

**City Council Building
Chattanooga, Tennessee
November 20, 2007
6:00 p.m.**

Chairman Page called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Franklin, Gaines, Pierce, Rico and Robinson present. 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, invocation was given by Deputy Fire Chief Randy Parker.

MINUTE APPROVAL

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

DISTRICT 6 CANDIDATES

Chairman Page stated Michael Feely, Matthew Rivers and Donna Weeks are the candidates for the District 6 seat. He stated that they are to come to the podium in alphabetical order and tell the Council in five minutes of their interest in serving as interim Council person for District 6; that they are to take no more than five minutes. He stated the Council would be allowed to ask questions in an effort to know more about them. He stated after all three have been heard the Council will deliberate and a motion or motions from the Council will be made to nominate one or two persons for the position and then vote. He stated from that majority vote (of five Council members) the person will be elected and Judge Williams will swear them in. He stated after that point the elected person will come forward and be seated at the end of the dais as an active Council person. He stated the person would not be expected to know the agenda this evening and could vote on matters they have knowledge of. He stated the Council is ready and willing to help in any way possible to make this as painless as possible.

DISTRICT 6 CANDIDATES (Continued)

At this point Chairman Page asked that Michael Feely come forth and inquired as to how he should be addressed, whether Reverend or what.

Michael L. Feely asked that everyone call him "Mike" and stated he has been a District 6 resident since 2000. He stated he is a native Chattanooga, grew up on Lookout Mountain, Tennessee, and attended Rossville High School. He stated that he left twenty years ago and came back to be on the staff at Brainerd United Methodist Church. He stated that his children and wife are present and they are very happy living on Asbury Drive. He stated the reason he wanted to apply for the position more than anything else is to provide service to the community; that he runs the St. Andrews Center and is Pastor at East Lake United Methodist Church. He stated he has worked with a variety of people in different situations and issues and has worked at putting a coalition together. He stated a good number of persons in the community do not have a voice and a lot of folks who live in District 6 are young Hispanics and a lot of other folks who have ideas that are important to him. He stated their ideas are not only important and "key" for District 6 but are concerns for the whole city. He stated if he is selected for this honor he would not only bring a particular perspective to one district but concerns about the rest of the city, which is the work he knows. He stated he is concerned about education, getting to the bottom of issues and creative and innovative ways of addressing issues. He stated that he enjoys problem solving, which is one of the things that bring people together. He stated that he attended the University of Georgia, went to Washington, worked in politics a little, ran a campaign and then went into the ministry. He stated that he loves coming back to Chattanooga, is a part of this city and would relish a chance to serve for the next couple months to make a difference in District 6 and the city, as well.

At this point Mr. Feely introduced his wife, Maria, and daughters, Sara and Mary, both students at the School for Creative Arts. He stated he is heavily involved in the School and his wife is a writer. He stated that he left in 1981 and has come back and fallen in love with Chattanooga again. He stated it is neat to come to the place he grew up in and watch his children grow up here as he wants to make this place a better place for them, as well.

Councilman Benson stated that it is his thought a lot of times people who run for the Council job think they just have to meet on Tuesdays at 6 p.m. and then they very quickly understand that it is much more than that. He stated that hearings require that a Council person be here all day on Mondays when one is scheduled, attend committee meetings and sometimes other meetings. He asked Mr. Feely if he would be able to get free from his job for those (meetings).

DISTRICT 6 CANDIDATES (Continued)

Mr. Feely responded that he would be able to get free and would attend all neighborhood association meetings and budget time for that, as well. He stated he would like to be the caretaker and meet folks and hear from them.

Councilman Benson stated that he would like for the remaining two candidates to respond as to whether they would have time to do the job.

Councilwoman Robinson stated that she wanted to ask all three candidates the Council hears from tonight whether they would be willing, if needed, to take time to work with the newly elected permanent person when that time comes in February.

Mr. Feely stated that he views this as a sacred calling to be the caretaker and to be the best transition person he could be to whoever is coming on board. He stated this is something he would enjoy doing.

Councilman Franklin stated that he has heard quite a bit and does not have a question. He stated that he certainly feels that a person who desires to be in public service has to be willing to do that and he has heard those things in Mr. Feely's presentation. He stated that he looks to hear something similar from the remaining two candidates who are vying for the position. He expressed appreciation to Mr. Feely for his community involvement.

Matthew Rivers stated that he is a long time resident of Chattanooga, grew up in the East Brainerd area, graduated from Chattanooga School for the Arts (CSAS) and Sciences and went on to college up on Monteagle at the University of the South-Sewanee. He stated that he graduated with a Bachelor of Arts in History and a minor in Political Science; that he went on to begin a career with Blue Cross-Blue Shield and currently works in the legal division as a Subrogation Analyst. He stated during his career with Blue Cross he served as the head soccer coach at CSAS for two years in an effort to try to give back to his alma mater and work with kids, not only in an athletic capacity but become involved in their lives as a positive role model. He stated he is currently enrolled at UTC in the Master of Public Administration Program and has always had a long time desire for civil service and felt this was the perfect opportunity for him to become involved, especially here in the Chattanooga area where he resides and has a strong feeling for the area. He stated that he is a new homeowner and has lived in District 6 for a year, now, in the Missionary Ridge-Tunnel Hill area since November of last year.

