

**City Council Building
Chattanooga, Tennessee
August 21, 2007
6:00 p.m.**

Vice Chairman Bennett called the meeting of the Chattanooga Council to order with Councilmen Benson, Franklin, Gaines, Pierce, Rico, Robinson and Rutherford were present; Chairman Page was absent due to personal commitment. 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, invocation was given by Dan Johnson, Chief of Staff.

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.

AMEND ODINANCE NO. 11786

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
**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 second and final reading and was signed in open meeting.

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 second and final reading and was signed in open meeting.

REZONING

2007-104: Roger Radpour

On motion of Councilman Franklin, 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 510 BEREAN LANE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE
TO R-3 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL
ZONE**
passed second and final reading and was signed in open meeting.

REZONING

2007-106: Gordon Goins, Jr.

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 second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2007-074: Eugene H. Schimpf, III

On motion of Councilman Benson, seconded by Councilwoman Gaines,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF A
SANITARY SEWER EASEMENT AT 281 NORTH LYERLY STREET AND 250
NORTH KELLEY STREET, MORE PARTICULARLY DESCRIBED HEREIN AND
AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART
HEREOF BY REFERENCE**
passed first reading.

CLOSE AND ABANDON

MR-2007-118: City of Chattanooga c/o Paul Page

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
AN ORDINANCE CLOSING AND ABANDONING A TRACT OF LAND LOCATED AT THE SOUTHERN UNOPENED RIGHT-OF-WAY PORTION OF THE 500 BLOCK OF EAST 4TH STREET AND THE EAST UNOPENED RIGHT-OF-WAY PORTION OF THE 400 BLOCK OF GEORGIA 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 first reading.

GRANTS

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF TWO GRANTS FROM WAL-MART, INC. IN THE AMOUNT OF ONE THOUSAND DOLLARS (\$1,000.00) EACH AND EXPRESSING THE GRATITUDE OF THE MAYOR AND CITY COUNCIL FOR SAID GRANTS
was adopted.

PERSONAL SERVICES CONTRACT

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE DEPARTMENT OF NEIGHBORHOOD SERVICES TO EXTEND ITS PERSONAL SERVICES CONTRACT WITH LARRY JENNO THROUGH DECEMBER 30, 2007 AND INCREASE THE TOTAL CONTRACT TO AN AMOUNT NOT TO EXCEED TWENTY THOUSAND DOLLARS (\$20,000.00)
was adopted.

GRANT

On motion of Councilman Franklin, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF EDUCATION, ARTS & CULTURE TO APPLY FOR AND, IF AWARDED, ACCEPT A GRANT FROM THE STATE OF TENNESSEE IN AN AMOUNT UP TO TEN THOUSAND DOLLARS (\$10,000.00) TO ENHANCE AFTER-SCHOOL PROGRAMS AT HOWARD HIGH SCHOOL AND BEGIN AN AFTER-SCHOOL PROGRAM AT BRAINERD HIGH SCHOOL
was adopted.

AGREEMENT

On motion of Councilwoman Rutherford, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO EXECUTE AN AGREEMENT WITH MEMORIAL HEALTH CARE SYSTEM FOR USE OF THE BRAINERD RECREATION COMPLEX POOL FROM AUGUST 1, 2007 THROUGH JULY 31, 2008 WITH AN OPTION TO EXTEND THE TERM FROM AUGUST 1, 2008 THROUGH JULY 31, 2009, UPON AGREEMENT OF BOTH PARTIES BEFORE THE EXPIRATION OF THE INITIAL TERM
was adopted.

RECREATION CENTER RATES

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ADJUST TEMPORARILY THE RECREATION CENTER RATES FROM THIRTY-FIVE DOLLARS (\$35.00) PER HOUR TO ONE HUNDRED DOLLARS (\$100.00) PER WEEK FOR THE JOHN A. PATTON CENTER TO ACCOMMODATE AN EXTENDED USAGE OF THE CENTER FOR PROLOGISTIX FOR A PERIOD OF NO MORE THAN SIX (6) MONTHS
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. S-07-008-201, PRIVATE SANITARY SEWR SERVICE LINE REPAIR (SLAP), TO STREET CUTS, LLC IN THE AMOUNT OF TWELVE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$12,250.00), PLUS A CONTINGENCY AMOUNT OF THREE THOUSAND DOLLARS (\$3,000.00), FOR A TOTAL AMOUNT NOT TO EXCEED FIFTEEN THOUSAND TWO HUNDRED FIFTY DOLLARS (\$15,250.00)
was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO CONTRACT NO. S-05-015-201, TELEVISED INSPECTION FOR PRIVATE SANITARY SEWER, WITH ROTO ROOTER PLUMBING SERVICE, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY TWO THOUSAND ONE HUNDRED EIGHTY-SEVEN DOLLARS (\$2,187.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED TWENTY-TWO THOUSAND ONE HUNDRED EIGHTY-SEVEN DOLLARS (\$22,187.00)
was adopted.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING CAROLYN BRYANT TO USE TEMPORARILY AN ALLEYWAY FOR RESIDENTS OF 111 COLVILLE STREET FOR THE ALLEY USE STRUCTURE (GAZEBO) ENCROACHMENT, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

