

**CITY COUNCIL BUILDING  
CHATTANOOGA, TENNESSEE  
AUGUST 31, 2004**

Chairman Benson called the meeting of the Chattanooga City Council to order with Councilmen Franklin, Hakeem, Littlefield, 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**

The Pledge of Allegiance was led by Councilman Dan Page, followed by the invocation.

**MINUTE APPROVAL**

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

**AMEND CITY CODE  
UNLAWFUL NOISES**

Councilman Littlefield explained that this Ordinance parallels State Law that has just taken effect in the last month and relates to boom speakers in cars and trucks and the complaints of windows rattling; that this will enhance our policemen's ability to enforce the law and should be a deterrent to such unlawful noises.

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY  
CODE, CHAPTER 25, ARTICLE III, SECTION 69, RELATIVE TO  
UNLAWFUL NOISES**  
passed first reading.

**SPECIAL POLICEMEN**

Councilman Hakeem noted that this Resolution, as well as the next three, were all heard in the Public Works Committee meeting and come with a recommendation.

On motion of Councilman Lively, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF ROGER N. SCOTT, DALLAS RUCKER AND PERRY MAYO AS SPECIAL POLICEMEN (UNARMED) FOR THE CITY OF CHATTANOOGA DEPARTMENT OF PUBLIC WORKS, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**AGREEMENT**

On motion of Councilman Hakeem, seconded by Councilman Lively,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH LAMAR DUNN & ASSOCIATES, RELATIVE TO CONTRACT No. E-03-029-100, NORTH MARKET STREET AT CHEROKEE BOULEVARD STREETScape IMPROVEMENTS, IN AN AMOUNT NOT TO EXCEED EIGHTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$87,500.00)**

was adopted.

**AGREEMENT**

On motion of Councilman Lively, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH MIXING AND MASS TRANSFER TECHNOLOGIES, INC./LOTEPRO ENVIRONMENTAL SYSTEMS AND SERVICES (“M2T TECHNOLOGIES/LOTEPRO”), RELATIVE TO THE MOCCASIN BEND WASTEWATER TREATMENT PLANT OXYGEN PLANT 5-YEAR TURNAROUND MAINTENANCE SERVICES FOR THE INTERCEPTOR SEWER SYSTEM, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED ELEVEN THOUSAND FIVE HUNDRED TWENTY-FIVE DOLLARS (\$111,525.00)**

was adopted.

**TEMP. ROW USE**

Mr. Jerry Pace explained that this involves streets in the Ridgedale community that McCallie School has petitioned for temporary usage; that this came through the Public Works Department, where they had first asked for closure; that closure was not advised and with temporary usage they can be re-opened at any time if the City sees a need for it.

**Mr. Henry Jones** spoke in opposition, stating that he owns a business at 1100 Dodds Ave. and has been associated with the Ridgedale Community Association for many years and has been associated with it since its beginning; that in 1998 we came up with a Ridgedale Plan and received cooperation from the McCallie School, the Ridgedale neighborhood; and the Planning Commission—that it was all done cooperatively; that at that time McCallie School said that their “hard” line was Anderson Ave.; that they were now using property behind his business and had ignored their “hard” line and were encroaching on the City streets of Chattanooga. He went on to say that they were using the reason of safety of the students; that if we allow them to close temporarily, when will the streets be re-opened and how will the neighborhood have assurance that “in the dark of the night” this is not made permanent.

Mr. Jones continued, stating that Gary Ball, who is President of the Ridgedale Community Association, found out about this procedure by accident, and that he was here to object to McCallie changing their plans when no one had consulted the residents in their area; that McCallie School did not approach the community and ask for cooperation and that they found out by accident.

He went on to say that if McCallie was allowed to temporarily close these main streets that “in the dark of the night” they could be permanently closed; that his business is at the corner of Dodds and Bennett Ave., and he did not want to see Bennett closed, using the example “that if a camel gets its nose under the tent, what will keep the camel from coming on in”. He stated that they were being “leaned” on and that they strenuously opposed this.

Naveed Minhaus, City Engineer, stated that he recognized the comments of Mr. Jones but that he would like to say that this is for temporary use and is not an abandonment and that is why the community was not made aware of this; that they did have a process in place to notify the community when it is an abandonment; that the petition for abandonment was withdrawn or the neighborhood would have been informed. He explained that if there is a hardship, the streets can be re-opened; that this is not a permanent situation.

