

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

Vice Chairman Pierce called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Hakeem, Franklin, Page and Rico present; Councilwomen Robinson and Rutherford were 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 Councilman Franklin, seconded by Councilman Benson, the minutes of the previous meeting were approved as published and signed in open meeting.

AMEND CITY CODE

On motion of Councilman Franklin, seconded by Councilman Page,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
CHAPTER 3, ARTICLE I, SECTION 3-19, ARTICLE VII, SECTION 1-71,
ARTICLE IX, SECTION 3-92 AND ARTICLE X, SECTION 3-102, RELATIVE
TO SIGNS**
passed second and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilman Franklin, seconded by Councilman Rico,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 24, SECTION 24-305, RELATIVE TO PARKING**
passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

Councilman Hakeem stated Ordinances V(c) and (d), VI(b) and (c) and Resolutions VII(a) – (j) were discussed in Public Works Committee and approval is recommended.

MR-2005-060: T. Gene Edwards, Inc.

On motion of Councilman Hakeem, seconded by Councilman Franklin,
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY
LOCATED NORTH OF THE 1300 BLOCK FO APPLING STREET, 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.

CLOSE AND ABANDON

MR-2005-065: Dale M. and Connie C. Smith

On motion of Councilman Hakeem, seconded by Councilman Franklin,
**AN ORDINANCE CLOSING AND ABANDONING THE EASTERN HALF OF
THE UNOPENED 3600 BLOCK OF WALTHALL AVENUE, 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.

REZONING

2004-165: Ray D. Slatton

Councilman Page stated this item has been on the agenda for some time, almost as year as he recalled. He stated there has been discussion about a potential owner and there is now litigation going on regarding this, He asked that the matter be deferred another ninety days, noting that he hates to keep pushing it back but does not know what else to do.

City Attorney Nelson suggested that the matter be referred back to Planning as the recommendation from Planning is now ten months old having come to the Council last September. He stated as fast as things are changing in that neighborhood conditions may have changed and it would probably be good for them to take another look and when the parties are ready bring it back to us.

REZONING (Continued)

Councilman Page stated that that is a good suggestion and the best avenue rather than denial or withdrawal of the request.

Councilman Benson asked if the applicant would lose the application fee.

City Attorney Nelson stated they would if they withdrew the request; that if it is sent back it keeps things in status quo; however, if they withdraw they would have to begin the process again.

Councilman Benson noted that the application fee is now \$600.

Councilman Page made the motion is to send the matter back to Planning rather than deferral or denial; Councilman Benson seconded the motion.

Jerry Pace, Director of Development Services with the Regional Planning Agency (RPA), stated that this matter will come before Planning at the August meeting and that signs would be reissued.

On motion of Councilman Page, seconded by Councilman Benson,

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 referred back to the Regional Planning Agency.

CLOSE AND ABANDON

MR-2005-075: C. L. Gilbert, Jr.

On motion of Councilman Benson, seconded by Councilman Franklin,

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 7500 BLOCK OF PLYMOUTH LANE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

CLOSE AND ABANDON

MR-2005-076: C. L. Gilbert, Jr.

On motion of Councilman Hakeem, seconded by Councilman Benson,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE
7500 BLOCK OF HEWITT LANE, MORE PARTICULARLY DESCRIBED
HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE
A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

CONTRACT

On motion of Councilman Hakeem, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A
MAINTENANCE CONTRACT WITH THE TENNESSEE DEPARTMENT OF
TRANSPORTATION FOR FISCAL YEAR 2005-2006, RELATIVE TO THE
STATE REIMBURSING THE CITY FOR MAINTENANCE WORK ON STATE
HIGHWAYS ROUTED THROUGH THE CITY**
was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH
CONSOLIDATED TECHNOLOGIES, INC. RELATIVE TO CONTRACT NO.
W-05-005-101, HIGHLAND PARK INTERCEPTOR FLOW
ANALYSIS/CAPACITY STUDY, IN AN AMOUNT NOT TO EXCEED EIGHTY-
TWO THOUSAND THREE HUNDRED TWENTY-TWO DOLLARS (\$82,322.00)**
was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman Rico, seconded by Councilman Hakeem,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY
FROM TAGNER H. AND BRENDA H. BAILEY AT 1706 ROSSVILLE AVENUE,
PART OF PARCEL NO. 145LC-B-020, RELATIVE TO THE 17TH STREET
IMPROVEMENT PROJECT, FOR AN AMOUNT NOT TO EXCEED NINE
THOUSAND SIX HUNDRED FIFTY DOLLARS (\$9,650.00)**
was adopted.

