

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
December 19, 2006**

In the absence of Chairman Pierce, who was away on official City business, the meeting of the Chattanooga City Council was called to order by Vice Chairman Page. Councilmen Bennett, Benson, Franklin, Gaines, Rico, Robinson and Rutherford were also present. City Attorney Michael McMahan; Management Analyst Randy Burns; and Shirley Crossover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance, led by Councilwoman Rutherford, the invocation was given by Attorney McMahan.

MINUTE APPROVAL

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

POLICE CHIEF NOMINATION

Vice Chairman Page called on Mayor Littlefield. Mayor Littlefield began by saying that the City Charter requires that Administration propose or nominate Department Heads and the City Council approve them. He stated that few department heads are more publicly conscious than the Police Chief; that Chief Steve Parks had made known his intention to retire at the end of the year and Mayor Littlefield added that he had done a wonderful job. He stated that the position had been advertised and that we had applicants from other communities and within our own ranks and even one as far away as Colorado; that Personnel had reviewed these applications and handed off those qualified to be interviewed; that Al Chapman, Dan Johnson and himself had conducted the interviews and found none more qualified, and found no reason to deviate from the normal chain of command and succession and wanted to move forward with the team we have and that he was nominating Administration's proposal—**Freeman Cooper**.

POLICE CHIEF (CONT'D)

Councilman Jack Benson moved that the Council approve the Mayor's nomination. This was seconded by Councilwoman Rutherford.

At this time, Chief Cooper thanked the Mayor for this awesome opportunity, stating that he would strive to be fair and just in the undertaking of this position. He thanked the Vice Chairman of the Council and the Councilmembers for their vote of confidence, stating that he would like to recognize Chief Steve Parks—that it had been an honor to serve as second in command and had been the best job he had had in his 24 years of service and had been a wonderful learning experience for him. He stated that Chief Parks had been great for the Agency and great for the City and would long be remembered.

Vice Chairman Page stated that before the vote was taken that he would like to say that he certainly did not know that Chief Parks had worked for the City for 28 years—that he thought he looked too young for that; that he had done a great job, and he thanked Chief Parks for his many years of service. To Chief Cooper, Vice Chairman Page stated that we were familiar with him and appreciated the work that he had done; that he would have to say that this is a seamless approval; that the Council liked what they saw and appreciated Chief Cooper's many years of service and the service he would render in the future.

Vice Chairman Page asked that all in favor of Chief Cooper becoming the next Police Chief to say "aye". All voted in favor and by acclamation the nomination was approved with a 100% majority.

Mayor Littlefield noted how rare it was to get a unanimous vote from the Council.

At this time Vice Chairman Page asked that Councilwoman Robinson chair the remainder of the meeting, as he needed to leave.

AMEND ZONING ORD.
PARKING REQUIREMENTS

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V, TABLE 1700, PARKING REQUIREMENTS, BY ADDING LANGUAGE TO REFER TO TABLE 1703 FOR ADDITIONAL PARKING REQUIREMENTS FOR SPECIFIC ZONES
passed second and final reading and was signed in open meeting.

REZONING

2006-180 (Birmingham Asset Management, Inc.)

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 A TRACT OF LAND LOCATED AT 2100 MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS
passed second and final reading and was signed in open meeting.

REZONING

2006-224 (Earthworx, LLC)

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 ON PART OF A PROPERTY LOCATED IN THE 5500 BLOCK OF HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
was substituted. On motion of Councilman Rico, seconded by Councilwoman Rutherford, the Ordinance passed second and final reading and was signed in open meeting.

REZONING

2006-227 (N. H. Partners, L.P.)

On motion of Councilman Benson, 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 1906 GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2006-228 (Basaam Issa)

On motion of Councilman Benson, 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 1853 GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed second reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2006-202 (Engstrom Services)

Councilman Rico stated that this was discussed in Public Works Committee and comes with a recommendation for approval.

**CLOSE AND ABANDON
(CONT'D)**

On motion of Councilman Rico, seconded by Councilman Franklin,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION
OF THE 1300 BLOCK OF ACKERMAN STREET, THE
UNOPENED 600 BLOCK OF GENTRY STREET, AND AN
UNNAMED ALLEY LOCATED OFF OF THE WEST LINE OF
THE 600 BLOCK OF NORTH GREENWOOD AVENUE, 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.

