

**City Council Building
Chattanooga, Tennessee
July 15, 2008
6:00 p.m.**

Chairman Bennett called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gaines, Page, Pierce, Rico, Robinson and Shockley 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, Councilman Benson gave invocation.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: WORLD CHANGERS

Mayor Littlefield stated that he has been at Hunter (Museum) today and the wonderful announcement of the great event (Volkswagen plant); that all know it is a life changing event for the future of Chattanooga! He stated he is just as fortunate as one of his favorite programs is before the Council tonight, the World Changers. He stated several years ago he was made aware of the program and the good work they do. He stated that he does not easily tear up, however, he has gone around and visited some of the sights where young people who work with World Changers as volunteers pay to participate every summer to help those that are underprivileged; that some have serious problems with their homes -- rotted floors, bathrooms, roofs leaking -- people with no opportunity or resources to fix these and put them back in order. He stated he has seen some really remarkable transformations in the housing of some of our citizens. At this point he asked Vanessa Jackson of Neighborhood Services to come forward to introduce tonight's special guests.

SPECIAL PRESENTATION: WORLD CHANGERS
(Continued)

Vanessa Jackson stated that the World Changers are not strangers to our city; that they have become our friends and are considered as change agents for the work they have done in the neighborhoods in Chattanooga and throughout the nation. She stated the project is funded in part with CDBG dollars administered by Neighborhood Services and awarded to Front Porch Alliance, the Department's partner in this venture. She stated Brainerd Baptist plays a strong part in providing lodging for the weeks and the Church does a phenomenal job providing lunches, snacks, fruit, candy, and popsicles – whatever is needed for respite to deal with the grueling task of repair work. She stated of all the initiatives Neighborhood Services participates in, this is one of the most meaningful as it provides tangible support and assistance to some citizens who need it the most. She stated 47 projects will be done within a one week period and at the end of this year's project, they will have exceeded 200; that in fact, they will have performed work on 207 houses by the end of this year through the World Changers project. She stated each Council person will receive a letter listing projects taking place in their respective districts. At this point she introduced the persons present: Bill Kagay of the North American Mission Board of the Southern Baptist Convention; Josh Kagay, Bill Kagay's grandson and a volunteer and Rick and Pam Rector, this year's Construction Coordinators with the project who are "jewels" to work with, all of whom are from Chattanooga. She also recognized Matt Burkett, 2008 World Changers Team Leader, and Beth Trussell, Executive Director of the Front Porch Alliance.

Mayor Littlefield read the proclamation proclaiming July 16-28, 2008 as "World Changers Home Repair Weeks" which has been spread upon the minutes:

Proclamation

WHEREAS: Since 1990, World Changers, a dedicated Christian supported organization, has sought to provide Christian youth and adults with opportunities to meet the physical needs of others through practical learning, servanthood, and personal commitment to missions, and

WHEREAS: World Changers work diligently to provide physical and spiritual revitalization of the home and heart by performing home repairs to deserving senior citizens and qualifying homeowners, and

WHEREAS: Through their generosity and positive public service record, World Changers has and continues to impact the housing stock throughout the City of Chattanooga by free construction labor to those less fortunate, and

SPECIAL PRESENTATION: WORLD CHANGERS
(Continued)

WHEREAS: This year, in continued partnership with the Department of Neighborhood Services, Community Development and Front Porch Alliance, World Changers will celebrate their sixth year of creative construction projects in our community which have demonstrated their respective goal to “change the world” of the homeowners of our city, and

Now Therefore, I, Ron Littlefield, Mayor of the City of Chattanooga, do hereby proclaim
July 12-26, 2008 as

World Changers Home Repair Weeks

Be it further resolved the residents of Chattanooga join with me in congratulating and recognizing the members of this organization for their efforts to encourage and guide our youth by teaching them to serve those less fortunate. We wish them much success in all of their future endeavors.

In Witness Whereof, I have hereunto set my hand and caused the
Seal of the City of Chattanooga to be affixed this the
12th day of July, 2008

Ron Littlefield, Mayor

Mayor Littlefield noted that there are 600 young people volunteering to help with this project.

Bill Cagey stated that he was thrilled for them to be here in the city and expressed appreciation for the partnership in reference to the projects they do. He stated the people in Chattanooga are blessed to have this Council serving them and certainly their friend, Mayor Littlefield!

