

**City Council Building  
Chattanooga, Tennessee  
February 22, 2005  
6:00 p.m.**

Chairman Benson called the meeting of the Chattanooga 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 Council Clerk Carol O'Neal, CMC, were also present.

#### **PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Councilwoman Robinson gave invocation.

#### **MINUTE APPROVAL**

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

#### **REQUEST FOR GRANT OF EXCEPTION**

Rayburn Traughber introduced Gerald Konohia, President of Chattanooga Neighborhood Enterprise (CNE), who was present to address the Council.

Mr. Konohia stated due to a vacancy in the senior management ranks within CNE that needs to be filled, one of the people they are looking at is a former City of Chattanooga employee. He stated in order to get that passed, two public disclosures must be made: to the CNE Board and the Chattanooga Council. He stated an opinion letter was requested and received from the City Attorney and the attorney for CNE, both of which indicated that this was not in violation of city or state laws. He stated the person they have in mind is Rayburn Traughber and the purpose of this presentation is to request an opinion of counsel and go to the next level of public notice. *(A copy of both opinions was distributed to Council members and is filed with minute material of this date.)*

## REQUEST FOR GRANT OF EXCEPTION (Continued)

Chairman Benson indicated that no resolution or motion is needed, just notification. City Attorney Nelson clarified that only the notice is necessary.

Councilman Hakeem jokingly noted that in this day and time we have to be careful and inquired if a criminal background check has been performed.

Mr. Konohia stated that they have not done that yet; that they wanted to get the first two issues taken care of with CNE and the City. He stated their standard pre-employment screening will involve the background check.

Councilman Pierce asked the City Attorney if this is standard procedure.

City Attorney Nelson responded "no"; that HUD has certain regulations that will not permit people from grantees on some of the programs to become an officer of the sub-recipient of the grant within one year of time that they leave the City's employ. He stated this is an individual that left the City last September, which is well within the year timeframe, and they need to get a special exception from HUD to do that. He stated they require a statement from the City Attorney and CNE's attorney; that there are two separate notifications and then they will grant an exception to the rule.

Councilman Pierce stated that he has been caught off guard; that he thinks it is good that something of this nature is in place and is not sure the Council needs to pass something. He stated in reference to the Chattanooga Resource Foundation, an employee left the city's employ and moved to that Foundation, inquiring if this is a similar situation.

City Attorney Nelson clarified that this is a HUD regulation and indicated his thought that no HUD funds were involved in that program (Chattanooga Resource Foundation). Councilman Pierce stated that it appears that the city should have a policy in tact.

City Attorney Nelson stated that the federal government does (have a policy) indicating that a person is not supposed to become employed while lobbying government a year after they leave office. He stated there is nothing in state law or the city's *Charter*.

Councilman Pierce asked that an ordinance be drawn up to that extent and indicated he was going to "say it like he feels" that the article Mr. Wolfe has "put out" shows how we operate and let things "go through the crack" and not question it.

**REQUEST FOR GRANT OF EXCEPTION (Continued)**

Chairman Benson asked Councilman Pierce if he wanted the matter to go before the Legal and Legislative Committee in the form of an ordinance.

City Attorney Nelson stated that probably can be done and indicated that the reason he hesitated is that we do have a *Charter* provision that the Council discussed last week which deals with state, county and federal officials becoming officials of the city. He stated we need to think about the inter-relationship of those two and barring that, we can probably find something.

Councilman Pierce expressed that he would appreciate that being looked into.

Chairman Benson welcomed Mr. Traugher back and indicated that he had several months rest! He stated that the Council looks forward to working with him at CNE.

**RELEASE OF RESTRICTIVE COVENANTS**

Councilman Hakeem stated this Resolution was thoroughly discussed in the Public Works Committee meeting and approval is recommended.

On motion of Councilman Page, seconded by Councilman Hakeem,  
**A RESOLUTION APPROVING RELEASE OF RESTRICTIVE COVENANTS  
APPLICABLE TO THE GOLDEN GATEWAY URBAN RENEWAL AREA,  
PROJECT NO. TENN. R-10, AND AUTHORIZING THE MAYOR AND CITY  
FINANCE OFFICER TO EFFECT THE INTENT OF THIS RESOLUTION**  
was adopted.

