

**City Council Building
Chattanooga, Tennessee
August 26, 2003**

Chairman Franklin called the meeting of the Chattanooga City Council to order with Councilmen Benson, Hakeem, Littlefield, Lively, Page, Pierce, Robinson, and Taylor present. City Attorney Randall Nelson, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE
INVOCATION**

Councilman Lively led the audience in the Pledge of Allegiance, followed by invocation.

MINUTE APPROVAL

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

SPECIAL RECOGNITION

Chairman Franklin welcomed a very successful "Girls Fast Pitch 12 and Under", the Frost Falcons Team, coached by Jerry Lawhorn, to the Council meeting. He asked Coach Lawhorn to introduce his team members and to also give recognition to the parents present as well. He stated that as their city leaders, we are proud of the accomplishments they have achieved and noted that they were ranked third in the nation, stating that this was magnificent. He expressed appreciation for their work, stating that they were also ambassadors for the City of Chattanooga. He made a presentation and presented Keys to the City to all of the players.

Coach Lawhorn stated that there were 85 teams in the National Tournament and that these young ladies had started out like the "Bad News Bears" and had wound up ranking third in the nation; that they had improved so much and would improve more as the years go by. At this point he introduced each girl present, stating that the girls had done an awesome job for Frost Falcons and also an awesome job for the City of Chattanooga.

SPECIAL RECOG. (CONT'D)

Chairman Franklin recognized the parents of the girls at this time.

Councilman Page asked where the name came from, with Coach Lawhorn explaining to him that the team was named after Jim Frost. Upon questioning by Chairman Franklin, Coach Lawhorn explained that all of the girls would be moving to the next level and that he was expecting good things to happen. Chairman Franklin challenged the girls to be bigger and better next year and wished them good luck.

AMEND CODE ENGINEERING FEES

Councilman Lively stated that he had had a call from a Homebuilder asking that this be delayed a few weeks.

Councilman Hakeem noted that we had been working on this for quite some time and asked Adm. McDonald what was happening.

Adm. McDonald stated that they had addressed all of the issues that had been brought to their attention; that the attorney had put this in Ordinance form and some of the old parts had been incorporated, and the changes were changes that everyone had know about since last March. He stated that they had been working on this since last Fall, and he believed it was time to move forward.

Councilman Littlefield asked Adm. McDonald to confirm or comment on one thing, stating that he had been called by a prominent Homebuilder concerning the requirement for scarifying and recompacting. Adm. McDonald confirmed that this had been taken out. Councilman Littlefield indicated that he felt there were still some misconceptions and still some potential refinements that we could deal with before this comes up for second and third readings.

Councilman Taylor asked if there had been communication with the Homebuilders Association. Adm. McDonald responded at least five or six times over a number of months; that they had been diligent with the homebuilders and that both sides had had to give some and that they had reached an agreement; that we needed this in order to get good streets and that there were some representatives of the homebuilders present tonight.

Mr. Julian Bell of the Homebuilders Association spoke. He stated that Adm. McDonald had commented on five or six meetings that had been held over several months; that he had not attended the meetings but that Don Moon and Don Wallace had been at the meetings. He stated that he thought it would be remiss to categorize these meetings as a collaboration; that they had been

AMEND CITY CODE (CONT'D)

presented with a massive restructure of street design and there was not much negotiation; that they did not feel that these changes were necessarily needed, stating that he was not against upgrading streets; however, they would like more time to figure out the costs; that development depends on the competitive market and as the cost of development increases, development will go elsewhere. He went on to say that they were trying to figure out how much more they would need and would like to be able to hire someone to quantify this for them; that the final form of this Ordinance was mailed to them on August 2nd, and they would like to put this off a little while; that this had been worked on a long time, and they did not see the hurt in waiting a little while longer.