Chairman Bennett expressed welcome on behalf of the Council for the group’s return for two weeks in Chattanooga.

Mr. Cagey stated they would be back next year, too!

CLOSE AND ABANDON

MR-2008-081: Thomas Long

On motion of Councilman Rico, seconded by Councilman Pierce,
AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED PORTION OF OLD CLEVELAND PIKE LOCATED WITHIN A TRACT OF LAND AT 7810 OLD CLEVELAND PIKE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

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

CLOSE AND ABANDON

MR-2008-095: Ann Barnes

On motion of Councilman Rico, seconded by Councilman Page,
AN ORDINANCE CLOSING AND ABANDONING PORTIONS OF TWO (2) UNOPENED ALLEYS LOCATED WEST OF AND PARALLEL TO THE 100 BLOCK OF NORTH CREST ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

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

LIFT CONDITIONS

2008-111: Dale M. Smith

Councilman Page asked for an update from last week's discussion from Public Works or Planning as opposed to the applicant.

Greg Haynes, Director of Development Services with the Regional Planning Agency (RPA), stated that he would report what he has found since last week. He stated the request is to lift conditions that have to do with utilities in this right-of-way. He stated a letter has been received from the Gas Company indicating it is okay with them to lift conditions; a letter from EPB says it is okay, as well, however, AT&T's letter indicates they prefer that the condition not be lifted as they still have an easement. He stated in reference to the Water Company, the applicant is present and can speak to the letter.

LIFT CONDITIONS (Continued)

Mr. Haynes stated that is all he can report and noted that Planning, Staff and Public Works recommend approval to lift conditions and keep a condition that says it has to be “*approved by the city engineer and all public utilities*”; that way the conditions currently can only be lifted as they relate to the Gas Company, EPB and the Water Company. He stated any further action would have to be approved from the utilities that remain which would be the telephone company and he guessed the applicant would have to work something out. He stated that the City Attorney could do a better job in explaining than he.

City Attorney Nelson stated that he has not seen any of the documents, yet, and would really like to look at them before the Council approves this.

Councilman Page made the motion to defer the matter one week and addressed the City Attorney by stating when alleys are abandoned or closed the person who is going to be the owner of the alley is still subject to any easements by any utilities; that that is way he thought it happens. **Councilman Rico seconded the motion.**

Councilman Rico asked if it is being said there is no way to lift conditions even if we wanted to.

Councilman Page clarified that he is asking for the City Attorney’s opinion.

Chairman Bennett stated that she remembers from last week there was a question about enough time and asked the applicant if one week is enough time as the City Attorney is not comfortable.

Dale Smith, applicant, responded that it would not be enough time with the Water Company; that a couple weeks would be okay with the telephone company and noted that he talked to them and it seems it might be long and drawn out. He asked for at least 30 days.

At this point Councilman Page amended his motion to defer 30 days and stated that he would like to know from the City Attorney what the Council’s jurisdiction and authority is in cases like this,

City Attorney Nelson responded this may make a difference.

Councilwoman Gaines asked if it is possible to pass this ordinance subject to the condition all utilities approve. City Attorney Nelson responded “no”.

LIFT CONDITIONS (Continued)

On motion of Councilman Page, seconded by Councilwoman Rico,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO LIFT CONDITIONS 1, 2, 3 AND 5 IMPOSED IN ORDINANCE NO. 8902 (CASE NO. MR-1986-242) ON AN ALLEY CLOSED BY SAID ORDINANCE AND LOCATED WITHIN THE PROPERTY AT 4101 CALHOUN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was deferred 30 days (August 12, 2008).

AMEND ORDINANCE NO. 12024 – 2007-08
CAPITAL BUDGET

Councilwoman Berz stated there was full discussion on this matter before the Budget and Finance/Personnel Committee.

On motion of Councilman Page, seconded by Councilman Pierce,
AN ORDINANCE TO AMEND ORDINANCE NO. 12024 ENTITLED “AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 2007/2008” TO PROVIDE FOR THE APPROPRIATION FROM THE SOUTHSIDE PARKING GARAGE FUND FOR THE RENOVATION OF THE SOUTHSIDE PARKING GARAGE
passed first reading.