**TEMP.ROW USAGE (CONT'D)**

Councilman Taylor stated that he would like to reinstate a question that came up in committee; that he has spoken to McCallie and they said they had a Plan.

**Mel Cooper**, Vice President of Planning for McCallie, stated that they felt that this was consistent with the Neighborhood Plan and that they had no “hard” edge; that the Plan is dynamic and was revisited and that their new Plan is not published; that they would set up a time with the Planning Staff to review their Plan and to get input and would share with the professionals what McCallie has in mind; that they wished to bring onto their campus the north end of Anderson Street and were not bringing on to campus where someone lives that is not part of the campus; that when they owned both sides of the street, they felt it was consistent with the Neighborhood Plan; that he would be glad to have a meeting with the neighborhood and did not understand their saying that this was inconsistent with the Plan.

Councilman Taylor stated that he understood the community’s concerns and asked if the houses on these streets belong to professors.

Mr. Cooper responded “yes” and also advisors to students; that they don’t have enough apartments and housing for all of the teachers and advisors and were trying to bring on campus teachers and families who supervise these boys.

Councilman Littlefield stated that this was discussed in the Legal and Legislative Committee; however Mr. Jones was not there; that Councilman Benson had told him that some feared that McCallie was taking over the whole neighborhood.

Mr. Cooper explained that they had no power of eminent domain and if people wanted to sell their property to them, they could and that this happens very slowly; that if Mr. Jones wanted to sell his property, he could; however they could not force people to sell.

Councilman Littlefield asked Mr. Cooper to re-state their procedure. Mr. Cooper explained that when property is listed for sale that they pay for an appraisal and then offer market price and that they paid the closing costs and people get out of their property its real value.

Councilman Franklin stated that he was wondering, as it relates to temporary use, if there was a sunset on this or once they got temporary use, it was indefinite.

**TEMP.ROW USAGE (CONT'D)**

Mr. Minhaus explained that Temporary Use gives the city authority to take it back at anytime the City deems necessary for the City or its citizens; that they could revoke with 30 days notice.

Councilman Franklin asked if McCallie was planning to put a border around the houses.

Mr. Cooper explained that they would move some fencing and gates so that the houses would be enclosed within the campus.

Councilman Franklin indicated that this was the problem he was having; that if it is temporary use, why would the property be enclosed.

Mr. Cooper explained that this is a security issue, and they tried to work in collaboration with the police.

Councilman Franklin stated that if they worked in collaboration with the Neighborhood Association they might be able to strike some common ground; that ingress and egress may be part of their flow and with a temporary use, he found it difficult to see how they could fence it off.

Mr. Cooper explained that this was two blocks from Dodds Ave. and everything to the east and north is campus, and they want to bring another five houses into their campus, and it does not isolate anyone in the neighborhood.

Councilman Taylor commended McCallie School in training young men, stating that it was also a major concern of his to see the fence around the homes; that this is an opportunity for redevelopment and these teachers' homes could be part of a historical community; that the teachers could be part of the community, and he was concerned with the fencing piece, as it would be a major isolation to the area.

Mr. Cooper explained that this would be private at night; that without the fence they would get lots of burglars and prostitutes, and they had to have gates.

**TEMP.ROW USAGE (CONT'D)**

Councilman Littlefield stated that he did understand, and we were all friends here; that should the decision to change this from temporary use to closure and abandonment be made, it has to be advertised in detail before the City gives up this right, and it was not something that would be done in “the dark of night”; that it was not a simple process or something that could be hidden. He went on to say that he had had good experience with temporary uses and that he had represented this district for a long time and knew people on both sides and McCallie seeks to be a good neighbor—that they provide space for meetings concerning neighborhood plans, and he honestly believed that temporary use would be a good thing for this neighborhood, and should it prove not to be, it would be a simple matter to pass a Resolution asking that these streets be re-opened.

Councilman Taylor reiterated that he appreciated McCallie for their leadership and being a good neighbor and would hope that McCallie would work closely with the neighborhood and would ask their teachers to help revitalize the area in the neighborhood, which has so much potential; that we do appreciate McCallie for their leadership and vision, but he would have to speak against this motion.