Councilman Benson agreed that we had been studying this for quite awhile; that he would like to listen to what they had to say tonight but that he believed this Ordinance provides a greater fairness and justness to all concerned—the homebuilders and the taxpayers at large; that these costs could possibly be on home buyers' backs, and we need to make a move—that “justice delayed is justice denied”; that if we find anything that needs to be changed, we have the power to amend this. He reiterated that he thought the Council ought to move on this tonight.

Councilman Page asked Adm. McDonald in regards to the model we are using, if this had been tried in other cities in a manner where it was working. Adm. McDonald explained that it was a plan developed by Geo-Technical Engineers who do this all the time; that he had used this in business himself and knew that it cost money on the front end but that he was satisfied that it was money well spent. Councilman Page stated that he was speaking for the motion to pass on first reading; that he did believe that the city taxpayers were responsible for the roads turned over to the City; that he thought this would protect the City and the people who don't know as much about the building business.

Councilman Hakeem asked Adm. McDonald if we have consistent standards in regards to roads. Adm. McDonald responded that it was consistent out in the field; that we need to make sure the soil is compacted and the asphalt put down in the right way so that we will know that we have streets that will stand up. Councilman Hakeem stated that the Homebuilders could attend the Public Works Committee next week with their concerns; that he did not see the need to not do this; however the Homebuilders Industry did not see the need for it; that he felt we needed to move forward.

Councilman Littlefield noted that the first Ordinance on the agenda reduces the fee structure and gives the homebuilders some relief, and he thought they were in agreement on this; that it was the second Ordinance that everyone was concerned with. Adm. McDonald noted that the two go together.

AMEND CITY CODE (CONT'D)

On motion of Councilman Lively, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY
CODE, CHAPTER 10, ARTICLE II, SECTION 10-23, RELATIVE
TO ENGINEERING FEES**
passed first reading.

**AMEND CITY CODE
ACCEPT. OF DEDICATED STS.**

Councilman Littlefield stated that this was the key Ordinance and addresses a more scientific way that roads are to be built; that we have not always addressed the particular needs of the property being developed; that it is just a question of how we reconsider the results of the Test and handle the actual inspection. He stated that we would talk about this again in committee next week to see if there is any refinement needed; that he felt we needed to move ahead with this.

Chairman Franklin reiterated that we would go into further detail on street dedication at next week's Public Works Committee; that we would discuss how compaction of the gravel has a bearing on the thickness of the asphalt and how it will increase or decrease costs and any other questions that we need to as it relates to the price per square yard. He mentioned that dating back to 1994, the City was responsible for doing this part of it, and it might be helpful for Adm. McDonald to have a ballpark figure of the costs and the thickness of the asphalt next Tuesday.

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 32, BY ADDING A NEW ARTICLE XII,
RELATIVE TO STANDARDS FOR ACCEPTANCE OF
DEDICATED STREETS**
passed first reading.

REZONING

2003-083 (JDH Company)

Pursuant to notice of Public Hearing, the request of JDH Company to rezone tracts of land located at 1122 and 1124 East 14th Street came on to be heard.

Mr. Jerry Pace, Director of Operations for RPA, stated that several members of the Council had gone out to look at this and now recommended that we accept M-1 Zoning with conditions. He briefly went over the conditions.

Councilman Pierce stated that other adjoining properties are being used for storage and that they would like to see this rezoned to M-1; however he added that we need to draw the line somewhere, as he would like to see residences come into being; that we are seeing Southside being redeveloped, and he felt that this area could also come back.

The applicant was present and stated that he could deal with the conditions and would be a good neighbor.

Attorney Nelson asked for a motion to substitute.

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 1122 AND 1124 EAST 14TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS

was substituted. On motion of Councilman Lively, seconded by Councilwoman Robinson, the Ordinance passed first reading.