DISTRICT 6 CANDIDATES (Continued)

Mr. Rivers continued by stating that he is excited about the opportunity to fill this position and feels he could be a transitional candidate. He stated in looking at the vacant committee positions he could serve on the Education, Arts and Culture, Legal and Legislative and Public Works Committees; that his background in the legal area would be a good transition and could really serve on that committee. He stated he would bring, most importantly, diversity and a new perspective to the Council; that Chattanooga has been struggling with trying to keep young professionals here and expand and reach out. He stated he believes he would bring representation for that role and would be able to be a good representative not only for District 6 but for the Chattanooga area, as well. He stated he does not have as much experience as some of the others by being a younger candidate and is open to any questions the Council may have.

Councilwoman Robinson stated that she wanted to make an observation as she is struck by the point Mr. Rivers made about young professionals and the importance of the whole group placement in our community and how we want many more of his colleagues to come here and take leadership roles. She stated that it is her thought that is a great thing to see the younger generation showing interest in leadership as expressed by Mr. Rivers.

Mr. Rivers stated in addressing Councilman Benson's question about availability, his job is relatively flexible and if he knows when meetings would be he would be able to schedule around them and be available to attend them, as well as community meetings. He stated with the timing of the caretaker position and his academic schedule it should not be problematic for him.

Councilman Franklin asked Mr. Rivers if he is aspiring for the Master of Public Administration. Mr. Rivers responded "yes".

Councilman Franklin then asked where Mr. Rivers is trying to go with that in his career path.

Mr. Rivers responded that he has not made a strong decision, yet; that as far as which direction in the public administration program this is the only concentration offered. He stated he would like to get in a concentration for non-profit management to go with a general degree; that he has not decided whether to move in the direction of government service or the non-profit sector.

Councilman Franklin stated he had an opportunity to spend time at the University of the South during his "tender years" and asked how Sewanee has developed in the last five-to-ten years.

DISTRICT 6 CANDIDATES (Continued)

Mr. Rivers responded that the University went through a huge transition with Vice Chancellor Cunningham; that the University developed beautifully and continues to grow. He stated there is a strong liberal arts foundation and (he) has had that background throughout his education experience at CSAS, as well. He stated that would be the beneficial perspective he would bring to the Education, Arts and Culture Committee. He stated it is always important when making a decision that affects the entire citizenry that you have all different perspectives and mindsets when determining a decision.

Councilman Franklin stated that he had an opportunity to meet young men and women under thirty at a national conference and offered encouragement to Mr. Rivers to continue.

Donna Weeks stated that she has been a resident of District 6 for 43 years and would be happy to serve as interim. She read from a prepared statement and noted that Chattanooga has been good to her all through the years and (she) would like to give back to her community. She stated that she has raised three beautiful children and has seven grandchildren. She stated when she was a secretary at UTC she took classes to complete the Bachelor of Arts degree. She stated that she worked at Allied Arts for three years and the Human Rights/Human Relations office for ten years. She stated after retiring she joined the Symphony and Opera Guild and has been on the Board for ten years as Publicity Chairman and now serves on the Social Committee. She stated that she volunteers at Memorial Auditorium and has joined the YMCA and participates in the aerobic classes. She stated she is a member of the Christian Singles group at First-Centenary and has joined the Unity Group. She stated at the October 23 meeting of the Unity Group it was noted that police protection is the number one problem in District 6. She stated she would like to improve the schools and increase parental involvement and would like to see the city enforce the Codes when inspectors come out. She stated several of the neighborhood groups may be able to do more if they unite together and form two-or-three groups; that she realizes there are only a few months to accomplish these goals but would like to get the projects started for the full time representative. She stated that she has spoken with Brian Shultz of the Regional Planning Agency (RPA) about renovation plans for Brainerd Road and Lee Highway that was started in 1994; that there are six stages and only the first stage has been started; that she would like to request funding in the July 2008 budget to continue the project. She stated whoever is elected as representative she would pledge her support and continue serving her community.

DISTRICT 6 CANDIDATES (Continued)

Councilwoman Robinson stated that she had the pleasure of working with Mrs. Weeks when she was at Allied Arts and she certainly has a background in advocacy, as well as experience in the human rights/human relations area. She stated that she likes the idea of the interim continuing the work for Brainerd Road.

Chairman Page stated that the Council has three great candidates and expressed thanks to each of them for sharing their time.

At this point, Councilman Benson nominated Michel L. Feely; Councilman Franklin seconded the motion.

Councilman Rico made the motion to close the nominations on the one said name; Councilman Franklin seconded the motion; the motion carried.

Councilman Benson asked that Mr. Feely be accepted by acclamation. **Michael L. Feely was unanimously elected interim Councilman for District 6.**

SWEARING-IN OF MICHAEL L. FEELY

Judge Walter Williams administered the Oath of Office to Mr. Feely at this time.