On motion of Councilman Page, seconded by Councilman Hakeem,

**A RESOLUTION AUTHORIZING MCCALLIE SCHOOL TO USE TEMPORARILY THE CITY’S RIGHT-OF-WAY OF A PORTION OF ANDERSON STREET, KYLE STREET, AND LEWIS STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO PROVIDE SECURITY FOR THE MCCALLIE SCHOOL HOUSING IN THE AREA, SUBJECT TO CERTAIN CONDITIONS**

was adopted, with **Councilmen Pierce, Taylor, and Franklin voting No.**

**MORATORIUM**

On motion of Councilman Taylor, seconded by Councilman Franklin,

**A RESOLUTION DECLARING A MORATORIUM ON CONSTRUCTION OF NEW DUPLEXES IN AN AREA HEREINBELOW DESCRIBED UNTIL JANUARY 1, 2005**

was adopted.

**MORATORIUM (CONTD')**

Attorney Nelson asked Mr. Minhaus to be sure to give the Building Inspection Office a copy of this Resolution in the morning; that they had fussed at him many times about not knowing about moratoriums.

**OVERTIME**

Overtime for the week ending August 27, 2004, totaled \$8,506.97.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**PUBLIC WORKS DEPARTMENT:**

- ❖ **WILLIAM P. WARE, JR.** – Family Medical Leave, effective 8/20/04—11/12/04.
- ❖ **CHARLES E. SANDERS** – Return from Family Medical Leave, effective 7/29/04.
- ❖ **KENNETH SULLIVAN** – Termination of Crew Worker, effective 8/24/04.
- ❖ **KENNETH E. ROBINSON** – Retirement of Equipment Operator, effective 8/27/04.
- ❖ **GREGORY P. PLEMONS** – Resignation of Equipment Operator, Sr., effective 8/27/04.
- ❖ **ALEX CHANDLER, JR.** – Return from Family Medical Leave, effective 8/25/04.

**PERSONNEL (CONT'D)**

**CHATTANOOGA POLICE DEPT.:**

- ❖ **DANIEL D. SIMS** – Resignation of Cadet, effective 8/23/04.
- ❖ **MICHAEL MATHIS** – Promotion to Lieutenant, Pay Grade 3/7, \$53,023.00 annually, effective 9/3/04.
- ❖ **PEDRO BACON** – Promotion to Sergeant, Pay Grade 2/5, \$42,865.00 annually, effective 9/3/04.
- ❖ **ROGER GIBBENS** – Promotion to Sergeant, Pay Grade 2/3, \$39,338.00 annually, effective 9/3/04.
- ❖ **DANNY HILL & DARRELL WHITFIELD** – Promotion to Sergeant, Pay Grade 2/5, \$42,865.00 annually, effective 9/3/04.

**CHATTANOOGA FINANCE DEPT./IS:**

- ❖ **DAVID KESTILA** – Hire as Network Manager, Pay Grade 28/4, \$53,634.00 annually, effective 9/8/04.

**CHATTANOOGA HUMAN SERVICES DEPT.:**

- ❖ **SONYA HUCKABA** – Termination of Family Services Asst., effective 8/6/04.
- ❖ **KATHY LITTLE & DELORES MOUNTZ** – Retirement of Nurse, effective 8/31/04.
- ❖ **PAMELA ROBERTS** – Transfer to Program Asst. II, \$24,902.00 annually, effective 8/19/04.
- ❖ **DELORES SAXTON** – Retirement of Teacher Assistant, effective 8/31/04.
- ❖ **NANCY SISK** – Retirement of Health/Nutrition Coord., effective 8/31/04.
- ❖ **FREIDA SUTHERLAND** – Retirement of Family Services Asst., effective 8/9/04.

**PERSONNEL (CONT'D)**

**PARKS, RECREATION, ARTS & CULTURE DEPT.:**

- ❖ **JENNIFER OUSLEY** – Resignation of Zookeeper, effective 8/10/04.

**PURCHASES**

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

**SOUTHERN IONICS (Lowest Bid meeting specs.)**

**Req. # ROO77123/B0001783**

Requirements Contract for Liquid Alum

(See minute material for prices)

**RODEN ELECTRIC (Lowest and best bid meeting specs.)**

**Req. #ROO77125/B0001771**

One (1) Cutler Hammer Motor Starter

\$19,374.26

**HOTEL PERMITS**

On motion of Councilman Lively, seconded by Councilman Franklin, the following Hotel Permits were approved:

**BAYMONT INN & SUITES** – 3540 Cummings Highway

**CASA GRANDE DEL RIO** – 1410 O'Grady Drive

**COUNTRY SUITES** – 7051 McCutcheon Road

**DAYS INN-TIFTONIA** – 3801 Cummings Highway

**LLBJ, LLC dba HAMILTON INN** – 6860 Lee Highway

**HOTEL PERMITS (CONT'D)**

**HAMILTON INN** – 2717 Rossville Blvd.

**HOLIDAY INN EXPRESS** – 4833 Hixson Pike

**HOLIDAY INN EXPRESS** – 7024 McCutcheon Road

**IN TOWN SUITES** – 5730 Lee Highway

**KING'S LODGE** – 2400 West Side Drive

**MAYOR'S MANSION INN** – 801 Vine Street

**MICROTEL INN** – 7014 McCutcheon Road

**PARK CITY MOTEL** – 2747 Cannon Ave.

**SLEEP INN** – 2351 Shallowford Road

**SUPER 8** – 20 Birmingham Highway

**PURCHASE**

On motion of Councilman Franklin, seconded by Councilwoman Robinson, the following purchase was approved for the Police Dept.:

**POSITRON (Sole Source Purchase)**  
**Requisition # R0077637 & R0077630**

Contract for Police Vehicle Power MAP, Automatic Vehicle Location, and Management Information Software

\$271,590.00

Chief Cooper explained that this was from Grant funds for the Licensing and Motor Vehicle Location.

Councilman Hakeem asked if we were buying without advertising and bidding. Chief Cooper explained that this allowed them to operate and that they had to buy from the same source to make this happen.

**POLICE MATTERS**

Councilman Franklin questioned the promotions that were reported in Personnel matters and asked if this was as a result of the Promotional System in the Plan. Chief Cooper explained that they were still using the same list, and it would be good for two years. Councilman Franklin asked for some demographics. Chief Cooper responded that they were promoting four sergeants and one was an African-American and one lieutenant.

Councilman Pierce again asked about the Tasers, stating that he had been hearing on the news that they are not 100% acceptable across the nation. He asked Chief Cooper if he had any further information.

Chief Cooper responded that they reviewed studies every day, and he did not think any decision had been made on all the deaths that were occurring and there was no proof established that Tasers caused the deaths and other factors were involved; that they had had no negative results from use of Tasers; that they were less than lethal weapons and people could be taken into custody without lethal force; that departments that do not have Tasers have to use deadly force and the outcome is different.

Councilman Pierce asked if all officers would be assigned Tasers or if it would be voluntary.

Chief Cooper responded that every officer in uniform must go through Taser training and be tased themselves.

Councilman Pierce asked if there was no choice. Chief Cooper explained that this had been discussed a few weeks ago but they could not allow this; that if an officer chose not to carry a Taser and had to use lethal force, then they would have fallen down on their jobs.

**PURCHASE**

On motion of Councilman Page, seconded by Councilwoman Robinson, the following purchase was approved for use by the Neighborhood Services Department:

**MUNICIPAL SOFTWARE**  
**Invoice #28270**

Maintenance Contract of CityView

\$10,000.00.

**BOARD APPOINTMENT**

On motion of Councilwoman Robinson, seconded by Councilman Taylor, the following Board Appointment was approved:

**CARTA BOARD**

- ❖ Appointment of **WARREN MACKEY** to fill the unexpired term of Bertha Seals for a term expiring **October 1, 2006**.

**BOARD RE-ELECTIONS**

On motion of Councilman Littlefield, seconded by Councilman Lively, the following Board Re-elections were approved:

**INDUSTRIAL DEVELOPMENT BOARD**

- ❖ Re-elections of **RICHARD EBERSOLE, JEAN LOGAN, AND STEFANIE CROWE** for terms to expire **June 9, 2010**.

**COMMITTEES**

Councilman Taylor scheduled a **Health, Education, Human Services and Housing Opportunities Committee** meeting for **Tuesday, September 7<sup>th</sup>** immediately following the **Legal and Legislative Committee**.

Councilman Littlefield scheduled a **Legal and Legislative Committee** meeting for **Tuesday, September 7<sup>th</sup>** at **3:00 P.M.**

Councilman Hakeem scheduled a **Public Works Committee** meeting for **Tuesday, September 14<sup>th</sup>** at **4:00 P.M.**

**ADJOURNMENT**

Chairman Benson adjourned the meeting of the Chattanooga City Council until Tuesday, September 7<sup>th</sup> at 6:00 P.M.

---

**CHAIRMAN**

---

**CLERK OF COUNCIL**

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