

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
JANUARY 24, 2006**

Chairman Robinson called the meeting of the Chattanooga City Council to order with Councilmen Bennett, Benson, Franklin, Page, Pierce, Rico and Rutherford present. City Attorney Randall Nelson, Management Analyst Randy Burns, and Assistant Clerk to the Council, Shirley Crownover, were also present.

**INVOCATION/
PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Chairman Robinson, followed by invocation.

MINUTE APPROVAL

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

APPROPRIATION

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**AN ORDINANCE APPROPRIATING FROM THE PARKS AND
RECREATION FUND P415 TO THE FRIENDS OF NORTH
RIVER CIVIC CENTER THE AMOUNT OF TWENTY-TWO
THOUSAND DOLLARS (\$22,000.00)**
passed second and final reading and was signed in open meeting.

REZONING

2005-181 (GVA Hunter)

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 3370 JENKINS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-3 WAREHOUSE AND WHOLESALE ZONE TO R-4 SPICAL ZONE AND C-5 NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was substituted. On motion of Councilman Franklin, seconded by Councilman Rico, the Ordinance passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2005-184 (Ben Frizzell)

Mr. Pace, Director of Development Services with the Regional Planning Agency, stated that there had been discussions between the owners and that they needed an additional week.

On motion of Councilman Franklin, seconded by Councilman Pierce,

AN ORDINANCE CLOSING AND ABANDONING THE UNOPENED 5800 BLOCK OF SNOW HILL ROAD FROM LEE HIGHWAY TO I-75, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was deferred for one week.

CLOSE AND ABANDON

MR-2005-200 (2901 Orchard Knob, LLC)

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION
OF THE 2900 BLOCK OF SOUTH HAWTHORNE STREET AND
THE UNOPENED 1700 AND 1800 BLOCKS OF EAST 29TH
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 second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2005-120 (City of Chattanooga c/o Harvey Webb)

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION
OF THE 100 BLOCK OF MANUFACTURER'S 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.

**SPECIAL ADVISOR
POLICE DEPARTMENT**

On motion of Councilman Rico, seconded by Councilman Page,
**A RESOLUTION AUTHORIZING JAMES V. MAGUIRE TO
CONTINUE IN THE POSITION OF SPECIAL ADVISOR FOR
THE CHATTANOOGA POLICE DEPARTMENT'S SPECIAL
WEAPONS AND TACTICS ("SWAT") TEAM, EFFECTIVE
FEBRUARY 1, 2006, FOR A CONSIDERATION OF THREE
HUNDRED DOLLARS (\$300.00) PER MONTH**

was adopted.

WAL-MART GRANT

On motion of Councilman Franklin, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE "SAFE NEIGHBOR HEROES PROGRAM" OF WAL-MART, INC. IN THE AMOUNT OF ONE THOUSAND DOLLARS (\$1,000.00) AND EXPRESSING THE GRATITUDE OF THE MAYOR AND CITY COUNCIL FOR SAID DONATION
was adopted.

CONTRACT

Councilman Franklin noted that this Resolution was discussed in the Parks and Recreation Committee and comes with a recommendation for approval.

On motion of Councilman Franklin, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO ENTER INTO A CONTRACT WITH COMMUNICATIONS RESOURCES, INC. (CRI) FOR THE AUTHOMATIC CALL-DETAIL SYSTEM IN THE CALL CENTER OF THE CITY OF CHATTANOOGA IN AN AMOUNT NOT TO EXCEED TWENTY-SIX THOUSAND THREE HUNDRED DOLLARS (\$26,300.00)
was adopted.

FUND ACCEPTANCE
CHATT.FIRE DEPT.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF FUNDS OF A PERCENTAGE OF THE SEPTEMBER 11 SALES OF FRED'S DISCOUNT STORE TO THE CHATTANOOGA FIRE DEPARTMENT IN THE AMOUNT OF ONE HUNDRED FIFTEEN DOLLARS (\$115.00) AND EXPRESSING THE GRATITUDE OF THE MAYOR AND CITY COUNCIL FOR SAID DONATION
was adopted.

