

**City Council Building
Chattanooga, Tennessee
June 22, 2004
6:00 p.m.**

Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Franklin, Hakeem, Littlefield, Lively, Page, Pierce and Robinson; Councilman Taylor was absent due to personal commitment. 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 Lively gave invocation.

MINUTE APPROVAL

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

REZONING

2002-036: Jon Kinsey

Councilmen Lively and Franklin made the motion to substitute the amendment to this ordinance; the motion carried.

On motion of Councilman Pierce, seconded by Councilman Littlefield,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
LAND LOCATED IN THE NORTHWEST CORNER OF MAIN STREET AND
MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1
MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO
CERTAIN CONDITIONS**

passed third and final reading and was signed in open reading.

CLOSE AND ABANDON

MR-2004-084: Mary Beth McDonald and Samuel R. Anderson

Councilman Hakeem reported that a number of items on tonight's agenda were discussed today's Public Works Committee meeting and approval is recommended for many of them, however, this is not one of them.

On motion of Councilman Hakeem, seconded by Councilman Lively,
AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED SOUTH OF THE 500 BLOCK OF GRAHAM STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
was denied.

CLOSE AND ABANDON

MR-2004-087: Southern Credit Union

Councilman Hakeem stated this request was also recommended for denial pursuant to discussion in today's Public Works Committee meeting. He indicated Ordinances 6(c) - (d) and Resolutions (a) and (c) - (i) are recommended for approval.

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
AN ORDINANCE CLOSING AND ABANDONING AN ALLEY BEGINNING ON THE EAST LINE OF THE 400 BLOCK OF NATIONAL AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
was denied.

CLOSE AND ABANDON

MR-2004-096: Towne Center North, LLC

After reading the Ordinance's caption, the Clerk of Council indicated that Planning's version was read.

Councilman Page asked for clarification whether the conditions in the version read included leaving the road (Cowart Drive) open. It was affirmed that this was the correct version that would leave the road open.

CLOSE AND ABANDON (Continued)

On motion of Councilman Page, seconded by Councilman Lively,
**AN ORDINANCE CLOSING AND ABANDONING THE 1000 BLOCK OF
COWART DRIVE AND JOHN MARK 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 first reading.

AMEND CITY CODE

On motion of Councilman Hakeem, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
CHAPTER 10, RELATIVE TO PERMITS AND LICENSING**
passed first reading.

TEMPORARY USE

On motion of Councilwoman Robinson, seconded by Councilman Lively,
**A RESOLUTION AUTHORIZING MARY BETH MCDONALD AND SAMUEL
R. ANDERSON TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF AN
ALLEY LOCATED SOUTH OF THE 500 BLOCK OF GRAHAM STREET, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO
RESTRICT THE USE OF THE ALLEY FOR VEHICULAR TRAFFIC INCLUDING
THE USE OF BARRIER GATES, IF NECESSARY, SUBJECT TO CERTAIN
CONDITIONS**
was adopted.

SPECIAL POLICEMAN

On motion of Councilwoman Robinson, seconded by Councilman Littlefield,
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF EDWARD
HAMMONDS AS SPECIAL POLICEMAN (UNARMED) FOR THE CITY OF
CHATTANOOGA COURT CLERK'S OFFICE TO DO SPECIAL DUTY AS
PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**
was adopted.

CONTRACT

On motion of Councilman Lively, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MAINTENANCE CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR FISCAL YEAR 2004-2005, RELATIVE TO THE STATE REIMBURSING THE CITY FOR MAINTENANCE WORK ON STATE HIGHWAYS ROUTED THROUGH THE CITY
was adopted.

AMEND CONTRACT

On motion of Councilman Page, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AMENDMENT NO. 1 WITH CONSOLIDATED TECHNOLOGIES, INC., FOR ADDITIONAL ENGINEERING SERVICES, RELATIVE TO CONTRACT NO. 2-03-001, SUMMITT LANDFILL GAS EXTRACTION, WHICH AMENDMENT INCREASES THE CONTRACT AMOUNT BY FIFTEEN THOUSAND SIX HUNDRED DOLLARS (\$15,600.00) FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED FIFTY-SIX THOUSAND SEVEN HUNDRED THIRTY-SEVEN DOLLARS (\$56,737.00)
was adopted.

