

**City Council Building  
March 29, 2005  
Chattanooga, Tennessee  
6:00 p.m.**

Chairman Benson called the meeting of the Chattanooga Council to order with Councilman 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 Councilwoman Robinson, the minutes of the previous meeting were approved as published and signed in open meeting.

#### **RECOGNITION OF RUSSELL GILBERT**

Councilman Franklin stated that it is a great pleasure to recognize an individual who has contributed much to his community and the City of Chattanooga. He stated Russell Gilbert is Vice President of the Washington Hills Neighborhood Association and is quite an individual; that he and his family are involved in all aspects of the community spiritually, socially, politically and otherwise. He stated the Washington Hills community has witnessed a lot of growth and prosperity and Mr. Gilbert has had his "hand in it". He stated a few weeks ago Mr. Gilbert received the 2004 Frist Award through his employment at Parkridge Valley Hospital. He stated that he is employed as Dietary Manager and was recommended by several persons including the CEO of the Hospital. At this time he presented Mr. Gilbert with a Distinguished Citizen Certificate and encouraged him to continue to do good work.

## REZONING PLAN

### **2004-242: City of Chattanooga**

Councilman Pierce made the motion to table this matter until April 12 to allow for other amendments to be advertised and added.

On motion of Councilman Pierce, seconded by Councilman Taylor,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE CERTAIN PROPERTIES WITHIN THE ROSSVILLE BOULEVARD COMMUNITY, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE ZONING STUDY AND MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM C-2 CONVENIENCE COMMERCIAL ZONE, R-2 RESIDENTIAL ZONE, R-3 RESIDENTIAL ZONE AND R-4 SPECIAL ZONE TO R-1 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
was tabled until April 12.

## AGREEMENT

On motion of Councilman Hakeem, seconded by Councilwoman Robinson,  
**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 Resolution (b) and (c) were discussed in last week's Economic Development Committee and approval is recommended.

On motion of Councilman Lively, seconded by Councilman Hakeem,  
**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE AERISYN, LLC 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 AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES**  
was adopted.

## AD VALOREM TAXES

**Councilmen Hakeem and Page made the motion to approve this Resolution.**

Atty. Alfred Smith stated that it is unfortunate that he did not know anything about a letter regarding this request until it was just handed to him five minutes ago. He stated that he is hesitant to have this approved if the Council is concerned about the issues raised in the letter and hesitant to have it voted on tonight as he has not had time to talk to Gary Wilt about this. He stated that a manufacturing project is unlike a retail project and is not thought of as "cutting up the pie more". He stated he could not address the issue at this time and indicated normally when people are in business they either have a non-compete agreement or not. He stated he does not see anything in the letter that they are violating the non-compete agreement. He stated that he knows both Mayors are aware of this project and the Chamber worked closely with this project and again indicated he could not address all the issues raised in the letter.

Chairman Benson stated that the matter was discussed in the Economic Development Committee and noted that he did not think the Chairman of the Committee has had an opportunity to read the letter.

Councilman Page stated that he has not read the letter and indicated that the matter was discussed in Committee. He stated that it is his belief the Council is prepared to approve this pilot agreement.

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

On motion of Councilman Page, seconded by Councilman Hakeem,

**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE TAG  
MANUFACTURING, INC. 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**

Councilman Hakeem stated that a representative from the Air Pollution Control Board was present during Committee today to discuss this matter with us. He stated funds used for the project in regard to retrofitting for buses are federal funds and not local money. He stated the Committee recommends approval.

On motion of Councilman Hakeem, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING A CONTRACT WITH LUBIZOL ENGINE CONTROL SYSTEMS RELATIVE TO THE SCHOOL BUS DIESEL RETROFIT PROJECT FOR A TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)**

was adopted.

**CONTRACT**

On motion of Councilman Hakeem, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO EXECUTE A CONTRACT WITH WDB CONSTRUCTION COMPANY FOR THE REPLACEMENT OF WINDOWS AT SHEPHERD RECREATION CENTER IN AN AMOUNT NOT TO EXCEED TWENTY THOUSAND DOLLARS (\$20,000.00)**

was adopted.

