

City Council Building
Chattanooga, Tennessee
January 23, 2007
6:00 p.m.

Chairman Pierce called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Franklin, Gaines, Page, Rico, Robinson and Rutherford present. City Attorney 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 Councilwoman Bennett.

MINUTE APPROVAL

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

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilwoman Bennett,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 5, SECTION 5-108(a) RELATIVE TO LOCATION AND SIGNS
FOR LIQUOR STORES**
was tabled one week.

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 3, SECTIONS 3-7, 3-8 AND 3-61 RELATIVE TO SIGN PERMITS,
LOCATION RESTRICTIONS, AND PROJECTING SIGNS**
passed first reading.

CLOSE AND ABANDON

MR-2006-218: Ken Defoor

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**AN ORDINANCE CLOSING AND ABANDONING THE 2300 BLOCK OF
TIMBERLANE TRAIL, MORE PARTICULARLY DESCRIBED HEREIN AND AS
SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

TEMPORARY USE

MR-2006-221: James and Gwendolyn Love

**Councilmen Page and Bennett made the initial motion and second to approve
the temporary use for this request; the motion carried.**

City Attorney Nelson explained that the resolution permitting temporary usage of the property should be substituted for the closure and abandonment ordinance, which changes this from a closure and abandonment to a resolution. He stated the previous motion to approve the temporary use should be rescinded at this point.

James Love, applicant, stated that he tried to buy the property and does not understand what the Council is trying to do.

Councilman Rico stated that the request for closure and abandonment has been denied by the public works department to abandon the alley. He stated the request is to substitute the closure request for temporary usage, instead.

City Attorney Nelson informed Mr. Love that he could still use the property for parking under temporary use.

Mr. Love stated that it was not just for parking as he wanted to include the alleyway; that every time someone dumps debris in the alley he has to clean it up because he is sent a notice from the city to keep it clean. He stated he has been keeping it clean for two-or-three years, reiterating that every time someone puts something in the alley he is sent a notice to clean it up. He stated he was trying to get the whole alley rather than the part on the side of his house.

TEMPORARY USE (Continued)

Bill Payne, City Engineer, stated that when they looked at the application with the Regional Planning Agency (RPA) it stated the request was for parking purposes. He stated given the fact it is to control access of this, the temporary use would be more appropriate which would give Mr. Love access to the front piece. He stated abandoning the property would not give control for all of the property. He stated they were going on the information that was submitted to RPA and Planning's recommendation.

Mr. Love stated that he has received notices from the city saying he has to clean up on the side of his house and if he did not clean it he would be fined. He stated the whole thing is clean and that is why he is asking for abandonment; that he has to clean it because no one else will do it.

Councilman Rico stated if it is the city's alley it is the city's responsibility to clean it up.

Mr. Love stated that he received notices because it is on the side of his house and the city wanted him to get that side of the house clean and he did not have a choice.

Councilman Franklin stated that Mr. Love should not have received a notice if it is the city's alleyway; that he was being held liable and it was not his property. Mr. Love stated that is why he requested the closure and abandonment.

Mr. Payne stated that the recommendation came from Planning and Staff based on the application and the request for off-street parking. He stated based on that use Planning made the recommendation of denial for abandonment and there would not be approval unless there is a plan for a large development on the site. He stated a temporary use would serve the purpose without the abandonment in case there is a future use for the alley.

City Attorney Nelson stated probably one reason it was denied is that the city has a storm sewer in the middle of the alley, as well as an easement from BellSouth that comes through there. He stated BellSouth filed a written objection to abandoning the property.

Chairman Pierce asked Mr. Love if he understands and explained that the city still has a sewer on the property and there is no way the alley would be closed. He stated he (Love) could have temporary use of it and if he wants to stop traffic from coming through he could close off one end and that would cut out the dumping; that the alley can not be abandoned due to the sewer line in there.

TEMPORARY USE (Continued)

Councilwoman Benson reminded Mr. Love that he would not have to pay taxes and would have complete exclusivity without paying taxes with a temporary use. He stated he would not have to divide it in half with anyone.

