

**City Council Building
Chattanooga, Tennessee
September 5, 2006
6:00 p.m.**

Chairman Pierce called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Franklin, Page, Rico, Robinson and Rutherford present. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC, were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Rico 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.

**SPECIAL PRESENTATION: RECYCLING TASK FORCE
- INTERIM FINDINGS**

Michael Mallen, Recycling Task Force Chairman, expressed thanks to the Council for hearing the work product that the Task Force has done for the last four weeks. He noted that he stands ready to respond to any question or comments about what was presented. He encouraged Council members to look at the material that was left with them and let them know what they want the Task Force to do.

Councilwoman Robinson stated that she speaks for every member of the Council in thanking the Task Force for the work that is underway. She stated all are interested in having time to reflect upon the report brought today and suggested that time be taken individually to study it. She stated she would like very much to consult with the Public Works department as we go forward and call upon the Task Force for further work as needed.

SPECIAL PRESENTATION: RECYCLING TASK FORCE
- INTERIM FINDINGS (Continued)

At this point Councilwoman Robinson made the motion to study the options presented by the Task Force for discussion in the Public Works Committee scheduled for Tuesday, September 19 at 4 p.m.; Councilman Rico seconded the motion; the motion carried.

Councilman Page stated that he wanted to comment on the motion and clarified that it is his understanding administration and the City Council would take the recommendations presented by the Task Force and review them over the next couple weeks in an open meeting. He stated he was contacted by people who did not feel the committee had time to process the information and that it did not totally represent the thinking of the whole group. He expressed support for the motion and suggested that the two weeks be an opportunity for continuing input by committee members as we move forward.

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilman Benson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 31, ARTICLE VIII, DIVISION 2, SECTION 31-311(b), RELATIVE
TO STORMWATER MANAGEMENT, NEW FACILITY PERMITS**
passed second and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilwoman Rutherford, seconded by Councilman Page,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 32, ARTICLE XII, SECTIONS 32-271 THROUGH 32-288,
RELATIVE TO STREET CONSTRUCTION STANDARDS**
passed second and final reading and was signed in open meeting.

REZONING

2005-153: Reid M. Henson

Councilwoman Bennett stated that she spoke with a representative for this matter and the request is to defer two weeks.

REZONING (Continued)

Jerry Pace, Director of Development Services with the Regional Planning Agency (RPA), stated that the applicant needs to work with Public Works and go over the property lines.

On motion of Councilwoman Bennett, seconded by Councilman Franklin,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 327 STRINGER STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE AND R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
was deferred two weeks.

CLOSE AND ABANDON

MR-2006-116: River View of Tennessee, LLC

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF TWO (2) OPENED ALLEYS LOCATED NORTH OF THE NORTH LINE OF THE 400 BLOCK FO EAST 5TH STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

AMEND BUDGET ORDINANCE

Councilman Rico stated Ordinances (a) and (c) were discussed in Public Work Committee and approval is recommended.

On motion of Councilman Rico, seconded by Councilman Page,
AN ORDINANCE TO AMEND ORDINANCE NO. 11848, ENTITLED "AN ORDINANCE, HEREINAFTER ALSO KNOWN AS 'THE FISCAL YEAR 2006-2007 BUDGET ORDINANCE', TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, AND ENDING JUNE 30, 2007, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; PROVIDING FOR INTEREST AND PENALTY ON

AMEND BUDGET ORDINANCE (Continued)

**DELINQUENT TAXES AND PRIVILEGES AND TO AMEND CITY CODE
CHPATER 18, SECTION 18-123(G)" SO AS TO SET FORTH THE BUDGET
OF THE INTERCEPTOR SEWER SYSTEM AND TO AMEND CHATTANOOGA
CITY CODE, PART II, CHAPTER 31, SECTIONS 31-15, 31-36, 31-37, 31-
40, 31-41 AND 31-43**

passed first reading.

AMEND CITY CODE

Councilman Benson stated this amendment is due to an oversight in the animal control ordinance passed last year; that inoculation requirements were left out.

