

**City Council Building
Chattanooga, Tennessee
August 2, 2005
6:00 p.m.**

Chairman Robinson called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Franklin, Hakeem, Page, Pierce, Rico and Rutherford present. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC, were also present.

Immediately after calling the meeting to order, Chairman Robinson noted that tonight is "National Night Out" in recognition of National Safety Week. She noted that all Council members have neighborhood meetings in their neighborhoods in celebration of the Week.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, invocation was given by Councilwoman Bennett.

MINUTE APPROVAL

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

CLOSE AND ABANDON

MR-2005-064: Thomas B. and Janis A. Wilkey

Councilman Hakeem stated Ordinances (a) – (c) and Resolutions (b) – (f) were discussed in Public Works Committee and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilman Franklin,
**AN ORDINANCE CLOSING AND ABANDONING THE PART OF THE
UNOPENED 400 BLOCK OF NOLL (OLD UNION) 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-2005-084: James Parton

Councilmen Hakeem and Franklin made the initial motion and second to approve this request.

Councilman Benson stated that this matter is recommended for denial by Public Works and Planning.

At this point, Councilmen Hakeem and Franklin withdrew their motion and second for approval.

Later in the meeting, Mr. Parton addressed the Council and stated he did not have an opportunity to say anything.

Chairman Robinson informed Mr. Parton that the request was recommended for denial by both Planning and Public Works.

Mr. Parton stated that the right-of-way has been closed for years and that he and his neighbor were told when they purchased the property 30 years ago if the right-of-way was never used half would be each of theirs. He stated that they want to run a fence down the center of it and close it off; that on the other side is a subdivision where people are always throwing garbage and trash on the property, now. He stated when they found it did not belong to them they chose to try to have it abandoned so they could install the fence; that they have kept the property cleared and was under the assumption for thirty years that it was theirs to take care of. He stated part of this is his front yard that gets mowed every week or so.

Councilman Benson stated that he knows the location Mr. Parton is speaking of and it is his thought the City Engineer recommended not to close it. He stated Mr. Parton has been using it but has not paid taxes on it; that if this goes through he would have to pay taxes on it.

Mr. Parton stated that he understood that and half would belong to him and the other half would belong to the doctor next door. He stated this is not located on the subdivision side, but on the opposite side.

Naveed Minhas, City Engineer, stated that this is an unopened right-of-way that adjoins another property which could possibly be used for access or extension.

CLOSE AND ABANDON (Continued)

Mr. Minhas stated if the applicant wishes to use the portion of the property for whatever he wants he could apply for a temporary use, put up and fence and keep it nice for him to do whatever he wants to do. He stated he has no problem recommending a temporary use.

Councilman Benson asked if the temporary use would satisfy him or if he just wants to pay taxes on it.

Mr. Parton stated when they purchased the property they were told it was theirs provided the city did not build a road; that a few years ago he talked with someone in the City Engineer's office and was told the city might need to build a road through there.

Mr. Minhas stated that may very well be true; that he cannot predict what will happen at this particular point and again recommended that Mr. Parton apply for temporary use.

At this point Councilman Benson attempted to rescind his prior motion for denial to permit temporary use of the alley. Mr. Minhas stated that a Resolution would come before the Council for the temporary use request.

Chairman Robinson asked Mr. Parton to work with the City Engineer as to how to proceed with the temporary use.

Councilman Benson inquired as to the fee for the temporary use.

Mr. Minhas stated that the fee is normally \$110 for a temporary use, however since Mr. Parton's abandonment was denied the requirement for the fee would be waived.

Councilman Benson advised Mr. Parton that he is better off with the temporary use.

On motion of Councilman Benson, seconded by Councilman Hakeem,
**AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED,
UNOPENED STREET BEGINNING ON THE EAST LINE OF THE 1600 BLOCK
OF BUSH ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS
SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE**

was denied.

CLOSE AND ABANDON

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED PORTION OF POPLAR STREET AND AN UNNAMED STREET LOCATED EAST OF THE EAST LINE OF THE 5600 BLOCK OF DAYTON BOULEVARD, 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.

SPECIAL POLICEMAN

On motion of Councilman Rico, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF SABRINA CARLSON AS SPECIAL POLICEMAN (UNARMED) FOR THE CITY OF CHATTANOOGA DEPARTMENT OF PUBLIC WORKS, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

CHANGE ORDER

On motion of Councilman Benson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), RELATIVE TO CONTRACT NO. E-03-020, BITUMINOUS PAVEMENT RESURFACING CONTRACT, WITH C. W. MATTHEWS, WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY TWENTYY-SIX AND 10/100 DOLLARS (\$26.10), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE MILLION FIVE HUNDRED NINETY-NINE THOUSAND NINE HUNDRED SEVENTY-THREE AND 90/100 DOLLARS (\$1,599,973.90)
was adopted.

