

**CITY COUNCIL BUILDING  
CHATTANOOGA, TENNESSEE  
JUNE 26, 2007**

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

**MINUTE APPROVAL**

On motion of Councilwoman Robinson, seconded by Councilwoman Rutherford, the minutes of the June 12<sup>th</sup> meeting were approved as published and signed in open meeting. On motion of Councilwoman Robinson, seconded by Councilman Franklin, the minutes of the June 19<sup>th</sup> meeting were approved as published and signed in open meeting.

**AMEND CITY CODE  
CODE OF ETHICS**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 2, ARTICLE XIII, BY REPLACING SAID  
ARTICLE WITH THE MUNICIPAL TECHNICAL ADVISORY  
SERVICE ("MTAS") PROPOSED CODE OF ETHICS FOR CITY  
OF CHATTANOOGA PERSONNEL AND INCORPORATING  
ETHICS PROVISIONS PREVIOUSLY ADOPTED BY THE CITY  
OF CHATTANOOGA**

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

**AMEND CITY CODE**  
**SPEED LIMITS**

On motion of Councilman Franklin, seconded by Councilman Pierce,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART 11, CHAPTER 24, ARTICLE XIV, SECTION 24-502,  
RELATIVE TO SPEED LIMITS ON THROUGH STREETS**  
passed second and final reading and was signed in open meeting.

Councilman Benson confirmed that this only applied to Workman Road.

**AMEND CITY CODE**  
**CONSTRUCTION ZONES**

On motion of Councilwoman Rutherford, seconded by Councilwoman  
Robinson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 24, ARTICLE VIII, BY ADDING A NEW  
SECTION 24-246, REGULATION OF SPEED IN  
CONSTRUCTION WORK ZONES**  
passed second and final reading and was signed in open meeting.

**CLOSE AND ABANDON**

(MR-2007-040 Patricia Robinson)

On motion of Councilman Benson, seconded by Councilman Rico,  
**AN ORDINANCE CLOSING AND ABANDONING AN  
UNNAMED ALLEY LOCATED ON THE SOUTH LINE OF THE  
1500 BLOCK OF CHAMBERLAIN AVENUE, MORE  
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON  
THE MAP ATTACHED HERETO AND MADE A PART HEREOF  
BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
failed denial on roll call vote as follows:

<b>BENNETT</b>	<b>“NO”</b>
<b>BENSON</b>	<b>“YES”</b>

CLOSE & ABANDON(CONT'D)

FRANKLIN	“NO”
GAINES	“NO”
PIERCE	“NO”
RICO	“YES”
ROBINSON	“YES”
RUTHERFORD	“YES”
PAGE	“NO”

On motion of Councilman Pierce, seconded by Councilman Franklin,  
**AN ORDINANCE CLOSING AND ABANDONING AN  
UNNAMED ALLEY LOCATED ON THE SOUTH LINE OF THE  
1500 BLOCK OF CHAMBERLAIN AVENUE, MORE  
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON  
THE MAP ATTACHED HERETO AND MADE A PART HEREOF  
BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
passed second and final reading and was signed in open meeting on roll  
call vote as follows:

BENNETT	“YES”
BENSON	“NO”
FRANKLIN	“YES”
GAINES	“YES”
PIERCE	“YES”
RICO	“NO”
ROBINSON	“NO”
RUTHERFORD	“NO”
PAGE	“YES”

**REZONING**

**(2007-59 Ken Defoor)**

Attorney Nelson explained that a motion to substitute was needed on this Ordinance, as a few conditions had been added with the Council's approval.

Councilman Benson wanted to know if there was anyone in the room who was objecting, and there was no one. He asked Attorney Nelson to read the conditions.

The conditions were as follows: *(1) Any transportation improvements as approved by the City Traffic Engineer; (2) Twelve (12) feet of right-of-way along Gunbarrel Road necessary for future road widening; (3) One ingress/egress drive onto Gunbarrel Road; (4) Appropriate Drainage Impact Study to be provided by the developer to City Engineering Department; (5) Site plan as presented to City Council on June 19, 2007 with offices and/or office-residence to be built on the property; (6) Building to be constructed to reflect a residential character as indicated in the drawings presented to City Council; (7) A sidewalk to be constructed along Gunbarrel Road with trees planted appropriately and street lamps per the drawings presented to City Council; (8) An earthen berm approximately two (2) to three (3) feet high to be built behind the sidewalk and a hedge approximately two (2) to three (3) feet high to be planted on top of the berm or appropriate landscaping that will give both the screening and the height to be effective in obscuring the view of most cars parked in front of the buildings; and (9) Leyland Cypress would be planted at the rear of this property and more specifically on top of the fill area that is part of the larger Mixed Used Development. This should obscure buildings and vehicles at the rear of the future buildings from Gunbarrel Road.*

Councilman Benson wanted to know if Condition #8 was similar to Ziegler Rd., and Mr. Defoor responded "yes". Councilman Benson went on to say that this was very attractive, and he asked Mr. DeFoor if he was in agreement with the conditions. Mr. DeFoor indicated that he did not hear Conditions (1), (2), and (3), and these were read again by Attorney Nelson, with Mr. DeFoor being in agreement. Councilman Benson noted that this was good work and that Mr. DeFoor had worked well with the community.

**REZONING (CONT'D)**

On motion of Councilman Franklin, seconded by Councilman Benson, **AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 2307, 2319, 2323, 2327, 2331, AND 2335 GUNBARREL ROAD AND 7340 McCUTCHEON ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND O-1 OFFICE ZONE TO MXU MIXED USED ZONE, SUBJECT TO CERTAIN CONDITIONS**

was substituted. On motion of Councilman Benson, seconded by Councilman Rutherford, the Ordinance passed second and final reading and was signed in open meeting.

