

City Council Building
Chattanooga, Tennessee
January 16, 2007
6:00 p.m.

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

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Rev. Tim Sykes of Pilgrim Rock Baptist Church gave invocation.

MINUTE APPROVAL

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

AMEND ZONING ORDINANCE

On motion of Councilwoman Rutherford, seconded by Councilman Franklin
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V BY
ADDING SECTION 650, URBAN GENERAL COMMERCIAL (UGC) ZONE**
passed second and final reading and was signed in open meeting.

REZONING

2006-133: Dave Gardner

On motion of Councilwoman Gaines, 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 AT 7610 AND 7614 STANDIFER GAP ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-
3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

REZONING

2006-234: David Davis

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE PARTS OF
TRACTS OF LAND LOCATED AT 4220 AND 4256 SHALLOWFORD ROAD,
MORE PARTICULARLY DESCRIBED HERIEN, FROM M-2 LIGHT
INDUSTRIAL ZONE AND R-1 RESIDENTIAL ZONE WITH CONDITIONS TO
M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

REZONING

2006-235: Don Walker

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

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 TRACTS OF
LAND LOCATED IN THE 6900 BLOCK OF PARK DRIVE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO RT-1
RESIDENTIAL TOWNHOUSE ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

REZONING

2006-238: First Citizens Bank

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 1611 GUNBARREL ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM O-1 OFFICE ZONE TO R-4 SPECIAL ZONE**
passed second and final reading and was signed in open meeting.

REZONING

2006-243: Vicki Ready

On motion of Councilman Franklin, 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 1407 CITOCO AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-5
NEIGHBORHOOD COMMERCIAL ZONE**
passed second and final reading and was signed in open meeting.

FORMER MAYOR GENE ROBERTS

Chairman Pierce recognized the presence of former Mayor Gene Roberts.

AMEND CITY CODE

Councilman Benson stated this matter was discussed in the Legal and Legislative Committee and approval is recommended.

On motion of Councilman Benson, seconded by Councilwoman Bennett,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 5, SECTION 5-108(a) RELATIVE TO LOCATION AND SIGNS
FOR LIQUOR STORES**
passed first reading.

CHANGE ORDER

Chairman Pierce asked if this request is just for the Council or both the Council and Wellness Center.

Paul Page confirmed that it is for the Council and Wellness Center.

Chairman Pierce asked if the Council is responsible for the total cost.

Mr. Page responded that the Council appropriated money for the City Hall renovation and the funds are being taken from what was previously appropriated.

CHANGE ORDER (Continued)

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO THE CONTRACT WITH INTERNATIONAL EQUIPMENT COMPANY FOR INSTALLATION OF A SECURITY SYSTEM RELATIVE TO THE CITY HALL RENOVATIONS PROJECT TO INCLUDE THE CITY COUNCIL BUILDING AND WELLNESS CENTER FOR AN ADDITIONAL AMOUNT NOT TO EXCEED ELEVEN THOUSAND TWO HUNDRED NINETY-FIVE DOLLARS (\$11,295.00)

was adopted.

PROFESSIONAL SERVICES AGREEMENT

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE A NINE-MONTH PROFESSIONAL SERVICES CONTRACT FOR GRANT WRITING WITH STRATEGY TEAM FACILITATORS CONSULTANTS TO CONTINUE TO ASSIST THE MAYOR AND CITY DEPARTMENTS WITH STRATEGIC PLANNING, PROJECT PLANNING AND IMPLEMENTATION, INTER-ORGANIZATIONAL COLLABORATION, COMMUNITY INVOLVEMENT, AND RESOURCE DEVELOPMENT RELATED TO VARIOUS CITY INITIATIVES IN AN AMOUNT NOT TO EXCEED EIGHTY THOUSAND DOLLARS (\$80,000.00)

was adopted.

SERVICES AGREEMENT

Chairman Pierce asked if everything included in the caption of this Resolution is what we will get for \$20,000.00, to which City Attorney Nelson responded, "yes, and a little bit more"!

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE DEPARTMENT OF EDUCATION, ARTS AND CULTURE TO EXECUTE A SERVICES AGREEMENT WITH LAURIE SHIPLEY AS AN INDEPENDENT CONTRACTOR AT A COST NOT TO EXCEED TWENTY THOUSAND DOLLARS (\$20,000.00) TO PERFORM DUTIES AND/OR ACTIVITIES RELATIVE TO INTER ALIA: (1) DEVELOPING A MARKETING CAMPAIGN FOR THE MEMORIAL AUDITORIUM AND

SERVICES AGREEMENT (Continued)

TIVOLI THEATRE; (2) DEVELOPING SPONSORS FOR SHOWS AT SAID FACILITIES; (3) CONDUCTING A COMMUNITY THEATER CAPITAL CAMPAIGN KICKOFF; (4) DEVELOPING SPONSORS FOR THE ORGAN RESTORATION AT THE MEMORIAL AUDITORIUM; (5) CONDUCTING A "CONNECTING THE DOTS" 2007 SUMMIT; (6) DOING MONTHLY ARTICLES FOR THE "IN THE CITY" MAGAZINE; (7) DOING ART CITY EVENTS; AND (8) DOING VARIOUS OTHER EAC AND HERITAGE HOUSE ASSIGNMENTS

OVERTIME

Overtime for the week ending January 12, 2007 totaled \$18,349.35.