**EMINENT DOMAIN**

Councilman Page inquired as to whether the Resolutions involving eminent domain had been discussed in Committee.

Admin. Curry responded that the four Resolutions involve the spot blight ordinance that was previously before the Council. He stated this is the last phase before leaving this jurisdiction and going to the Chancellor for approval for the City to proceed with the spot blight ordinance. He stated these properties were brought before the Council some time in the past and there has been a gap between the initial and the second presentation.

**EMINENT DOMAIN (Continued)**

Admin. Curry stated the properties are all part of the spot blight heard by the Vacant Property Review Commission and final passage is needed by the Council before going to the Chancellor.

Councilman Page again asked for clarification whether the matter was discussed in Committee; that he has "slept" since it was presented. He asked if a presentation was made to the full Council regarding these properties.

Admin. Curry stated that a full presentation was made before the full Council on the four properties.

Chairman Benson asked if the presentation involved all the properties represented by Resolution.

Admin. Curry responded "yes"; that when the presentation was made it was considered a full public hearing.

City Attorney Nelson corrected Admin. Curry's reference that the matters would go to the "Chancellor" after passage from the Council and indicated that the matters would go to "Circuit Court". Admin. Curry acknowledged the correction.

On motion of Councilwoman Robinson, seconded by Councilman Page,  
**A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS PURSUANT TO CHATTANOOGA CITY CODE, SECTION 21-126, AGAINST JES BEARD AND/OR HIS HEIRS FOR PROPERTY WHICH HAS BEEN CERTIFIED BY THE VACANT PROPERTY REVIEW COMMISSION AT 1013 WINTHROP STREET, CHATTANOOGA, TENNESSEE**

was adopted.

**EMINENT DOMAIN**

On motion of Councilman Hakeem, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS PURSUANT TO CHATTANOOGA CITY CODE, SECTION 21-126, AGAINST EDWARD L. WILLIAMS AND/OR HIS HEIRS FOR PROPERTY WHICH HAS BEEN CERTIFIED BY THE VACANT PROPERTY REVIEW COMMISSION AT 1205 PEACHTREE STREET, CHATTANOOGA, TENNESSEE**

was adopted.

**EMINENT DOMAIN**

On motion of Councilman Lively, seconded by Councilman Taylor,  
**A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS PURSUANT TO CHATTANOOGA CITY CODE, SECTION 21-126, AGAINST CASSANDRA MAYWEATHER AND/OR HER HEIRS FOR PROPERTY WHICH HAS BEEN CERTIFIED BY THE VACANT PROPERTY REVIEW COMMISSION AT 2120 VANCE AVENUE, CHATTANOOGA, TENNESSEE**  
was adopted.

**EMINENT DOMAIN**

On motion of Councilman Franklin, seconded by Councilman Taylor,  
**A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS PURSUANT TO CHATTANOOGA CITY CODE, SECTION 21-126, AGAINST DWAYNE PRUITT AND/OR HIS HEIRS FOR PROPERTY WHICH HAS BEEN CERTIFIED BY THE VACANT PROPERTY REVIEW COMMISSION AT 2810 WYANDOT STREET, CHATTANOOGA, TENNESSEE**  
was adopted.

**SPECIAL POLICEMAN**

On motion of Councilman Hakeem, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF MOUNIR MINKARA AS SPECIAL POLICEMAN (UNARMED) FOR THE DEPARTMENT OF PUBLIC WORKS, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**AMEND RESOLUTION 23398**

Councilman Hakeem stated Resolutions (g) – (j) were discussed in the Public Works Committee and approval is recommended.

