

**City Council Building
Chattanooga, Tennessee
April 2, 2002
6:00 p.m.**

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

AMEND CITY CODE

On motion of Councilman Lively, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTION 14-2, IN ORDER TO ADOPT THE NATIONAL ELECTRICAL CODE OF 2002 AS THE OFFICIAL ELECTRICAL CODE OF THE CITY OF CHATTANOOGA AND TO AMEND SECTION 14-3, REGARDING CERTAIN AMENDMENTS TO THE NATIONAL ELECTRICAL CODE

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

CLOSE AND ABANDON

MR-2001-212: Dan Hagerman

On motion of Councilman Franklin, seconded by Councilman Pierce,
**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY
LOCATED SOUTHWEST FROM HIGHWAY 153, SOUTHEAST OF LEE
HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN
ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, AND PERMITTING THE CHATTANOOGA GAS COMPANY
AND THE ELECTRIC POWER BOARD TO RETAIN THEIR RESPECTIVE
EASEMENTS**

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

AMEND CITY CODE

On motion of Councilman Pierce, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 10, SECTION 10-5, AS AMENDED, TO EXCLUDE CERTAIN
PROPERTIES FROM THE ROSSVILLE AVENUE FIRE DISTRICT BOUNDARY**
passed first reading.

CLOSE AND ABANDON

MR-2002-028: Zaremba Group, LLC

Councilman Franklin stated Ordinances 6(b) and (c) were discussed in last
week's meeting of the Public Works Committee and approval is recommended.

A representative from the Zaremba Group was present; there was no opposition
in attendance.

On motion of Councilman Franklin, seconded by Councilman Taylor,
**AN ORDINANCE CLOSING AND ABANDONING PLATTED ROADS AND
ALLEYS LOCATED SOUTHWEST OF THE 7500 BLOCK OF SHALLOWFORD
ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON
THE MAP ATTACHED HERETO AND MADE A PART HERE OF BY
REFERENCE**

passed first reading.

CLOSE AND ABANDON

MR-2002-029: Parkridge Medical Center

On motion of Councilman Lively, seconded by Councilman Franklin,
**AN ORDINANCE CLOSING AND ABANDONING A TEN FOOT (10')
WIDE UNNAMED ALLEY LOCATED IN THE 2200 BLOCK OF VINE STREET,
MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE
MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE,
SUBJECT TO THE RECORDATION OF A NEW SUBDIVISION PLAT**
passed first reading.

AMEND CITY CODE

On motion of Councilman Page, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 26 SO AS TO DELETE SECTION 26-134(a) IN ITS ENTIRETY AND
SUBSTITUTE IN LIEU THEREOF A NEW SECTION 26-134(a) SETTING
ENTRANCE FEES AT THE WARNER PARK ZOO**
passed first reading.

DECLARE CERTAIN PROPERTY SURPLUS

On motion of Councilman Taylor, seconded by Councilman Pierce,
**A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED IN THE
2200 BLOCKS OF BENNETT AVENUE AND EAST 12TH STREET, MORE
PARTICULARLY DESCRIBED HEREIN, AS SURPLUS AND AUTHORIZING
THE CONVEYANCE OF SAID PROPERTY TO THE CHATTANOOGA
COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CCHDO),
SUBJECT TO CERTAIN CONDITIONS**
was adopted.

**AMEND CITY'S GREENWAY MASTER PLAN AND
RECREATION 2008 PLAN**

Bobby Davenport of the Trust for Public Land was present and affirmed the hard work that has been done in the Mountain Creek community. He recognized the presence of others in support of this Resolution.

AMEND CITY'S GREENWAY MASTER PLAN AND RECREATION 2008 PLAN (Continued)

On motion of Councilman Lively, seconded by Councilman Littlefield,
A RESOLUTION TO AMEND THE CITY'S GREENWAY MASTER PLAN AND RECREATION 2008 PLAN TO INCLUDE A CORRIDOR WITHIN THE MOUNTAIN CREEK COMMUNITY AND AUTHORIZING THE CHATTANOOGA-HAMILTON REGIONAL PLANNING AGENCY TO PARTNER WITH THE FRIENDS OF MOUNTAIN CREEK GREENWAY TO GAIN PUBLIC INPUT ON THE DESIGN AND SPECIFIC LOCATION OF THE GREENWAY

was adopted.

CHANGE ORDER

Councilman Franklin stated Resolutions 7(c) and (f) were discussed in last week's Public Works Committee meeting and approval is recommended.

On motion of Councilman Franklin, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2, RELATIVE TO THE MARTIN LUTHER KING CSO CONTROL FACILITY, CONTRACT NO. CSO-6-99, WITH RAINES BROTHERS, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY TWO THOUSAND ONE HUNDRED DOLLARS (\$2,100.00), FOR A REVISED CONTRACT PRICE OF THREE MILLION FOUR HUNDRED EIGHTY-EIGHT THOUSAND NINE HUNDRED FOURTEEN AND 30/100 DOLLARS (\$3,488,914.30)

was adopted.

SPECIAL POLICEMAN: WILLIAM H. PENN, JR.

On motion of Councilman Lively, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF WILLIAM H. PENN, JR. AS SPECIAL POLICEMAN (UNARMED) FOR THE CITY OF CHATTANOOGA DEPARTMENT OF NEIGHBORHOOD SERVICES, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

SPECIAL POLICEMAN: DAVID E. HOLLOWAY

Councilman Pierce inquired as to the Council approving armed security, whether the City is liable as a result of the approval?

