

**City Council Building
Chattanooga, Tennessee
April 1, 2003
6:00 p.m.**

Vice Chairman Franklin called the meeting of the Chattanooga Council to order with Councilmen Benson, Hakeem, Lively, Page, Pierce, Robinson and Taylor present; Chairman Littlefield was out of the city on business. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC, were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Benson introduced his good friend and district colleague on the County Commission, County Commissioner (Rev.) Larry Henry, who gave invocation.

MINUTE APPROVAL

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

**"SUBSTITUTE OFFICER" TO SERVE IN
ABSENCE/INABILITY OF MAYOR**

On motion of Councilman Hakeem, seconded by Councilwoman Robinson,
**AN ORDINANCE DESIGNATING THE MAYOR'S CHIEF OF STAFF AS THE
"SUBSTITUTE OFFICER" TO SERVE IN THE ABSENCE OR INABILITY TO ACT
OF THE MAYOR FOR THE PURPOSES OF TITLE 38, CHAPTER 9, OF
TENNESSEE CODE ANNOTATED AND PROVIDING FOR THE SUNSET OF
THIS ORDINANCE**

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

AMEND CITY CODE

Councilman Benson stated this matter was discussed in today's meeting of the Legal and Legislative Committee and approval is recommended.

On motion of Councilman Benson, seconded by Councilman Hakeem,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 24, CHAPTER IX, TO INCLUDE A NEW SECTION 24-272, RELATIVE TO THE INSTALLATION OF SIGNS, SIGNALS, MARKINGS, OR OTHER DEVICES INTENDED TO REGULATE, WARN, OR GUIDE TRAFFIC ON PRIVATE PROPERTY TO BE IN CONFORMITY WITH THE UNIFORM VEHICLE CODE AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, 2000 EDITION
passed first reading.

REZONING

2002-163: Charles E. Lawson

The applicant was present; there was no opposition in attendance.

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA) stated that this matter was deferred several months ago and is located in Hixson along Longview Drive near Hixson Pike. He stated there is R-5 zoning on the south side of Longview, manufacturing behind it and R-1 across the street. Various sites of the area were shown, with Mr. Pace indicating that the elderly person living in the home wishes to sell due to the traffic in the area; that the requested zone complies with the North River Plan adopted a few months ago which calls for a mix of office or residential-type uses. He stated the request is for R-4 for an office with conditions that the property be used as a single-family residence or office use only and that all easements are retained. He stated language should be changed prior to second and third reading if Councilman Page is in agreement, that *"parking should be in the existing driveway or rear yard only"*. He stated Staff and Planning recommend approval of this version with the conditions.

Steve Cooper was present representing the owner of the property and indicated his association with Prudential. He stated there is a tentative contract with Greg Lane for his intended use as an insurance agency.

REZONING (Continued)

Greg Lane stated that he and his wife own an insurance agency and have been in business for eight years. He stated they have been paying rent and have been looking for something to move into for an office and build equity and this looks like a good location. He stated there is enough visibility and indicated that they only have one other employee; that they sell auto, homeowners' and life insurance, as well as a little commercial (insurance).

Councilman Page stated that he wanted to make sure Mr. Lane understands the conditions under which the property is being rezoned and that it is important that the R-1 next door is not unduly hindered in this process. He stated approval of the zoning is in regard to the North River Plan and it is important that they be good neighbors in the process. He asked Mr. Lane if it is his intention to purchase the home for the use indicated (as an office).

Mr. Lane responded "yes, for an office and that is it".

Vice Chairman Franklin asked if the appearance would take on that of residential.

Mr. Lane stated it would be hard to tell that it is not a house when they move in; that the only thing they plan to change are the windows, as they are older looking, now. He stated they plan to put in a nicer looking window and improve the appearance of the front of the house; that it will be hard to tell by driving by that it is anything other than a residence. He stated he and his wife got tired of the high prices of rent and had to get something else.

Vice Chairman Franklin asked Mr. Lane if he agrees with the conditions. Mr. Lane responded "yes".

Councilman Page asked Mr. Pace to restate the conditions so that the City Attorney would have them as properly stated.

Mr. Pace stated that ***"the existing residential structure would be retained for single-family or office use only, that parking is to be located in the existing driveway or to the rear only and that all existing easements would be retained"***. He clarified that if the property is sold or is used for any other use other than office, it would have to come back through the Planning Commission and Council to lift conditions or make changes to the conditions.

