

**City Council Building  
Chattanooga, Tennessee  
January 4, 2005  
6:00 p.m.**

Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Littlefield, Lively, Page and Robinson present; Councilmen Franklin, Hakeem, Pierce and Taylor were absent due to attendance and participation in the Reggie White Memorial Celebration. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC, were also present.

#### **INVOCATION/PLEDGE OF ALLEGIANCE**

Following the Pledge of Allegiance, Councilman Page gave invocation.

#### **MINUTE APPROVAL**

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

#### **REZONING**

##### **2004-227: Buck Schimpf**

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 2111 EAST FOURTH STREET, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2  
CONVENIENCE COMMERCIAL ZONE**

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

**CLOSE AND ABANDON**

**MR-2004-230: Earthworx, LLC/Mountain View Ford**

On motion of Councilman Lively, seconded by Councilman Littlefield,  
**AN ORDINANCE CLOSING AND ABANDONING THE UNOPENED 300  
BLOCK OF EAST 22<sup>ND</sup> STREET, THE UNOPENED 2200 BLOCK OF KERR  
STREET, AND A PORTION OF THE UNOPENED 300 BLOCK OF LEAVITT  
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 second reading. On motion of Councilwoman Robinson, seconded by Councilman Littlefield, the Ordinance passed third and final reading and was signed in open meeting.

**AMEND CONDITION**

**2004-234: James D. Lee**

On motion of Councilman Page, seconded by Councilman Lively,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CONDITION  
NO. 1 IMPOSED IN ORDINANCE NO. 11179 ON PROPERTY LOCATED AT  
8207 AND 8217 PATTERSON ROAD, BEING MORE PARTICULARLY  
DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

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

**REZONING**

**2004-237: DeFoor Brothers Development, LLC**

On motion of Councilwoman Robinson, 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 600 RIVER STREET, MORE PARTICULARLY DESCRIBED  
HEREIN, FROM C-7 NORTH SHORE COMMERCIAL/MIXED USE ZONE TO  
C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

### **2004-165: Ray D. Slatton**

Councilman Page reported that the applicant for this rezoning has requested a deferral for an additional ninety (90) days due to a death in the family.

On motion of Councilman Page, 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 6052 HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

was deferred 90 days (April 5, 2005).

## CLOSE AND ABANDON

### **MR-2004-188: Ray Beeler c/o Beeler Impression Products, Inc.**

Councilman Littlefield reported on behalf of Councilman Hakeem that this matter was discussed in today's Public Works Committee and denial is recommended. He stated Public Works officials explained that the alley is open and in use everyday. He stated an attempt was made to negotiate with the applicant and temporary use was suggested; however, the applicant was not satisfied with that. He stated there was no other choice other than denial as people are still using the alley.

On motion of Councilman Lively, seconded by Councilman Littlefield,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY LOCATED BETWEEN THE 300 BLOCKS OF SOUTH LYERLY STREET AND WATKINS STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**

was denied.

## CONTRACT

On motion of Councilman Littlefield, seconded by Councilman Lively,  
**A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE A CONTRACT WITH SUNTRUST BANK TO PROVIDE GENERAL BANKING AND CUSTODIAL SERVICES**

was adopted.

**CONTRACT**

On motion of Councilman Littlefield, seconded by Councilman Lively,  
**A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE  
A CONTRACT WITH FIRST TENNESSEE BANK NATIONAL ASSOCIATION  
TO PROVIDE MERCHANT CARD, PURCHASING CARD, AND PAYROLL  
CARD SERVICES**  
was adopted.

**SPECIAL POLICEMEN**

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF JULIE LADD AND  
BRAD TUCKER AS SPECIAL POLICEMEN (ARMED) FOR THE  
CHATTANOOGA POLICE DEPARTMENT, TO DO SPECIAL DUTY AS  
PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**CONTRACT**

Councilman Littlefield reported that Resolutions (d) and (e) were discussed in  
Public Works Committee and approval is recommended.

On motion of Councilman Lively, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. S-04-  
002-200, STORMWATER SAMPLER SET-UP, TO MAYSE CONSTRUCTION  
COMPANY FOR A TOTAL AMOUNT NOT TO EXCEED EIGHTY  
THOUSAND DOLLARS (\$80,000.00)**  
was adopted.

