

City Council Building
Chattanooga, Tennessee
August 30, 2005

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

AMEND ZONING ORDINANCE

On motion of Councilman Page, seconded by Councilwoman Rutherford,
**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 second reading and was signed in open meeting.

REZONING

(2005-125 Chattanooga Development, LLC)

On motion of Councilman Pierce, seconded by Councilman Page,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO
REZONE A TRACT OF LAND LOCATED AT 509 RIVERFRONT
PARKWAY, MORE PARTICULARLY DESCRIBED HEREIN,
FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL
BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**

was substituted. On motion of Councilwoman Rutherford, seconded by Councilman Pierce, the Ordinance passed second reading and was signed in open meeting.

Attorney Nelson explained that the two substituted changes were *the height of new buildings shall not exceed seven hundred seventy feet (770') mean sea level for the top of the building structure and that this Ordinance shall take effect immediately upon becoming law.*

STREET CONST.STANDARDS

Councilman Pierce questioned if this had been before committee.

Ass't. City Engineer Bill Payne explained that this was relative to a Public Works Task Force and an Ordinance that was passed two years ago and an amendment concerning streets in new subdivisions.

Councilman Pierce asked if the amendments had been brought before committee. Mr. Payne confirmed that this had been in committee.

On motion of Councilman Pierce, seconded by Councilman Hakeem,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 32, ARTICLE XII, SECTION 32-273(d),
RELATIVE TO STREET CONSTRUCTION STANDARDS**
passed first reading.

CLOSE AND ABANDON

MR-2005-056—Harry Hulsey

Councilman Hakeem noted that both **Ordinances (b) and (c)**, as well as **Resolutions (a) and (b)** were discussed in Public Works Committee and come with a recommendation for approval, as well as the two items from Finance, which also come with a recommendation.

On motion of Councilman Hakeem, seconded by Councilman Benson,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF
AN UNNAMED ALLEY RUNNING ALONG THE REAR LINE OF
AND PARALLEL TO PROPERTIES LOCATED ON THE WEST
LINE OF THE 6000 BLOCK OF OOLTEWAH-GEORGETOWN
ROAD, 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.

Councilman Pierce questioned if the version read was the one that was recommended for approval by Planning, noting that the first version was recommended for denial by Planning and Staff. Mr. Pace assured him that the correct version was read, explaining that the Staff recommended denial because of landlocked property, and this is subject to a replat showing no property being landlocked.

CLOSE AND ABANDON

MR-2005-113 Vijay Chaudhari

On motion of Councilman Hakeem, seconded by Councilman Franklin,
AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY LOCATED PERPENDICULAR TO THE SOUTH LINE OF THE 3300 BLOCK OF WILCOX BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

passed first reading.

AGREEMENT

On motion of Councilman Franklin, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC. RELATIVE TO CONTRACT NO. W-05-007-101, WARNER PARK-ENGLE STADIUM DRAINAGE AREA HYDROLOGIC MODELING, IN AN AMOUNT NOT TO EXCEED THIRTY THOUSAND DOLLARS (\$30,000.00)

was adopted.

TEMPORARY USE

On motion of Councilman Franklin, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING DARREN KENNEDY TO USE TEMPORARILY THE 1400 BLOCK OF MARKET STREET TO INSTALL FOUR (4) AWNINGS ON THE FRONT END OF THE BUILDING, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

SALE OF BONDS

On motion of Councilman Benson, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF BONDS IN THE AGGREGATE AMOUNT NOT TO EXCEED TWENTY MILLION DOLLARS (\$20,000,000.00) OF THE CITY OF CHATTANOOGA, TENNESSEE FOR THE PURPOSE OF PAYING ALL OR A PORTION OF THE COSTS OF A PUBLIC BUILDING HOUSING AN ANIMAL SHELTER TO BE OWNED BY THE CITY AND OPERATED BY THE ANIMAL CARE TRUST, A TENNESSEE NOT-FOR-PROFIT INSTITUTION QUALIFYING UNDER SECTION 501©(3) OF THE INTERNAL REVENUE CODE; RENOVATING CITY HALL, PUBLIC BUILDING IMPROVEMENTS, ARTS, AND THEATRE FACILITIES, PUBLIC VEHICLE PURCHASES, POLICE AND FIRE DEPARTMENT BUILDING IMPROVEMENTS AND EQUIPMENT, HOPE VI COSTS, PUBLIC PARKS AND RECREATIONAL FACILITY IMPROVEMENTS AND EQUIPMENT, SIDEWALK, ROAD, TUNNEL, SEWER AND BRIDGE INFRASTRUCTURE AND IMPROVEMENTS, PARKING METERS, CITY OWNED STORMWATER AND SOLID WASTE FACILITIES AND FINANCING CERTAIN OTHER PUBLIC WORKS PROJECTS AND FIXING THE MAXIMUM RATE OF INTEREST SUCH BONDS SHALL BEAR

was adopted.

