

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
FEBRUARY 1, 2005**

Chairman Benson called the meeting of the Chattanooga City Council to order with Councilmen Franklin, Hakeem, Lively, Page, Pierce, Robinson, and Taylor present. Councilman Littlefield was absent due to personal commitment. 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 John Taylor, the invocation was given by Reverend Alonzo Noble of the Mt. Eagle Baptist Church of Charleston, Tennessee.

RECOGNITION OF STUDENTS

Councilman Lively recognized the presence a group of student photo-journalists from Southern Adventist University who would be taking a few pictures of tonight's meeting.

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.

CLOSE AND ABANDON

2004-205 (Paul Pruett)

Mr. Jerry Pace, Director of Operations for RPA, stated that this was located in the Park City community; that it was recommended for approval by the Planning Agency and Commission; that Public Works made the recommendation to give them a temporary usage; however Councilman Pierce and the applicant had worked together to recommend abandonment of the right-of-way and not temporary usage.

CLOSE & ABANDON(CONT'D)

Councilman Pierce noted that the applicant was present and understands that we would like to close the alley.

Councilman Hakeem stated that this item, as well as **Resolution (a)** for temporary usage, were discussed in the Public Works committee meeting and come with a recommendation for approval for closing.

On motion of Councilman Pierce, seconded by Councilman Lively,
AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY RUNNING WEST OF AND PARALLEL TO THE 2500, 2600, AND 2700 BLOCKS OF CANNON AVENUE AND A PORTION OF THE UNOPENED 2200 BLOCK OF BURNETTE AVENUE, 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 BUDGET ORD.

On motion of Councilman Hakeem, seconded by Councilman Lively,
AN ORDINANCE TO AMEND ORDINANCE NO. 11581, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, AND ENDING JUNE 30, 2005, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDE FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES." SO AS TO PROVIDE FOR CERTAIN CHANGES IN SPECIAL REVENUE FUNDS SET OUT IN SECTION 6

passed first reading.

AMEND CAPITAL BUDGET

On motion of Councilman Hakeem, seconded by Councilman Page,
**AN ORDINANCE TO AMEND ORDINANCE NO. 11606
ENTITLED "AN ORDINANCE APPROPRIATING,
AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL
IMPROVEMENTS BUDGET FOR THE FISCAL YEAR
2004/2005" TO PROVIDE FOR THE APPROPRIATION OF
ADDITIONAL FUNDS FROM THE ECONOMIC
DEVELOPMENT FUND TO GENERAL FUND CAPITAL
PROJECTS FUND P413 FOR ENTERPRISE SOUTH
INDUSTRIAL PARK**
passed first reading.

Chairman Hakeem noted that Resolutions (a) thru (h) were discussed in Public Works Committee and come with a recommendation, with the exception of (a), which will be handled by a closure. Also (k) and (l) were discussed and come with a recommendation for approval.

TEMPORARY USAGE

On motion of Councilman Hakeem, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING PAUL PRUETT AND KEN
GARNER, SR. TO USE TEMPORARILY ALLEYS PARALLEL TO
THE 2500, 2600, AND 2700 BLOCKS OF CANNON AVENUE
AND A PORTION OF THE 2200 BLOCK OF BURNETTE
AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND
AS SHOWN ON THE DRAWING ATTACHED HERETO AND
MADE A PART HEREOF BY REFERENCE, TO INSTALL A
FENCE, REMOVE TRASH AND VEGETATION AND GRADE
AND GRAVEL, SUBJECT TO CERTAIN CONDITIONS**
was denied.

CONTRACT C.O.

On motion of Councilman Hakeem, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO THE MOCCASIN BEND WASTEWATER TREATMENT PLANT PROCUREMENT OF OXYGENATION SYSTEM EQUIPMENT AND ACCESSORIES, CONTRACT NO. 28J2 (EP), WITH LINDE PROCESS PLANTS, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY NINETY-THREE THOUSAND TWENTY-THREE AND 45/100 DOLLARS (\$93,023.45), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED TWO MILLION SIX HUNDRED EIGHTY-THREE THOUSAND NINE HUNDRED FIFTY DOLLARS (\$2,683,950.00)

was adopted.

CONTRACT C.O.

