

**City Council Building
Chattanooga, Tennessee
June 17, 2008
6:00 p.m.**

Chairman Bennett called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gaines, Pierce, Rico, Robinson and Shockley present; Councilman Page was absent due to personal commitment. Special Counsel Mike McMahan, 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 Special Counsel Mike McMahan.

MINUTE APPROVAL

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

**SPECIAL RECOGNITION: "TOGETHER WE CAN"
SCHOLARSHIP RECIPIENTS**

Rebecca Smith, Director of Scholarship with the Community Foundation, presented the 2008 scholarship recipients. She noted that there are 56 students receiving scholarships this year which is the largest class ever in the 10-12 year history of the program. She stated there is an 85 percent retention rate and they are very proud of that; that the scholarship is renewable and quite a few are getting up to \$15,000 while matriculating in college through the "Together We Can" Scholarship program. She expressed thanks to the parents and guardians for their presence, as well as Board members who work diligently and thoughtfully throughout the whole process.

SPECIAL RECOGNITION: "TOGETHER WE CAN"
SCHOLARSHIP RECIPIENTS (Continued)

At this point, each of the students introduced themselves by indicating their name, high school and proposed college/university.

2008 recipients include: Destini Alexander, Alexandra Bailey, Jalissa Ball, Chatrice Barnes, Darnell Bryant, Quentrenisha Byrd, Juan Calderon, Reginald Clack, Jr., Chappell Craw, Markita Dillard, Candice Douglas, Eryn Drake, Ravon Drake, Kanasha Earvin, Brittani Elaster, Shanika Fennell, Alexandria Francisco, Dorothy Garner, Jasmine Glover, Rosetta Greer, Natasha Grimes, Vincent Hale, Dontay Hampton, Jericho Hawkins, Erica Holloway, Lundyn Howard, Sharkella Hudgins, Brittany Hurt, Alfred Hutchinson, Orlandis Jackson, Erika Jones, Anthony Knox, Jr., Jamichael Leonard, Shakeyia Long, Jasmine Marshall, Tazamisha Maston, Tania Mathurin, Brandon McGee, Skye Moore, Jemila Morson, Mequitta Owens, Dedrick Paris, Tacorria Passmore, Tyquila Pickett, Tyneisha Robinson, Chas Scruggs, Destiny Shepherd, DeAsia Slater, Candice Strickland, Shaquna Truitt, Jessica Vinson, Laquanta Weddington, Latrice Wickley, Asia Woods, Camille Woods, and Frances Wyatt.

Chairman Bennett stated that this is a pretty impressive group and knows that the parents are proud of them. At this point she asked all parents and/or guardians to stand.

Councilman Shockley expressed appreciation to the students for their commitment to follow through up to this point. He stated Abraham Lincoln was asked the question as he was growing up and reading by candlelight everything he could find what this is all about. He stated Lincoln is quoted as saying "I will study and be ready and perhaps my chance will come"!

Councilman Shockley stated that still rings true today; that it is all about preparation and opportunity. He challenged the students to prepare themselves continuously so that when that opportunity comes they will be able to step right in and follow through and that dream of theirs will come true!

Councilman Benson stated two weeks ago there was discussion about "essentials and desirables" and pointed out how much is spent on this scholarship program! He stated it was noted "essentials" are investments that are very important and the city and Council are investing in their lives. He stated that this is an "essential" expenditure we can have in this city and expressed thanks to the students for allowing money to be spent that way!

**SPECIAL RECOGNITION: "TOGETHER WE CAN
SCHOLARSHIP RECIPIENTS (Continued)**

Councilwoman Berz expressed how really proud she was of the students present, explaining that they have gone through a lot to get the grades to earn this scholarship and hopes this is just the beginning of lifelong learning for them. She stated that she has found she has been able to get a lot of education at every level and has learned how important knowing and understanding and being ready are. She reiterated again how proud she was of them, wished them good luck and to make everyone proud!

Chairman Bennett thanked Ms. Smith for bringing the students and indicated that the Council looks forward to their progress. She expressed appreciation for all that is done through this program.

Councilwoman Gaines expressed how proud she was of all the students and made them aware that the "welcome mat" is out for them in Chattanooga and to please remember home!

2008-2009 BUDGET ORDINANCE

Councilwoman Berz stated that the ordinance has been slightly amended to meet the exact requirements the county put forth and the Budget and Personnel Committee recommends approval.

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

On motion of Councilman Rico, seconded by Councilwoman Gaines,

**AN ORDINANCE, HEREINAFTER ALSO KNOWN AS "THE FISCAL YEAR
2008-2009 BUDGET ORDINANCE", TO PROVIDE REVENUE FOR THE
FISCAL YEAR BEGINNING JULY 1, 2008, AND ENDING JUNE 30, 2009,
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**

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

REZONING

2008-098: Eric Cummings

On motion of Councilman Rico, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED AT 100 WEST MAIN STREET, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAPS ATTACHED HERETO
AND MADE A PART HEREOF BY REFERENCE, 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.