Councilwoman Rutherford told Mr. Love that a temporary use means "forever"! Mr. Love noted that the Council has him smiling!

At this point Councilmen Page and Bennett made the motion and second to rescind the previous motion and remove the closure and abandonment request from the agenda; the motion carried.

On motion of Councilman Page, seconded by Councilwoman Bennett,
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY
LOCATED ON THE WEST LINE OF THE 3800 BLOCK OF ALTON PARK
BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN
ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE**

was removed from the agenda.

Councilwomen Rutherford and Bennett made the motion and second to substitute and approve the temporary use.

On motion of Councilwoman Rutherford, seconded by Councilwoman Bennett,
**A RESOLUTION AUTHORIZING JAMES AND GWENDOLYN LOVE TO USE
TEMPORARILY AN UNOPENED ALLEY LOCATED ON THE WEST LINE OF THE
3800 BLOCK OF ALTON PARK BOULEVARD FOR POSSIBLE OFF-STREET
PARKING FOR THE EXISTING DWELLING, AS SHOWN ON THE DRAWINGS
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT
TO CERTAIN CONDITIONS**

was adopted.

CLOSE AND ABANDON

MR-2006-226: City of Chattanooga c/o William C. Payne

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
**AN ORDINANCE CLOSING AND ABANDONING THE UNOPENED 4300
AND 4400 BLOCKS OF OLD KELLY'S FERRY ROAD, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE,
SUBJECT TO CERTAIN CONDITIONS**

was denied.

LEASE AGREEMENT

On motion of Councilman Rico, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT WITH AMERICAN FAMILY INSTITUTE, INC. (AFI) FOR THE BUILDING AT 1600 CENTRAL AVENUE, KNOWN AS THE OLD NO. 7 FIRE HALL, FOR A TERM OF FIVE (5) YEARS TO BE USED EXCLUSIVELY FOR THE WEST SIDE BOXING CLUB (WSBC) PROGRAM SERVING AT-RISK YOUNG PEOPLE AND THEIR FAMILIES OR OTHER CIVIC MEETINGS OR ACTIVITIES

was adopted.

DONATION

Chairman Pierce recognized the presence of Dr. Catlin and asked that he come forward to make comments.

Dr. Catlin introduced his wife, Irene, and thanked the Council for having him. He stated this sounds like a strange gift, but he honestly did not figure it would come to this; that he did not think he needed permission to give away firearms. He referred to an article in the newspaper that ran on November 30 that talked about assault rifles for policemen wherein it was mentioned that following Memphis and Nashville and starting in Chattanooga the average person on the street had a firearm revolver and noted many times policemen have the possibility of going up against a criminal with high powered rifles. He stated he read in order for policemen to use the high powered rifles they would have to purchase them with their own money which sounded really strange; that he thought this does not seem right and did not make sense asking policemen to buy their own gun upon completion of a course. He stated they should be given to them to do their job. He stated that he talked with policemen more about this and the officers not only have to check out the firing range with a particular weapon, but have to include the serial number, as well. He stated it is not a matter of passing out the weapon as they have to have the gun assigned to them which he thought was impressive.

Dr. Catlin stated by the time a patrolman on the street calls for help the situation is over with and he thought, "How could he be of some help in this situation". He stated that he thought the least he could do is donate a few guns; that \$3,000 is not a lot of money but it is not a little bit, either! He stated that he is giving three firearms at this point in time to the Chattanooga Police Department for distribution to individual patrolmen to put in their cars.

DONATION (Continued)

Dr. Catlin stated the rule as to how policemen can transport is that it has to be in the trunk and not something they can pull out. He stated that he thought that he would give three, first, to be of some help.

Chairman Pierce expressed appreciation to Dr. Catlin for his donation. He asked newly appointed Assistant Chief Bobby Dodd if he wanted to make comments and express how the guns will be assigned and who will have them.