**AMEND RESOLUTION 24312**

On motion of Councilman Pierce, seconded by Councilman Hakeem,  
**A RESOLUTION AMENDING RESOLUTION NO. 24312, RELATIVE TO CONTRACT NO. 28J2 (EP), MOCCASIN BEND WASTEWATER TREATMENT PLANT PROCUREMENT OF OXYGENATION SYSTEM EQUIPMENT AND ACCESSORIES WITH LINDE PROCESS PLANTS, INC., TO CHANGE THE REVISED CONTRACT AMOUNT TO NOT TO EXCEED TWO MILLION SEVEN HUNDRED SEVENTY-SIX THOUSAND NINE HUNDRED SEVENTY-THREE AND 45/100 DOLLARS (\$2,776,973.45)**

was adopted.

**CHANGE ORDER**

On motion of Councilman Page, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO THE GREENWAY FARMS ENTRANCE ROAD, CONTRACT NO. R-04-001, WITH STEIN CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY SEVEN THOUSAND FIVE HUNDRED SEVENTY-EIGHT AND 78/100 DOLLARS (\$7,578.78), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED FORTY-SEVEN THOUSAND FOUR HUNDRED TWENTY-ONE AND 22/100 DOLLARS (\$47,421.22)**

was adopted.

**AGREEMENT**

On motion of Councilman Hakeem, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH LAMAR DUNN & ASSOCIATES, INC. RELATIVE TO CONTRACT NO. S-05-003-101, MCCUTCHEON ROAD DETENTION BASIN EVALUATION, IN AN AMOUNT NOT TO EXCEED TWELVE THOUSAND THREE HUNDRED DOLLARS (\$12,300.00)**

was adopted.

**AGREEMENT**

On motion of Councilman Lively, seconded by Councilman Hakeem,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC. RELATIVE TO CONTRACT NO. W-05-002-101, CSO CONTROL FACILITIES OPERATION ENHANCEMENT PROGRAM, IN AN AMOUNT NOT TO EXCEED THIRTY-NINE THOUSAND DOLLARS (\$39,000.00)**

was adopted.

**RIGHT-OF-WAY PURCHASE**

On motion of Councilman Page, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT FROM SUNTRUST BANK AT 7406 IGOU GAP ROAD, PARCEL NO. 149P-A-014, TRACT NO. 4, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT, CONTRACT NO. E-03-011, FOR AN AMOUNT NOT EXCEED ONE THOUSAND TWO HUNDRED FORTY-FIVE DOLLARS (\$1,245.00)**

was adopted.

**RIGHT-OF-WAY PURCHASE**

On motion of Councilman Lively, seconded by Councilman Hakeem,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT FROM SUNTRUST BANK AT 1900 GUNBARREL ROAD, PARCEL NO. 149P-A-014.01, TRACT NO. 3, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT, CONTRACT NO. E-03-011, FOR AN AMOUNT NOT TO EXCEED TWELVE THOUSAND TWO HUNDRED TEN DOLLARS (\$12,210.00)**  
was adopted.

**SPECIAL POLICEMEN**

On motion of Councilman Taylor, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF RAYMOND L. DECLUE, RAY FORTNER AND HUBERT PARIS, JR. 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.

**SPECIAL POLICEMAN**

On motion of Councilman Taylor, seconded by Councilman Page,  
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF LAMANORRIO D. WILLIAMS AS SPECIAL POLICEMAN (UNARMED) FOR THE CITY OF CHATTANOOGA DEPARTMENT OF NEIGHBORHOOD SERVICES, ANIMAL SERVICES DIVISION, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**OVERTIME**

Overtime for the week ending March 25, 2005 totaled \$9,994.12.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**PERSONNEL (Continued)**

**PUBLIC WORKS DEPARTMENT:**

- **TORRY D. HICKS, DEWAYNE BENNING, NATHAN L. CARTER** – Hire, Crew Worker, Citywide Services, Pay Grade 3/Step 1, \$18,850.00 annually, effective March 22, 2005.

**CHATTANOOGA FIRE DEPARTMENT:**

- **TARA WEAVER** – Promotion, Caption, Pay Grade F4/Step 5, \$42,641.00 annually, effective April 1, 2005.
- **TRAVIS WILIAMS, DENNIS WITT** – Promotion, Lieutenant, Pay Grade F3/Step 4, \$35,358.00 annually, effective April 1, 2005.

