explained that R-3MD is an option, which would limit this to four units—that MD stands for moderate density.

Councilman Pierce asked if the land would allow this? Mr. Haynes responded “no” that it was too small.

Chairman Bennett asked about the Land Use Plan in the area. Councilman Benson stated that this was out of the Land Use Plan.

Attorney Nelson stated that he did not know who owns the area across the street; that we might could talk about a partial abandonment, which would grant them the additional square footage. Mr. Skiles noted that there was a vacant lot that was kind of like a pet walk. Attorney Nelson asked if he owned it, and he responded “no”.

REZONING (CONT'D)

Chairman Bennett confirmed that Mr. Skiles did build this. He responded “yes”—that it was where they lived.

Councilman Pierce questioned how the meters got connected.

Mr. Skiles stated that there were four meters the first time this was inspected; that they had never called the Electric Power Board; that on the beginning they had storage underneath with meters; when they did not need the storage any longer, they changed it into dwellings.

Councilman Benson stated that he would have no problem in rejecting this if he thought it was pre-meditated, but he knew both of these young men and they were of strong character, and this gave him a lot of anguish; that he even wished these were “mean” young men and not such good citizens!

Mr. Skiles stated that this was a learning process for him.

Councilwoman Robinson stated that two things troubled her in taking the situation on face value. One was a violation of the Land Use Plan—that Councilman Benson had often said that once you “nibble” at the edges, it becomes unraveled, and he had fought hard for this. The other thing was the precedent—that we can’t give a pass to good people who make a mistake—that this is a slippery slope.

Councilman Page stated that he understood the concern; that another problem is spot zoning; that it is illegal and we have to deny it.

On motion of Councilman Page, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS
TO REZONE TRACTS OF LAND LOCATED AT 6918 AND
2920 NORTHSIDE DRIVE, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP
ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, FROM R-2 RESIDENTIAL ZONE TO R-3
RESIDENTIAL ZONE**
was denied.

REZONING

2008-144 (Shull Harris Construction, LLC)

Pursuant to notice of public hearing, the request to rezone a tract of land located at 3370 Jenkins Road from C-5 to R-4 came on to be heard.

Mr. Greg Haynes, Director of Development with Planning, made the presentation, stating that this occurred a year or two ago and did not work out as planned; that it is being developed as medical offices, and the current zoning is C-5 that calls for 10 ft. setbacks, and this needs to be closer. He stated that this was being recommended for approval by Planning.

The applicant, Greg Shull, was present, stating that he purchased five acres that has two zones and had met with opposition; that his development was suitable for R-4, and he was asking to take the zoning back to R-4; that it will be nothing but professional and medical spaces and will be 150 ft. from the property line.

Councilman Pierce asked that Councilman Benson give us some guidance on this since it is in his district. Councilman Benson indicated that this was fine.

On motion of Councilman Rico, seconded by Councilman Pierce,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 3370 JENKINS ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO, AND MADE A PART HEREOF BY REFERENCE, FROM C-5 NEIGHBORHOOD COMMERCIAL ZONE TO R-4 SPECIAL ZONE

passed first reading.

CLOSE AND ABANDON

2008-146 (City of Chattanooga c/o Dan Thornton)

On motion of Councilman Pierce, seconded by Councilman Rico,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION
OF THE EASTERN RIGHT-OF-WAY OF THE 1100 BLOCK OF
LINDSAY STREET, MORE PARTICULARLY DESCRIBED
HEREIN AND AS SHOWN ON THE MAP AND DRAWING
ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

AGREEMENT

On motion of Councilwoman Robinson, seconded by Councilwoman
Gaines,

**A RESOLUTION AUTHORIZING THE DIRECTOR OF
GENERAL SERVICES TO ENTER INTO AN AGREEMENT WITH
ATTORNEY MICHAEL J. MAHN FOR LEGAL SERVICES
RELATIVE TO THE PUBLIC SAFETY INTEROPERABLE
COMMUNICATIONS PROJECT AT THE RATE OF ONE
HUNDRED SEVENTY-FIVE DOLLARS (\$175.00) PER HOUR
WITH THE TOTAL AMOUNT PAID NOT TO EXCEED THIRTY-
SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$37,500.00)
PURSUANT TO THE ENGAGEMENT LETTER ATTACHED
HERETO AND MADE A PART HEREOF BY REFERENCE**
was adopted.

