

**Chattanooga Council Building
Chattanooga, Tennessee
May 16, 2006
6:00 p.m.**

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

INVOCATION/PLEDGE OF ALLEGIANCE

Following the Pledge of Allegiance, City Attorney Nelson 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: INAUGURATION OF COUNCILWOMAN DEBORAH C. GAINES

Mayor Littlefield stated that it is an honor to issue the oath of office to Deborah Gaines who was successful as the person to represent District 9 in the special election. He stated he was present to swear her in, just as (he did) her predecessor, Wallace Powers, who served well. He stated he has known Debbie for a long time and looks forward to working with her.

Following the Oath, Mayor Littlefield noted that her aunt, Barbara Thomas, held the Bible for Councilwoman Gaines while being sworn-in.

After the Oath was given, Vice Chairman Page welcomed Councilwoman Gaines to the Council.

SPECIAL PRESENTATION: PUBLIC WORKS WEEK
PROCLAMATION

Mayor Littlefield stated that May 21-27 has been proclaimed as "National Public Works Week" in Chattanooga and asked Council members to express appreciation to all public works employees. At this point he read the Proclamation which has been spread upon the minutes:

Whereas: Public Works infrastructure, facilities and services are of vital importance to the health, safety and well-being of the residents of the City of Chattanooga; and

Whereas: Such facilities and services could not be provided without the dedicated efforts of public works employees, professionals, engineers and administrators, representing, our City, who are responsible for and must design, build, operate, and maintain the transportation, water supply, sewage and refuse disposal systems, public buildings, and other structures and facilities essential to serve our citizens; and

Whereas: It is in the public interest for the citizens and civic leaders of this country to gain knowledge of and to maintain a progressive interest in the public works needs and programs of their respective communities.

Now, Therefore, I, Ron Littlefield, Mayor of Chattanooga Tennessee do hereby designate the week May 21 through May 27, 2006, as

National Public Works Week

with the theme of Public Works: The Heart of Every Community. I urge all our citizens to join with representatives of our governmental agencies and the American Public Works Association in activities and ceremonies designed to pay tribute to our public works professionals, engineers and administrators and to recognize the substantial contributions they have made to our national health and welfare.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Chattanooga to be affixed on this 21st day of May 2006.

Ron Littlefield, Mayor

Vice Chairman Page expressed thanks from the Council and noted that the public works department is the "backbone of the city"!

SPECIAL PRESENTATION: WELCOME TO NIGERIAN DELEGATION

David Townsend stated the Rotary Club of North River is the spokes club for this year's exchange program. He stated the guests this evening are from Nigeria and the group is led by a team leader from the Rotary Club in Nigeria. He stated various countries are visited each year as part of the Rotary's overall mission of peace; that a team will be sent to Nigeria as the team from Nigeria is here. After introducing the Nigerian delegation those in attendance applauded.

Vice Chairman Page thanked the Nigerian guests for coming to Chattanooga and expressed hope that they had an interesting and productive stay.

REZONING

2006-028: Paragon Development, Inc.

Vice Chairman Page stated there is a language cleanup on this request; that he has talked with Jerry Pace and the developer and what was discussed for Condition No. 6 is a *"commitment for a full build-out with any major deviations or changes to the site plan going back to the RPA staff for review"*. He stated that this amendment covers what had been discussed. He stated the developer did an excellent job in meeting with the neighborhood and exciting news will be announced over the next few weeks.

Councilmen Robinson and Franklin made the motion and second to accept the substitutions to this ordinance; the motion carried.

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED IN THE 5800, 5900 AND 6000 BLOCKS OF HIGHWAY 153, 5900-6200 BLOCKS OF GOTHARD ROAD AND 6300-6306 AND 6410-6500 BLOCKS OF GRUBB ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE, R-4 SPECIAL ZONE WITH CONDITIONS, C-2 CONVENIENCE COMMERCIAL ZONE, AND C-2 CONVENIENCE COMMERCIAL ZONE WITH CONDITIONS TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

LIFT CONDITION

2006-075: City of Chattanooga City Council

Councilmen Rutherford and Robinson made the motion and second to substitute the amendments to this ordinance; the motion carried.

