

**City Council Building
Chattanooga, Tennessee
January 22, 2002
6:00 P.M.**

Chairman Hakeem called the meeting of the Chattanooga City Council to order with Councilmen Benson, Franklin, Littlefield, Lively Page, Robinson and Taylor present. Councilman Pierce was absent due to a death in his family. City Attorney Michael McMahan, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance, Councilman Lively gave the invocation for the evening.

MINUTE APPROVAL

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

BLOOD ASSURANCE

Chairman Hakeem stated that we had a presentation on tonight's agenda in relation to "Volunteer Blood Donor Month". He called on Councilman Littlefield to make the presentation. Councilman Littlefield introduced Mr. Leonard Fant and Linda Hisey with Blood Assurance. He read a proclamation signed by Mayor Corker and thanked Mr. Fant and Ms. Hisey for what they do.

Mr. Fant thanked the Council for allowing them to make this presentation, adding that they were in need of A+ blood type today. He had with him a large poster, which he said had been in his office for three months, and he was "tired and sick of looking at it!" He stated that this was a four-gallon donor picture, and that they were retiring the "poster boy of the year!" He revealed a great picture of Councilman Littlefield!

Chairman Hakeem expressed his appreciation for the work that they did in Chattanooga, noting that they were very valuable and that we needed them. He added that Councilmembers, as their colleague, needed to do the same and that he, himself, had contributed.

ADOPTION OF CODE

On motion of Councilman Lively, seconded by Councilwoman Robinson,
AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF CHATTANOOGA, TENNESSEE; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE
was substituted due to a clerical error. On motion of Councilman Lively, seconded by Councilman Franklin, the ordinance passed second reading. On motion of Councilman Page, seconded by Councilman Littlefield, the Ordinance passed third and final reading and was signed in open meeting.

AMEND ZONING ORDINANCE
ADOPTION OF CODIFIED
VERSION

On motion of Councilwoman Robinson, seconded by Councilman Taylor,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, RELATED TO THE ADOPTION OF UPDATED CODIFIED VERSION OF THE ZONING ORDINANCE CONTAINING ALL ZONING AMENDMENTS APPROVED BY THE CHATTANOOGA CITY COUNCIL FROM MARCH 25, 1995 THROUGH DECEMBER 31, 2001, AND APPROVING OTHER CHANGES NECESSARY FOR CLARIFICATION OF CERTAIN STANDARDS AND TERMS, AS SHOWN ON THE RE-CODIFIED ZONING ORDINANCE, DATED DECEMBER 31, 2001
was substituted. On motion of Councilman Taylor, seconded by Councilman Page, the Ordinance passed second reading. On motion of Councilwoman Robinson, seconded by Councilman Taylor, the Ordinance passed third and final reading and was signed in open meeting.

REZONING

2001-205 Arthur Yother

On motion of Councilman Lively, seconded by Councilman Littlefield,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7001 DAYTON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO G-2 CONVENIENCE COMMERCIAL ZONE

passed second reading. On motion of Councilman Taylor, seconded by Councilwoman Robinson, the ordinance passed third and final reading and was signed in open meeting.

REZONING

2001-211 Mike Price

On motion of Councilman Lively, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7380 APPLGATE LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS

was substituted. On motion of Councilman Franklin, seconded by Councilman Littlefield, the Ordinance passed second reading. On motion of Councilwoman Robinson, seconded by Councilman Taylor, the Ordinance passed third and final reading and was signed in open meeting.

Councilman Benson noted that **Resolutions (a) thru (g)** all came through the Housing Committee with a recommendation to approve.

SURPLUS
HABITAT FOR HUMANITY

On motion of Councilman Benson, seconded by Councilman Franklin,

A RESOLUTION DECLARING CERTAIN PARCELS OF REAL PROPERTY LOCATED ON WILSON STREET, MORE PARTICULARLY DESCRIBED HEREIN, AS SURPLUS AND AUTHORIZING THE CONVEYANCE OF SAID PROPERTIES TO HABITAT FOR HUMANITY OF GREATER CHATTANOOGA, INC.

was adopted.

SURPLUS
SALE TO HCA REALTY, INC.

On motion of Councilman Lively, seconded by Councilman Page,

A RESOLUTION DECLARING CERTAIN PARCELS OF REAL PROPERTY LOCATED ON MCCONNELL LANE, MORE PARTICULARLY DESCRIBED HEREIN, AS SURPLUS AND AUTHORIZING THE SALE OF SAID PROPERTIES TO HCA REALTY, INC., FOR THE EXPANSION OF THE PARKRIDGE HOSPITAL PARKING LOT, FOR A TOTAL CONSIDERATION OF FOUR THOUSAND SIX HUNDRED DOLLARS (\$4,600.00), WITH THE BUYER PAYING ALL CLOSING COSTS AND THE SELLER PROVIDING THE TITLE POLICY

was adopted.

