

**City Council Building
Chattanooga, Tennessee
May 31, 2005
6:00 p.m.**

Chairman Robinson called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Franklin, Hakeem, Pierce, Rico and Rutherford 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, City Attorney Nelson gave invocation.

MINUTE APPROVAL

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

INTERIM BUDGET

On motion of Councilman Hakeem, seconded by Councilman Pierce,
**AN ORDINANCE PROVIDING FOR AN INTERIM BUDGET AND
APPROPRIATING FUNDS FOR THE USUAL AND ORDINARY EXPENSES OF
THE CITY GOVERNMENT FOR THE MONTHS OF JULY, AUGUST AND
SEPTEMBER 2005, PENDING THE ADOPTING OF THE 2005-2006 ANNUAL
BUDGET**

passed second and final reading and was signed in open meeting.

AMEND CITY CODE

Councilman Benson stated this matter was discussed in the Legal and Legislative Committee and the recommendation is to defer one week.

AMEND CITY CODE (Continued)

On motion of Councilman Benson, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 25, ARTICLE III, SECTION 25-68(a), SO AS TO ADD A NEW
SUBSECTION PROHIBITING CERTAIN SOUNDS**
was tabled one week.

CLOSE AND ABANDON

MR-2005-044: John Wise

On motion of Councilman Hakeem, seconded by Councilwoman Robinson,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE
EASTERN UNOPENED RIGHT-OF-WAY OF THE 1100 BLOCK OF NEW
PINEVILLE ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS
SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE**
passed second and final reading and was signed in open meeting.

PRELIMINARY PUD

2005-080: Greg Vital & Michael Mallen

Barry Bennett, Director of the Regional Planning Agency (RPA), stated that this is the preliminary plan and prior to coming back for final approval the applicant will have included the conditions required by RPA and engineering. He stated a special exceptions permit is requested for a residential PUD on 49.1 acres, with an overall density of 2.7 units per acre, which is about half the normal density of a single family subdivision. He stated the Hixson North River Plan recommends multi-family use for this location, noting that there would be 87 single family units and 43 townhouse units. He stated the townhouse units would be in the center of the development surrounded by the main road coming into the property and single family homes; that it is will be pretty much an enclosed community shut off from any external residential uses. He stated three community lots are proposed for the property and the recommendation is for approval from Planning and Staff subject to conditions there will be 2.7 density units per acre, approval of requirements in the subdivision review list that is attached and that if roads are damaged during construction the developer would be responsible for any and all repairs.

Councilman Pierce asked if the developer has approved the conditions.

PRELIMINARY PUD (Continued)

Mr. Bennett responded "yes"; that the developer has no problem with them.

On motion of Councilman Rico, seconded by Councilman Franklin,

A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED PLANNED UNIT DEVELOPMENT KNOWN AS THE HIGHLANDS AT RIVERMONT PLANNED UNIT DEVELOPMENT, ON A TRACT OF LAND LOCATED AT 3601 MERCER STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

AMEND RESOLUTION 24340

Councilman Hakeem stated Resolutions (b) – (f) were discussed in last week's Public Works Committee meeting and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,

A RESOLUTION AMENDING RESOLUTION NO. 24340 ADOPTED FEBRUARY 22, 2005, 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 ONE HUNDRED FORTY-SEVEN THOUSAND ONE HUNDRED EIGHTY-NINE DOLLARS (A\$3,147,189.00)" AND SUBSTITUTING IN LIEU THEREOF "NOT TO EXCEED THREE MILLION EIGHTY-TWO THOUSAND FOUR HUNDRED EIGHT DOLLARS (\$3,082,408.00)

was adopted.

AMEND RESOLUTION 24341

On motion of Councilwoman Rutherford, seconded by Councilman Rico,

A RESOLUTION AMENDING RESOLUTION NO. 24341 ADOPTED FEBRUARY 22, 2005, RELATIVE TO THE AGREEMENT FOR THE CLOSURE/POST CLOSURE PLAN FOR THE CITY LANDFILL, PROJECT NO. SNL 33-0273, WITH THE STATE OF TENNESSEE, DIVISION OF SOLID WASTE MANAGEMENT, BY DELETING "NOT TO EXCEED FIVE MILLION FIVE HUNDRED NINETY THOUSAND THREE HUNDRED THIRTY-NINE DOLLARS (\$5,590,339.00)" AND SUBSTITUTING IN LIEU THEREOF "NOT TO EXCEED FIVE MILLION SEVEN HUNDRED SIX THOUSAND TWO HUNDRED EIGHTY DOLLARS (\$5,706,280.00)"

was adopted.