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO LIFT CONDITION NO. 2(d) IMPOSED IN ORDINANCE TO 11719 (CASE NO. 2005-107) ON A TRACT OF LAND LOCATED AT 200 MANUFACTURERS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

REZONING

2006-080: City of Chattanooga by RPA Staff

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE CERTAIN PARCELS WITHIN THE AVONDALE STUDY BOUNDARY, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE, R-3 RESIDENTIAL ZONE, R-4 SPECIAL ZONE, C-2 CONVENIENCE COMMERCIAL ZONE, AND M-1 MANUFACTURING ZONE
passed second and final reading and was signed in open meeting.

REZONING

2006-086: Flournoy Development Company, LLC, c/o Ryan Foster

Jerry Pace, Director of Development Services with the Regional Planning Agency (RPA), stated that the applicant called to have condition one clarified where it is stated in parenthesis there would be a " *...30-foot undisturbed buffer along with a 20-foot type 'B' landscaping to the inside of the 30-foot undisturbed buffer area ...* "; that he wanted it noted large trees or something would be substituted for the undisturbed buffer. He stated after the words " *... 20-foot ...* " it should be inserted " *... undisturbed buffer and/or "type 'B' landscaping ...* ".

REZONING (Continued)

Mr. Pace stated this would give the ability to leave the good trees that might be on the site rather than cutting them down and replacing with smaller trees. The ordinance was corrected by the City Attorney in open meeting.

Councilmen Rico and Rutherford made the motion and second to substitute the amendments to this ordinance; the motion carried.

On motion of Councilwoman Robinson, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7477 COMMONS BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2006-091: Jay Caughman, Architect

Councilmen Rutherford and Robinson made the motion and second to substitute the amendments to this ordinance; the motion carried.

On motion of Councilman Rico, seconded by Councilwoman Robinson,

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 CENTRAL AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

AMEND CHARTER

Councilman Benson stated that the Legal and Legislative Committee met today and recommended approval of Ordinances (a), (b), (c) and (e) and deferral of (d).

AMEND CHARTER (Continued)

Councilman Pierce stated that he would have to express himself at this point. He stated there was a meeting on May 2 when this was first brought up in committee and he raised the question, along with another Council member, as to why this one board is being changed; that as elected officials we are obligated to have a hearing for persons regarding disciplinary action within the departments. He stated as a Council body, we are separated from the administrative part of government. He stated that it is his thought it has been over the years more like a "court of last resort" to employees to be able to appeal to their elected officials to have personnel hearings; that there have been cases ruled in favor of employees and cases ruled in favor of administration. He stated he does not know whether other Council members may think they are compensated enough for what we do, but he sat in a hearing on yesterday for eight-and-a-half hours and there is no way he could ever see a board constituted of citizens that would be willing to sit through a hearing of that nature.

Councilman Pierce stated there are problems from time-to-time among Council members in getting someone to serve on the hearings, however they have been able to work this out over the past years through the old form of government and have dealt with hearings. He stated it is his thought Council persons who vote for this matter are doing so in an effort to circumvent their responsibilities; that they could have spent more time with their families or on the job rather than in the long hearing yesterday. He stated the panel came to a conclusion that was satisfactory with the employee however it might not have been satisfactory with administration. He asked who would be able to serve on a board that would have to sit and listen at a hearing for eight-to-ten hours. He noted that he has sat on a hearing as long as twelve hours! He stated we will never be able to put a grass roots person on that board; that it would either be someone from professional life or someone retired. He stated we have many employees on the grass roots level and they feel comfortable with some of the elected officials that represent them either from the district standpoint or from not being professional.

Councilman Pierce stated that it is his thought it would be "ill" for this Council to vote to put this on the ballot; that people would have to sit and read two pages explaining what it is and no one will do that. He stated we would be doing the citizens and employees of this city a disservice if we attempt to circumvent our responsibility by putting this on the ballot. He stated he has begged his colleagues and has talked to some one-on-one, noting that he asked them to consider when they ran for office this was their responsibility, something that has to be done as part of the *Charter*.

