

City Council Building  
Chattanooga, Tennessee  
December 13, 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.

**PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Councilman Benson gave invocation.

**MINUTE APPROVAL**

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

**CLOSE AND ABANDON**

**MR-2005-188: Hubert Weathers**

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,  
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY  
LOCATED ON THE SOUTH LINE OF THE 2200 BLOCK OF EAST 19<sup>TH</sup>  
STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON  
THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY  
REFERENCE**

passed second and final reading and was signed in open meeting.

**CLOSE AND ABANDON**

**MR-2005-202: City of Chattanooga c/o William Payne, City Engineer**

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,  
**AN ORDINANCE CLOSING AND ABANDONING PORTIONS OF THE WESTERN RIGHT-OF-WAY OF THE 200 AND 300 BLOCK OF NORTH LYERLY STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**

passed second and final reading and was signed in open meeting.

**REZONING**

**2005-190: John Sweet**

Pursuant to notice of public hearing, the request of John Sweet to rezone a tract of land located at 217 East Main Street came on to be heard.

The applicant was present; there was no opposition in attendance.

Jerry Pace, Director of Development Services with the Regional Planning Agency (RPA), stated that this request for C-3 is located on East Main Street. He stated there is an existing structure on the site and is recommended for approval from both Planning and Staff.

Councilman Hakeem inquired as to where this property is located.

Mr. Pace responded that it is located almost directly across the street from the new fire station.

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 217 EAST MAIN STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

## REZONING

### **2005-193: Leonard Coleman**

Pursuant to notice of public hearing, the request of Leonard Coleman to rezone a tract of land located at 1007 Tunnel Boulevard came on to be heard.

The applicant was not present.

Mr. Pace stated a letter was received from the applicant requesting that this matter be withdrawn.

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 1007 TUNNEL BOULEVARD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL  
ZONE**

**was withdrawn at the request of the applicant.**

## REZONING

### **2005-194: Oscar Brock**

Pursuant to notice of public hearing, the request of Oscar Brock to rezone a tract of land located at 1032 McCallie Avenue came on to be heard.

The applicant was present; there was no opposition in attendance.

Mr. Pace stated this request is located in the downtown area of McCallie behind the new service station where the former Dairy Queen used to be; that it is located next to the railroad track and the McCallie viaduct. He stated the site is currently vacant and there is M-1 and C-3 in the area; that approval is recommended from both Planning and Staff with attached conditions pursuant to the downtown plan.

Councilman Hakeem inquired as to access to the site if a person is coming over the bridge.

Mr. Pace stated access would be off O'Neal Street.

**REZONING (Continued)**

Oscar Brock stated that there is a turn lane on McCallie Avenue for access onto O'Neal Street. He asked if Councilman Hakeem's concern had to do with traffic coming from the west over the bridge and noted that if a person is coming from Missionary Ridge, a turn lane has been installed. He stated when the street was being striped it was requested there be a turning lane.

Councilman Hakeem inquired as to the type of facility that is to be built.

Mr. Brock stated that it would be a medical office building.

On motion of Councilwoman Rutherford, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 1032 MCCALLIE AVENUE, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3  
CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**REZONING**

**2005-195: Erica Gustus**

Pursuant to notice of public hearing, the request of Erica Gustus to rezone a tract of land located at 6838 McCutcheon Road came on to be heard.

The applicant was present; there was no opposition in attendance.

Mr. Pace stated this request for C-5 is located in the Hamilton Mall area between Lee Highway and Hickory Valley Road along McCutcheon. He stated there is R-1 to the east and west of this parcel and the site is presently zoned R-1. He stated the C-5 zone is being requested for a hair salon noting that there is C-5 two doors down that is also a hair salon; that there is C-2 to the rear and an office park off Lee Highway and Shallowford Road. He stated the site plan reflects a driveway with parking along the driveway and around the back. He stated the request is recommended for approval from both Planning and Staff with several conditions including rear parking. He stated conditions reflect that the applicant has been required to have a pre-submittal meeting for parking and stormwater, which has been done. He stated approval is recommended.