AMEND CITY CODE

On motion of Councilman Rico, seconded by Councilwoman Gaines,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, TO AMEND SECTIONS 2-643 AND 2-644 KNOWN AS THE HUMAN SERVICES ORDINANCE
passed first reading.

TEMPORARY USE

Councilman Benson stated approval is recommended but he can not personally support this as he believes in separation of church and state.

TEMPORARY USE (Continued)

Councilman Benson stated that history has proven freedom of religion requires we maintain a clean separation between church and state and any erosion of this line endangers both church and state, which is the reason for his position. He stated he has been to this church and attended a wedding there a few years ago and knows it is back up in the neighborhood and a fine church, but we turned down Second Presbyterian on Pine Street a few months ago when he realized what we were doing. He stated he is still concerned about what this will do and what it will open up to all of the churches throughout this city of using public property, government property. He stated it is his thought it is an intrusion into our separation clause of the First Amendment and will vote against this.

Councilman Page stated that he is voting for it; that any 501(c)3 non-profit can do this. He stated that it is his thought the Council would be wrong to exclude churches from that arena, which is the reason he is voting for it.

On motion of Councilman Shockley, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING WASHINGTON HILLS UMC TO USE TEMPORARILY THE NORTHWEST CORNER OF LAGUANA DRIVE AT BONNY OAKS DRIVE TO INSTALL A DIRCTIONAL SIGN, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted; Councilwoman Berz abstained; Councilmen Benson and Robinson voted "no".

OVERTIME

Chairman Bennett explained that the overtime report is not available due to the systems changeover and a three-week report will be reported next week.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- * **WARREN TILLISON** – Suspension (2 days without pay), Crew Worker 1, City Wide Services, effective May 1-2, 2008.

PERSONNEL (Continued)

- * **ANTONIO D. SANDS** – Return from Family Medical Leave, Equipment Operator 4, City Wide Services, effective July 7, 2008.
- * **ROBERT L. HUBBARD** – Death, Crew Worker 2, City Wide Services, effective July 8, 2008.

CHATTANOOGA POLICE DEPARTMENT:

- * **SANDRA COSBY** – Promotion, Police Records Analyst, Range 10, \$28,137.39 annually, effective July 18, 2008.
- * **PATRICIA GRAY** – Promotion, Manager, Police Information Center, Range 16, \$42,361.33 annually, effective July 18, 2008.
- * **JOHNNA FORD-JOHNSON** – Promotion, Police Records Operations Supervisor, Range 13, \$38,115.64 annually, effective July 18, 2008.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- * **TENA MCCLURKIN** – Return from Suspension, Intake Specialist, effective July 10, 2008.
- * **JOANNE WATKINS** – Return from Suspension, LIHEAP Coordinator, effective July 14, 2008.

MAYOR'S OFFICE/ INFORMATION SYSTEMS:

- * **LE ANN TINKER** – Hire, IT Business Project Analyst, Range 25, \$66,000.00 annually, effective July 11, 2008.
- * **ROBERT LANCE JONES** – Suspension, Telecommunications Coordinator, effective July 8, 2008.

CITY COURT:

- * **EDWARD C. HAMMONDS** – Resignation, City Court Clerk, effective August 1, 2008.

ACCEPT DONATION

On motion of Councilman Rico, seconded by Councilwoman Robinson, the acceptance of the donation of 130 movable chairs, 21 movable tables and 24 trash cans for Coolidge Park from RiverCity was duly reported and approved for use by the Parks and Recreation Department.

WARNER PARK

Chairman Bennett congratulated Adm. Zehnder for a great ribbon cutting at Warner Park on last Friday.

Adm. Zehnder expressed thanks to Council members for their support noting that this is a great plus to the city.