PROPERTY PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY LOCATED AT 3635 FAITH ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM THE TRUST FOR PUBLIC LAND IN AN AMOUNT NOT TO EXCEED ONE HUNDRED SEVENTY THOUSAND DOLLARS (\$170,000.00), PLUS CLOSING COSTS, AND AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR SAID PURCHASE

was adopted.

SPECIAL POLICEMEN APPOINTMENTS

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF NATHAN R. WARNER, MICHAEL W. SHUTTLES, ELIZABETH D. JONES, EDWARD E. BRADLEY, RONALD E. HILL, JOHN SPAIN, AND JAMES MOON AS SPECIAL POLICEMEN (ARMED) FOR THE HAMILTON COUNTY PARKS AND RECREATION DEPARTMENT TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

CONTRACT C.O.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2, RELATIVE TO A CONTRACT WITH EASTMAN CONSTRUCTION COMPANY FOR THE REMODELING OF THE SECOND FLOOR OFFICE AT THE POLICE ANNEX, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY SIX THOUSAND THREE HUNDRED EIGHTY-SIX AND 57/100 DOLLARS (\$6,386.57), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE HUNDRED SEVENTY-FOUR THOUSAND FIVE HUNDRED SIXTY-SIX AND 57/100 DOLLARS (\$174,566.57)

was adopted.

REZONING

2005-224 (Pryor Bacon Company)

Councilman Benson asked Mr. Pace to come to the podium, stating that last week the Council passed on second and final reading a rezoning for Pryor Bacon Company. This is for property between Applegate and East Brainerd Rd. He explained that we had gotten word that we made a clerical error and needed a motion to return this back to Planning. The motion last week was conditioned on *"use shall be limited to office use only"*.

Mr. Pace explained that the applicant is in negotiations with a Bank and under the present terms a Bank would be eliminated; that our intention was to eliminate high density residences.

Councilman Benson agreed that he did not think we meant to exclude banking.

On motion of Councilman Benson, seconded by Councilman Rico, this Ordinance for rezoning will be referred back to Planning so that they can remove the condition *"use shall be limited to office use only"*.

OVERTIME

Overtime for the week ending January 20, 2006, totaled \$53,097.01.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ❖ **STEVE E. OLSON, II**—Termination of Equipment Operator, effective 1/18/06.
- ❖ **WILLIAM A. SPEARS**—Employment of Traffic Electrician, Pay Grade 14/1, \$29,985.00 annually, effective 1/20/06.

PERSONNEL (CONT'D)

CHATTANOOGA POLICE DEPARTMENT:

- ❖ **CARLOS WOODRUFF**—Return to Duty of Police Officer, effective 1/13/06.
- ❖ **MARY JONES**—Family Leave of Absence of Police Records Clerk, Sr., effective 1/18/06—4/12/06.

FINANCE DEPARTMENT:

- ❖ **MARK MESSER**—Hire Internal Auditor, Pay Grade 17/6, \$41,829.00 annually, effective 1/20/06.

CHATTANOOGA FIRE DEPARTMENT:

- ❖ **ALAN CASE**—Return from Family Leave of Absence of Firefighter, effective 1/7/06.

PURCHASE

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

VULCAN MATERIALS CO., SRM AGGREGATES & FLORIDA ROCK INDUSTRY, INC. (Multiple Contracts meeting specs.)
Requisition R0086398/B0002739

Washed and Crushed Stone

\$50,000.00 (Vulcan Construction Materials)
\$25,000.00 (SRM Aggregates)
\$25,000.00 (Florida Rock)

BOARD APPOINTMENTS

Adm. Beverly Johnson stated that she was present on behalf of the Office of Multicultural Affairs and was submitting for approval names to serve as Mayor appointees on the Advisory Board of Multicultural Affairs, as well as Appointees from the Council Districts.

Councilman Pierce questioned if it was in order for former Councilman Yusuf Hakeem's appointee to stay in place.

Attorney Nelson responded that it was fine; that it would be only three months until there would be a successor to Councilman Hakeem.

