

**City Council Building
Chattanooga, Tennessee
December 06, 2005
6:00 p.m.**

Vice Chairman Pierce called the meeting of the Chattanooga Council to order with Councilmen Benson, Hakeem, Page, Rico and Rutherford present; Councilmen Bennett and Franklin were in attendance at the National League of Cities Convention in Charlotte, North Carolina; Chairman Robinson 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 Page gave invocation.

MINUTE APPROVAL

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

AMEND CITY CODE

On motion of Councilwoman Rutherford, seconded by Councilman Benson,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 2, BY ADDING A NEW ARTICLE XIII RELATIVE TO BOARDS
AND COMMISSIONS**
passed second and final reading and was signed in open meeting.

REZONING

2005-176: Phil Shellabarger

Councilman Pierce stated this matter came before the Council four weeks ago and the community has worked on this. He stated there is an agreement with Mr. Shellabarger that he would bring back a site plan and divide the parcel up so it could be zoned within guidelines of the land use plan for a change to O-1. He asked Mr. Pace if he had met with Mr. Shellabarger.

Jerry Pace, Director of Development Services with the Regional Planning Agency (RPA), stated that he has not met with Mr. Shellabarger and clarified that there are two tracts of land involving this request and rezoning would take place on one of them, however there was no previous motion on that.

Councilman Benson stated that the one tract would be changed to O-1. Mr. Pace clarified that could be done if the Council chooses to do so.

Councilman Benson stated that is what Mr. Shellabarger agreed to. Mr. Pace stated the O-1 could be achieved if the Council is acceptable to that.

Councilman Benson then pondered the time frame for deferring this matter to allow Mr. Shellabarger an opportunity to return with a site plan. The Clerk of the Council informed the Council that Mr. Shellabarger had called earlier in the week to ask that the matter be deferred until January 17, 2006.

On motion of Councilman Benson, seconded by Councilwoman Rutherford,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 1110 MCNICHOL LANE AND 1101 GREENS ROAD,
MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL
ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE**
was deferred until January 17, 2006 at the request of the applicant.

CLOSE AND ABANDON

MR-2005-188: Hubert Weathers

In the absence of Councilman Hakeem, Councilman Rico chaired the Public Works Committee and reported that Ordinances (b) and (c) and Resolutions (a) and (b) are recommended for approval.

CLOSE AND ABANDON (Continued)

On motion of Councilman Benson, seconded by Councilman Hakeem,
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY
LOCATED ON THE SOUTH LINE OF THE 2200 BLOCK OF EAST 19TH
STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON
THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE**

passed first reading.

CLOSE AND ABANDON

MR-2005-202: City of Chattanooga c/o William Payne, City Engineer

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem,
**AN ORDINANCE CLOSING AND ABANDONING PORTIONS OF THE
WESTERN RIGHT-OF-WAY OF THE 200 AND 300 BLOCK OF NORTH
LYERLY STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS
SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE**

passed first reading.

AMEND RESOLUTION NO. 24287

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
**A RESOLUTION AMENDING RESOLUTION NO. 24287, RELATIVE TO THE
AWARD OF CONTRACT NO. S-04-002-200, STORMWATER SAMPLER
SET-UP, TO MAYSE CONSTRUCTION COMPANY, TO CHANGE THE
CONTRACT AMOUNT TO ZERO DOLLARS (\$0)**

was adopted.

CHANGE ORDER

On motion of councilman Hakeem, seconded by Councilwoman Rutherford,
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER
NO. 3, RELATIVE TO MOCCASIN BEND WASTEWATER TREATMENT PLANT
SOLIDS HANDLING FACILITIES PRIMARY SLUDGE SYSTEM
IMPROVEMENTS, CONTRACT NO. 28K2, WITH MAX FOOTE
CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER
DECREASES THE CONTRACT AMOUNT BY TWENTY-FIVE THOUSAND SIX
HUNDRED DOLLARS (\$25,600.00), FOR A REVISED CONTRACT AMOUNT
NOT TO EXCEED NINE MILLION FOUR HUNDRED EIGHTEEN THOUSAND
SIX HUNDRED EIGHT AND 69/100 DOLLARS (\$9,418,608.69)**

was adopted.