AMEND RESOLUTION 23398 (Continued)

On motion of Councilman Hakeem, seconded by Councilman Lively,  
A RESOLUTION AMENDING RESOLUTION NO. 23398, ADOPTED MAY 14, 2002, RELATIVE TO THE AGREEMENT FOR THE CLOSURE/POST CLOSURE PLAN FOR THE NORTH HAWTHORNE/WOOD RECYCLING SOLID WASTE PROCESSING UNIT, PROJECT NO. SNL 33-1186, WITH THE STATE OF TENNESSEE, DIVISION OF SOLID WASTE MANAGEMENT, BY DELETING "NOT TO EXCEED TWENTY-SEVEN THOUSAND ONE HUNDRED TWENTY-TWO DOLLARS (\$27,122.00)" AND SUBSTITUTING IN LIEU THEREOF "NOT TO EXCEED TWENTY-EIGHT THOUSAND FOUR HUNDRED SEVENTY-THREE DOLLARS (\$28,473.00)"  
was adopted.

AMEND RESOLUTION 23917

On motion of Councilman Franklin, seconded by Councilman Page,  
A RESOLUTION AMENDING RESOLUTION NO. 23917, ADOPTED SEPTEMBER 16, 2003, RELATIVE TO THE AGREEMENT FOR THE CLOSURE/POST CLOSURE PLAN FOR THE SUMMIT SANITARY LANDFILL, PROJECT NO. SNL 33-0035, WITH THE STATE OF TENNESSEE, DIVISION OF SOLID WASTE MANAGEMENT, BY DELETING "NOT TO EXCEED THREE MILLION TWO HUNDRED TWENTY-SIX THOUSAND SIX HUNDRED NINETY-FOUR DOLLARS (\$3,226,694.00)" AND SUBSTITUTING IN LIEU THEREOF "NOT TO EXCEED THREE MILLION ONE HUNDRED FORTY-SEVEN THOUSAND ONE HUNDRED EIGHTY-NINE DOLLARS (\$3,147,189.00)"  
was adopted.

AMEND RESOLUTION NO. 23918

On motion of Councilman Franklin, seconded by Councilman Lively,  
A RESOLUTION AMENDING RESOLUTION NO. 23918, ADOPTED SEPTEMBER 16, 2003, RELATIVE TO THE AGREEMENT FOR THE CLOSURE/POST CLOSURE PLAN FOR THE CITY LANDFILL, PROJECT NO. SNL 33-0278, WITH THE STATE OF TENNESSEE, DIVISION OF SOLID WASTE MANAGEMENT, BY DELETING "NOT TO EXCEED FIVE MILLION FIVE HUNDRED SEVEN THOUSAND THREE HUNDRED FORTY-SIX DOLLARS (\$5,507,346.00)" AND SUBSTITUTING IN LIEU THEREOF "NOT TO EXCEED FIVE MILLION FIVE HUNDRED NINETY THOUSAND THREE HUNDRED THIRTY-NINE DOLLARS (\$5,590,339.00)"  
was adopted.

**CONTRACT**

On motion of Councilman Lively, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. 2-04-005-201, TAMPA STREET SEWER RELOCATION, TO MAYSE CONSTRUCTION COMPANY FOR A TOTAL AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED NINETY-ONE THOUSAND NINE HUNDRED SEVENTY-SIX DOLLARS (\$1,191,976.00), INCLUDING A CONTINGENCY AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)**  
was adopted.

**CONTRACT**

Councilman Franklin stated Resolutions (l) – (m) were discussed in today’s Parks and Recreation Committee meeting and approval is recommended.

On motion of Councilman Franklin, seconded by Councilman Hakeem,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO EXECUTE A CONTRACT WITH JDH COMPANY FOR THE REPLACEMENT OF THE ROOF AT THE FIRST TENNESSEE PAVILION STORAGE BUILDING IN AN AMOUNT NOT TO EXCEED ELEVEN THOUSAND SEVEN HUNDRED FIFTY-EIGHT DOLLARS (\$11,758.00)**  
was adopted

**CONTRACT**

On motion of Councilman Franklin, seconded by Councilman Lively,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO EXECUTE A CONTRACT WITH SOUTHEAST COMPANY, INC. FOR THE REPLACEMENT OF THE PUMPS AND FOUNTAIN PIPING AT MILLER PARK IN AN AMOUNT NOT TO EXCEED FORTY-EIGHT THOUSAND TWENTY DOLLARS (\$48,020.00)**  
was adopted.

