

**City Council Building
Chattanooga, Tennessee
April 5, 2005
6:00 p.m.**

Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Franklin, Hakeem, Littlefield, Lively, Page, Robinson and Taylor present; Councilman Page 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 Taylor 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.

CLOSE AND ABANDON

MR-2002-153: James Glenn

Councilman Hakeem stated this matter was discussed before today's Public Works Committee and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilman Franklin,
**ALLEYS LOCATED NORTHEAST OF THE 1900 BLOCK OF ROSSVILLE
AVENUE AND THE 1700 BLOCK OF ADAMS STREET, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**
passed first reading.

REZONING

2004-165: Ray D. Slatton

There was no opposition in attendance.

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA), stated that the applicant requested deferral for an additional 90 days as there are still issues to be determined regarding the purchase of this property.

On motion of Councilman Hakeem, seconded by Councilwoman Robinson,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 6052 HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was tabled 90 days (July 5, 2005).

REZONING

2004-242 (Part 2): City of Chattanooga

Mr. Pace stated that this request is in the Rossville study area and was not advertised when the rezoning study was passed on first reading recently. He stated this request makes the additional portion legal and comes with a recommendation for approval to rezone to R-1.

There was no opposition in attendance.

On motion of Councilman Taylor, seconded by Councilman Pierce,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE CERTAIN PROPERTIES LOCATED IN THE 2800 BLOCKS OF CANNON AVENUE, CALHOUN AVENUE AND THE 2800 AND 2900 BLOCKS OF MORGAN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND SHOWN ON THE ZONING STUDY AND MAP(S) ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM R-2 RESIDENTIAL ZONE TO R-1 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

AGREEMENT

On motion of Councilman Lively, 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.

GRANT

Councilman Littlefield stated this request was discussed in Legal and Legislative Committee and approval is recommended.

On motion of Councilman Taylor, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO APPLY FOR A GRANT FROM THE UNITED STATES FIRE ADMINISTRATION AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN AN AMOUNT NOT TO EXCEED ONE MILLION FOUR HUDNRED FOURTEEN THOUSAND FIVE HUNDRED FORTY-TWO AND 80/100 DOLLARS (\$1,414,542.80), WHICH, IF AWARDED, WILL REQUIRE LOCAL MATCHING FUNDS IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED FOURTEEN THOUSAND FIVE HUNDRED FORTY-TWO AND 80/10 DOLLARS (\$414,542.80) AND, IF SELECTED FOR APPROVAL, AUTHORIZING THE ACCEPTANCE OF SAID GRANT AND PAYMENT OF LOCAL MATCHING FUNDS
was adopted.

PURCHASE OF REAL PROPERTY

Councilman Hakeem stated this request was discussed in Public Works today. He indicated Admin. Mitchell is out of the city and this property is considered as a necessary "piece of the puzzle" as far as parking and other times are concerned. He stated this has been perceived as a good deal in the interest of the City. He also indicated Resolutions (d) and (e) are recommended for approval, as well per discussion in Committee.

PURCHASE OF REAL PROPERTY (Continued)

On motion of Councilman Hakeem, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY LOCATED AT 1100 SOUTH WATKINS STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM THE DIXIE GROUP IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) PLUS CLOSING COSTS
was adopted.

EASEMENT

On motion of Councilman Lively, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF PERMANENT DRAINAGE AND TEMPORARY CONSTRUCTION EASEMENTS FROM PLAZA DEVELOPMENT CO., LLC. AT 2070 HAMILL ROAD, PARCEL NO. 110J-B-006, TRACT NO. B-06, RELATIVE TO THE HAMILL ROAD WIDENING PROJECT, CONTRACT NO. E-02-008, FOR AN AMOUNT NOT TO EXCEED TWO THOUSAND TWO HUNDRED FORTY-EIGHT DOLLARS (\$2,248.00)
was adopted.

TEMPORARY USE

On motion of Councilman Hakeem, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING TENNESSEE AQUARIUM TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT ONE BROAD STREET TO INSTALL SIX (6) BANNERS ON THE EAST WALL OF THE TENNESSEE AQUARIUM EXPANSION BUILDING AND TEN (10) PEDESTRIAN DIRECTIONAL SIGNS IN THE PLAZA AROUND THE AQUARIUM, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

PARCELS OF PROPERTY

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
A RESOLUTION ACCEPTING THE HIGHEST AND BEST OFFER FOR CERTAIN PARCELS OF PROPERTY ACQUIRED BY HAMILTON COUNTY AND THE CITY OF CHATTANOOGA THROUGH PREVIOUS DELINQUENT TAX SALES AND AUTHORIZING THE MAYOR OR THE CITY FINANCE OFFICER TO ENTER INTO AND EXECUTE DEEDS CONVEYING SAID PARCELS TO INDIVIDUALS ON THE LIST ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE
was adopted.