CHANGE ORDER

Councilman Hakeem inquired as to the Summit location of the Head Start Center listed in this Resolution.

Admin. Turner clarified that Head Start is federally funded and the whole county has to be serviced – both city and county.

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, THE SUMMIT HEAD START CENTER KITCHEN HOOD SYSTEM INSTALLATION BY VIKING INDUSTRIAL, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY NINE HUNDRED THIRTY-FOUR AND 62/100 DOLLARS (\$934.62), FOR A REVISED CONTRACT PRICE NOT TO EXCEED TWENTY-TWO THOUSAND SEVEN HUNDRED SEVENTY-FOUR AND 62/100 DOLLARS (\$22,774.62)

was adopted.

AGREEMENT

On motion of Councilman Rico, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO EXECUTE A LEASE AGREEMENT WITH YMCA OF CHATTANOOGA COMMUNITY ACTION PROGRAM RELATIVE TO THE BUILDING LOCATED AT 1600 CENTRAL AVENUE BEGINNING DECEMBER 1, 2005 AND ENDING NOVEMBER 30, 2010

was adopted.

AD VALOREM TAXES

On motion of Councilman Page, seconded by Councilman Rico,

A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE UNITED ENERTECH CORPORATION/RLT PROPERTIES, 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.

BROWNFIELD GRANT

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND, IF APPROVED, ACCEPT A BROWNFIELD GRANT FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, RELATIVE TO A HAZARDOUS MATERIALS ASSESSMENT IN THE ALTON PARK COMMUNITY, IN THE AMOUNT OF TWO HUNDRED THOUSAND DOLLARS (\$200,000.00)
was adopted.

PURCHASE USED VEHICLES AT PUBLIC AUCTION

Councilwoman Rutherford stated this matter was discussed in today's Public Safety Committee meeting and approval is recommended.

Councilman Hakeem asked if this is the normal way we do this.

Chief Cooper explained that this is not the normal way; that it is "behind the curve." He stated this would provide for covert vehicles to be used by narcotics and are being purchased with narcotics funds, not capital funds by any means.

Councilman Hakeem stated that he thought previously confiscated cars were used for this purpose and it was his thought there is a lot full of cars out there.

Chief Cooper responded "no"; that that is not usually available and never always available. He stated this way narcotics can buy the cars they need to do covert and undercover work; that they trade and buy other cars when they are not longer useable. He stated this is always done through the Council and it is dictated annually how many cars the department would be allowed to buy.

On motion of Councilman Benson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE AND CITY PURCHASING AGENT TO PURCHASE, AT PUBLIC SALE OR AUCTION, USED VEHICLES AT A COST OF TEN THOUSAND DOLLARS (\$10,000.00) OR LESS PER VEHICLE TO BE UTILIZED AS UNMARKED OR UNDERCOVER VEHICLES, THE NUMBER OF SUCH VEHICLES TO BE PURCHASED TO BE DETERMINED BY THE FUNDS APPROPRIATED ANNUALLY FOR THIS PURPOSE BY THE CITY COUNCIL, AND AUTHORIZING THE CHIEF OF POLICE AND CITY PURCHASING AGENT TO SIGN ANY CONTRACTS NECESSARY TO IMPLEMENT THIS RESOLUTION

was adopted.

OVERTIME

Overtime for the week ending December 2, 2005 totaled \$28,564.84.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **JERRY W. HAYES** – Suspension (3 days without pay), Crew Worker, City Wide Services, effective December 1-6, 2005.
- **FRED W. SIMPSON** – Suspension (7 days without pay), Equipment Operator, City Wide Services, effective November 28 – December 8, 2005.

CHATTANOOGA POLICE DEPARTMENT:

- **KENNETHA PRICE** – Family Medical Leave, Communications Officer, effective November 23, 2005 – February 14, 2006.
- **RAYMOND C. BRANTIS** – Resignation, Police Officer, effective December 7, 2005.
- **JULIAN CHRIS BEAVERS** – Return to Duty, Police Officer, effective December 1, 2005.
- **MICKEL HOBACK** – Return to Duty, Police Officer, effective November 28, 2005.
- **BRIAN WOOD** – Return to Duty, Police Officer, effective December 5, 2005.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Rico, the following purchase was approved for sue by the Chattanooga Fire Department:

GSM TRAINING ASSOCIATES (Lowest and best bid) R0085293

Homeland Security Rescue Training

\$180,740.00

PURCHASES (Continued)

MOTOROLA, INC., Care of Communications & Electronics, Inc. (Single source)
R0086757

Motorola Radios and Accessories (c/o Communications and Electronics) per TCA 6-56-304-6

\$52,488.74

Councilman Hakeem stated this might be general information and asked where GSM Training Associates is located.

