

**City Council Building
Chattanooga, Tennessee
August 14, 2007
6:00 p.m.**

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

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Franklin gave invocation.

MINUTE APPROVAL

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

CLOSE AND ABANDON

MR-2006-220: William H. Ring and John McDonald

On motion of Councilwoman Bennett, seconded by Councilman Franklin,
**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, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

AMEND ORDINANCE 11786: CORRECT PROPERTY DESCRIPTION

Councilwoman Rutherford noted that the initial request was recommended for denial by Staff. She asked if the Staff agreed to the second version.

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), responded "yes".

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
AN ORDINANCE TO AMEND ORDINANCE NO. 11786, CAPTIONED, "AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 102 MANUFACTURER'S ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS," RELATIVE TO CASE NO. 2005-227, TO CORRECT THE PROPERTY DESCRIPTION CONTAINED THEREIN

passed first reading.

AMEND ZONING ORDINANCE

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V, SECTION 104(2) RELATIVE TO FRONT SETBACKS FOR INFILL LOTS

passed first reading.

REZONING

2007-104: Roger Radpour

Pursuant to notice of public hearing, the request of Roger Radpour to rezone a tract of land located at 510 Berean Lane came on to be heard.

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

On motion of Councilman Rico, 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 510 BEREAN LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE AND R-3 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE

passed first reading.

REZONING

2007-106: Gordon Goins, Jr.

Pursuant to notice of public hearing the request of Gordon Goins, Jr. to rezone tracts of land located at 4205 Calhoun Avenue and parts of 4201 and 4207 Calhoun Avenue came on to be heard.

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

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 4205 CALHOUN AVENUE AND PARTS OF 4201 AND
4207 CALHOUN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN,
FROM R-2 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE**
passed first reading.

SIGNATURE AUTHORIZATION

On motion of Councilman Franklin, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING WILLIAM PAYNE, CITY ENGINEER,
DEPARTMENT OF PUBLIC WORKS, TO SIGN VOUCHERS, REQUISITIONS,
SHIPPING RELEASES AND OTHER NECESSARY DOCUMENTS FOR AND
ON BEHALF OF THE PUBLIC WORKS DEPARTMENT**
was adopted.

AGREEMENT

Councilman Franklin stated Resolutions (b) – (d) were discussed in Parks and Recreation Committee and approval is recommended.

On motion of Councilman Franklin, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO A
COMMERCIAL LEASE AGREEMENT/MEMORANDUM OF
UNDERSTANDING WITH CHATTANOOGA HOUSING AUTHORITY AND
THE METROPOLITAN YMCA OF GREATER CHATTANOOGA FOR USE OF
THE SHEILA JENNINGS WELLNESS CENTER FOR A TERM OF ONE (1)
YEAR AT THE RATE OF ONE DOLLAR (\$1.00) PER MONTH AND OTHER
CONSIDERATIONS, FOR THE OPERATION OF YOUTH AND YOUNG
ADULT PROGRAMS**
was adopted.

AGREEMENT

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH TRI-STATE TESTING & DRILLING, LLC FOR GEOTECHNICAL ENGINEERING SERVICES RELATIVE TO THE SUMMIT BALLFIELD COMPLEX PROJECT IN AN AMOUNT NOT TO EXCEED FOURTEEN THOUSAND FIVE HUNDRED FIFTY DOLLARS (\$14,550.00)
was adopted.

DONATION

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING ACCEPTANCE OF A CASH DONATION FROM CRICKET WIRELESS TO THE DEPARTMENT OF PARKS AND RECREATION, TYNER/EAST BRAINERD RECREATION CENTER, IN THE AMOUNT OF TWO HUNDRED DOLLARS (\$200.00) FOR BASKETBALL EQUIPMENT AND UNIFORMS
was adopted.

DONATION

Chairman Page expressed how proud he was of the people who raised money for the North River Civic Center and extended a special thanks to them.

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING ACCEPTANCE OF A DONATION FROM THE FRIENDS OF NORTH RIVER CIVIC CENTER IN THE AMOUNT OF SEVEN THOUSAND FOUR HUNDRED SIXTY-EIGHT DOLLARS (\$7,468.00) TO THE DEPARTMENT OF EDUCATION, ARTS & CULTURE TOWARD THE COST OF REPLACEMENT OF TILE FLOORING AT THE NORTH RIVER CIVIC CENTER
was adopted.

ACCEPT LOWEST BID

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
A RESOLUTION ACCEPTING THE LOWEST AND BEST BID FROM COMMUNICATIONS RESOURCES, INC. FOR VOICE EQUIPMENT, HARDWARE, SOFTWARE, SUPPORT AND MAINTENANCE FOR A TERM OF ONE (1) YEAR AN AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY-EIGHT THOUSAND DOLLARS (\$138,000.00) WITH THE OPTION TO RENEW FOR TWO (2) ADDITIONAL ONE-YEAR TERMS
was adopted.

