

CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
October 31, 2006

Chairman Pierce called the meeting of the Chattanooga City Council to order with Councilmen Bennett, Benson, Franklin, Gaines, Page, Rico, Robinson, and Rutherford present. City Attorney Randall Nelson; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

The Pledge of Allegiance was led by Councilman Rico, followed by invocation given by John T. Smithson, Minister of the St. Elmo Church of Christ.

MINUTE APPROVAL

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

**SPECIAL PRESENTATION:
"NATIVE AMERICAN MONTH"**

Councilman Pierce called on Mayor Littlefield.

Mayor Littlefield stated that he would be proud to be a Native American, but he was one of those "others". He stated that at this time he wanted to recognize our Native American brothers and sisters and proceeded to read a Proclamation:

Whereas: *Native Americans were the first residents of the City of Chattanooga; and*

Whereas: *There are still a large number of Native American Indians who are citizens that live and work in and around the City of Chattanooga; and*

'NATIVE AMERICAN MONTH'
(cont'd)

Whereas: *Native American Indians are known to have made many contributions that have enhanced freedom, prosperity and greatness throughout our history in America today; and*

Whereas: *Native American Indians have played a vital role in the life and history of the City of Chattanooga, the State of Tennessee, and our country; and*

Whereas: *Native American Indians have made advances in the growth and development of the City of Chattanooga, first through history and now through human and natural resources; and*

Whereas: *Native American Indians have made significant contributions and will continue to make contributions to the development and preservation of our beautiful city through business, education, the arts and other areas that have made the City of Chattanooga a good place in which to live; and*

Whereas: *Native American Indians have given so much history to the scenic city by helping to preserve the many historical places that are still available to the public for its citizens to see and visit; and*

Whereas: *Native American Indians should forever continue to be acknowledged as a people of great dignity, perseverance and pride; and*

Whereas: *Many of these contributions made by Native American Indians are unknown and unrecognized by many citizens of The City of Chattanooga.*

Now, therefore, I, Ron Littlefield, Mayor of the City of Chattanooga, Tennessee, do hereby proclaim the month of November, 2006, as

Native American Indians Month

“NATIVE AMERICAN MONTH”
(CONT'D)

Mayor Littlefield asked **Mr. Alva Crowe** if he would like to say a few words.

Mr. Crowe stated that he was a Cherokee of North Carolina; that his parents lived in Chattanooga when Eastgate was a thriving mall, and they performed Indian dances there. He stated that tonight’s presentation was a great honor and that this was a great day; that they wished to have more Indian programs throughout the City with the help of all.

Mayor Littlefield stated that he had gotten to know Alva Crowe so well; that on October 16th, they went to Oklahoma to visit the Western band of the Cherokee Nation, and he delivered a proclamation there recognizing the spirit of repentance and also the Chief was recognized—a Mr. Smith, known as “Corn Tassel”. He went on to say that the Chief was here for the opening of the Passage and that we had signed a Memo of Understanding that essentially established a Sister City relationship between the tribe. He stated that we would be visiting the Eastern band and other settlements that began here in Chattanooga—that it was a wonderful and proud history, and we now had a written and formal relationship. He added that it was a very moving ceremony and urged everyone to enjoy the month of November.

KENNETH STRICKLAND

At this point, Chairman Pierce recognized **Mr. Kenneth Strickland**.

Mr. Strickland stated that he was here last week and wanted to thank the Council and the Police Dept. for helping them shut this house down; that he was here to thank everyone on behalf of the neighborhood.

Chairman Pierce asked Chief Cooke if he would like to say a few words.

Chief Cooke thanked Mr. Strickland for coming tonight, stating that he was happy to be at the meeting last week, which enabled him to take the information back to the officers on the street and that they had acted quickly.

Chairman Pierce asked if there were any more houses.

KENNETH STRICKLAND
(CONT'D)

Chief Cooke responded that there were two others that they were dealing with in the same block.

Councilwoman Bennett recognized the Administrators who were present, stating that she knew they had had a long day at work. She stated that she appreciated them, as well as Chief Cooke.