## REZONING (Continued)

Councilman Benson stated when the applicant was at Planning, a condition was put on the ordinance that there would be parking in the rear and the reason for that was that commercial is all in the rear. He stated on the front across the street is single family homes; that it is possible after the rezoning that a "ripple effect" might take place and all on that side could "domino" into somewhat-like businesses which the land use plan calls for and hairdressing businesses are light businesses that fall into this category. He stated there would be intrusion if cars are parked in front with neighbors across the street; that this is a pretty clear pristine residential community whose residents would not want their property devalued by parking in front. He stated that the applicant was satisfied with parking in back and he is now being told she wants parking in front.

Erica Gustus responded "yes", that she would like at least four spaces for parking in front and displayed photos of another salon with front parking.

Councilman Benson noted that he did not see the other C-5 on the rezoning map, however, it was immediately clarified for him and he noted that he had never noticed the other beauty salon there before!

Mr. Pace stated that it was previously an office and that it has parking in the front.

Ms. Gustus clarified that the salon is two doors down from her proposed site.

Councilman Benson responded "right"; that he does not know what to say about it as it was discussed at Planning and rear parking was agreed. He asked Ms. Gustus what changed her mind.

Ms. Gustus stated with the way the home would be constructed the customers will have to come in the back door and not through the front. She stated that she agreed to have some parking in the back, yet thinks she could have at least four spaces in the front.

Councilman Benson asked how many chairs Ms. Gustus would have.

Ms. Gustus responded "just four"; that she is asking for four spaces in front and would do additional landscaping with trees and shrubs in front to keep up the residential appearance.

Councilman Benson stated that it is his wish this could have been discussed with the other people that would be able to see this.

## REZONING (Continued)

Ms. Gustus stated that she met with the guys about the landscaping and water and they said there would be no problem with a few spaces in front.

Councilman Benson stated that he was referring to the neighbors who would stand to lose some of their property value and who would be facing a parking lot situation.

Ms. Gustus stated that she changed the site plan; that there would be parking on the left side which is actually more in her yard than in the neighborhood. She stated the four spaces would be to the left rather than the right.

Councilman Benson stated that he did not know if he could go along with that with so many cars facing the neighborhood; that the rest of the Council could make up their mind as this is a pristine pure residential community.

Ms. Gustus stated that she did not bring a photo, but there is an open field across the street.

Councilman Benson stated that there is R-1 all around this.

Councilman Hakeem stated that it is his belief there is a feeling at some point that the area will go more commercial. In addressing Ms. Gustus and using the terms "to get in the door" and "to be up and running", he asked if she would suffice initially with parking in the rear with the hope of getting additional parking in the future.

Councilman Benson stated for many two cars in the front is common among neighborhoods, however four cars is a pretty big drastic contrast.

Ms. Gustus reiterated that the other guys recommended three because one space has to be for handicapped parking.

**Councilman Benson** stated a handicap space and one other. At this time he **made the motion to remove the condition regarding parking to the rear and changed it to one handicapped space and another space out front with the rest in the rear; Councilman Rico seconded the motion.**

Councilman Franklin asked if the house has a driveway in the front at all.

Ms. Gustus responded that there is a 200 foot driveway.

## REZONING (Continued)

Councilman Benson stated if Ms. Gustus finds there is a hardship she could come back and ask that the condition be removed.

Councilman Pierce stated before the condition regarding front parking is imposed, he was looking at the property directly across the street and it is quite a bit of property and a vacant field; that within the whole block there is one house that is just across the street. He stated that he is leery about the conditions that the Council puts on this property when there is no condition on property fifty feet away.

Councilman Franklin stated there is such a thing that is in keeping with the character of the neighborhood.

Mr. Pace stated there is only one C-5 business and an O-1; that the remainder of the structures from Lee Highway to Hickory Valley are single family residential.

Councilman Benson inquired as to where they park. Councilman Franklin immediately interjected "out front".

Councilman Benson stated that some of the businesses have been there before rezoning and it is a "grandfather thing".