REZONING (Continued)

On motion of Councilman Page, seconded by Councilman Lively,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 5404 LONGVIEW DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-5 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

GRANTS APPLICATION/ACCEPTANCE

On motion of Councilman Page, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE DIRECTOR OF THE OFFICE OF PERFORMANCE REVIEW TO APPLY FOR AND ACCEPT GRANTS IN A TOTAL AMOUNT OF TWO MILLION SIX HUNDRED THOUSAND DOLLARS (\$2,600,000.00) FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE VETERANS ADMINISTRATION RELATIVE TO A PROGRAM TO ADDRESS CHRONIC HOMELESSNESS IN THE CITY OF CHATTANOOGA
was adopted.

CONTRACT: CITY OF CHATTANOOGA AND VISIONAIR, INC.

On motion of Councilwoman Robinson, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO EXECUTE A CONTRACT BETWEEN THE CITY OF CHATTANOOGA AND VISIONAIR, INC., FOR TECHNICAL AND PROFESSIONAL SERVICES RELATIVE TO A REGIONAL MULTI-JURISDICTIONAL RECORDS MANAGEMENT SYSTEM AND MOBILE COMPUTING MODULE, FOR A TOTAL COST NOT TO EXCEED TWO MILLION FIVE HUNDRED THIRTY-SIX THOUSAND SIX HUNDRED EIGHTY-FOUR AND 25/100 DOLLARS (\$1,536,684.25)
was adopted.

PARKING AGREEMENT: AMERICAN HEART ASSOCIATION

On motion of Councilwoman Robinson, seconded by Councilman Page,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE A PARKING AGREEMENT WITH THE AMERICAN HEART ASSOCIATION, IN THE FORM ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, RELATIVE TO CITY OWNED PROPERTY LOCATED AT 507 EAST 4TH STREET
was adopted.

CONTRACT AMENDMENT NO. 1:
CONSOLIDATED TECHNOLOGIES, INC.

On motion of Councilman Pierce, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AMENDMENT NO. 1, RELATIVE TO ENGINEERING SERVICES FOR CONTRACT NO. W-02-012, MARTIN LUTHER KING BOULEVARD STORMWATER DETENTION FACILITIES, WITH CONSOLIDATED TECHNOLOGIES, INC., WHICH AMENDMENT INCREASES THE CONTRACT AMOUNT BY TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), FOR A REVISED CONTRACT AMOUNT OF ONE HUNDRED TWENTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$129,500.00)
was adopted.

CHANGE ORDER

On motion of Councilman Pierce, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 3 (FINAL), RELATIVE TO THE MARKET STREET STREETScape PROJECT, CONTRACT NO. SS-3-01, WITH RAINES BROTHERS, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY ONE HUNDRED EIGHTY-FOUR THOUSAND FOUR HUNDRED EIGHTY-FOUR AND 18/100 DOLLARS (\$184,484.18), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED FORTY-SIX THOUSAND THIRTEEN AND 59/100 DOLLARS (\$1,145,013.59)
was adopted.

EASEMENT

On motion of Councilman Hakeem, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE TRANSFER OF A DEED OF PERPETUAL CHANNEL IMPROVEMENT EASEMENT TO THE GOVERNMENT OF HAMILTON COUNTY IN ORDER TO CARRY OUT THE TENNESSEE RIVERBANK STABILIZATION PROJECT FOR TRACT 600E, LOCATED ON MEADOW LAKE ROAD AND CARTER DRIVE, TAX MAP NO. 118K-A-001 (PART), BY HAMILTON COUNTY IN COLLABORATION WITH THE U. S. ARMY CORPS OF ENGINEERS
was adopted.

EASEMENT

On motion of Councilwoman Robinson, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE TRANSFER OF A DEED OF PERPETUAL CHANNEL IMPROVEMENT EASEMENT TO THE GOVERNMENT OF HAMILTON COUNTY IN ORDER TO CARRY OUT THE TENNESSEE RIVERBANK STABILIZATION PROJECT FOR TRACT 601E, TAX MAP NO. 118N-D-002, BY HAMILTON COUNTY IN COLLABORATION WITH THE U. S. ARMY CORPS OF ENGINEERS
was adopted.