Upon taking his seat on the dais, Councilman Feely stated that he is rarely at a loss for words and noted that he is just grateful, honored and scared, too! He stated that he has watched the Council meeting a lot on television and is honored to serve for the next couple months.

Chairman Page expressed a hearty welcome to Councilman Feely on behalf of the Council.

AMEND ZONING ORDINANCE

On motion of Councilman Rico, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
 KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V,
 SECTION 103 AND ARTICLE VI, SECTION 114, TO INCLUDE PROVISIONS
 FOR A SPECIAL EXCEPTIONS PERMIT FOR TWO-FAMILY DWELLINGS IN
 THE R-1 RESIDENTIAL ZONE UNDER CERTAIN SITUATIONS**

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

REZONING

2007-178: Eric Myers, Elemi Architecture

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 AT 615, 617, AND 619 HAMILTON AVENUE, MORE
 PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-
 3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**
 passed second and final reading and was signed in open meeting.

REZONING

2007-179: Andrew H. McPeters

On motion of Councilman Rico, 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 2864 EBLEN DRIVE, MORE PARTICULARLY
 DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO M-1
 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS**
 passed second and final reading and was signed in open meeting.

REZONING

2007-181: Chattanooga Neighborhood Enterprise c/o Bob McNutt

On motion of Councilman Rico, 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 1806 MADISON STREET, MORE PARTICULARLY
 DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3
 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**
 passed second and final reading and was signed in open meeting.

LEASE AGREEMENT

Councilman Pierce made the motion to move Resolution (n) forward on the agenda; Councilman Benson seconded the motion; the motion carried.

LEASE AGREEMENT (Continued)

Chairman Page stated that he would recognize only two persons to speak in reference to this Resolution – Mary Ellen Galloway and Mary Mai Williams; that both had asked him if they could be allowed to speak.

Mary Mai Williams stated that she lives at 813 East Tenth Street in the M. L. King district and noted that she wanted to say that she is not for or against the homeless or the Interfaith Homeless Network and the services it provides and has a great deal of respect for Mary Ellen's work at IHN. She stated what she is for is responsible use of the city's resources; that no one present would invest in a business without first reviewing the comprehensive plan and that is what we are doing tonight in not waiting to review the updated Blueprint and give thoughtful consideration to the full plan. She stated that she is extremely disappointed that the current proposal does not satisfy the primary requirements of the Blueprint for housing supportive services; that she would rather wait and review the whole plan before voting on pieces of an incomplete plan. She asked everyone in the audience to stand if they want our city to show compassion for those less fortunate. (A large number in attendance stood.) She asked them to continue standing if they believe this is the right way to use the city's resources in a responsible manner. (The same large number remained standing.) She stated one common goal for use of the city's resources in a responsible manner is to help move individuals from homelessness to self-sufficiency. She urged and begged the Council to please wait until they get the full comprehensive plan and know who is going to be overseeing the implementation of the plan before making a decision on pieces of the puzzle.

Mary Ann Galloway represented the Interfaith Hospitality Network (IHN) located at 711 East Eleventh Street. She stated the Network is two doors from the Community Kitchen and next door to the Homeless Healthcare Center. She stated they want to move IHN across the street and around the corner to Baldwin. She stated at that site they want to continue to give supportive services to homeless families with children during the day; that this is a day center for homeless families with children. She stated the goal is to quickly and seamlessly move homeless families with children into permanent housing; that she wished she could tell all tonight that housing is available this minute for homeless families to move into, however that is not the case and they need a place to be in the evening and in the day. She stated during the evening there are congregations that serve and provide evening lodging for families. She asked the Council to please provide a place during the day where they can go and receive supportive services that will move them quickly into permanent housing.

LEASE AGREEMENT (Continued)

Councilman Pierce expressed appreciation to all who came out to show support for whatever side they may be on. He asked for a show of hands of those who live in the area within a mile radius; eight persons raised their hand. He stated what is being asked in this neighborhood, which is in the District he represents, is to give the Community Advisory Council the four items they asked to be attended to which should have been looked at as of September, but is yet on the agenda. He stated we do not have a real comprehensive plan for the homeless and that is all he is asking; that all support the homeless but we do not have a comprehensive plan. He stated what we are doing today is piecemealing something together starting with one step at a time however the plan is not in place. He stated he would like to tell everyone that there is a plan; that there was a committee that worked several months with members from the business sector and homeowners from every perspective of the city and all that is being asked is to give them a chance. He stated there are homeowners that live in this area and, yes, we all need to support the homeless but none of us wants this in our backyard yet someone has to take it.