CONVEY PROPERTY TO
HABITAT FOR HUMANITY

On motion of Councilman Taylor, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE DEEDS CONVEYING CERTAIN PARCELS OF REAL PROPERTY JOINTLY OWNED BY HAMILTON COUNTY TENNESSEE AND THE CITY OF CHATTANOOGA, TENNESSEE, MORE PARTICULARLY DESCRIBED HEREIN, TO HABITAT FOR HUMANITY OF GREATER CHATTANOOGA, INC.

was adopted.

CONVEY PROPERTY TO CNE

On motion of Councilman Lively, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE DEEDS CONVEYING CERTAIN PARCELS OF REAL PROPERTY JOINTLY OWNED BY HAMILTON COUNTY, TENNESSEE, AND THE CITY OF CHATTANOOGA, TENNESSEE, MORE PARTICULARLY DESCRIBED HEREIN, TO CHATTANOOGA NEIGHBORHOOD ENTERPRISE, INC.

was adopted.

**CONVEY PROPERTY TO
CHATT.COMMUNITY
HOUSING DEVEL. ORGAN.**

On motion of Councilman Taylor, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE DEEDS CONVEYING CERTAIN PARCELS OF REAL PROPERTY JOINTLY OWNED BY HAMILTON COUNTY, TENNESSEE AND THE CITY OF CHATTANOOGA, TENNESSEE, MORE PARTICULARLY DESCRIBED HEREIN, TO THE CHATTANOOGA COMMUNITY HOUSING DEVELOPMENT ORGANIZATION

was adopted.

CONVEY PROPERTY TO CHA

On motion of Councilman Lively, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DEED CONVEYING A CERTAIN PARCEL OF REAL PROPERTY JOINTLY OWNED BY HAMILTON COUNTY, TENNESSEE AND THE CITY OF CHATTANOOGA, TENNESSEE, MORE PARTICULARLY DESCRIBED HEREIN, TO THE CHATTANOOGA HOUSING AUTHORITY

was adopted.

ACCEPT. OF PROPERTY

On motion of Councilman Taylor, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING THE MAYOR ACCEPT AS GRANTEE CERTAIN PARCELS OF PROPERTY FROM HAMILTON COUNTY, TENNESSEE, MORE PARTICULARLY DESCRIBED HEREIN, AFTER HAMILTON COUNTY, TENNESSEE QUITCLAIMS ITS INTEREST IN SAID JOINTLY OWNED PROPERTIES TO THE CITY OF CHATTANOOGA, TENNESSEE

was adopted.

It was noted that **Resolutions (i) thru (m)** were discussed in Public Works Committee and come with a recommendation.

TEMP. ROW USE

On motion of Councilman Lively, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING NORTHMINISTER PRESBYTERIAN CHURCH TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT THE INTERSECTION OF HIGHWAY 58 AND HAL DRIVE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMP. ROW USE

On motion of Councilman Lively, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING CHARLES DARR TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF THE ALLEY NEAR THE END OF PEACH TREE ROAD, SUBJECT TO CERTAIN CONDITIONS

was adopted.

AGREEMENT

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN ENGINEERING AGREEMENT WITH VOLKERT & ASSOCIATES, INC., RELATIVE TO ENGINEERING DESIGN SERVICES FOR THE CARTER STREET STREETScape FROM 11TH STREET TO 13TH STREET AND FOR REVISIONS TO THE DESIGN OF 13TH STREET BETWEEN CHESTNUT STREET AND CARTER STREET, IN AN AMOUNT NOT TO EXCEED SEVENTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$79,500.00)

was adopted.

ROW PURCHASE

On motion of Councilman Franklin, seconded by Councilman Littlefield,

A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM IRVING POLSKY-RHEA FRIEDMAN, POA, RELATIVE TO THE 17TH STREET EXTENSION TO THE EAST OF MARKET STREET, TRACTS OF LAND KNOWN AS 252, 256 AND 258 EAST 17TH STREET, VAN EPPS TRACT, MORE PARTICULARLY DESCRIBED HEREIN, FOR A TOTAL CONSIDERATION OF SIX THOUSAND NINE HUNDRED EIGHTY-SIX AND 50/100 DOLLARS (\$6,986.50)

was adopted.

CONTRACT CHANGE ORDER

On motion of Councilwoman Robinson, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), RELATIVE TO 17TH STREET UNDERGROUND STORMWATER DETENTION FACILITIES, CONTRACT NO. SS-1-98 (DETENTION), WITH EAST TENNESSEE GRADING, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY TEN THOUSAND FIVE HUNDRED SEVENTY-FIVE AND 25/100 DOLLARS (\$10,575.25), FOR A REVISED CONTRACT AMOUNT OF THREE HUNDRED TWENTY-FIVE THOUSAND EIGHT HUNDRED SEVENTY-FOUR AND 75/100 DOLLARS (\$325,874.75)

was adopted.

UTILITY EASEMENT AGREE.

