

City Council Building
Chattanooga, Tennessee
February 19, 2002
6:00 p.m.

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

MINUTE APPROVAL

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

RESCIND ORDINANCE NO. 11218

MR-2001-162: Jeffrey T. and Cynthia E. Messinger

On motion of Councilman Lively, seconded by Councilman Franklin,

AN ORDINANCE TO RESCIND ORDINANCE NO. 11218, ADOPTED DECEMBER 4, 2001, AND CLOSING AND ABANDONING ALLEYS LOCATED SOUTHWEST FROM THE 1500 BLOCK OF WEST 35TH STREET AND NORHWEST FROM THE 1700 BLOCK OF CUMMINGS HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, AND PERMITTING TENNESSEE-AMERICAN WATER COMPANY, COMCAST CABLE COMMUNICATIONS, INC., THE ELECTRIC POWER BOARD, BELL SOUTH AND THE CHATTANOOGA GAS COMPANY TO RETAIN THEIR RIGHTS-OF-WAY TO MAINTAIN THEIR SERVICE LINES AND EQUIPMENT

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

LIFT CONDITIONS

2002-001: Tracy Cooke

On motion of Councilman Benson, seconded by Councilman Littlefield,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
 KNOWN AS THE ZONING ORDINANCE, SO AS TO LIFT CONDITIONS
 IMPOSED IN ORDINANCE NO. 9975 ON PROPERTY LOCATED AT 2400
 THROUGH 2404 COLUMBINE TRAIL, BEING MORE PARTICULARLY
 DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

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

REZONING

2002-002: Temple Baptist Church

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 3201 CLIO AVENUE, MORE PARTICULARLY
 DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-1 HIGHWAY
 COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

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.

REZONING

2002-003: City of Chattanooga

On motion of Councilman Littlefield, 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 911 CRAVENS TERRACE, MORE PARTICULARLY
 DESCRIBED HEREIN, FROM A TEMPORARY R-1 RESIDENTIAL ZONE TO A
 PERMANENT R-1 RESIDENTIAL ZONE**

passed second reading. On motion of Councilman Page, seconded by Councilman Franklin, the Ordinance passed third and final reading and was signed in open meeting.

REZONING**2002-005: City of Chattanooga**

On motion of Councilman Benson, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
 KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
 LAND LOCATED IN THE 7300 BLOCK OF APPLGATE LANE, MORE
 PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO
 O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

REZONING**2002-011: James D. Lee**

On motion of Councilman Benson, 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 8244 EAST BRAINERD ROAD, MORE PARTICULARLY
 DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-5
 NEIGHBORHOOD COMMERCIAL ZONE**

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

REZONING**2002-016: Martin Redish**

On motion of Councilwoman Robinson, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
 KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
 LAND LOCATED AT 420 AND 430 THOMPSON AVENUE, MORE
 PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-
 5 NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN
 CONDITIONS**

was tabled one week.

REZONING

2002-018: Thomas A. Austin

On motion of Councilwoman Robinson, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
 KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF
 LAND LOCATED AT 910 HIXSON PIKE, MORE PARTICULARLY DESCRIBED
 HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE**
 was tabled one week.

LIFT CONDITIONS

2002-021: Ken Millican and Tracy Cooke

On motion of Councilman Benson, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
 KNOWN AS THE ZONING ORDINANCE, SO AS TO LIFT CONDITIONS
 IMPOSED IN ORDINANCE NO. 9975 ON PROPERTY LOCATED IN THE
 2400 BLOCK OF ROYAL FERN TRAIL, BEING MORE PARTICULARLY
 DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**
 passed second reading. On motion of Councilman Franklin, seconded by
 Councilman Lively, the Ordinance passed third and final reading and was
 signed in open meeting.

CLOSE AND ABANDON

Councilman Franklin stated Ordinance 6(a) is to be tabled two weeks as a result
 of discussion in today's Public Works Committee meeting and Ordinance 6(b) is
 recommended for approval.

MR-2001-210: Sara Lee Bakery Group d/b/a Colonial Baking Company

On motion of Councilman Franklin, seconded by Councilman Lively,
**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY
 LOCATED ON THE NORTH SIDE OF IVY STREET BETWEEN NORTH KELLY
 STREET AND LYERLY 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 tabled two weeks.

CLOSE AND ABANDON

MR-2002-015: James P. Girard

The applicant was present; there was no opposition.