City Attorney Nelson responded "no"; that the special policeman would be the responsibility of his employer, not the City. He stated as a matter of fact this gentleman is a full time police officer already POST certified; that there should not be any liability.

Councilman Pierce inquired as to why authorization is needed? City Attorney Nelson responded that the City or county has to authorize him to act as a police officer.

On motion of Councilman Taylor, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF DAVID E. HOLLOWAY AS SPECIAL POLICEMAN (ARMED) FOR ERLANGER HEALTH SYSTEMS, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

SETTLEMENT AGREEMENT: 3D ENTERPRISES CONTRACTING AND ARCADIS G&M, INC.

On motion of Councilman Lively, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE A SETTLEMENT WITH 3D ENTERPRISES CONTRACTING AND ARCADIS G&M, INC., RELATIVE TO CONSTRUCTION OF THE SECONDARY CLARIFIERS AT THE MOCCASIN BEND WASTEWATER TREATMENT PLANT

was adopted.

OVERTIME

Overtime for the week ending March 29, 2002 totaled \$12,869.72.

PERSONNEL

The following personnel matters were reported for the various Departments:

CHATTANOOGA FIRE DEPARTMENT:

✍ **THOMAS J. FORMAN** – Resignation, Lieutenant, effective April 9, 2002.

PERSONNEL (Continued)**PARKS AND RECREATION DEPARTMENT:**

- ✍ **ELI J. YANNA** – Resignation, Recreation Specialist, Recreation Division, effective March 22, 2002.

PUBLIC WORKS DEPARTMENT:

- ✍ **LEROY GARTH** – Suspension (3 days without pay), Equipment Operator, Sr., Waste Resources, effective March 27 – April 1, 2002.
- ✍ **EDDIE J. KEITH, WALTER D. YOUNG** – Promotion, Crew Worker, Senior, Citywide Services, Pay Grade 5, Step 2, \$19,583.00 annually, effective March 20, 2002.
- ✍ **GARY TAYLOR** -- Promotion, Crew Worker, Senior, Citywide Services, Pay Grade 5, Step 7, \$24,305.00 annually, effective March 20, 2002.

PURCHASE

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

B & B JANITORIAL (Lowest and best bid)**R0059641/P0017295**

Custodial Services

\$38,846.40

BEARINGS AND DRIVES (Lowest and best bid)**R0059672/B0000666**

Motors and Variable Frequency Drives

\$10,405.50

PURCHASES (Continued)**POWER EQUIPMENT CO. (Lowest and best bid)****R0061568/B0000670**

Excavator

\$61,718.00

ADS ENVIRONMENTAL (Single source)**R0061676/P0017471**

Flow Meter, per TCA 6-56-304.6

\$62,650.02

SWOPE EQUIPMENT (Best bid)**R0059589/B0000649**

Excavator Hammer (Breaker)

\$15,041.12

PURCHASE

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

NEW YORK BUS SERVICES ((Single source)**R0061084/P0017494**

Mobile Command Center, 1999 LLEBG Grant Fund F303, Organization C05202, per TCA6-56-304.6

\$35,000.00

COMMITTEES

Councilman Littlefield stated that the Legal and Legislative Committee met this afternoon and worked through a draft of the long discussed noise ordinance as prepared by the City Attorney. He stated additional recommendations and modifications were made and a revised draft is to be submitted next week. He stated the Planning Agency had a couple items discussed that will come up at next week's Council meeting.

Councilman Page stated that he asked that the Legal and Legislative Committee discuss the deferral or postponement of one action scheduled for next week's Council meeting (Case No. 2002-025), indicating that if the matter is deferred he would like for the matter to be communicated to the neighborhood so they would not be present. He stated that he did not know if a motion should be made to defer the matter tonight or not.

Councilman Littlefield stated that he did not know if a vote could be taken tonight or just ask for some indication from Council members. He stated this is a development that is on the borderline as the request is in Councilman Franklin's district and the residents in Councilman Page's area are in opposition. He stated the proposal is for an addition to a warehouse operation; that there have been quite a few meetings and it is a contentious matter that came up years ago when he formerly served on the Council. He stated the applicant has asked that the matter be delayed 90 days and it was the consensus of the Committee that that was a reasonable request, provided it be communicated to the residents so they would not come next week.

Councilman Page stated that the matter received approval from the Legal and Legislative Committee and his assumption is that the Council is in agreement. He stated that he does not want the neighborhood to have to come to the Council meeting thinking it would be acted upon.

Councilman Littlefield indicated that Planning would be asked to follow through with notification to the residents.

PERSONNEL MATTERS

Councilman Pierce expressed appreciation for the change in reporting departmental personnel matters, which prevents department administrators from having to stay through Council meetings only to report a personnel matter.

**PRESENTATION OF M. L. KING TWO-WAY
CORRIDOR STUDY**

Councilman Pierce stated that the study regarding the two-way corridor for M. L. King has been finalized and is scheduled for presentation on Thursday, April 4 at 5 p.m. at the Bessie Smith Hall. He asked all Council members to attend and hear firsthand what the report indicates so that a wise decision can be made.

**ABSENCE OF COUNCILMEN BENSON AND
ROBINSON**

Chairman Hakeem stated that Councilwoman Robinson was inducted into the Alpha Society at UTC this evening, thus the reason for her absence. He stated Councilman Benson's absence is due to his being out-of-the City on a personal matter.

ADJOURNMENT

Chairman Hakeem adjourned the meeting of the Chattanooga Council until Tuesday, April 9, 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)**