

**City Council Building
Chattanooga, Tennessee
September 21, 2004**

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

**PLEDGE OF ALLEGIANCE/
INVOCATION**

The Pledge of Allegiance was led by Councilman Littlefield, followed by invocation.

MINUTE APPROVAL

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

**AMEND ZONING ORD.
BOARD OF APPEALS**

On motion of Councilman Page, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS
AMENDED, KNOWN AS THE ZONING ORDINANCE, BY
AMENDING ARTICLE VIII, SECTION 108(2), RELATIVE TO
TIME LIMIT CONFIRMATION FOR BOARD OF ZONING
APPEALS DECISIONS**
passed second reading. On motion of Councilman Littlefield,
seconded by Councilman Lively, the Ordinance passed third and final
reading and was signed in open meeting.

REZONING

(2004-154 Pete Cory)

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 IN THE 1700
BLOCK OF JOINER ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-
2 RESIDENTIAL ZONE, SUBJECT TO CERTAIN
CONDITIONS**

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

REZONING

(2004-160 Joe Sliger)

On motion of Councilman Littlefield, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS
TO REZONE TRACTS OF LAND LOCATED AT 1635 AND
1639 ROSSVILLE AVENUE, MORE PARTICULARLY
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE
AND R-3 RESIDENTIAL ZONE TO C-3 CENTRAL BUSINESS
ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

Councilman Pierce inquired as to what the substitution was for. Mr. Pace explained that the language for parking had been removed.

AMEND CITY CODE
MOVING OF BUILDINGS

Councilman Littlefield noted that this came before the Legal and Legislative Committee with a recommendation for approval.

On motion of Councilman Littlefield, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA
CITY CODE, CHAPTER 10, ARTICLE I, SECTION 10-3(e),
RELATIVE TO MOVING OF BUILDINGS**
passed first reading.

Attorney Nelson made mention of some slight changes, including individual properties having a blighting influence as opposed to the whole neighborhood.

REZONING

(2004-159—Richard Volz)

Councilman Littlefield stated that this was discussed briefly in the Legal and Legislative Committee meeting, and the owner wishes to withdraw this petition.

On motion of Councilman Littlefield, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS
TO REZONE A TRACT OF LAND LOCATED AT 2332
STANDIFER GAP ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-
2 CONVENIENCE COMMERCIAL ZONE**
was withdrawn.

Councilman Pierce noted that there was no opposition present. Chairman Benson added that the applicant had called him about this also.

AMEND CITY CODE
TIMBER REMOVAL ORD.

Mrs. Beverly Johnson stated that this Ordinance is okay to approve on first reading but that there were three issues that Adm. McDonald had and that he was out of town; that one of the issues dealt with the Bond; that he wants to make sure his issues are covered before this is passed on second and third readings.

Councilman Littlefield stated that he believed at least two of these issues had been addressed and that the Council had decided to delay second and third readings for three weeks until all have had a chance to review it and to be sure that everyone is on the same page.

On motion of Councilman Littlefield, seconded by Councilman Hakeem,

AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 31, BY ADDING NEW SECTIONS 31-325.1 THROUGH 325.9 KNOWN AS THE TIMBER REMOVAL ORDINANCE AND BY AMENDING SUBSECTIONS 31-321(b) and (c)

passed first reading.

TAX AGREEMENT

Councilman Page noted that both Resolutions (a) and (b) had been discussed in a joint Legal and Legislative/Economic Development Committee meeting and come with a recommendation for approval.

Attorney Alfred Smith informed the Council that the caption read "INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA" and it should be "INDUSTRIAL DEVELOPMENT BOARD OF THE COUNTY OF HAMILTON". This was changed by Attorney Nelson in open meeting. Mr. Smith explained that Regis Corporation bought their property through Hamilton County and TMIO chose the County so that they could go in tandem and have only one meeting. It was pointed out that this also reduces the legal fees. Councilman Littlefield stated that he recalled seeing the documentation that said Industrial Development Board of the County of Hamilton.

