

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
March 4, 2003**

Chairman Littlefield called the meeting of the Chattanooga City Council to order with Councilmen Benson, Franklin, Hakeem, Lively, Page, Pierce, Robinson and Taylor present. City Attorney Randall Nelson, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance led by Councilman Hakeem, the invocation was given by Attorney Randall Nelson.

MINUTE APPROVAL

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

**AMEND CITY CODE
WRECKER SERVICE**

On motion of Councilman Lively, seconded by Councilman Benson,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 35, ARTICLE IV, SECTIONS 35-146
THROUGH 35-180, RELATIVE TO THE WRECKING AND
TOWING SERVICE**

passed second reading. On motion of Councilman Franklin, seconded by Councilman Pierce, the Ordinance passed third and final reading and was signed in open meeting.

CLOSE & ABANDON

MR-2003-001 (Jimmy Hudson)

On motion of Councilman Taylor, seconded by Councilman Franklin,

AN ORDINANCE CLOSING AND ABANDONING THE UNOPENED 3000 BLOCK OF SYDNEY STREET AND THE UNOPENED 1300 BLOCK OF WEST 30TH 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 second reading. On motion of Councilman Lively, seconded by Councilman Benson, the Ordinance passed third and final reading and was signed in open meeting.

RESCIND ORDINANCE
CLOSE AND ABANDON

MR-2001-153 (Americo Group by Thomas Kale)

Councilman Benson stated that this matter was discussed in Legal and Legislative Committee today and that the committee listened to the proponents and opponents of the closure and/or opening and that the committee instructed them to dialog among themselves.

On motion of Councilman Benson, seconded by Councilman Taylor,

AN ORDINANCE AMENDING ORDINANCE NO. 11216, ADOPTED DECEMBER 4, 2001 AND AS AMENDED BY ORDINANCE NO. 11282, ADOPTED JULY 15, 2002, BY RESCINDING THE CLOSING AND ABANDONING OF ALL RECORDED RIGHTS-OF-WAY IN AN AREA BOUNDED BY WEST 33RD STREET ON THE NORTH, WEST 35TH STREET ON THE SOUTH, BROAD STREET ON THE EAST AND ST. ELMO AVENUE ON THE WEST, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, IF THE CONDITIONS ARE NOT FULFILLED BY _____

was deferred until April 8th, 2003.

CLOSE AND ABANDON

MR-2003-027 (City of Chattanooga)

It was noted that this was discussed in the Public Works Committee.

On motion of Councilwoman Robinson, seconded by Councilman Pierce,
**AN ORDINANCE CLOSING AND ABANDONING 425
HOUSTON STREET, LOT 19 McCONNELL HOME PLACE,
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.

It was noted that the following Resolutions were discussed in the Public Works Committee and come with a recommendation.

AGREEMENT

On motion of Councilman Page, seconded by Councilman Taylor,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN
AGREEMENT WITH THE TENNESSEE DEPARTMENT OF
ENVIRONMENT AND CONSERVATION ("TDEC") RELATIVE
TO DELEGATION OF STATE AUTHORITY TO REVIEW AND
APPROVE CERTAIN CONSTRUCTION PLANS AND
SPECIFICATIONS TO THE CITY OF CHATTANOOGA AND
AUTHORIZING THE ADOPTION OF THE SANITARY SEWER
SYSTEM DESIGN AND CONSTRUCTION MANUAL AS THE
CRITERIA FOR SANITARY SEWER DESIGN AND
CONSTRUCTION ACTIVITIES IN THE CITY OF
CHATTANOOGA**

was adopted.

AGREEMENT

On motion of Councilman Franklin, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH KHAFRA ENGINEERING CONSULTANTS, INC. RELATIVE TO PROFESSIONAL SERVICES FOR DESIGN AND CONSTRUCTION OF HAMILL ROAD FROM CENTRAL AVENUE TO WILSON ROAD, CONTRACT NO. E-2-019, FOR A TOTAL FEE NOT TO EXCEED SIXTY-THREE THOUSAND ONE HUNDRED FIFTY-NINE AND 46/100 DOLLARS (\$63,159.46)

was adopted.

AGREEMENT

On motion of Councilman Franklin, seconded by Councilman Benson,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC. RELATIVE TO PROFESSIONAL SERVICES FOR CONTRACT NO. E-03-001-100, TUNNEL BOULEVARD SIDEWALK PROJECT FROM SHALLOWFORD ROAD TO WILCOX BOULEVARD, FOR A TOTAL FEE NOT TO EXCEED THIRTY-THREE THOUSAND ONE HUNDRED THIRTY DOLLARS (\$33,130.00)

was adopted.