**INTERIM BUDGET  
PAY INCREASES 7/1/07**

Councilman Benson stated that he had some basic philosophical questions about this; that he thought it was too bad that those who could least afford not to get a raise would get practically nothing; that insurance was going up \$360, which would only amount to a \$140 increase for those on the lower end of the pay scale. He stated that he regretted that this was taken out of committee with a recommendation for consideration; that he was in favor of some other plan so that those making the most money would not be getting the biggest pay increase as opposed to those who made a difference in putting bread on the table.

Councilwoman Bennett stated that she appreciated Councilman Benson's sentiments, and all agreed that we should take care of our employees. She explained that the cost-of-living was across the board and was only one part of a larger effort.

Councilman Pierce stated that he was in support of Councilman Benson—that he approved across-the-board rather than a percentage increase. He stated that because of this, he might not be able to vote for this Ordinance.

Councilwoman Rutherford asked what would happen if we don't get five votes on this?

**INTERIM BUDGET(CONT'D)**

Councilman Benson responded that then we would have to come back with a reasonable option; that enough could be provided to take care of the insurance increase, and we could keep the span from broadening.

Councilwoman Rutherford stated that she thought “we were under the gun” and asked Ms. Madison if this were not true?

Ms. Madison responded that they worked on behalf of the Council; that they would like approval of the entire Budget and to be able to apply increases effective July 1<sup>st</sup>; that if this did not pass, it would be a pretty massive action for retro-active pay.

Councilman Benson addressed Ms. Madison, asking if we don't bother the scale and add 1% to 2% and a blanket raise for all—that this would not be a bonus or outside the scale. He asked if the reason for passage now was just because it would be easier for her to administer?

Ms. Madison responded that there were two reasons for asking that this be approved tonight: (1) It would eliminate additional work and (2) It would allow employees to get paid in a timely manner.

Councilwoman Rutherford stated that she thought there was also a third reason—That this is the first step in a much larger payroll change in the near future; that if we did not have a major change down the road, this might not be the thing to do; that she thought this was the correct time; that what people will be making in December might be different from what they are making today.

Ms. Madison stated that as discussed in committee meeting, this is the first step of a two-phase approach; the first is the cost-of-living increase across the board so that our employees do not lose purchasing power; that a Study is underway and the second phase will address the employees that have the largest variance between their pay and market pay.

**INTERIM BUDGET (CONT'D)**

On motion of Councilwoman Bennett, seconded by Councilwoman Rutherford,

**AN ORDINANCE TO AMEND ORDINANCE NO. 11973, ENTITLED "AN ORDINANCE PROVIDING FOR AN INTERIM BUDGET AND APPROPRIATING FUNDS FOR THE USUAL AND ORDINARY EXPENSES OF THE CITY GOVERNMENT FOR THE MONTHS OF JULY, AUGUST, AND SEPTEMBER 2007, PENDING THE ADOPTION OF THE 2007-2008 ANNUAL BUDGET, "SO AS TO PROVIDE FOR PAY INCREASES EFFECTIVE JULY 1, 2007**

**was denied on roll call vote as follows:**

<b>Councilwoman Bennett</b>	<b>"Yes"</b>
<b>Councilman Benson</b>	<b>"No"</b>
<b>Councilman Franklin</b>	<b>"No"</b>
<b>Councilwoman Gaines</b>	<b>"Abstain"</b>
<b>Councilman Pierce</b>	<b>"No"</b>
<b>Councilman Rico</b>	<b>"Yes"</b>
<b>Councilwoman Robinson</b>	<b>"Abstain"</b>
<b>Councilwoman Rutherford</b>	<b>"Yes"</b>
<b>Chairman Page</b>	<b>"Yes"</b>

Councilman Rico stated that as much as he respected Councilman Benson, he would have to disagree with him on this; that we hire this Staff to come up with the best solution and everyone will not make as much as everyone else; that we "feed out of one trough" and no one makes as much as they think they should. He reiterated that we rely on the Staff for the best solution for all; that some might say it is not fair, but the professional Staff says it is best right now, and the situation will change in two months.

**INTERIM BUDGET (CONT'D)**

Councilwoman Bennett noted that this was an effort on the part of the Staff to be able to give employees a raise so that they would not have to wait several more months, and they had done due diligence; that it is efficient to do this now.

Councilman Benson admonished that the first step is the most dangerous, and he thought it was the wrong step and sent the wrong message; that if a person made \$100,000 and got a 3% increase, they would get \$3,000 more, whereas a person making \$20,000 would only get \$600 more and after you subtract the increase in insurance of \$360.00, this only leaves the increase in the \$160.00 range, and these are the people that can least afford it, and it is the wrong first step. (At this point Councilman Benson received applause from some in the audience).

Councilwoman Bennett noted that we were going to have a Budget Workshop on July 9<sup>th</sup>, and if we could come to no conclusion this evening, it could be done there.

Councilwoman Rutherford suggested another vote on this issue.