On motion of Councilman Franklin, seconded by Councilman Littlefield,
AN ORDINANCE CLOSING AND ABANDONING PLATTED ROADS AND ALLEYS LOCATED NORTHEAST OF THE 4800 BLOCK OF EAST 49TH STREET, 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: MAXINE BAILEY

On motion of Councilman Benson, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES TO ENTER INTO A PERSONAL SERVICES CONTRACT WITH MAXINE BAILEY, TO PROVIDE PRORAM PLANNING FOR THE 2003 NUSA CONFERENCE, SAID CONTRACT EFFECTIVE FEBRUARY 12, 2002 THROUGH JUNE 30, 2002, IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000.000)
was adopted.

CONTRACT AMENDMENT NO. 1: ARCADIS G & M, INC.

Councilman Franklin stated Resolutions 7(b) through (g) were discussed in Public Works Committee and approval is recommended.

On motion of Councilman Benson, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AMENDMENT NO. 1 TO WORK AUTHORIZATION NO. 2, CONTRACT NO. RW-3-00, SHALLOWFORD ROAD IMPROVEMENTS PROJECT, WITH ARCADIS G & M, INC., FOR CONSTRUCTION PHASE SERVICES IN THE AMOUNT OF NINE THOUSAND TWO HUNDRED SIXTY-SIX DOLLARS (\$9,266.00), FOR A TOTAL REVISED FEE NOT TO EXCEED ONE HUNDRED TWENTY THOUSAND NINETY-EIGHT DOLLARS (\$120,098.00)
was adopted.

AGREEMENT: TDOT

On motion of Councilman Franklin, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION, RELATIVE TO THE DESIGN AND CONSTRUCTION OF NEW INTERSECTIONS ON RIVERSIDE DRIVE AT SECOND STREET AND LOOKOUT STREET ALONG WITH THE REQUIRED SIGNALIZATION AT BOTH INTERSECTIONS, CONTRACT NO. 2002108, LP NO. 3327, WITH THE ESTIMATED PROJECT COST OF FIVE HUNDRED FIFTY-FIVE THOUSAND DOLLARS (\$555,000.00), TO BE FUNDED BY STATE AND FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) FUNDS

was adopted.

CHANGE ORDER

On motion of Councilman Lively, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 (FINAL), RELATIVE TO THE 10TH STREET AREA STREETScape, WITH TOWER CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY NINE HUNDRED FIFTY-SEVEN AND 36/100 DOLLARS (\$957.36), FOR A REVISED CONTRACT PRICE OF TWO HUNDRED THIRTY-SIX THOUSAND FOUR HUNDRED EIGHTY-EIGHT AND 43/100 DOLLARS (\$236,488.43)

was adopted.

CONTRACT: K. W. RAINES ASSOCIATES, INC.

On motion of Councilman Franklin, seconded by Councilman Page,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT BL-2-01, RELATIVE TO MODIFICATIONS TO THE CITY LANDFILL AT BIRCHWOOD, PHASE I AND II GAS COLLECTION WELLS AND PUMPS, TO K. W. RAINES ASSOCIATES, INC. FOR THEIR LOW BID IN THE AMOUNT OF THREE HUNDRED FORTY-ONE THOUSAND SIX HUNDRED EIGHTY-TWO AND 40/100 DOLLARS (\$341,682.40)

was adopted.

CHANGE ORDER

On motion of Councilman Littlefield, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2, RELATIVE TO WIDENING AND IMPROVEMENTS TO SHALLOWFORD ROAD, CONTRACT NO. RW-4-00, WITH JONES BROTHERS, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY TWO HUNDRED FORTY THOUSAND THREE HUNDRED SIXTY-ONE AND 46/100 DOLLARS (\$240,361.46), FOR A REVISED CONTRACT PRICE OF ONE MILLION EIGHT HUNDRED NINE THOUSAND TWO HUNDRED SEVEN AND 74/100 DOLLARS (\$1,809,207.74) AND EXTENDING THE CONTRACT TIME BY SEVENTY-EIGHT (78) CALENDAR DAYS
 was adopted.

AGREEMENTS FOR PROFESSIONAL SERVICES

On motion of Councilman Pierce, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE SUCH AGREEMENTS FOR PROFESSIONAL SERVICES AS MAY BE NECESSARY RELATIVE TO THE ENVIRONMENTAL REMEDIATION OF PETROLEUM PRODUCTS AND DRY CLEANER SOLVENTS ON THE SITE BOUNDED BY MARTIN LUTHER KING BOULEVARD, 10TH STREET, MARKET STREET AND BROAD STREET (THE "BUTCHER BLOCK"), AND AUTHORIZING THE EXECUTION OF ANY AND ALL DOCUMENTS TO INCLUDE THE CITY OF CHATTANOOGA WITHIN THE STATE OF TENNESSEE DRY CLEANER ENVIRONMENTAL RESPONSE PROGRAM ("DCERP") AND TO AUTHORIZE THE PAYMENT OF ANY AND ALL FEES ASSOCIATED WITH SAID PROGRAM
 was adopted.