Councilman Pierce stated he has already heard nothing will be new to the community but the way we are going at it we do not have a plan. He stated let's get the plan which is all that is being asked and that is all the community is asking. He stated that he made a motion in Committee today and asked that this Council table this matter; that we have received a report that the plan is ready and the plan is supposed to be approved by this Council however the Council has not seen the plan. He stated the Council does not know what is in the plan but might hear later on, "well, you voted for it". He **made the motion to table the matter until the comprehensive plan is complete; Councilwoman Bennett seconded the motion; the motion failed to carry.**

On motion of Councilman Benson, seconded by Councilman Rico,

A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO A LEASE AGREEMENT WITH INTERFAITH HOSPITALITY (HOMELESS) NETWORK RELATIVE TO 702 EAST 11TH STREET, LEASE AREA "A," AS REFERENCED IN CASE NO. MR-2007-210 AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE IN THE AMOUNT OF ONE DOLLAR (\$1.00) ANNUALLY AND A TERM OF FORTY (40) YEARS

was adopted; **Councilwoman Bennett abstained; Councilman Pierce voted "no".**

REZONING

Councilman Franklin made the motion to move Ordinance (c) forward on the agenda; Councilman Pierce seconded the motion; the motion carried.

2007-056: Frederick Metzger

The applicant was present; opposition was in attendance.

Frederick Metzger, owner of property located at 5933 Fisk Avenue, stated that the property has frontage on Shepherd Road and is between C-2; that across the street is M-1 and the rear is wooded. He stated he is requesting C-2 and Planning has approved this lot of concrete, dirt, black top, asphalt and gravel for C-2 use that was formerly used as a parking lot. He stated he is requesting use for C-2 with the limitation of only using it for the one purpose of storage and understands approval would require putting up a sight-obscuring fence and landscaping barrier so as not to impact the aesthetics of the neighborhood. He stated this is what he was asking for approval nine months ago and the matter has gone through the neighborhood plan process.

Judge Walter Williams was present representing the Shepherd Community Council and Shepherd residents. He asked those in attendance from the Shepherd community to stand at this time and several stood. He stated the community is bitterly opposed to this and the Shepherd Council clearly understands this fronts the airport connector. He stated when anyone exits 153 onto Airport Road going toward the airport this is the gateway to the city. He referenced an article in today's newspaper indicating that the airport is bustling with business; that people are using the airport and coming to Chattanooga and a lot of things are happening, so no one wants anyone to put storage trailers on the gateway to the city as it makes no sense. He stated this is, in all due respect, former Councilwoman Rutherford's district; that she had initially met with the community and the community got at odds with her and forced her to bring to the Council the request to do a land use study. He stated initially the former Councilwoman supported the gentleman's request but the community did not know anything about it and when they found up they rose up and had a meeting with Ms. Rutherford and really took her to task. He stated this is what caused the matter to be brought before the Council and have the land use study and zoning study of this area authorized. He stated last week the land use study was approved for this area and what the Council approved is not what is being requested. He stated Mr. Metzger wants to change R-1 to C-2 to put storage trailers and everyone knows what will happen, that there would be debris and sometimes the trailers may be taken away and sometimes not; that it would be completely crazy!

REZONING (Continued)

Judge Williams asked why the city would invest thousands of dollars redoing and beautifying the airport connector leading into the airport and then turn around and authorize someone to put in storage trailers.

Judge Williams stated that the community recognizes that behind this property is residential and it is his thought it is wrong for this gentleman to want to come into this community. He stated years ago the Shepherd community was split when 153 was put in and the Shepherd community was split in half; that the community has struggled down through the years to hold itself together. He stated the former City Commission authorized the Waterford Apartments which further encroached into the area and later a rezoning for Jumbo Sports, which has since gone out of business. He stated the community has struggled to hold onto their community and Shepherd is probably the oldest African American community in Chattanooga. He stated that the Council can tell by the stately people present this evening that the community is populated by people in their senior years and asked why the Council would want them to have to deal with this situation. He stated we all know what may ultimately come to that whole area with the expansion of the airport as there is the potential the whole area might be "swallowed up". He stated until that happens the community should be maintained.

Judge Williams concluded his comments by stating that the community recognizes that a proper zoning of a professional office or convenience store would be a better use other than R-1 and the community acknowledges that. He stated the community is certainly bitterly opposed to any consideration that it be changed to C-2 to allow for storage trailers. He stated the community was ready to take the former Council person to task; that if she had gone through with this the community would rise up. He expressed hope that the Council would deny this request.

Councilman Benson stated this is no way to do business; that a land use plan was approved a couple weeks ago and then last week at Planning there was a problem about downzoning that those in the Shepherd community are fully aware of involving the Brogden and Drake families that the Council will face on December 11; that he is glad there is an interim Councilperson, now. He stated it was originally thought the trailers could be conditioned and it was qualified there is only one residence behind the property and with proper things it could be acceptable. He stated there is commercial on one side and a busy street in front that could be buffered. He stated that he wants to put it on Mr. Metzger's back that he is not voting for this tonight and would like to see him work with Judge Williams and the community to see if something can be done as he innocently bought the property thinking it was commercial.

REZONING (Continued)

Judge Williams stated that they have met but it is his belief, quite frankly, that this young man is not as innocent or as "clean" as Councilman Benson would think. He stated in all due respect, he was sold a piece of property and he (Williams) will not tell who negotiated the sale, however he was told it was going to "get done". He stated the community rose up; that he (Metzger) knew what it was zoned when he purchased it; that someone told him "we will get it changed".