Councilman Benson stated that the Council encouraged Administrators to come to Council meetings and the quick response of Chief Cooke was the very reason for this—he questioned what would have happened with this situation if Chief Cooke had not been present. He stated that it was nice to have Administrators here to answer peoples' questions.

Chairman Pierce stated that he, too, appreciated the Department heads but did not feel that it was always a necessity for them to be here, prompting Councilman Benson to say that this was something that he and Chairman Pierce disagreed on.

REZONING

2006-162 (Elite Hotel Group, LLC)

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 440 WEST
MARTIN LUTHER KING BOULEVARD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE AND C-
2 CONVENIENCE COMMERCIAL ZONE TO C-3 CENTRAL
BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

CAPITAL IMPROVE.
BUDGET

On motion of Councilman Rico, seconded by Councilman Franklin,
**AN ORDINANCE APPROPRIATING, AUTHORIZING OR
ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS
BUDGET FOR THE FISCAL YEAR 2006/2007 AND TO
AMEND THE FISCAL YEAR 2006-2007 BUDGET ORDINANCE
NO. 11848**
passed first reading.

CLOSE AND ABANDON

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

MR-2004-240 (Andre Shved)

On motion of Councilman Franklin, seconded by Councilman Benson,
**AN ORDINANCE CLOSING AND ABANDONING THE
UNOPENED 300 BLOCK OF EAST MANNING (LEWIS)
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.

"NATIVE AMERICAN"

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**A RESOLUTION PROCLAIMING THE ENTIRE MONTH OF
NOVEMBER AS "NATIVE AMERICAN MONTH" IN THE CITY
OF CHATTANOOGA**
was adopted.

Chairman Pierce stated that our Native American visitors might like to have a copy of this Resolution, and copies were provided. He expressed his appreciation for their coming out tonight and wished them a successful month.

DEBT MANAGEMENT

On motion of Councilwoman Gaines, seconded by Councilwoman Rutherford,

A RESOLUTION ADOPTING A DEBT MANAGEMENT POLICY FOR THE CITY OF CHATTANOOGA
was adopted.

FUNDS ACCEPTANCE

On motion of Councilwoman Bennett, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT FUNDS FROM PARK MILLS PROPERTIES 2, LLC FOR ITS PORTION OF THE COST OF SANITARY SEWER WORK RELATIVE TO THE DEVELOPMENT KNOWN AS THE TWO NORTH SHORE PROJECT IN THE AMOUNT OF EIGHTEEN THOUSAND DOLLARS (\$18,000.00)
was adopted.

TRAFFIC ENFORCE.GRANT

On motion of Councilman Franklin, seconded by Councilwoman Gaines,

A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND ACCEPT, IF AWARDED, A GOVERNOR'S HIGHWAY SAFETY AGGRESSIVE TRAFFIC ENFORCEMENT GRANT IN THE AMOUNT OF FIVE THOUSAND DOLLARS (\$5,000.00) WITH NO LOCAL MATCHING REQUIRED
was adopted.

BLANKET DONATION

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO ACCEPT THE DONATION OF TEN (10) BLANKETS, WHICH ARE TO BE USED BY POLICE OFFICERS TO BE GIVEN TO CHILDREN AT SCENES OF DOMESTIC VIOLENCE OR OTHER TRAUMATIC EVENTS, FROM HENRY JONES WITH THE PRO SEW SHOP, AND EXPRESSING THE GRATITUDE OF THE MAYOR AND CITY COUNCIL FOR SAID DONTATION

was adopted.

PUBLIC SAFETY RADIO SYSTEM

On motion of Councilwoman Rutherford, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE CHATTANOOGA-HAMILTON COUNTY HOSPITAL AUTHORITY FOR USE OF THE CITY'S REGIONAL PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM

was adopted.