On motion of Councilwoman Rutherford, seconded by Councilwoman Gaines,

**AN ORDINANCE TO AMEND ORDINANCE NO. 11973, ENTITLED "AN ORDINANCE PROVIDING FOR AN INTERIM BUDGET AND APPROPRIATING FUNDS FOR THE USUAL AND ORDINARY EXPENSES OF THE CITY GOVERNMENT FOR THE MONTHS OF JULY, AUGUST, AND SEPTEMBER 2007, PENDING THE ADOPTION OF THE 2007-2008 ANNUAL BUDGET, "SO AS TO PROVIDE FOR PAY INCREASES EFFECTIVE JULY 1, 2007**

passed first reading on roll call vote as follows:

**INTERIM BUDGET**  
**(CONT'D)**

<b>Councilwoman Bennett</b>	<b>“Yes”</b>
<b>Councilman Benson</b>	<b>“No”</b>
<b>Councilman Franklin</b>	<b>“No”</b>
<b>Councilwoman Gaines</b>	<b>“Yes”</b>
<b>Councilman Pierce</b>	<b>“No”</b>
<b>Councilman Rico</b>	<b>“Yes”</b>
<b>Councilwoman Robinson</b>	<b>“No”</b>
<b>Councilwoman Rutherford</b>	<b>“Yes”</b>
<b>Chairman Page</b>	<b>“Yes”</b>

**NORTH SHORE PLAN**

**Mr. Ray Childers** asked to address the Council. He read the following statement: *Mr. Chairman, thank you for the opportunity to address the Council members on this important issue. I am Ray Childers, representing the Chattanooga Manufacturers Association. I would like to make the following statement for the record. CMA contends that there are numerous conflicts and concerns, in fact and principle, in both the development and legislative processes and the work products involved in the Northshore Plan and the Northshore Design Guidelines C-7 Commercial Mixed Use Zone. CMA further contends that passage of a resolution authorizing adoption of the Northshore Plan, or any other such plan, prior to addressing previously identified and acknowledged conflicts, embedded issues and concerns, is not in the best long-term interest of those potentially impacted by the matter. CMA also contends that the proposed short-term fix of passing a flawed Northshore Plan before it is ripe for passage, and then making necessary corrections as problems surface, makes neither good business nor good lawmaking sense. Businesses that operate in this manner are prone to failure. The process would seem to promote gridlock for legislative bodies.*

**NORTHSHORE PLAN(CONT'D)**

*CMA finally contends that the rush to pass this resolution adopting the Northshore Plan, and the declared urgency to get on with the development of a zoning plan is far too ambitious a timeline for such a complex, serious and far-reaching matter. In the interest of all, it would seem to be wise to do it right the first time. Meanwhile, CMA and other parties involved, will continue to pursue other possible alternative courses of action.*

Councilwoman Bennett asked Mr. Barry Bennett to address the process that we followed on the Northshore Plan; that we had done due diligence and had not been hasty and had spent twice the amount of time on this than usual and had tried to include all participants.

Mr. Bennett agreed that more time had been spent on this than in any other area; that they had dealt with issues concerning C-7 regulations, the zoning issue, the zoning Plan, and zoning Study. He noted that the Land Use Plan would be under consideration tonight. He went on to say that a lot of issues continue to be discussed; that this had taken a long time and many meetings to resolve these issues and come to some compromise; that they discussed the make-up of the Review Committee and how much discretion they should have and finally a compromise had been reached with agreements between many. He stated that this was not a compromise that had been arrived at easily; that during the process there was input from members of the community, AGC and the manufacturing association and all comments and concerns were considered, and there had been changes to the text already. He went on to say that there would be ample time—now or in six months; that issues would still come up and there would be “bugs” in the system to be worked out as we go along. He stated that the compromise represents this effort, even though some will say that “compromise” makes everyone unhappy. He noted that there has to be some give and take.

He went on to say that we are at a point now of rather than going back to square one—that everyone involved was at the point of giving this process an opportunity to be tried and see what happens; that we can identify problems in the system.

**NORTHSHORE PLAN(CONT'D)**

Mr. Bennett continued, stating that we had been dealing with subdivision infills for a number of months and had passed the first amendment, and it had been amended three or four times—that we were trying to work with it until we get it right.

He stated that so much time had been spent on this and no one was unwilling to come back to the table, and they could make changes as they become necessary. He stated that Councilwoman Robinson, Councilwoman Bennett, and Mayor Littlefield think it is time to move on and see what happens, and we will fix things as they are identified.

Councilwoman Rutherford stated that she had studied this for the last few months, and it had changed weekly; that the general contractors were very concerned about adding 68 days to their process and homebuilders are not happy and realtors think this is an infringement on property rights. She stated that there was mass confusion; that between the C-7 Zone, the Study and a Plan, no one understands this, and she questioned how anyone could really vote for this until all can come together. She noted that there were some questions on how the Review Committee will operate in the future and about not adding 68 days, and this request went no where.

Councilwoman Robinson stated that they had done their work, and it was fair; that it was a good Plan, and the best step we can take, and if it is not perfect, we can fix it; that this area has a unique character and is part of downtown but just separated by the river; that it is as much a part of downtown as the neighborhood, and property owners are anxious for this and want a Zoning Study in place and investors want to be able to hope and dream. She stated that this had been a good faith effort for over a year, and we had re-visited it and were willing to change it weekly; that she was now saying to approve this and move on.

**NORTHSHORE PLAN(CONT'D)**

On motion of Councilwoman Bennett, seconded by Councilwoman Robinson,

**A RESOLUTION AUTHORIZING THE ADOPTION OF THE  
NORTH SHORE PLAN**

was adopted on roll call vote as follows:

<b>Councilwoman Bennett</b>	<b>“Yes”</b>
<b>Councilman Benson</b>	<b>“Yes”</b>
<b>Councilman Franklin</b>	<b>“No”</b>
<b>Councilwoman Gaines</b>	<b>“Yes”</b>
<b>Councilman Pierce</b>	<b>“Yes”</b>
<b>Councilman Rico</b>	<b>“No”</b>
<b>Councilwoman Robinson</b>	<b>“Yes”</b>
<b>Councilwoman Rutherford</b>	<b>“No”</b>
<b>Chairman Page</b>	<b>“Yes”</b>

**NORTH SHORE AREA  
ZONING STUDY**

Councilwoman Bennett moved that **Resolution (k)** be moved up on the agenda as there were neighborhood representatives present. This was seconded by Councilwoman Robinson, with Councilwoman Rutherford voting No.

