

City Council Building
Chattanooga, Tennessee
September 12, 2006
6:00 p.m.

Chairman Pierce called the meeting of the Chattanooga Council to order with Councilmen Benson, Franklin, Gaines, Page, Rico, Robinson and Rutherford present; Councilwoman Bennett was out of the city on business. 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, Rev. William Pace, Pastor of Stanley United Methodist Church, gave invocation.

MINUTE APPROVAL

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

AMEND BUDGET ORDINANCE

Councilman Rico stated Ordinances (a) and (c) were discussed in last week's Public Works Committee meeting and approval is recommended.

On motion of Councilman Rico, seconded by Councilwoman Robinson,
AN ORDINANCE TO AMEND ORDINANCE NO. 11848, ENTITLED "AN ORDINANCE, HEREINAFTER ALSO KNOWN AS 'THE FISCAL YEAR 2006-2007 BUDGET ORDINANCE', TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, AND ENDING JUNE 30, 2007, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES AND TO AMEND CITY CODE CHAPTER 18, SECTION 18-123(g)" SO AS TO SET FORTH THE BUDGET OF THE INTERCEPTOR SEWER SYSTEM AND TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, SECTIONS 31-15, 31-36, 31-37, 31-40, 31-41 AND 31-43

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

AMEND CITY CODE

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 7, BY ADDING NEW SECTIONS 7-35 AND 7-36 RELATIVE TO
RABIES INOCULATION REQUIREMENTS**
passed second and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 24, TO INCLUDE A NEW SECTION 24-273, RELATIVE TO THE
ENFORCEMENT OF TRAFFIC LAWS USING TRAFFIC CONTROL
PHOTOGRAPHIC SYSTEMS**
passed second and final reading and was signed in open meeting.

AMEND ZONING ORDINANCE

Barry Bennett, Executive Director of the Regional Planning Agency (RPA), stated that the Council recently adopted an amendment to the Zoning Ordinance adopting the digital zoning map as the official map for the city's GIS. He stated an additional paragraph has been added to that section.

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 III,
SECTION 101 BY ADDING A NEW PARAGRAPH, RELATIVE TO THE
OFFICIAL ZONING MAP**
passed first reading.

REZONING

2006-127: Samir Shenouda

Pursuant to notice of public hearing, the request of Samir Shenouda to rezone tracts of land located at 7423, 7425 and 7427 Pinewood Drive came on to be heard.

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

REZONING (Continued)

Mr. Bennett stated that the surrounding zoning is R-1 and R-4. He stated the request for R-T/Z would allow for townhouse development at 5.41 per acre on a tract of almost three acres. He stated the Staff and Planning recommend approval subject to conditions.

Councilman Benson stated that the applicant has worked with the community and noted that one condition was to be added regarding aerating the detention pond in the back.

Mr. Bennett stated that the conditions do not indicate that.

Councilman Benson stated that it is an important thing to get that condition added in. He asked the applicant if he accepted the additional condition and the applicant responded affirmatively.

City Attorney Nelson amended Section 2 of the Ordinance to add, “... *subject to keeping aerated detention area between proposed town homes ...*” in open meeting.

On motion of Councilman Benson, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 7423, 7425 AND 7427 PINWOOD DRIVE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-
T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO
CERTAIN CONDITIONS**

passed first reading.

REZONING

2006-162: Elite Hotels Group, LLC

Pursuant to notice of public hearing, the request of Elite Hotels Group, LLC to rezone a tract of land located at 440 West Martin Luther King Boulevard came on to be heard.

The applicant was not present; there was no opposition in attendance.

Mr. Bennett stated the applicant has requested that this case be deferred one week as he was not able to be present. He stated they are also in the process of developing a new site plan to conform to the conditions that were requested by Planning.

REZONING (Continued)

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 A TRACT OF
LAND LOCATED AT 440 WEST MARTIN LUTHER KING BOULEARD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE AND
C-2 CONVENIENCE COMMERCIAL ZONE TO C-3 CENTRAL BUSINESS
ZONE, SUBJECT TO CERTAIN CONDITIONS**
was deferred one week at the request of the applicant.

REZONING

2006-165: Deb Royal and Robert G. Bass

Pursuant to notice of public hearing, the request of Deb Royal and Robert G. Bass to rezone tracts of land located in the 1300 and 1400 blocks of Adams Street came on to be heard.