AGREEMENT

On motion of Councilman Lively, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH FRANKLIN ASSOCIATES ARCHITECTS, INC., RELATIVE TO PROFESSIONAL SERVICES FOR CONTRACT NO. E-02-018-100, MOUNTAIN CREEK ROAD AND BROWNS FERRY ROAD SIDEWALKS, FOR A TOTAL FEE NOT TO EXCEED THIRTY-ONE THOUSAND FOUR HUNDRED-SIXTY DOLLARS (\$31,460.00)

was adopted.

CONTRACT CHANGE ORDER

On motion of Councilman Benson, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), RELATIVE TO CONTRACT NO. RW-3-00, SHALLOWFORD ROAD IMPROVEMENTS, TO JONES BROTHERS, INC., GROUP 46, WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY ONE HUNDRED FORTY-FOUR THOUSAND EIGHTY-SEVEN AND 54/100 DOLLARS (\$144,087.54), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED TWO MILLION THREE HUNDRED FIFTY-SEVEN THOUSAND SIX HUNDRED NINETY-NINE AND 56/100 DOLLARS (\$2,357,699.56)

was adopted.

SEWER EASEMENT PUR.

On motion of Councilman Franklin, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM GARY L. JAYNES, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101-56.17, TRACT NO. 033.1, FOR AN AMOUNT NOT TO EXCEED SEVEN HUNDRED THIRTY-TWO DOLLARS (\$732.00)

was adopted.

SEWER EASEMENT PUR.

On motion of Councilman Hakeem, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM CHARLES L. MARSH, III AND SONIA MARSH, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101G-B-031, TRACT NO. .066 FOR AN AMOUNT NOT TO EXCEED ONE THOUSAND TWO HUNDRED DOLLARS (\$1,200.00)

was adopted.

TEMP ROW USAGE

On motion of Councilman Lively, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING CONOCO PHILLIPS COMPANY TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT ROSEMONT DRIVE FOR THE INSTALLATION OF A MONITORING WELL, AS SHOWN ON THE MAP ATTACHED HERETON AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

CONTRACT

On motion of Councilman Benson, seconded by Councilman Hakeem,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE OFFICE OF PERFORMANCE REVIEW TO ENTER INTO A CONTRACT WITH TELADJUST, INC., RELATIVE TO A TELECOMMUNICATIONS SERVICE AUDIT WITH ANY REFUND AMOUNTS BEING DIVIDED AS SET FORTH MORE FULLY BELOW

was adopted.

PROPERTY PURCHASE

On motion of Councilman Franklin, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO PURCHASE REAL PROPERTY TO BE USED FOR RIGHTS-OF-WAY RELATIVE TO THE EXTENSION OF 17TH STREET FROM BALDWIN STREET TO ROSSVILLE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, FROM KOCH FOODS, INC., FOR A CONSIDERATION OF ONE HUNDRED SIXTY THOUSAND DOLLARS (\$160,000.00) PLUS REASONABLE CLOSING COSTS

was adopted.

ISSUE BONDS INTENT

On motion of Councilman Hakeem, seconded by Councilman Franklin,
A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF CHATTANOOGA TO ISSUE OBLIGATIONS IN AN AMOUNT NOT TO EXCEED FIFTEEN MILLION DOLLARS (\$15,000,000.00) TO FINANCE THE COSTS OF VARIOUS PROJECTS APPROPRIATED IN THE CAPITAL BUDGET, ORDINANCE NO. 11316, ADOPTED SEPTEMBER 10, 2002
was adopted.

OVERTIME

Overtime for the week ending February 28, 2003, totaled \$14,465.85.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ✍ **JERRY A. MOODY**—Retirement of Chief Building Inspector, effective 2/28/03.
- ✍ **LEROY GARTH**—Lateral Transfer to Equipment Operator, Sr., Pay Grade 8/4, \$25,399.00 annually, effective 2/25/03.
- ✍ **TIMOTHY H. BROOKS, JR.**—Transfer to Crew Worker, Pay Grade 3/1, \$18,100.00 annually, effective 2/21/03.
- ✍ **BEATRICE J. STARR**—Retirement of Office Assistant, effective 2/28/03.

Adm. McDonald wished to acknowledge the retirement of **Jerry A. Moody** after 25 years of excellent service to the City. **On motion of Councilman Lively, seconded by Councilwoman Robinson, this retirement was accepted and acknowledged.** Chairman Littlefield wished Mr. Moody well in his retirement.

PERSONNEL (CONT'D.)

CHATTANOOGA POLICE DEPARTMENT:

- ✍ **CHARLES COOKE**—Return from Medical Leave of Absence of Deputy Chief, effective 3/3/03.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- ✍ **LAVONNE GRIFFIN**—Family Medical Leave of Teacher, effective 2/7/03 thru 3/21/03.
- ✍ **MICHELLE TAYLOR**—Resignation of Teacher Assistant, effective 2/14/03.
- ✍ **AUDREY HIGH**—Termination of Teacher Assistant, effective 2/20/03.