**CHATTANOOGA POLICE DEPARTMENT:**

- **NEYSA GORGAS-RIOS** – Family Medical Leave, Police Officer, effective March 25 – May 3, 2005.

**PURCHASE**

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

**CAPITAL TOYOTA (Best bid)**  
**R0080688/B0002215**

Two (2) Hybrid Vehicles (*Two lower bids were submitted by High Country Toyota and Brunswick Toyota, however, both bids failed to meet the specified vehicle warranty requirements.*)

\$47,510.00

**HEARING: STEVE CAMPBELL**

City Attorney Nelson stated that a hearing was rescheduled for Steve Campbell for April 13 at last week's meeting; however, his attorneys have written another letter asking that the Council look at another date after May 1 as they have 13 criminal cases and two Sessions Court cases on the morning of April 13.

### HEARING: STEVE CAMPBELL (Continued)

The hearing for Steve Campbell was rescheduled for May 5 beginning at 9 a.m. with Councilmen Hakeem, Robinson and Benson serving as the panel; Councilman Franklin volunteered as alternate.

Councilman Hakeem stated if May 5 is a Monday he would like to request that the hearing begin at 11 a.m. **On motion of Councilwoman Robinson, seconded by Councilman Pierce, the hearing time would be scheduled at 11 a.m. if May 5 is on a Monday; the motion carried.**

### THE VILLAGES GRAND OPENING

Councilman Taylor stated that The Villages in Alton Park will have grand opening on this Thursday. He asked Ivy Dench of Pennrose Properties to come forward at this time.

Ivy Dench stated that she wanted to make sure each Council member received a personal invitation to attend the grand opening on Thursday at 12 noon. She stated the Council has been very supportive during this process.

Councilman Taylor expressed appreciation for the grand opening happening prior to his leaving office. He expressed thanks to his colleagues and quoted a saying Councilman Hakeem often uses, "working together works"!

### POLICE DEPARTMENT DIVERSITY RECOMMENDATIONS INQUIRY

Councilman Pierce stated that he talked with Chief Cooke regarding the diversity within the police department indicating that the Council had asked to peruse the recommendations prior to addition to the manual. He stated Chief Cooke faxed a copy to the Clerk of the Council and she distributed copies to each Council person. He asked Councilman Lively if he would schedule a meeting of the Safety Committee for next week and invite Chief Parks to come in to go over the "pros and cons" of the reports.

Chairman Benson stated Council members received the copies but there are no guidelines for redactions.

Chief Cooper stated that he was not sure what was faxed and indicated that the information is not finalized, yet.



**POLICE DEPARTMENT DIVERSITY**  
**RECOMMENDATIONS INQUIRY (Continued)**

Councilman Pierce that Chief Cooper is correct it is not finalized; that the information submitted is from the group within the police department as well as a citizen group.

Chairman Benson asked if the highlighted statements on the paper are redactions.

Chief Cooper stated there were two proposals submitted from the work group at the command staff meeting two weeks ago. He stated this is still an ongoing work project and they had a meeting as recently as this morning. He stated there are some revisions that are to be presented next Tuesday at staff meeting. He reiterated that it is not a finished product and they are still working from the two proposals to come up with one draft.

Councilman Pierce stated that it was his hope the Council would be able to review the proposals prior to the police department initiating a new policy. He stated that was his intent from day one to invite the Chief to come back before they are adopted.

Chief Cooper stated Chief Parks plans to come to talk to the Council. He stated what they have are proposals from the work group and it is not a finished product as far as a policy is concerned; that a policy will be drafted from the proposal. He stated the Chief will be in a better position after that to talk to the Council. He stated he could not speak to the Council about someone else's proposal.

Councilman Pierce stated that it is his hope before the Chief makes a draft proposal there would be open dialogue.

Chief Cooper stated the command staff's draft has been presented to the Chief and the Chief could bring the matter before the Council before a policy is acted upon.

Councilman Pierce stated before signing anything as policy the Council would like to look at the proposal and discuss them openly; that the Chief could draw conclusions from the discussion that might give him more guidelines into how to initiate the policy.