Councilman Franklin expressed appreciation and respect for the comments made by his colleague, however, when he was elected the first time this neighborhood voted for him and he remembers that. He stated it is his thought in this situation, Judge Williams has spoken the truth about the history of Shepherd and how they have been able to live there in peace and harmony despite obstacles. He stated Mr. Metzger could withdraw his zoning and work with the community afterward or wait another nine months; that that is his way out. He stated that this zoning is a case of bringing the "horse before the cart"; that the community has been trying to maintain and it is his thought this zoning is not appropriate for this community. He stated there is a neighborhood community sign at the entrance of the Shepherd community and another that welcomes people to the community; that both signs were put there through Community Development Block Grant funds to make individuals aware of the gateway to the Shepherd community. He stated regardless of the type of buffer that would be put up it would be an eyesore. At this point he **made the motion to deny the request; Councilwoman Gaines seconded the motion.**

Mr. Metzger stated that he wanted to start by saying thank you to the Council as it has been nine months and noted that many of them have listened to him. He expressed thanks to the community and the land owners and noted that he does not want property values to go down which is why he was told by Planning representatives that he would have to put in landscaping, a fence and a buffer and he agreed to those things. He stated when he met with the neighborhood association the first time he told them he would do whatever they wanted him to do, to let him know. He stated at that point it seemed like there was a lot of rage and anger about a lot of different things that did not have anything to do with him. He stated that he understands that the neighborhood does not want the trailers on that lot where they can hurt the value of their property. He stated that he gets his used tires from Choo-Choo Tires and chose this piece of property because that is the area of his business. He stated that he understands what the community is saying and understands all they have gone through and expressed his apology. He stated he could withdraw the matter as it has been nine months; that he is asking for C-2 with very strict restrictions.

REZONING (Continued)

At this point Councilman Franklin called the question on the motion to deny.

On motion of Councilman Franklin, seconded by Councilwoman Gaines,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 5933 FISK AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS**

was denied; Councilman Benson abstained.

AMEND CITY CODE

Councilman Benson stated that he wanted to make it perfectly clear that this ordinance does just one thing – that it requires that solid animal waste deposited by an animal (dog) has to be picked up if it is done on someone else’s property, and that is all it is. He stated that he wanted to make it clear further that the police will not be following the animal around; that this is something that is needed in situations that are repeatedly done on someone’s private property where the animal owner is not being responsible. He stated that the Legal and Legislative Committee recommend approval.

On motion of Councilman Benson, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 7, ANIMALS AND FOWL, SECTION 7-15, BY ADDING A NEW
SUBSECTION (e) RELATIVE TO ANIMAL WASTE DISPOSAL**
passed first reading.

AMEND CITY CODE

City Attorney Nelson stated that this amendment removes the Miller Park Board.

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 26, BY DELETING SECTION 26-58 IN ITS ENTIRETY**
passed first reading.

CLOSE AND ABANDON

MR-2007-153: R & D Properties/Michael Doubleday

On motion of Councilwoman Bennett, seconded by Councilman Rico,
**AN ORDINANCE CLOSING AND ABANDONING A PART OF THE 3800
BLOCK OF BALDWIN STREET, MORE PARTICULARLY DESCRIBED HEREIN
AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART
HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

AGREEMENT

On motion of Councilman Rico, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A
FREQUENCY RECONFIGURATION AGREEMENT WITH SOUTHERN
COMMUNICATIONS SERVICES, INC. D/B/A SOUTHERNLINK WIRELESS
AND NEXTEL SOUTH CORPORATION FOR THE FREQUENCY
RECONFIGURATION OF CERTAIN 800 MHZ FREQUENCIES AS SET FORTH
IN THE ATTACHED AGREEMENT**
was adopted.

GRANT

On motion of Councilman Pierce, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING THE FIRE CHIEF TO APPLY FOR AND
ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, OFFICE OF DOMESTIC PREPAREDNESS, 2007
FIRE PREVENTION AND SAFETY GRANT PROGRAM IN THE FISCAL YEAR
2007, IN THE AMOUNT OF THIRTY THOUSAND ONE HUNDRED TEN
DOLLARS (\$30,110.00), WITH EIGHTY PERCENT (80%) OF THE FEDERAL
SHARE BEING TWENTY-FOUR THOUSAND EIGHTY-EIGHT AND 00/100
DOLLARS (\$24,088.00), WHICH, IF AWARDED, WILL REQUIRE LOCAL
MATCHING FUNDS OF SIX THOUSAND TWENTY-TWO DOLLARS
(\$6,022.00)**
was adopted.

ACCEPT GOGGLES

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE CHATTANOOGA POLICE DEPARTMENT TO ACCEPT A COMPLETE SET OF FATAL VISION GOGGLES RECEIVED THROUGH A DRAWING AT THE GOVERNOR'S HIGHWAY SAFETY OFFICE CONFERENCE. THEY WILL BE USED BY THE TRAFFIC/DUI UNIT AS TRAINING AIDS FOR IMPAIRED DRIVER PROSECUTION TRAINING AND EDUCATIONAL CLASSES FOR YOUTH
was adopted.