PERM. EASEMENT

On motion of Councilman Franklin, seconded by Councilwoman Bennett,

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PERMANENT EASEMENT FROM MACK DEVELOPMENT, LLC ON PROPERTY DESCRIBED AS PART OF TAX MAP NO. 1000-E-002.01, AS SHOWN ON THE ATTACHED MAP, TO BE USED AS PART OF THE NORTH CHICKAMAUGA GREENWAY AND EXPRESSING THE GRATITUDE OF THE MAYOR AND CITY COUNCIL FOR SAID EASEMENT

was adopted.

PERM.EASEMENTS

On motion of Councilman Rico, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF TWO
(2) PERMANENT EASEMENTS FROM STEIN CONSTRUCTION
COMPANY, INC. ON PROPERTIES DESCRIBED AS PART OF
TAX MAP NOS. 128K-G-32.05 AND 128N-C-007, AS SHOWN
ON THE ATTACHED MAPS, TO BE USED AS PART OF THE
SOUTH CHICKAMAUGA GREENWAY AND EXPRESSING THE
GRATITUDE OF THE MAYOR AND CITY COUNCIL FOR SAID
EASEMENTS**

was adopted.

SWAT TEAM BOAT

On motion of Councilwoman Rutherford, seconded by Councilman
Franklin,

**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO
ACCEPT THE DONATION OF REPAIRS AND IMPROVEMENTS
TO THE SWAT TEAM'S BOAT FROM BUZZ STANDIFER, AND
EXPRESSING THE GRATITUDE OF THE MAYOR AND CITY
COUNCIL FOR SAID DONATION**

was adopted.

CAPITAL IMPROV.PLAN

On motion of Councilman Benson, seconded by Councilwoman Rutherford,

**A RESOLUTION ADOPTING A FIVE-YEAR CAPITAL
IMPROVEMENTS PLAN, SUBJECT TO FUTURE REVISION, A
COPY OF WHICH IS ATTACHED HERETO AND MADE A
PART HEREOF BY REFERENCE**

was adopted.

OVERTIME

Overtime for the week ending October 27, 2006, totaled \$80,467.94.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ❑ **BARRY L. CHILDRESS**—Two-days Suspension without pay for Crew Worker, effective 10/23/06—10/24-06.
- ❑ **ROBERT A. SMITH, JR.**—Two days Suspension without pay for Crew Worker, effective 10/23/06—10/24/06.

CHATTANOOGA POLICE DEPARTMENT:

- ❑ **CARNESHIA HARRIS**—Hire Office Assistant, Pay Grade 3/1, \$20,000 annually, effective 10/13/06.
- ❑ **TERESA GORDON**—FMLA for Communications Officer, effective 10/20/06—11/06/06.
- ❑ **SAMANTHA BEATY**—Resignation of Police Records Clerk, effective 10/26/06.
- ❑ **TYRONE CHASTAIN**—Resignation of Communications Officer, effective 10/26/06.
- ❑ **FRANK HAMILTON**—Resignation of Sergeant, effective 10/26/06.

CHATTANOOGA FIRE DEPARTMENT:

- ❑ **JIMMY CAVIN & TOMMY MAULDIN**—Retirement of Captains, effective 10/27/06.

PURCHASES

On motion of Councilman Franklin, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Chattanooga Police Dept.:

MOTOROLA, INC. (Single Source Purchase)
Requisition R0094071

Motorola Radio & Accessories

\$201,448.08

On motion of Councilwoman Rutherford, seconded by Councilwoman Bennett, the following purchase was approved for use by the Chattanooga Police Dept.:

G.T. DISTRIBUTORS (Lowest and best complete bid)
Requisition R0092537/B0003497

Leather Goods

\$20,373.39

REFUNDS

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the Administrator of Finance, was authorized to issue the following refunds for Tax Year 2005:

MC PROPERTIES I LTC--\$9,218.95

JOSEPH T. RYERSON & SON, INC.--\$5,111.50

PERSONNEL HEARING

Councilwoman Rutherford confirmed that there would be a Personnel Hearing on **Monday, November 6th at 10:00 a.m.**

