

**City Council Building  
Chattanooga, Tennessee  
March 22, 2005  
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 present; 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 Franklin 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**

##### **2004-175: William Ring, d/b/a/ WHR Properties**

The applicant was present; there was opposition in attendance.

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA), stated that this request was deferred from December for R-2 zoning to permit duplexes on a triangular piece of land in the North Chattanooga area along Meroney and Lanoka Streets. He stated Planning and Staff reviewed this and made the recommendation to deny the request. He displayed photos of the site plan and proposed structure which includes six sets of duplexes facing Lanoka. He stated there is a narrow street 10-12 feet in width going back toward Dallas road.

## REZONING (Continued)

Mr. Pace stated the Hill City Plan adopted in 1991 downzoned the area to single family residential use and duplexes would not be appropriate in that area for development. He again stated that Staff and Planning recommend denial.

William Ring stated that he is requesting the property be zoned R-2 to build six duplex developments on the property with Lanoka being the most reasonable side; that Meroney goes up a hill and Lanoka is on a grade downward. He displayed a conceptual drawing of the development and stated the duplexes would have brick veneer on the front to make them more attractive and different in design, clarifying that his drawing only reflects two designs of the six to be built.

Barbara Austin distributed photos of Lanoka that were taken on Saturday. She stated she and others are opposed to this request because of the fact elderly people live on Hamilton Avenue and the back of their homes face Lanoka. She stated Lanoka is so narrow that the city's garbage trucks cannot come up to gather garbage. She stated she goes to her mother's house, even though she does not live there, to pick up her garbage and take it to her (Austin's) residence. She stated an ambulance and the fire department had to come to Mrs. Bennett's home to take her husband to the hospital and there is no where to turn around in that area. She stated once a person gets to the end of Lanoka, they have to back all the way out to Meroney. She stated elderly people live in this vicinity and they do not want this; that they have signed a petition as they do not want duplexes right in their back door. She stated if a fire happens no one can get to them in time and if someone gets sick an ambulance could get through but would have to back out in order to take a patient to the hospital.

Ms. Austin stated Mr. Ring wants to build duplexes and there is no scenic view from where he wants to build. She stated one thing she would like to find out is if there is a guaranty title on the property Mr. Ring purchased. She stated this piece of land was purchased at a back tax auction and she sold it to Mr. William Shadden. She stated that she talked to Mrs. Shadden who did not know anything about this until she called and investigated and was told it had been sold. She stated at the time she was working in Chancery Court and back tax property is hard to get a guaranty title. She stated she traced it and Mr. Ringer has a warranty deed; that there is no guaranty title on record for any of the two pieces of property. She stated Mr. Ring did not go back and do his homework before he bought the property; that a guaranty title gives the purchaser the right to sell, build or do anything they want, reiterating there is no guaranty title on this property that she could find. She stated there might be one somewhere, but she searched and did not find it.

## REZONING (Continued)

Ms. Austin stated she and others are definitely in opposition to duplexes coming in and they do not know what type of people would be coming in to rent or buy. She stated there will be a problem with emergencies and asked that the property not be changed to R-2 and to please let it stay R-1.

Chairman Benson clarified that the title situation is outside the Council's line of authority, yet everything else is under the Council's consideration.

Councilman Hakeem asked Mr. Pace for a point of clarification as to whether Planning and Staff recommend denial and whether there is a neighborhood plan. Mr. Pace responded "yes" to both questions, indicating that a zoning study of the area was completed in 1991 and there is a North Chattanooga plan overall that calls for low density residential in this area.

Councilman Hakeem then asked if for some reason we did this at this time or sometime in the future, would the gentleman be in a position to say this is a city street and the city should widen Lanoka.

Mr. Pace stated if it is rezoned he (applicant) would be responsible for widening the street.

Councilman Hakeem asked if the city would be held responsible.

Mr. Pace stated that the city possibly could be. He stated it would be difficult to widen Lanoka if there were duplexes or not because of the slope of the ridge. He stated if it is widened it would have to go on the east side as the west side slopes off down toward Hamilton. He stated if it is widened, cutting back into the back area creates more of a problem.

Chairman Benson asked if he is hearing correctly that if the property is rezoned it could be conditioned that it has to be widened by the owner of the property.

Mr. Pace stated the City Attorney has the legal stand on this. He stated development is the cause for an increased volume of traffic or an immediate design to widen the street; that there would need to be a request from property owners to widen.