TAX AGREEMENT (CONT'D)

On motion of Councilman Lively, seconded by Councilman Littlefield,
**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING
TO THE TMIO, INC. PROJECT, TO DELEGATE CERTAIN
AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD
OF THE COUNTY OF HAMILTON, AND TO AUTHORIZE
THE MAYOR TO ENTER INTO AND EXECUTE AN
AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM
TAXES**
was adopted.

TAX AGREEMENT

On motion of Councilman Pierce, seconded by Councilman Page,
**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING
TO THE REGIS CORPORATION PROJECT, TO DELEGATE
CERTAIN AUTHORITY TO THE INDUSTRIAL
DEVELOPMENT BOARD OF THE COUNTY OF HAMILTON,
AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND
EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD
VALOREM TAXES**
was adopted.

HOMELAND SEC.GRANT

Chairman Benson noted that this was heard in committee today.

On motion of Councilman Lively, seconded by Councilman Littlefield,
**A RESOLUTION AUTHORIZING THE FIRE CHIEF TO APPLY
FOR AND ACCEPT A GRANT FROM THE UNITED STATES
DEPARTMENT OF HOMELAND SECURITY, OFFICE OF
DOMESTIC PREPAREDNESS, 2004 FIRE PREVENTION AND
SAFETY GRANT PROGRAM IN THE FISCAL YEAR 2005, IN
THE AMOUNT OF THRITY-EIGHT THOUSAND, SEVENTY
20/100 DOLLARS (\$38,070.20), WHICH, IF AWARDED,
WILL REQUIRE LOCAL MATCHING FUNDS OF SIXTEEN
THOUSAND THREE HUNDRED FIFTEEN 80/100 DOLLARS
(\$16,315.80)**
was adopted.

Councilman Hakeem stated that Resolutions (d) through (g) were all discussed in the Public Works Committee meeting and come with a recommendation.

AGREEMENT

On motion of Councilman Hakeem, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH KHAFRA ENGINEERING CONSULTANTS, INC., RELATIVE TO CONTRACT NO. E-04-022-101, 8TH STREET IMPROVEMENTS-BALDWIN STREET TO PALMETTO STREET, FOR PROFESSIONAL ENGINEERING SERVICES IN AN AMOUNT NOT TO EXCEED FOURTEEN THOUSAND EIGHT HUNDRED DOLLARS (\$14,800.00)

was adopted.

TEMP. ROW USAGE

Representatives were present stating that "WILLIAM P. GLASCOCK" was in error and that this should read "SOUTHERN SADLERY BUILDING CONDOMINIUMS ASSOCIATION". They stated that they needed to proceed with this if Attorney Nelson could make the necessary changes. This was done in open meeting.

On motion of Councilman Hakeem, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING SOUTHERN SADLERY BUILDING CONDOMINIUMS ASSOCIATION TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF THE NORTH END OF WEST 31ST STREET AT THE CUL-DE-SAC, TAX MAP NO. 155F-A-005.04, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO INCLUDE INSTALLING CURBS, GUTTERS, PARKING AREAS, DRAINAGE, POINTS OF INGRESS/EGRESS, ETC., SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMP. ROW USAGE

On motion of Councilman Hakeem, seconded by Councilman Littlefield,

A RESOLUTION AUTHORIZING ALBERT J. CIRIGHANO, SR. TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF THE 5700 BLOCK OF LAKE RESORT DRIVE TO INSTALL A CANOPY SIGNAGE IN THE CITY RIGHT-OF-WAY AND A FREE-STANDING SIGN, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

was adopted.

AGREEMENT

On motion of Councilman Lively, seconded by Councilman Littlefield,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS) WILDLIFE SERVICES (WS), RELATIVE TO CONTROL OF HUMAN HEALTH AND SAFETY RISKS AND PROPERTY DAMAGE ASSOCIATED WITH BIRDS, IN AN AMOUNT NOT TO EXCEED NINE THOUSAND FIVE HUNDRED DOLLARS (\$9,500.00)

was adopted.