CLOSE AND ABANDON

MR-2003-102 (Michael Freedman Bliss)

On motion of Councilman Littlefield, seconded by Councilman Benson,
AN ORDINANCE CLOSING AND ABANDONING TWO (2) UNNAMED ALLEYS LOCATED WEST OF THE WEST LINE OF THE 3200 BLOCK OF ALTA VISTA DRIVE, 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-2003-103 (City of Chattanooga)

On motion of Councilman Lively, seconded by Councilman Hakeem,
AN ORDINANCE CLOSING AND ABANDONING PORTIONS OF TWO (2) DEEDED, UNOPENED RIGHTS-OF-WAY LOCATED ON MCCALLIE AVENUE AND A DEEDED, UNOPENED ALLEY ON EAST 8TH 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.

CLOSE AND ABANDON

MR-2003-105 (City of Chattanooga)

On motion of Councilman Page, seconded by Councilman Lively,
AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY LOCATED OFF OF THE EAST LINE OF THE 2700 BLOCK OF CANNON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

passed first reading with Councilman Pierce recusing himself.

CLOSE AND ABANDON

MR-2003-108 (The McCallie School)

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
AN ORDINANCE CLOSING AND ABANDONING THE 2900 BLOCK OF ANDERSON STREET AND A PORTION OF THE 800 BLOCK OF BOYD 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.

REAPPORTIONMENT

Attorney Nelson stated that this needed to be deferred for three weeks; that the Hamilton County Election Commission had informed Mr. Burns that they had changed some of the precincts, which will change some of the figures, and we want to make sure we are in compliance. He reiterated that they advised us that they had made changes to the precincts, and we don't have the changed figures and need some adjustment and the Registrar is out of the City until the Tuesday after Labor Day, and we need to work with them and the State also. Some questions arose as to why we needed to wait three weeks. Attorney Nelson was thinking that Labor Day was two weeks off rather than one. He did note, however, that we would need to have a committee meeting concerning this, stating that two weeks would be fine.

Councilman Pierce stated that in regards to redistricting, it was his intention to see that all were satisfied as nearly as possible; that this may have to be tabled again; that we have until the first of the year, but we do want to work as fast as possible; that he wanted to see all in one accord.

On motion of Councilman Littlefield, seconded by Councilman Hakeem,
**AN ORDINANCE REAPPORTIONING THE NINE (9) DISTRICTS
FOR CITY COUNCIL**
will be deferred for two weeks.

TEMP ROW USAGE

Councilman Pierce asked Councilman Taylor if he was aware of what this driveway is going to be used for. Councilman Taylor stated that he did not but that there was no one in opposition to this. Adm. McDonald explained that the Blakneys were building a house and needed this driveway temporarily.

On motion of Councilman Taylor, seconded by Councilman Littlefield,
**A RESOLUTION AUTHORIZING DEREK AND AMY BLAKNEY
TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF WEST
57TH STREET FOR THE INSTALLATION OF A DRIVEWAY TO
ACCESS THE PROPERTY, SUBJECT TO CERTAIN
CONDITIONS**
was adopted.

PURC./ST.LIGHT POLES

Councilman Littlefield stated that this was discussed in committee and comes with a recommendation for approval.

On motion of Councilman Littlefield, seconded by Councilman Pierce,
**A RESOLUTION AUTHORIZING THE PURCHASE OF STREET
LIGHT POLES FROM STUART C. IRBY COMPANY, RELATIVE
TO ENTERPRISE SOUTH INDUSTRIAL PARK, IN AN AMOUNT
NOT TO EXCEED NINETEEN THOUSAND FIVE HUNDRED
TWENTY-TWO AND 50/100 DOLLARS (\$19,522.50)**
was adopted.

