

**City Council Building
Chattanooga, Tennessee
June 7, 2005
6:00 p.m.**

Chairman Robinson called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Hakeem, Page, Pierce, Rico and Rutherford present; Councilman Franklin was out of the city on business. 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, Councilwoman Bennett gave invocation.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: "TOGETHER WE CAN SCHOLARSHIP RECIPIENTS

Dr. Jane Harbaugh stated that it is always a pleasant exercise for the Community Foundation to put before the City Council, their partners in this venture, the scholarship recipients. At this point she asked the new "Together We Can" students to stand and introduce themselves.

Each stood and gave their name, former high school, institution they would be attending and expressed "thanks" for the scholarship. "Together We Can" scholarship recipients are April Chapman, Tequela Granville, Jamelia Alexander, Tremaine Alexander, Kimberly Blake, Brittany Crutcher, Stacy Stoudemire, Tommy Townsend, Dominic Williams, Lorraine Williams, Tiffany Barnett, Jameeka Benford, LaJenna McElvain, Jacqueline Foster, Franklin Giaportone, Derrick Pasley, Denicia Tarvin, Tameeka Green, Nikia Jones, Tiffany Smith, Alicia Whitsan, Averi Swanson, Emmanuel Talley, Cotasha Tillery, Shaneka Watley and Ashley Whiteside.

SPECIAL PRESENTATION: "TOGETHER WE CAN SCHOLARSHIP RECIPIENTS

Dr. Harbaugh asked that everyone in attendance applaud the parents and relatives who were present with the scholarship recipients. She reminded Council members that tuition is going up and up; that the costs of higher education are at the "roof top". She stated it costs \$10,700 to go to UTC without living in the dorm, and \$14,700 living in the dorm. She stated that the Council should know that and keep track of it; that people think the lottery is taking care of things and it is not. She stated that she also wanted to assure the Council that the Community Foundation is very concerned to see to it that kids make it and the person responsible for that is Rebecca Smith. She stated the Foundation's continuation rate is better than the national average, which means a lot of work goes into that in getting them ready, keeping "tabs" on them, listening to their problems and giving good advice, which is what Ms. Smith does all day long, almost. She stated the Foundation is very proud of her.

Dr. Harbaugh also introduced other colleagues with her from the Community Foundation whose work is unobtrusive. She introduced Pete Serodino, the new Chair of the Scholarship Committee, noting that she plans to retire this year. She also introduced Pete Cooper of the Foundation who comes up with where the money is and how much they can spend, as well as coauthor of the "Together We Can" scholarship program. She stated she has been a proud companion of this "voyage" for the past eleven years. She expressed good luck to all and thanked everyone for their continuing support. At this point she recognized Mayor Littlefield in the rear of the room who was present to see the recipients and wish them well.

Chairman Robinson stated that it is a great pleasure to welcome the students and wished them success in their educational venture.

Councilman Hakeem stated this is a very personal thing to him as he wants the students to be successful and needs for them to be successful. He stated four years from now he would be receiving Society Security and he needs them to be successful and working on a job and help him out! He acknowledged the presence of the students' parents and loved ones in the audience and asked that they stand. He stated that the students have an opportunity that a lot of people would die to have and they need to take advantage of it. He stated they can make the difference in the community and neighborhoods they come from and expressed hope that once they are finished they will return to Chattanooga. He stated he would be looking to hear from them in four years with their college diplomas showing they have been the best they can be!

**SPECIAL PRESENTATION: "TOGETHER WE CAN
SCHOLARSHIP RECIPIENTS**

Councilman Page stated he would be remiss if he did not say something about Dr. Harbaugh. He stated she has been the hero in his life from a distance and reminisced about being in her UTC History class. He stated Dr. Harbaugh has been a model for the community in volunteering and thanked her for her efforts. He stated that it is his hope that this is not goodbye and only a step back for a period of time. He stated that she has been wonderful, great and thanked her again.

Chairman Robinson stated Councilmen Hakeem and Page echoed comments for all, noting that the students would be the next generation of scholars.

OVERTIME

Overtime for the week ending June 3, 2005 totaled \$12,830.05.

AMEND CITY CODE

Councilman Benson stated this amended version is recommended for approval as a result of discussion in the Legal and Legislative Committee.

City Attorney Nelson read the following from the amended ordinance:

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 25, Article III, Section 25-68 (a), be and is hereby amended by adding the following subsection:

- (14) No person shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical device used for the amplification of sound so that the sound is plainly audible at a distance of one hundred (100) or more feet and on someone else's property located in a Residential Zone. This section shall not apply to events attended by more than one thousand (1,000) people, athletic events, nor to sound emanating from a C-3 Zone.**

AMEND CITY CODE (Continued)

Councilmen Page and Rutherford made the motion to substitute the amendments to the ordinance; the motion carried.