CHANGE ORDER

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 (FINAL), RELATIVE TO CONTRACT NO. W-03-002, MARKET STREET STORM DRAINAGE AND INTERSECTION IMPROVEMENTS – 1ST STREET TO 4TH STREET, WITH TALLEY CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY ONE HUNDRED EIGHT THOUSAND EIGHT HUNDRED FOUR AND 16/100 DOLLARS (\$108,804.16), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE MILLION THREE HUNDRED NINE THOUSAND ONE HUNDRED FORTY-SEVEN AND 91/100 DOLLARS (\$1,309,147.91)
was adopted.

EASEMENT

On motion of Councilman Benson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY, SLOPE EASEMENT, AND TEMPORARY CONSTRUCTION EASEMENT AT 7420 IGOU GAP ROAD, TAX MAP NO. 159A-A-010, TRACT NO. 06, FROM R&E PROPERTIES, LLC, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT, CONTRACT NO. E-03-011, FOR AN AMOUNT NOT TO EXCEED THREE HUNDRED SIXTY-EIGHT DOLLARS (\$368.00)
was adopted.

TEMPORARY USE

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING JANET R. BROOKS TO USE TEMPORARILY THE ALLEYWAY LOCATED BEHIND 4808 ALABAMA AVENUE TO INSTALL A FENCE AND TO MAINTAIN THE ALLEYWAY, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

CONTRACT

On motion of Councilman Hakeem, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-05-005, BITUMINOUS PAVEMENT RESURFACING, TO HIGHWAYS, INC. FOR A TOTAL AMOUNT NOT TO EXCEED SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000.00)
was adopted.

DONATION

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION ACCEPTING THE DONATION OF A TWENTY THOUSAND (20,000) GALLON STAINLESS STEEL VERTICAL ABOVE-GROUND STORAGE TANK TO THE CHATTANOOGA FIRE DEPARTMENT FROM UNIVAR USA
was adopted.

OVERTIME

Overtime for the week ending July 29, 2005 totaled \$11,066.62.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **WILLIAM D. LANFORD** – Promotion, Equipment Operator, City Wide Services, Pay Grade 6/Step 7, \$26,600.00 annually, effective July 27, 2005.

CHATTANOOGA POLICE DEPARTMENT:

- **JOHN ERIC QUARLES** – Resignation, Police Officer, effective July 25, 2005.
- **MICHAEL S. GLENN, SR.** – Retirement, Lieutenant, effective August 4, 2005.
- **JACQUELINE WORTHINGTON** – Promotion, Communications Officer, Pay Grade 11/Step 3, \$28,988.00 annually, effective August 5, 2005.
- **CURTIS MURRAY, SR.** – Resignation, School Patrol Officer, \$28.42 per day, effective July 19, 2005.

Executive Chief Cooper acknowledged the retirement of Lt. Michael Glenn after 28 years of dedicated service to the Police Department.

Chairman Robinson expressed sincere thanks and congratulations to Lt. Glenn on behalf of the Council.

CHATTANOOGA FIRE DEPARTMENT:

- **HAROLD KALLIO** – Resignation, Building Maintenance Mechanic, effective July 29, 2005.
- **JAMES HENEGAR** – Family Medical Leave, Firefighter, effective July 29 – September 2, 2005.
- **NAKIA SWAFFORD** – Suspension (2 days without pay), Firefighter, effective August 3-4, 2005.

PURCHASE

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

SUSANNAH DOBBS CO. (Lowest and best bid)
R0083475/B0002475

Thermoplastic Pavement Marking Materials

\$28,515.00

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following purchase was approved for use by the Chattanooga Fire Department:

FISHER SCIENTIFIC (Sole source)
R0083978/B0002487

Decontamination Equipment per TCA 6-56-304-2

\$44,438.39

HOTEL PERMIT

On motion of Councilman Franklin, seconded by Councilman Rico, the following hotel permit was approved:

COMFORT SUITES – 7324 Shallowford Road, Chattanooga, TN

REFUND

On motion of Councilwoman Rutherford, seconded by Councilman Pierce, the Administrator of Finance was authorized to issue the following refund of gross receipts tax:

CERTIFIED INSTALLATION, LLC, \$5,996.40

COMMITTEES

Councilwoman Rutherford stated that the **Safety Committee** met today and heard a departmental update from the Police Chief. She scheduled a meeting for **Tuesday, August 9 immediately following the Legal and Legislative Committee**. She stated there would be a special guest who will give a presentation pertaining to educating children about fire safety that will take about thirty minutes.