**TEMPORARY USE**

On motion of Councilman Page, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING DAVID GRAVES TO USE TEMPORARILY  
2005 ADAMS COURT, MORE PARTICULARLY DESCRIBED HEREIN AND  
AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART  
HEREOF BY REFERENCE, FOR AN EXISTING CARPORT BUILT/EXTENDED  
BEYOND THE SET BACK LINE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**AUDITORIUM SEATS**

On motion of Councilman Lively, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF ONE HUNDRED (100) AUDITORIUM SEATS FOR THE JOHN A. PATTEN RECREATION CENTER FROM FRED LOWE ASSOCIATES FOR A TOTAL AMOUNT OF FIFTEEN THOUSAND SIX HUNDRED SIXTY-EIGHT DOLLARS (\$15,668.00)**  
was adopted.

**PLAYGROUND EQUIPMENT**

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF PLAYGROUND EQUIPMENT FOR THE RIDGEDALE PARK PLAYGROUND FROM UNIVERSAL KIDZ ZONE PLAYSYSTEMS, INC. FOR A TOTAL AMOUNT OF TWENTY-THREE THOUSAND NINE HUNDRED THIRTY-EIGHT AND 95/100 DOLLARS (\$23,938.95)**  
was adopted.

**ACCEPT PROPERTY FROM MURRAY HILLS CLUB, INC.**

On motion of Councilman Page, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF CERTAIN PROPERTY, MORE PARTICULARLY DESCRIBED HEREIN, FROM MURRAY HILLS CLUB, INC.**  
was adopted.

**GRANT**

On motion of Councilman Littlefield, seconded by Councilman Page,  
**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO ACCEPT A GRANT FROM THE U. S. DEPARTMENT OF HOMELAND SECURITY ADMINISTERED BY THE TENNESSEE DISTRICT 3 HOMELAND SECURITY COUNCIL IN THE TOTAL AMOUNT OF TWO HUNDRED EIGHTY-EIGHT THOUSAND FIVE HUNDRED TEN DOLLARS (\$288,510.00), \$148,510.00 OF WHICH IS TO BE USED FOR LAW ENFORCEMENT SURVEILLANCE EQUIPMENT AND ADVANCE DIGITAL AUDIO COLLECTION SYSTEM AND \$140,000.00 OF WHICH IS TO BE USED FOR THE JOINT REGIONAL INFORMATION EXCHANGE SYSTEM**  
was adopted.

## PROPERTY INSURANCE RENEWAL

On motion of Councilman Littlefield, seconded by Councilman Page,

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS TO OBTAIN PROPERTY INSURANCE RENEWAL THROUGH ARTHUR J. GALLAGHER & COMPANY, AS BROKER, FROM ALLIANZ, AS CARRIER, FOR A TERM OF THREE (3) YEARS, SUBJECT TO ANNUAL RENEWAL, AND AT A RATE OF FIVE AND 68/100 CENTS (\$.0568) PER ONE HUNDRED DOLLARS (\$100.00) IN VALUE FOR AN ESTIMATED PREMIUM OF ONE HUNDRED NINETY-SEVEN THOUSAND NINE HUNDRED FORTY-EIGHT DOLLARS (\$197,948.00)**

was adopted.

## OVERTIME

Overtime for the weeks ending December 17, 2004 (\$13,714.46), December 24, 2004 (\$82,336.77) and December 31, 2004 (\$18,990.90) totaled \$115,042.13.

## PERSONNEL

The following personnel matters were reported for the various departments:

### CHATTANOOGA FIRE DEPARTMENT:

- **BILLIE POLLARD** – Retirement, Receptionist, effective December 31, 2004.
- **WILLIAM DIXON** – Retirement, Captain effective December 24, 2004.
- **JOE KNOX** – Retirement, Lieutenant, effective December 24, 2004
- **JAMES HENEGAR, JR.** – Retirement, Senior Firefighter, effective December 24, 2004.
- **JAMES M. MOORE** – Promotion, Battalion Chief, Pay Grade F5/Step 6, \$53,575.00 annually, effective December 24, 2004.
- **KELVIN STRICKLAND** – Promotion, Lieutenant, Pay Grade F3/Step 5, \$36,767.00 annually, effective January 7, 2005.
- **ALFRED O'DELL, JR.** – Promotion, Lieutenant, Pay Grade F3/Step 10, \$44,314.00 annually, effective January 7, 2005.

### PERSONNEL (Continued)

- **DAVID MCBURNETT** – Promotion, Lieutenant, Pay Grade F4/Step 5, \$42,641.00 annually, effective January 7, 2005.
- **DAVID THOMPSON, JR.** – Promotion, Captain, Pay Grade F4/Step 5, \$42,641.00 annually, effective January 7, 2005.