CHARTER AMENDMENT (Continued)

Councilman Pierce concluded his comments by stating that the Council does not have the right to change the *Charter*, only the people. He stated he would have to lead a one man campaign and if he does he will campaign against seeing this put on the *Charter*. He stated say what you will or may, we will move from this item to the next item and he plans to make the same speech. He asked Council members to consider what he has said, realize what we are doing and ask yourselves why and (what is) the reason.

Councilwoman Rutherford stated of everything she does in the Council room she takes serving on panels of this nature very seriously; that she considers it a privilege to be able to listen to the disciplinary actions that have happened to our city employees and feels it a major responsibility where or employees are concerned. She stated she has sat on at least a dozen of these, ruled with administration and ruled against administration. She stated she has never sat on one where she felt the City Council members were not doing the best job possible; that she thinks the Council listens and tries to assess. She stated she has wonderful constituents and cannot think of one person who she would be willing to give this responsibility to. She stated if she does something city employees do not like they can work to get her unseated however there is nothing a city employee can do to unseat an appointment she would make. She urged her fellow colleagues to vote "no" on putting this on the ballot. She remarked to Councilman Pierce that he may be one man (campaigning against this) she will be one woman with him!

Councilman Benson stated as Chairman of the Legal and Legislative Committee he would have to explain the rationale and recommended approval of this. He stated that it is his thought each Council person brings district representation to this city's actions. He stated that he believes contrary to what may be happening is each others' districts there is a lot of experience in our districts. He stated that he appointed to the Blue Ribbon Committee a federal judge and he has time to do this, to represent us, but he was just one of the persons on this committee. He stated within 500 yards of where he lives there is a judge, a chancellor and two federal judges; that two are retired and would bring a lot of expertise, a lot of knowledge and would be willing to serve, but they do not have to. He stated no Council person under this provision has to give up his right or seat on this appeals board. He stated the way this is written a Council member may appoint someone if they feel he has a specialist in that field and could serve with the highest degree of fairness; that personally he would like to have some people who really are jurors that could do a good job.

CHARTER CHANGE (Continued)

Councilman Benson stated if his appointee is absent he could fill in or if he does not want anyone to fill in he could appoint himself. He expressed that he did not see this as a big change as it does bring it closer to the people and brings in people who have a talent and can make judgments in a judicial system. He stated that he has a lot of faith in people he believes he could pick to fill in, reiterating if they were absent he could move in and serve.

Councilwoman Rutherford stated that she was not "nitpicking" and wanted it clearly understood she did not say there was no one in her district who could serve. She clarified that she said there was no one in my district she would give this privilege (responsibility) to and there is a lot of difference in that connotation.

Councilman Pierce expressed appreciation for Councilman Benson's expression regarding appointments on the board. He stated that he looked at the outset of this and we asked the Mayor to appoint a Blue Ribbon Committee to look at personnel matters. He stated he did not consider this body, and particularly this issue, as being a personnel matter we needed a committee to come back to us to make a decision. He stated it only takes five persons on this Council to decide whether we put an item on the ballot or not; that it is his thought it was already a done thing prior to this committee being put together. He stated the committee no doubt looked into the matter, but they put the largest part of their time deciding whether we would put this on the ballot or whether we would continue to hear it. He stated it is his thought we did not need a Blue Ribbon Committee to do that for us. He stated the Council should note whenever we have had a blue ribbon committee he could say at least three were appointed and they were appointed because administration was trying to make what he considers a "power play"; that their decisions do not come as a recommendation directly but just to say the committee recommended "so-and-so".

Councilman Pierce stated he did not know who Council members would get to serve at any length of time and he noted he could serve on the committee but will not volunteer to serve if a citizens' community is put together. He stated we only have three paid boards in the city of Chattanooga – the Electric Power Board whose members are compensated with a small amount, the Hospital Authority and the Airport Authority. He stated if we are going to elect a board to serve to this extent it is his feeling they should be compensated for their services and it should be part of the ordinance. He stated we need to consider compensation; that he still says each Council member knows we have problems now with board appointees attending meetings; that the meetings in some cases do not last over an hour or hour-and-a-half.