Atty. Nelson stated there would need to be a nexus between additional property and the building going upon the land and unless there is a nexus, he cannot.

## REZONING (Continued)

Councilman Hakeem stated he is more concerned if the city would have responsibility.

Mr. Pace stated it would fall upon the city as it is a city street to possibly widen at any point in time in the future.

Councilman Lively asked if one primary reason for the denial is the width of the street.

Mr. Pace stated that it is a consideration as it is very narrow.

Councilman Lively stated he has looked at this and indicated that he lives on a "half-car" street. He expressed that he was favor of granting the zoning.

Councilman Franklin asked Admin. McDonald if there is a problem with fire and automated garbage service in relation to the narrow street.

Admin. McDonald stated that he is not sure what is up there now; that it is his thought the area is being served with small trucks. He stated a large truck can not get up there for sure.

Mr. Pace stated one of the photos shown includes one of the small trucks backing up in the area as there is no where to turn around on Meroney.

Councilman Franklin inquired as to fire service.

Chief Coppinger stated that he was not familiar with the area and this road; that he would initially respond "yes" fire service can get in but it would be difficult. He stated there are similar situations in other areas.

Councilman Littlefield stated in looking at the land pattern he wondered if the house at the end of this narrow street has active access.

Mr. Pace stated the house has a parking deck where they pull in-and-out.

Mr. Ring stated that he has clear titles to all of his property up there as well as warranty deeds. He clarified that the property was signed over to him by Mrs. Shadden, from whom he purchased it. He stated the title and deed show rightful ownership is very "tight".

REZONING (Continued)

Councilman Hakeem made the motion to deny the request, stating that Planning and Staff recommends denial and the matter involving the street bothers him as it would potentially be the city's obligation in the future.

On motion of Councilman Hakeem, seconded by Councilman Pierce,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED IN THE 900 BLOCK OF LANOKA STREET AND THE 1000 BLOCK OF MERONEY STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE**  
was denied; Councilman Lively voted "no".

AGREEMENT

On motion of Councilman Pierce, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT TO ENTER INTO A SOFTWARE SERVICE AGREEMENT WITH VISIONAIR, INC. FOR THE PERIOD THROUGH JUNE 30, 2005, IN AN AMOUNT NOT TO EXCEED EIGHTEEN THOUSAND, FOUR HUNDRED NINETY-FIVE AND 47/100 DOLLARS (\$18,495.47) PER MONTH PLUS TRAVEL EXPENSES AND HOURLY RATES AS SPECIFIED IN SAID AGREEMENT**  
was tabled an additional week.

AD VALOREM TAXES

Councilman Page stated this matter was discussed in the Economic Development Committee and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilman Lively,  
**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE BLUECROSS BLUESHIELD OF TENNESSEE, INC. PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE A MEMORANDUM OF UNDERSTANDING AND AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES**  
was adopted.

**EXCHANGE AGREEMENT**

On motion of Councilman Lively, seconded by Councilman Page,  
**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE BLUECRUSS BLUSHIELD OF TENNESSEE, INC. PROJECT, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN EXCHANGE AGREEMENT AND A LEASE AGREEMENT WITH RESPECT TO CERTAIN REAL PROPERTY**

was adopted.

**TEMPORARY USE**

Councilman Hakeem stated Resolutions (d) – (i) were discussed in today’s Public Works Committee meeting and approval is recommended. He indicated that the right-of-way purchases were being purchased at the appraised value.

On motion of Councilman Hakeem, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING SISKIN STEEL & SUPPLY COMPANY, INC. TO USE TEMPORARILY THE CITY’S RIGHT-OF-WAY ALONG SUPER SPUN DRIVE TO ALLOW PART OF FOOTINGS AND DRAINAGE PIPING AND STRUCTURES TO BE CONSTRUCTED ALONG SAID RIGHT-OF-WAY, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**TEMPORARY USE**

On motion of Councilman Hakeem, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING JAMES E. CITY TO USE TEMPORARILY THE CITY’S RIGHT-OF-WAY AT 405 NORTH MARKET STREET TO INSTALL THREE (3) AWNINGS, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**EASEMENT**

On motion of Councilman Lively, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY AND PERMANENT DRAINAGE EASEMENT FROM DAVID BRAINERD SCHOOL AT 7553 IGOU GAP ROAD, PARCEL NO. 159B-B-019, TRACT NO. 33, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT, CONTRACT NO. E-03-011, FOR AN AMOUNT NOT TO EXCEED ONE THOUSAND THREE HUNDRED THIRTY-EIGHT DOLLARS (\$1,338.00)**

was adopted.

