

**City Council Building
Chattanooga, Tennessee
August 29, 2006
6:00 P.M.**

Chairman Pierce called the meeting of the Chattanooga City Council to order with Councilmen Bennett, Benson, Franklin, Gaines, Page, 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 Councilwoman Rutherford, followed by invocation given by Attorney Randall Nelson.

MINUTE APPROVAL

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

SIDEWALK VENDING

Councilwoman Robinson noted that this came before the Legal and Legislative Committee today. Councilman Benson added that this was discussed pretty thoroughly and that there was a spokesman from the Vendor industry present and the City Attorney's office had prepared an Ordinance at the Council's request, with the understanding that this would not go into effect until January of next year. He stated that the Committee recommended approval.

At this point, Attorney Nelson asked to see a copy of the Ordinance.

Councilwoman Robinson explained that she thought it was the intent that this Ordinance be adopted and effective now; that the Plan, itself, would not be ready to fully go into effect until January 1st; that it would be January 1st before a vendor could obtain a license.

SIDEWALK VENDING(CONT'D)

City Attorney Nelson amended the Ordinance to read "*that the plan will not be operative until January 1, 2007*". He explained that the body of the Ordinance remained the same but that he made the amendment in **Section 2** concerning the Plan's operative date.

On motion of Councilman Franklin, seconded by Councilman Benson,
AN ORDINANCE TO AMEND ORDINANCE NO. 11812, ENCAPTIONED, "AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 11, SECTION 11-377, TO INCLUDE A NEW SUBSECTION (10), WHICH PROHIBITS SIDEWALK VENDING ON THE CITY BLOCKS LOCATED BETWEEN MARKET STREET BRIDGE AND OGIATI BRIDGE ADJACENT TO RIVERFRONT PARKWAY AND ALSO FOR THE SIDEWALK AND PARKS LOCATED BETWEEN MARKET STREET AND WALNUT STREET ADJACENT TO FIRST STREET WITHIN THE PROTECTED VENDING ZONES OF THE TWENTY-FIRST CENTURY WATERFRONT DEVELOPMENT PROJECT AS SHOWN ON THE ATTACHED MAP" SO AS TO PROVIDE ADDITIONAL RESTRICTED AREAS AND TO PERMIT LIMITED VENDING SUBJECT TO A REQUEST FOR PROPOSALS

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

Councilman Page questioned if this was what we wanted to do, noting that there would be functions on the Riverfront between now and January 1st.

Councilwoman Robinson agreed that there would be several things happening on the River, but that they would be sponsored by organizations that would handle the vending.

**REPEAL ORD. 11833/
ELECTED OFFICIALS—
CHARTER CHANGE**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

AN ORDINANCE TO REPEAL ORDINANCE NO. 11833, ENCAPTIONED, “AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCE, 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 second and final reading and was signed in open meeting.

**CHARTER AMENDMENT/
ELECTED OFFICIALS**

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

**APPROPRIATION/
FRIENDS OF THE ZOO**

On motion of Councilwoman Rutherford, seconded by Councilwoman Gaines,

AN ORDINANCE APPROPRIATING FROM THE P415 F06006 ZOO IMPROVEMENTS FUND TO FRIENDS OF THE ZOO, INC. THE BALANCE OF THE 2006 FUND IN THE APPROXIMATE AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) FOR ZOO IMPROVEMENTS

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

**AMEND CITY CODE
MOTOR VEHICLES**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 24, ARTICLE I, BY ADDING SECTION 24-47, RELATIVE TO FINANCIAL RESPONSIBILITY FOR OPERATION OF MOTOR VEHICLES

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

REZONING

2005-153 (Reid M. Henson)

Councilwoman Bennett noted that this had been deferred several weeks and requested that it be deferred one more week.

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

AMEND CITY CODE
STORMWATER MANAG.

Councilman Rico noted that the next three Ordinances were discussed in Public Works Committee and come with a recommendation for approval.

On motion of Councilman Rico, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND CHATTANOOGA, CITY CODE,
PART II, CHAPTER 31, ARTICLE VIII, DIVISION 2, SECTION
31-311(b), RELATIVE TO STORMWATER MANAGEMENT,
NEW FACILITY PERMITS**
passed first reading.

AMEND CITY CODE
ST. CONST. STANDS.

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 32, ARTICLE XII, SECTIONS 32-271
THROUGH 32-288, RELATIVE TO STREET CONSTRUCTION
STANDARDS**
passed first reading.

CLOSE & ABANDON

2006-116 (River View of Tennessee, LLC)

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

HUMAN SERVICES
COMP. INS. COVER.

Councilman Benson noted that this was discussed in Legal and Legislative Committee today and comes with a recommendation for approval.

On motion of Councilwoman Gaines, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE HUMAN SERVICES
DEPARTMENT TO PAY TENNESSEE MUNICIPAL LEAGUE
THE AMOUNT OF FORTY-EIGHT THOUSAND SIX HUNDRED
THIRTY-ONE DOLLARS (\$48,631.00) FOR COMPREHENSIVE
INSURANCE COVERAGE**

was adopted.