Councilman Page stated that it seems like the applicant and Councilman Benson have agreed on a two space arrangement with one for handicapped. He stated at this point he did not know why the Council would not approve that and asked if it is acceptable to the applicant.

Ms. Gustus stated that that is not what she prefers.

Councilman Hakeem stated that this gets Ms. Gustus "in the door".

Councilman Benson reminded Ms. Gustus that the Planning Commission recommended no parking in front.

Councilman Benson again reiterated his motion to approve the request for C-5 with the condition that there be two parking spaces in front and the rest in the rear of the house.

Councilman Hakeem asked if it can be said where the ramp would be.

**REZONING (Continued)**

On motion of Councilman Benson, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 6838 MCCUTCHEON ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-5  
NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN  
CONDITIONS**  
passed first reading.

**REZONING**

**2005-199: 2901 Orchard Knob, LLC**

Pursuant to notice of public hearing, the request of 2901 Orchard Knob, LLC to rezone tracts of land located at 2913 and 2914 South Hawthorne Street came on to be heard.

A representative for the applicant was present; there was no opposition.

Mr. Pace stated this request is located in the Rossville Boulevard area and noted that the property is already fenced-in. He stated there is M-1 to the south, as well as R-2 and single family; that Staff and Planning recommend approval.

Councilman Hakeem inquired as to whether this is the property that was the school's on which a company wanted to expand.

Mr. Pace responded "no"; that that particular piece of property was on Faxon. He stated this property is inside the fence of the individual who owns the property and there are no other houses on it.

Councilman Hakeem asked if the entrance would be coming through the neighborhood. Again Mr. Pace responded "no"; that it would be on Orchard Knob and there is existing M-1 to the south.

On motion of Councilwoman Rutherford, seconded by Councilman Rico,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF  
LAND LOCATED AT 2913 AND 2914 SOUTH HAWTHORNE STREET, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO  
M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.



## LIFT CONDITIONS

### **2005-201: McCallie School (Bill Kropff)**

Pursuant to notice of public hearing, the request of McCallie School (Bill Kropff) to lift conditions imposed in Ordinance No. 11252 on a tract of land located at the former 2900 block of Kirby Avenue came on to be heard.

The applicant was not present; there was no opposition.

Mr. Pace stated that the request is located on the McCallie School campus to lift the condition placed on the property where the road was abandoned that an easement be retained for access to utilities. He stated school officials are asking that that be lifted and the recommendation from Planning and Staff is to approve with the condition the applicant would relocate or assist in relocating utilities there which include the Comcast line and sewer lines.

Councilman Hakeem stated that Mr. Pace's comments regarding the condition sounded "open ended".

Mr. Pace stated the applicant has been working with the utility companies and they are agreeable to relocating those lines, indicating his wish that a representative for McCallie were present tonight.

Admin. Leach stated that it is his understanding that the sewer line is no longer functioning and is not going to be a problem.

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORINANCE, SO AS TO LIFT CONDITIONS  
IMPOSED IN ORDINANCE NO. 11252 ON A TRACT OF LAND LOCATED  
AT THE FORMER 2900 BLOCK OF KIRBY AVENUE, BEING MORE  
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

## AMEND CITY CODE

Chairman Robinson explained that this Ordinance was added per discussion in today's Legal and Legislative Committee meeting.

AMEND CITY CODE (Continued)

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,  
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,  
CHAPTER 11, SECTION 11-422, SO AS TO AMEND CERTAIN  
DEFINITIONS IN SAID SECTION**  
passed first reading.

CONTRACT

On motion of Councilman Hakeem, seconded by Councilman Benson,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-02-  
008-201, HAMILL ROAD FROM SR-153 TO CSX RAILROAD PROJECT, TO  
TALLEY CONSTRUCTION COMPANY, INC. FOR A TOTAL AMOUNT NOT  
TO EXCEED ONE MILLION FIVE HUNDRED THOUSAND DOLLARS  
(\$1,500,000.00), INCLUDING A CONTINGENCY AMOUNT OF SEVENTY-  
NINE THOUSAND EIGHT HUNDRED FIFTY-FIVE AND 53/100 DOLLARS  
(\$79,855.53)**  
was adopted.