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

Mr. Bennett stated that this request is located in the 1300 and 1400 blocks of Adams Street for C-3 zoning for townhouse development on a site under one acre. He stated the surrounding zoning does include C-3, R-3, and M-1 and both Staff and Planning recommend approval subject to conditions.

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 TRACTS OF
LAND LOCATED IN THE 1300 AND 1400 BLOCKS OF ADAMS STREET,
MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL
ZONE AND M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS
ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

REZONING

2006-173: Jay W. Bell

Pursuant to notice of public hearing, the request of Jay W. Bell to rezone tracts of land located at 8401 and 8425 Igou Gap Road came on to be heard.

REZONING (Continued)

The applicant was present; there was no opposition.

Mr. Bennett stated that the surrounding zoning for this request is entirely R-1 abutting the site with one small parcel of commercial to the south. He stated the surrounding land use is almost entirely standard detached single family residential. He stated the Staff recommended against the rezoning and Planning recommended approval subject to conditions. He stated the reason for the Staff's recommendation for denial is due to the comprehensive plan that indicates townhouse development could be considered in low density single family areas if it is part of a mixed use development; that the special plan covering this East Brainerd corridor recommends low density residential for this area. He stated the Plan also states townhouse and duplex development may be considered if the development meets the appropriate density and the Staff determined the proposed density would pose a problem with fifty-one units; that the concentration in this area and additional development could significantly add to the traffic problem and not be compatible with surrounding single family development. He stated the Staff's recommendation reflects what the Plan calls for and the compatibility issue with the surrounding area; that this would be a spot zone. He stated there have been other spot zones for townhouses introduced but not in this section of Igou Gap east of Jenkins. He stated Planning recommended approval of the development based on the site plan and other work that has been done.

Councilman Benson stated that the Staff was right in making what was an excellent recommendation, but when you get to the practicality of it and visit the site you can see how the developer has worked by going in and working with the people. He stated this development will be an asset in the neighborhood's opinion and there is only one house out there adjacent to this which does not compare to the price of the homes that will be built; that the builder has purchased the house and did not intend to do it originally. He stated that there is no opposition and concessions have been made on the fence going up and other things. He stated there is no opposition in the community and this development would increase the value, in his estimation, of surrounding homes if you look at the kind of homes out there.

Jay Bell of Bell Development, located at 414 Spring Street, stated Councilman Benson summed up what he has attempted to do; that he worked with the neighborhood and there was one person who had a concern who is now satisfied. He stated he can work with the conditions from the Planning Agency and feels he has addressed their concerns to move forward.

REZONING (Continued)

Councilman Benson thanked Mr. Bell as the developer of the project for going around talking with the neighborhood before the rezoning sign went up.

Chairman Pierce asked if there was opposition at the Planning Commission meeting.

Councilman Benson stated that Mr. Bell did his "homework" beforehand and there was no opposition at Planning.

Mr. Bennett stated there were one or two people (in opposition).

Mr. Bell stated that he bought the house they (the two in opposition) were concerned about.

Chairman Pierce stated in looking at the overall Plan for East Brainerd and going back tweaking it, this is an R-1 residential zone.

Councilman Benson stated in the East Brainerd Land Use Plan the use was not sacrosanct to remain unchanged or amend as new conditions arose. He stated it did go back to the very people who made the Plan and they agreed to the amendments, that is the difference. He stated we do not change the Land Use Plan unless it goes back to all the people involved to make the change.

Chairman Pierce expressed appreciation for the Staff in giving their recommendation based on their findings. He stated he would have to respect the opinion of others more so than some as this is their job every day and it is spot zoning at this time.

Mr. Bennett stated strictly speaking, this is low density residential development that does not have the acceptance in the vein some other communities, like in Atlanta, have for detached houses. He stated they have found after spending about a year trying to develop a policy for areas where detached housing would be appropriate and where it would not be appropriate and found it is almost an impossible task. He stated they did learn that it ultimately depends on the quality of the development itself; that there are a number of spot zones for this type of development in the East Brainerd area. He stated what they have found is whether or not it enhances or depreciates the surrounding property depends entirely on the quality of the development, not the fact it is detached housing or a zoning change. He stated they have seen developments that were of poor construction and aesthetics and those are the ones that are not accepted and depreciates property values; then there are others that have been of high quality and appreciated surrounding property values.

REZONING (Continued)

Councilwoman Rutherford stated Mr. Bennett touched upon two questions. She asked if this is spot zoning and if the Council approves this would we be opening up the whole area to any developer that wants to pursue this same type of development.