AMEND CHARTER (Continued)

Councilman Pierce stated it is hard in some cases to get people to serve on various boards and this will be an impossible board to find people who will serve. He asked Council members to consider his comments when it is time to vote.

Councilman Franklin asked City Attorney Nelson for clarification as it relates to this item; whether it is correct each Council member can serve on the committee to hear appeals at some point.

City Attorney Nelson referred Councilman Franklin to Section 3.122, Subsection (h) of the Ordinance where it states, "*A City Council member may elect to serve in a vacant position as a personnel Board member in lieu of making an appointment. The term of a City Council member shall be the same as his or her council term of office, but all other provisions relating to Personnel Board members shall apply to a City Council member electing to serve in this capacity*".

Vice Chairman Page asked for clarification that the City Attorney's response is "yes". City Attorney Nelson responded "yes".

Councilman Franklin asked if this would be service per case (heard). City Attorney Nelson clarified that it would be for the term.

Councilman Benson asked if a member could be removed at any time or for a specific time.

City Attorney Nelson quoted from Section 3.122, Subsection (g) which states, "*A Personnel Board member may be removed by a majority vote of the City Council for failure to make himself or herself available to participate in panel hearings or for any other cause at the discretion of the City Council*".

Councilman Pierce asked how long that has been in effect.

City Attorney Nelson responded that the City Council *Charter* came into effect in 1991.

Councilman Pierce stated in relation to personnel hearings how long have elected officials been hearing these cases.

City Attorney Nelson responded that it was his belief it goes back to the early sixties.

CHARTER AMENDMENT (Continued)

On motion of Councilman Benson, seconded by Councilman Rico,
AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) TO AMEND PROVISIONS OF THE CHARTER SO AS TO ESTABLISH A PERSONNEL BOARD FOR THE PURPOSE OF HEARING APPEALS OF CERTAIN EMPLOYEE DISCIPLINARY MATTERS

failed, on roll call vote:

Bennett	"Yes"
Benson	"Yes"
Franklin	"No"
Gaines	"No"
Pierce	"No"
Rico	"No"
Robinson	"Yes"
Rutherford	"No"
Page	"Yes"

AMEND CHARTER

Councilman Benson stated this is another recommendation from the Legal and Legislative Committee to expand the Electric Power Board. He stated this Board is a quasi-governmental agency; that it is a little more remote right now from the public as it possibly should be; that quasi-governmental agencies are really self-perpetuating when it comes right down to it. He stated right now they tell the Mayor whom they would like for him to nominate, then the Mayor can send back and say he does not want to; then they write the Mayor again as to whom they would like to nominate and it goes back-and-forth until they finally come up with a good nomination. He asked if this amendment expands the number of members.

City Attorney Nelson responded "no"; that it would be the same size board.

Councilman Benson stated that the Mayor nominates as he does other boards and the Council has to approve; that this amendment allows it to get a bit closer to the people. He stated the argument in Legal and Legislative was the issue that self-perpetuating boards are antiquated.

AMEND CHARTER (Continued)

Councilman Benson stated the school board at one time was self-perpetuating and now this is just another move to bring the government of a quasi-governmental and self-perpetuating board closer to the people. He stated that he has faith in the people and it is his thought they should be represented on this board and can best be selected by the Mayor and Council that elected them to have a stronger voice in saying who will be a member of this governance board.

Councilman Pierce stated that he hated to be against everything that comes up, however he has to be himself! He stated what he sees taking place now is what he labeled as a "power play"; that we have a board that has operated since the Electric Power Board purchased the power board from the old Tennessee Power Company in 1939 and this board has operated in this manner over those period of years. He stated that he wanted everyone to take note that for the past ten years we have not had an increase in our rates from the board operating at the present time. He stated TVA has increased their rates, but the Electric Power Board has maintained the rates we are enjoying today. He stated that he looks at this board right now when it is said it is self-perpetuating, the Power Board only recommends to the Mayor who they feel can best serve on this board; that the Mayor does have the right to turn it down. He stated if the Mayor accepts the nomination it is then sent on to the Council.