CRIME STOPPERS REWARDS

On motion of Councilwoman Gaines, seconded by Councilwoman
Robinson,

**A RESOLUTION AUTHORIZING THE CHATTANOOGA
POLICE DEPARTMENT TO ISSUE FUNDS FROM REDUCTION
OF PART ONE OFFENSES IN THE AMOUNT OF TEN
THOUSAND DOLLARS (\$10,000.00) TO THE GREATER
CHATTANOOGA CRIME STOPPERS, INC. TO BE USED AS
REWARDS FOR TIPS LEADING TO THE ARREST AND
CONVICTION OF PERSONS WHO COMMIT CRIMES**
was adopted with Councilman Pierce voting "no".

CAPITAL IMPROV.PLAN

On motion of Councilman Rico, seconded by Councilwoman Gaines,
**A RESOLUTION ADOPTING A FIVE-YEAR CAPITAL
IMPROVEMENT PLAN, SUBJECT TO FUTURE REVISION, A
COPY OF WHICH IS ATTACHED HERETO AND MADE A
PART HEREOF BY REFERENCE**
was adopted.

CONTRACT C.O.

On motion of Councilman Rico, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE EXECUTION OF
CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT
NO. W-06-008-201, 2006 MISCELLANEOUS SANITARY
SEWER POINT REPAIR CONTRACT, WITH MAYSE
CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER
INCREASES THE CONTRACT AMOUNT BY THIRTY-FIVE
THOUSAND SEVEN HUNDRED FORTY-FIVE AND 57/100
DOLLARS (\$35,745.57), FOR A REVISED CONTRACT
AMOUNT NOT TO EXCEED TWO HUNDRED THIRTY-FIVE
THOUSAND SEVEN HUNDRED FORTY-FIVE AND 57/100
DOLLARS (\$235,745.57)**
was adopted.

PAYMENT ACCEPT.

On motion of Councilman Rico, seconded by Councilman Page,
**A RESOLUTION AUTHORIZING THE DEPARTMENT OF
PUBLIC WORKS TO ACCEPT PAYMENT IN THE AMOUNT OF
TWO HUNDRED THIRTY-SIX THOUSAND SIX HUNDRED
SEVENTEEN AND 50/100 DOLLARS (\$236,617.50) FROM
KEN DEFOOR PROPERTIES RELATIVE TO CONTRACT NO. E-
06-006-202, NORTHPOINT BOULEVARD EXTENSION PHASE
2 AND 3**
was adopted.

SPECIAL EXCEP.PERMIT

2008-142 (Yetonia Edwards)

Councilwoman Gaines stated that she did not see any conditions in the book.

Mr. Haynes read the conditions: (1) Applicant shall reuse the existing structure; (2) Access shall be maintained to alley; (3) Parking shall be kept to the rear of the house; and (4) New parking areas shall follow landscape ordinance recommendations.

Councilwoman Berz asked if there was any signage conditions? Mr. Haynes responded “no”. She asked if we could add signage conditions. Mr. Haynes stated that signage would be limited. Councilwoman Berz asked if signage was allowed in an R-1 Zone? Mr. Haynes stated that he would have to see what the Sign Ordinance allows. Councilwoman Berz explained that she wanted to keep the integrity of neighborhoods and would like to consider no signage. Mr. Haynes responded that this was up to the Council.

The applicant, Yetonia Edwards, approached the podium. Councilwoman Berz asked her if there was any need for a sign. She was agreeable to “no sign” as a condition.

On motion of Councilman Rico, seconded by Councilman Pierce,
**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS
PERMIT FOR A RESIDENTIAL HOME FOR THE
HANDICAPPED AND/OR AGED PERSONS OPERATED ON A
COMMERCIAL BASIS ON A TRACT OF LAND LOCATED AT
3713 CLIO AVENUE, MORE PARTICULARLY DESCRIBED
HEREIN AND AS SHOWN ON THE MAP AND DRAWING
ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

OVERTIME

Overtime for the week ending September 4, 2008, totaled \$11,452.80.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ❖ **JIMMY L. YEARBY**—Leave of absence for Crew Worker I, effective 8/26/08—9/12/08.
- ❖ **CHARLES E. PATTON, JR.**—2-Days Suspension without pay for Crew Worker I, effective 9/02/08—9/03/08.
- ❖ **VICTOR J. WOUGHTER**—Hire as Accident Investigator, Range 10, \$28,173.00 annually, effective 8/29/08.
- ❖ **GEORGE DAVID STUART**—Promotion to Equipment Operator 4, Range 10, \$31,286.11 annually, effective 8/22/08.
- ❖ **JASIMINUS A. TAYLOR**—Four Days Suspension without pay for Crew Worker I, effective 9/5/8,9,10/08.
- ❖ **TERRY W. DAVIS**—Hire as Plant Operator 1, Range 9, \$26,798.00 annually, effective 8/22/08.
- ❖ **VALITUS F. EDWARDS**—Hire as Plant Operator 1, Range 9, \$26,798.00 annually, effective 8/22/08
- ❖ **BRANDON S. COLLIER**—Hire as Plant Operator 1, Range 9, \$26,798.00 annually, effective 8/22/08.