Chief Rowe responded that he was not sure and noted that they were the lowest and best bidder. He stated the funds for this purchase are from grant monies and (he) would get the information regarding location to Councilman Hakeem.

HOTEL PERMITS

On motion of Councilwoman Rutherford, seconded by Councilman Rico, the following hotel permits were approved:

HOME AWAY EXTENDED STAY STUDIOS – 1949 Northpoint Boulevard, Chattanooga, TN

COMFORT INN – 4833 Hixson Pike, Chattanooga, TN

RAMADA LIMITED – 30 Birmingham Highway, Chattanooga, TN

SUPER 8 MOTEL – 20 Birmingham Highway, Chattanooga, TN

REFUNDS

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem, the Administrator of Finance was authorized to issue the following refund for gross receipts tax and stormwater fees and/or property taxes, respectively:

MALONE HEATING AND AIR \$1,000.00

COWART LOFTS, LLC 2,221.67

BOARD APPOINTMENT

On motion of Councilman Benson, seconded by Councilwoman Rutherford, the following Board appointment was approved:

LIBRARY BOARD:

- Appointment of ***PAT KELLEY*** for a three year term ending December 6, 2008.

LIQUOR LICENSE

Admin. Madison reported that Robert K. McKenzie has applied for a Certificate of Compliance to sell retail alcoholic beverages at 5026 Highway 58 and that five Council members' signatures are needed to complete the application process.

HEARING

City Attorney Nelson reminded Councilmen Rutherford, Pierce and Rico of the hearing for Officer Charles McMahan scheduled for Monday, December 12 beginning at 10 a.m. Councilwoman Robinson is to serve as alternate.

HEARING

City Attorney Nelson stated a request for hearing has been received from Senior Firefighter Robert Mallet regarding his six day suspension.

The hearing for Mr. Mallet was scheduled for Monday, December 19 at 10 a.m. with Councilmen Hakeem, Rutherford and Rico serving as the panel.

NEIGHBORHOOD PARTNERSHIP AWARDS RECEPTION

Councilwoman Rutherford stated that she received the invitation to the Neighborhood Partnership Awards reception scheduled for December 19 and plans to be present. She asked if neighborhood associations are being invited.

Admin. Johnson responded "they are."

**NEIGHBORHOOD PARTNERSHIP AWARDS
RECEPTION (Continued)**

Councilwoman Rutherford clarified that she would not have to worry about notifying them.

Admin. Johnson stated that she wanted to make sure Neighborhood Services has her (Rutherford's) neighborhood associations on the list and would be happy to cross check the matter. She asked Councilwoman Rutherford to electronically mail the neighborhood association names and she would respond to her.

COMMITTEES

Councilman Rico scheduled a meeting of the **Health, Education, Human Services and Housing Opportunities Committee for Tuesday, December 13 at 3:45 p.m.**

Councilman Hakeem scheduled a meeting of the **Public Works Committee for Tuesday, December 20 beginning at 4 p.m.**

Councilman Benson stated that the **Legal and Legislative Committee is scheduled to meet on Tuesday, December 13 at 3 p.m.** He stated that the first item would be underage drinking in bars and revisions to an ordinance the City Attorney will bring regarding recent court rulings. He stated Admin. Healy might possibly bring up the issue of animals in the park. Admin. Healy noted that he would not be ready to discuss the issue next Tuesday.

DISTRICT 4 MEETING

Councilman Benson expressed thanks to the departmental managers for coming out last Thursday to the District 4 meeting. He stated there was good attendance and again expressed appreciation for their attendance and responding to inquiries and concerns.

Councilman Hakeem quickly added, "Did they have a choice!"

ADJOURNMENT

Vice Chairman Pierce adjourned the meeting of the Chattanooga Council until Tuesday, December 13, 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)**