ACCEPT DONATION

On motion of Councilwoman Bennett, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION OF A BLOODHOUND K9 TO THE POLICE DEPARTMENT FROM TERESSA RITCHEY AND EXPRESSING THE GRATITUDE OF THE MAYOR AND CITY COUNCIL FOR SAID DONATION
was adopted.

ACCEPT DONATION

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT A DONATION OF A 1928 CHADWICK PLAT BOOK FROM HAPPY HUDDLESTON VALUED AT TWO HUNDRED DOLLARS (\$200.00)
was adopted.

CHANGE ORDER

On motion of Councilwoman Gaines, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 RELATIVE TO RECYCLING AND OTHER SOLID WASTE SERVICES WITH THE ORANGE GROVE CENTER, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THIRTY THOUSAND DOLLARS (\$30,000.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FIVE HUNDRED FOUR THOUSAND NINE HUNDRED NINETY-NINE AND 96/100 DOLLARS (\$504,999.96)
was adopted.

SPECIAL POLICEMAN (UNARMED)

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF JENNY SHUGART AS SPECIAL POLICEMAN (UNARMED) FOR THE CITY OF CHATTANOOGA DEPARTMENT OF PUBLIC WORKS TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

SPECIAL POLICEMAN (UNARMED)

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF GRETA HAYES AS SPECIAL POLICEMAN (UNARMED) FOR THE CITY OF CHATTANOOGA DEPARTMENT OF PARKS AND RECREATION TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

SPECIAL POLICEMEN (UNARMED)

On motion of Councilman Franklin, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF DAVID NATION, ARCHIE BALES, JAKE EAVES, DERYL NELSON, BRENDA BONNER, PAUL MOUNT, TODD WELLER, KEVIN AMOS AND GEORGE PRICE AS SPECIAL POLICEMAN (UNARMED) FOR THE CITY OF CHATTANOOGA DEPARTMENT OF PARKS AND RECREATION TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

CONTRACT

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO NEGOTIATE AND ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH ARTECH DESIGN GROUP, INC. FOR DESIGN SERVICES ON THE PROPOSED CONCESSIONS STAND AT WASHINGTON HILLS RECREATION CENTER IN AN AMOUNT NOT TO EXCEED NINE THOUSAND NINE HUNDRED DOLLARS (\$9,900.00), SUBJECT TO APPROVAL OF SAID CONTRACT BY THE CITY ATTORNEY'S OFFICE
was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO NEGOTIATE AND ENTER INTO A PRELIMINARY ENGINEERING AGREEMENT WITH PLANTATION PIPE LINE COMPANY FOR ENGINEERING SERVICES RELATIVE TO THE SUMMIT PROJECT IN AN AMOUNT NOT TO EXCEED SIX THOUSAND DOLLARS (\$6,000.00), SUBJECT TO APPROVAL OF SAID CONTRACT BY THE CITY ATTORNEY'S OFFICE

was adopted.

DECLARE SURPLUS

MR-2007-208: City of Chattanooga c/o General Services

Paul Page stated that this property is on Riverfront Parkway across the street from Kelly Cadillac. He stated there is an expansion in the area and this is a simple matter for the city to convey their portion to the county and have them handle it through the Chamber or another organization in order for this expansion to take place.

Councilwoman Robinson clarified that the purpose for this resolution is for an expansion.

Mr. Page stated it is for a company's expansion and he would rather not name the company; that he thought someone on the Council knew the name of the company in question.

Chairman Page clarified that there is some economic development going on there and the name of the company can not be announced yet; that the name can not be divulged prior to the announcement by them as would break confidentiality. He stated there are all kinds of issues involved if we name who it is as opposed to giving them the courtesy of announcing their expansion.

Councilman Benson asked if the Council Chairman knows the name of the company.

Chairman Page responded that he has "no idea".

DECLARES SURPLUS (Continued)

Councilman Benson stated that he does not feel comfortable voting for this if the Chairman does not know what is going there. He stated he does not need to know but surely the Chairman should know.

Mr. Page stated that he thought that this was done at Planning and obviously it did not happen.

Councilman Benson stated that Planning Commission members knew it was final.

At this point Chairman Page was made aware of the name of the company.

On motion of Councilman Rico, seconded by Councilman Franklin,

A RESOLUTION DECLARING AS SURPLUS AND AUTHORIZING CONVEYANCE OF THE CITY'S PORTION OF CERTAIN REAL PROPERTY LOCATED AT 999 RIVERFRONT PARKWAY, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO HAMILTON COUNTY, TENNESSEE, TO BE DONATED FOR ECONOMIC DEVELOPMENT PURPOSES AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE A QUITCLAIM DEED FOR SAID CONVEYANCE

was adopted.

INTERLOCAL AGREEMENT

On motion of Councilwoman Gaines, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH HAMILTON COUNTY, TENNESSEE, TO TRANSFER CERTAIN REAL PROPERTY LOCATED AT 999 RIVERFRONT PARKWAY, AS REFERENCED IN CASE NO. MR-2007-208, FOR ECONOMIC DEVELOPMENT PURPOSES

was adopted.