PERSONNEL (CONT'D)

CHATTANOOGA FIRE DEPARTMENT:

- ❖ **JAMES GAINES**—Return from FMLA of Firefighter, effective 9/1/08.
- ❖ **EMILY SMITH**—Promotion to Captain, Range FD-4A, \$49,132.00 annually, effective 8/30/08.
- ❖ **MICHAEL SCHROYER & STEPHEN DAVIS**—Promotion to Lieutenants, Range FD-3A, \$43,358.00 annually, effective 8/29/08.
- ❖ **ABDUL R. SWAFFORD**—Leave of Absence for Senior Firefighter, effective 8/30/08—9/30/08.

PARKS AND RECREATION DEPARTMENT:

- ❖ **LISA M. WILSON**—Termination of Recreation Facility Mg. 2, effective 8/28/08.

MAYOR'S OFFICE:

- ❖ **KIRTI NAIK**—Hire as Programmer 1, Range 18, \$46,500.00 annually, effective 9/05/08.

CHATTANOOGA POLICE DEPARTMENT:

- ❖ **JEFF WHITE**—Three Day Suspension without pay for Police Officer, effective 8/28/08.
- ❖ **CHARLA JOHNSON**—FMLA for Communications Officer, effective 8/30/08—11/29/08.

HOTEL PERMITS

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following Hotel Permits were approved:

HILTON GARDEN INN—2343 Shallowford Village Drive. Chatt., Tn 37421

COMFORT INN & SUITES—2341 Shallowford Village Drive, Chatt., TN 37421

QUEST HOUSE INN—2201 Park Drive, Chatt., TN 37421

AMERICAS BEST VALUE INN—7638 Lee Highway, Chatt., TN 37421

LAQUINTA INN—7017 Shallowford Road, Chatt., TN 37421

STAYBRIDGE SUITES—7015 Shallowford Road, Chatt., TN 37421

SUPER 8 MOTEL—5111 Hunter Road, Ooltewah, TN 37363

POLICE CAMERAS

Councilman Pierce had asked for a status report on cameras. Chief Dodd had to leave the meeting early, but he had made arrangements for Mark Keil to go over this.

Mr. Keil stated that he would give a brief description; that two months ago we deployed our first car in a test neighborhood and there were dramatic results; that it was placed in view and within an hour people who were in a congested area had dispersed. He stated that he got a request from Mayor Littlefield concerning Enterprise South so that we could show Volkswagen what is going on here. Mayor Littlefield asked if a camera could be put out there—that there was no electricity and no network, but they placed a surveillance car there and beamed the site to Germany; that the Germans accessed it and even some from Alabama; that this was not used for the deterrent of crime; however the work did go faster with a police car watching. He stated the camera worked fine and now that they were through with Enterprise South, they would deploy the car tomorrow with Performance Indicators and gather data.

PURCHASES

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

**ASPLUNDH TREE EXPERT COMPANY (EPB Contract);
Requisition R0111557/B0005361**

Blanket Contract for Tree Trimming Services

(See minute material for pricing)

**SOUTHERN IONICS (Lowest and best bid)
Requisition R0112247/B0005418**

Blanket Contract for Liquid Sodium Bisulfite for Waste Resources

\$712.50 per dry ton

**CLEAN SWEEP, INC. (Best bid meeting specs.)
Requisition R0111935/B0005383**

Requirements Contract to cover Street and Parking Lot Cleaning at the Moccasin Bend Wastewater Treatment Plant

\$1,200.00 per month

Councilman Pierce questioned the \$1,200 per month for Clean Sweep, Inc. He wanted to know which parking lots were included and how many there were?

Adm. Leach responded that basically it was for the Sewerage Plant, where they have to do a lot of cleaning—that this was a good bid.

Councilman Pierce wanted to know how often the lots are cleaned and was told weekly.

PURCHASE

On motion of Councilman Rico, seconded by Councilwoman Berz, the following purchase was approved for use by the Parks and Recreation Department:

TENNESSEE ELECTRIC MOTOR CO. (Single Source Purchase)
Requisition R0113739

Lease/Purchase Contract for 100 Golf Carts

\$86,708.00

Councilman Benson asked how many golf carts this included? Mr. Johnson responded that it depends—that it is on an “as needed” basis, with an option to purchase. Councilman Benson still wanted to know how many carts? Mr. Johnson explained that this was a blanket bid. Councilman Benson stated that he was called about this bid. Mr. Johnson explained that this was a State Contract and calls for 100 carts full-time and 50 for part-time. He added that it was not a contract with the State but a State bid. Councilman Benson stated that he would talk to Larry Zehnder about this later. Mr. Johnson added that quite often we buy off of a State Contract.