Councilman Benson stated last week's overtime totaled over \$123,000.00 and asked how much overtime is run each year, whether it is over a million.

Dan Johnson responded "yes", that it is over one million dollars. He stated after last week's meeting he looked at the overtime and about 69-70 per cent is in communications and the Police Department's 911 area. He stated the overtime does not make up for the call problem as they still have \$1.5 million in overtime a year.

Councilman Benson asked if it has always been that way or can we do better.

Mr. Johnson stated that there was a study done on it last year, but the answer is more people as opposed to paying overtime.

Chairman Pierce stated that overtime has always been something that was not very descriptive when reported and is something the Council needs to know more about than just the overtime cost amount. He asked the Council's Management Analyst to see if there is a better overtime analysis reporting that is more appropriate than just having the amount read each week. He stated that he would like for the Council to have this done so the report would reflect better documentation.

On motion of Councilman Page, seconded by Councilman Franklin, the Management Analyst was duly authorized to proceed to formulate a more descriptive overtime report.

OVERTIME (Continued)

Councilman Franklin stated in addition it is his hope some consideration would be given to having it done on a weekly, monthly, quarter or semi-annual basis and (have it) categorized.

City Attorney Nelson stated that it is his understanding that when the police department has different shifts and when an officer writes a ticket they have to be present in court between 9 a.m. and 5 p.m. He stated city court is open a little later some days; that the officers not only have their regular eight hours but may have court time on top of it. He stated a vast majority of the overtime is in the police department.

Councilman Pierce stated all should "open their eyes more" to what is happening; that City Court is scheduled to accommodate officers on shift without not necessarily having to go on overtime.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA FIRE DEPARTMENT:

- **RAYMOND MOORE** – Return from Family Medical Leave, Captain, effective January 8, 2007.
- **WENDY BARNETT** -- Termination, Fire Cadet, effective January 11, 2007.

CHATTANOOGA POLICE DEPARTMENT:

- **LAMANORRIO D. WILLIAMS** – Resignation, Animal Services Officer, effective January 8, 2007.
- **MARK RAWLSTON** – Appointment, Deputy Chief, Pay Grade 40/Step 7, \$82,193.00 annually, effective January 11, 2007.
- **MIKE WILLIAMS** – Appointment, Assistant Chief, Pay Grade P5/Step 6, \$77,151.00 annually, effective January 11, 2007.

PERSONNEL (Continued)

- **JEANNIE SNYDER, BOBBY DODD** – Appointment, Assistant Chief, Pay Grade P5/Step 4, \$71,024.00 annually, effective January 11, 2007.
- **LISA JONES** – Appointment, Executive Assistant, Pay Grade 13/Step 8, \$40,426.00 annually, effective January 11, 2007.
- **KENNETHA PRICE** – Resignation, Communications Officer, effective January 11, 2007.
- **LATOYA WILLIAMS** – Demotion (did not complete Fire probationary period), Police Service Technician, Sr., Pay Grade 6/Step 6, \$26,167.00 annually, effective January 12, 2007.
- **JORDAN L. REDDICK** -- Voluntary Demotion (did not complete Police probationary period), Communications Officer, Pay Grade 11/Step 3, \$29,858.00 annually, effective January 12, 2007.
- **CEVIN D. BURNEY** – Resignation, Police Officer, effective January 18, 2007.
- **SANYA SHAFFER** – Resignation, Police Records Clerk effective January 18, 2007.

HOTEL PERMITS

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

COMFORT INN – 4833 Hixson Pike, Chattanooga, TN

COUNTRY INN & SUITES BY CARLSON – 5105 Highway 153, Chattanooga, TN

DAYS IN-RIVERGATE – 901 Carter Street, Chattanooga, TN

PURCHASE - PERSONAL SERVICES CONTRACT

On motion of Councilwoman Gaines, seconded by Councilman Franklin, the following purchase was approved for use by the Finance Department:

DULEY HOPKINS & ASSOCIATES, INC.
R0095996

PERSONAL SERVICES CONTRACT (Continued)

Oracle Enterprise Resource Planning (ERP) Consultant (*For \$135 per hour with the contract term to begin on January 22, 2007 and end on or about August 1, 2007*)

\$195,000.00

BOARD APPOINTMENTS

On motion of Councilwoman Rutherford, seconded by Councilman Rico, the following Board appointments were approved:

CARTA BOARD:

- Appointment of **MARIA NOEL**, **JOHN LIVELY**, and **BILL ALLEN** for terms to expire October 1, 2011.