**EASEMENT**

On motion of Councilman Page, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY, PERMANENT DRAINAGE EASEMENT AND SLOPE EASEMENT FROM FRANCES D. ELDER AT 1901 IGOU GAP PLACE DRIVE, PARCEL NO. 159A-E-007, TRACT NO. 22, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT, CONTRACT NO. E-03-011, FOR AN AMOUNT NOT TO EXCEED FOUR HUNDRED SEVENTY-ONE DOLLARS (\$471.00)**  
was adopted.

**EASEMENT**

On motion of Councilman Hakeem, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT DRAINAGE EASEMENT FROM RONNY T. ANKAR AT 7415 IGOU GAP ROAD, PARCEL NO. 159A-B-009.02, TRACT NO. 11, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT, CONTRACT NO. E-03-011, FOR AN AMOUNT NOT TO EXCEED ONE THOUSAND FOUR HUNDRED THIRTY-FIVE AND 50/100 DOLLARS (\$1,435.50)**  
was adopted.

**RIGHT-OF-WAY PURCHASE**

On motion of Councilman Hakeem, seconded by Councilman Lively,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM LARRY S. AND NANCY PLEMONS AT 7413 IGOU GAP ROAD, PARCEL NO. 195A-B-009, TRACT NO. 10, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT, CONTRACT NO. E-03-011, FOR AN AMOUNT NOT TO EXCEED SIXTY-EIGHT DOLLARS (\$68.00)**  
was adopted.

**RENEWAL OF HEALTH AND HOSPITALIZATION INSURANCE**

Councilman Littlefield stated that this matter came before the Legal and Legislative Committee last week and passed with one dissenting vote from him. He stated he has heard one horror story after another from city employees throughout the course of CIGNA's representation of our employees. He stated he also heard complaints from doctors and other professionals about the denial of claims.

**RENEWAL OF HEALTH AND HOSPITALIZATION  
INSURANCE (Continued)**

Councilman Littlefield stated that he understands the concept of managed care and that one way to contain costs is make sure claims are properly handled; that he hears everyone complain about claims questions not being handled properly. He stated that he finds nothing to recommend CIGNA as far as he is concerned and expressed that he plans to vote "no" again.

Councilman Hakeem stated apparently the majority of this Council is moving forward on this issue; that it is like maligning a company saying this Council is making the worst decision and it is very unfortunate.

Councilman Page expressed that it was his thought this is a "win" for everyone; that the City employees have a plan that will not go up on contributions, the City wins and the taxpayer wins by keeping costs in line. He stated he does not see any reason why not to vote for it.

Councilman Franklin expressed agreement stating that he personally researched the matter and asked questions prior to discussion in committee. He stated that it is his thought the other individuals or insurance companies that would be allowed to bid on this issue would not come anywhere close to "fitting" into our budget. He stated that he also understands there have been some horror stories as Councilman Littlefield stated; that he inquired about that and was assured that someone would be working closely to make sure claims and questions would be closely monitored and worked out in a better fashion than up to this point. He stated he does not have a problem moving forward with this and is certain all the issues that have been brought forward would be handled in a much better fashion. He stated it is a win-win for everyone based on all the things that have been brought forward.

Councilwoman Robinson stated with reference to employees, we have had problems with some of the claims and have needed a little extra help. She stated as we go forward CIGNA has pledged to have someone who will come to City Hall and work with these particular customers and help them resolve some of the questions and "sticky points"; that this would add a lot of value as a lot of city employees do need extra help in getting through multiple insurance forms and various clauses of what is covered and not covered. She stated having a counselor on the premises would make a big difference and for that reason she will support the motion to approve.