STARFIGHTERS

Councilman Franklin stated that Councilwoman Rutherford had brought a document with her tonight giving a “Good Faith Effort” to the Starfighters; that she had letters from Zach Wamp, Mayor Littlefield, Chip Baker and others that were encouraging the Starfighters to locate here, realizing the important educational component. He stated that Councilwoman Rutherford wanted a letter drafted that would be a representation of the Council; that this was discussed at committee today, and it was suggested leaving one paragraph out of the letter that had already been drafted and making an amendment to the first paragraph. He reiterated that this had been discussed in committee and questions about timing issues had been addressed; that there could be further discussion, **but with an amendment to the already drafted letter in the first paragraph and omitting one paragraph, he would make the motion that we send the letter. This was seconded by Councilman Rico.**

Councilwoman Robinson stated that as explained this afternoon in committee, she was not comfortable with authorizing any letter until we had heard from the Chattanooga Airport Authority, which is a Board appointed by the City. She went on to say that her hesitation was to avoid pressing a Board that we have not heard from. She stated that it should not be too difficult to get a letter from them to let the Council know if they had any hesitation. She added that the Airport is landlocked and questions about the necessary room come into play, and it was her feeling that we did not have enough information to support this and that she would abstain from voting on the motion, as we had not heard from the people in charge of the facility.

Councilwoman Rutherford stated that as she tried to explain in committee, the Starfighters and the Airport Manager would have to work this out and if an agreement is reached, it would then be taken to the Airport Authority to ask them to do something—that now is not the time for this; that all she was asking was that the City Council say that they would like for the Starfighters to move to Chattanooga; that it would be great publicity for us, as they did 30-40 shows a year and it would read Starfighters of Chattanooga on their planes. She went on to say that Chattanooga State, UTC, the Chattanooga School System, Baylor, GPS & McCallie were all interested in developing a Learning Center with an emphasis on mathematics and science. She stated that this could put us on the map and also instill a love of science in students with a hands-on learning experience.

STARFIGHTERS(CONT'D)

Councilwoman Rutherford went on to say that she would just like to have a letter saying that the City Council would like to see this happen and had nothing to do with a Lease, and this would really be an asset to Chattanooga.

Councilman Page stated that he was interested in the Starfighters moving to the Chattanooga area and had taken the liberty to write a Resolution saying that it would be okay with him. He stated that he would like to read this Resolution. Chairman Pierce wanted to know if we were talking about a Resolution or a letter. Councilman Page stated that he was talking about a Resolution because we did not have the letter before us, and he had even forgotten what the letter said. He stated that he would read the Resolution and see if it could be used. The wording in the Resolution welcomed the Starfighters to Chattanooga and encouraged the community to embrace them and went on to say that no Council member would have any financial interest in this transaction. **Having read this, he made the motion that the Resolution be adopted, explaining that a financial structure had been implied, and he wanted to make sure that the City is not a party to this. Councilwoman Rutherford seconded his motion.**

At this point, Councilman Franklin withdrew his motion to send the letter.

Councilwoman Bennett stated that if we do decide and feel a need to send a letter, that she would want to see the condition changed in the last paragraph, noting that the Airport Manager was due to report in December.

Chairman Pierce explained to her that we had gotten away from the letter. He noted, however, that a Resolution had not been properly drafted and asked Attorney Nelson where we went from here.

Attorney Nelson stated that it had been drafted—that it was what Councilman Page had just read. He stated that if Chairman Pierce would proceed with the rest of the meeting that he could have this Resolution ready in a minute.

COMMITTEES

Councilwoman Robinson thanked the City of Chattanooga Administrators for generously giving of their time to come out to the Lupton City meeting. She noted that the Fire Department, Public Works Department, Arts and Education and any number of professional administrators were out there; that the Police Department was represented in great numbers. She stated that many thanks were in order on behalf of all the people who had attended the meeting, and she thanked Mayor Littlefield and Congressman Wamp, especially for his support of the mail service.