EMINENT DOMAIN

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST JIMMIE HANSARD FOR A RIGHT-OF-WAY AND PERMANENT DRAINAGE, SLOPE, AND TEMPORARY CONSTRUCTION EASEMENTS LOCATED AT 7422 IGOU GAP ROAD, MORE PARTICULARLY DESCRIBED HEREIN, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT
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 AGAINST ROBERT S. AND BARBARA J. REID FOR A RIGHT-OF-WAY, SLOPE EASEMENT, AND TEMPORARY CONSTRUCTION EASEMENT LOCATED AT 7418 IGOU GAP ROAD, MORE PARTICULARLY DSECRIBED HEREIN, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT
was adopted.

EMINENT DOMAIN

On motion of Councilman Franklin, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST R & E PROPERTIES, LLC FOR A RIGHT-OF-WAY, SLOPE EASEMENT, AND TEMPORARY CONSTRUCTION EASEMENT LOCATED AT 7420 IGOU GAP ROAD, MORE PARTICULARLY DESCRIBED HEREIN, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT
was adopted.

EMINENT DOMAIN

On motion of Councilman Franklin, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST ALFORD T. AND RUSSELL A. CHASTAIN FOR A RIGHT-OF-WAY, SLOPE EASEMENT, AND TEMPORARY CONSTRUCTION EASEMENT LOCATED AT 7432 IGOU GAP ROAD, MORE PARTICULARLY DSECRIBED HEREIN, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT
was adopted.

EMINENT DOMAIN

On motion of Councilman Benson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST DORIS CHASTAIN FOR A RIGHT-OF-WAY AND PERMANENT DRAINAGE, SLOPE, AND TEMPORARY CONSTRUCTION EASEMENTS LOCATED AT 7430 IGOU GAP ROAD, MORE PARTICULARLY DSECRIBED HEREIN, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT
was adopted.

EMINENT DOMAIN

On motion of Councilman Franklin, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST HARLEN J. AND RUTH FOOTE FOR A RIGHT-OF-WAY AND PERMANENT DRAINAGE, SLOPE, AND TEMPORARY CONSTRUCTION EASEMENTS LOCATED AT 7428 IGOU GAP ROAD, PARCEL NO. 159A-A-012, TRACT NO. 08, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT
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 AGAINST HARLEN J. AND RUBY FOOTE FOR A RIGHT-OF-WAY AND PERMANENT DRAINAGE, SLOPE, AND TEMPORARY CONSTRUCTION EASEMENTS LOCATED AT 7428 IGOU GAP ROAD, PARCEL NO. 159A-A-013, TRACT NO. 09, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT
was adopted.

AGREEMENT

On motion of Councilman Franklin, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN INTERLOCAL AGREEMENT WITH HAMILTON COUNTY GOVERNMENT D/B/A/ HAMILTON COUNTY BOARD OF EDUCATION AND NORMAL PARK SCHOOL FOR THE CONSTRUCTION OF A PLAYGROUND AND WALKING TRACK TO BE USED JOINTLY BY THE SCHOOL AND THE COMMUNITY AT A COST NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000.00) TO THE CITY
was adopted.

AGENDA FOR JULY 12, 2005

Councilman Hakeem made the motion to postpone Ordinance VI(m) {2005-098: Earlene P. Stewart} for four weeks; Councilman Benson seconded the motion.

The date of Tuesday, August 16 was mentioned, however, City Attorney Nelson stated that the Council might want to consider putting the matter off until August 9 explaining that the matter could be re-advertised and that way it could be taken off the agenda for next week. He stated normally the rezonings are advertised in the paper and setting the date that far off will allow for re-advertising.