**RENEWAL OF HEALTH AND HOSPITALIZATION  
INSURANCE (Continued)**

Chairman Benson stated he received a call from the president of one of the city's unions and they had a lengthy discussion. He stated the union president registered the same objections he heard from Councilman Littlefield and there seems to be a problem with the way claims are handled. He stated not only are there rejections but sometimes they are not very compassionate rejections. He stated it does not cost anything to be compassionate; that we know we have to control costs and it is important to be fair and responsive on a timely basis to get answers. He stated the union president asked if we could consider delaying this as a six months contract and the more they talked about it, he (Benson) determined it would put the city and public in greater jeopardy. He stated in six months we could not get this good contract and agreed with what Councilman Page and others stated that this is probably the best. He stated he does not think this is a win-win exactly, but the closest to any route we could take right now. He stated that he wanted to express what the union president said and knows no one is happy.

Councilman Littlefield stated the he readily acknowledges that the votes are not here and he did not mean to imply his vote is simply to send a message, yet he hopes it does send the message that the city does need to do a better job in granting the twelve month extension, if the Council chooses to grant it. He stated one thing he has heard more complaints about is that questions are not answered and the employee is left in limbo. He stated that he has been the recipient of a number of e-mails through the course of our experience with CIGNA, yet he realizes most on the Council has not received the same e-mails he has. He stated he knows about the history of health insurance for city employees and in his opinion it has just been an unhappy situation. He stated it is his hope during the twelve month extension CIGNA can improve their record and indicated that the city is moving aggressively on the wellness problem the Council approved last week. He stated he is hopeful at the end of the twelve months there will have been a better experience and when the matter is put out for bid again we would get more aggressive bidding by companies available and get a good price for city employees and taxpayers.

Councilman Hakeem stated an issue like this should not have become a political "tug of war"; that it is his thought this Council has been very deliberate in an effort to make sure the employees of this city receive benefits as outlined and that it is his belief CIGNA understands that clearly. He stated that he does see this as a win-win situation and indicated he would call for the question after Councilman Lively makes his statement.

**RENEWAL OF HEALTH AND HOSPITALIZATION  
INSURANCE (Continued)**

Councilman Lively stated that it was his thought this is a good deal for the city and indicated that he had heard some complaints from the private sector and knows this is not a bad deal. He related the comparison of a passenger being screened on the airlines, and stated 99.9 percent of everyone getting on is an ordinary passenger, which is similar to looking for one carrier in health insurance as 99.9 percent of people that have their health insurance go by the rules and do not abuse it. He stated basically what we are doing is taking out one that is costing everyone money and in the process everyone has to get screened. He stated there is more of a problem in mindset than abuse by CIGNA, which is over-exaggerated some.

At this point Councilman Hakeem called for the question on the motion to approve.

On motion of Councilman Page, seconded by Councilman Lively,  
**A RESOLUTION RENEWING HEALTH AND HOSPITALIZATION INSURANCE  
WITH CIGNA INSURANCE COMPANY AS THE CARRIER FOR ONE YEAR  
AND AUTHORIZING THE MAYOR TO NEGOTIATE AN OPTIONAL PLAN  
WITH CIGNA INSURANCE COMPANY**  
was adopted Councilman Littlefield voted "no".

**AGREEMENT**

On motion of Councilman Lively, seconded by Councilman Hakeem,  
**A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO ENTER  
INTO AN AGREEMENT WITH ANIMAL CARE TRUST (ACT) TO ADVANCE  
FUNDS UP TO NINETY THOUSAND DOLLARS (\$90,000.00) FOR INITIAL  
OPERATING COSTS, WHICH FUNDS ARE TO BE REIMBURSED FROM  
ACT'S FUND DRIVE**  
was adopted.

## GRANT

On motion of Councilman Littlefield, seconded by Councilman Hakeem,  
**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR A BYRNE JUSTICE ASSISTANCE GRANT FROM THE BUREAU OF JUSTICE ADMINISTRATION IN WASHINGTON, D.C., IN A TOTAL AMOUNT NOT TO EXCEED THREE HUNDRED FORTY THOUSAND EIGHT DOLLARS (\$340,008.00), \$106,455.00 OF WHICH WILL GO TO THE HAMILTON COUNTY SHERIFF'S DEPARTMENT AND \$233,553.00 OF WHICH WILL GO TO THE CHATTANOOGA POLICE DEPARTMENT, WITH NO LOCAL MATCHING FUNDS REQUIRED, FOR THE PURPOSES SPECIFIED HEREIN, AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN CITY AND HAMILTON COUNTY FOR THE SHARING OF SAID FUNDS AS SPECIFIED ABOVE**

was adopted.