REZONING

2008-100: International Association of Firefighters Local 820

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 PART OF A
TRACT OF LAND LOCATED AT 6210 PERIMETER DRIVE, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM
R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE**
passed second and final reading and was signed in open meeting.

REZONING

2008-101: Andrew T. Lancaster

On motion of Councilman Rico, seconded by Councilwoman Gaines,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 4021 AND 4023 CHANDLER AVENUE, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM
M-1 MANUFACTURING ZONE TO R-2 RESIDENTIAL ZONE**
passed second and final reading and was signed in open meeting.

REZONING

2008-079: Matt Brown

The applicant was present; there was no opposition.

Karen Rennich, Director of Comprehensive Planning, stated this case was heard last month and was deferred for thirty days so the parties could meet. She stated the request is for C-3 for the Salvation Army and Mr. Haynes clarified in the last meeting when this was heard that the request is to address setbacks and the use proposed could be in the current zone. She stated the request for C-3 is to be able to build closer to the street and the recommendation from Planning is for approval with two conditions – the normal C-3 conditions which address setback and also leaving the area undeveloped. She stated this was the point for last month's opposition and the applicant has met with the community members, including Dr. Richard Brown from UTC, and the M. L. King Neighborhood Association Board. She stated they have come up with a list of revised conditions with the intent of clarifying Planning's recommendations in an effort to address some of the citizens' concerns.

Ms. Rennich stated in the applicant's meeting with the neighborhood the following was agreed: *zoning of the parcel to C-3 with a special requirement that the buildable area along Eighth Street can be used for residential use, a 15 foot landscape buffer be required for new buildings along Eighth Street and Palmetto Street, and architectural features such as porches, entrances, columns, piers, awnings, bay windows and other projections which add neighborhood-friendly character to the main building mass may project into the 15 foot buffer*".

Matt Brown with Franklin Associates Architects was present representing the Salvation Army on this request. He stated that they met with the community members after the issue was tabled for 30 days to help answer any questions or concerns the community or UTC had. He stated they had a very positive meeting and, in fact, the 15 foot buffer was suggested by Dr. Brown at UTC. He stated this is something they do in that area with their campus buildings to get closer to the street for a more residential neighborhood "feel" and there is still enough space for landscaping and beautification of local streets. He stated one thing he wanted to make sure of is that some of the architectural features and entrances mentioned would be allowed to project to help enhance the character of the facility; that there has been a lot of concern about having the building in the neighborhood. He stated the Salvation Army wants to be a good neighbor and build the best building for the money; that they want to make sure the community is satisfied and have the ability to operate a building that will be an amenity to the community. He stated that is the gist of it; that the meeting was very positive and was followed up with transcribed minutes.

REZONING (Continued)

Dr. Richard Brown, Vice Chancellor of Finance and Operations at UTC, thanked the Council for recommending the 30 day moratorium so the community and concerned persons could talk about the development; that it was the right thing to do. He stated there was good conversation with the Salvation Army, the community and UTC; that there is better understanding and all are more positive about their moving forward. He stated the setback requirement brings a much more attractive project to the community; that everyone was concerned about the prison program and all have a better comfort level. He stated UTC is very supportive in terms of moving it forward and the conversation engaged in broader community concerns for a better community in the next eighteen months.

Councilman Pierce stated that he is glad to hear the University and community met on this project as he was still "left in the dark" and was just approached about it a few months ago. He stated that he made his position known that he could not support enhancing a regional prison in the downtown area and can not go against the grain of both the community and the University. He stated he is happy to know both are in accord.

On motion of Councilman Pierce, 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 IN THE 900 BLOCK OF EAST 8TH STREET, 710 PALMETTO STREET, AND 800 MCCALLIE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-4 SPECIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

PAYMENT AUTHORIZATION

On motion of Councilwoman Gaines, seconded by Councilwoman Berz,

A RESOLUTION AUTHORIZING PAYMENTS TO ALLIED ARTS OF GREATER CHATTANOOGA IN THE AMOUNT OF TEN THOUSAND DOLLARS FROM THE DEPARTMENT OF EDUCATION, ARTS & CULTURE AND IN THE AMOUNT OF TEN THOUSAND DOLLARS FROM THE DEPARTMENT OF PARKS AND RECREATION AND IN-KIND SUPPORT TOTALING THIRTY-EIGHT THOUSAND EIGHT HUNDRED EIGHTY DOLLARS (\$38,880.00) TO SUPPORT A NATIONAL ENDOWMENT OF THE ARTS GRANT TO PROVIDE ARTS PROGRAMMING AT SIX (6) CITY RECREATION CENTERS

was adopted.