**BRAGG POINT PROP.
ACCEPTANCE**

On motion of Councilman Benson, seconded by Councilwoman
Rutherford,
**A RESOLUTION AUTHORIZING ACCEPTANCE OF THE
PROPOSAL FROM BRAGG POINT PROPERTIES, LLC FOR THE
SALE AND REDEVELOPMENT OF THE TWO REMAINING
PARCELS OF THE OLD MISSIONARY RIDGE SCHOOL
PROPERTY, DESCRIBED AS TAX MAP NOS. 156E-A-025 AND
156E-A-001, FOR THE AMOUNT OF SEVENTY-FIVE
THOUSAND DOLLARS (\$75,000.00) AND AUTHORIZING
THE GENERAL SERVICES DIRECTOR TO EXECUTE ANY AND
ALL DOCUMENTS NECESSARY TO FACILITATE SAID SALE**
was adopted.

**THERAPEUTIC RIDING
PROGRAM ACCEPT.**

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
**A RESOLUTION AUTHORIZING ACCEPTANCE OF A TWO-
HORSE BUMPER PULL HORSE TRAILER VALUED AT
APPROXIMATELY SEVEN HUNDRED DOLLARS (\$700.00)
FROM PERRY OZBURN TO THE DEPARTMENT OF PARKS
AND RECREATION FOR USE IN THE THERAPEUTIC RIDING
PROGRAM**
was adopted.

AMERICORPS GRANT

On motion of Councilwoman Rutherford, seconded by Councilwoman Gaines,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF EDUCATION, ARTS & CULTURE TO APPLY FOR AND, IF AWARDED, ACCEPT AN AMERICORPS GRANT FROM THE TENNESSEE COMMISSION FOR NATIONAL AND COMMUNITY SERVICE TO FUND THE PLACEMENT OF SEVENTEEN (17) AMERICORPS VOLUNTEERS IN READING CENTERS THROUGHOUT THE CITY, WHICH WILL REQUIRE LOCAL MATCHING FUNDS OF FIFTY-ONE THOUSAND DOLLARS (\$51,000.00)

was adopted.

TWRA GRANT

Councilman Rico reported that this Resolution, as well as Resolutions (e), (f), (g), (h), (k) and (l) were discussed in the Public Works Committee and come with a recommendation.

On motion of Councilwoman Gaines, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT A GRANT FROM THE TENNESSEE WILDLIFE RESOURCES AGENCY (TWRA) IN AN AMOUNT NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000.00) FOR STREAM CLEAN-UP ACTIVITIES ALONG THE CITICO CREEK

was adopted.

AGREEMENT

On motion of Councilwoman Gaines, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH CSX TRANSPORTATION FOR AN EASEMENT RELATIVE TO THE LAKE HILLS SEWER INTERCEPTOR

was adopted.

AGREEMENT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH JORDAN, JONES & GOULDING, INC. FOR ENGINEERING SERVICES RELATIVE TO A WASTEWATER SYSTEM AFFORDABILITY ANALYSIS AND RELATED SERVICES IN AN AMOUNT NOT TO EXCEED ONE HUNDRED EIGHTY-TWO THOUSAND DOLLARS (\$182,000.00)

was adopted.

CONTRACT

On motion of Councilwoman Gaines, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-03-029-202, CHEROKEE BOULEVARD AT MARKET STREET INTERSECTION IMPROVEMENTS - PHASE II, TO TALLEY CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF THREE HUNDRED THIRTY-SEVEN THOUSAND TWO HUNDRED FIFTY-NINE AND 52/100 DOLLARS (\$337,259.52), PLUS A CONTINGENCY AMOUNT OF THIRTY-TWO THOUSAND SEVEN HUNDRED FORTY AND 48/100 DOLLARS (\$32,740.48), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED THREE HUNDRED SEVENTY THOUSAND DOLLARS (\$370,000.00)

was adopted.

