

**City Council Building
Chattanooga, Tennessee
August 23, 2005**

Chairman Robinson called the meeting of the Chattanooga City Council to order with Councilmen Bennett, Benson, Franklin, Hakeem, Page, Pierce, Rico and Rutherford present. 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 Benson, followed by invocation.

MINUTE APPROVAL

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

CLOSE AND ABANDON

MR-2005-1009 (City of Chattanooga)

On motion of Councilman Pierce, seconded by Councilman Hakeem,

**AN ORDINANCE CLOSING AND ABANDONING THE
EASTERNMOST TWENTY FEET (20') OF A DRAINAGE
DETENTION EASEMENT WHICH RUNS PARALLEL TO THE
WEST LINE OF 652 EAST 10TH STREET, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON
THE MAP ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE**

passed second reading and was signed in open meeting.

AMEND ZONING ORDINANCE

(2004-251—Cliff Goodlet)

Jerry Pace of RPA explained that the reason for this amendment was to correct the legal description in Ordinance No. 11663, where they had two wrong lot numbers on 4th Ave.

On motion of Councilman Hakeem, seconded by Councilman Pierce,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO CORRECT THE LEGAL DESCRIPTION IN ORDINANCE NO. 11663

passed first reading.

R-O-W PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY AT 2002 HAMILL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM HAMILL ROAD PROPERTY, LLC, RELATIVE TO THE HAMILL ROAD WIDENING AT HIGHWAY 153 PROJECT, FOR AN AMOUNT NOT TO EXCEED FOURTEEN THOUSAND ONE HUNDRED THIRTY DOLLARS (\$14,130.00)

was adopted.

ROW CLOSURE POLICY

On motion of Councilman Franklin, seconded by Councilman Hakeem,

A RESOLUTION APPROVING THE ADOPTION OF THE RIGHT-OF-WAY CLOSURE AND ABANDONMENT POLICY ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE FOR USE IN THE DEPARTMENT OF PUBLIC WORKS

was adopted.

EMINENT DOMAIN

On motion of Councilwoman Rutherford, seconded by Councilman Page,

A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST LAURA PARKS C/O BARBARA AKIN FOR A SEWER EASEMENT, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, RELATIVE TO THE RINGGOLD GEORGIA PUMP STATION AND PRIMARY FORCE MAIN PROJECT

was adopted.

EMINENT DOMAIN

On motion of Councilman Hakeem, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST JOHN E. LANE TRUST FOR A SEWER EASEMENT, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, RELATIVE TO THE RINGGOLD GEORGIA PUMP STATION AND PRIMARY FORCE MAIN PROJECT

was adopted.

EMINENT DOMAIN

On motion of Councilman Hakeem, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AGAINST VELMA H. JOHNSTON FOR A SEWER EASEMENT, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, RELATIVE TO THE RINGGOLD GEORGIA PUMP STATION AND PRIMARY FORCE MAIN PROJECT

was adopted.

CONSERVATION AGREEMENT

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
THE DEPARTMENT OF PARKS AND RECREATION TO
EXECUTE A CONSERVATION AGREEMENT WITH THE
TRUST FOR PUBLIC LAND, IN THE FORM ATTACHED
HERETO AND MADE A PART HEREOF BY REFERENCE,
RELATIVE TO THE CHATTANOOGA GREENWAYS
PROGRAM, FOR A TERM BEGINNING JULY 1, 2005 THROUGH
JUNE 30, 2006**

was adopted.

ACCESS AGREEMENTS

On motion of Councilman Franklin, seconded by Councilman Rico,
**A RESOLUTION AUTHORIZING THE ADMINISTRATORS OF
THE DEPARTMENTS OF PUBLIC WORKS AND PARKS AND
RECREATION TO EXECUTE ACCESS AGREEMENTS
ALLOWING ENVIROCON, INC. TO ENTER CERTAIN CITY-
OWNED PROPERTY ADJACENT TO CHATTANOOGA CREEK
FOR THE PURPOSE OF COMPLETING THE CLEANUP OF
CHATTANOOGA CREEK**

was adopted.

OVERTIME

Overtime for the week ending August 19, 2005 totaled \$91,704.71.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ❖ **VERDIEL STEELE** – Death of Light Equipment Operator, effective 8/13/05.
- ❖ **STEVE E. OLSON, II** – Return from Family Medical Leave of Absence of Equipment Operator, effective 8/12/05.
- ❖ **GARRY G. GRAY, SR.** – Suspension of Senior Equipment Operator, effective 8/22-23-24,05. (**Appeal made to Lee Norris, and he reversed suspension—Letter on file**).
- ❖ **JERRY M. COPENY** -- Suspension of Concrete Worker, effective 8/22-23-24, 05.
- ❖ **NATHAN L. CARTER** – Suspension of Crew Worker, effective 8/22-23-24, 05.

CHATTANOOGA FIRE DEPARTMENT:

- ❖ **THOMAS RUFFIN** – Retirement of Lieutenant, effective 8/19/05.
- ❖ **JAMES HENEGAR** – Return from Medical Family Leave of Absence, effective 8/17/05.
- ❖ **JONATHAN HIGGINS** – Promotion to Senior Firefighter, F2/4, \$32,442.00 annually, effective 8/19/05.
- ❖ **JAMES D. MANIS** – Suspension of Captain, effective 8/30/05—9/6/05.