AD VALOREM TAXES

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines,
A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE ALSTOM POWER, INC./ALSTOM POWER TURBOMACHINES, LLC PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES
was adopted.

LEASE AGREEMENT

On motion of Councilwoman Berz, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO A LEASE AGREEMENT WITH THE CHATTANOOGA METROPOLITAN AIRPORT AUTHORITY FOR USE OF PROPERTY LOCATED AT 5955 BRAINERD ROAD AS A RECYCLING CENTER ON A MONTH TO MONTH BASIS AT A RATE OF ONE HUNDRED DOLLARS (\$100.00) PER MONTH
was adopted.

CONTRACT

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO ENTER INTO A CONTRACT WITH PALMERTREE CONSTRUCTION FOR THE CONSTRUCTION OF THE OUTDOOR BUILDING AT COOLIDGE PARK IN AN AMOUNT NOT TO EXCEED NINE HUNDRED FORTY-TWO THOUSAND DOLLARS (\$942,000.00)
was adopted.

ACCEPT PAYMENT

On motion of Councilman Rico, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT A PAYMENT FROM PARKS MILLS PROPERTIES 2, LLC IN THE AMOUNT OF FOURTEEN THOUSAND FIVE HUNDRED NINETEEN AND 73/100 DOLLARS (\$14,519.73), TO NABCO ELECTRIC COMPANY (CITY'S CONTRACTOR) FOR INSTALLATION OF TRAFFIC SIGNAL AT MANUFACTURERS ROAD AND GREENLIFE GROCERIES
was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Gaines,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH SECOR TO PROVIDE ENVIRONMENTAL SERVICES (PHASE 2) FOR THE SUMMIT LANDFILL. THE SCOPE OF WORK WILL PROVIDE: PRE-FIELD ACTIVITIES, SYSTEM INSPECTIONS, SURFACE MONITORING, GAS FLARE SYSTEM STACK TESTING, VERIFICATION OF SYSTEM COMPLIANCE AND MISCELLANEOUS SUPPORT SERVICES (AS NEEDED). THIS AGREEMENT IS FOR A TOTAL AMOUNT NOT TO EXCEED FIFTY-FIVE THOUSAND DOLLARS (\$55,000.00)

was adopted.

ACCEPT CONTRIBUTIONS

Councilmen Gaines and Rico made the initial motion and second to adopt this Resolution.

Councilman Benson stated that he was uncomfortable approving this request as a "blanket" as it is now. He stated that it was his thought Mrs. Madison was to come back with ground rules and regulations that would give some governance to this so the Council could remove the perception/appearance of exploitation of any vendors or any of our potential vendors. He stated he would like it if we get into this that any city department that gets involved not be permitted to sell to either vendors or to their potential vendors, which would remove us from the perception of any exploitation.

Chairman Bennett stated Mrs. Madison is out of the city this week and this is on her scope of work once she returns. She asked if the Council would like to move on this now or prefer to defer.

Councilman Benson stated he could not vote for it at this time.

Councilwoman Gaines stated that we do have a representative from Mrs. Madison's office, as well as Mr. (Dan) Johnson.

Chairman Bennett stated that nothing was prepared this morning at the agenda meeting.

Councilman Pierce stated he is not in a position to vote on this as he has talked to several officers who are not really supportive of the way we are going about this; that this will be the first time this has happened in a number of years coming from the police department.

ACCEPT CONTRIBUTIONS (Continued)

Councilman Pierce stated there are several organizations within the police department – the Fraternal Order of Police, the National Black Police Officers Association and the union; that all of those entities are in a position to go out and solicit funds and it would not be in the name of the city and would just be the organizations within the police department. He stated what he would like to see would be these organizations collectively come together and put on this ball or what have you without this Council sanctioning something that has not been done in the past, to go out and solicit money from the public. He stated it looks as if it is pressure from the department and inquired as to how funds raised would be administered and accounted for, whether they will pass through the treasurer’s office or if the police department would handle the funds themselves. He stated for those reasons he is not going to be able to support it at this time.

Dan Johnson stated since Mrs. Madison is out he would prefer to defer the matter a couple weeks to give her time to get those groups together Councilman Pierce referenced to come up with a policy on how to handle this.

On motion of Councilman Benson, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE CHATTANOOGA POLICE DEPARTMENT TO ACCEPT CONTRIBUTIONS FROM BUSINESSES FOR CORPORATE TABLE TICKETS AND/OR ADVERTISING IN A SOURVENIR BOOKLET FOR THE POLICEMAN’S BALL
was deferred two weeks (July 1, 2008).

OVERTIME

Overtime for the week ending June 13, 2008 totaled \$49,074.04.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ◆ **ANTONIO D. SANDS** – Family Medical Leave, Equipment Operator 4, City Wide Services, effective June 12, 2008.