Councilman Pierce inquired if the Wilcox Tunnel was included in this \$20 million dollar bond issue. Councilman Hakeem noted that he did see “tunnel” mentioned in the list. Councilman Pierce wanted to know if this included the total cost of the Wilcox Tunnel changes.

Ms. Madison explained that everything requested in the Capital Budget had been reviewed by the Mayor, the Capital Planner, and herself—that they had deliberated on this; that this list does not define the Capital Budget but was needed to cover the costs of the City Hall renovation. She explained that the Capital Budget, itself, had not been approved.

**REIMBURSEMENT FOR
OVERPAYMENT/HUMAN
SERVICES**

On motion of Councilman Pierce, seconded by Councilman Rico,

A RESOLUTION AUTHORIZING THE HUMAN SERVICES DEPARTMENT TO REIMBURSE THE STATE OF TENNESSEE HUMAN SERVICES DEPARTMENT THE AMOUNT OF ONE HUNDRED EIGHTY-SEVEN THOUSAND FOUR HUNDRED NINETY-TWO AND 53/100 DOLLARS FOR OVERPAYMENTS FOR THE SUMMER FOOD SERVICE PROGRAM

was adopted.

OVERTIME

Overtime for the week ending August 26, 2005, totaled \$13,788.14.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **Walter T. Boyd**—Transfer/Promotion of Equipment Operator, Sr., Pay Grade 8/3, \$25,047.00 annually, effective 8/18/05.
- **Tyrone Lamb**—Suspension of Sr.Equipment Operator, effective 8/23-24-25/05.
- **Anthony L. Chitwood**—Resignation of Plant Operator, effective 8/18/05.
- **Tony L. Davis**—Suspension of Equipment Operator, effective 8/29-9/1/05.
- **John F. Gibson**—Retirement of Crew Supervisor, effective 8/31/05.

PERSONNEL (CONT'D):

DEPARTMENT OF FINANCE/INFORMATION SYSTEMS:

- **Tekelia C. Kelly**—Resignation of Programmer Analyst, effective 8/19/05.

CHATTANOOGA HUMAN SERVICES DEPT.:

- **Arlene Ammons**—Resignation of Teacher Assistant, effective 8/26/05.
- **DeMaris Davenport**—Retirement of Family Services Coord., effective 8/31/05.
- **Gloria Harris**—Retirement of Dietary Assistant, effective 8/22/05.
- **Tina Whaley**—Resignation of Teacher Assistant, effective 8/19/05.

CHATTANOOGA NEIGHBORHOOD SERVICES:

- **Mark Kleiner**—Resignation of Special Project Coordinator, effective 8/24/05.

CHATTANOOGA POLICE DEPARTMENT:

- **Yolanda Massey**—Promotion to Senior Secretary, Pay Grade 7/6, \$26,899.00 annually, effective 9/01/05.

PURCHASE

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

ENVIRONMENTAL QUALITY(Lowest and best bid):
Requisition R0083204/B0002411

Collection & Disposal of Household Hazardous Waste

(See Minute Material for pricing)

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Pierce, the following purchase was approved for use by Neighborhood Services:

MUNICIPAL SOFTWARE CORPORATION (Single Source Purchase)
Requisition R0084957

Software Maintenance & Support Services

\$10,000.00

PURCHASES

On motion of Councilman Hakeem, seconded by Councilman Rico, the following purchase was approved for use by the Finance Department:

COMMUNICATIONS RESOURCES, INC. (Change Order 1)
Requisition R0083199/P0022966

Additional analog/digital equipment for Information Services

\$7,364.00

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Finance Department:

UNIGUARD SECURITY SERVICES (Best bid meeting specs.)
Requisition R0084405/B0002504

Security Guard Services at Bicentennial Library

\$8.75 per hour

HOTEL PERMITS

On motion of Councilman Benson, seconded by Councilwoman Rutherford, the following Hotel Permits were approved:

CHATTANOOGA CHOO CHOO HOLIDAY INN—1400 Market Street, Chattanooga, Tennessee.

COMFORT INN—7620 Hamilton Park Drive, Chattanooga, Tennessee.

IN TOWN SUITES—5730 Lee Highway, Chattanooga, Tennessee.

KNIGHTS INN—3655 Cummings Highway, Chattanooga, Tennessee.

WINGATE INN—7312 Shallowford Road, Chattanooga, Tennessee.

COMMITTEES

Councilman Benson scheduled a **Legal and Legislative Committee meeting for Tuesday, September 6th at 3:00 P.M.** He stated that an Ordinance relating to Farm Animals would be discussed; then in two weeks, September 20th, when Chairman Robinson returns, there will be a Legal and Legislative Committee to discuss the Ethics issue.

Councilman Franklin scheduled a **Parks and Recreation Committee meeting for Tuesday, September 6th at 4:00 P.M.**

Councilman Pierce asked to address an item coming up in next week's Parks and Recreation Committee meeting. This concerned the Golf Course. He noted that he had had some calls and questions had been raised about this, and he was asking that this be tabled a couple of weeks as all of the Councilpersons would not be present next week.