CONTRACT

On motion of Councilwoman Rutherford, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE  
DEPARTMENT OF PARKS AND RECREATION TO EXECUTE A CONTRACT  
WITH ASSOCIATED MECHANICAL SYSTEMS, INC., RELATIVE TO THE  
WATKINS STREET MAINTENANCE FACILITY, FOR AN HVAC SYSTEM IN  
AN AMOUNT NOT TO EXCEED TWO HUNDRED TWELVE THOUSAND  
NINE HUNDRED SEVENTY-ONE DOLLARS (\$212,971.00)**  
was adopted.

CONTRACT

On motion of Councilwoman Rutherford, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE  
DEPARTMENT TO ENTER INTO A CONTRACT WITH FRANKLIN  
ASSOCIATES ARCHITECTS, INC., RELATIVE TO THE STABILIZATION AND  
ROOFING OF FIRE STATION NO. 17, INCLUDING FURNISHING ALL  
PLANS NEEDED FOR THE PROJECT AND TO OVERSEE THE CONTRACTOR  
DURING CONSTRUCTION, IN AN AMOUNT NOT TO EXCEED FIFTEEN  
THOUSAND DOLLARS (\$15,000.00)**  
was adopted.

## PRELIMINARY PUD

### **2005-198: John B. Lowery c/o Wellstone Housing, LLC**

Mr. Pace stated this request is located in the Mountain Creek community. The site plan for this development was displayed by PowerPoint, wherein Mr. Pace indicated that another PUD is north of this one and that the Horse Creek Drive area subdivision is to the east in the R-TZ zone. He stated the request is recommended for approval subject to subdivision review.

Councilwoman Bennett inquired as to the size of the PUD that is being proposed.

Russell Crimminger of Wellstone Communities stated that there are approximately 139 acres and they are planning 110 units of single level condominium units priced at \$275,000 - \$350,000 each.

Councilman Hakeem asked if this involves the Scenic Land School property.

Mr. Crimminger responded "yes".

Councilman Hakeem stated that it is his belief that the east side of that property is somewhat low and there is a stream.

Mr. Crimminger stated that there is a greenway area on the property and a 100 and 500 year flood indication level. He stated their plans call for them to not interfere with the greenway and to, indeed, deed that to the Greenway Trust and they would keep construction above the flood level. At this point he displayed a rendering of the proposed development.

Councilman Benson stated there was quite a bit of discussion when this was first initiated and the community had objections.

Mr. Pace stated that he was not sure if there were objections on this one; that he was aware there was community objection when the Horse Creek Phase II development was discussed.

Councilman Benson asked if this is the final plan. Mr. Pace responded that this is the preliminary plan.

Councilman Franklin asked Mr. Crimminger if he has submitted any documentation to TDEC.

**PRELIMINARY PUD (Continued)**

Mr. Crimminger responded "yes"; that the engineering firm of Waggoner and Sumner has submitted all the necessary documents and everything is clear of the water, Mountain Creek and the flood zones.

Councilman Franklin asked if forms from the State have been received. Mr. Crimminger responded "yes".

On motion of Councilwoman Rutherford, seconded by Councilman Rico,  
**A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED PLANNED UNIT DEVELOPMENT, KNOWN AS MOUNTAIN CREEK PLANNED UNIT DEVELOPMENT, ON A TRACT OF LAND LOCATED AT 1120 MOUNTAIN CREEK ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**PAYMENT**

Councilman Hakeem inquired as to the term "arbitrage".

Dan Johnson, Chief of Staff, explained that it is the difference in interest earned from bonds issued and the amount of interest paid for the use of that money. He gave an example by stating if the city is paying six and earning eight, the different between the two is arbitrage and the IRS does not like that!