PERSONNEL (Continued)

- ◆ **ADAM M. BATES** – Resignation, Electrician 2, Waste, effective June 12, 2008.

CHATTANOOGA FIRE DEPARTMENT:

- ◆ **JOEL ROBERT NIX** – Return from Military Leave, Firefighter, effective June 16, 2008.

CHATTANOOGA POLICE DEPARTMENT:

- ◆ **TONYA RANSOM** – Return to Duty from Medical Leave of Absence, Sergeant, effective June 2, 2008.
- ◆ **MARIO CUNNINGHAM** – Military Leave (extension), Police Officer, effective May 12, 2008 – May 12, 2009.

PARKS AND RECREATION DEPARTMENT:

- ◆ **LORENZO WHITE** – Suspension (2 days without pay), Equipment Operator 4, effective June 13, 2008.

GENERAL SERVICES DIVISION:

- ◆ **MELVIN DEWS** – Retirement, Crew Worker, effective May 12, 2008.

PURCHASES

The following purchases were approved for use by the Public Works Department:

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines:

MID-SOUTH EQUIPMENT CO. (Lowest and best bid)
R0109215/B0005169

Equipment Trailers

\$17,300.00

PURCHASES (Continued)

On motion of Councilman Rico, seconded by Councilman Pierce:

**ANDERSON BROTHERS, CBR PROPERTY, GRASSCAPES, INC. AND SPECIAL TOUCH
LAWN CARE (Lowest and best bidders, Multiple contracts)
R0108829/B0005172**

City Right-of-Way Grounds Maintenance

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

HOTEL PERMITS

On motion of Councilwoman Gaines, seconded by Councilman Pierce, the following hotel permit was approved:

MAYOR’S MANSION INN – 801 Vine Street, Chattanooga, TN

PROMOTIONAL TESTING

Councilman Benson inquired as to the Resolution for promotional testing.

Chief Parker stated that he would work with Mrs. Kelley over the next week on this.

Councilman Benson asked if next week would not be too late.

Adm. Donna Kelley responded “no”.

PURCHASES

The following purchases were approved for use by the Mayor’s Office, General Services Division:

On motion of Councilman Rico, seconded by Councilwoman Gaines,

**THUNDER CREEK HARLEY-DAVIDSON (Lowest net cost after trade-ins)
R0108817/B0005158**

Four (4) Harley-Davidson Motorcycles

\$72,942.72

PURCHASES (Continued)

On motion of Councilman Rico, seconded by Councilwoman Robinson:

SANSOM EQUIPMENT COMPANY, INC.
R0107977

Street Sweeper (*Although the alternate bid provided by Hooper Machinery Company was the lowest bid, it did not include the 60-month sweeper body and chassis warranty required in the specifications.*)

\$113,094.00

On motion of Councilman Rico, seconded by Councilwoman Robinson:

FREIGHTLINER (Lowest and best bid)
R0108099/B0005151

20 Yard Garbage Truck

\$138,798.00

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines:

BEST ONE TIRES (Lower and better bid)
R0107378/B0004990

Auto and Light Truck Tires

\$71,933.59

On motion of Councilwoman Robinson, seconded by Councilwoman Gaines:

KEN HENDERSON (Negotiated with only one source; small minority contractor)
R0220588

Painting Services (*Payment of outstanding balance for services performed, closing out two jobs.*)

\$1,627.15

BUDGET PREPARATION

Chairman Bennett thanked Frieda Kitchen and the hard work of the Finance Department for their work on the budget.

HEARING: SHAUN STANDEFER

Special Counsel McMahan stated that Shaun Standifer has retained Attorney Jerry Tidwell who has asked that the hearing be rescheduled.

The hearing for Shaun Standifer was rescheduled for August 4, 2008 beginning at 9 a.m. with the same panel (Councilmen Page, Benson, and Pierce with Councilwoman Gaines as alternate).

ATTORNEY/CLIENT MEETING

Special Counsel McMahan stated that an attorney/client meeting was held regarding negotiations of a possible claim by the O'Hara's. He stated since this is not on public record and unless any member of the Council objects, his intention is to pursue negotiations as recommended in the attorney/client meeting. He stated if there is no objection he would move forward on the subject.

MTAS TRAINING

Chairman Bennett reminded Council members of the second installment of the MTAS training scheduled for Wednesday morning beginning at 9:00 a.m.

COMMITTEES

Councilwoman Berz stated that the Budget and Personnel Committee would be working on the last chance agreement and will have a report at the next meeting.

Councilwoman Gaines scheduled a meeting of the **Safety and Security Committee for Tuesday, July 1 immediately following Legal and Legislative.**

Councilman Rico reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, June 24 at 3:00 p.m.**

ADJOURNMENT

Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, June 24, 2008 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)**