**POLICE DEPARTMENT DIVERSITY**  
**RECOMMENDATIONS INQUIRY (Continued)**

Councilman Page suggested that Councilman Pierce meet with the Chief and give input; that he would prefer to have a draft for the committee to respond to and expressed understanding for the need to have input. He stated that he certainly would not be opposed to any Council member giving input individually as opposed to a group. He stated until a draft is received there is nothing to react to.

Chairman Benson stated an official task force with specific recommendations was made over a year ago and it is hoped that would be taken into consideration, also.

Councilman Pierce stated the Chief has appointed a point person to come up with the drafts and it is his understanding that has been done. He stated the Council asked that the public be included in the formulation of drafts and the Council needs to know what is being said and how it is being said. He stated that he knows the department needs to draft their own policy, yet when we talk about diversity that has occurred and still occurring in the police department, it is his thought the Council needs to look at the draft before it is adopted by the police department.

Chief Cooper stated that is not a problem; however, there is no draft.

Councilman Pierce again stated that the Council hopes to have input prior to a draft so that changes the Council submits will be a part of it.

Chief Cooper indicated that they would work it out.

Chief Pierce inquired as to how long it would be before the Chief is ready to act on a draft.

Chief Cooper responded that the Chief asked at this morning's meeting that it be prepared for next Tuesday.

Councilman Hakeem stated that a draft is to be ready next Tuesday and it is his assumption the meeting will be held in the morning. Chief Cooper responded "yes".

Councilman Hakeem asked if there is any reason that by the evening the Chief could come to the Safety Committee to discuss the draft.

**POLICE DEPARTMENT DIVERSITY**  
**RECOMMENDATIONS INQUIRY (Continued)**

Chief Cooper stated if the Chief accepts it; that if he is not willing to accept it the meeting will not need to take place. He stated the staff meeting is at 8:30 and there is no reason we could not be at the Safety Committee in the afternoon with a product.

Councilman Hakeem stated that he recalls hearing that there has been community involvement and a group from the police department that has had input into this, and now we are talking about a draft form the command staff.

Chief Cooper responded "no", that he has been misunderstood. He stated the work group put together the proposal to the Chief as to how to formulate policy. He stated they did not prepare a draft; they came up with a list of proposals in two different formats which is what might have been faxed. He stated a document has not been put together at all; that facts have to be put together into one document as policy; that they cannot come up with a policy as they have to have a draft proposal from which to make the policy and it has to be accepted (by the Chief) first.

Councilman Hakeem stated his contention is that before the finished product is brought it is perceived as a draft. He stated the Council wants to know what was said in that group that the community was involved in and what was said by the police department pursuant to their involvement.

Chief Cooper according to what Councilman Pierce said that is what was sent.

Councilman Pierce stated he would like have the two reports discussed along with whatever the Chief and staff will consider as the final draft.

Chief Cooper stated that he understands and indicated that the department does not consider a draft final as a draft is the work product.

Councilman Hakeem stated that the Council would like to see something next Tuesday when the Chief comes to discuss at whatever point he and the staff are -- how the process was developed, who is involved and how conclusions were made thus far.

Chairman Benson clarified that the request is for a progress report to be given on next Tuesday in Safety Committee.

**RESULTS OF HEARING FOR JIM HOSTETTER**

Councilman Page reported that a hearing was held for Officer Jim Hostetter on yesterday and the panel consisted of himself and Councilmen Robinson and Taylor. He stated the panel recommended that the twenty-eight day suspension be sustained for Officer Hostetter.

Chairman Benson stated that he thought he read in the paper today that the suspension was reduced to eleven days. Councilman Page responded "no".

**COMMITTEES**

Councilman Lively announced that the **Safety Committee would meet jointly with the Legal and Legislative Committee on Tuesday, April 5 beginning at 3 p.m.**

Councilman Hakeem stated that the **Public Works Committee is scheduled to meet on Tuesday, April 5 at 4 p.m.**

**NOMINATION OF BENSON AS ACTING MAYOR**

Councilman Pierce jokingly stated that he has been leery regarding attendance in the Mayor's office and nominated Chairman Benson as acting Mayor for the remaining two weeks! The nomination failed for lack of a second.

**ADJOURNMENT**

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, April 5, 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)**