**CONTRACT**

On motion of Councilman Lively, seconded by Councilman Page,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO EXECUTE A CONTRACT WITH TOWER CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF RIDGEDALE PARK PAVILION IN AN AMOUNT NOT TO EXCEED FORTY-SEVEN THOUAND ONE HUNDRED NINETY-SEVEN DOLLARS (\$47,197.00)**  
was adopted.

## BONDS

Councilman Hakeem stated this matter was discussed in the Legal and Legislative Committee and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilman Lively,

**A RESOLUTION AUTHORIZING THE REFUNDING OF CERTAIN GENERAL OBLIGATION BONDS OF THE CITY OF CHATTANOOGA AND THE ISSUANCE AND SALE OF AN AMOUNT NOT TO EXCEED \$60,000,000 PRINCIPAL AMOUNT OF THE CITY OF CHATTANOOGA, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2005 A.**

was adopted.

## OVERTIME

Overtime for the week ending February 18, 2005 totaled \$63,328.47.

## PERSONNEL

The following personnel matters were reported for the various departments;

### PUBLIC WORKS DEPARTMENT:

- **DARRELL P. CAMPBELL, JR.** – Death, Crew Worker, Citywide Services, effective February 10, 2005.
- **ALONZO C. LEWIS** – Leave of Absence, Equipment Operator Senior, Citywide Services, effective February 8 – 28, 2005.
- **LEROY GAUNT, JR.** – Suspension (3 days without pay), Equipment Operator, Sr., Citywide Services, effective February 21, 22, and 24, 2005.

### CHATTANOOGA POLICE DEPARTMENT:

- **TROY CANNON** – Rescind Military Leave, Police Officer, effective February 17, 2005.

### CHATTANOOGA FIRE DEPARTMENT:

- **DAVID ANDERSON** – Family Medical Leave, Captain/Firefighter, effective February 15 – May 10, 2005.



**PURCHASE**

On motion of Councilman Franklin, seconded by Councilman Taylor, the following purchase was approved for use by the Parks, Recreation, Arts and Culture Department:

**RELIABLE BUILDING SOLUTIONS, INC. (Lowest and best bidder)**  
**R0075229/B0001989**

Feminine Hygiene Disposal Services

\$1,313.00 monthly or \$13 per site

**BOARD APPOINTMENTS**

On motion of Councilman Page, seconded by Councilman Franklin, the following Board appointments were approved;

**HUMAN RIGHTS/HUMAN RELATIONS COMMITTEE**

- ❖ Appointment of *MISS LARK WALTERS* for a term to expire July 28, 2007, representing District 3.

**BEER BOARD:**

- ❖ Appointment of *PHILLIP SALLEE* to fill the unexpired term of Jerry Evans for a term expiring August 1, 2005, representing District 4.

**REFUNDS**

On motion of Councilman Pierce, seconded by Councilman Lively, the Administrator of Finance was authorized to issue the following refunds for stormwater fees and/or property taxes and real and/or personal property taxes, respectively:

<b>POOJA, INC.</b>	<b>\$5,502.79</b>
<b>DIAGNOSTIC IMAGING CONSULTANTS, INC.</b>	<b>1,988.06</b>

**COMMITTEES**

Councilman Page scheduled a meeting of the **Economic Development Committee for Tuesday, March 15 at 3:30 0.m.**

In the absence of Councilman Littlefield, Chairman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, March 8 beginning at 3 p.m.**

Councilman Hakeem reminded Council members of the meeting of the **Public Works Committee scheduled for Tuesday, March 8 at 4 p.m.**

**COVENANT COLLEGE STUDENTS**

Chairman Benson recognized the presence of students from Covenant College's Christ and Culture Class and invited them to come back any time!

**ADJOURNMENT**

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, March 8, 2005 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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