**NORTH SHORE AREA**  
**ZONING STUDY (CONT'D)**

On motion of Councilwoman Bennett, seconded by Councilwoman Robinson,

**A RESOLUTION DIRECTING THE REGIONAL PLANNING AGENCY TO CONDUCT A ZONING STUDY FOR CERTAIN PROPERTIES IN THE NORTH SHORE AREA OF CHATTANOOGA AS SHOWN IN THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**  
was adopted.

**INTERLOCAL AGREE.**  
**HOMELAND SECURITY**

On motion of Councilwoman Rutherford, seconded by Councilwoman Gaines

**A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF CHATTANOOGA TO ENTER INTO AN INTERLOCAL AGREEMENT, IN THE FORM ATTACHED HERETO, WITH HAMILTON COUNTY, TENNESSEE, FOR THE PURCHASE OF HOMELAND SECURITY EQUIPMENT FOR THE CHATTANOOGA FIRE DEPARTMENT AND THE CHATTANOOGA POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED THREE HUNDRED SEVENTY-ONE THOUSAND EIGHT HUNDRED TWENTY-SEVEN AND 16/100 DOLLARS (\$371,827.16), WITH HAMILTON COUNTY GOVERNMENT REIMBURSING THE CITY OF CHATTANOOGA FROM HOMELAND SECURITY GRANTS PROVIDED TO HAMILTON COUNTY, TENNESSEE, BY THE UNITED STATES GOVERNMENT DURING FISCAL YEAR 2006-2007 AND SHALL BE COMPLETED BY APRIL OF 2008**  
was adopted.

**GPS DONATION**

On motion of Councilwoman Gaines, seconded by Councilwoman Rutherford,

**A RESOLUTION AUTHORIZING THE CHATTANOOGA POLICE DEPARTMENT TO ACCEPT A DONATION FROM GIRLS PREPARATORY SCHOOL (GPS) FOR THE PURCHASE OF WHISTLES FOR THE RAD WOMEN'S SELF-DEFENSE PROGRAM FROM FOX 40 COMPANY IN THE AMOUNT THREE HUNDRED DOLLARS (\$300.00)**

was adopted.

**GREENWAY SYSTEM  
GRANT**

On motion of Councilman Franklin, seconded by Councilwoman Bennett,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO APPLY FOR AND, IF APPROVED, ACCEPT A HIGH PRIORITY PROJECT GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION IN AN AMOUNT UP TO ONE MILLION SEVEN HUNDRED EIGHTY THOUSAND DOLLARS (\$1,780,000.00) TO BE USED FOR CONTINUED ENHANCEMENT OF THE CHATTANOOGA GREENWAY SYSTEM, WHICH GRANT REQUIRES A TWENTY PERCENT (20%) LOCAL MATCH UP TO THREE HUNDRED FIFTY-SIX THOUSAND DOLLARS (\$356,000.00) IN CASH AND IN-KIND SERVICES, TO BE APPROPRIATED OVER A FIVE-YEAR PERIOD, AND FURTHER AUTHORIZING THE ACCEPTANCE FROM THE LYNDHURST FOUNDATION OF A FOUR (4) TO ONE (1) MATCH IN AN AMOUNT UP TO FOUR MILLION DOLLARS (\$4,000,000.00) OF ALL FUNDS USED FOR THE ENHANCEMENT OF THE CHATTANOOGA GREENWAY SYSTEM**

was adopted.

GRANT

On motion of Councilman Franklin, seconded by Councilwoman Gaines,  
**A RESOLUTION AUTHORIZING THE DEPARTMENT OF PARKS AND RECREATION, THERAPEUTIC RECREATION DIVISION, TO APPLY FOR AND, IF APPROVED, ACCEPT FROM BLAZESPORTS AMERICA, INC. A PROJECT IMPLEMENTATION GRANT IN AN AMOUNT UP TO ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500,00) AND A PLANNING GRANT IN AN AMOUNT UP TO FIVE HUNDRED DOLLARS (\$500.00)**

was adopted.

CONTRACT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. S-07-007-201, PRIVATE SANITARY SEWER SERVICE LINE REPAIR (SLAP), TO STREET CUTS, LLC IN THE AMOUNT OF TWENTY THOUSAND THREE HUNDRED EIGHTHY-THREE DOLLARS (\$20,383.00), PLUS A CONTINGENCY AMOUNT OF THREE THOUSAND SIX HUNDRED SEVENTEEN DOLLARS (\$3,617.00), FOR A TOTAL AMOUNT NOT TO EXCEED TWENTY-FOUR THOUSAND DOLLARS (\$24,000.00)**

was adopted.

AGREEMENT AMEND.

On motion of Councilman Franklin, seconded by Councilwoman Gaines,  
**A RESOLUTION AMENDING RESOLUTION NO. 24849, ADOPTED AUGUST 22, 2006, RELATIVE TO THE AGREEMENT FOR THE CLOSURE/POST CLOSURE PLAN FOR THE CITY LANDFILL, PROJECT NO. SNL-33-0273, WITH THE STATE OF TENNESSEE, DIVISION OF SOLID WASTE MANAGEMENT, BY DELETING “NOT TO EXCEED FIVE MILLION EIGHT HUNDRED FIFTY-ONE THOUSAND SEVEN HUNDRED TWO DOLLARS (\$5,851,702.00)” AND SUBSTITUTING IN LIEU THEREOF “NOT TO EXCEED SIX MILLION SEVENTEEN THOUSAND SIX HUNDRED FORTY-FIVE DOLARS (\$6,017,645.00)”**

was adopted.