PURCHASE

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

ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. (Single source)
R0111504

ESRI Software Maintenance per TCA 6-56-304.2

\$20,800.00

HOTEL PERMITS

On motion of Councilman Page, seconded by Councilwoman Gaines, the following hotel permits were approved:

AIRPORT INN – 7725 Lee Highway, Chattanooga, TN

COMFORT INN – 4833 Hixson Pike, Hixson, TN

HOLIDAY INN EXPRESS HOTEL & SUITES – 4820 Hixson Pike, Hixson, TN

INTOWN SUITES – Gunbarrel – 1914 Gunbarrel Road, Chattanooga, TN

LOOKOUT LAKE B & B – 3408 Elder Mtn. Road, Chattanooga, TN

HOTEL PERMITS (Continued)

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

SKY HARBOR BAVARIAN INN – 2159 Old Wauhatchie Pike, Chattanooga, TN

PURCHASE

On motion of Councilman Rico, seconded by Councilwoman Robinson, the following purchase was approved for use by the Chattanooga Fire Department:

KLEEN-A-MATIC (Best bid)
R0110338/B005308

Weekly Laundry Service (AmeriPride included additional service charges for each location which made their bid higher. Amamark submitted a lower bid, however the past experience and the cost of replacement towels are higher than the recommended vendor. G & K Services included additional environmental and energy charges which made their bid higher.)

\$298.49

LIQUOR LICENSE

Adm. Madison presented the request of Rendall Eugene Hardeman and Danny Wilson Spencer of Open Spigot Liquor. She stated the store is relocating to 5958 Snow Hill Road in District 4 and Council member signatures are needed.

DONATION

On motion of Councilman Rico, seconded by Councilwoman Robinson, the following donation was approved as reported by the General Services Division:

Ten (10) surplus computers donated to the Grundy County Sheriff’s Department and Monteagle Police Department (the computers are no longer used by the Chattanooga Police Department). The computers would have had to be destroyed if not utilized by another law enforcement agency due to the sensitive materials/information contained within.

CITY ATTORNEY

City Attorney Nelson stated unless there are questions he would proceed to complete the matter discussed previously.

Councilman Rico inquired as to whether a motion is needed.

City Attorney Nelson stated that it was left if anybody had questions they could be raised at this point and if not he would proceed to complete the matter.

MTAS LEADERSHIP WORKSHOP

Chairman Bennett reminded Council members of the MTAS meeting scheduled for Wednesday morning in the conference room beginning at 9 a.m. She stated the subject matter would be finance.

COMMITTEES

Chairman Bennett asked each Council member to provide information regarding what is coming before their committee each week.

Councilman Shockley stated that the **Parks and Recreation Committee is scheduled to meet on Tuesday, July 22 immediately following Public Works** to discuss Carousel tickets for a readers program, the public art proposal, the Chattanooga Weed and Seed Memorandum of Understanding and Neighborhood Services Partnership with the Tennessee Department of Environment and Conservation.

Councilman Rico stated the **Public Works Committee is scheduled to meet on Tuesday, July 22 at 3 p.m.** to discuss matters pertaining to public works and new sign reflectivity standards.

Councilwoman Berz stated that the **Budget and Finance Committee would revisit the Last Chance Agreement and The Passage Resolution on Tuesday, July 22 immediately following the Parks and Recreation meeting.**

Councilman Benson stated that a few more directives are needed on the wrecker ordinance, noting that the **Legal and Legislative Committee would meet in two weeks (July 29)**. He stated judging from the consensus of Council members at today's meeting he would seek the opinion of the former Director of the Federal Transportation Board.

COMMITTEES (Continued)

City Attorney Nelson clarified that was one of the sources suggested today; that there was also the suggestion of anyone outside independent sources, such as the Federal Highway Administration if the first was not available.

Councilman Benson stated that he would need help from the city attorney on some of that; that there would be a meeting on the matter in two more weeks and it is hoped it can be resolved.

GREAT DAY!

Councilman Page exclaimed that this was a great day for the city of Chattanooga and the Council should take off their hats and take a bow for all the money that has been put into Enterprise South over the past few years!

WALTER DIAMOND

Walter Diamond of 3917 Midland Pike stated that he called the city about the drain line in front of his driveway, clarifying that it is not on his property. He stated that he asked for an inspector to contact him and whenever the inspector came he was never contacted. He stated some guys came out and blew out the drain and the pipe busted. He stated that he talked with the person and was told it was his (Diamond's) responsibility. He stated this is not on his property; it is in the street and provides access to his garage. He stated that he has a blueprint of the property and photos and can not get anyone to come out and talk to him.

Chairman Bennett stated Adm. Leach is present and can speak with him after the meeting.

ADJOURNMENT

Chairman Bennett adjourned the meeting of the Chattanooga Council until Tuesday, July 22, 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)**