Mr. Bennett stated that he could not speak for the City Attorney, yet noted he could safely say in the past from a legal perspective, one spot zoning initiated in an area makes it easier or more supportable for someone to come in on adjacent property and request the same thing successfully; that, again, it depends on the type of development going in, the Plan and the quality of what is going there. He stated from a Staff perspective, State law does not deal with aesthetic issues and there is little control over quality.

Councilman Benson encouraged all Council members to drive out and look at the houses around there as most of them are rental and very modest; that he imagined there may be some homeowners. He asked Mr. Bell how much the homes would sell for.

Mr. Bell responded, "\$200,000 to \$275,000"; that this will be a high quality product.

Councilman Benson stated that he did not think this is spot zoning because it is still in a residential category and it is good zoning. At this point he **made the motion to approve; Councilman Franklin seconded the motion.**

Chairman Pierce stated it has not been customary for the Council to pass on spot zoning and he would not feel comfortable voting for it after getting the recommendation from Staff for spot zoning; that they (Staff) are the people we depend upon, who does the research and reports to us. He stated that he realizes individual Council members have various districts and do the best they can for their districts, yet the overall decision depends upon the entire Council to do what is right and try to protect what is right in the interest of all at this time.

Councilwoman Rutherford stated that she wanted to explain to Mr. Bell that Bell Development is quality (development); that she knows because she is a Realtor. She stated for every Bell Development done there is one that is not the quality it should be. She stated on first reading she plans to abstain so she can go look at the property personally. At this point she called for the question.

REZONING (Continued)

After the vote was taken, Councilman Page stated that he voted for the request on first reading and noted that the Community Plan did go back to the people who originated it; that he believes in following the community plan. He stated that he wanted to make it clear he voted for it because the Plan did go back to the people who created it and it is important they wanted this change and he follows the Community Plan.

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 REZONE TRACTS OF
LAND LOCATED AT 8401 AND 8425 IGOU GAP ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO
RT-1 RESIDENTIAL TOWNHOUSE ZONE, SUBJECT TO CERTAIN
CONDITIONS**

passed first reading; Councilwoman Rutherford abstained; Councilman Pierce voted "no".

REZONING

2006-174: Ken DeFoor Properties

Pursuant to notice of public hearing, the request of Ken DeFoor Properties to rezone tracts of land located at 6039 and 6059 Shallowford Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Bennett stated most of the property for this request is zoned M-2 with some smaller sections of M-1, R-4 and C-5. He stated the proposal is for an office retail/combo development center and would be upgraded to a more restrictive zone. He stated the request is in conformance with the Plan and both Staff and Planning recommend approval without conditions.

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 REZONE TRACTS OF
LAND LOCATED AT 6039 AND 6059 SHALLOWFORD ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING
ZONE, M-2 LIGHT INDUSTRIAL ZONE, R-4 SPECIAL ZONE AND C-5
NEIGHBORHOOD COMMERCIAL ZONE TO C-2 CONVENIENCE
COMMERCIAL ZONE**

passed first reading.

AGREEMENT

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH CORNERSTONE TO UTILIZE THE WALNUT STREET BRIDGE FOR THE WINE OVER WATER EVENT FROM SEPTEMBER 29, 2006 THROUGH OCTOBER 1, 2006
was adopted.

CHANGE ORDER

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 4, RELATIVE TO RENOVATION OF THE EXISTING STRUCTURE AT HERITAGE PARK, WITH P & C CONSTRUCTION, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THREE THOUSAND TWO HUNDRED THIRTY DOLLARS (\$3,230.00), FOR A REVISED CONTRACT PRICE OF TWO HUNDRED THIRTY-SIX THOUSAND FORTY-THREE AND 71/100 DOLLARS (\$236,043.71)
was adopted.

AMEND RESOLUTION 24456

Councilman Rico stated Resolutions (c) – (h) were discussed in last week’s Public Works Committee and approval is recommended.

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
A RESOLUTION AMENDING RESOLUTION NO. 24456, ADOPTED MAY 31, 2005, 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 EIGHTY-TWO THOUSAND FOUR HUNDRED EIGHT DOLLARS (\$3,082,408.00)” AND SUBSTITUTING IN LIEU THEREOF “NOT TO EXCEED THREE MILLION TWENTY-SEVEN THOUSAND NINE HUNDRED NINETY SEVEL DOLLARS (\$3,027,997.00)”
was adopted.