SPEC.POLICE APPT.

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF
WILLIAM JERRY MCCULLOUGH AS SPECIAL POLICEMAN
(ARMED) FOR ERLANGER HEALTH SYSTEMS, TO DO
SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO
CERTAIN CONDITIONS**

was adopted.

SPEC.POLICE APPT.

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF
ANJENET BROWN AS SPECIAL POLICEMAN (UNARMED) FOR
THE DEPARTMENT OF NEIGHBORHOOD SERVICES TO DO
SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO
CERTAIN CONDITIONS**

was adopted.

AGREEMENT

Councilman Rico noted that the next three Resolutions were discussed in Public Works Committee and come with a recommendation for approval.

On motion of Councilman Rico, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) RELATIVE TO THE LIGHTING THE INTERCHANGE OF INTERSTATE 75 AND STATE ROUTE 2(US-11) AT EXIT 11 PROJECT

was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilman Rutherford,

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. W-05-002-201, COMBINED SEWER OVERFLOW (CSO) CONTROL FACILITY ENHANCEMENTS, TO H&H BROWN, INC. IN THE AMOUNT OF FOUR HUNDRED TWENTY-FOUR THOUSAND DOLLARS (\$424,000.00), PLUS A CONTINGENCY AMOUNT OF FORTY-TWO THOUSAND FOUR HUNDRED DOLLARS (\$42,400.00) FOR A TOTAL AMOUNT NOT TO EXCEED FOUR HUNDRED SIXTY-SIX THOUSAND FOUR HUNDRED DOLLARS (\$466,400.00)

was adopted.

TEMP.ALLEY USAGE

On motion of Councilman Page, seconded by Councilwoman Bennett,

A RESOLUTION AUTHORIZING KEVIN FREEMAN TO USE TEMPORARILY AN ALLEY OF 916 AND 918 MISSISSIPPI AVENUE FOR INGRESS AND EGRESS INTO DRIVEWAYS FOR PARKING AUTOMOBILES, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

WAL-MART GRANT

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE "GRAND OPENING GRANTS PROGRAM" OF WAL-MART, INC. TO THE CHATTANOOGA FIRE DEPARTMENT IN THE AMOUNT OF TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) AND EXPRESSING THE GRATITUDE OF THE MAYOR AND CITY COUNCIL FOR SAID DONATION

was adopted.

OVERTIME

Overtime for the week ending August 25, 2006, totaled \$11,174.25.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **CARLTON DUPREE**—Lateral Transfer to Crew Worker, Pay Grade 3/1, \$20,000.00, effective 8/4/06.
- **WILLIAM A. SPEARS**—Resignation of Traffic Electrician, effective 8/7/06.

CHATTANOOGA FIRE DEPT.:

- **TAMMY WEY**—Leave of Absence for Senior Firefighter, effective 8/28/06.

CHATTANOOGA POLICE DEPT.:

- **MARCIE MOORE-KEITH**—Transfer/Promotion to Communications Officer, Pay Grade 11/3, \$29,858.00 annually, effective 8/18/06.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilwoman Bennett, the following donation was approved:

DONATION OF POLICE CANINE CASPER TO HIS TRAINER, NICK ALLEN

REFUNDS

On motion of Councilwoman Bennett, seconded by Councilman Franklin, the Administrator of Finance was authorized to issue the following refunds of 2005 Property Taxes and Assessment Change:

BURNER SYSTEMS INTERNATIONAL, INC. -- \$15,074.98

JOSEPH E. PROCTOR -- \$8,091.55

LO PROPERTIES, LLC -- \$2,301.49

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Rico, the following purchases were approved for use by Information Services Division:

ORACLE SYSTEM (Single Source Purchase)
Requisition R0092216

Annual Software Maintenance and Support Renewal

\$35,136 .14

HEWLETT PACKARD (Single Source Purchase)
Requisition R0091766

Annual Hardware Maintenance

\$33,367.80

BOARD APPOINTMENTS

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following Board Appointments were approved:

CHATTANOOGA METROPOLITAN AIRPORT AUTHORITY BOARD:

- Appointment of **LARRY WELLS**, with a term expiring **July 1, 2009**. He replaces Tanya Gibson.
- Reappointment of **JIM HALL**, with a term expiring **July 1, 2009**.

HEARING

Councilman Benson inquired as to when the next Personnel Hearing will take place. He was told that it will be on **September 11, 2006, at 9:00 A.M.**, with a panel consisting of Councilmen Pierce, Gaines and Rico, with Councilman Franklin being the alternate. The hearing is for **Nichelle D. Ervin-Woodruff**.

COMMITTEES

Councilwoman Bennett reminded Councilmembers of the **Personnel Committee meeting set for Tuesday, September 5th at 3:00 P.M.**

Councilman Rico reminded Councilmembers of the **Public Works Committee meeting scheduled for Tuesday, September 5th at 4:00 P.M.**

HERMAN WANG

Councilman Rico congratulated Mr. Wang on his wedding and safe trip back.

ADJOURNMENT

The meeting of the Chattanooga City Council was adjourned until Tuesday, September 5, 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)**