TEMP. R-O-W USE

On motion of Councilman Rico, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING ROCK POINT BOOK STORE TO USE TEMPORARILY THE RIGHT-OF-WAY AT 401 BROAD STREET TO INSTALL A SIGN, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

BERTHING AGREEMENT

On motion of Councilwoman Gaines, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE EXTENSION OF THE
TERM OF THE BERTHING AGREEMENT WITH
CHATTANOOGA RIVERBOAT COMPANY, INC. AND
CHATTANOOGA DOWNTOWN REDEVELOPMENT
CORPORATION THROUGH DECEMBER 31, 2018**
was adopted.

AGREEMENT

On motion of Councilman Franklin, seconded by Councilwoman Gaines,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
THE DEPARTMENT OF PARKS AND RECREATION TO
NEGOTIATE AND EXECUTE AN AGREEMENT WITH
MEMORIAL HEALTH CARE SYSTEM FOR USE OF THE
BRAINERD RECREATION COMPLEX POOL FROM JUNE 1,
2006 THROUGH MAY 31, 2007**
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT
NO. S-06-017-201, PRIVATE SANITARY SEWER SERVICE
LINE REPAIR (SEP), TO ROTO ROOTER PLUMBING SERVICE
IN THE AMOUNT OF TWENTY-FOUR THOUSAND FOUR
HUNDRED NINETY DOLLARS (\$24,490.00), PLUS A
CONTINGENCY AMOUNT OF TWO THOUSAND FIVE
HUNDRED TEN DOLLARS (\$2,510.00), FOR A TOTAL
CONTRACT AMOUNT NOT TO EXCEED TWENTY-SEVEN
THOUSAND DOLLARS (\$27,000.00)**
was adopted.

EPB PAYMENT

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING PAYMENT TO THE
ELECTRIC POWER BOARD IN THE AMOUNT OF TWO
MILLION SEVEN HUNDRED EIGHTY-NINE THOUSAND FIVE
HUNDRED FIFTY-FOUR DOLLARS (\$2,789,554.00) AS
AUTHORIZED BY THE AGREEMENT FOR INTRA-
GOVERNMENTAL TRANSFER, DATED NOVEMBER 21, 2003
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER
INTO A CONTRACT FOR THE PURCHASE OF SOFTWARE
AND IMPLEMENTATION SERVICES WITH ORACLE IN AN
AMOUNT NOT TO EXCEED THREE MILLION EIGHT
HUNDRED THIRTY-ONE THOUSAND EIGHT HUNDRED
NINETY AND NO/100 (\$3,831,890.00) DOLLARS
was adopted.

CONTRACT

On motion of Councilwoman Gaines, seconded by Councilwoman
Rutherford,
A RESOLUTION AUTHORIZING THE CITY OF
CHATTANOOGA PERSONNEL ADMINISTRATOR TO
EXECUTE A CONTRACT WITH NEOGOV FOR SERVICES AND
MAINTENANCE FEES RELATIVE TO APPLICANT TRACKING
SERVICES FOR THE PERSONNEL DEPARTMENT IN AN
AMOUNT NOT TO EXCEED TWENTY-SEVEN THOUSAND
EIGHT HUNDRED SIXTY AND NO/100 (\$27,860.00)
DOLLARS AND FOR THE RENEWAL OF SAID CONTRACT
FOR YEARS TWO AND THREE IN AN AMOUNT NOT TO
EXCEED SIXTEEN THOUSAND FIVE HUNDRED EIGHTY AND
NO/100 (\$16,580.00) DOLLARS, EACH SUBSEQUENT YEAR
was adopted.

OVERTIME

Overtime for the week ending December 15, 2006, totaled \$26,799.94.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **ROBERT A. SMITH, JR** - Four Days Suspension without pay for Crew Worker, effective 12/13, 14, 15, and 18/06.
- **RODERICK G. JOHNSON**—Return from Family Medical Leave of Senior Crew Worker, effective 12/11/06.
- **BARRY L. CHILDRESS**—Four Days Suspension without pay for Crew Worker, effective 12/13, 14, 15, and 18/06.
- **JERRY L. HATTER** - Four Days Suspension without pay for Crew Worker, effective 12/13, 14, 15 and 18/06.
- **BOBBY M. WALKER**—Dismissal of Senior Crew Supervisor, effective 12/19/06.