Chief Coppinger acknowledged the retirement of Billie Pollard, Captain William Dixon, Lieutenant Joe Knox and Firefighter James Henegar for their faithful years of service.

#### PERSONNEL DEPARTMENT:

- **LINDA MANNING** – Family Medical Leave, Administrative Sec., Sr., effective January 30, 2004 – February 11, 2005.

#### FINANCE DEPARTMENT:

- **MARILYN FORSYTHE** – Resignation, Administrative Assistant, effective December 31, 2004.

#### PUBLIC WORKS DEPARTMENT:

- **ROBERT N. BARNES** – Death, Electrical Instrument Tech., Waste Resources, effective December 4, 2004.

#### CHATTANOOGA POLICE DEPARTMENT:

- **STEPHEN MILLER, DANIEL GIBBS** – Termination, Police Officer, effective December 30, 2004.
- **SABRINA SMITH** – Termination, Police Officer, effective December 23, 2004.
- **EDDIE COOPER, DENNIS H. PEDIGO, SR., JANICE ATKINSON, JOHN CHAPMAN** – Retirement, Sergeant, effective December 23, 2004.
- **TARA M. PEDIGO, FRED R. LAYNE** – Retirement, Lieutenant, effective December 30, 2004.

**PERSONNEL (Continued)**

- **ARLENE HOSKINS** – Retirement, Office Assistant, Sr., effective December 31, 2004.
- **RAY BRANTIS** – Suspension (28 days without pay), Officer, effective December 30, 2004.
- **VERNON EUGENE TURNER** – Medical Leave of Absence, Communications Officer, effective December 14, 2004.
- **JACQUELINE ASBERRY** – Resignation, School Patrol Officer, effective December 16, 2004.

Chief Parks acknowledged the retirement of Sergeants Eddie Cooper, Dennis Pedigo, Sr., Janis Atkinson and John Chapman, Lieutenants Tara Pedigo and Fred Layne and Office Assistant Arlene Hoskins for their faithful years of service to the Department.

**PURCHASE**

On motion of Councilwoman Robinson, seconded by Councilman Page, the following purchase was approved for use by the Parks and Recreation Department:

**AMERICAN DEVELOPMENT CORPORATION (Only bidder)**  
**R0075186/B0001889**

Sodium Hypochlorite Twelve Months Requirements Contract

\$1.72 per gallon

**HOTEL PERMITS**

On motion of Councilwoman Robinson, seconded by Councilman Lively, the following hotel permits were approved:

**BEST WESTERN ROYAL INN** – 3644 Cummings Highway, Chattanooga, TN

**HOLIDAY INN EXPRESS** – 3710 Modern Industries Parkway, Chattanooga, TN

**LA PLAZA HOTEL** – 3222 Cummings Highway, Chattanooga, TN





**REFUNDS (Continued)**

MARK GRAMONT	\$ 1,077.62
BARRY BROWN	2,128.68
KEN MILLICAN	1,524.84
JOSEPH SINDORF	1,106.56
ROBERT ODUM	1,610.39
JEFFERY ADAMS	1,199.60
TENNESSEE AQUARIUM	2,291.57
YVONNE DAVIS	1,154.36
THE MONTESSORI SCHOOL	1,346.59
GLENDA CASTEEL	1,133.61
AURORA LOAN SERVICES, INC.	1,100.90
JOHN PAQUE	1,399.10
DREMA SCOTT	1,150.59
TOMMY BASINGER	1,246.83
THOMAS LABBE	1,609.13

**PURCHASES**

On motion of Councilwoman Robinson, seconded by Councilman Lively, the following purchases were approved for use by the City Attorney's Office:

**WESTLAW PRO/CD-ROM PRODUCTS**

36 Month Contract (Research)

\$1,032.85 per month

## PURCHASES (Continued)

### **WESTLAW AND CD ROM LIBRARIES**

Legal Books

\$8,160.00

### HEARING: SABRINA L. SMITH

City Attorney Nelson reported that a request for an appeal was received from Sabrina L. Smith regarding her termination from the Chattanooga Police Department.