Adm. Rob Healy had asked for the meeting and was present and explained that the sense of urgency was due to the lease of the current party expiring at the end of September; that the County would be meeting on this Thursday night, and it would come to the County Commission next week; that it would be a hardship to delay this issue for 3-4 weeks as it was in regards to extending the lease.

COMMITTEES
PARKS & RECREATION
GOLF COURSE

Councilman Pierce stated that this was the problem he had with this—that it was on fast track; that the Council did not know the process of the contract and did not know anything about this, and he felt they should be aware of it; that it sounded to him like the Contract had already been signed!

Mr. Healy offered to go over the process. He explained that a committee had been appointed—that he had been asked to be on the committee but that he had a conflict of interest because the Browns were friends of his; that three people were on the committee—Darrell McDonald, Steve Leach, and Dan Kral—that Sam Woolwine was an ad hoc member; that an RFP had been issued in June and proposals were supposed to be submitted by the 1st of August and six (6) proposals were submitted; that verbal proposals were made to the entire committee; that there was a meeting last week and the committee met with the two Mayors, and the two Mayors decided who they were going to award the contract to, and this is to go before the City Council and the County Commission to obtain approval of the proposal presented. He stated that this was the process. He went on to say that when he came into this Administration that this process had been delayed, and the expiration of the Lease is very soon.

Councilman Benson stated that he thought he knew where Councilman Pierce was coming from but did not know where he was headed; that this committee that is in place did not come before a Council committee.

Mr. Healy stated that this Lease Agreement was important and a Resolution is to come before the City and the County that will recommend us entering into this Agreement; that as far as Parks and Recreation is concerned, there is no income.

Councilman Benson clarified that the Council was not trying to get involved in Administration; that Administration was asking us to approve this.

Mr. Healy noted that they planned to come to committee with this next week and present the Resolution to the Council next Tuesday.

Councilman Benson pointed out that in the meantime, the Council had had ten days of phone calls and had known nothing about the process.

Councilman Pierce stated that he just felt like all Councilpersons should be present when this is discussed in committee meeting.

Councilman Benson asked which Councilpersons would be absent. It was noted that Chairman Robinson will be out of the country.

GOLF COURSE (CONT'D)

Chairman Robinson summarized that this would be coming before committee next Tuesday; however she did not know when the Resolution would be on the agenda.

Councilman Hakeem questioned why this could not wait a month. Mr. Healy again noted that the agreement expires at the end of September, with Councilman Hakeem stating that this was two weeks from now.

Chairman Robinson stated that she would be back for the September 20th meeting; that this could come before the committee next week and the Council would have time to study the issue in advance if Mr. Healy could provide them the information; that it was operation of the golf course “pure and simple”.

Mr. Healy indicated that he would be more than happy to give each Councilperson the information they wanted.

Chairman Robinson stated that the material could be circulated in advance, and the City Council could be fully informed.

Mr. Healy asked if every Councilperson would request a full copy of all of the proposals or questioned if they could contact his office and let him know which proposals they were interested in.

Councilman Page suggested that since one Councilperson was not here tonight and one would not be here next week, if Mr. Healy could meet with them individually and give them an opportunity to share their views in writing, which could be given to the committee, and then we could go ahead with the committee meeting next week.

Councilman Pierce stated that he had no problem with Councilman Page’s suggestion; that Mr. Healy could arrange a meeting with Chairman Robinson and Councilwoman Bennett and meet with them and relate back to other Councilpersons their wishes and concerns.

Mr. Healy agreed to set up a meeting with someone on the committee that he had mentioned and Chairman Robinson and Councilwoman Bennett before the end of the week.

Mr. Randy Burns pointed out that Councilwoman Bennett would be out of the office all week. Chairman Robinson stated that Ms. Bennett could meet with Mr. Healy on Tuesday morning.

COMMITTEES (CONT'D)

Chairman Robinson reminded everyone of a Planning Session to be held on September 12th at 6:00 P.M. at the Chattanooga Theater Center in Coolidge Park in regards to the North Shore and how it is going to grow and the direction that the Parks and Recreation facilities would take. She stated that everyone was excited about this and expressed hope that all who are interested in the North Shore will plan to attend this meeting and make their interests known.

Councilman Pierce noted that there had been a lot of controversy about the motorcycles coming to town and stated that he had heard nothing negative about this and hoped that Chief Cooke could give us a report. Chairman Robinson stated that this was a great suggestion!

Chief Cooke stated that there were no major problems; that the biggest problem occurred when two motorcycles left the venue and collided with each other, causing damage to their cycles; that they had had no complaints and issues with the Noise Ordinance.

Chairman Robinson stated that she understood that the H.O.G. rally moved around the country and seldom went to the same place the second time; that they left a lot of money behind with our restaurants and motels and that we were very grateful that they had chosen Chattanooga for this rally.

ADJOURNMENT

Chairman Robinson adjourned the meeting of the Chattanooga City Council until Tuesday, September 6th, 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.)**