BOARD APPOINTMENTS

Mr. Johnson stated that there was a correction to a Board Appointment made last week for the **Board of Plumbing Examiners**; that it was reported that **Mark Stolpmann** was a Chief Plumbing Inspector—this should have been **Non-Union Master Plumber**. **On motion of Councilwoman Robinson, seconded by Councilwoman Gaines, this correction was approved.**

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines, the following Board Appointments were approved:

CARTER STREET CORPORATION BOARD:

- ❖ The re-appointment of **Curtis Johnson**, for a four-year term, expiring **September 9, 2012**.
- ❖ The re-appointment of **Don Mercer**, for a four-year term, expiring **September 9, 2012**.

BOARD APPOINTMENTS
(CONT'D)

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following Board Appointments were approved:

BOARD OF PLUMBING EXAMINERS:

- ❖ The re-appointment of **James Raulston**, for a two-year term, expiring **September 9, 2010**, as the Union Employee.
- ❖ The re-appointment of **Gary Sivley**, for a two-year term, expiring **September 9, 2010**, as Plumbing Inspector.
- ❖ The re-appointment of **Doug Dailey**, for a two-year term, expiring **September 9, 2010**, as Union Plumber.
- ❖ The re-appointment of **Marion Quarles**, for a two-year term, expiring **September 9, 2010**, as the Non-Union Plumber.

On motion of Councilman Rico, seconded by Councilman Shockley, the following Board Appointments were approved:

BOARD OF MECHANICAL EXAMINERS:

- ❖ The re-appointment of **Ricky Skiles**, for a four-year term, expiring **September 9, 2012**, as the Mechanical Journeyman.
- ❖ The re-appointment of **Randall Smith**, for a four-year term, expiring **September 9, 2012**, as the Mechanical Contractor/Non-Union member.
- ❖ The re-appointment of **Larry Daniels**, for a four-year term, expiring **September 9, 2012**, as the General Public representative.
- ❖ The re-appointment of **Charles Adams, Jr.**, for a four-year term, expiring **September 9, 2012**, as the Engineer.
- ❖ The re-appointment of **Bart Bledsoe**, for a four-year term, expiring **September 9, 2012**, as the HVAC Contractor/Union member.
- ❖ The appointment of **Ronald W. O'Neal**, for a four-year term, expiring **September 9, 2012**, as the Factory Representative.

BOARD APPOINTMENTS
(CONT'D)

On motion of Councilwoman Gaines, seconded by Councilman Rico, the following Board Appointments were approved:

BOARD OF GAS EXAMINERS:

- ❖ The re-appointment of **Mark Stolpmann**, for a four-year term, expiring **September 9, 2012**.
- ❖ The re-appointment of **Dale Blancett**, for a four-year term, expiring **September 9, 2012**, as Gas Company Employee.
- ❖ The re-appointment of **William Benton, Jr.**, for a four-year term, expiring **September 9, 2012**, as the Journeyman Gasfitter.
- ❖ The re-appointment of **Gary Sivley**, for a four-year term, expiring **September 9, 2012**, in the position of Chief Plumbing Inspector.
- ❖ The re-appointment of **Doug Dailey**, for a four-year term, expiring **September 9, 2012**, as the General Public member with Industrial Background.

HEARING:
BOBBY C. THOMPSON

Councilwoman Berz reported that there was a hearing held for Bobby C. Thompson, Public Works' employee. The panel consisted of Councilmen Pierce and Rico, and herself as Chair. Mr. Thompson's termination was sustained.

COMMITTEES

Councilwoman Robinson scheduled a joint meeting of the **Education, Arts and Culture Committee and the Health, Human Services and Housing Opportunities Committee for Tuesday, September 16th, immediately following the Public Works Committee** to present The Passage Update and Neighborhood Services Resolutions dealing with the Home Again Contract and HUD Continuum Care Supportive Housing Program Grant.

Councilwoman Rico reminded everyone of the **Public Works Committee meeting scheduled for Tuesday, September 16th immediately following the Agenda Items session.** (At this point Chairman Bennett asked Councilman Rico to “teach us the Shuffle”, with Councilman Page stating that he was not following this. It was explained to him that Councilman Rico had taken part in a Dance Contest.)