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 7, BY ADDING NEW SECTIONS 7-35 AND 7-36 RELATIVE TO
RABIES INOCULATION REQUIREMENTS**

passed first reading.

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 24, TO INCLUDE A NEW SECTION 24-273, RELATIVE TO THE
ENFORCEMENT OF TRAFFIC LAWS USING TRAFFIC CONTROL
PHOTOGRAPHIC SYSTEMS**

was adopted.

AGREEMENT

**On motion of Councilmen Robinson and Franklin, Resolution (n) was moved
forward on the agenda.**

Councilman Rico noted that Resolutions (h) – (n) were discussed in Public Works Committee and approval is recommended.

Chairman Pierce stated the other vendor who had put in a bid asked to talk to Council members and noted that he understood that a majority of Council members had met with him (other vendor). He stated that he agreed he would listen to both sides again and limited each representative to no more than five minutes each.

AGREEMENT (Continued)

Councilman Rico noted that the matter was discussed in the Public Works Committee meeting.

Chairman Pierce noted that this is the Council meeting and the Council is getting ready to vote.

Councilman Benson stated that he did not think everyone was satisfied in the Committee meeting.

Chairman Pierce noted that there may not be satisfaction here (Council meeting). He stated that he told them he would let them make a presentation.

Atty. Rick Hitchcock expressed appreciation for the opportunity to speak with the Council. He stated that he had an opportunity to make a presentation in Committee and there were more than a majority of Council members present and voting in favor of the Resolution at that level. He stated he did not want to prolong the matter unnecessarily, again expressing appreciation for the opportunity to speak with each of them. In concluding his thanks to the Council, he noted his client will have an opportunity in the future to present a product again to the city for consideration.

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PUBLIC WORKS TO NEGOTIATE AND EXECUTE AN
AGREEMENT WITH LASERCRAFT, INC. FOR AUTOMATED TRAFFIC
ENFORCEMENT SERVICES**
was adopted.

CONTRACT

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE
DEPARTMENT TO ENTER INTO A CONTRACT WITH JDH ROOFING TO
REMOVE AND REPLACE THE ROOF OF FIRE STATION NO. 17 FOR ITS
LOWEST BID IN AN AMOUNT NOT TO EXCEED THIRTY-TWO THOUSAND
NINE HUNDRED FORTY DOLLARS (\$32,940.00)**
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO ENTER INTO A CONTRACT WITH JDH ROOFING TO REMOVE AND REPLACE THE ROOF OF FIRE STATION NO. 5 FOR ITS LOWEST BID IN AN AMOUNT NOT TO EXCEED THIRTY-TWO THOUSAND FIVE HUNDRED EIGHTY-TWO DOLLARS (\$32,582.00)
was adopted.

AGREEMENT

Councilwoman Gaines stated Resolutions (c) and (d) were discussed in the Parks and Recreation Committee and approval is recommended.

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH CHATTANOOGA HEAD RACE TO UTILIZE ROSS'S LANDING FOR THE CHATTANOOGA HEAD RACE TO TAKE PLACE ON OCTOBER 13, 2006 AND OCTOBER 14, 2006
was adopted.

AGREEMENT

On motion of Councilman Benson, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH HEAD OF THE HOOCH TO UTILIZE ROSS'S LANDING FOR THE HEAD OF THE HOOCH TO TAKE PLACE ON NOVEMBER 2, 2006 THROUGH NOVEMBER 5, 2006
was adopted.

GRANTS

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF TWO GRANTS FROM WAL-MART, INC. IN THE TOTAL AMOUNT OF TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) AND EXPRESSING THE GRATITUDE OF THE MAYOR AND CITY COUNCIL FOR SAID DONATION
was adopted.

GRANT

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO ACCEPT A GRANT FROM THE TENNESSEE DEPARTMENT OF HOMELAND SECURITY IN THE AMOUNT OF NINETY-NINE THOUSAND SEVEN HUNDRED TWENTY-FIVE DOLLARS (\$99,725.00), WHICH IS TO BE USED FOR LAW ENFORCEMENT TRAINING PURPOSES
was adopted.