OVERTIME

Overtime for the week ending September 17, 2004 totaled \$107,653.07.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **LINDA J. HAGUE** - Hire as Office Assistant, Sr., Pay Grade 5/4, \$22,042.00 annually, effective 9/10/04.
- **ROGER STROMAN, JR.** - Promotion to Equipment Operator, Sr., Pay Grade 8/1, \$22,818.00 annually, effective 9/13/04.
- **JOHNNY J. GANN** - Resignation of Crew Worker, effective 9/9/04.
- **EDMOND L. PARKER** - Hire as Concrete Worker, Pay Grade 6/1, \$20,429.00 annually, effective 9/16/04.
- **RON S. ESDAILE** - Termination of Zoning Inspector, effective 9/16/04.

CHATTANOOGA POLICE DEPT.:

- **VERNON E. TURNER** - Return to duty of Communications Officer, effective 9/11/04.
- **CASEY CROFT** - Termination of Communications Officer, effective 9/13/04.
- **JOSHUA MASSENGALE** - 7-Day Suspension without pay of Police Officer, effective 9/20/04—9/26/04.
- **BRIAN BERGENBACK** - Retirement of Sergeant, effective 9/20/04.

Chief Cooper noted that Brian Bergenback was a 25-year veteran with the Police Department; that he had exhibited exemplary service with the department and that they hated to see him go.

PERSONNEL (CONT'D)

PARKS, RECREATION, ARTS & CULTURE DEPT.:

- **JOHN BEN STENGER** - Hire as Zookeeper, Pay Grade 6/1, \$20,429.00 annually, effective 9/8/04.
- **ROBERT DAVID YOUNG** - Voluntary Demotion to Zookeeper, Pay Grade 6/1, \$20,429.00 annually, effective 9/8/04.
- **DANIEL HIXON** - Promotion to General Supervisor, Sr., Pay Grade 16/5, \$38,743.00 annually, effective 7/1/04.
- **DANIEL STEPHENS** - Termination of Crew Worker, effective 9/13/04.

PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Littlefield, the following purchase was approved for use by the Chattanooga Human Services Dept.:

US LEC OF TN, INC. (Renewal of an existing service)
Requisition No. R0074497/B0001855

Requirements Contract for Local Communication Services for Head Start

\$23,931.00

PURCHASES

On motion of Councilman Littlefield, seconded by Councilman Lively, the following purchases were approved for use by the Public Works Department.

HOWELL SPECIALTIES (Low Bidder meeting specs.)
Requisition No. R0069162/B0001753

Detector Loops

\$3.45 per linear foot.

PURCHASES (CONT'D)

PLASTIC FUSION FABRICATORS, INC. (Low bidder meeting specs.)
Requisition No. R0077101/B0001764

8" Black Pipe

\$5.75 per foot

SEAR'S SHOE STORE (Lowest and best bid meeting specs.)
Requisition No. R0075648/B0001746

Safety Shoes

(See minute material for pricing)

WONDER WINDOW WASHERS, INC. (Best bid meeting specs.)
Requisition No. R0077135/B0001776

Sewage Back-up Cleaning Services

(See minute material for pricing)

SOFTWARE PLUS (Single Source Purchase)
Requisition No. R0076653

40 Microsoft Software Licenses

\$15,365.28

PURCHASE

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

ABATIX CORP. (Best bid meeting specs.)
Requisition No. R0054838/B0001752

Protective Clothing—Tactical Services Division

\$62,214.99

HOTEL PERMITS

On motion of Councilman Hakeem, seconded by Councilman Littlefield, the following hotel permits were approved:

BEST WESTERN INN HERITAGE INN - 7641 Lee Highway.