PURCHASE

On motion of Councilman Taylor, seconded by Councilman Franklin, the following purchase was approved for use by the Chattanooga Human Services Department:

BLUE BIRD OF TENNESSEE (Lowest and best bid meeting specs.)
Requisition No. R0068061/B0000751

30-Passenger School Bus

\$38,882.00.

REFUNDS

On motion of Councilman Lively, seconded by Councilman Franklin, the Administrator of Finance was authorized to issue the following refunds of 2001 and 2002 Property Taxes:

FATHERSON PARTNERSHIP—Due to overpayment--**\$1,664.96**

R.L. STOWE MILLS, INC.—Due to amended report--**\$36,560.41**

CONTRACT
GRANT WRITING

Adm. Eichenthal noted that this matter was deferred from the last meeting and is a Contract for Grant Writing. Chairman Littlefield noted that since last week the Council had had an opportunity to review this. **On motion of Councilman Taylor, seconded by Councilman Hakeem, this Requirements Contract was approved.**

BOARD APPOINTMENT

On motion of Councilman Benson, seconded by Councilwoman Robinson, the following Board appointment was approved.

HUMAN RIGHTS & HUMAN RELATIONS COMMISSION:

- ✍ Appointment of **LEONARD WELLINGTON**, with his term ending **September 1, 2003**, representing District 6.

COMMITTEES

Councilman Benson reminded the Council of the **Legal and Legislative Committee meeting scheduled for Tuesday, March 11th at 3:00 P.M.** The topics of discussion will be "Spaying and Neutering" and the Pawn Shop issue.

Councilman Franklin reminded the Council of the **Safety Committee meeting scheduled for Tuesday, March 18th immediately following the Public Works Committee meeting.**

Councilman Hakeem reminded the Council of the **Public Works Committee meeting scheduled for Tuesday, March 18th at 4:00 P.M.** He also mentioned Juliette Thornton at 7:00 P.M. tomorrow in regards to Mrs. Rogers.

Councilman Lively asked Adm. Eichenthal if he needed a Budget and Finance Committee set. He did not and a meeting was not scheduled.

REZONING MATTER
153 AND SUTTON DR.

Councilman Lively brought to the Council's attention that last September there was a rezoning request to C-2 at H/W 153 and Sutton Drive; that a month and half ago Jeff Carmack brought before the Council an O-1 Zoning and request for a waiver of 9 months, and the Council voted "no". Councilman Lively stated that he had met with the neighborhood and Mr. Carmack and that Mr. Carmack and the neighborhood are requesting the corner lot being rezoned to O-1. He stated that he would like to settle this situation once and for all; that he had not had a chance to talk to the City Attorney about this.

Chairman Littlefield stated that he would tend to agree with Councilman Lively about settling this issue if we could find a way to do this; that he had wrestled with the same issue in 1988, and it had gone full circuit. He questioned if it were turned down for C-2 if they could come back asking for O-1.

Attorney Nelson explained that the Council can refer this to the Planning Commission, and it can come back within the normal circuit. **Councilman Lively moved that this be referred to the Planning Commission**, stating that he thought it was common sense; that this neighborhood is elated that this gentleman is willing to develop the whole thing.

Councilman Benson suggested that before it goes to the Planning Commission that Mr. Carmack present renderings, a site plan, and the conditions that the people from the area have agreed upon. He stated that we needed this all down so that there would be no speculation. Councilman Lively noted that Mr. Carmack had agreed to the buffer. **Councilman Benson stated that if he would come in with good renderings and a site plan that he would second Councilman Lively's motion to refer this to the Planning Commission.**

Attorney Nelson explained that we would be referring one lot back to Planning as Case # 2003-024 Jeffrey Carmack comes before the Council next week.

Councilman Littlefield added that it takes two months for this to get back to the Council and this involves the northern lot of Sutton Drive.

COMMITTEES (CONT'D.)

Councilman Page indicated that he would like to schedule an **Economic Development Committee meeting for March 18th**. Ms. Crownover informed Councilman Page that there were already three committee meetings scheduled for that date. Councilman Page asked her to get with Mr. Traugher to schedule a suitable date. (After the meeting Ms. Crownover contacted Mr. Traugher. An **Economic Development Committee meeting was scheduled for Tuesday, March 25th immediately following the Parks and Recreation Committee meeting.**

Councilman Pierce stated that the **Committee Of-The-Whole meeting** scheduled for next Tuesday would not meet as there is nothing to talk about and he had asked that Mr. Burns relax his mind and regroup; that when there are more plans to be presented, he will call a meeting later. In the meantime, this meeting has been cancelled indefinitely.

Councilman Taylor noted that the meeting set for **Health, Education, Human Services and Housing Opportunities** scheduled for earlier today to discuss air quality would have to be rescheduled; that Ms. O'Neal was working on this, and it needed to be refined and fine tuned, and the meeting would be announced later on.

ADJOURNMENT

Chairman Littlefield adjourned the meeting of the Chattanooga City Council until Tuesday, March 11th, 2003 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)**