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, August 9 at 3 p.m.** He stated a group from another community concerned there is not enough policemen on the street is scheduled to come before the Committee. He added that this matter should be heard in the Safety Committee. Councilwoman Rutherford asked if Chief Parks should be asked to come to the meeting. Councilman Benson immediately replied, "No, not after today!" Councilwoman Rutherford then added that she wants Chief Parks to know she supports him.

Councilman Page stated the Budget and Finance Committee met today and the 2006 budget ordinance would be forthcoming on next week's agenda.

Councilman Hakeem scheduled a **Public Works Committee meeting for Tuesday, August 16 at 4 p.m.**

Councilman Franklin reminded Council members of the **Parks and Recreation Committee meeting scheduled for Tuesday August 9 at 4 p.m.**

CARL EPPERSON

Carl Epperson stated that he is a resident of the J. C. Towers located at 500 West M. L. King and moved there from the Patten Towers due to conditions six years ago. He stated he was sure the City Council is aware of what is going on at Patten Towers and spoke with Councilman Pierce last week about some of the problems.

One of the residents present with Mr. Epperson spoke out and said that it rains in her window, another said there is poor service.

Councilman Pierce asked if the City owns it. Councilman Hakeem stated that it is his thought it is managed by CNE. Councilman Pierce stated that he thought the city took over operation of J. C. Towers.

CARL EPPERSON (Continued)

Councilman Hakeem asked that the Council be given time to do research and get back with them.

Chairman Robinson asked that those in attendance regarding this issue leave their address and particular information; that an attempt to get answers would take place before the next meeting.

Councilman Pierce asked the Management Analyst, Randy Burns, to get the information from them.

MICHAEL SIEMER

Michael Siemer was present representing the Chattanooga street preachers and stated that he has been reading some of the statements made by Council members in the newspapers about street preachers. He stated he and another person with him, Rick, are not those preachers the Council seems to have trouble with; that they have been preaching for many years. He stated he has read each Council member's resume and respect them as city officials; that he has worked for the city often as he is a licensed contractor, body guard protector and builds offices for city hall often. He stated when he came back to town he traveled a lot of streets as an evangelist and traveled around the world carrying a cross. He stated that his family travels with him and he has been through many nations carrying the cross; that for seventeen years he has been winning people to Jesus and would like to teach the gospel in his town. He stated he has been preaching at Riverbend for fifteen years without incident; that he stands in the middle of Market Street passing out gospel tracts. He referenced Councilwoman Robinson's comment regarding open air preachers as "screaming" and indicated that he has met the "guys" she was referring to. He stated the real issue is that they have a sign that shows an aborted fetus as some have called it, and asked if the Council knew that the word fetus is actually Latin for "offspring"; that it is not an aborted fetus, it is an aborted human being. He stated that our forefathers fought for their right to stand in the street and proclaim the gospel of Jesus Christ, which is against popular teaching of today; that this nation was a Christian nation and our forefathers declared if a nation and those that lead -- like Council members -- depart from the Holy Bible or covenant of our Lord Jesus Christ, that nation would fall. He stated they fought for their right to stand and not be oppressed by anyone telling them they can only do it here or there which was not how they operated. He stated they want freedom and if someone does not like their freedom maybe they should move to France or some other godless nation that oppresses Christians and laws.

MICHAEL SIEMER (Continued)

Mr. Siemer continued by referencing Councilman Benson's comments regarding aggressive preaching and his consideration of it being equal to people begging and panhandling and should be put in jail. He stated that he wondered if John Finney, John Wesley or other men of God would be put in jail if they walked in humility and preached the gospel. He stated he would continue to preach the gospel in this city and is not trying to be mean. He stated that he has known Randall (Nelson) for years and told him he has no intention of ever attacking the city; that he loves the leadership of this city but if they try to put a law out, which would be totally unconstitutional, that they could only go out and preach in certain places he would guarantee the unions and others would picket or speak their grievance against someone oppressing them. He stated if they have to go down to Miller Park behind a designated place as Mrs. Robinson and others in her interest group are backing, and what she is trying to negotiate for the "mighty dollar", their voices would be known!

Mr. Siemer concluded his comments by stating that he contacted his Christian lawyer, Steve Krampton, and noted that the city of Dayton had a similar policy and had to pay a substantial amount of money; that the Supreme Court ruled a street is a street is a street! He stated that his fifteen year old daughter preaches the gospel. He stated this law would not be pushed on them; that if the Council does pass this law, if they are standing in normal places and if they try to arrest them, it will come back on them if the city gets sued or anyone else that backs it.

ADJOURNMENT

Chairman Robinson adjourned the meeting of the Chattanooga Council until Tuesday, August 9, 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)