Councilman Pierce asked what difference would it make in the struggle as to who is the number one person to say they made the appointment other than the Mayor or the administration of the Power Board. He stated he did not see any gain whatsoever in putting this on the ballot; that we have three items tonight that are being proposed to be placed on the ballot and it will cost the city tax payers hundreds of dollars to put this (on the ballot). He stated we have to pay for what we put on the ballot and he asked the City Attorney who told him he did not think it would cost that much. He stated he did not know what that means as it will still cost the city taxpayers. He stated in no way are we profiting anything and if anyone listens to the (Committee) Chairman he did not realize what was going on and that is what he (Pierce) is asking the Council to do - to stop and think of these things before we decide what is good for the people and not good. He stated he has been on the Council for fifteen years, has seen many things and has been a part of them. He stated he considers this as "rubber stamping"; that no one has asked questions. He stated he did have the privilege of asking one or two Council members how they feel about this self-perpetuating board and what this self-perpetuating board means. He stated when we discussed things before the Council we do not ask the questions we need to ask; that we have committees that will come and recommend and basically they are passed before they get "to the floor".

AMEND CHARTER (Continued)

Councilman Pierce stated that he thought he would be out of town today and made a special effort to be back in time for this meeting because this is something dear to him. He stated there are some things that may be asked from the Power Board that they may want to see changed in the *Charter*; that he talked with one member of the Board last week and told him he needed to get with the Mayor however he did not know whether they had time to get together. He stated it is unfortunate that the Board member did not get with the Mayor; that the Power Board is not arguing their case. He asked who knows best who can serve on that board; that an elected official can be in office four years and know nothing about the electrical system but makes some drastic decisions that will affect all our lives. He stated this is something he feels is a "power play" and it is his thought we need to give more thought to these things.

Councilman Pierce stated when we get information on "stuff" like this, nine-out-of-ten it is at the last minute, a rush and if we do not pass on it tonight it will not be put on the August ballot. He stated everything is rush, rush and we feel pressured; that he knows some feel pressured by the vote they cast because there is no time to wait. He stated there are emergencies that arise and we have to get out there; that he does not know what else he can say other than the Power Board makes the appointment, they pass it on to the Mayor and he to the Council. He stated what will change about this is nothing other than that the Power Board cannot have input into who is on that Board, only the Mayor's office and his staff. He stated it is wrong! He expressed his wish that he could say other things about this appointment and why this is being done, but will not say it on the Council dais. He stated every Council person needs to look closer into things happening and try to move in the right direction and not make mistakes we would have to live with and faced with henceforth and forever!

Councilman Benson stated Councilman Pierce asked what is wrong with a self-perpetuating board and the answer is that it tends to dissipate itself through in-breeding and that is exactly what is wrong!

Councilman Pierce stated he is not cutting Councilman Benson short and noted that those are the kinds of things that need to be discussed in committee.

Councilman Benson asked why treat the Electric Power Board any differently than any other respected board that requires so much expertise. He stated there must be something; that Councilman Pierce left innuendoes as to why the change; that we have an old-timey, wrong way relationship and people have no input on who is on the Board. He stated it is a "power play" for the Power Board as Councilman Pierce has said; that the *Charter* amendment puts it back in the hands of those elected to serve the public to some extent.

CHARTER AMENDMENT (Continued)

Councilwoman Rutherford stated that she was disappointed no one from the Electric Power Board was in committee today and she brought that up. She stated that she personally supports changing and knows the Power Board is bringing some requested changes in the future; that she would wait on this and put it on the November ballot which would give all on the Council an opportunity to study it. She stated she would feel a lot better if members of the Electric Power Board would come and sit down with us. At this point she **made the motion to defer this and consider it for the November ballot rather than the August ballot; Councilwoman Robinson seconded the motion.**

Councilwoman Robinson stated that she supports the motion to defer not necessarily to November, but to defer.