Chief Dodd expressed appreciation and gratitude to Dr. Catlin. He stated from what he understands the user is certified initially through training and then if the officer wants to buy it they will have to be certified to purchase and carry it. He stated the guns will be in a lock box and used in restricted situations as covered in training.

On motion of Councilwoman Rutherford, seconded by Councilman Rico,

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION OF THREE (3) RIFLES TO THE CHATTANOOGA POLICE DEPARTMENT FROM DR. ROGER W. CATLIN AND EXPRESSING THE GRATITUDE OF THE MAYOR AND CITY COUNCIL FOR SAID DONATION

was adopted.

SPECIAL POLICEMEN

On motion of Councilman Rico, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE APPOINTMENT OF DAVID ANDERSON, WILLIAM MATLOCK AND J.B. MOORE AS SPECIAL POLICEMEN (UNARMED) FOR THE CHATTANOOGA FIRE DEPARTMENT, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

GRANT

On motion of Councilwoman Bennett, seconded by Councilman Franklin,

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, 2006 FIRE PREVENTION AND SAFETY GRANT PROGRAM IN THE FISCAL YEAR 2006, 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

GRANT (Continued)

DOLLARS (\$24,088.00), WHICH, IF AWARDED, WILL REQUIRE LOCAL MATCHING FUNDS OF SIX THOUSAND TWENTY-TWO DOLLARS (\$6,022.00)

was adopted.

CONTRACT

On motion of Councilwoman Rutherford, seconded by Councilwoman Gaines,

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE MEMORIAL AUDITORIUM DELUGE WATER FIRE CURTAIN PROJECT TO INTERNATIONAL FIRE PROTECTION, INC. IN AN AMOUNT NOT TO EXCEED FIFTY-THREE THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$53,875.00)

was adopted.

TEMPORARY USE

On motion of Councilman Franklin, seconded by Councilman Benson,

A RESOLUTION AUTHORIZING THE SHEPHERD COMMUNITY COUNCIL TO USE TEMPORARILY THE RIGHT-OF-WAY ALONG MEHARRY DRIVE FROM SHEPHERD ROAD TO TALLADEGA AVENUE TO PLANT FORTY (40) YOSHINO CHERRY TREES, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilwoman Bennett,

A RESOLUTION AUTHORIZING DANNY WILLIAMS TO USE TEMPORARILY 405 MARKET STREET TO INSTALL A GATED PATIO AREA WITH AWNINGS OVERHEAD, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

INSURANCE

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS TO OBTAIN LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE THROUGH MUTUAL OF OMAHA AS CARRIER AND TOTAL INSURANCE SOLUTIONS AS BROKER AT A RATE OF EIGHTEEN AND 75/100 CENTS (\$0.1875) PER ONE THOUSAND DOLLARS (\$1,000.00) IN VALUE FOR AN ESTIMATED PREMIUM OF ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$175,000.00) WITH A TWO-YEAR RATE GUARANTEE AND ONE ADDITIONAL YEAR OPTION TO RENEW
was adopted.

INSURANCE

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS TO OBTAIN LONG TERM DISABILITY INSURANCE THROUGH MUTUAL OF OMAHA AS CARRIER AND TOTAL INSURANCE SOLUTIONS AS BROKER AT A RATE OF FORTY-FIVE CENTS (\$0.45) PER ONE HUNDRED DOLLARS (\$100.00) IN VALUE FOR AN ESTIMATED PREMIUM OF TWO HUNDRED TWENTY THOUSAND DOLLARS (\$220,000.00) WITH A TWO-YEAR RATE GUARANTEE AND ONE ADDITIONAL YEAR OPTION TO RENEW
was adopted.

OVERTIME

Overtime for the week ending January 19, 2007 totaled \$62,104.41.

Councilman Page stated that Randy Burns has come up with an idea as to how to improve reporting of overtime. He suggested that the matter be discussed at the name meeting of the Budget and Finance Committee for Council approval and noted that the discussion should not take that long.