TEMPORARY USE

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING JAMES G. GREEN TO USE TEMPORARILY THE 2300 BLOCK OF MEADOW TRAIL AT THE ENTRANCE OF MEADOW BROOK HEIGHT SUBDIVISION TO ENHANCE THE AREA WITH PLANTS, GRASS AND SEEDS, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

OVERTIME

Overtime for the week ending August 17, 2007 totaled \$80,603.85.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **LLOYD STANLEY OWEN** – Promotion, Traffic Engineer Senior, Traffic Operations, Pay Grade 15/Step 11, \$50,965.00 annually, effective August 17, 2007.
- **KENNETH DOYLE** – Hire, Traffic Engineering Tech., Traffic Engineering, Pay Grade 10/ Step 6, \$33,289.00 annually, effective August 3, 2007.
- **DEREK R. WATTS** – Resignation, Crew Worker, City Wide Services, effective August 16, 2007.
- **FRED W. SIMPSON** – Return from Leave of Absence, Automated Garbage Collection Equipment Operator, City Wide Services, effective August 9, 2007.
- **WILLIAM W. WALDROP** – Resignation, Electrician Apprentice, Traffic Operations, effective August 23, 2007.
- **KELLI S. RICHARDSON** – Resignation, Engineering Designer, Engineering, effective August 16, 2007.
- **JOSEPH P. MILLER** – Hire, Pretreatment Inspector, Waste, Pay Grade 10/Step 7, \$34,860.00 annually, effective August 17, 2007.
- **RANDAL A. THEBO** – Promotion, Plant Operator Principal, Waste, Pay Grade 13/Step 4, \$35,043.00 annually, effective August 15, 2007.

MAYOR'S OFFICE:

- **TIMOTHY WES FLOYD, II** – Resignation, Network Analyst, Information Systems, effective July 27, 2007.
- **AMANDA SCOTT** – Hire, Programmer, Information Systems, Pay Grade 16/Step 2, \$34,985.00 annually, effective August 3, 2007.

PERSONNEL (Continued)

FINANCE DEPARTMENT:

- **NETIA REEL** – Family Medical Leave, Tax Clerk, effective August 20 – October 1, 2007.
- **CONNIE ZUBACK-LANGGOD** – Hire, Accounting Technician, Pay Grade 8/Step 1, \$24,208.00 annually, effective August 10, 2007.

CHATTANOOGA POLICE DEPARTMENT:

- **EDWARD BENCOSME** – Suspension (7 days without pay), Communications Officer, effective August 15, 2007.
- **GLEN SCRUGGS** – Suspension (10 days without pay), Sergeant, effective August 15, 2007.
- **JAMIE FARROW** – Resignation, Safety Coordinator, effective August 17, 2007.
- **DESHANNYA L. KNOTT, JORDAN E. CARROLL** – Hire, Communications Officer, Pay Grade 11/Step 1, \$28,010.00 annually, effective August 17, 2007.
- **CARLA CULBREATH** – Disability Retirement, Police Records Clerk, effective August 17, 2007.
- **DONNA CLARK** – Rescind Employment, Police Services Tech. Sr., effective August 10, 2007.

REJECT ALL BIDS

On motion of Councilman Rico, seconded by Councilman Franklin, all bids were rejected for a Front End Loader on R0096704/B0003902 for the Department of Public Works. Specifications will be revised and re-advertised.

PURCHASE

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

AUSTIN FEED & SEED, LOWE'S, INC., SHELTON LANDSCAPE SUPPLY (Best bids)
R0101098/B0004364

Horticulture Supplies (*Vendors are located on opposite sides of town. Awarding three contracts will help promote fuel efficiency and better utilization of worker man hours by allowing the work crews to go to the nearest supplier.*)

(Price information available and filed with minute material)

REBATES

The following Regional Wheelage and Treatment Rebates for fiscal year 2005-06 were duly reported:

CITY OF ROSSVILLE -- \$4,277.06

DADE COUNTY WATER UTILITY -- \$39.47

CITY OF COLLEGEDALE -- \$2,641.69

HAMILTON COUNTY WATER & WASTEWATER AUTHORITY -- \$26,828.72

TOWN OF LOOKOUT MOUNTAIN, GOERGIA -- \$692.72

CITY OF RINGGOLD -- \$836.27

CITY OF FORT OGLETHORPE -- \$10,412.25

REJECT ALL BIDS

On motion of Councilman Benson, seconded by Councilwoman Gaines, all bids on R0100981/B0004370 for Newsletter Printing for the Department of Neighborhood Services and Community Development were rejected. Necessary changes to the specifications will be made and re-advertised.