CHOO CHOO HOLIDAY INN - 1400 Market St.

BEST VALUE INN - 103 Patten Chapel Road.

CHATTANOOGA CLARION HOTEL - 407 Chestnut Street.

THE CHATTANOOGAN - 1201 S. Broad Street.

DAYS INN RIVERGATE - 901 Carter Street.

GUESTHOUSE INN - 2201 Park Drive.

KNIGHTS INN - 2100 S. Market St.

LAMARS - 1020 E. Martin Luther King Blvd.

RED ROOF INN #7162 - 7014 Shallowford Road.

RIGHT WAY INN MOTEL - 6200 Fisk Avenue.

PURCHASES

On motion of Councilman Lively, seconded by Councilman Littlefield, the following purchases were approved for use by the Chattanooga Police Dept.:

BROOKER FORD, INC. (Lowest and best bid meeting specs.)
Requisition No. R0077644/B0001862

Five (5) Police Vehicles

\$100,025.00

PURCHASES (CONT'D)

APPLIED CONCEPTS, INC. (Only bid meeting specs.)

Requisition No. R0077629/B0001831

Radar Units/Investigation & Traffic Division

\$14,687.50

Councilman Pierce asked Chief Cooper if the vehicles were part of the regular fleet. Chief Cooper responded that they were marked police cars.

PURCHASES

On motion of Councilman Hakeem, seconded by Councilman Littlefield, the following purchases were approved for use by Finance and Administration:

DIVERSIFIED SUPPLY CO. INC.

Requisition No. R0062767/B0001750

City-wide Electrical Supplies

\$50,000 annually (approximately)

UNITED STATES POSTAL SERVICE/PITNEY BOWES, INC. (Proprietary)

Requisition No. R0042722

Mail Machine Postage

\$130,000 annually (approximately)

REFUNDS

On motion of Councilman Lively, seconded by Councilman Littlefield, the Administrator of Finance was authorized to issue the following refunds for tax year 1999 and gross receipts tax:

RHINO EXPRESS DELIVERY -- \$2,222.75

NOVAGRASS INTERNATIONAL, INC. -- \$2,116.29

COMMITTEES

Councilman Littlefield reported that the Legal and Legislative Committee met today and approved several items brought by the Personnel Dept., including continuation of an Insurance Program for older retirees, sometimes called the “Untouchables”; the Plan will not change and is managed by Claritan Co., who will continue to manage it. At the meeting next week there will be a follow-up to changes in the personnel structure for exempt and non-exempt services. The Legal and Legislative Committee will meet, as usual, on **Tuesday, September 28th at 3:00 P.M.**

Councilman Hakeem reminded everyone that the **Public Works Committee will meet next Tuesday, September 28th at 4:00 P.M.**

SISTER BEY

Sister Bey approached the podium, stating that the Council knew who she was; that she wanted to come before the Council before she wrote to Colin Powell, asking him how he plans to impress the people in East Africa. She spoke of the way her people were being treated with their cars and property being seized, stating she would not let anyone crush her people’s spirit. She went on to say that their birthright had been stolen and that it was bad when her people tried to destroy each other. She stated that she would not let Colin Powell think he is getting away with what he is doing; that it is tough to clean up our own house. She stated that she did not “go” for a God who demands a blood sacrifice and ended by saying some of the Council had not returned her calls and that she did not appreciate it.

CARL EPPERSON

Carl Epperson of 500 W. MLK Blvd. Addressed the Council and thanked them for letting him come before them and voice his concerns. He stated that he addressed the Council last Spring about streets not being cut for wheelchairs and was asked to call 311 and write a letter to the Department of Public Works. He stated that he could not get through to 311 and had sent a letter to Public Works but had not heard anything.

CARL EPPERSON (CONT'D)

Chairman Benson noted that both Naveed Minhaus, City Engineer, and David Eichenthal, who heads up 311, were present tonight and asked Mr. Minhaus to talk with Mr. Epperson after the meeting.