TEMPORARY USE

On motion of Councilwoman Robinson, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING FISCHER EVANS JEWELERS TO USE TEMPORARILY THE RIGHT-OF-WAY OF MARKET STREET AND WEST 8TH STREET AT 801 MARKET STREET TO INSTALL A BOW AND RIBBON ON THE BUILDING FOR THE HOLIDAYS, SUBJECT TO CERTAIN CONDITIONS

was adopted.

OVERTIME

Overtime for the week ending November 16, 2007 totaled \$11,698.53.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **SHERMAN M. BOWLES** – Family Medical Leave, Crew Worker (Street Maintenance), City Wide Services, effective November 9, 2007 – February 1, 2008.
- **BENNIE GRAHAM** – Voluntary Demotion, Equipment Operator, Sr., City Wide Services, Pay Grade 8/Step 10, \$35,796.00 annually, effective November 9, 2007.
- **BRAD S. PRYOR** – Resignation, Equipment Operator, City Wide Services, effective November 7, 2007.

CHATTMANOOGA POLICE DEPARTMENT:

- **ROBERT SHAINLINE** – Resignation, Police Officer, effective November 7, 2007.
- **J. PAUL SOYSTER, JR.** – Resignation, Probationary Police Officer, effective November 13, 2007.
- **RANDALL BISSELL** – Military Leave, Police Officer, effective November 10 – December 2, 2007.
- **DERRICK STEWART** – Demotion, Police Officer, Pay Grade 1/Step 9, \$43,485.00 annually, effective November 12, 2007.
- **ADRIAN GIBB** – Suspension (2 days without pay), Sergeant, effective November 13-14, 2007.
- **JOSH WEST** – Resignation, Police Officer, effective November 16, 2007.
- **SHIRLEEN GONZALES** – Resignation, Communications Officer, effective November 16, 2007.

PURCHASES

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

AQUA TECH (Lowest and best bid)
R0103769/B0004632

Resurfacing of Pool at Brainerd

\$20,900.00

LESCO, DICKEN'S, HARRELL'S, REGAL AND ARGO (Lowest and best bid on line items listed below)
R0102367/B0004512

Chemicals, Fertilizers and Seed Contract

LESCO: 1, 3, 11, 15, 31, 32, 35, 38, 43, 49-51, 56, 59, 64, 66, 67, 69, 79, 80, 83, 87, 88, 94, 103, 106, 109, 112

DICKEN'S: 5-7, 16, 27, 31, 33, 36, 45, 55, 58, 70, 72, 82, 101, 110

HARRELL'S: 25, 29, 41, 60, 68, 74, 78, 88, 89, 99, 111, 113

REGAL: 4, 13, 17, 18, 21-24, 26, 52, 63, 73, 76, 81, 102, 108

ARGO: 2, 12, 14, 19, 20, 28, 30, 34, 42, 48, 57, 61, 62, 65, 71, 75, 77, 84-86, 90-93, 95-98, 100, 103-105, 107

(Price information available and filed with minute material of this date)

PURCHASE

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

PARKSON CORPORATION (Single source)
R0102593/B0004535

Spiral and Drive Shaft per TCA 6-56-304.2

\$34,067.00

PURCHASES

On motion of Councilman Pierce, seconded by Councilman Rico, the following purchases were approved for use by the Chattanooga Fire Department:

MUNICIPAL EMERGENCY SERVICES (Lowest and best bid)
R10103596/B0004614

Neidner Fire Hose & Couplings (*Tennessee Fire Equipment & Supply submitted a lower bid for a different brand of hose but it did not meet specifications. This award to Municipal Emergency Services will ensure standardization and interoperability within the Fire Department.*)

\$18,655.00

KNOX-TENN RENTAL & SALES COMPANY (Lowest and best bid)
R0103168/B0004575

Stanley Hydraulic Tools & Accessories

\$13,172.00

KEEBLE RESCUE SYSTEMS, LLC (Lowest and best bid)
R0103139/B0004571

Res-Q-Tech Airbags & Accessories

\$17,670.00

HOTEL PERMITS

On motion of Councilwoman Robinson, seconded by Councilwoman Bennett, the following hotel permits were approved:

COUNTRY INN & SUITES BY CARLSTON – 7051 McCutcheon Road, Chattanooga, TN

DAYS INN – 101 East 20th Street, Chattanooga, TN

REGIONAL TRAINING CENTER

Councilman Benson stated that he read in the newspaper about the Regional Training Center and when it was presented the county was to get back with the city.

Chief Parker stated that the matter was brought to the Council on May 27.

Councilman Benson stated when it was brought to us the county had questions.

Chief Parker stated that there is money in the capital budget for this; that Chief Rowe intends to raise private funds for some of this.

Councilman Benson stated that he did not understand; that the matter should be discussed in Safety Committee.