2005-2006 CDBG GRANT FUNDING

On motion of Councilman Hakeem, seconded by Councilman Franklin,
A RESOLUTION APPROVING FISCAL YEAR 2005-2006 COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP ACT AND EMERGENCY SHELTER GRANT FUNDING AS SHOWN MORE FULLY HEREINBELOW
was adopted.

OVERTIME

Overtime for the week ending April 1, 2005 totaled \$81,388.82.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **CURTIS L. STALLINGS** – Lateral Transfer, Crew Worker, Citywide Services, Pay Grade 3/Step 5, \$20,113.00 annually, effective April 6, 2005.
- **WILLIAM L. MURPHY** – Lateral Transfer, Crew Worker, Citywide Services, Pay Grade 3/Step 11, \$25,823.00 annually, effective April 6, 2005.
- **JOHNNY V. REESE** – Lateral Transfer, Crew worker, Citywide Services, Pay Grade 3/Step 3, \$18,850.00 annually, effective April 6, 2005.

PERSONNEL (Continued)

- **LEROY FITCH** – Suspension (3 days without pay), Equipment Operator, Citywide Services, effective March 31-April 5, 2005.
- **DONALD R. LAND** – Resignation, Equipment Operator, Citywide Services, effective arch 26, 2005.

CHATTANOOGA POLICE DEPARTMENT:

- **JAMES H. MOON** – Retirement, Sergeant, effective March 31, 2005.
- **EDWARD A. JACKSON** – Resignation, Sergeant, effective March 31, 2005.
- **CLARENCE W. RUDOLPH** – Resignation, Officer, effective April 10, 2005.

PURCHASE

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

SMITH BROTHERS (Lowest and best bid)
R0081687/B0002250

Metal Building

\$12,450.00

EMERGENCY PURCHASE

The emergency purchase of repair to the Aquarium Reservoir for the Parks and Recreation Department in the amount of \$12,000.00 to Jake Marshall Service Company, Purchase Order No. P0022625, was duly reported and signed in open meeting.

PURCHASE

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

HACH COMPANY (Sole Source)

R0081599

Sampler Parts per TCA 6-56-304-2

\$10,251.66

PURCHASES

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

EQUIPMENT MANAGEMENT COMPANY(Lowest and best bid)

R0081089/B0002213

Airshore Rescue Equipment

\$31,930.00

TOOL SMITH (Lowest and best bid)

R0081040/B0002185

Hydraulic Tools

\$28,956.00

CENTRAL STATES FIRE APPARATUS, INC.

P0014608

Fire Apparatus, Change Order #7

(Change Order #7 increases the present contract amount by \$497,396.48 for the purchase of one additional Custom Quint. This change represents a purchase cost savings of \$219,670.00 to the City compared to the present market purchase price of this Custom Quint. The Chattanooga Fire Department has requested and approved this change.)

PURCHASE (Continued)

Original Purchase, approved 5/22/00	\$1,380,579.00
Present Purchase Contract Total:	5,160,678.72
Change Order #7 Increase Amount:	497,396.58
NEW PURCHASE CONTRACT TOTAL:	\$5,658,075.20

AMARC, LLC ((Best bid)
R0081064/B0002186

MSA Breathing Air Equipment (*Hagemeyer North American submitted a lower bid but failed to bid all items.*)

\$53,158.20

HEARING: DANIEL GIBBS AND STEPHEN MILLER

City Attorney Nelson stated a request has been received from Shelley Parker to reschedule this hearing as a key witness is unavailable. He stated panel members consist of Councilmen Benson, Robinson and Pierce with Councilman Page as alternate. He stated that the Council might want to consider a rule in the future if anyone wants to put off a hearing they must come and explain the reason why and the Council agree on a date to do it.

Councilman Pierce expressed concern regarding the continuous rescheduling stating that Council members have disrupted their schedules to reschedule meetings. He stated he did not know if he would reschedule and would ask someone to replace him. He withdrew his name as a panel member and substituted Councilman Page's name. He indicated that he would serve as alternate.