**A hearing for Ms. Smith was scheduled for Monday, February 7 beginning at 3 p.m. with Councilmen Benson, Lively and Littlefield serving as the panel hearing the request.**

### COMMITTEES

Councilman Littlefield scheduled a meeting of the **Legal and Legislative Committee for Tuesday, January 11 at 3 p.m.**

### ATTORNEY WALTER WILLIAMS

Attorney Walter Williams indicated that it was his thought there would be a discussion regarding police department promotions as he is concerned and had received calls regarding it; that he has learned the matter would be held until other Council members could be present. He stated that he would like to be a "party" in the discussion of the matter and would speak with Chief Parks as it is only fair to talk to him before saying anything further.

Chairman Benson indicated that he did not know when it was exactly scheduled; that it could be next week.

### ANN WILLIAMS

Ann Williams of 618 Terrell Street stated that she is present because of the way certain ordinances are handled in the City. She stated that she had received a summons about unimproved property she owns that she plans to improve as soon as she could get it high enough above the flood plain.

### ANN WILLIAMS (Continued)

Ms. Williams stated that she was summoned to court and Judge Williams was present on that day; that the inspector was told to go out to the property in question to see what the problem was. She stated luckily the inspector's supervisor come out and found no violation, but she had to go to court and pay court costs. She stated that it is her thought there is a problem in how ordinances are handled by the city inspectors or people charged with handling them that this Council puts into effect. She stated that she has property at 1144 Garfield and had a tenant who had no regard for what was thrown in the yard; that she talked with him and had someone pick up the trash. She stated he continued to do that and other things were happening and she had to wait long enough to give him a chance to violate the lease and when that failed almost at the same time she received a notice regarding "littered property".

Ms. Williams stated that a letter was sent and she worked with Ed Ram in Codes and worked it out. She indicated that the tenant no longer lives there. She stated that she was not sure if he left trash on the sidewalk as he moved from the property because she did not see it as she was in the hospital, yet she received a summons saying that there was an "unscheduled set-out". She stated prior to the fourteenth of December she was on her way back from the Doctor and saw the trash on the street and thought that the tenant maybe put it out there however, she did not know at the time that he had moved. She stated she called 311 and was told they could only pick up eight items at a time and that she had to give a list of items on the street. She stated that she told them she did not have that information and would call them back. She stated after that time she received a summons to appear on January 10 due to an "unscheduled set-out" and indicated she would have to pay another court cost. She stated that she called Hubert Parry and asked him about it and he told her he sent the notice to her address at 517 Terrell; she informed him that she does not live at 517 Terrell; he indicated that he checked the tax rolls.

Ms. Williams continued by stating that she asked for a copy of the ordinance because Mr. Parry told her he was trying to follow the City Council's rules and was then told he did not have a copy of it. She stated that she called Rick Cooper, one of the supervisors, and asked him for a copy of the Ordinance and he indicated he did not know. She stated that she then called the Council office and the people in the office were very nice and instructed her as to how to navigate the website to get the ordinance. She stated as of today she has not received a copy of the ordinance and if she is guilty of something and violated anything she has a right to know what the ordinance says. She stated that it is her belief this Council should look into how these rules are taken care of and as a tax payer she feels she should have this service; that her property is not a multifamily complex it is a single-family dwelling.

**ANN WILLIAMS (Continued)**

Ms. Williams concluded her comments by stating that she is being made responsible for what someone else has done and no one wants to be responsible for what someone else does. She asked the Council to look into this and that she would like to know the results.

Chairman Benson stated what Ms. Williams has related comes under the area of Neighborhood Services. Ms. Williams clarified that her notices were from Citywide Services in Public Works.

Chairman Benson stated Admin. McDonald is present and could meet with him following tonight’s meeting in an effort to resolve the matter. He stated if it is not resolved she should contact her Council person.

Ms. Williams indicated that she lives in Councilman Franklin’s district. She stated that she wanted to make it known that people need to know how to talk to others; that if the ordinance adversely affects people it needs to be looked at as it is not fair for her to take her time to go to court for something another adult did; that that person is not her child! She stated it was not on her property as the trash was on the sidewalk and she does not know if he did it or not; that trash is all over and this is a serious problem. She stated the elderly do have the money to pay people to take trash out and they cannot put eight items out and call them to come back to pick up eight more items; that it is a waste of time and fuel.

Chairman Benson explained to Ms. Williams that the Council is the legislative body of the government and the Chief Administrator of Public Works is present and she should talk with him.

Ms. Williams stated that the Council should know when someone talks to various offices in the City they are always told the “City Council did this”.

**ADJOURNMENT**

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, January 11, 2005 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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