ACCEPT DONATION

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO ACCEPT THE DONATION OF A BUS, WHICH IS TO BE USED FOR LAW ENFORCEMENT TRAINING PURPOSES, FROM THE CHATTANOOGA AREA REGIONAL TRANSPORTATION AUTHORITY, AND EXPRESSING THE GRATITUDE OF THE MAYOR AND CITY COUNCIL FOR SAID DONATION
was adopted.

SPECIAL POLICEMAN

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF BILLY D. MUMPOWER 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 POLICEMAN

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF PORTER L. MCKAMEY AS SPECIAL POLICEMAN (ARMED) FOR ERLANGER HEALTH SYSTEMS, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

CHANGE ORDER

On motion of Councilwoman Robinson, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. W-04-005-201, TAMPA STREET SEWER RELOCATION, WITH MAYSE CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY SIXTY-NINE THOUSAND TWO HUNDRED EIGHTY AND 18/100 DOLLARS (\$69,280.18), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED TWENTY-TWO THOUSAND SIX HUNDRED NINETY-FIVE AND 82/100 DOLLARS (\$1,122,695.82)

was adopted.

CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. W-05-004-201, HIXSON PIKE SEWER REPLACEMENT, WITH TALLEY CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY TWENTY-THREE THOUSAND EIGHT HUNDRED TWENTY-NINE AND 23/100 DOLLARS (\$23,829.23), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED THREE HUNDRED SEVENTY-FOUR THOUSAND THREE HUNDRED THIRTY-THREE AND 40/100 DOLLARS (\$374,333.40)

was adopted.

CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. S-05-001-101, PRIVATE DETENTION POND INSPECTIONS, WITH S.L. KING & ASSOCIATES, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY TWO THOUSAND FOUR HUNDRED FORTY-FIVE DOLLARS (\$2,445.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FORTY-SEVEN THOUSAND FIVE HUNDRED FIFTY-FIVE DOLLARS (\$47,555.00)

was adopted.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilman Page,
**A RESOLUTION AUTHORIZING JAMES E. CITY TO USE TEMPORARILY
THE CITY'S RIGHT-OF-WAY AT 2521 BROAD STREET TO INSTALL A
SECOND AWNING, AS SHOWN ON THE DRAWING ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN
CONDITIONS**
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING A CONTRACT WITH BALLET TENNESSEE
FOR DANCE CLASSES DURING 2006 SUMMER KIDZ CAMP IN AN
AMOUNT NOT TO EXCEED FOURTEEN THOUSAND EIGHTY DOLLARS
(\$14,080.00)**
was adopted.

OVERTIME

Overtime for the week ending September 1, 2006 totaled \$77,700.90.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **RONALD SIMMONS** – Promotion, Construction Inspector, Land Development Office, Pay Grade 13/Step 6, \$36,932.00 annually, effective August 18, 2006.

CHATTANOOGA POLICE DEPARTMENT:

- **MINDY MILLIGAN** – Voluntary Demotion, Communications Officer, Pay Grade 11/Step 4, \$31,189.00 annually, effective September 1, 2006.
- **JACQUELYN WITT** – Resignation, Communications Officer, effective August 31, 2006.

PERSONNEL (Continued)

CHATTANOOGA FIRE DEPARTMENT:

- **JOSEPH MCDANIEL** – Retirement, Lieutenant, effective September 1, 2006.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- **HARRY BEDFORD** – Retirement, Utility Worker, September 1, 2006.

PURCHASES

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

SWARCO INDUSTRIES (Lowest bid)
R091901/B003408

Glass Beads for Traffic Paint

\$16.10 per bag

ENNIS PAINT, INC. (Lowest and best bid for non-reflective yellow paint and all weather reflective paint, items 1 and 2)
3M COMPANY ((Only bid for white non-reflective paint, item 3)
R091926/B003409

Traffic Borne Paint

Ennis Paint, Inc. - \$33,011.00
3M Company - \$11,285.60

L. T. MASO (Only bid)
R0091576-B0003383

On-Site Instrumentation Maintenance

\$49,240.00

PURCHASES (Continued)