AMEND RESOLUTION 25056

Councilman Benson stated that he wanted to make certain that this completes all the necessary rights-of-way.

Adm. Leach responded "yes, between Gunbarrel and Jenkins".

Councilman Benson stated that this is one of the most important improvements that can be made in District Four to have another east-west corridor; that this opens up the road behind WalMart between Gunbarrel and Jenkins and will break the gridlock we have had in east-west travel. He stated that it is his hope it will attach into Ring Road and become a public street, as well as his hope that a new ramp will come off at Sticky Fingers which will take all the northern traffic going into the mall. He asked if he is correct that this will free up a lot of traffic.

Adm. Leach responded "correct".

Councilwoman Rutherford inquired as to the time line for this.

Adm. Leach responded that the engineering will have to be done and then the matter would have to be placed in the capital budget – that it would be a couple years.

Councilman Benson clarified that it is already in the capital budget.

Adm. Leach stated that this is a long term project going over to the interstate; that this first section will be relatively sooner than later, probably five years. He stated that we have already acquired other parts of the right-of-way and lack this one section; that this was the key piece needed to make it work.

Councilman Benson stated some of us will not be around to see it, but we can dream about it!

Councilman Pierce asked if this would be completed prior to the 2009 election, noting that some on the Council might not be here!

Councilwoman Robinson clarified that all on the Council would be here!

Adm. Leach stated that he was certain it would be after the next election.

AMEND RESOLUTION 25056 (Continued)

On motion of Councilman Benson, seconded by Councilwoman Robinson,
A RESOLUTION TO AMEND RESOLUTION NO. 25056, ENCAPTIONED "A RESOLUTION AUTHORIZING THE PURCHASE FROM JOHN A. AND VOULA J. PETROS OF A TRACT OF LAND LOCATED AT 1953 JENKINS ROAD, PARCEL NO. 159B-C-003, AS REFERENCED IN CASE NO. MR-2006-245, RELATIVE TO THE EXTENSION OF GOODWIN ROAD, FOR AN AMOUNT NOT TO EXCEED \$1,400,000.00 AND AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE SAID PURCHASE," TO PROVIDE FOR CLOSING COSTS AND TITLE EXPENSES AT CLOSING IN THE AMOUNT OF \$2,983.63, FOR A REVISED TOTAL AMOUNT NOT TO EXCEED \$1,402,983.63, AND TO AUTHORIZE THE MAYOR'S DESIGNEE TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS

was adopted.

CONTRACT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH DULEY HOPKINS AND ASSOCIATES, INC. FOR CONSULTING SERVICES AT HOURLY RATES ON AN AS-REQUIRED BASIS TO COMPLETE THE ORACLE ERP PROJECT IN AN AMOUNT NOT TO EXCEED ONE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$1,400,000.00)

was adopted.

AGREEMENT

On motion of Councilwoman Bennett, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT AND HAMILTON COUNTY IN THE AMOUNT OF NINETY-EIGHT THOUSAND THREE HUNDRED EIGHTY-FOUR DOLLARS (\$98,384.00) COMMENCING ON JULY 18, 2007 AND ENDING ON DECEMBER 31, 2012 TO PROVIDE INFRASTRUCTURE IMPROVEMENTS FOR HAMILTON PLASTICS, INC. AND APPROVING THE CITY'S PORTION OF THE REQUIRED LOCAL MATCH IN THE AMOUNT OF SEVENTEEN THOUSAND SEVEN HUNDRED EIGHTY-FOUR DOLLARS (\$17,784.00)

was adopted.

OVERTIME

Overtime for the week ending August 10, 2007 totaled \$8,282.13.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **MOESHEAY K. GUSTUS** – Hire, Crew Worker, City Wide Services, Pay Grade 3/Step 1, \$20,650.00 annually, effective July 31, 2007.
- **CARLTON W. CAMERON** – Family Medical Leave, Crew Worker, City Wide Services effective July 27 – October 19, 2007.
- **DANIEL L. CHANDLER** – Leave of Absence (without pay), Heavy Equipment Operator, City Wide Services, effective July 25 – August 25, 2007.
- **FRED W. SIMPSON** – Leave of Absence (without pay), Automated Garbage Collection Equipment Operator, City Wide Services, July 27 – August 26, 2007.
- **ALEX V. FREEMAN** – Hire, Crew Worker, City Wide Services, Pay Grade 3/Step 1, \$20,650.00 annually, effective August 6, 2007.