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO MAKE AN ARBITRAGE PAYMENT OF ONE HUNDRED FORTY-TWO THOUSAND FOUR HUNDRED FORTY-SEVEN AND 13/100 DOLLARS (\$142,447.13) TO THE INTERNAL REVENUE SERVICE RELATIVE TO THE 2000 LEASE RENTAL REVENUE BONDS**

was adopted.

**AGREEMENT**

On motion of Councilman Rico, seconded by Councilwoman Rutherford,  
**A RESOLUTION AUTHORIZING THE CITY OF CHATTANOOGA PERSONNEL DIRECTOR TO EXECUTE A CONSULTING AGREEMENT WITH BOOTH AND ASSOCIATES, RELATIVE TO THE POLICE PROMOTIONAL ASSESSMENT CENTERS, WRITTEN TESTS, AND ASSOCIATED ACTIVITIES, IN AN AMOUNT NOT TO EXCEED SEVENTY-THREE THOUSAND DOLLARS (\$73,000.00)**

was adopted.

## OVERTIME

Overtime for the week ending December 9, 2005 totaled \$58,137.27.

## PERSONNEL

The following personnel matters were reported for the various departments:

### CHATTANOOGA FIRE DEPARTMENT:

- **ERIC GORDON** – Promotion, Lieutenant, Pay Grade F3/Step 5, \$36,767.00 annually, effective December 9, 2005.
- **RICHARD BRITT** – Promotion, Captain, Pay Grade F4/Step 3, \$47,903.00 annually, effective December 9, 2005.
- **RANDALL PARKER** – Promotion, Deputy Fire Chief, Pay Grade F6/Step 6, \$68,875.00 annually, effective October 28, 2005.
- **TERRY DAVIS** – Retirement, Captain, effective December 9, 2005.
- **NICHELLE WOODRUFF** – Family Medical Leave, Senior Firefighter, effective December 5, 2005 – February 27, 2006.
- **FRED RICK SEWELL** – Promotion, Deputy Chief, Pay Grade 5/Step 5, \$51,454.00 annually, effective October 31, 2005.

### PUBLIC WORKS DEPARTMENT:

- **GILBERT J. LOTT** – Reinstatement, Concrete Worker, City Wide Services, Pay Grade 6/Step 6, \$25,405.00 annually, effective December 7, 2005.
- **RODERICK G. JOHNSON** – Return from Leave of Absence, Crew Worker, Sr., City Wide Services, effective December 5, 2005.
- **HERANA ROBINSON, SR.** – Suspension (3 days without pay), Crew Worker, City Wide Services, effective December 5-8, 2005.
- **CHRISTOPHER T. DOSSETT** – Suspension (3 days without pay), Crew Worker, City Wide Services, effective December 7-9, 2005.

### PERSONNEL (Continued)

- **TSHOMBE M. HIGH, STANLEY L. NEALY** – Hire, Crew Worker, City Wide Services, Pay Grade 3/Step 1, \$18,850.00 annually, effective November 28, 2005.
- **ANTHONY D. SPEARS** – Family Medical Leave, Crew Worker, City Wide Services, effective November 29, 2005 – February 21, 2006.

#### CHATTANOOGA POLICE DEPARTMENT:

- **BRAD BROWN** – Return to Duty, Police Officer, effective December 3, 2005.
- **JAMES HOLLOWAY** – Return to Duty, Police Officer, effective December 1, 2005.

#### PARKS AND RECREATION DEPARTMENT:

- **EDDIE DAVIS** – Resignation, Crew Supervisor, effective December 22, 2005.
- **RHONDA SEEBER** – Hire, Communications Manager, Pay Grade 16/Step 2, \$33,966.00 annually, effective December 14, 2005.
- **DERRICK LANE** – Hire, Crew Worker, Pay Grade 3/Step 1, \$19,350.00 annually, effective December 9, 2005.
- **EASTERLING MARK SMITH** – Hire, Recreation Specialist, Pay Grade 9/Step 1, \$24,013.00 annually, effective November 23, 2005.
- **TRACY WAMP** – Hire, Recreation Specialist, Pay Grade 9/Step 4, \$27,536.00 annually, effective October 25, 2005.
- **ERNEST CRUTCHER** – Promotion, Crew Worker, Pay Grade 3/Step 1, \$19,350.00 annually, effective October 28, 2005.
- **REGINALD BEECHAM** – Hire, Recreational Specialist, Pay Grade 9/Step 5, \$28,711.00 annually, effective October 14, 2005.
- **LORI SMITH** – Hire, Administrative Coordinator, Pay Grade 10/Step 3, \$27,677.00 annually, effective October 13, 2005.