BOARD RE-APPOINTMENT

On motion of Councilman Franklin, seconded by Councilman Rico, the following Board re-appointment was approved:

HOSPITAL AUTHORITY BOARD:

- Re-appointment of **JAMES A. WORTHINGTON, JR.** for a term to expire November 1, 2010.

COMMITTEES

Councilman Benson stated the Legal and **Legislative Committee met today and will reconsider items discussed on January 30 at 3 p.m.**

Councilman Page scheduled a meeting of the **Economic Development Committee for Tuesday, January 23 at 3:30 p.m.** for a discussion regarding cell towers with Larry Wells.

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, January 23 at 4 p.m.**

COMMITTEES (Continued)

Councilwoman Rutherford stated next Tuesday at 3 p.m. the **Education, Arts and Culture Committee** is scheduled to meet and Suzanne Bailey will be the guest. She expressed thanks to Hugh Reece for the collection of juvenile laws given to each Council person.

TML DISTRICT THREE MEETING

Councilwoman Bennett reminded Council members that the TML District 3 meeting is scheduled for Thursday in Cleveland, Tennessee at the Cleveland Chamber of Commerce from 11 a.m. – 1 p.m. She stated if there are issues Council members would like to have discussed to please make her aware.

CELLULAR TOWERS

Councilwoman Robinson stated she was happy to hear a representative from the cell tower industry will be coming to the Council. She stated several weeks ago she suggested the Council create a forum for preliminary discussion with about seven-or-eight individuals, plus the City Attorney, to talk about the whole cell tower issue. She stated she would like for the group to consider ways the industry, neighborhood and businesses could work proactively, productively, cooperatively and collaboratively, if possible, to guide us and give us advice on how we can better place the towers and not have it come before the public in an announcement that catches people off guard. She stated she would like to see them create a way people can have input that will protect neighborhoods and the industry; that it is her hope the group can have their first discussion or conversation in about three-to-four weeks.

Chairman Pierce stated that he has no problem with this however he is not certain about the City Attorney serving on the committee. He stated that this matter was discussed in depth some time ago and federal regulations do not allow us to do some things; that he does not know what real authority the Council has.

City Attorney Nelson stated Mike McMahan has done a lot of study on this and if the group wants him to he would assign him (McMahan) to this. He stated to a large extent our "hands are pretty well tied".

CELLULAR TOWERS (Continued)

Councilwoman Robinson stated that she understands, however in light of one that "popped up" downtown that was later dropped altogether, the alternative was less intrusive. She stated there is a way to do that by putting smaller, 20 foot towers on existing buildings; that the question is not can we do it, but how can we do it.

Chairman Pierce stated that one tower was dropped but it is his understanding they will be coming back to reapply.

Councilwoman Robinson stated that she does not want to wait three-to-four weeks; that she would like to have the group together in ten days!

Councilwoman Rutherford stated when she spoke with Larry Wells about coming to this meeting she told him to inform the Council how they decide where to locate the towers and what criteria they use. She stated that she knows there are certain locations that work and some that will not, which is the type of thing she is hoping he will discuss so we can have a better understanding of how it all plays together.

Councilman Rico asked Steve Leach to come forward to speak on this matter.

Adm. Steve Leach stated that he has been dealing with cellular towers a long time and has written several ordinances. He stated in 1996 a federal law was passed to allow cell towers to be developed in communities for wireless providers. He stated the first phase involved single users and single towers, the second phase was when the wireless tower came into business that was not really protected under the law but towers were built and other companies were allowed to attach to it. He stated in the nineties when more cell phones were used for other than business, everyone wanted cell phones and second tiers began "popping up" more-and-more that had different platforms with multiple providers. He stated the third phase cell towers were located in the core city with such density to traffic that we needed to come up with more towers and the fourth phase has come in now that there are Blackberries, PD's and others; that we are seeing more cell phones and growth of another group of cellular users.

Adm. Leach stated that towers are truly protected under federal law to a point, however cell tower builders are not protected and they are clear on figuring out a way to put them up. He stated our ordinance is pretty good and there are antennae rays all over buildings downtown, noting that he could see where Councilwoman Robinson was going with regard to alternatives.