"SPAY DAY USA"

Paul Miller, Director of Animal Services, distributed copies of a Proclamation proclaiming February 26 as "Spay Day USA" signed by Mayor Corker and stressed the importance of spaying cats and dogs. He stated one dog over a six-year period can produce as many as 6,000 - 7,000 offspring and that there is a great impact if cats are not spayed. He highlighted a press release from Friends of Chattanooga Animal Services (FOCAS) stating that the organization is a non-profit organization dedicated to supporting the work of the Chattanooga Animal Services and improving the quality of life for animals in the City of Chattanooga.

"SPAY DAY USA" (Continued)

Mr. Miller stated FOCAS has partnered with Senior Neighbors and Chattanooga Cares to promote the area's first Pet Meals on Wheels program (PMOW). He stated elderly people on fixed income have been known to give up eating themselves for their pets to survive. He stated more would be heard about FOCAS as they continue to grow and get more involved.

On motion of Councilman Lively, seconded by Councilman Franklin,

**A RESOLUTION DESIGNATING FEBRUARY 26, 2002, AS "SPAY DAY USA"
AND DESIGNATING AN ANNUAL "SPAY DAY USA" ON THE LAST
TUESDAY IN FEBRUARY EACH YEAR**

was adopted.

ISSUANCE AND SALE OF BONDS

On motion of Councilman Littlefield, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF AN
AMOUNT NOT TO EXCEED \$95,000,000.00 PRINCIPAL AMOUNT OF THE
CITY OF CHATTANOOGA, GENERAL OBLIGATION REFUNDING BONDS,
SERIES 2002**

was adopted.

EXPRESSION OF SYMPATHY AND SUPPORT

Councilman Page stated on behalf of the Legal and Legislative Committee under the leadership of Councilman Littlefield, and more specifically the Council and Councilmen Franklin and Taylor, we are all very concerned about the tragic events south of our border in Noble, Georgia. He stated sympathy is expressed to the families that have endured circumstances beyond belief. He stated the Legal and Legislative Committee formulated a resolution in the hope it would encourage our State Delegation to look at the issue and review any procedures that may need to be put in place that would assist in this manner.

Councilman Franklin stated that Councilman Taylor, as the State Officer of the Tennessee State Funeral and Morticians Association and former District Director of the National Morticians Association will be the spokesperson on behalf of the funeral directors in Chattanooga and the National Association, as well. He stated that he and Councilman Taylor cannot express enough how devastated they have been (as funeral directors) during the aftermath and ongoing investigation. He stated they are doing everything within their power to bring this matter to a point where there can be some resolution with all the families affected.

EXPRESSION OF SYMPATHY AND SUPPORT
(Continued)

On motion of Councilman Page, seconded by Councilman Franklin, the following expression of support and sympathy was sanctioned:

BE IT RESOLVED THAT THE CHATTANOOGA CITY COUNCIL HEREBY EXPRESSES SYMPATHY, CONDOLENCE AND CONCERN FOR THE MANY VICTIMS OF THE ALMOST UNSPEAKABLE TRAGEDY ASSOCIATED WITH THE TRI-STATE CREMATORY IN NOBLE, GEORGIA. AS A BORDER CITY, WE SHARE IN THE GRIEF OF THOSE TENNESSEE, GEORGIA AND ALABAMA FAMILIES MOST DIRECTLY IMPACTED. BE IT FURTHER RESOLVED THAT IN THE WAKE OF THIS ISSUE WE OFFER SUPPORT AND CALL UPON ALL ELECTED AND APPOINTED OFFICIALS REPRESENTING OUR REGION TO REVIEW AND STRENGTHEN LAWS GOVERNING FUNERAL INDUSTRY PROCEDURES AND PRACTICES TO ASSURE THAT ALL CITIZENS OF THE CHATTANOOGA AREA WILL BE ABLE TO FACE THE DIFFICULT TASK OF DEALING WITH LIFE'S FINAL REQUIREMENTS WITH GREATER PEACE AND CONFIDENCE

OVERTIME

Overtime for the week ending totaled \$19,357.54.

PERSONNEL

The following personnel matter was reported for the Public Works Department:

SIDNEY R. POINTER – Return from Family Medical Leave, Citywide Services, effective February 18, 2002.