PERSONNEL (CONT'D)

CHATTANOOGA HUMAN SERVICES DEPT.:

- ❖ **KIMBERLY CURRY** – Resignation of Health Tech, effective 8/04/05.
- ❖ **DERRICA CHISM** – Resignation of Family Services Asst., effective 8/18/05.

CHATTANOOGA POLICE DEPARTMENT:

- ❖ **JOSEPH R. HARPER** – Resignation of Police Officer, effective 8/19/05.
- ❖ **THOMAS E. FORTSON** – Hire as Communications Officer, 11/1, effective 8/19/05.
- ❖ **TONYA M. DUNLAP** – Hire as School Patrol Officer, \$28.42 per day, effective 8/5/05.
- ❖ **DELIA R. FOSTER** – Hire as School Patrol Officer, \$28.42 per day, effective 8/5/05.
- ❖ **LYNN M. KROPP** – Hire as School Patrol Officer, \$28.42 per day, effective 8/5/05.
- ❖ **JESSE W. SUTTLES** – Hire as School Patrol Officer, \$28.42 per day, effective 8/5/05.

PURCHASES

On motion of Councilman Franklin, seconded by Councilman Hakeem, the following purchases were approved for use by the Chattanooga Human Services Department:

SARA LEE BAKERY GROUP(Lowest and Best Bid):
Requisition R0084053/B0002473

Requirements Contract for Bread Services

\$15,500

PURCHASES (CONT'D)

FLAV-O-RICH DAIRIES (Lowest and Best Bid):
Requisition R0083972/B0002465

Requirements Contract for Milk & Milk Products

\$64,000.00

PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Page, the following purchase was approved for use by the Public Works Dept.:

MACROMEDIA, INC. (Sole Source Purchase):
Requisition R0084740

ColdFusion Software and First Year Maintenance for Land Development Office

\$14,669.90

HOTEL PERMITS

On motion of Councilman Hakeem, seconded by Councilman Franklin, the following Hotel Permits were approved:

FAIRFIELD INN – 2350 Shallowford Village Drive, Chattanooga, Tennessee.

COUNTRY SUITES – 7051 McCutcheon Road, Chattanooga, Tennessee.

TENNESSEE RIVER PLACE, LLC – 1410 O’Grady Drive, Chattanooga, Tennessee.

REFUND

On motion of Councilman Hakeem, seconded by Councilman Franklin, the City Finance Officer was authorized to make the following refund of Gross Receipts Tax:

MODERN INDUSTRIES – License #'s 39061-19, 82975-1 and 82975-2, \$6,587.13.

COMMITTEES

Councilwoman Rutherford reported that the Safety Committee met today for a presentation on Meth Labs and how they affect people. She expressed her appreciation for all of the Council coming together for this.

Councilman Hakeem reminded everyone that the **Public Works Committee** would meet on **Tuesday, August 30th at 4:00 P.M.**

Councilman Benson stated that he was trying not to have a **Legal and Legislative Committee meeting next week**; that Chairman Robinson had suggested a new committee format. He explained that he had four “unfinished” issues from this week’s meeting but that he would schedule a **Legal and Legislative Committee meeting for Tuesday, September 6th at 3:00 P.M.** He went on to say, however, should an emergency arise, he might have to use the 3:00 slot next week for that but that in such case, he would e-mail everyone.

Chairman Robinson explained that the 3:00 slot every other week would be for committees “as needed”.

Councilman Pierce noted that should an emergency issue arise for **Legal and Legislative** that it would be only one item.

Councilman Benson explained that should an emergency arise that he would also bring the four “unfinished” items to the table at the same time.

Councilman Pierce suggested that if such an emergency should arise that Councilman Benson “piggyback” after the 4:00 Public Works Committee meeting. Councilman Benson agreed to this, noting that it was a good idea.

Councilwoman Bennett stated that the **Economic Development Committee** met this afternoon, and she expressed appreciation for Cre824 making a presentation.

SHIRLEY DEAKINS

Ms. Shirley Deakins appeared before the Council stating that she came here tonight to talk about a situation that is shifting and changing around the world; that serious thought needed to be given to flexible, creative programs to help people who needed help; that if the City valued the creative potential in people that they needed to be educated—and that she was not talking about our public school system, which is a mess! She explained that there were people who needed to meet career goals in order to be able to take their place in the workforce; that she did not want to go through what everyone went through when

SHIRLEY DEAKINS (CONT'D)

she was ten years old. She mentioned that people can't afford gas now and everything you need to get to is spread all over the county and CARTA is tightening their belts and cutting out routes, and we are not adapting to the needs of real people so that they can continue ascertaining who they really are and how they fit into this community. She stated that we should not be an isolated community and needed a bunch of brainstorming to find ways to help people fulfill their needs, and we also needed to find ways to help those guys who will be coming back to this country who are maimed. She mentioned the trouble that the State is in, which translates down to us, stating that we were all in the same handbasket "going to hell"! She stated that we needed to find out how people live and survive so that we will not create more situations of neglect—that we need adequate insight because we all have value as human beings!

ADJOURNMENT

Chairman Robinson adjourned the meeting of the Chattanooga City Council until Tuesday, August 30th, 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.)**