Councilman Hakeem and Benson amended their motion to reflect postponing the matter until August 9; the motion carried.

ACKNOWLEDGEMENT OF MAYOR LITTLEFIELD

Vice Chairman Pierce acknowledged the presence of Mayor Littlefield who was present to witness his (Pierce's) service as Vice Chair of the meeting. He asked the Mayor if he "passed the test" as he has not served in this capacity in twelve years. The Mayor responded affirmatively.

OVERTIME

Vice Chairman Pierce explained that overtime for the former and current week would be reported at next week's meeting.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **ROGER L. BURKE** – Hire, Equipment Operator, Citywide Services, Pay Grade 6/Step 1, \$20,429.00 annually, effective June 21, 2005.
- **RONALD L. SMITH** – Family Medical Leave, Crew Worker, Citywide Services, effective June 23 – September 15, 2005.

PERSONNEL (Continued)

- **DANNY L. NELSON, JR.** – Hire, Equipment Operator, Citywide Services, Pay Grade 6/Step 1, \$20,429.00 annually, effective June 27, 2005.
- **DWIGHT A. MANGHANE** – Suspension (3 days without pay), Equipment Operator, Citywide Services, effective July 1, 4, 5, 2005.
- **KENNETH A. PHILLIPS** – Hire, Crew Worker, Sr., Waste, Pay Grade 5/Step 1, \$19,234.00 annually, effective June 29, 2005.
- **RANDALL W. SHADDEN** – Hire, Electrical Instrument Technician, Waste, Pay Grade 12/ Step 1, \$27,596.00 annually, effective June 22, 2005.

CHATTANOOGA FIRE DEPARTMENT:

- **BRUCE ELROD** – Retirement, Lieutenant, effective July 2, 2005.

Chief Coppinger acknowledged the retirement of Lt. Bruce Elrod after twenty-eight years of exemplary service. He expressed appreciation for the time he spent within the department and noted that he would be sorely missed.

Vice Chairman Pierce expressed appreciation on behalf of the Council for the years of service Lt. Elrod gave to the city.

CHATTANOOGA POLICE DEPARTMENT:

- **COREY BYRD** – Resignation, Police Cadet, effective June 27, 2005.
- **SEAN MORRIS** – Termination, Police Officer, effective June 29, 2005.
- **GERRY DAVIS** – Termination, Police Officer, effective July 1, 2005.
- **CLARA COUSIN** – Promotion, Communications Officer, Sr., Pay Grade 13/Step 7, \$37,553.00 annually, effective July 8, 2005.

PURCHASE

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

SEPARATE WINDS (Lowest and best bid)
R0082683/B0002371

Neidner Fire Hose and Couplings

\$17,675.00

COMMITTEES

Councilman Page stated the **Budget and Finance Committee would meet held jointly with the Parks and Recreation Committee on Tuesday, July 12 beginning at 4 p.m.** for the initial presentation of the budget.

Councilman Hakeem reported that the Safety Committee met today with a coalition of community groups who gave a report regarding a workshop that was held in May involving the community's perception of the relationship with the police department. He stated the effort was made to look at how both can improve the relationship and, hopefully, a beginning we can all look to in the future and say it was useful. He scheduled a meeting of the **Public Works Committee for Tuesday, July 19 at 4 p.m.** He stated the items on the agenda for that day would include alleys in an effort to clarify what is considered a closed alley, why they are not cleaned, the Wilcox Tunnel and stormwater issues.

Councilman Benson stated the **Legal and Legislative Committee would meet on Tuesday, July 12 beginning at 3 p.m.** He asked Admin. Healy to connect with Dan Johnson about the Heritage House; that he was told tonight how to get it up and restarted as work was stopped a couple weeks ago.

NOTE OF THANKS

Councilman Franklin expressed thanks to the Council for the floral tribute sent to the Reuben Strickland family due to the death of Mrs. Strickland. He stated the gesture was greatly appreciated and solicited their prayers for the Strickland family's comfort.