DIVERSIFIED INTEGRATION, INC. (Lower and better bid)
R0091594/B0003385

Motorola Moscad System

\$70.00 per hour

MOUNTAIN CITY LANDSCAPE (Lowest and best bid)
R0091578/B0003378

Tree Planting

\$15,000.00

SEARS SHOE STORE (Best bid)
R0091860/B0003399

Safety Shoes

\$18,000.00

HOTEL PERMIT

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

KNIGHTS INN – 3655 Cummings Highway, Chattanooga, TN

PURCHASE

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

ASAP SOFTWARE (Single source)
R0092653

Software Licenses per TCA 6-56-304-6

\$16,481.76

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson, the following purchase was approved for use by the Finance and Administration Department, Chattanooga-Hamilton County Bicentennial Library:

CERTIFIED MAINTENANCE SERVICE, INC. (Lowest and best bid)
R0089772/B0003229

Janitorial Services

REFUND

On motion of Councilwoman Bennett, seconded by Councilwoman Rutherford, the Administrator of Finance was authorized to issue the following refund of personalty/property taxes:

NATIONAL POSTERS #2	\$1,946.15
----------------------------	-------------------

PURCHASE

On motion of Councilwoman Robinson, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Mayor's Office, General Services Division:

PITNEY BOWES (Single source)
R0092668

Mail Machine Postage Requirements Contract per TCA 6-56-304.2 (*with option to renew for two 92) additional twelve (12) months periods*)

\$150,000.00

HEARING: OFFICER JEFFREY BALLARD

City Attorney Nelson reported the request for hearing from Police Officer Jeffery Ballard regarding his fourteen day suspension.

A hearing for Officer Ballard was scheduled for Monday, September 18 beginning at 10 a.m. with Councilmen Rico, Rutherford and Franklin serving as the panel; Councilman Page volunteered at alternate.

(Councilman Franklin excused himself from the meeting at this point.)

COMMITTEES

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, September 12 beginning at 3 p.m.**

WILLIAM KIRCHNER

William Kirchner stated that he and his wife Linda have been residents of Chattanooga since 1983. He stated they were present tonight to remind everyone that tomorrow, September 6, 2006, will mark the 249th anniversary of the birth of Marie-Joseph-Paul-Yves-Roch-Gilbert du Motier, Marquis de LaFayette, more familiarly known in popular American culture as General LaFayette. He stated he has been following LaFayette since 1980 and has been President of the American Friends of LaFayette since 2002, a historical and patriotic society founded at LaFayette College in Easton, Pennsylvania in 1932. He stated a century after the College first held classes there was a year long observance in the United States of the 200th Anniversary of George Washington.

Mr. Kirchner stated a number of cities and a good many organizations will hold special programs and stage celebrations during the course of the year. He stated that next year for the 250th anniversary, the Mount Vernon Ladies Association and the LaFayette Council will debut an impressive joint exhibition, a newly constructed venue on the grounds of the estate at Mt. Vernon. He stated the story line is to be the father-son relationship and genuine lasting friendship which developed between Washington and a much younger LaFayette from their first meeting July 31, 1777 for twenty-two years ending December, 1799 with the death of Washington. He stated the exhibit items will be gathered from Mt. Vernon and LaFayette College in August 2007 and a full exhibition will travel to LaFayette College in Easton, Pennsylvania and remain through October. He stated the Tour would then move to New York and open early November at the New York Historical Society in Manhattan, where the Americana Tour will conclude in early February of 2008. He stated his Association will have an annual meeting on the occasion of the Tour's visit to Easton.

In thanking the Council for taking the time to listen, Mr. Kirchner concluded his comments by stating that he plans to present a program sometime during the coming year to honor LaFayette and celebrate his service to our country.

WILLIAM KIRCHNER (Continued)

Councilman Benson stated that we would still be a British colony if it were not for LaFayette.

Mr. Kirchner responded "possibly"; that LaFayette suggested that it was friendship that brought independence to the American colonies.

ADJOURNMENT

Chairman Pierce adjourned the meeting of the Chattanooga Council until Tuesday, September 12, 2006 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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