Councilman Page stated that he thought he needed to schedule an **Economic Development Committee meeting for Tuesday** at the request of Dan Johnson. Mr. Johnson stated that he could do this in the Agenda session because the issue is on next week’s agenda. Councilman Page expressed some uncertainty as to whether this should be done in Agenda Session or whether it would require an Economic Development Committee meeting. Chairman Bennett stated that this was the Resolution to participate in a Regional Strategic Skills Forecast. Mr. Johnson indicated that this would only take about five minutes, and he could tag on to the Agenda meeting.

Councilman Benson stated that he would need two weeks to work with Attorney Randy Nelson on the Wrecker issue and asked for suggestions or anyone who knew something about this with good advice; that he would ask Attorney Nelson to address this and in two weeks the **Legal and Legislative Committee** will meet (September 23, 2008).

Councilman Pierce asked Councilman Benson if there would be any objection to Paul Page joining the meeting?

Councilman Benson responded that if Councilman Pierce wanted to chair the meeting that he would be glad to turn it over to him.

COMMITTEES (CONT'D)

Councilman Pierce responded that he did not want Councilman Benson to take over and just get the people he wanted in the meeting, indicating that Administration should be included.

Councilman Benson stated that he was glad Councilman Pierce was taking Administration into consideration, reiterating that he would love for Councilman Pierce to take over, and he would assign this task to Councilman Pierce, noting that it was something that he had been working on for over a year.

Councilman Pierce stated that he would take this over, but he was afraid that it would hurt Councilman Benson's feelings.

Councilwoman Robinson interjected that everyone had worked hard on this and jokingly asked Councilwoman Berz to separate Councilman Pierce and Councilman Benson.

Councilwoman Berz stated that the City Attorney needs to come back with a Performance Based solution, and we can see where we need to go. She assured Councilman Benson that he was an excellent Chairman—that we would be taking a different approach, which would be Performance Based.

At this point, Chairman Bennett noted that we had gone over agenda items.

JOANNE HOLIDAY JOHNSON

Ms. Johnson addressed the Council, thanking them for all they do, especially as it relates to the World Changers. She stated that she had something she wanted Councilman Rico to read concerning the Police Department. She went on to say that this City is getting "hot" and teens are acting up and that she was a woman who prayed; that she lived in Alton Park and was on the street and heard a voice saying "Get off the street"; that she did not know it was the Police; that the policeman got out and was standing in front of his car—that it was a rookie policeman named Barry Hughes—Badge #1055. She stated that as a result of this she had a black eye and was handcuffed and put in jail because they said she was resisting arrest; that they told her to get out of the street, and she was not doing anything.

MS. JOHNSON (CONT'D)

Ms. Johnson stated that the policeman put her in the car, and she ducked; that he took her downtown and wrote a report and then the report was changed; that they said she did not have any I.D., and she did have I.D.; that the Police took her pills for her heart, her keys, and her cigarette lighter.

Chairman Bennett reminded Ms. Johnson that she was about out of time.

Ms. Johnson continued, stating that the police caused the problem, and she was put in jail; that they said she had no I.D. She said she was asked where she got the black eye, and she wanted to know how she could sue the City.

Chairman Bennett again told Ms. Johnson that her time was up.

Councilwoman Gaines asked Ms. Johnson what her address was in Alton Park and confirmed that Barry Hughes was the officer. Councilwoman Gaines stated that she wanted to get this information and at some point speak to someone; that Ms. Johnson's Council representative could speak to her and that she also would be willing to meet with her; that she needed to provide ample information.

Ms. Johnson stated that the Police had also put Erlanger in trouble.

Councilwoman Berz stated that if our Police Department acted like thugs, that it was not the Council's intent that they do so; that we would take a look at what happened. She asked Ms. Johnson if she went to court?

Ms. Johnson responded "yes", but they dismissed it; that the Lord told her to come here and that God had blessed her; that what the Police had done had made her hair drop out.

Councilwoman Berz again stated that it was not the Council's intent for the Police to act in this manner. She also told Ms. Johnson that it took courage for her to come here tonight, and she thanked her for coming.

At this point Ms. Johnson tried to interject something that Shirley Deakins had told her.

MS. JOHNSON (CONT'D)

Councilwoman Gaines assured Ms. Johnson that the Council had a copy of her information

Ms. Johnson asked her if she also wanted copies of her hospital bill.

Councilwoman Gaines stated that she would talk to her after the meeting.

ADJOURNMENT

Chairman Bennett adjourned the meeting of the Chattanooga City Council until Tuesday, September 16, 2008 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)**