EMINENT DOMAIN

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST CGS LEASING CORP. FOR A RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT LOCATED AT 5200 HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN, RELATIVE TO THE HAMILL ROAD WIDENING AT HIGHWAY 153 PROJECT
was adopted.

EMINENT DOMAIN

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST HAMILL ROAD PROPERTY, LLC FOR A RIGHT-OF-WAY LOCATED AT 2002 HAMILL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, RELATIVE TO THE HAMILL ROAD WIDENING AT HIGHWAY 153 PROJECT
was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH HAMILTON COUNTY FOR THE HAMILTON COUNTY COURTS COMMUNITY SERVICE PROGRAM TO PICK UP LITTER ALONG CITY RIGHTS-OF-WAY USING FIRST-TIME, NON-VIOLENT OFFENDERS
was adopted.

OVERTIME

Overtime for the week ending May 27, totaled \$61,074.09.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **JOSHUA L. JONES** – Suspension (4 days without pay), Crew Worker, Citywide Services, effective May 26 – 31, 2005.

PERSONNEL (Continued)

- **JERRY L. HATTER** – Involuntary Demotion, Crew Worker Sr., Citywide Services, Pay Grade 3/Step 6, \$20,927.00 annually, effective May 25, 2005.
- **KIMBERLY M. MILLS** – Hire, Office Assistant, Sr., Traffic, Pay Grade 4/Step 6, \$22,420.00 annually, effective May 13, 2005.

PARKS, RECREATION, ARTS, CULTURE AND EDUCATION DEPARTMENT:

- **EMMETT LAVENDER** – Hire, Crew Worker, Pay Grade 3/Step 1, \$18,850.00 annually, effective May 27, 2005.
- **DEBORAH STEEL** – Hire, Zookeeper, Pay Grade 6/Step 1, \$20,429.00 annually, effective May 27, 2005.
- **KENNATTA COOK** – Resignation, Recreation Management Analyst, effective May 23, 2005.
- **DAVID HEDRICK** – Resignation, Zookeeper, effective April 19, 2005.
- **REGAN STONECKER, JOHN STENGER** – Resignation, Zookeeper, effective April 28, 2005.

CHATTANOOGA POLICE DEPARTMENT:

- **STEPHEN MILLER, DANIEL GIBBS** – Reinstated, Police Officer, \$30,880.00 annually, effective May 27, 2005.

PURCHASE

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

LEE SMITH OF CHATTANOOGA (Best bid)
R0081388/B0002302

Four (4) Dump Trucks and Chassis

\$253,811.48

HEARING: STEVE CAMPBELL

City Attorney Nelson reminded Council members of the hearing scheduled for Monday, June 6 at 10 a.m. for Steve Campbell. He noted that Councilmen Robinson, Benson and Hakeem are panel members and that Councilman Franklin would serve as alternate.

Councilman Benson stated he would not be able to serve.

City Attorney Nelson asked Councilman Franklin if he would be able to serve since he volunteered as alternate.

Councilman Franklin responded that he would be present.

Chairman Robinson asked for two more Council members to serve on this panel.

Councilmen Rico and Bennett volunteered to serve on the panel, which now includes Councilmen Robinson, Hakeem, Franklin, Rico and Bennett.

COMMITTEES

Councilman Hakeem scheduled a meeting of the **Public Works Committee for Tuesday, June 7 at 4 p.m.**

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, June 7 at 3 p.m.**

DISTRICT 4 COMMUNITY MEETING

Councilman Benson reminded everyone of the District 4 Community meeting scheduled for Thursday, June 2 at 7 p.m. at Erlanger East. He expressed hope that department managers would be able to attend the meeting.

ADJOURNMENT

Chairman Robinson adjourned the meeting of the Chattanooga Council until Tuesday, June 7, 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)**