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 25, ARTICLE III, SECTION 25-68(a), SO AS TO ADD A NEW
SUBSECTION PROHIBITING CERTAIN SOUNDS**
passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2005-040: KIG Management, Inc.

Councilman Hakeem stated this matter was discussed in today's Public Works Committee meeting and several facts were brought out in regard to this item. He stated the recommendation from Committee is that the item be denied.

On motion of Councilman Hakeem, seconded by Councilman Benson,
**AN ORDINANCE CLOSING AND ABANDONING ALL BUT A FIFTY FOOT
(50') RIGHT-OF-WAY OF THE EASTERN UNOPENED 5400 BLOCK OF
WINNIESPANN ROAD AND A FIFTY FOOT (50') RIGHT-OF-WAY OF AN
UNNAMED RIGHT-OF-WAY BETWEEN LOTS LOCATED EAST OF THE 5400
BLOCK OF WINNIESPANN ROAD, MORE PARTICULARLY DSECRIBED
HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE
A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
was denied.

CHANGE ORDER

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER
NO. 1, RELATIVE TO REPLACEMENT OF WINDOWS AT THE SHEPHERD
RECREATION CENTER, WITH WDB CONTRACTING, LLC, WHICH
CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THREE
THOUSAND ONE HUNDRED FORTY-THREE DOLLARS (\$3,143.00), FOR A
REVISED CONTRACT PRICE OF TWENTY-TWO THOUSAND ONE
HUNDRED TWO DOLLARS (\$22,102.00)**
was adopted.

EASEMENT

Councilman Hakeem stated Resolutions (b) – (e) were discussed in Public Works Committee and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilwoman Benson,
A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT DRAINAGE EASEMENT, SLOPE EASEMENT, AND TEMPORARY CONSTRUCTION EASEMENT FROM JOSE I. HERRERA AT 7503 IGOU GAP ROAD, PARCEL NO. 159A-B-002, TRACT NO. 21, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT, CONTRACT NO. E-03-011, FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED FIVE DOLLARS (\$105.00)
was adopted.

AGREEMENT

On motion of Councilman Hakeem, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE A LEASE AGREEMENT WITH NOVELLE REAL PROPERTY INVESTMENT IV, LLC, FOR OFFICE SPACE LOCATED AT 110 MARKET STREET FOR A PERIOD OF UP TO TWO (2) YEARS
was adopted.

CONTRACT

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF NEIGHBORHOOD SERVICES TO ENTER INTO A REVISED PERSONAL SERVICES CONTRACT WITH JACQUELINE BAILEY, TO PROVIDE MANAGEMENT SERVICES RELATIVE TO THE SPAY AND NEUTER PROGRAMS, SAID CONTRACT EFFECTIVE JUNE 1, 2004 THROUGH JULY 31, 2005, FOR A REVISED TOTAL CONTRACT AMOUNT NOT TO EXCEED TWENTY-ONE THOUSAND DOLLARS (\$21,000.00)
was adopted.

CONTRACT

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO ENTER INTO A CONTRACT WITH AIRNET GROUP CORPORATION FOR THE PURCHASE OF COLATION SERVICES FOR AN ANNUAL AMOUNT NOT TO EXCEED SEVENTY-TWO THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$72,450.00) WITH A THREE (3) YEAR ANNUAL RENEWAL AND THE OPTION TO CANCEL
was adopted.

AMEND RESOLUTION 24458

On motion of Councilman Hakeem, seconded by Councilman Page,
A RESOLUTION AMENDING RESOLUTION NO. 24458, ENCAPTIONED AS SET FORTH BELOW, TO CORRECT A TYPOGRAPHICAL ERROR
was adopted.

EASEMENT

On motion of Councilman Benson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE A PERMANENT AND TEMPORARY CONSTRUCTION EASEMENT RELATIVE TO THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION RENOVATION OF THE MARKET STREET BRIDGE
was adopted.

OVERTIME

Overtime for the week ending June 3, 2005 totaled \$12,830.05.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **STEVEN E. OLSON, II** – FMLA, Equipment Operator, Citywide Services, effective May 25 – August 17, 2005.

PERSONNEL (Continued)

- **ANTHONY L. CHITWOOD** – Hire, Plant Operator, Waste, Pay Grade 9/Step 1, \$24,012.00 annually, effective May 18, 2005.
- **CHARLES L. FREEMAN** – Rehire, Crew Worker, Sr., Waste, Pay Grade 5/Step 1, \$19,234.00 annually, effective May 31, 2005.
- **BRIAN C. CATE** – Hire, Electrical Instrument Technician, Waste, Pay Grade 12/Step 1, \$27,596.00 annually, effective May 31, 2005.
- **ERIC LAMAR THREAT** – Hire, Electrician Apprentice, Traffic, Pay Grade 9/Step 1, \$24,013.00 annually, effective May 13, 2005.
- **BARRY WALLACE** – Suspension (3 days without pay), Crew Supervisor, Citywide Services, effective June 6-8, 2005.