**PURCHASE**

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

**SOUTHERN IONICS (Lowest and best bid)**  
**R0086172/B0002685**

Liquid Alum

\$200 per dry ton

**PURCHASE**

On motion of Councilman Hakeem, seconded by Councilman Franklin, the following purchase was approved for use by the Chattanooga Fire Department; **Councilwoman Rutherford abstained from voting:**

**BRUNSWICK COMMERCIAL & GOVERNMENT PRODUCTS, INC.**  
**(Lower and better bid)**  
**R0084935**

Fire Rescue Boat

\$232,101.00

Councilman Hakeem inquired as to whether it was determined by Chief Rowe and the State whether this is needed or if it was already "in the pipeline" when he (Rowe) came "on board".

Chief Rowe stated that it was already "in the pipeline"; that there is a need for water rescue and it is within the Department's capability to do such. In making his point, he spoke of the recent incident involving the Southern Belle, which had to be pushed ashore before they could mitigate the incident. He stated there is definitely a need for it.

Councilman Benson asked if the boat comes fully equipped and ready to go to work or are we looking at spending more money.

Deputy Chief Parker stated the "specs" indicate it is ready; that we may have to letter it, which is a minor expense. He stated there is not going to be any gigantic expense to get it up and running; that there is not going to be a major expense anywhere near the price of the boat. He stated the "specs" indicate it is ready to go with the exception of lettering and probably putting a radio on it.

## PURCHASE (Continued)

Councilman Benson inquired as to the docking fee.

Deputy Chief Parker stated that it would be stored at one of their fire stations and would be trailered back-and-forth; that it would be stored at one of the fire stations near the River.

Councilman Franklin asked if the "specs" note the length of the boat. Deputy Chief Parker stated that it is around twenty-eight feet and it is specifically a fire boat with a pump built into it. He stated there is nothing extra on it and there is a trailer – wheels and all!

Councilman Pierce stated this would be paid for through the Homeland Security Act and asked why the city is doing this and not the county; that it is his thought it should be a countywide venture rather than the city.

Chief Rowe stated that this would cover a ten county Homeland Security region.

Councilman Pierce asked if we would have to share the boat with ten counties. Chief Rowe responded "yes".

Deputy Chief Parker stated the boat is being purchased with Homeland Security money and it is part of our fire agreement that officers would respond to a ten county area if there is a major disaster. He stated they may have to take it out of town and it is not being purchased just for our area.

Councilman Pierce asked why the county did not take leadership and get the boat.

Deputy Chief Parker stated if it is declared a disaster the city would respond.

Chief Rowe stated that the largest municipality takes the lead.

Councilwoman Rutherford stated in sharing this with the other counties, will our firefighters be manning the boat during a fire in an area county.

Deputy Chief Parker stated as part of Homeland Security issues, we have entered into an agreement to respond. He stated they would not respond to a boat fire or some other minor incident; that it would have to be declared a disaster or major event by some authority for them to leave Chattanooga and respond. He stated if they have a boat fire or minor incident they would not have to take up and leave and go to that area.



### **PURCHASE (Continued)**

Councilwoman Rutherford stated that this concerns her and related a news story from the day prior where there was a huge fire in England that was at first thought was a terrorist attack and then it was determined it was not. She stated we do not know when something happens if it is really covered by Homeland Security or not. She stated she would like for the city to have this boat and is not against it, yet she is concerned about Chattanooga firefighters going outside the city limits to fight a fire. She mentioned an incident on Elder Mountain that occurred years ago and again expressed concern about our people, not our equipment, but our people actually going elsewhere. She asked if there is anything in the city's ordinances that address this.