TEMPORARY USE: CHINA CAFÉ

On motion of Councilman Hakeem, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING CHINA CAFÉ TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED AT 14 EAST 7TH STREET TO INSTALL A SIGN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

TEMPORARY USE: GLASS FARM NEIGHBORHOOD ASSOCIATION AND EAST CHATTANOOGA COMMUNITY

On motion of Councilman Hakeem, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING GLASS FARM NEIGHBORHOOD ASSOCIATION AND EAST CHATTANOOGA COMMUNITY TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED IN THE 2400 BLOCK OF NORTH CHAMBERLAIN AVENUE AND GLASS STREET TO INSTALL A GATEWAY SIGN WHICH WILL READ "WELCOME TO EAST CHATTANOOGA COMMUNITY", SUBJECT TO CERTAIN CONDITIONS
was adopted.

ELECTRIC POWER BOARD APPOINTMENT

Councilman Benson stated this matter was discussed in today's meeting of the Legal and Legislative Committee and approval is recommended.

On motion of Councilwoman Robinson, seconded by Councilman Taylor,
A RESOLUTION APPOINTING L. JOE FERGUSON TO THE OFFICE OF MEMBER AND CHAIRMAN OF THE ELECTRIC POWER BOARD OF CHATTANOOGA
was adopted.

OVERTIME

Overtime for the week ending March 28, 2003 totaled \$8,620.51.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ✍ **ERIC CROSS** – Return from Family Medical Leave, Sanitation Worker, Senior, Citywide Services, effective March 24, 2003.
- ✍ **GARY I. GROWN** – Termination, Equipment Operator, Citywide Services, effective April 2, 2003.
- ✍ **HERMAN BIVINS** – Compulsory Leave, Crew Worker, Citywide Services, effective March 26 – September 26, 2003.

DEPARTMENT OF FINANCE AND ADMINISTRATION:

- ✍ **GARY FRANKS** – Promotion, Senior Shop Supervisor, Fleet Maintenance, Pay Grade 20/Step 3, \$39,625.00 annually, effective March 26, 2003.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- ✍ **KIMBERLY PATTERSON** – Transfer from full-time to part-time, Teacher Assistant, Head Start, \$15,142.40 annually (\$6.00 per hour), effective March 13, 2003.

PURCHASE

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

FLEX-O-LITE, INC. (Lowest and best bid)
R0066975/P0018889

Glass Beads

\$11.85/50 lb. bag

PURCHASE

On motion of Councilman Hakeem, seconded by Councilwoman Robinson, the following purchase was approved for the Department of Finance and Administration, Information Services Division:

CISCO EQUIPMENT (Single Source) R049287

Computer Network Software per SWC 385, Contract 4026711, in accordance with TCA 6-56-304.2

\$11,597.10

BOARD APPOINTMENT

On motion of Councilwoman Robinson, seconded by Councilman Page, the following Board appointment was approved:

MECHANICAL CODES BOARD OF ADJUSTMENTS AND APPEALS:

- ✍ Appointment of **KENNEY SMITH** to fill the unexpired term of Nickey Bowman, for a term expiring May 9, 2004.

HEARING: SGT. GERRY M. DAVIS

City Attorney Nelson stated a hearing was scheduled for Sgt. Davis on yesterday, however, his first attorney has been activated in the National Guard and the second attorney needs time to adequately prepare.

A rescheduled hearing date was scheduled for Monday, April 21 beginning at 3 p.m. with Councilmen Benson (Chair), Robinson and Pierce.

COMMITTEES

Councilman Hakeem scheduled a meeting of the **Public Works Committee for Tuesday, April 15 at 4 p.m.**

OPENING OF HERITAGE PARK

Councilman Benson invited everyone to the opening of Heritage Park located at East Brainerd and Jenkins Roads beginning at 9 a.m. on Saturday morning, April 5. He stated a Bike-A-Thon will culminate at 9 a.m. and the Mayor is expected to attend between 9 a.m. – 10 a.m. for the ribbon cutting, along with former Councilman Don Eaves.

ADJOURNMENT

Vice Chairman Franklin adjourned the meeting of the Chattanooga Council until Tuesday, April 8, 2003 at 12:00 noon.

CHAIRMAN

CLERK OF COUNCIL

**(A LIST OF NAMES OF PERSONS IN ATTENDANCE IS FILED
WITH MINUTE MATERIAL OF THIS DATE)**