OVERTIME

Overtime for the week ending August 22, 2003 totaled \$80,493.36.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ✍ **SIGMUND BLATT**—Family Medical Leave of absence, effective 8/11/03-11/03/03
- ✍ **DAVID E. PARROTT**—Transfer/Promotion of Equipment Operator, Pay Grade 6/1, \$20,429.00, effective 8/20/03

CHATTANOOGA POLICE DEPARTMENT:

- ✍ **STEVE GARRISON**—Medical Leave of Absence, effective 8/25/03—11/17/03.
- ✍ **ALEC CONNER**—10-day Suspension without pay, effective 8/25/03-9/03/03.
- ✍ **PAUL MYERS**—Resignation of Police Officer, effective 8/31/03.
- ✍ **JONATHAN WATKINS**—2-day Suspension without pay, effective 8/22/03-8/25/03.
- ✍ **DAVID MAYS**—Resignation of Police Officer, effective 9/3/03.

CHATTANOOGA FIRE DEPARTMENT:

- ✍ **CHESTER CARNEY**—Retirement of Firefighter Captain, effective 8/22/03.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- ✍ **NORMA BUGGS**—Retirement of Teacher, effective 7/31/03.
- ✍ **MARY RODRIGUEZ**—Resignation of Teacher, effective 8/9/03.
- ✍ **FRED WATSON**—Resignation of Dietary Assistant, effective 8/8/03.

PERSONNEL (CONT'D.)

PARKS, RECREATION, ARTS & CULTURE DEPARTMENT:

- ✍ **CHRIS M. DOWNEY**—Resignation of Zookeeper, effective 8/19/03.
- ✍ **JEREMY D. HICKS**—Hire as Crew Worker, Pay Grade 3/1, \$18,645.00, effective 8/11/03.
- ✍ **ROBERT BLACKWELL**—Resignation of Bldg. Maint. Mechanic, effective 8/5/03.

PURCHASES

On motion of Councilman Page, seconded by Councilman Benson, the following purchase was approved for use by Information Services Division:

SBC DATACOM, INC. (Low Proposer)
Requisition R0049299

Video Conferencing Equipment and Services (Tandberg 880)

(See minute material for pricing)

WIRE ONE TECHNOLOGIES (Only proposer for Polycom i680)
Requisition R0049299

Video Conferencing Equipment and Services (Polycom i680)

(See minute material for pricing)

Councilman Pierce questioned the necessity for video conferencing. Mr. Eichenthal explained that this was for the Police Department in particular; that the Fire Department and PRAC had also indicated an interest; that the Police Department has outside grant money to acquire this and can identify other sources for payment; that the only department with outside grant money is the Police Dept. Councilman Pierce stated that he was wondering about the cost and if this played a part in Government; that beyond the Police Department, where is it needed? Mr. Eichenthal reiterated that the Fire Dept. and PRAC had shown an interest in this technology, and they decided to do a Requirements Contract; that the Fire Department thought that they would have outside funding.

David Fly, a resident of East Brainerd, asked to speak to this issue. He stated that he had traveled from one end of Tennessee to the other to address the reduction of costs for Fire Departments using video conferencing; that he had

PURCHASES (CONT'D.)

talked to Fire Chiefs across the State concerning easing the distribution of training; that this would save the overtime cost of fire training; that fire training is usually hands on training and lecture based, and this would reduce the cost of delivering lecture-based training. He mentioned that one of the larger cities in the State had applied for a grant for this and that they were rolling forward to come up with a good model.

Councilman Page stated that he concurred with Councilman Pierce's interest, but he did recommend the purchase.

On motion of Councilman Lively, seconded by Councilman Littlefield, the following purchase was approved for use by the Purchasing Dept.:

AMERICAN PAPER & TWINE COMPANY (Low composite bid meeting specs.)
Requisition R0069263/B0000893

Citywide Paper Goods

\$57,720.21

BOARD APPOINTMENT

On motion of Councilwoman Robinson, seconded by Councilman Littlefield, the following Board appointment was approved:

HUMAN RIGHTS/HUMAN RELATIONS BOARD

✍ Appointment of **KHALID HASHMI** for a term ending **July 1, 2006**.