**AGREEMENT AMEND.**

On motion of Councilwoman Bennett, seconded by Councilman Franklin,  
**A RESOLUTION AMENDING RESOLUTION NO. 24877, ADOPTED SEPTEMBER 12, 2006, RELATIVE TO THE AGREEMENT FOR THE CLOSURE/POST CLOSURE PLAN FOR THE SUMMIT SANITARY LANDFILL, PROJECT NO. SNL-33-0035, WITH THE STATE OF TENNESSEE, DIVISION OF SOLID WASTE MANAGEMENT, BY DELETING “NOT TO EXCEED THREE MILLION TWENTY-SEVEN THOUSAND NINE HUNDRED NINETY-SEVEN DOLLARS (\$3,027,997.00)” AND SUBSTITUTING IN LIEU THEREOF “NOT TO EXCEED TWO MILLION NINE HUNDRED SEVENTY-SEVEN THOUSAND SEVENTY-TWO DOLLARS (\$2,977,072.00)”**  
was adopted.

**AGREEMENT AMEND.**

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,  
**A RESOLUTION AMENDING RESOLUTION NO. 24878, ADOPTED SEPTEMBER 12, 2006, RELATIVE TO THE AGREEMENT FOR THE CLOSURE/POST CLOSURE PLAN FOR THE NORTH HAWTHORNE/WOOD RECYCLING SOLID WASTE PROCESSING UNIT, PROJECT NO. SNL-33-1186, WITH THE STATE OF TENNESSEE, DIVISION OF SOLID WASTE MANAGEMENT, BY DELETING “NOT TO EXCEED TWENTY-NINE THOUSAND EIGHT HUNDRED EIGHTY-FOUR DOLLARS (\$29,884.00)” AND SUBSTITUTING IN LIEU THEREOF “NOT TO EXCEED THIRTY THOUSAND SEVEN HUNDRED EIGHTY-ONE DOLLARS (\$30,781.00)”**  
was adopted.

**AGREEMENT AMEND.**

On motion of Councilman Rico, seconded by Councilman Franklin,  
**A RESOLUTION AMENDING RESOLUTION NO. 24879,  
ADOPTED SEPTEMBER 12, 2006, RELATIVE TO THE  
AGREEMENT FOR THE CLOSURE/POST CLOSURE PLAN FOR  
THE CITY LANDFILL, LATERAL EXPANSION AREA 3, WITH  
THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND  
CONSERVATION, DIVISION OF SOLID WASTE  
MANAGEMENT, BY DELETING “NOT TO EXCEED SIX  
MILLION ONEHUNDRED NINETY-SEVEN THOUSAND TWO  
HUNDRED SEVENTEEN DOLLARS (\$6,197,217.00)” AND  
SUBSTITUTING IN LIEU THEREOF “NOT TO EXCEED SIX  
MILLION THREE HUNDRED EIGHTY-THREE THOUSAND  
ONE HUNDRED THIRTY-FOUR DOLLARS (\$6,383,134.00)”**  
was adopted.

**OPEB TRUST ACCOUNT**

On motion of Councilwoman Gaines, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE FINANCE OFFICER TO  
APPLY UP TO TWO MILLION DOLLARS (\$2,000,000.00)  
FROM THE EXCESS OF 2006-2007 COLLECTIONS OVER  
EXPENDITURES TO THE OPEB TRUST ACCOUNT**  
was adopted.

Chairman Page explained that the next two Resolutions have a timely purpose and representatives of the Police Department are here to explain the necessity.

**EDWARD BYRNE GRANT**

Mike Evans was present in the interest of this Resolution. He explained that \$10,000 of this would go to the Police Academy; \$10,000 to Crime Prevention; \$137,560 to Technology. The Hamilton County allocations are \$76,434 to Technology.

On motion of Councilwoman Bennett, seconded by Councilwoman Rutherford,

**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND ACCEPT THE 2007 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FROM THE BUREAU OF JUSTICE ADMINISTRATION IN WASHINGTON, D.C., IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THIRTY-THREE THOUSAND NINEHUNDRED NINETY-FOUR DOLLARS (\$233,994.00), FOR A TWO YEAR PERIOD, WITH NO LOCAL MATCHING FUNDS REQUIRED, TO BE SHARED WITH HAMILTON COUNTY, TENNESSEE, AS SET FORTH ON THE ATTACHED DISTRIBUTION SHEET**

was adopted.

**COPS GRANT**

Lt. John Luquer, Assistant Administrator for the COPLINK Program, was present, noting that this information is shared with six counties and is purchased from Homeland Security, and this will help us expand the system. He stated that this project is getting better all the time.

Councilwoman Robinson mentioned a discrepancy on the last page between the number 820 and 821. Mr. Luquer stated that this was an error on his part—that 822 is correct.