PURCHASE

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

INSIGHT PUBLIC SECTOR (Single source)

R0104163

Panasonic Notebooks and Accessories per TCA 6-56-304.6

\$39,366.50

PURCHASE

On motion of Councilman Rico, seconded by Councilwoman Gaines, the following purchase was approved for use by the Mayor's Office, General Services Division:

WORLDWIDE EQUIPMENT, INC. (Lowest and best bid)

R0102510

Three (3) Garbage Truck Cabs and Chassis

\$357,273.00

COMMITTEES

Councilwoman Bennett scheduled a **Budget and Finance Committee meeting for Tuesday, December 4 immediately following Legal and Legislative.**

Councilman Benson stated that the **Legal and Legislative Committee would meet on Tuesday, December 4 at 3 p.m.** He stated that the subcommittee is scheduled to meet on Monday at 9 a.m. and anyone interested in the transportation board situation is welcome to attend.

Councilman Franklin stated that the **Parks and Recreation Committee would meet on Tuesday, November 27 immediately following Public Works.**

Councilwoman Gaines scheduled a **Safety Committee meeting for Tuesday, November 27 immediately following Parks and Recreation.**

Councilman Rico stated that **Public Works Committee would meet on Tuesday, November 27 at 3 p.m.**

MICHAEL BAUER

Michael Bauer stated that he owns two pieces of property in Chattanooga – one is his home in Dan Page’s district and the other is business property in Sally Robinson’s district. He stated that he called 311 on October 22 to report a slick road at the corner of Norcross and Ely where he slid and hydroplaned on a misty road, hit the curb and tore up his car. He stated that he requested through 311 that the road be roughened up to 100 yards back from the traffic light. He stated Councilwoman Robinson knows the problem with business break-ins as his business at 3841 Hixson Pike was broken into. He stated that he has talked with Lt. Carroll, noting that he has been “hit” twice in fifteen months. He stated that he is going to put up a fence on the back end as that is where the break-in occurred. He stated they did not take anything; that they just tore the doors off the hinges and frames and (he) is looking at putting in unsightly roll-up aluminum windows. He stated in August of 2006 burglars stole his expensive saxophone off the wall. He stated there are problems in the 3700-3800 blocks of Hixson Pike that need to be addressed by the District representative and dealt with by the Council; that they need help.

Chairman Page suggested that Chief Williams talk with Mr. Bauer after the meeting, as well as Lee Norris from Public Works.

CHARLES PEACOCK

Charles Peacock, owner of Stepping Out located at 4249 Shallowford Road, stated that he has been trying to find out the law as he is apparently being targeted or "messed with". He stated three weeks ago he was told by a policeman that he would have to close at 3 a.m.; that he normally stays open until 5 a.m. and serves food from 3-5 a.m., but has been told he has to close at 3 a.m. due to traffic problems. He stated that he called the policeman's supervisor who did not know anything about it and was told to stay open as usual and to try to control the traffic as much as possible. He stated the next week he was approached by two other policeman, was called outside and the policemen indicated they wanted two things – for him to close at 3 a.m. and to see his beer license. He stated after viewing the license they "hung' around, called the beer board and searched his facility, went through his garbage and ice bin – which was not a sanitary thing to do – and after 45 minutes of rambling through his place everything came up negative. He stated the next week he was told there was a new law and would have to close at 3 a.m. and was told not to get caught with anyone in his establishment after 3 a.m. except for employees or they would "write him up". He indicated to the policemen that he has a walk-up window for serving food and was told to stop cooking at 2:30 a.m. in order to have the order filled by 3 a.m. He stated this past Saturday the policemen came by at five minutes until 3 a.m. and asked if the people inside the building were people who work for him and he answered no; as he had five minutes to get them out. He stated for the past two weeks policemen have been riding through who say their presence has to do with his beer license and he has to close by 3 a.m. He stated City Café has a beer license and stays open 24 hours and if this is because of a beer license how does City Café stay open 24 hours.

Councilwoman Robinson asked if Mr. Peacock's establishment is a club.

Mr. Peacock responded "no, that it is a sports bar"; that there is no dancing and accommodates about 55 people after other clubs close as he serves food from 3 – 5 a.m. He stated the police have been there during that time but they have not found any alcohol on the tables.

Chairman Page stated Chief Williams is present and can respond.

Mr. Peacock stated Chief Williams is aware of the situation.

Chief Williams acknowledged that he had met with Mr. Peacock on a previous matter and noted that this is the first time he has heard of this particular situation. He stated he would be happy to work with him and get together again.

CHARLES PEACOCK (Continued)

Councilman Franklin stated that it sounds as if there might be some selected enforcement issues; that all are familiar with the narrowness of Shallowford Road. He stated he has talked with Mr. Peacock and knows of his business; that because some may wish to congregate in the area and make traffic does not have anything to do with this establishment. He stated Mr. Peacock has a good, clean business and is very conscientious about what he does and how he does it. He asked Chief Williams to follow up and see exactly what is going on.

Chief Williams stated that he had not heard of a recurring problem; that when he worked with this previously it involved people coming to the area who were not his patrons who blocked the whole street and caused a problem. He reiterated that he would be happy to get with Mr. Peacock and resolve it.

Councilman Franklin asked to be made aware of the outcome.

ADJOURNMENT

Chairman Page adjourned the meeting of the Chattanooga Council until Tuesday, November 27, 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)**