AMEND RESOLUTION NO. 24339

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AMENDING RESOLUTION NO. 24339, ADOPTED FEBRUARY 22, 2005, 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-EIGHT THOUSAND FOUR HUNDRED SEVENTY-THREE DOLLARS (\$28,473.00)" AND SUBSTITUTING IN LIEU THEREOF "NOT TO EXCEED TWENTY-NINE THOUSAND EIGHT HUNDRED EIGHTY-FOUR DOLLARS (\$29,884.00)"
was adopted.

AMEND RESOLUTION NO. 24593

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AMENDING RESOLUTION NO. 24593 ADOPTED NOVEMBER 29, 2005, 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 THIRTY-FOUR THOUSAND TWO HUNDRED NINETY-TWO DOLLARS (\$6,034,292.00)" AND SUBSTITUTING IN LIEU THEREOF "NOT TO EXCEED SIX MILLION ONE HUNDRED NINETY-SEVEN THOUSAND TWO HUNDRED SEVENTEEN DOLLARS (\$6,197,217.00)"
was adopted.

CHANGE ORDER

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT NO. E-03-031-201, STREETSCAPE FOR EPB BLOCK, WITH TALLEY CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY ONE HUNDRED EIGHTEEN THOUSAND THREE HUNDRED SEVEN AND 71/100 DOLLARS (\$118,307.71), AND THE CONTINGENCY ENCUMBRANCE BY ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE MILLION FOUR HUNDRED FORTY-TWO THOUSAND SIX HUNDRED ONE AND 22/100 DOLLARS (\$1,442,601.22)
was adopted.

CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 4, RELATIVE TO CONTRACT NO. 28K(EP-3), MOCCASIN BEND WASTEWATER TREATMENT PLANT DIGESTER EQUIPMENT PROCUREMENT AND ANAEROBIC DIGESTER EQUIPMENT, WITH INFILCO DEGREMONT, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY ONE THOUSAND EIGHT HUNDRED SIXTY-THREE DOLLARS (\$1,863.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED THREE MILLION SEVENTY-TWO THOUSAND THREE HUNDRED SEVENTY-ONE DOLLARS (\$3,072,371.00)

was adopted.

REIMBURSEMENT

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO REIMBURSE BELLSOUTH PRO GROUP - ATLANTA FOR THE RELOCATION OF THEIR FACILITIES LOCATED WITHIN A PRIVATE EASEMENT ALONG HAMILL ROAD AS PART OF THE HAMILL ROAD IMPROVEMENTS PROJECT - HWY 153 TO R/R TRACKS, CONTRACT NO. E-02-008, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIVE THOUSAND FOUR HUNDRED SEVENTY-THREE AND 78/100 DOLLARS (\$105,473.78)

was adopted.

SIGNATURE AUTHORIZATION

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING DAVID E. JOHNSON, DEPUTY ADMINISTRATOR FOR THE DEPARTMENT OF EDUCATION, ARTS & CULTURE, TO SIGN VOUCHERS, REQUISITIONS AND OTHER NECESSARY DOCUMENTS FOR AND ON BEHALF OF THE EDUCATION, ARTS & CULTURE DEPARTMENT

was adopted.

PLAT REPLATTING

Councilman Benson stated this matter was discussed in today's Legal and Legislative Committee meeting and approval is recommended.

PLAT REPLATTING (Continued)

On motion of Councilman Benson, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE ON BEHALF OF THE CITY A PLAT REPLATTING PROPERTY OWNED BY THE CITY AND SUNTRUST BANK IN THE VICINITY OF RIVER STREET AND MANUFACTURERS ROAD AND FURTHER AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE ON BEHALF OF THE CITY A LICENSE AGREEMENT AUTHORIZING SUNTRUST BANK TO USE TEMPORARILY THE CITY PROPERTY FOR A TEMPORARY BRANCH BANK PENDING REDEVELOPMENT OF ITS EXISTING SITE
was adopted.