AMEND CONTRACT

On motion of Councilman Lively, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AMENDMENT NO. 3 WITH CONSOLIDATED TECHNOLOGIES, INC. AND ARCADIS, GERAGHTY & MILLER, A JOINT VENTURE (CTI/AGM), FOR PROFESSIONAL SERVICES RELATIVE TO MOCCASIN BEND WASTE WATER TREATMENT PLANT, WHICH AMENDMENT INCREASES THE CONTRACT AMOUNT BY ONE HUNDRED FORTY-THREE THOUSAND SEVENTY-FIVE DOLLARS (\$143,075.00) FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED THREE MILLION EIGHT HUNDRED SIX THOUSAND SIX HUNDRED SIXTY-FIVE DOLLARS (\$3,806,665.00)
was adopted.

CHANGE ORDER

On motion of Councilman Page, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO CONTRACT NO. W-03-001, MODIFICATION TO SUMMIT LANDFILL GAS EXTRACTION SYSTEM ADDITIONS, WITH WASTE ENERGY TECHNOLOGY, LLC, WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY FIFTEEN THOUSAND TWO HUNDRED FOUR AND 60/100 DOLLARS (\$15,204.60), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE HUNDRED FORTY-TWO THOUSAND THIRTY-FIVE AND 40/100 DOLLARS (\$142,035.40)
was adopted.

CONTRACT

On motion of Councilman Littlefield, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE A CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF A MULTI-PHASE PEDESTRIAN TRAFFIC SIGNAL ON STATE ROUTE 8 (MARKET STREET) AT FIRST STREET, HAMILTON COUNTY, TENNESSEE
was adopted.

CONTRACT

On motion of Councilman Page, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. S-02-001-200, DRAINAGE AND WATER ABATEMENT IMPROVEMENTS, TO STEPHENS CONSTRUCTION FOR A TOTAL AMOUNT NOT TO EXCEED FOUR HUNDRED NINETY-NINE THOUSAND EIGHT HUNDRED SIXTY-FIVE DOLLARS (\$499,865.00) INCLUDING A CONTINGENCY AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00)
was adopted.

TEMPORARY USE

On motion of Councilman Hakeem, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING MICHAEL DOUBLEDAY TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF AN ALLEY LOCATED AT ST. ELMO AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO INSTALL A GATE AT THE ENTRANCE TO THE ALLEY, SUBJECT TO CERTAIN CONDITIONS
was adopted.

CONTRACT

Councilman Pierce stated Resolutions (j) and (k) were discussed in today's meeting of the Budget and Finance Committee and both have been forwarded to the Council for full consideration.

On motion of Councilman Lively, seconded by Councilman Littlefield,
**A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE
A CONTRACT WITH ALLIANCEONE, INC. FOR COLLECTION SERVICES
FOR THE CITY**
was adopted.

AGREEMENT ADDENDUM

On motion of Councilman Hakeem, seconded by Councilman Pierce,
**A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY FINANCE
OFFICER TO EXECUTE AN ADDENDUM TO THE INVESTMENT ADVISORY
SERVICES AGREEMENT WITH PUBLIC FINANCIAL MANAGEMENT, INC.
TO PROVIDE ASSISTANCE TO THE CITY IN SECURING FAIR AND
REASONABLE PRICES FOR BANKING SERVICES**
was adopted.

(Councilman Franklin excused himself from the meeting at this point.)

OVERTIME

Overtime for the week ending June 18, 2004 totaled \$19,487.91.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **TRACY L. MURRAY** – Voluntary Demotion, Equipment Operator, Sr., Citywide Services, Pay Grade 8/Step 11, \$35,080.00 annually, effective June 23, 2004.
- **ARTHUR T. SANDS** – Suspension (3 days without pay), Equipment Operator, Sr., Citywide Services, effective June 16-18, 2004.

PERSONNEL (Continued)

- **GARY L. LANDSDEN** – Suspension (3 days without pay), Crew Worker, Sr., Citywide Services, effective June 17, 21, 22, 2004.
- **THOMAS A. SMITH** – Suspension (1 day without pay), Crew Worker, Citywide Services, effective June 15, 2004.
- **ERIC T. CROSS** – Suspension (5 days without pay), Equipment Operator, Sr., Citywide Services, effective June 18–25, 2004.

CHATTANOOGA POLICE DEPARTMENT:

- **MICKEL G. HOBACK, BRYAN S. WOOD** – Military Leave, Police Officer, effective June 22, 2004 – December 22, 2005.
- **KIRK MABRY** – Resignation, Police Officer, effective June 24, 2004.
- **JULIE E. LADD** – Voluntary Demotion, Property Service Clerk, Pay Grade 7/Step 11, \$33,228.00 annually, effective June 25, 2004.
- **ROY DICKEY** – Position Eliminated, Security, Facility and Fleet Manager, effective June 30, 2004.
- **CARLITHA PALMER** – Return to Duty, Communications Officer, effective June 7, 2004.