CELLULAR TOWERS (Continued)

Adm. Leach stated the classic one is at the Unitarian Church at I-24 and the Ridge cut; that there are actually two platforms within their bell tower. He stated there are ways of handling it and reminded the Council that the "guys" are making money; that they build them to make money and they only make money when they build towers.

Councilman Benson stated that we have to be proactive; that we need a group made up of thirteen people to serve on the cell tower advisory board. He stated we should get them constituted so they do have as much responsibility and authority as they need and thinks it is a good thing to formulate such a group. He stated that he would like to see thirteen persons with one from each district so all will feel as if they have representation. He stated we need cell towers; that we should mitigate the problems and improve them aesthetically; that the Council can say where land can be commercial and he does not see why the Council can not say the same for cell towers with regard to where they are suitable.

KENNY SMITH

Kenny Smith stated that he is Training Director with the International Order of Electrical Workers and sits on the Hamilton County School Board. He stated he was present tonight in his capacity as training director and knows that education is "tied" with the County Commission. He stated that he has spoken with each Council member about the shortage of skilled workers in Chattanooga; that the jobs are here and he has talked with an architect and said there are one billion dollars on the books, yet there is a shortage of skilled workers. He stated that he knows the County Commission sets the education policies as far as adding schools and it is past the time for stand alone careers and technical high schools. He asked that the Council help in the thinking process and it is time we looked at that; that he feels we are missing a lot of opportunities to educate a lot of kids in a different way and everyone will have to "buy into it" for it to happen.

Councilman Franklin expressed agreement with Mr. Smith's comments by stating that it is his thought it is more important for this to be accessible for everyone; that it should be in the core city and centrally located where all Chattanoogans can be part and not in the county where there is no transportation. He stated it should be a facility for individuals of all ethnic backgrounds and socio-economic status to go there and be trained; that he would be a proponent to make sure that happens.

KENNY SMITH (Continued)

Mr. Smith stated that he would love to see it at Chattanooga State with an agreement that as students leave they will have choices and fall right into it; that after two years of training they could be making \$40,000 - \$50,000 a year and enjoy what they are doing.

Councilman Franklin stated that is something the Council could "buy into"; that we do not have any authority but would certainly be proponents.

Mr. Smith again stated that everyone has to "buy into it" before it happens.

Councilman Rico stated that the School Board should be pushing education. He asked what the hold-up is and why everyone on the School Board is not pushing it more.

Mr. Smith stated that the new School Board members will push in that direction; that the Board has been so college conscious that other students have been overlooked. He clarified that he is in no way trying to keep anyone from going to college it is just that we also need a steel work force that stays in Chattanooga.

Councilwoman Rutherford stated that Mr. Smith knows how she feels about this and asked if the school at Sequoyah is for technical training. Mr. Smith responded "yes".

Councilwoman Rutherford asked if it could be relocated to Chattanooga State; that she was trying to think of a way that dollars could be maximized and it seems to move that facility to Chattanooga State or some place in the core city might be more desirable in the short run.

Mr. Smith expressed agreement with Councilwoman Rutherford's comments and noted that Sequoyah has a great staff and they recruit there a lot, as well. He stated as Councilman Franklin stated, it is not centrally located enough and needs to be promoted with a different image.

Councilwoman Rutherford stated it can simply be relocated and does not know why it was placed at Sequoyah as it seems a silly decision to her. She stated if we have "X" amount of money and if we had that facility closer in the core city it seems we would be accomplishing what we need to do. She stated Mr. Smith is a School Board member and could probably push that through.

Mr. Smith stated he would certainly try.

KENNY SMITH (Continued)

Councilwoman Bennett asked for clarification that there are more jobs than skilled people.

Mr. Smith responded "absolutely"; that right now they are at a break even point that so many people are retiring through the building trades and other manufacturing places and there are over a billion dollars on the books. He stated this "stuff" is going to happen and does not include anything that is open at the TVA site.

Councilwoman Bennett stated that the construction academy is very successful; that when Kay Andrews accepted the position with the Chamber there was no problem in promoting the academy and there seems to be a trend toward finding and promoting new academies with funding behind it.

Mr. Smith stated that he likes what she is doing; that he does not want to discourage other academies in any way however the bigger picture is with career technical jobs. He stated Mayor Ramsey uses the term "vocation" and he prefers to call them "career tech" jobs.

Councilman Benson stated what Councilwoman Rutherford said about relocating is good; that it should be put in the central city where people can reach it that have the propensity and aptitude. He stated people with the interest and ability can go into it and come out of the misplaced programs they are in; that vocational academics are wonderful but are bankrupting the education system. He stated the only way to keep them going is through federal grant foundations coming in just for that and once that is gone we are in trouble.

ADJOURNMENT

Chairman Pierce adjourned the meeting of the Chattanooga Council until Tuesday, January 23, 2007 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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