A rescheduled date of May 16 beginning at 10 a.m. was set for Officers Gibbs and Miller with Councilmen Benson, Robinson and Page serving as the panel and Councilman Pierce as alternate.

HEARING: SHANE WEBB

City Attorney Nelson stated the attorney for Mr. Webb, Atty. Johnny Houston, has asked that a new date be scheduled to allow more time for him to prepare. He stated the panel consists of Councilmen Hakeem, Pierce, and Page.

HEARING SHANE WEBB (Continued)

Councilman Pierce stated that he is familiar with Attorney Houston and expressed concern as to the reason for rescheduling as the hearing has been scheduled for quite awhile.

City Attorney Nelson stated if attorneys ask for more time they should come and present to the Council their reason for the request and a date that can be counted on rather than scheduling and rescheduling them.

Councilwoman Robinson asked how the attorneys are chosen. City Attorney stated they are hired by the person requesting the hearing.

Councilman Pierce asked Chief Cooke if the police union pays some of the attorneys. Chief Cooke responded "sometimes; that it depends upon the allegations".

Councilman Pierce withdrew his name as a panel member and indicated he would serve as an alternate. Councilman Benson stated he would serve as a panel member for the hearing.

The hearing for Shane Webb was rescheduled for May 23 beginning at 10 a.m. with Councilmen Hakeem, Benson and Page serving as the panel; Councilman Pierce volunteered as alternate.

HEARING: STEVE CAMPBELL

City Attorney Nelson stated the hearing for Steve Campbell was rescheduled last week until May 5; however, it has been determined that the date conflicts with the joint city/county budget hearings.

The hearing for Mr. Campbell was rescheduled for May 12 beginning at 9 a.m. with Councilmen Robinson, Benson and Hakeem; Councilman Franklin is to serve as alternate.

THE VILLAGES GRAND OPENING

Councilman Taylor expressed thanks to everyone who took the opportunity to come to the Hope VI grand opening of The Villages. He stated it was a well celebrated event and personally expressed thanks and appreciation to the Council for supporting and making Hope VI possible.

THE VILLAGES GRAND OPENING (Continued)

Councilman Taylor stated that he would try to get a brick for each Council member if they would like one. He personally thanked Admin. McDonald and all involved with city services for making Hope VI a reality.

COMMITTEES

Councilman Littlefield stated the Legal and Legislative Committee will not meet next week and that the next meeting of the Committee would be April 19 and will be called by someone other than himself! He stated it has been a pleasure working with the Council and being on the Council during these years of service on this panel. He expressed thanks to everyone.

Chairman Benson acknowledged that Councilman Littlefield has done an excellent job.

Councilman Hakeem stated the **Public Works Committee is scheduled to meet on April 19 at 3:30 p.m.** to discuss matters on the current evening's agenda.

FELIX BENEVENTE

Felix Benevente of the Hispanic newspaper, Mundo, stated that he was present to inquire as to the multicultural center; that he is a part of the Spanish community and they have heard about it. He stated his questions center around what the function of the center would be, where it's founding comes from, what the participation of the Hispanic community and other ethnic groups would be and the projected time line.

Councilman Taylor recognized Mr. Benevente as a recent participant in the African American Forum held recently. He clarified that there is no time line at this time for the multicultural office as it is still in the planning stages. He informed him that questions would be answered as the project moves forward and indicated he would meet with him personally following the meeting.

Councilman Pierce asked that Mr. Benevente complete information to serve on one of the committees being formulated as an outgrowth of the Forum. He stated right now the matter is a work in progress as there is no multicultural organization in place and a structure has not been set up.

FELIX BENEVENTE (Continued)

Councilman Pierce stated the office would be inclusive of all groups; however they have not gotten to the "nitty gritty" at this point. He stated the multicultural idea originated with the African American Summit called by minority Council members and at the time it was considered that the effort would involve blacks, however, it will be expanded to involve all minority groups.

Mr. Benevente asked if Council members have an idea as to when the multicultural office would be opened and whether the time frame is six months-to-a-year.

Councilman Taylor stated Mr. Benevente should become a part of the task force to get more information.

COVENANT COLLEGE STUDENTS

Chairman Benson welcomed students from Covenant College and expressed that the Council shares a great deal of respect and appreciation for their attendance.

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, April 12, 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)**