CHATTANOOGA FIRE DEPARTMENT:

- **BENITA OWENS** – promotion, Captain, Pay Grade F4/Step 7, \$46,249.00 annually, effective June 25, 2004.
- **MICHAEL D. DAVENPORT** – Promotion, Lieutenant, Pay Grade F3/Step 5, \$36,767.00 annually, effective June 25, 2004.
- **SAM E. ELLISON, JR.** – Promotion, Lieutenant, Pay Grade F4/Step 2, \$37,379.00 annually, effective June 25, 2004.
- **MELISSA D. BARROWS** --- Retired (non-job related disability), Lieutenant, effective June 17, 2004.

PERSONNEL (Continued)

FINANCE DEPARTMENT:

- **TERRY A. TISDALE** – Terminated, Customer Service Representative, effective June 14, 2004.

PURCHASES

On motion of Councilman Lively, seconded by Councilman Page, the following purchases were approved for use for the Public Works Department:

BROOKER FORD, INC. (Lower and better bid)
R0073373/B0001585

Pick-Up Truck

\$31,400.00

POWER EQUIPMENT CO. (Lower and better bid)
R0073458/B0001660

Self-Propelled Broom

\$28,868.00

BFI WASTE SYSTEM (Lowest and best bid)
R0073279/B0001429

Front End Loader Service

(Price information filed with minute material of this date)

LEE SMITH INTERNATIONAL (lowest and best bid meeting specifications)
R0073460

Sixteen (16) Hydraulic Knucklebooms at \$79,248.85 each. *The prices offered for this procurement will reflect a savings of \$7,957.15 per unit for a total savings of \$127,314.40.*

\$1,267,981.60

HOTEL PERMIT

On motion of Councilman Pierce, seconded by Councilman Hakeem, the following hotel permit was approved:

WINGATE INN – 7312 Shallowford Road, Chattanooga, TN

PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Lively, the following purchase was approved for use by the Chattanooga Fire Department:

KENCO GROUP, INC. (Lowest and best bid)
R0071827/B0001663

Sectional Bay Doors

\$17,750.00

PURCHASES

On motion of Councilman Hakeem, seconded by Councilman Littlefield, the following purchases were approved for use by the Chattanooga Police Department:

SOFTWARE PLUS (Single source)
R0073739

Software License per Statewide Contract 3006, Number 4024720, TCA 6-56-304.6

\$11,126.64

GULF STATES DISTRIBUTORS (Single source)
R0073531

Taser Guns, Air Cartridges and Targets per TCA 6-56-304.2

\$166,023.00

PURCHASES (Continued)

GULF STATES DISTRIBUTORS (Single source)

R007631

Air Cartridges & Targets for Taser Guns per TCA 6-56-304.2

\$15,369.00

PURCHASES

On motion of Councilman Hakeem, seconded by Councilman Lively, the following purchases were approved for use by the Finance and Administration Department:

G T DISTRIBUTORS (Lowest and best bid)

R0072432/B0001597

Light Bar & Siren Accessories for Fleet Maintenance, Division I

(Price information available and filed with minute material)

ALL IN ONE (Best bid)

R0051661/B0001518

Grounds Maintenance Services for the Chattanooga-Hamilton County Bicentennial Library/ *(Although KK&M entered the lowest bid, they did not return the required documentation.)*

\$6,144.00

DELL MARKETING L.P. (Best proposal)

R0069655

Computer Equipment and Computer Related Peripherals for Information Services. *(Twelve months contract with option to renew for three additional twelve-month periods.)*

BOARD APPOINTMENTS

On motion of Councilman Hakeem, seconded by Councilman Lively, the following Board appointments were approved:

BOARD OF SIGN APPEALS:

- Appointment of ***WARREN MACKEY***, representing District 3 for a term expiring July 1, 2007.
- Appointment of ***PATRICIA ROBINSON***, representing District 9, for a term expiring July 31, 2007.

HEARING: RICHARD AKERS

City Attorney Nelson stated that a hearing was to have been held for Michael Akers on yesterday; that a letter was received from his attorney asking for a continuance indicating that the charges against him were to have been tried on June 8 but was postponed. He stated it is his thought the criminal trial will be sometime this fall, however no date has been set so far. He asked that the matter be taken off the agenda for the time being and put back on when the criminal matter is resolved.