On motion of Councilman Page, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE A UTILITY EASEMENT AGREEMENT PERMITTING BELLSOUTH TO INSTALL AND MAINTAIN AN OVERHEAD TELEPHONE LINE OVER CITY PROPERTY LOCATED ON THE SOUTH SIDE OF MAIN STREET

was adopted.

OVERTIME

Overtime for the week ending January 18, 2002 totaled \$15,921.67.

PERSONNEL

The following personnel matters were reported for the Public Works Department:

FRANK THOMAS, JR.—Dismissal of Sanitation Worker, effective 1/23/02.

JOANN STEVENSON—Compulsory Leave for Crew Worker, effective 1/21/02 until 2/20/02.

PURCHASE

On motion of Councilman Franklin, seconded by Councilman Benson, the following purchase was approved for use by the Public Works Dept.:

STUART C. IRBY COMPANY (Single Source Purchase)
Requisition No. R0049013

Round Tapered Steel Poles

\$13,200.00

PERSONNEL

The following personnel matters were reported for the Chattanooga Police Department:

JEFFREY GAINES—Return to Duty effective 1/12/01.

MARY E. HUTSON—Resignation of Communications Officer, effective 12/16/01.

SHIRLEY A. MCMASTERS—Retirement of Police Records Clerk, effective 1/17/02.

PATRICIA A. LANCE—Disability Retirement of Police Service Tech., effective 10/11/01.

LULA GARNER—Medical Leave of Absence for Office Assistant, Sr., effective 10/31/01 thru 1/23/02.

PERSONNEL (CONT'D.)

RHONDA G. NUNLEY—Resignation of Police Officer, effective 1/11/02.

CAMMIE TUDORS—Return to Duty of Communications Officer, effective 1/18/02.

PURCHASE

On motion of Councilman Lively, seconded by Councilman Franklin, the following purchase was approved for the Department of Neighborhood Services:

STEIN CONSTRUCTION CO. (Lowest and best bid meeting specs.)
Requisition No. R0046160/B000049

Demolition of Citico Apartments

\$187,000

DISTRICT 9 COMMUNITY
WALK

Councilman Taylor stated that as everyone knew, the Community Walk for Success was postponed last Saturday due to rain. It has been rescheduled for this Saturday, **January 26th at 11:00 A.M.** Councilman Taylor invited everyone to come out to the former **Piney Woods Elementary School** and participate.

NEIGHBORHOOD MEETINGS

Councilwoman Robinson announced that there would be a **North Chattanooga Neighborhood Association Meeting on Thursday, January 31st at 7:00 P.M.** regarding the firehall issue. On the same evening, there will also be a **Neighborhood Watch Meeting at 6:30 P.M. in Manchester Park.**

COMMITTEE MEETING

Councilman Littlefield noted that a Legal and Legislative Committee Meeting was held earlier in the day where comments were heard and suggestions from the Industry representatives and also neighborhood representatives concerning cellular towers. He stated that the Council was working with Planning and Legal offices to amend the Zoning Ordinance, and this would be forthcoming soon.

MERCHANTS' ASSOCIATION MEETING

Councilmen Benson announced that there would be a **Gunbarrel Merchants' Association Meeting at 8:00 A.M. Wednesday, January 23rd at Erlanger East.**

LANDSCAPING FUNDS

Chairman Hakeem stated that there was some discussion in committee concerning the Landscaping Ordinance and available funds, particularly in the business area, and this needed to be reviewed in committee. He stated that he was going to assign this to the Public Works Committee and asked that Councilmembers coordinate with Adm. McDonald and Adm. Boney as to information that we are looking for.

COUNCILMAN PIERCE

Chairman Hakeem explained that the reason that Councilman Pierce was not with us tonight was because of his mother's death yesterday. He is in the process of making arrangements, and Chairman Hakeem asked for prayers to be with him and if anyone was so inclined, to give Councilman Pierce a call to let him know that our thoughts are with him.

WILLIAM MCCLENDON

Mr. McClendon addressed the Council concerning a complaint that he was registering against Judge Williams. He stated that Judge Williams gave an inspector the authority to knock down his fence and go into his yard and take pictures. He stated that he was given a notice and citation at the same time; that he paid \$75.00 for an appeal and was still cited to Court. He stated that no one could see vehicles in his back yard, and the inspector knocked down the fence to take pictures.

Chairman Hakeem stated that the Council could only hear complaints that were under their purview and control; that he knew this was a serious matter to Mr. McClendon, but the Council had no control over Judge Williams and legal matters; that Mr. McClendon would have to make his appeal to Criminal Court, and this was only a suggestion from the Council. He informed Mr. McClendon that the City Attorney would talk to him after the meeting to explain the process to him.

Sister Bey was also present and informed the Council that this was her son, and she would not take this lying down.

ADJOURNMENT

Chairman Hakeem adjourned the meeting of the Chattanooga City Council until Tuesday, January 29, 2002 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)**