On motion of Councilman Hakeem, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO THE NORTH ACCESS ROAD RETAINING WALL REPAIR PROJECT, CONTRACT NO. E-03-017, WITH WRIGHT BROTHERS CONSTRUCTION, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY NINETEEN THOUSAND EIGHT HUNDRED FORTY-SEVEN AND 10/100 (\$19,847.10), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE HUNDRED EIGHTY-SIX THOUSAND SIX HUNDRED SEVENTY-TWO AND 90/100 DOLLARS (\$186,672.90)

was adopted.

CONTRACT C.O.

On motion of Councilman Hakeem, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO THE MARTIN LUTHER KING BOULEVARD BITUMINOUS PAVING PROJECT, CONTRACT NO. E-03-012, WITH VULCAN MATERIALS COMPANY, WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY THREE HUNDRED SIXTY-TWO AND 68/100 DOLLARS (\$362.68), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED TWO HUNDRED SIXTY-FOUR THOUSAND TWO HUNDRED EIGHTY-TWO DOLLARS (\$264,282.00)

was adopted.

R.O.W. PURCHASE

On motion of Councilman Lively, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO PURCHASE A RIGHT-OF-WAY, AS SHOWN ON THE RIGHT-OF-WAY DEED AND DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, RELATIVE TO THE IMPROVEMENT AND WIDENING OF THE NORTHEAST INTERSECTION BETWEEN EAST 23RD STREET AND SOUTH HOLTZCLAW AVENUE, CONTRACT NO. E-04-012, FROM WINGFIELD STONEWALL JACKSON AND JUNE, IN AN AMOUNT NOT TO EXCEED ONE THOUSAND TWO HUNDRED SIXTY DOLLARS (\$1,260.00)

was adopted.

AGREEMENT

On motion of Councilman Franklin, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH BILLINGSLEY/ARCHITECTURE RELATIVE TO CONTRACT NO. R-04-003-101, BUSHTOWN NEIGHBORHOOD ASSOCIATION, CARVER COMMUNITY CENTER, IN AN AMOUNT NOT TO EXCEED THIRTEEN THOUSAND SIX HUNDRED DOLLARS (\$13,600.00)
was adopted.

AGREEMENT

On motion of Councilman Hakeem, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH ARCADIS G&M, INC. RELATIVE TO CONTRACT NO. E-05-001-101, TRAVEL DEMAND AND TRAFFIC MODEL FOR DOWNTOWN CHATTANOOGA, IN AN AMOUNT NOT TO EXCEED EIGHTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$89,500.00)
was adopted.

CONTRACT

On motion of Councilwoman Robinson, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-03-033, INTERSECTION AND INFRASTRUCTURE IMPROVEMENTS AT FRAZIER AVENUE AND FOREST AVENUE, TO TALLEY CONSTRUCTION COMPANY, INC. FOR A TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED EIGHTY-EIGHT THOUSAND SIX HUNDRED FIFTY-EIGHT AND 93/100 DOLLARS (\$188,658.93), INCLUDING TWENTY-THOUSAND DOLLARS (\$20,000.00) IN CONTINGENCY
was adopted.

R.E. PURCHASE AGREEMENT

On motion of Councilman Lively, seconded by Councilman Franklin.

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT WITH THE U.S. GENERAL SERVICES ADMINISTRATION (GSA) FOR THE PURCHASE OF REMAINING ACREAGE OF THE FORMER VOLUNTEER ARMY AMMUNITION PLANT (VAAP) AND AUTHORIZING THE MAYOR TO SIGN ALL NECESSARY CLOSING DOCUMENTS TO ACQUIRE SAID PROPERTY

was adopted.

AD VALOREM AGREEMENT

On motion of Councilman Hakeem, seconded by Councilman Franklin,

A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE LJT OF TENNESSEE, LLC PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE COUNTY OF HAMILTON, TENNESSEE, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES

was adopted.

CONTRACT

On motion of Councilman Lively, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-03-031, EPB BLOCK STREETScape, TO TALLEY CONSTRUCTION COMPANY, INC. FOR A TOTAL AMOUNT NOT TO EXCEED ONE MILLION SIX HUNDRED SIXTY THOUSAND NINE HUNDRED EIGHT AND 93/100 DOLLARS (\$1,660,908.93), INCLUDING ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) IN CONTINGENCY

was adopted.

AGREEMENT

On motion of Councilman Lively, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH COLONIAL PIPELINE COMPANY FOR PRELIMINARY DESIGN SERVICES TO RELOCATE EXISTING PIPELINES RELATIVE TO CONTRACT NO. E-04-036-102, ENTERPRISE SOUTH CONNECTOR ROAD, IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000.00)
was adopted.