COMMITTEES

Councilman Pierce stated that the Budget and Finance Committee had a meeting today and it was decided all questions have been satisfactorily answered regarding the 2004-2005 proposed budget. He stated that the matter would be placed on next week's agenda.

City Attorney Nelson added that the document would have to be advertised for a ten-day notice prior to the public hearing on second and third reading.

Chairman Benson expressed appreciation for a well-prepared budget presentation.

Councilman Lively stated that the Safety Committee previously scheduled for next Tuesday would not be held pursuant to advice from the City Attorney.

COMMITTEES (Continued)

Councilman Littlefield stated that the Legal and Legislative Committee met today and received a report from Planning Staff regarding their proposed recommendations as to how we might deal with zoning questions on Brainerd Road. He stated there were a number of recommendations, two of which are to refer matters regarding the proposed or prospective historic zoning properties between the Brainerd Tunnel and Rosemont to the Historic Zoning Commission for their review and ask Planning Staff to do a computer search for property owners to give a list of properties affected by that proposal to work from. He stated Planning would be asked to continue their study of ways we might address some of the specific uses of property and some special uses such as the tattoo parlors, check cashing places and other types of special businesses that have been affecting the Brainerd Road area.

At this point **Councilman Littlefield made the motion to refer the historic question to the Historic Zoning Commission of properties from the Brainerd Tunnel to Rosemont to review the potential of creating a historic overlay zone in that area; Councilwoman Robinson seconded the motion; the motion carried.**

Councilman Littlefield continued by stating that the **Legal and Legislative Committee will meet next Tuesday, June 29 at 3 p.m.** and indicated that he does not have a specific agenda item.

Chairman Benson stated that the matter of clear cutting could be an issue for discussion. He stated Greg Haynes is ready with that.

Councilman Hakeem stated that an item in **Public Works Committee** today involved a resolution for next week for the Fire Department and their need for an air conditioning system that comes with the a recommendation for approval. He scheduled a **meeting** of the Committee **for Tuesday, July 6 at 4 p.m.**

DISTRICT 4 MEETING

Chairman Benson expressed thanks to everyone from Administration for their presence at last week's District 4 meeting. He stated that Mayor Corker, Councilman Littlefield and other elected officials were present and that it was an excellent meeting with 185 who checked in and 200+ in attendance.

ANIMAL CARE TRUST (ACT)

Chairman Benson reported that he is continuing to work with ACT; that they met last Friday and are moving along with the Advisory Committee. He stated that another meeting is scheduled for this Friday at 10 a.m. if any Council members are interested in attending; that they plan to finalize the members who will serve.

LARRY HILLEY

Larry Hilley stated that he owns property at 2600 and 2602 East 44th Street. He stated both are rental properties and he has owned one of them over twenty years and has a tenant in one of the units that has lived there for nineteen years. He stated there are three residences that are real close to his where people are selling crack cocaine; that they come onto his property and steal his air conditioners out of the windows, tearing out the window facing in the process. He stated this has created a lot of problems for him and he has had to put up a six foot fence; that he has told every police officer about this that he has made contact with for the last ten years that they are selling crack. He stated he has called the DEA and FBI and has been to Internal Affairs and does not know what else to do. He stated that he went to a couple neighborhood meetings and because he is a landlord and not owner occupied they viewed him differently. He stated he is trying to do the right thing and is at a loss as to what he can do to get them out of his neighborhood. He asked if the Council could give any suggestions as to the next step.

Chairman Benson informed Mr. Hilley that he had come to the right place; that two people who can be of help to him are present – Chief Cooke of the Police Department and Kenardo Curry, Administrator of Neighborhood Services.

Mr. Hilley stated that he went out to Amnicola Highway and got the “run around”.

Councilman Benson stated Chief Cooke would listen to him and for Mr. Hilley to see him (Cooke) at the end of the meeting; that Mr. Curry can assist. He asked that Mr. Hilley give those two a chance.

Councilman Littlefield asked how many years this situation has existed. Mr. Hilley responded that it has been at least ten years.

Councilman Littlefield asked if it involves the same individual. Mr. Hilley responded that two of them are the same and one just moved in.

ADJOURNMENT

On motion of Councilman Page, seconded by Councilman Hakeem, the meeting was adjourned until Tuesday, June 29, 2004 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)**