OVERTIME

Overtime for the week ending September 8, 2006 totaled \$9,753.62.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **KENNETH L. TRAMMELL** – Termination, Crew Worker, City Wide Services, effective September 5, 2006.
- **ROZH AMEEN** – Promotion, Engineering Designer, Engineering, Pay Grade 17/Step 5, \$40,177.00 annually, effective August 4, 2006.
- **HERANA ROBINSON, SR.** – Suspension (3 days without pay), Crew Worker, City Wide Services, effective August 28 – 31, 2006.
- **CHARLES E. SANDERS** – Family Medical Leave, Crew Worker, City Wide Services, effective August 25-August 8, 2006.
- **ROGER RAPIER** – Promotion, Heavy Equipment Operator, Waste, Pay Grade 10/Step 6, \$32,319.00 annually, effective September 8, 2006.

PERSONNEL (Continued)

CHATTANOOGA POLICE DEPARTMENT:

- **TAMMY COOK** – Return to Duty, Police Officer, (on military leave since April 30, 2006), effective September 5, 2006.

- **MORDEIS COMMANDER** – Suspension (1 day without pay), Communications Officer, effective September 13, 2006.

CHATTANOOGA FIRE DEPARTMENT:

- **GEORGE RATLEDGE** – Return from Extended Leave, Senior Firefighter, effective August 29, 2006.

PURCHASE

On motion of Councilman Rico, seconded by Councilman Franklin, the following purchase was approved for use by the Chattanooga Human Services Department:

SONITROL (Single source)
R0090467

Burglary/Fire Systems Monitoring and Maintenance Services per TCA 6-56-304-2

\$8,725.92

HOTEL PERMITS

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

DAYS IN – TIFTONIA, 3801 Cummings Highway, Chattanooga, TN

RIGHT WAY INN MOTEL, 6200 Fisk Avenue, Chattanooga, TN

CONTRACT PRICE INCREASE

On motion of Councilman Rico, seconded by Councilwoman Rutherford the contract price increase in the amount of \$1,365.00 to Mobile Concepts was duly reported and approved by the Council. The total revised contract amount is \$55,753.00. The original order previously approved by the Council did not include the cost for installation of a sprinkler system and pump on the trailer.

REFUND

On motion of Councilwoman Robinson, seconded by Councilman Franklin, the Administrator of Finance was authorized to issue the following refund due to State Board of Equalization assessment change:

E. I. DUPONT DE NEMOURS & CO.	\$18,144.21
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LIQUOR LICENSE

Admin. Madison reported the request for a liquor license for Diann P. Georgitso. She stated that the liquor store, until recently, was located at Northgate Mall and has since relocated to 5721 Highway 153 in Councilman Page’s district. The Certificate was signed by five Council members as required.

HEARING: NICHELLE WOODRUFF

Councilman Rico reported that he and Councilmen Gaines and Pierce served as the panel for the Nichelle Woodruff hearing and the panel voted unanimously to uphold administration’s decision.

HEARING: OFFICER JEFFERY BALLARD

City Attorney Nelson reported that the attorney representing Officer Ballard has asked for a continuance of the appeal of his 14-day suspension.

The hearing for Officer Ballard was rescheduled for October 2 at 10 a.m. with Councilmen Rico, Rutherford and Franklin serving as the panel; Councilman Page volunteered as alternate.

HUMANE SOCIETY REPRESENTATIVE

Councilman Benson stated yesterday Dan Alderman, who was selected as the City's representative on the Humane Educational Society's Board, completed two years and on yesterday resigned due to pressure of his work and other things. He stated that the Mayor's Office will appoint someone else next week.

COMMITTEES

Councilman Rico reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, September 19 beginning at 4 p.m.**

Councilman Franklin scheduled a **Safety Committee meeting for Tuesday, September 26 at 4 p.m.**

Councilman Benson scheduled a **Legal and Legislative Committee meeting for Tuesday, September 26 beginning at 3 p.m.**

ROBERT

Robert Greenwich, owner of Little Brother Video Recording Analysts, was present along with Terence Brewer. He stated that it is his understanding the city is installing cameras throughout the city and explained that the purpose of their company is to analyze video and give the report back to whoever the client is. He stated that he would like to describe their business and offer their services to the city.

Chairman Pierce referred Mr. Greenwich to Dan Johnson of Administration.

City Attorney Nelson stated that the review in the case of the city's cameras would have to be done by the police officer who has the power of arrest and did not know if there is a place for Mr. Greenwich's type of business in this operation. He stated generally police officers are the only ones authorized to issue citations and warnings and would have to analyze each of the pictures forwarded by the video enforcement group.

Mr. Greenwich expressed thanks and submitted information about their company.

ADJOURNMENT

Chairman Pierce adjourned the meeting of the Chattanooga Council until Tuesday, September 19, 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)**