RUSSELL CHASTAIN

Russell Chastain of Igou Gap Road stated that he has two questions to ask the Council. He stated the first question is why only one side of the road is being used and not the other and the other is why the city is not offering fair market prices for the properties (on Igou Gap Road).

Vice Chairman Pierce explained that the normal procedure is to have the property appraised and give a fair market settlement. He stated Mr. Chastain and others would have an opportunity to get their own appraisal and the matter would be looked at again.

Mr. Chastain stated that he would like to buy property for \$1.15 per foot if the Council knows of any, noting that he would like to make his point. He stated he would like to have an answer as to why the city is not working on the left and only on the right side from east to west.

Vice Chairman Pierce stated that this matter was extensively discussed in Committee this afternoon.

Admin. Leach expressed appreciation for Mr. Chastain's concern about the road alignment which is the key to this whole issue. He stated the purpose is to make the road straight without any crooks in it; that the attempt is not to have a lot of crooks where traffic has to adjust. He stated the effort is to really have a straight alignment, even though it will not be perfectly straight. He stated with regard to how much property the city will end up taking varies as there might be three feet from one and five feet from another and will not go beyond that. He reiterated the effort is to make sure the road alignment is so it is safe which is really why they are taking off one side versus the other. He stated the alignment would be better from an engineering standpoint.

Mr. Chastain stated that the road is straight. Admin. Leach stated basically this would make it straighter.

Mr. Chastain questioned why the other side of the road is not being used. Admin. Leach stated that adjustments will be made all the way down the road.

Councilman Benson stated that question was asked of the engineer at the meeting at Concord Baptist Church and it was his belief the answer was that this way they did not have to close down the whole road to traffic during construction.

RUSSELL CHASTAIN (Continued)

Admin. Leach stated if that is what the engineers stated he accepts it as he was not at that meeting. He stated that it makes a good point if they are working on both sides as a little bit of the road would be needed on the south side for temporary construction and drainage easements.

Councilman Benson inquired as to the sidewalk.

Admin. Leach stated that the sidewalk is on the north side.

Mr. Chastain stated that residents of the area do not know what is going on with this project.

Admin. Leach stated he would continue to meet with engineering staff and noted that the staff is always available and would certainly meet at Mr. Chastain's convenience as to how the road will be built.

BARBARA REID

Barbara Reid, also of Igou Gap Road, stated that she was present about the eminent domain situation that the Council approved tonight. She stated she was speaking from "inside" and as a human being; not as a politician as she does not have power or "polish" to do what she wants when she wants and does not have the intelligence to come up with excuses as to how to have what she wants when she wants it! She stated this is not about four or five feet and this is not about money. She stated this is about abuse of power and the city coming in and telling what they are going to do and how they are going to do it contrary to the Hamilton Place Plan that the Council adopted. She stated it was a legal decision made by the Council and enforced everyday and now, all of a sudden, it is expendable and can be dropped. She stated all of a sudden Igou Gap is caving in and a road has to be put in; that she has lived there when a tornado came through and the road is not caving in; that this is an excuse to do what the city wants to do.

Mrs. Reid continued by asking the question, "Am I angry?" and she responded "yes"; that she does not like the Council sitting there laughing at them. She stated this is not a light situation and they do not take it lightly; that four or five feet is four or five feet! She stated this is not the city's property it is theirs (those affected)! She stated they have asked time and time again for help on Igou Gap and they were pushed off and left to live in commercial conditions. She stated she has a bullet hole in her front door where someone attempted to kill her while she was in her front yard and nothing was done about it.

MARY REID (Continued)

Mrs. Reid stated there was a similar time when there was robbery-after-robbery-after-robbery and nothing was done, yet the city can come in and lightly say we will take your property and treat you any way -- that was the last straw! She stated she does not want any more excuses or smooth talk; that she would like to leave this meeting believing in America again and decide for herself what is best for her.

ADJOURNMENT

On motion of Councilman Rico, seconded by Councilman Benson, Vice Chairman Pierce adjourned the meeting of the Chattanooga Council until Tuesday, July 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)**