**COPS GRANT(CONT'D)**

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,

**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND ACCEPT THE COPS FY 2007 TECHNOLOGY PROGRAM (TECH) GRANT FROM THE U.S. DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) IN WASHINGTON, D.C., FOR A TOTAL AMOUNT NOT TO EXCEED THREE MILLION DOLLARS (\$3,000,000.00), FOR A THREE YEAR PERIOD, WITH ONE MILLION DOLLARS (\$1,000,000.00) LOCAL MATCHING FUNDS REQUIRED. THE CITY OF CHATTANOOGA WOULD PROVIDE APPROXIMATELY TEN THOUSAND DOLLARS (\$10,000.00), WITH THE REMAINING BALANCE OF NINE HUNDRED NINETY THOUSAND DOLLARS (\$990,000.00) TO BE PROVIDED BY OTHER PARTICIPATING AGENCIES. THE PROGRAM WOULD BE AN IMPROVEMENT AND EXTENSION OF THE JOINT REGIONAL INFORMATION EXCHANGE SYSTEM (JRIES) AND WILL BE KNOWN AS "COPLINK II"**

was adopted.

**OVERTIME**

Overtime for the week ending June 22, 2007, totaled \$77,659.10.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**PUBLIC WORKS DEPARTMENT:**

- **BRIAN K. CONRY**—Promotion to Heavy Equipment Operator, Pay Grade 10/1, \$25,964.00 annually, effective 6/1/07.
- **TERRY D. MCCULLOUGH**—Promotion to Equipment Operator, Sr., Pay Grade 8/2, \$24,651.00 annually, effective 6/1/07.

**PERSONNEL (CONT'D)**

- **WESLEY L. BARNES**—Promotion to Equipment Operator, Sr., Pay Grade 8/2, \$24,651.00 annually, effective 6/1/07.
- **SHERMAN L. SALES**—Promotion to Equipment Operator, Sr., Pay Grade 8/3, \$25,799.00 annually, effective 6/1/07.
- **WILLARD G. TROTTER**—Seven Days Suspension without pay for Garbage Collection Equipment Operator, effective 6/19/07—6/27/07.
- **CLAYTON COOK**—Termination of Crew Worker, effective 6/15/07.
- **JIMMY L. YEARBY**—Four Days Suspension without pay for Crew Worker, effective 6/18/07—6/21/07.
- **DEVIN A. COTTON**—Five Days Suspension without pay for Crew Supervisor, Sr., effective 6/04/07---6/08/07.

Councilman Franklin inquired about the termination of Clayton Cook. He stated that he had tried to get in touch with Jim Templeton concerning this. Adm. Leach explained that Mr. Cook was a probationary employee but that he had no facts or figures on him. Councilman Franklin asked that he get him some information.

**CHATTANOOGA FIRE DEPARTMENT:**

- **FRED EDGEMON, CARL HARTUNG, TERRY KNOWLES, MATTHEW LONG, KENNETH MILLER, AND EVAN ROSE**—Promotion to Senior Firefighter, F2A/I, \$29,130.00 annually, effective 6/22/07.
- **LESLEY MORGAN**—FMLA for Captain, effective 6/25/07—10/12/07.

**CHATTANOOGA PERSONNEL DEPT.:**

- **CAROL DEEMER**—Termination of Personnel Assistant, effective 6/19/07.

**PERSONNEL (CONT'D)**

**CHATTANOOGA POLICE DEPARTMENT:**

- **MINDY MILLIGAN**—FMLA for Communications Officer, effective 6/13/07—10/13/07.
- **MICHELLE MANCE**—FMLA for Police Officer, effective 6/12/07—10/12/07.
- **GLORIA TORRES RUPERTO**—Hire as Animal Services Officer, Pay Grade 9/1, \$24,732.00 annually, effective 6/22/07.
- **MATTHEW D. MANNING**—Hire as Communications Officer, Pay Grade 11/1, \$27,194.00 annually, effective 6/22/07.

**PURCHASES**

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

**ASAP SOFTWARE EXPRESS (Single Source Purchase)**  
**Requisition R0099631**

Computer Software

\$45,495.76

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

**HOWLETT EQUIPMENT (Lowest and best bid)**  
**Requisition R0098951/B0004197**

Rubber Mulch

\$95,118.50

**PURCHASES (CONT'D)**

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

**LANDSCAPEFORMS (Sole Source Purchase)**

**Requisition R0100439**

Miller Park Benches

\$31,610.00

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

**SESCO LIGHTING (Single Source Purchase)**

**Requisition R0100264**

Miller Park Lighting

\$36,508.00

Chairman Page noted that he had been told by Attorney Nelson that if any purchase is over \$10,000 it should be handled individually for public record.

**PURCHASES**

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

**ENVIRONMENTAL SYSTEMS RESEARCH INST., INC. (Single Source Purchase)**

**Requisition R0100036**

ESRI Software Maintenance for Stormwater Management

\$21,179.47

**PURCHASES (CONT'D)**

**COLEMAN TECHNOLOGIES, INC. (Single Source Purchase)**  
**Requisition R0098741**

Coleman Networking Equipment

\$33,418.55

**PURCHASES**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following purchase was approved for use by the Department of Education, Arts & Culture:

**ROSE BRAND (Lowest and best bid)**  
**Requisition R0099283-B0004275**

Softgoods Replacement for Memorial Auditorium

\$98,685.00

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following purchase was approved for use by the Department of Education, Arts & Culture:

**WJTT BREWER BROADCASTING (Lowest and best bid)**  
**Requisition R0098787-B0004182**

Contract for Radio Advertising for the "Straight Up!" Drug Awareness Campaign

\$17,000.00

**PURCHASES**

On motion of Councilman Franklin, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Chattanooga Fire Dept.:

**DAWSON ASSOCIATES (Best bid meeting specs.)**

**Requisition R0098936/B0004172**

35 Gas Monitors

\$27,125.00

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following purchase was approved for use by the Chattanooga Fire Dept.:

**WILDFIRE (Lowest and best bid)**

**Requisition R0098247/B0004086**

Niedner Fire Hose and Couplings

\$40,535.52

**HOTEL PERMIT**

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson, the following Hotel Permit was approved:

**BUDGET MOTEL—3535 Cummings Highway, Chatt., TN 37419**

**PURCHASE**

On motion of Councilman Rico, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Chattanooga Police Dept.:

**VISIONAIR (Single Source Purchase)**

**Requisition R0099131**

Software Upgrade

\$13,333.00

**PURCHASES**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following purchase was approved for use by Finance & Administration:

**ERMC (lowest and best bid)**  
**Requisition R009826/B0004171**

Closed Circuit Surveillance System for the Library

\$14,728.00

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson, the following purchase was approved for use by Finance & Administration:

**CUSTOM LANDSCAPE AND DESIGN (Lowest and best bid)**  
**Requisition R0098877/B0004163**

Contract for Grounds Maintenance at Libraries

(See minute material for pricing)

**APPLICATION FOR**  
**LIQUOR LICENSE**

Ms. Madison presented an Application for a Liquor License at 531 Signal Mountain Rd. for Kamlesh Natver Patel. She noted that this was in Councilwoman Bennett's district but that it does not comply with city requirements for 500 ft. between Liquor Store and School. Ms. Madison stated that she understood the applicant might be here tonight and would wish to address the Council. She reiterated that it does not meet requirements. **On motion of Councilman Rico, seconded by Councilwoman Bennett, this License was denied.**

The owner of the Shopping Center was present on behalf of Mr. Patel. He wanted to make sure the Council realizes that this is at the back part of Baylor School and that they had a fence and retention pond and there is a 30 ft. slope. He reiterated that this is a remote section of Baylor School and accessibility is hard, and he wanted the Council to be aware of this.

Attorney Nelson confirmed that the City Code requires 500 ft.

**PURCHASE**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following purchase was approved for the Mayor's Office:

**INTELLIGENT SYSTEMS & NETWORKING, INC. (Best bid meeting specs.)**  
**Requisition R0099367/B0004277**

Contact for Professional Personnel Service in Information Services

Not to exceed \$100,000.00

**PURCHASE**

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

**BROOKER FORD (Best bid meeting specs)**  
**Requisition R0099946/B0004271**

One (1) Ford E350 Van

\$22,133.16

**COMMITTEES**

On behalf of Councilman Benson (who had to leave the meeting), Councilwoman Bennett reminded councilmembers of the **Legal and Legislative Committee scheduled for Tuesday, July 3<sup>rd</sup> at 3:00 p.m.** She also announced that there would be a **Budget and Finance Committee (Budget Workshop) scheduled for Monday, July 9<sup>th</sup> from 10:00 a.m. to 12:00 p.m.**

**JULY 3<sup>RD</sup> COUNCIL MEET.**

At this point, Chairman Page, stated that he had received a note that Councilman Benson had to leave the meeting to attend a Neighborhood Association meeting. He went on to say that in looking at the Council agenda next week, it is small and that he had had a request that the Council not meet on July 3<sup>rd</sup> in order to give the Staff time to enjoy their July 4<sup>th</sup> holiday. He stated that he would like to have the thoughts of other Councilmembers on not meeting on that date. **On motion of Councilwoman Bennett, seconded by Councilwoman Gaines, it was recommended that the Council not meet on Tuesday, July 3<sup>rd</sup>.**

Councilman Rico stated that he would vote to have a meeting—that the Council just meets once a week, and he did not think it would hurt the Council to meet on Tuesday, July 3<sup>rd</sup>.

Councilwoman Bennett pointed out that on behalf of the Council Clerks, it gives them the opportunity not to lose a day and to have a backlog; however they work at the will of the Council.

Councilwoman Rutherford questioned missing the **Legal and Legislative Committee meeting** next week, asking if it would be possible to have **Legal and Legislative and Public Works Committee meetings** on the same day of July 10<sup>th</sup>? She stated that the ability to have both meetings on the same date would affect her vote.

A vote to **not** meet on **Tuesday, July 3<sup>rd</sup>** was taken on roll call as follows:

<b>Councilwoman Bennett</b>	<b>“Yes”</b>
<b>Councilwoman Franklin</b>	<b>“Yes”</b>
<b>Councilwoman Gaines</b>	<b>“Yes”</b>
<b>Councilman Pierce</b>	<b>“No”</b>
<b>Councilman Rico</b>	<b>“No”</b>
<b>Councilwoman Robinson</b>	<b>“Yes”</b>
<b>Councilwoman Rutherford</b>	<b>“Yes”</b>
<b>Chairman Page</b>	<b>“Yes”</b>

JULY 3<sup>RD</sup> MEETING (CONT'D)

The Chattanooga City Council will not meet on Tuesday, July 3<sup>rd</sup>.

ATTORNEY NELSON

Attorney Nelson suggested that the Council move **Resolutions (a) and (d)** on next week's agenda up to this meeting. **On motion of Councilwoman Bennett, seconded by Councilwoman Gaines, these two Resolutions were moved forward.**

REORGANIZATION PLAN

On motion of Councilman Franklin, seconded by Councilwoman Robinson,

**A RESOLUTION TO AMEND RESOLUTION NO. 24435, AS AMENDED, ENCAPTIONED "A RESOLUTION ADOPTING A REORGANIZATION PLAN FOR THE GOVERNMENT OF THE CITY OF CHATTANOOGA**

was adopted.

BILLBOARD LEASE

On motion of Councilwoman Gaines, seconded by Councilwoman Rutherford,

**A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE A BILLBOARD LEASE, IN SUBSTANTIALLY THE FORM ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, WITH THE LAMAR COMPANIES RELATIVE TO PLACEMENT OF BILLBOARD ADVERTISEMENT LOCATED ADJACENT TO I-75, AT THE 9.1 MILE MARKER, BETWEEN THE EASTGATE SHOPPING CENTER AND THE CHICKAMAUGA CREEK FOR A TERM OF TEN (10) YEARS**

was adopted.