NEIGHBORHOOD PARTNERS PROGRAM KICKOFF

Anthony Sammons, Deputy Administrator of the Department of Neighborhood Services, announced the availability of funding for the 2008 Neighborhood Partners Program. He stated the funds are available for projects that focus on neighborhood development, safety and beautification efforts. He stated funding is available to neighborhood associations and civic organizations located in the city of Chattanooga and that applications could be picked up in the Neighborhood Services Department or online on the city's website.

Councilman Rico noted that he received an application and asked for clarification that other associations interested would need to stop by the Neighborhood Services office to pick up more copies. He stated that he has several neighborhood associations within his District.

Deputy Adm. Sammons responded that interested persons could pick up additional copies from the Neighborhood Services office and that guidelines are also on the city's website.

PURCHASE

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

ARAMARK UNIFORM SERVICE (Best bid) R0101438/B0004382

Weekly Laundry Service (12 month blanket contract with an option to renew for an additional 12 months). The cost will cover weekly laundry service for 12 months. *(Sanico Mat Rental submitted the lowest bid; however, the submitted sample was dingy, dirty and a poor quality. Tri-State Rental submitted a lower bid; however, past performance reflects delivery of dirty, worn towels and failure to supply towels on the dates promised.)*

\$250.37 per week

HOTEL PERMITS

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

THE CHATTANOOGAN HOTEL – 1201 Broad Street, Chattanooga, TN

HAMPTON INN – 1920 Hamill Road, Chattanooga, TN

HOLIDAY INN EXPRESS & SUITES – 4820 Hixson Pike, Chattanooga, TN

KNIGHTS INN – 6914 Shallowford Road, Chattanooga, TN

KNIGHTS INN – 3655 Cummings Highway, Chattanooga, TN

MAINSTAY SUITES – 7030 Amin Drive, Chattanooga, TN

WINGATE INN – 7312 Shallowford Road, Chattanooga, TN

PURCHASE

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

PEN-LINK, LTD. (Sole source)

Annual Software Maintenance and Support per TCA 6-56-304-2.

\$18,375.00

PURCHASE

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

PURCHASES (Continued)

THE TRANE CO. INC.

Heating, Ventilating and Air Conditioning (HVAC) Maintenance Services *(Ratification of contract with Trane Company, Inc. in accordance with the stated annual prices and contract termination on January 31, 2008. It is recommended the Council require the Library to notify Trane by December 1, 2007 via "certified mail" of the decision to terminate this contract as of January 31, 2008 and to formally advertise this maintenance requirement for future services. Once the contract is ratified, the Library will issue a requisition for these services and Purchasing will issue a confirming purchase order to Trane.)*

BAGBY ELEVATOR CO.

Elevator Maintenance Services *(Ratification of contract with Bagby in accordance with the unit prices as dictated by its terms and conditions filed with minute material of this date. A stipulation of this contract requires the Library to notify Bagby via "certified mail" their decision to terminate this contract on November 30, 2007 and to formally advertise this maintenance requirement for future services. Once the contract is ratified, the Library will issue a requisition for these services and Purchasing will issue a confirming purchase order to Bagby.)*

Councilman Pierce questioned whether the matter went out for bid, noting that he never heard of a contract like this before since he has been on the Council.

Paul Page explained that there was no bid and that David Clapp, Director of the Library, was present. He stated that the Library Board did not approve this but it looked good at the time and the Director approved it. He stated the matter would go out for bid and would then be in compliance with the city in very short order; that between now and January they are in good hands.

Councilman Franklin clarified that the matter was discussed in Committee today.

Councilman Pierce stated that he keeps hearing the term "ratify" and asked if it now means the city would be doing the contract.

Mr. Page responded "we will".

PURCHASES (Continued)

David Clapp stated that the Board has never ratified any contracts or approved any contract; that the Board sets policies and does not delve into the daily financial operation of the Library. He stated the contract has been signed by the Director since 1977 for the elevator, since 1986 for the HVAC system, renewed and signed by each Director as they went along with this price. He stated it was a mistake on their part but he was not following anything different from his understanding of what had always been done.

Councilman Pierce expressed appreciation for Mr. Clapp's admittance that he was following what had been done in the past, noting that it was a mistake for it to have been done in that manner. He stated that he appreciates the matter being handled this way.

COMMITTEES

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, August 28 beginning at 3 p.m.**

Councilwoman Rutherford scheduled a meeting of the **Education Arts and Culture Committee immediately following Legal and Legislative.**

"SWEET DIVERSITY" DESSERT RECEPTION

Councilman Benson invited everyone to attend the "Sweet Diversity" reception on Thursday at 6 p.m. at the Heritage House. He stated this is the first of nine district meetings working in conjunction with the Office of Multicultural Affairs. He stated this will be an evening of sharing diversity from various cultures and backgrounds and bringing associations and residents that represent many countries and nations and associations together in the East Brainerd area.

DISTRICT 3 TML MEETING

Vice Chairman Bennett reminded Council members of the District 3 TML meeting scheduled for Thursday at 1 p.m. in Cleveland, Tennessee. She stated State Legislators would be present along with local Council members and Mayors to get answers to questions about issues important to all.

ADJOURNMENT

Vice Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, August 28, 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)