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson,

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) TO REPEAL THE PROVISIONS REGARDING THE APPOINTMENT OF MEMBERS OF THE ELECTRIC POWER BOARD AND PROVIDING THAT THE MAYOR SHALL APPOINT SUCH MEMBERS, SUBJECT TO CONFIRMATION BY THE CITY COUNCIL

was deferred; Councilman Rico voted "no".

APPROPRIATION

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

AN ORDINANCE APPROPRIATING FROM THE GENERAL FUND TO THE CHATTANOOGA MUSIC CLUB THE AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00), AS THE CITY'S SHARE OF THE COST TO REPAIR THE ORGAN AT THE MEMORIAL AUDITORIUM

passed first reading.

PURCHASE AUTHORIZATION

AN ORDINANCE AUTHORIZING PURCHASES WITHOUT REQUIRING PUBLIC ADVERTISEMENT OR COMPETITIVE BIDDING ON ALL PURCHASES, LEASES OR LEASE PURCHASES UP TO FOUR THOUSAND DOLLARS (\$4,000.00)

was deferred one week pursuant to previous discussion in Legal and Legislative Committee.

AMEND CHARTER

On motion of Councilman Franklin, seconded by Councilman Benson,
AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO MAKE APPLICABLE ONLY TO POPULARLY ELECTED OFFICIALS OF THE CITY THE PROVISIONS PROHIBITING FEDERAL, STATE AND COUNTY EMPLOYEES FROM HOLDING OFFICE UNDER THE CITY GOVERNMENT AND HAVING AN INTEREST IN ANY CONTRACT WITH THE CITY
passed first reading; Councilman Pierce abstained.

GRANT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE TENNESSEE DEPARTMENT OF AGRICULTURE TO THE DEPARTMENT OF PARKS AND RECREATION FOR THE GREEN ROOF PROJECT FOR THE OUTDOOR CENTER AT RENAISSANCE PARK IN THE AMOUNT OF FIFTY-THREE THOUSAND TWENTY-FIVE DOLLARS (\$53,025.00), WHICH WILL REQUIRE MATCHING FUNDS IN THE AMOUNT OF THIRTY-FIVE THOUSAND THREE HUNDRED FIFTY DOLLARS (\$35,350.00) FROM THE DEPARTMENT OF PARKS AND RECREATION CAPITAL ACCOUNT FOR THE OUTDOOR CENTER
was adopted.

CONTRACT

On motion of Councilman Franklin, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO A CONTRACT WITH ADVENTURE GUILD TO CONSTRUCT AND OPERATE OUTDOOR LEARNING PROGRAMS AT GREENWAY FARMS AND THE WALNUT STREET BRIDGE, WHICH CONTRACT WILL REQUIRE NO EXPENDITURE OF CITY FUNDS
was adopted.

CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 FOR DESIGN OF THE OUTDOOR CENTER AT RENAISSANCE PARK WITH HEFFERLIN AND KRONENBERG, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THIRTY-EIGHT THOUSAND DOLLARS (\$38,000.00)
was adopted.

PAYMENT AUTHORIZATION

On motion of Councilman Franklin, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING PAYMENT FROM THE DEPARTMENT OF PUBLIC WORKS CAPITAL ACCOUNT TO THE CHATTANOOGA AREA REGIONAL TRANSPORTATION AUTHORITY (CARTA) IN THE AMOUNT OF FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00) FOR THE PURCHASE OF PARKING METER EQUIPMENT
was adopted.

AGREEMENT

On motion of Councilman Benson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH GOLDR ASSOCIATES, INC. RELATIVE TO CONTRACT NO. E-03-007-103, INVESTIGATION AND RECOMMENDATION ON WATER CONTROL AND STRUCTURAL ISSUES FOR WILCOX TUNNEL, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY-NINE THOUSAND DOLLARS (\$139,000.00)
was adopted.

CONTRACT

On motion of Councilwoman Franklin, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO ENTER INTO A CONTRACT WITH POWER LIFT FOUNDATION REPAIR FOR THE STABILIZATION OF FIRE STATION NO. 17 IN AN AMOUNT NOT TO EXCEED TWENTY-FOUR THOUSAND THREE HUNDRED DOLLARS (\$24,300.00)
was adopted.