Councilman Littlefield asked that Mr. Eichenthal please check his in-basket; that he had brought to him a nomination that should have come up last week for an appointment to the Sign Appeals Board; that the memo was written last week and his appointee could not attend Monday's meeting because it had not been approved by the Council.

Chairman Franklin indicated to Mr. Eichenthal that his appointment to the Sign Appeals Board would be forthcoming.

HEARING

Attorney Nelson reported to the Council that **Captain Roy Barber** had requested that his hearing set for September 8th be **cancelled**.

COMMITTEES

Councilman Hakeem reminded the Council of the **Public Works Committee meeting scheduled for Tuesday, September 2nd at 4:00 P.M.**

Councilman Littlefield reminded the Council of the **Legal and Legislative Committee meeting scheduled for Tuesday, September 2nd at 3:00 P.M.**

Councilman Page scheduled an **Economic Development Committee to meet Tuesday, September 2nd around 4:30 P.M. and on Tuesday, September 9th at around the same time.**

Chairman Franklin reported that a Townhall Meeting was held at Brained for District 5, and the representative from the County shared in this meeting and that it was a success, and the information given was well presented and fruitful to all who were present. He commended Adm. McDonald and his Staff and all who participated, noting that this spoke well for Adm. McDonald's department. He stated that they were going to try to do this every six months. He reiterated that Adm. McDonald did an excellent job and expressed his appreciation for his willingness to come out. Councilman Littlefield reminded Chairman Franklin that there were also members of the Council present—Councilman Benson and himself.

PAT NOLL

Ms. Noll addressed the Council and stated that her concern was for the ladies and gentlemen who attended the Chattanooga Arts Pottery Class at Warner Park. She stated that when they arrived they were greeted with a sign that stated that the Pottery Room would be closed temporarily; that they were afraid that this space would be given to the Zoo; that some of these ladies had been coming here since 1996, and it was very important to continue this. She stated that it was a way to unwind after a hard week and that it was a lovely experience, and they were concerned that it would not be opened back up.

Chairman Franklin stated that we would make a special note of this and asked Ms. Noll to leave information as to how she could be contacted and that we would have someone from PRAC call her and tell her when it will be open again. He asked how many attended this.

Ms. Noll responded as many as 10 and 12; that it is slower in the Summer and then it picks up; that the City makes no money on this, but we have the Zoo for the children, and this is something for the adults.

PAT NOLL (CONT'D.)

Councilman Lively stated that in case this space is used for something else, that they can come out to John A. Patten and find a place in Lookout Valley; that they already have ballet and quilt making.

Ms. Noll left her telephone numbers with Ms. Crownover.

ALAN RIGHTMEYER

Mr. Rightmeyer approached the Council with two issues. He first asked how he should go about getting a Public Speaking Permit.

Chairman Franklin questioned if there was such a thing. Councilman Benson asked that Mr. Rightmeyer be more specific.

Mr. Rightmeyer stated that he just wanted to be able to talk to people without getting arrested.

Chairman Franklin explained to him that unless he was renting an outdoor forum, he did not need a permit.

Mr. Rightmeyer's second issue concerned the City Attorney taking his phone number. He stated that he was supposed to call him back concerning a fraudulent license that was sold to him by the City of Chattanooga, and he had heard nothing from him. He stated that he still did not have his answer.

Attorney Nelson indicated that he thought this had already been addressed but that he would check into it.

Chairman Franklin asked him to leave his telephone number if it was not already a part of the record.

Councilman Littlefield noted that it had been explained to Mr. Rightmeyer that anyone can buy a license and that there is no such thing as a fraudulent license. Attorney Nelson stated that Mr. Rightmeyer had told him that someone in the Treasurer's Office told him that it had been misrepresented. Councilman Littlefield stated that he would hope that employees in the Treasurer's Office would get this information correct.

ADJOURNMENT

Chairman Franklin adjourned the meeting of the Chattanooga City Council until Tuesday, September 2, 2003.

CHAIRMAN

CLERK OF COUNCIL

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