City Attorney Nelson responded "not presently".

Councilman Benson stated that this was discussed months ago in committee and he was skeptical when it originally came up about running to fires in other communities with our firemen in jeopardy. He stated in the final analysis, it was Chief Coppinger that brought this to us and by the time he was through, no one was willing to say we should not try to help everyone we can.

Councilwoman Rutherford stated that it is difficult to determine if it is a disaster until we are already into it, which is her concern.

Councilman Benson stated that he would rather go rescue than not take a chance on it.

### **HOTEL PERMITS**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following hotel permits were approved:

**MAINSTAY SUITES** – 7030 Amin Drive, Chattanooga, TN

**HOLIDAY EXPRESS** – 7024 McCutcheon Road, Chattanooga, TN

### **PURCHASE**

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

**COMMUNICATIONS RESOURCES, INC. (Change Order #1 original contract)**  
**P0019861**

**PURCHASE (Continued)**

Nortel & Voice Network Equipment & Maintenance (*Original agreement was for a period of three years with an option to renew for one additional year, however, the original contract was approved by City Council for only one year on June 24, 2003. Change order increases the total contract cost by \$207,906.*)

Original Contract	\$ 61,802.00
Change Order #1	<u>207,906.00</u>
New Contract Total	\$269,708.00

**BOARD APPOINTMENT**

On motion of Councilman Benson, seconded by Councilman Franklin, the following Board appointment was approved:

**CHATTANOOGA HOUSING AUTHORITY:**

- Appointment of **BILLY FORD** for a term expiring June 1, 2010.

**HEARING: OFFICER CHARLES MCMAHAN**

Councilwoman Rutherford reported that she and Councilmen Pierce and Rico comprised the panel that heard Officer McMahan’s appeal. She stated they voted two-to-one to increase Mr. McMahan’s suspension to 28 days.

**HEARING: THOMAS MALLET**

City Attorney Nelson reminded Councilmen Hakeem, Rico and Rutherford of the hearing for Firefighter Thomas Mallet scheduled for Monday, December 19 at 10 a.m.

**REFER TO PLANNING FOR RAPID ACTION**

City Attorney Nelson stated the Legal and Legislative Committee met this afternoon and added the definitions to the changed section of the ordinance on adult oriented establishments. He stated the Council needs to make a similar change in the zoning ordinance as it relates to those and asked that the Council adopt a motion sending the matter to Planning for rapid action.

**REFER TO PLANNING FOR RAPID ACTION**  
**(Continued)**

On motion of Councilman Benson, seconded by Councilman Pierce, the matter was referred to the Regional Planning Agency for rapid action.

**COMMITTEES**

Councilman Franklin scheduled a meeting of the **Parks and Recreation Committee for Tuesday, December 20 beginning at 3:30 p.m.**

Councilman Hakeem reminded Council members of the **Public Works Committee scheduled for Tuesday, December 20 at 4 p.m.**

Chairman Robinson scheduled a meeting of the **Education, Arts and Culture Committee for Tuesday, December 20 beginning at 3 p.m.**

Councilman Rico stated a meeting of the Health, Education, Human Services and Housing Opportunities Committee was held today.

**NORTH RIVER CIVIC CENTER**

Councilman Page announced that the Chattanooga Symphony Strings will be playing at the North River Civic Center on this Friday, December 16, beginning at 7 p.m. He stated an open house would follow the event. He invited all Council members and other interested parties to attend.

**EXPRESSION OF APPRECIATION**

Chairman Robinson commended the Fire Chief and his department for their quick response to a fire in Heritage Landing. She stated this incident had a much happier outcome as the property was saved. She expressed thanks and appreciation to the Department for their quick response, noting that they were at the scene within two-and-a-half minutes, which was amazing!

**ADJOURNMENT**

Chairman Robinson adjourned the meeting of the Chattanooga Council until Tuesday, December 13, 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)**