SPECIAL POLICEMEN

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF TERRI M. WHITT
AND BRENDA PARKHILL AS SPECIAL POLICEMEN (UNARMED) FOR THE
CHATTANOOGA AREA REGIONAL TRANSPORTATION AUTHORITY
(CARTA), TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO
CERTAIN CONDITIONS**
was adopted.

OVERTIME

Overtime for the week ending May 12, 2006 totaled \$74,587.78.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA FIRE DEPARTMENT:

- **KRISTEN DUKE** – Promotion, Lieutenant, Pay Grade F3A/Step 5, \$36,767.00 annually, effective May 12, 2006.

PARKS AND RECREATION DEPARTMENT:

- **KENNETH SIMPSON** – Promotion, Recreation Facility Manager, Pay Grade 13/Step 5, \$34,444.00 annually, effective April 28, 2006.
- **MICHELLE ALEXANDER** – Hire, Recreation Specialist, Pay Grade 9/Step 2, \$25,187.00 annually, effective May 28, 2006.
- **MICHAEL DOUGLAS** – Hire, Recreation Specialist, Pay Grade 9/Step 1, \$24,013.00 annually, effective April 28, 2006.
- **KEN BLACKBURN** – Resignation, Field Events Manager, effective May 12, 2006.
- **TRICIA KING** – Resignation, Grants/Special Initiatives, effective May 31, 2006.

PERSONNEL (Continued)

PUBLIC WORKS DEPARTMENT:

- **ARTHUR SANDS** – Suspension (3 days without pay), Equipment Operator, City Wide Services, Sr., effective May 3-5, 2006.
- **HERANA ROBINSON, SR.** – Suspension (2 days without pay), Crew Worker, City Wide Services, effective May 1-2, 2006.
- **AARON M. DAVIS** – Return from Family Medical Leave, Crew supervisor, Sr., City Wide Services, effective May 8, 2006.

PURCHASE

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

TRIAD ELECTRICAL CONTRACTORS (Lowest and best bid)
R0089967/B0003197

Contract for Lighting

\$26,653.00

PURCHASE

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

ROUTE SMART TECHNOLOGIES (Single source)
R0089987

ArcGIS Routing Software per TCA 6-56-304.2

\$49,300.00

"NATIONAL PUBLIC WORKS WEEK"

Adm. Leach introduced Public Works staff members that were present which included Lee Norris, Jerry Stewart, Henry Yankowski, Jim Templeton, Alice Cannella, John Lyons, John VanWinkle and Richard Hutsell. He asked Lee Norris to give the Council a brief overview of the activities during next week's "National Public Works Week" emphasis.

Lee Norris stated that public works equipment and materials would be on display in the rights-of-way at I-27 and I-75 and I-75 and Shallowford Road; that they are in partnership with TDOT. He stated on Friday, May 26 at Miller Plaza from 10 a.m. – 2 p.m. all public works divisions will be represented with various informational material and some specialized vehicles. He stated there would be fascinating things involved and invited the Council and general public to join them on next Friday, May 26.

PURCHASE

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

PRESS ENGINEERING, INC. (Lower and better bid)
R0089249

Ryobi Printing Press

\$18,653.00

PURCHASE

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

SHRED-IT (Lower and better bid)
R0088534

Shredding Services (City Wide Blanket Contract)

\$40,000.00

HEARING: SGT. TOM MCKINNEY

Councilwoman Robinson reported that she and Councilmen Pierce and Page served on the personnel hearing on yesterday concerning the appeal of Sgt. McKinney of his two week suspension. She stated the Committee voted unanimously to grant the Sergeant's request that the charges be dismissed. She noted that it was a lengthy hearing that lasted from 9 a.m. until 5:40 p.m.

MANCHESTER PARK NEIGHBORHOOD MEETING

Councilwoman Robinson stated that the Manchester Park neighborhood meeting is scheduled for Thursday, May 25 at 7 p.m. at Manchester Park Church of Christ.

ADJOURNMENT

Vice Chairman Page adjourned the meeting of the Chattanooga Council until Tuesday, May 23, 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)**