PERSONNEL

The following personnel matters were reported for the various departments:

PERSONNEL (Continued)

PUBLIC WORKS DEPARTMENT:

- **NATHAN L. CARTER** – Termination, Crew Worker, City Wide Services, effective January 17, 2007.
- **MATTHEW K. ASKEW** – Resignation, Concrete Worker, City Wide Services, effective January 19, 2006.

CHATTANOOGA POLICE DEPARTMENT:

- **STACY L. LIVELY** – Resignation, Police Officer, effective January 9, 2007.
- **ANGELA GOLDEN** – Hire, Communications Officer, Pay Grade 11/Step 1, \$27,194.00 annually, effective January 19, 2007.

CHATTANOOGA FIRE DEPARTMENT:

- **TAMMY WEY** – Return from Leave of Absence, Senior Firefighter, effective January 17, 2007.

PURCHASES

On motion of Councilman Rico, seconded by Councilwoman Bennett, the following purchases were approved for use by the Parks and Recreation Department:

R & S TRUCK & TRACTOR COMPANY, INC. (Best bid, first alternate bid)
R0094932/B0003713

Two (2) Zero Turn Riding Lawn Mowers (*The lower bids submitted by Stovall of Chattanooga and R & S Truck & Tractor Company's base bid are not recommended for award since these bids do not meet specifications.*)

\$17,750.00

WASTE CONNECTION OF TENNESSEE (Lowest and best bid)
R0094199/B0003695

Waste Disposal Services

\$26,000.00

PURCHASES

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

CONVERTEAM CANADA, INC. (Single source)
R0095396

Variable Frequency Drive Repairs per TCA 6-56-304.2

\$58,820.00

CERTIFIED MAINTENANCE SERVICE (Lowest bid)
R0095299/B0003750

Janitorial Services (*The two lower bidders were ruled non-responsive for failure to submit proof of insurance and bonding as required by the bid specifications. The bid specifications required disqualification for failure to include all required submittals with the bid.*)

\$44,828.00 per year

ASPHALT ZIPPER, INC. (Lower and better bid)
R0094782/B0003692

Asphalt/Recycling Machine

\$83,450.00

CMI EQUIPMENT SALES, INC. (Best bid)
R0093922/B00036666

Combination Sewer Cleaner/Vacuum Truck (*Lee Smith, Inc.'s alternate bid was the lowest bid received, however this bid failed to meet specifications since they offered an unacceptable delivery date of ten months.*)

PERSONNEL INQUIRY

Councilman Franklin inquired as to the termination of Nathan Carter and wanted to know if the termination has actually taken place.

PERSONNEL INQUIRY (Continued)

Bill Payne noted that the termination has taken place.

City Attorney Nelson stated that Mr. Carter has submitted a request for hearing regarding his termination which the Council will schedule tonight.

HOTEL PERMITS

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

QUALITY INN – 5505 Brainerd Road, Chattanooga, Tennessee

INTOWN SUITES LEE HIGHWAY, LLC – 5730 Lee Highway, Chattanooga, Tennessee

PURCHASES

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

PROGRESSIVE MEDICAL INTERNATIONAL (Lowest and best bid)
R0095433/B0003752

National Incident Management System (NIMS), Chattanooga Metropolitan Medical Response System (MMRS) Grant, Field Guides

\$12,824.00

PK Safety Supply (Lowest and best bid)
R0095447/B0003753

Radiological Detection and Monitoring Equipment, Chattanooga Metropolitan Medical Response System (MMRS) Grant

\$21,548.00

REFUNDS

On motion of Councilwoman Bennett, seconded by Councilman Franklin, the Administrator of Finance was authorized to issue the following refunds of stormwater fees and/or property taxes, district change and assessment change, respectively:

MICHAEL & ANNETTE REYNOLDS	\$1,289.49
PRO AUDIO GROUP, INC.	4,160.38
THE HEIL COMPANY	4,489.51

PURCHASE

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

DELL MARKETING & HEWLETT PACKARD (Best proposals)
R0092766

Twelve Months Contract for Personal Computers, Laptop Servers and Peripherals

BOARD APPOINTMENT

On motion of Councilman Rico, seconded by Councilwoman Rutherford, the following Board appointment was approved:

GENERAL PENSION BOARD:

- Appointment of ***KATIE A. REINSMIDT*** to complete the unexpired term of Corinne Allen for a term to expire June 9, 2008.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following purchases were approved for use by the Mayor’s Office, General Services Division:

PURCHASES (Continued)

G T DISTRIBUTORS, INC. (Lowest and best bid)

R0094289/B0000374

Light bars for Police Vehicles

\$62,140.50

KNUCKLES GRAPHICS (Lowest and best complete bid)

R0087796/B0003671

City Wide Printing Services

\$100,000.00 (Not to exceed)

PARKING IN REAR OF COUNCIL BUILDING

Paul Page reported that parking in the rear of the Council Building will be unavailable for those parking on the south side for another ten days as the workers complete the roof on City Hall. He stated he would get everyone back in as soon as he can!

HEARING: SHAWN HICKEY

Councilman Franklin reported that the panel for the personnel appeal for Shawn Hickey consisted of himself and Councilmen Rutherford and Rico. He stated after hearing the preponderance of evidence and presentation from both sides the conclusion was that they sustained the conduct unbecoming an officer and withdrew the sexual harassment charge attached to that. He stated the 28 day suspension was reduced to 14 days on a vote of 2-1. He stated he (Hickey) had just been promoted to Lieutenant and was under a probationary period, which at the time was six months and will retain the level of Sergeant.

HEARING: NATHAN CARTER

City Attorney Nelson stated in response to the question raised a few moments ago by Councilman Franklin, Nathan Carter has requested a hearing regarding his termination.

HEARING: NATHAN CARTER (Continued)

A hearing for Mr. Carter was scheduled for Monday, February 19 beginning at 9 a.m. with Councilmen Page, Benson and Franklin; Councilman Rico volunteered at alternate.

AUTHORIZATION TO FILE CLASS ACTION SUIT

City Attorney Nelson asked the Council for authorization to file a class action suit against Hartford Insurance with respect to the overcharge on city employees on their retirement plan.

On motion of Councilman Franklin, seconded by Councilwoman Gaines the City Attorney was duly authorized to move forward with the class action suit against Hartford Insurance.

COMMITTEES

Councilman Benson stated that a meeting of the **Legal and Legislative Committee is scheduled for Tuesday, January 30 at 3 p.m.** He stated the overtime discussion can take place at that time.

Councilman Page stated that the Economic Development Committee met this afternoon and discussed some of the requirements of cell towers. He deferred further comment regarding the outcome of the meeting to Councilwoman Robinson for reaction on the advisory committee.

Councilwoman Robinson stated during the Economic Development Committee meeting this afternoon, the City Council met with representatives from the wireless industry in a preliminary discussion focused on the ways in which property owners' interests can be taken into consideration with reference to cell tower placement. She stated what came out of the discussion is that an advisory committee will take up the issue and each Council member and the Mayor's office should notify the Council Clerk by next Tuesday as to who they will appoint to serve. Additionally, she stated that is not to say the person serving will represent each district, however the best person should be appointed to discuss the issue. She stated there will be representatives from the industry and others are needed, as well as the City Attorney, to participate. She stated it is hoped this advisory group can have their first conversation in about ten days-to-two-weeks. She asked each Council member to give the matter some thought and get the name to the Council Clerk; that she hopes to announce in the next two weeks when the first meeting will take place and (the names of) the appointees.

COMMITTEES (Continued)

Councilwoman Rutherford stated that the Education, Arts and Culture Committee met today. She expressed appreciation to the honorable Suzanne Bailey for sharing information regarding juvenile activities in our city and county.

ADJOURNMENT

Chairman Pierce adjourned the meeting of the Chattanooga Council until Tuesday, January 30, 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)**