CHATTANOOGA FIRE DEPARTMENT:

- **THADDEUS MORTON**—Retirement of Battalion Chief, effective 12/22/06.
- **DONALD ROWE**—Retirement of Captain, effective 12/22/06.
- **STEVE GROSS**—Retirement of Lieutenant, effective 12/22/06.

PERSONNEL

CHATTANOOGA POLICE DEPARTMENT:

- **DEBORAH LLOYD**—Return to duty of Communications Officer, effective 12/18/06.
- **GREGG BOWMAN & SYDNEY N. HOGSETT**—Retirement of Sergeants, effective 12/21/06.

FINANCE DEPARTMENT:

- **ALICE B. BARLEW**—Transfer, Accounting Technician, Pay Grade 8/1, \$23,502.00 annually, effective 12/08/06.

At this point Police Chief Parks spoke to two personnel matters—the retirement of two officers—**Greg Bowman**, he stated had been with the Department for 28 years. Chief Parks shared that the two of them were Academy mates and that Sergeant Bowman had done about every job in the department that one could do; that he was an outstanding officer who was very dedicated and that he would be sorely missed. **Sydney N. Hogsett**, Chief Parks stated, had been with the department for 29 years. He stated that both of them had worked on the mid-night shift together and that he was very much respected by the officers. He ended by saying that these were two fine dedicated public servants and deserved recognition.

Councilwoman Robinson stated that these two individuals had had illustrious careers and that everyone wished them much good luck in their retirement.

PURCHASES

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

HOWELL SPECIALTY (Low Bidder)
Requisition R0094441/B0033679

Installation of Inductive Detector Loops for Traffic Operations

\$4.00 per linear foot

JAKE MARSHALL, LLC (Low Bidder)
Requisition R0093773/B0003630

Carbon Absorber Vessel

\$39,940.00

PURCHASE

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

MOTOROLA, INC. (Single Source Purchase)
Requisition R0095303/B0003739

Fifteen (15) Motorola Portable Radios

\$42,768.00

REFUNDS

On motion of Councilman Rico, seconded by Councilman Franklin, the Administrator of Finance was authorized to issue the following refunds:

LEE AKERS—In the amount of **\$2,900.00** due to **payment of municipal lien made in error in 2002 back tax sale.**

FIRST AMERICAN TAX SERVICE—In the amount of **\$1,192.43** due to **Stormwater Fees and/or Property Taxes Overpayments for the year 2006.**

PURCHASE

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

WASTE EQUIPMENT PARTS (C.O. to increase present contract)
Requisition R0086510/P0024039

Contract for Heil Parts to increase expenditure amount from \$31,420.15 to \$51,420.15 as a result of under estimating the cost for future repair parts.

\$20,000 Change Order

Councilman Benson asked if this had been put on bid, and the answer was “yes”.

ATTORNEY MCMAHAN

Attorney McMahan asked for the Council’s authority to contest the 19.7% rate increase that is proposed by TN American Water Co. (TAWC). **On motion of Councilman Rico, seconded by Councilman Benson, approval was given.**

HEARING:
SGT. SHAWN HICKEY

Attorney McMahan reported to the Council that **Sgt. Shawn Hickey** of the Chattanooga Police Dept. had requested an appeal hearing before the Council. A date was set on **Monday, January 22nd at 10:00 a.m. with a panel consisting of Councilman Benson, Franklin, and Rutherford. Councilman Rico is the alternate.**

Councilman Rico questioned if his time for asking for an appeal had elapsed. Chief Parks stated that he did not have the specifics with him; that he thought Sgt. Hickey was close to the number of days. Attorney McMahan stated that he would assume that he was timely.

COMMITTEES

Councilman Franklin wished everyone a Happy Holiday Season and a Happy New Year, including the Staff and all of the viewers.

Councilwoman Gaines also wished everyone a safe and enjoyable holiday season.

Councilman Rico wished all a Merry Christmas!

Councilwoman Rutherford wished everyone all the best for the New Year!

Councilwoman Robinson wished everyone a safe holiday and New Year, as well.

ADJOURNMENT

Councilwoman Robinson adjourned the meeting of the Chattanooga City Council until Tuesday, January 9, 2007.

CHAIRPERSON

CLERK OF COUNCIL

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