OVERTIME

Overtime for the week ending January 28, 2005, in the amount of \$18,637.85 was reported.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- ❖ **WILLIAM MCBEE**—One day suspension without pay, effective 1/23/05.
- ❖ **JOYCE RICHEY**—Return to duty of Communications Officer, effective 2/1/05.
- ❖ **SAMUEL M. RYON**—Retirement of Sergeant, effective 2/4/05.

PUBLIC WORKS DEPARTMENT:

- ❖ **JAMES R. HIGDON**—Voluntary transfer and demotion to Refuse Collection Inspector, Pay Grade 17/9, \$47,776.00, effective 1/28/05.

PERSONNEL (CONT'D)

- ❖ **CARRIE SCHAEFER**—Hire as Assoc. Engineering Designer, Pay Grade 15/4, \$35,777.00, effective 1/21/05.
- ❖ **JOHN ALLEN WELTON**—Promotion to Zoning Inspector, Pay Grade 12/10, \$40,862.00, effective 1/7/05.

CHATTANOOGA FIRE DEPARTMENT:

- ❖ **DANIEL STANTORE**—Promotion to Senior Firefighter, Pay Grade 2/3, \$31,055.00, effective 2/4/05.

PURCHASE

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

SPECIAL TRANSIT SERVICES, INC. (Only bidder)
Requisition No. R0080212/B0002081

Transportation Services

\$84,000

PURCHASES

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

ALTEC INDUSTRIES (Lowest bid meeting specs.)
Requisition R0069218/B0001972

One Bucket Truck

\$61,966.00

PURCHASES (CONT'D)

THE BAILEY COMPANY (Lowest and best bid meeting specs.)
Requisition R0079867/B0002083

One Forklift

\$16,245.00

At this point Adm. McDonald responded to a request of Councilman Taylor concerning the lighting fixtures on 12th. He explained that there had been a lot of vandalism; that these were old fixtures, and we were going to buy new ones that would be vandalism-resistant. These will have to be ordered.

HOTEL PERMIT

On motion of Councilman Lively, seconded by Councilman Franklin, the following Hotel Permit was approved:

RAMADA LIMITED—30 Birmingham Highway I-24, Exit 174, Chatt. Tn 37419

PURCHASES

On motion of Councilman Lively, seconded by Councilwoman Robinson, the following purchase was approved for the Chattanooga Fire Dept.:

SEPARATE WINDS (Best bid meeting specs)
Requisition R0080412/B0002082

Niedner Fire Hose & Couplings

\$16,317.00

PURCHASES (CONT'D)

On motion of Councilman Lively, seconded by Councilwoman Robinson, the following purchase was approved for the Chattanooga Fire Dept.:

EAGLE MECHANICAL (Lowest and best bid meeting specs)
Requisition R0080291/B0002100

Heating, Ventilation & Air Conditioning

\$13,900.00

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

MOTOROLA, INC. (Single Source Purchase)
Requisition R0080760

Motorola Radios & Accessories

\$62,430.00

PURCHASE

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

GULF STATES DISTRIBUTORS (Single Source Purchase)
Requisition R0077736/B0002022

Taser Guns

\$759.00

KENARDO CURRY
NEIGHBORHOOD SERVICES

Mr. Kenardo Curry appeared before the Council to announce that “Spaying and Neutering” starts today; that they had already had over 50 requests today for receiving services from the participating vets. He noted that there was a rush of Breeders and Kennel Operators to get registered because today is the day for the new Code to take effect. He explained that seven or more dogs are considered a kennel, and the owner must have a Kennel Operator’s License. If an individual is considered a Breeder, then he must have a license for this; and if he sells dogs, then he must have an additional Dealer’s License. Each of these licenses cost \$40.00 so individuals need to apply immediately.

Chairman Benson mentioned that Mike Compton has six dogs and asked if he got one more if he would have to have a Kennel License. Mr. Kenardo responded “yes”.

Councilman Lively stated that the City Attorney had brought up a good point—If a person had seven dogs that were all males, would they still be considered breeders? Mr. Kenardo responded that if an animal is suitable to breed, then the person must have a Breeder’s License.

Chairman Benson stated that he would like to see this all summarized.