CHATTANOOGA POLICE DEPARTMENT:

- **PATRICK WELLES** – Termination, Sergeant, effective May 31, 2005.
- **ERIK REDDEN** – Resignation, Officer, effective May 31, 2005.
- **DANIEL B. JONES** – Return to Duty (on Military Leave since June 3, 2004), Officer, effective June 3, 2005.
- **TYRONE D. CHRISTIAN** – Resignation, Communications Officer, effective June 10, 2005.
- **SABRINA R. WILLIAMS** – Resignation, Accounting Technician, effective June 10, 2005.
- **NEYSA GORGAS-RIOS** – Return to Duty (from Medical), Officer, effective June 1, 2005.
- **BRADFORD D. BROWN** – Resignation, Officer, effective June 13, 2005.
- **DANIEL GIBBS** – Resignation, Officer, effective June 5, 2005.

PERSONNEL (Continued)

CHATTANOOGA FIRE DEPARTMENT:

- **MICHAEL WRIGHT** – Return to Duty (from Medical), Firefighter, effective June 5, 2005.

PARKS, RECREATION, ARTS, CULTURE AND EDUCATION DEPARTMENT:

- **EDWARD HUGHES** – Termination, Crew Worker, effective June 1, 2005.

PURCHASES

On motion of Councilman Rico, seconded by Councilwoman Rutherford, the following purchases were approved for use by the Public Works Department:

SOUTHERN LIGHTING (Lower and better bid)
R0081247/B0002224

Steel Strain Poles

\$51,220.00

Councilman Benson inquired as to the Southern Lighting company listed in this purchase.

Bill Payne, Assistant City Engineer for the Public Works Department, responded that the company is located in Roswell, Georgia.

Councilman Benson stated that he did not want the company confused with the Southern Lighting Company here in Chattanooga.

FRESH START LAWN CARE, DAYLIGHT 2 DARK, ALL SEASONS LAWN SERVICE (LOW BIDDERS)
R0081953/B0002319

City Rights-of-Way Maintenance Services

\$60,700 – Fresh Start Lawn Care, 26 sites

\$45,470 – Daylight 2 Dark (42 sites)

\$ 9,650 – All Seasons Lawn Service (12 sites)

EMERGENCY PURCHASE

The emergency repair of storm water drainage at the intersection of Cummings Highway and St. Elmo Avenue for the Public Works Department in the amount of \$13,119.50 issued to REMCO was duly reported and signed in open meeting.

HEARING: STEVE CAMPBELL

City Attorney Nelson stated that the hearing for Steve Campbell needs to be rescheduled.

Councilman Page stated that the Council has discussed for a couple weeks the issue of changing the number of people on the panel. He stated in looking at the heavy schedule coming up and the successful experience the Council has had over the past four-to-five years with a three-person panel, his suggestion was that the Council go back to the three-person panel and continue with it until a change in the *Charter* is available. He stated having five people on each panel is pretty cumbersome, in his opinion, reiterating his thought that the three-person panel should be sufficient.

The hearing for Steve Campbell was rescheduled for Thursday, July 14 beginning at 9 a.m. with Councilmen Robinson, Rico and Hakeem; Councilwoman Bennett volunteered as alternate.

HEARING: PATRICK WELLES

City Attorney Nelson stated the request for a hearing for Patrick Welles was received by the Clerk of Council at 3:50 p.m. this afternoon.

A hearing for Patrick Welles was scheduled for Monday, June 27 beginning at 9 a.m. with Councilmen Rico, Page and Pierce as the Panel, Councilman Hakeem volunteered as alternate.

HEARING: DAVID FRYE

City Attorney Nelson noted that Mr. Frye's hearing needs to be rescheduled due to conflicts with the Chief's schedule for the original August 1 date.

The hearing for Mr. Frye was rescheduled for Monday, August 22 beginning at 10 a.m. with Councilmen Rico, Rutherford, and Franklin; Councilman Page volunteered as alternate.

HEARING: EDWARDS HUGHES, II

City Attorney Nelson stated a request for hearing has been received from Edward Hughes, II regarding his termination from the Parks, Recreation, Arts, Culture and Education Department.

A hearing for Mr. Hughes was scheduled for Monday, June 20 with Councilmen Benson, Rutherford, and Robinson as the panel; Councilman Hakeem volunteered as alternate.

DISTRICT 4 MEETING

Councilman Benson expressed thanks to all department managers for attending the District 4 meeting last week. He stated it was a good, interesting meeting.

COMMITTEES

Councilman Hakeem scheduled a meeting of the **Public Works Committee for Tuesday, June 21 beginning at 4 p.m.**

Councilman Benson stated that the **Legal and Legislative Committee would meet on Tuesday, June 14 at 3 p.m.**

ADJOURNMENT

Chairman Robinson adjourned the meeting of the Chattanooga Council until Tuesday, June 14, 2005 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)**