PERSONNEL

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

MARTHA GREGGS – Resignation, School Patrol Officer, effective February 13, 2002.

PATRICIA A. WHATLEY-BRYAN – Transfer/Voluntary Demotion, Payroll Technician, Pay Grade 6/Step 1, \$19,834.00 annually, effective February 22, 2002.

PERSONNEL (Continued)

RICHARD COOK – Suspension (15 days without pay), Police Officer, effective February 12, 2002.

REFUND

On motion of Councilman Littlefield, seconded by Councilman Lively, the Administrator of Finance was authorized to issue the following refund for 2001 property taxes:

KAYO OIL CO. -- Map No. 138P-B-005.01, \$4,440.66

PERSONNEL

The following personnel matter was reported from the Neighborhood Services Department:

DANIEL R. HENDY, SR. – Resignation, Code Enforcement Inspector, Codes and Community Services, effective February 15, 2002.

COMMITTEES

Councilman Littlefield stated the practice of reporting personnel matters by department was held over from the City Commission form of government. He stated last week Councilman Pierce asked if it is really something required by the **Code**; that he (Littlefield) checked with the City Attorney who indicated there is nothing in the **Code** that would require reports to be presented in such a way. He stated the matter was discussed in today's Legal and Legislative Committee and the consensus was that whatever works for administration would be fine; that if an administrator wishes to bring a report or send it for inclusion with Council materials would be fine. He stated the most important thing is that it is not necessary for an administrator to be present and sit through the meeting to report a personnel matter. He stated the personnel reports let the Council know what is going on; that any way administration wishes to handle the matter is fine.

Councilman Benson stated Councilman Littlefield made the statement regarding it would not be necessary for administrators to be present to report personnel reports. He indicated that the Council would appreciate administrators attending the Council meeting.

COMMITTEES (Continued)

Councilman Benson stated many times questions arise from the floor and it is nice to have persons present to answer individuals after the meeting. He stated that he would like to continue seeing them at the Council meeting.

Chairman Hakeem clarified that the Council would still have a written report of departmental personnel matters.

Councilman Littlefield continued by stating that the Legal and Legislative Committee also dealt with the issue of cellular towers one more time with representatives of the cellular industry present. He stated the Committee dealt with the amendment to the cellular ordinance as it stands presently. He stated a minor word change was made in the ordinance; that the industry took exception to the term "*environmental impact*" in a couple places, and the matter was resolved by **striking the word "environment"** and *leaving the word "impact"*. He stated that it was acknowledged that some changes had been made at Planning regarding the required set back from 100 feet to 50 feet, indicating that good suggestions were made from the industry. He stated the Committee voted to send the matter on to the Council for first reading and a public hearing on March 12, and second and third reading the following week with the ordinance going into effect two weeks afterward. He stated at that time the moratorium would be lifted.

Councilman Littlefield concluded his Committee report by stating that the City Attorney advised the Committee regarding the recodification of the Charter. He stated after twelve years of this form of government it is time to put the Charter in correct format for the Mayor-Council form of government to eliminate confusing situations where it refers to "Commission". He stated the only way to change the Charter is for all to agree on the necessary amendment and have it incorporated into the text of the Charter document and then voted on in a general election. City Attorney Nelson stated that May 7 is the last possible day for the Council to pass any Charter amendment change on first reading.

Councilwoman Robinson reminded Council members of the meeting of the **Parks and Recreation Committee scheduled for Tuesday, February 26 at 4 p.m.**

Councilman Page reminded Council members of the **Economic Development Committee meeting scheduled for Tuesday, February 26, immediately following the Parks and Recreation Committee meeting.**

LUNCHEON INVITATION

Chairman Hakeem stated on this Friday, February 22, at noon elected officials of all ten municipalities of Hamilton County are invited to a luncheon sponsored by gubernatorial candidate Phil Bredesen. He stated the luncheon does not have anything to do with party affiliation; that it is to bring ideas and concepts "to the table". He stated the luncheon is scheduled for the Chattanooga Choo-Choo's Roosevelt Room.

SISTER BEY

Sister Bey stated that she spoke with Senator Crutchfield and asked for a cease and desist order against persons pulling cars from her yard and (she) was instructed to come back to the Council for an answer. She stated if the Council's does not give a "good answer" she would see Senator Crutchfield about it tomorrow. She stated that she does not want any trouble regarding this matter.

ADJOURNMENT

Chairman Hakeem adjourned the meeting of the Chattanooga Council until Tuesday, February 26, 2002 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

**(A LIST OF NAMES OF PERSONS IN ATTENDANCE IS
FILED WITH MINUTE MATERIAL OF THIS DATE)**