CHATTANOOGA FIRE DEPARTMENT:

- **REGINALD KNIGHT** – Resignation, Firefighter, effective August 10, 2007.
- **MARK BROWN, KYLE DUGGAN, AMANDA HORNER, TROY MILLSAPS, WILLIAM P. PHILLIPS** – Promotion, Senior Firefighter, Pay Grade F2A/Step 2, \$31,474.00 annually, effective August 17, 2007.
- **JULIUS HUBBARD, MATTHEW MARTIN** – Promotion, Senior Firefighter, Pay Grade F2A/Step 3, \$32,947.00 annually, effective August 17, 2007.
- **MICHAEL SCHULTZ** – Promotion, Senior Firefighter, Pay Grade F2A, Step 4, \$34,417.00 annually, effective August 17, 2007.

PERSONNEL (Continued)

- **MICHAEL J. MOSES** – Promotion, Senior Firefighter, Pay Grade F2A/Step 6, \$37,360.00 annually, effective August 17, 2007.

CHATTANOOGA POLICE DEPARTMENT:

- **CARLA CULBREATH** – Family Medical Leave, Police Records Clerk, effective May 30 – August 22, 2007.
- **AMY MCBRYAR** – Family Medical Leave, Communications Officer, effective August 13 – September 23, 2007.

PURCHASE

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

VAREC BIOGAS (Best Bid)
R0101266/B0004374

Digester Parts

\$11,306.00

SIDEWALK BETWEEN HOYT AND WILCOX

Councilman Franklin inquired about the time line for the sidewalk between Hoyt and Wilcox Boulevard, wanting to know if the contract has been awarded.

Adm. Leach stated that it was his belief the contract has been awarded and would get back with Councilman Franklin with more definite information.

HOTEL PERMITS

On motion of Councilwoman Robinson, seconded by Councilman Franklin, the following hotel permits were approved:

BLUFF VIEW INN, INC. – 411 East Second Street, Chattanooga, TN

HOTEL PERMITS (Continued)

CHATTANOOGA CHOO CHOO – 1400 Market Street, Chattanooga, TN

CLARION HOTEL – 407 Chestnut Street, Chattanooga, TN

HOME AWAY EXTENDED STAY STUDIOS – 1949 North Point Boulevard, Hixson, TN

STAYBRIDGE SUITES – 1300 Carter Street, Chattanooga, TN

TENNESSEE RIVER PLACE – 3104 Scenic Waters Lane, Chattanooga, TN

HAMILTON INN – 6860 Lee Highway, Chattanooga, TN

PARK INN – 7638 Lee Highway, Chattanooga, TN

RAMADA LTD. – 2361 Shallowford Village Drive, Chattanooga, TN

SLEEP INN – 2351 Shallowford Village Drive, Chattanooga, TN

FOOD DRIVE

Councilwoman Rutherford inquired as to the report for the food drive this weekend sponsored by the Fire Department:

Chief Flint responded that the food drive was very successful and over 7,000 pounds of food was collected. He stated it was an impromptu request that was brought to the Department and it was decided to move on it quickly.

Councilwoman Rutherford expressed congratulations on behalf of the Council.

PURCHASE

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

LEE-SMITH, INC. (Lowest and best bid)
R0100956/B0004357

Emergency Equipment

\$70,875.00

HEARING: LAWRENCE GOODINE

City Attorney Nelson stated that the hearing scheduled for Officer Goodine scheduled for Monday (August 20) needs to be postponed indefinitely until such time as it is disposed of in Criminal Court; that the criminal case has not yet been heard. He stated that a letter from his attorney indicated that he (Goodine) has waived his right to back pay subsequent to May 21, 2007, which was the condition for rescheduling. He noted Councilmen Benson, Pierce and Rutherford were to serve as the panel, with Councilwoman Gaines as Alternate.

Councilwomen Robinson and Gaines made the motion and second to defer the hearing for Officer Lawrence Goodine indefinitely; the motion carried.

HEARING: Officer Shawn Cunningham

City Attorney Nelson stated that a request has been received regarding the July 27 termination of Shawn Cunningham. He stated his attorney has suggested the dates of September 10, 17 and 24.

A hearing was scheduled for Officer Cunningham for Monday, September 17 beginning at 9 a.m. with Councilmen Rico, Benson and Robinson; Councilwoman Bennett volunteered as alternate.

COMMUNITY IMPACT TOUR

Councilwoman Robinson announced that Community Impact is sponsoring a tour of neighborhoods they are re-working on Monday, September 17 from 10 a.m. – 12 p.m. She stated that is an important date for people to remember as Community Impact focuses on the work they are doing in some of our neighborhoods.

TML DISTRICT 3 MEETING

Councilwoman Bennett asked Council members to save the date of August 23 at 9 a.m. for the TML District 3 meeting in Cleveland. She encouraged all Council members to participate.

COMMITTEES

Councilman Franklin reminded Council members of the meeting of the **Parks and Recreation Committee immediately following Public Works.**

Councilman Rico reminded Council members of the meeting of the **Public Works Committee for Tuesday, August 21 at 3 p.m.**

ADJOURNMENT

Chairman Page adjourned the meeting of the Chattanooga Council until Tuesday, August 21, 2007 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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