Mr. Epperson also wanted to know if there was going to be a hotel in Coolidge Park. Chairman Benson responded that that is what the newspapers say. Mr. Epperson stated that this would be a total fiasco—putting a hotel in Coolidge Park. He questioned why we needed another hotel and stated surely there would be a more suitable place than a public park; that this was insane—just like the two-way street issue. He went on to say that like the two-way street issue, citizens should be allowed to vote on whether or not they wanted a hotel; that our last two Mayors had seen a “Field of Dreams”—thinking if we build it “they will come”.

Chairman Benson told Mr. Epperson that a Public Hearing was to be held concerning the Hotel and that it had been postponed until the third Thursday in October, and he encouraged him to attend this meeting.

TONY GREEN

Tony Green of Francis Drive addressed the Council, discussing a stormwater drainage problem. He asked Chairman Benson if he remembered him, telling him that he did what he had been told to do and talked to those he was told to talk to; that he was now sitting with a foot of water in his house, and the developer had not left the required 25 foot buffer and the trees and water was coming down twice as fast, and he was flooded. He stated that Stormwater Drainage did come out and capped some sewers, but it was still seeping.

Chairman Benson asked him if he was contesting that the developer had increased the water on him

Mr. Green responded that when he raised it, it would be five or six feet and that Chairman Benson told him it would be taken care of.

Councilman Benson asked Public Works who was responsible for this and what would be done; that this man had been here previously, and we appreciated him coming.

TONY GREEN (CONT'D)

Mr. Payne of Stormwater stated that they sympathized with Mr. Green's problem and when he talked with Mr. Green he told him that there was a lot of development in his area and much of this development was before stormwater regulations were enacted, and they planned to make sure what was being proposed would not create worse problems for him; that they had met with the present owner and his engineer to talk about what is best for this area.

Councilman Littlefield stated that he was concerned because it appears that the developer has already violated the agreement to have a buffer area and the trees; that he did the bare minimum; that this was a nasty and raw looking area and hoped that it would be improved before we had another such event—that Hurricane Opal that did so much damage in the past came late in the season. He stated that he hoped Stormwater would get with the engineer who is working on this development and our engineers should look at the sanitary sewers and line them; that the problem is that the manholes need to be raised and a number of things need attention. He stated that we sympathize with Mr. Green; that he had talked with Harold Coker, who lives near Mr. Green, and he was blocked because Standifer Gap was under water at both ends. He stated that we got more than the reported 6"; and he suspected it was more than the flood in May.

Mr. Green stated that when he raises this up 4 ft. that only a sprinkle of rain will cause a gigantic pond; that a good heavy rain will do this again.

Councilman Littlefield agreed that the developer had gone beyond what he agreed to do.

Mr. Green added that Mr. Minhaus had suggested that he raise his house up.

Chairman Benson stated that he thought we were assured by our engineers when this was rezoned that this would not happen; that this could go in without creating problems.

Mr. Green stated that he thought the City needed new engineers!

Chairman Benson asked Public Works if we were doing everything that we assured Mr. Green that we would do.

TONY GREEN (CONT'D)

Mr. Green stated that Mr. Minhaus told him that they could not do anything about this other than having Mr. Green raise his house.

Mr. Payne stated that everything was done in accordance with the Stormwater Ordinance.

Chairman Benson still contended that Mr. Green was not supposed to have had additional water.

Mr. Payne stated that the developer had not submitted his final set of plans for the clearing of trees; that they were getting with Zoning Officials to work with them on the buffer issue.

Mr. Green stated that this looked like "a plucked chicken" now.

Chairman Benson asked Mr. Green if he would be able to get off from work to come to the Public Works Committee meeting at 4:00 P.M. next Tuesday; that we should know more about this then and we will see what can be done to mitigate the problems. He thanked Mr. Green for coming.

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga City Council until Tuesday, September 28th at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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