On motion of Councilwoman Bennett, seconded by Councilwoman Gaines, **Ordinance 6(a) on next week's agenda** was brought forward.

**CLOSE AND ABANDON**

**MR-2006-220 William H. Ring**

On motion of Councilwoman Bennett, seconded by Councilwoman Rutherford,

**AN ORDINANCE CLOSING AND ABANDONING THE UNOPENED 1000 BLOCK OF WAVERY STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**

will be deferred for 35 days or until July 31<sup>st</sup>.

**COMMITTEES**

Due to there being no meeting on July 3<sup>rd</sup>, the **Public Works Committee will meet as planned on Tuesday, July 10<sup>th</sup> at 3:00 p.m.** The **Legal and Legislative Committee will meet immediately following on July 10<sup>th</sup>.** **Parks and Recreation Committee will meet immediately following the Legal and Legislative Committee.**

The **Economic Development Committee meeting will move to Tuesday, July 17<sup>th</sup> immediately following the Legal and Legislative Committee.**

**STEPHEN WEST**

**Mr. Stephen West** addressed the Council in regards to the 3% proposal. He stated that this was not fair to them as employees of the City; that they were all giving up part of their salaries. He stated that he would ask that the Council not vote to give 3% across-the-board; that they gave as much to the City as the Police Department and kept our City clean. He mentioned \$1.5 million in their Pension. Mr. West urged Ms. Madison to "do the math". He went on to say that Public Works employees were with Councilman Rico and asked that the Council make a motion that they could have Tuesday off, too—that they needed to be given the same privilege, and we need to look at both sides of the fence.

**STEPHEN WEST (CONT'D)**

Mr. West went on to ask the Council to look at the raises and what Councilman Benson had proposed. He stated that if possible, some employees of the Public Works Department would like to meet with Councilman Rico, and he gave him his telephone number (362-0499). He stated that he had something he wanted to discuss with him before it hit the media.

Chairman Page noted that a Study was being completed soon to look at pay scales as compared to other governments, and we were setting aside funds to equalize salaries. He stated that the Council does appreciate Public Works employees, and he wanted them to know that and to know we are trying to be fair.

Councilman Rico added that Public Works employees were as important as anybody and that he respected them; however, he explained, it was not fair to punish people who have more education and responsibility—that we don't want to discourage them and are trying to be fair to people and that the Council meant well. He stated that sometimes there is no way to be fair—that this is just the way life is—that we don't want to discriminate against anyone.

**CLAYTON COOK**

**Mr. Cook** addressed the Council, stating that he would like to petition the Council for a hearing; that he was in a wrongful dispute and that he had contacted the Mayor and would like to get this resolved.

Councilman Pierce asked if this was a request for a hearing? He wanted to know if the 10 days had passed?

Attorney Nelson pointed out that Mr. Cook is a probationary employee.

Councilman Pierce wanted to know if Mr. Cook was still on probation?

Mr. Cook responded that he had just gotten released from the doctor and that he had worked nine months for the City.

Councilman Pierce wanted to know how long the probationary period is—was it six months?

CLAYTON COOK (CONT'D)

Ms. Donna Kelley was present and stated that she was aware of some of the information but not all of it.

Councilman Pierce wanted to know if Mr. Cook was eligible for a hearing?

Ms. Kelley responded that Mr. Cook was on probation and had not filed an appeal in 15 days.

Mr. Cook maintained that he had filed a petition for a grievance and was told he was not eligible.

Councilman Franklin stated that Mr. Cook had gone to the Mayor's Office last week and set up an appointment and had turned in his paperwork for a grievance. Councilman Franklin stated that he had been trying to get in touch with Mr. Templeton, but he had been out of town, and he had asked Adm. Leach to meet with them to go over the proper procedures.

Councilman Pierce stated that Mayor Littlefield had added another layer to appeals and questioned if the Council should "entertain" this. He wanted to know how this should be done?

Attorney Nelson explained that the appeal was supposed to be within 15 days; however this was a probationary employee.

Ms. Kelley asked if his termination date was April 14<sup>th</sup>?

Mr. Cook stated that he was hired in September as a temporary employee and was now a permanent sanitation worker, and he had had an injury and was then told there was no position for him.

Ms. Kelley stated that she would schedule a session to meet with Mr. Templeton and get all of the information and would meet with Mr. Cook at the same time.

**CLAYTON COOK (CONT'D)**

Councilman Franklin stated that the termination date is June 15<sup>th</sup>, and it is within the 15 days.

Ms. Kelley stated that then the question is if he was within the 15 days, are we willing to hear an appeal for a probationary employee—that historically we have not done this.

Councilman Franklin stated that he was trying to communicate with Mr. Cook's supervisor so that he could have the information—that he was trying to make some kind of judgment and had not been able to do this; that he had heard there was some kind of injury, and this may have other implications; that he had asked Adm. Leach to arrange for them to get together.

Chairman Page concluded that Adm. Leach and Donna Kelley would get together on this.

Adm. Leach stated that he would get on this tomorrow morning; that Councilman Franklin had asked him to identify the issue if possible and whether it was related to an on-the-job injury. He stated that he would get back with Councilman Franklin tomorrow. Councilman Franklin indicated that this was satisfactory.

**ADJOURNMENT**

Chairman Page adjourned the meeting of the Chattanooga City Council until Tuesday, July 10<sup>th</sup>, 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)**