## OVERTIME

Overtime for the week ending March 18, 2005, totaled \$72,586.64.

## PERSONNEL

The following personnel matters were reported for the various departments:

### CHATTANOOGA POLICE DEPARTMENT:

- **MARK BENDER** – Reinstatement, Police Officer, Pay Grade 1/Step 4, \$33,769.00 annually, effective February 25, 2005.

### PUBLIC WORKS DEPARTMENT:

- **JUSTIN C. HOLLAND** – Hire, Safety and Training Coordinator Sr., Citywide Services, Pay Grade 15/Step 2, \$32,713.00 annually, effective March 18, 2005.
- **HEATH R. SILVEY** – Hire, Sewer Maintenance Truck Operator, Citywide Services, Pay Grade 10/Step 6, \$31,378.00 annually, effective March 9, 2005.

**PERSONNEL (Continued)**

CHATTANOOGA FIRE DEPARTMENT:

- **SAMUEL BLAKEMORE** – Retirement, Captain, effective March 18, 2005.
- **DAVID BROOKS** – Promotion, Captain, Pay Grade F4/Step 6, \$44,395.00 annually, effective March 18, 2005.
- **TALLEY GLOVER** – Promotion, Captain, Pay Grade F4/Step 5, \$42,641.00 annually, effective March 18, 2005.
- **JOHNNY MILLSAPS** – Promotion, Captain, Pay Grade F4/Step 8, \$47,903.00 annually, effective March 18, 2005.
- **MICHAEL MONTIETH, STEPHEN C. WARREN** – Promotion, Lieutenant, Pay Grade F3/Step 4, \$35,258.00 annually, effective March 18, 2005.
- **JOEL BUSTOS** – Return from FMLA, Senior Firefighter, effective March 13, 2005.

**PURCHASE**

On motion of Councilman Hakeem, seconded by Councilman Littlefield, the following purchase was approved for sue by the Public Works Department:

**ROAD KARE, LTD. (Best bid)**  
**R0080517/B0002124**

Speed Cushions  
\$26,875.00

**PURCHASES**

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

**G & C SUPPLY (Best bid)**  
**R0080646/B0002158**

**PURCHASES (Continued)**

Hurst Jaws of Life Extrication (*Harless Fire Equipment and Keeble Rescue System submitted lower bids, however, the items bid were not acceptable substitutes and prohibits our ability to standardize equipment.*)

\$22,169.00

**TMS TECHNOLOGIES (Lowest and best bid)**  
**R00008111/B0002198**

Search Cam 2000 & Accessories

\$34,791.00

**MOTOROLA, INC. (Single source)**  
**R0081688**

Seventeen (17) Motorola Radios and Accessories

\$51,454.30

**HEARING: CHRISTINE WARREN**

Councilman Page stated that a hearing for Christine Warren was held with the panel consisting of himself and Councilmen Benson and Pierce. He stated the panel voted to sustain the termination of Ms. Warren.

**HEARING: STEVE CAMPBELL**

City Attorney Nelson explained that the hearing for Steven Campbell scheduled for March 30 should be rescheduled, indicating that the scheduled date conflicts with Mr. Campbell's attorneys' (schedules). He stated one reason we do not set them over a long period of time is because if the Committee puts people back to work, then in effect they are getting paid vacations for the interim period. He stated that is one reason why we try to set them quickly. He stated he did not know if there were any available dates and suggested the day after the runoff election, April 13.

**HEARING: STEVE CAMPBELL (Continued)**

Mr. Campbell's hearing was rescheduled for Wednesday, April 13 beginning at 9 a.m. with Councilmen Benson, Robinson and Hakeem serving as the panel, Councilman Franklin volunteered as alternate.

**COMMITTEES**

Councilman Page stated that a meeting of the Economic Development Committee was held today and pursuant to discussion, next week's agenda will include two additional pilot agreements for Aerisyn, LLC Project and TAG Manufacturing, Inc.

Councilman Littlefield scheduled a meeting of the **Legal and Legislative Committee for Tuesday, March 29 beginning at 3 p.m.**

Councilman Hakeem scheduled a meeting of the **Public Works Committee for Tuesday, April 5 at 4 p.m.**

Councilman Franklin reminded Council members of the meeting of the **Parks and Recreation Committee scheduled for Tuesday, March 29 at 4 p.m.**

**ADJOURNMENT**

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, March 29, 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)**