Councilwoman Rutherford announced that there would be a District 6 meeting at Eastgate at 5:30 p.m. on Thursday, November 2nd, and she was looking forward to all of the Administrators being there. She also reported on a most successful Art Festival that was held in Brainerd on October 14th, noting that Public Works, Scenic Cities Beautiful, Arts and Education, Parks and Recreation, the Police Department and Fire Department were all represented and all added real quality to the event, and she thanked them very much.

Councilman Benson reminded Councilmembers of the **Legal and Legislative Committee meeting scheduled for Tuesday, November 7th at 3:00 p.m.**, noting that there would be a discussion on endangered historical buildings.

Councilwoman Bennett announced the following meetings: A meeting of the Lookout Valley Neighborhood Association on **November 2nd at 7:00 p.m. at the John A. Patton Center**; a Hill City/Northside Community meeting on **November 6th at 6:30 p.m. at the North Chattanooga Recreation Center**; and a North Chattanooga Chamber Council meeting to talk about transportation on **Tuesday, November 7th at 12:00 noon at the Chattanooga Theatre Center**.

STARFIGHTERS(CONT'D)

Attorney Nelson stated that he now had the Resolution prepared.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

**A RESOLUTION WELCOMING THE STARFIGHTERS'
INTEREST IN MOVING TO CHATTANOOGA AND
ENCOURAGING THE ENTIRE COMMUNITY TO EMBRACE
THIS EFFORT**

was adopted.

Part of the body of the Resolution stated that it be further resolved that no current Council member has any financial interest in this transaction nor will receive a financial interest by the Starfighters locating at Chattanooga Municipal Airport.

Councilwoman Gaines questioned if the financial language necessarily had to be attached; that she thought it should just be a Resolution welcoming them to Chattanooga. She questioned why we would welcome them to Chattanooga and then discuss this financial interest stating that she did not think this was necessary.

Councilman Benson also expressed that he thought the two should be separated.

Councilman Franklin stated that the Resolution could serve one purpose and the letter could still be sent, and we did not have to vote on the letter now and could talk further about revising the letter; that we were adding the financial language in an attempt to clear the air and to make sure we were addressing Councilwoman Robinson's concerns about the letter.

Councilwoman Rutherford stated that there was no reason to have a letter now, and she would include this Resolution in her letter to Mr. Landguth.

Attorney Nelson pointed out that the personal interest was not in the caption of the Resolution but in the body.

STARFIGHTERS(CONT'D)

Chairman Pierce wanted to know when the letter would be ready. Attorney Nelson reminded him that it was a Resolution and not a letter and that it would be ready as soon as this meeting is over and he could get with the Clerk. Chairman Pierce requested that he have his office prepare this Resolution as it was time for the Clerk of the Council to go home. He asked that Attorney Nelson get his office to prepare it and that Councilwoman Rutherford pick it up at 10:30 a.m. at the City Attorney's office. Councilwoman Rutherford stated that she already had a 10:30 a.m. appointment on Wednesday. Attorney Nelson stated that his office could call over to the Council Office and get the number of the Resolution and prepare it in the morning.

Councilwoman Rutherford thanked everyone.

JACQUELINE S. MOSS

Chairman Pierce recognized Jacqueline Strong Moss, who was in the audience and asked her to come forward.

Ms. Moss thanked the Council for recognizing the Office of Multicultural Affairs, stating that she did not have a report or further business.

Chairman Pierce thanked her for being present.

LARRY ZEHNDER

Councilwoman Bennett noted that she was pleased to have Larry Zehnder taking a full-time position, noting that there was a Resolution on next week's agenda extending the contract with Barge, Waggoner, Sumner and Cannon, Inc. It was noted that the date should be 2006. Attorney Nelson explained that it had been amended.

ADJOURNMENT

Councilwoman Gaines questioned if any other citizens were here who wished to speak. There being none, Chairman Pierce adjourned the meeting of the Chattanooga City Council until Tuesday, November 7th 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)**

Councilman Pierce asked when the letter would be ready. Attorney Nelson reminded him that it was a Resolution and as soon as this meeting is over he would get with the Clerk.