PURCHASE

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

PARK EQUIPMENT & SHELTON LANDSCAPE SUPPLY (Lowest & best bids):

Requisition No. R0062762/B0001952

Requirements Contract for Topsoil

(See minute material for prices)

BOARD APPOINTMENTS

On motion of Councilman Franklin, seconded by Councilman Page, the following Board Appointments were approved:

BOARD OF ELECTRICAL EXAMINERS:

- ❖ **Kenny Smith**, term expiring **October 1, 2007**, to be appointed Chairman.
- ❖ **Steve Clark, Joe Farless, Veronica Young, Ron Pendergrass, and Mark Christian** for terms expiring **January 20, 2009**.

BOARD APPOINTMENTS

CHATTANOOGA HOUSING AUTHORITY:

- ❖ **Consuelo O’Neal**, replacing **Terryl S. James**, effective **February 1, 2004**, for a term to expire **June 1, 2009**.
- ❖ **Rayburn Traugher**, replacing **Elton Young**, effective **February 1, 2005**, for a term to expire **June 1, 2009**.
- ❖ **Jim Sattler**, replacing **Sarah Morgan**, effective **February 1, 2005**, for a term to expire **June 1, 2008**.

These appointments were made by the Mayor and were just for the Council’s information. They did not require a motion.

HEARING: JOSHUA MASSENGALE

Attorney Nelson explained that the Hearing for **Joshua Massengale** that was begun on Monday the 31st was interrupted and that a new date would have to be set with the same panel—**Councilmen Benson, Pierce, and Robinson**. Councilwoman Robinson asked if it could be a day other than Monday. Attorney Nelson responded that there was nothing “magic” about Mondays—that the availability of attorneys was just better. Mr. Burns noted that we also had to take into consideration the availability of the Assembly Room for use. The hearing was set for **Wednesday, February 16th at 9:00 A.M.**, with the same panel.

PERSONNEL HEARINGS

Councilman Page stated that he thought he was scheduled for two hearings in February and asked what the dates of those hearings were. It was noted that the two hearings that he is scheduled for are on February 21st and March 21st.

HEARING: JIM HOSTETTER

This hearing was set for March 21st and needed to be rescheduled. It was rescheduled for **March 28th at 9:00 A.M.** with a panel of **Councilmen Page, Franklin and Taylor.** **Councilman Hakeem is the alternate.**

S. CHATTANOOGA LANDFILL

Councilman Taylor invited everyone to an upcoming event in regards to the South Chattanooga Landfill. It will be held at **Howard High School on February 3, 2005 at 6:30 P.M.**

COMMITTEES

Councilman Hakeem scheduled a meeting of the **Public Works Committee** for **Tuesday, February 15th at 4:00 P.M.**

In the absence of Councilman Littlefield, Chairman Benson scheduled a meeting of the **Legal and Legislative Committee** for **Tuesday, February 8th at 3:00 P.M.**

Councilman Franklin scheduled a meeting of the **Parks, Recreation, Arts and Culture Committee** for **Tuesday, February 8th at 4:00 P.M.**

GREG LUTHER

Mr. Luther from St. Elmo addressed the Council. He noted that there had been a lot of work going on downtown; that \$1.5 million dollars had been mentioned for streetscaping. He stated that he was a carpenter by trade and always made sure that the foundation is in good shape and added that St. Elmo needs to be looked at. He mentioned two areas of concern.

- (1) St. Elmo Ave. has been torn up by the City for new bike paint, and it was never repaired; there are now dips and humps. He stated that the City tore up the street, and they ought to fix it; that it needs to be in proper shape.
- (2) The old Recreation Center—He stated that it had been closed for six months and the kids had no place to go; that they had torn out the tennis court, and the kids had no place to play. He stated that he had called Lee Greene in Parks and Recreation but that he had no agenda. He reiterated that the kids had no place to play and went on to say that the City needed to take the taxes it was spending downtown and spend it in the neighborhoods; that he was tired of downtown getting all of the interest and communities need to be looked at.

Councilman Taylor stated that Adm. McDonald was here tonight and could talk to him about the street; that the St. Elmo Recreation Center was positioned in the plans. Mr. Luther responded that it had been planned for three years. Councilman Taylor stated that we would make sure that this happens; that no one suffers but the community—that the total community suffers from this.

Mr. Luther noted that where the tennis court was is gravel and there could be some grass here where the kids could play; that the people want to be kept in the loop and Mr. Greene does not know and has no clue.

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga City Council until Tuesday, February 8, 2005 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)**