On motion of Councilman Pierce seconded by Councilman Franklin, the following board appointments were approved:

ADVISORY BOARD OF MULTICULTURAL AFFAIRS:

AFRICAN AMERICAN SUMMIT TASK FORCE CHAIRS

- ❖ Appointment for Economic Development, **SHERRIE GILCHRIST**, for a term expiring **May 1, 2009**.
- ❖ Appointment for Education, **RAY SWAFFORD**, for a term expiring **May 1, 2009**.
- ❖ Appointment for Employment, **WARREN LOGAN**, for a term expiring **May 1, 2009**.
- ❖ Appointment for Health, **IRVIN OVERTON**, for a term expiring **May 1, 2009**.
- ❖ Appointment for Social Services, **TOMMIE PRUITT**, for a term expiring **May 1, 2009**.
- ❖ Appointment for Academic/Research Expertise, **DR. BARBARA MEDLEY**, for a term expiring **May 1, 2009**.
- ❖ Appointment for Legal Expertise/Attorney, **WADE HINTON**, for a term expiring **May 1, 2009**.

BOARD APPOINTMENTS
(CONT'D)

- ❖ Appointment of Former Councilman, **JOHN TAYLOR**, for a term expiring **May 1, 2009**.
- ❖ Appointment of Chair of Chattanooga Human Rights/Human Relations, **ALAN RICHELSON**, for a term expiring **May 1, 2009**.

On motion of Councilman Pierce, seconded by Councilman Rico, the following board appointments were approved:

ADVISORY BOARD OF MULTICULTURAL AFFAIRS:

- ❖ Appointment of **L. DAVID TURNER**, appointee from District 1, for a term expiring **May 1, 2009**.
- ❖ Appointment of **KAIHAN STRAIN**, appointee from District 2, for a term expiring **May 1, 2009**.
- ❖ Appointment of **NORMA HANSON**, appointee from District 3, for a term expiring **May 1, 2009**.
- ❖ Appointment of **JANET PERFETTI**, appointee from District 4, for a term expiring **May 1, 2009**.
- ❖ Appointment of **WILLIAM (BILL) GARDNER**, appointee from District 5, for a term expiring **May 1, 2009**.
- ❖ Appointment of **ARMELIA WILLIAMS**, appointee from District 6, for a term expiring **May 1, 2009**.
- ❖ Appointment of **RACHEL WANTANABE**, appointee from District 7, for a term expiring **May 1, 2009**.
- ❖ Appointment of **SABRINA PALMER**, appointee from District 8, for a term expiring **May 1, 2009**.
- ❖ Appointment of **KHALID HASHMI**, appointee from District 9, for a term expiring **May 1, 2009**.

BOARD APPOINTMENTS
(CONT'D)

Councilman Pierce pointed out that this gives appointees a term limit of this Council; that he would like to see us amend the Ordinance to allow the ability to stagger terms.

Attorney Nelson pointed out that staggered terms are basically in the Ordinance already.

Adm. Johnson stated that they were unable to get this information from anyone; that the recommendation was to come forward now with a term and when the Board convenes, they could determine staggered terms.

Councilman Pierce suggested that the City Attorney look at this. Attorney Nelson responded that it may not be specified by Council District but that he was pretty sure staggered terms were in the Ordinance, and it would be up to the Council and the Mayor to determine terms. Councilman Pierce stated that we would work this out.

Chairman Robinson expressed her appreciation for those willing to serve.

Councilman Page asked that the spelling of his appointee be corrected from "*Hensen*" to "*Hanson*". This correction was so noted by Adm. Johnson.

Councilman Page also wanted to know from Donna Kelley, Personnel Adm., the status of the Blue Ribbon Committee that was appointed some time back to look over the City's current personnel policy. He stated that he would like to have an update; that his appointee had called him to find out when they would be meeting. Ms. Kelley responded that she did not know the status, and Councilman Page wanted to know how we find out. Ms. Kelley stated that she would meet with Mayor Littlefield and report back to the Council.

PURCHASE

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

FDM SOFTWARE, LTD. (Single Source Purchase)
Requisition R0087601

Software Maintenance & Support

\$29,152.09

PURCHASE

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

LOOMIS FARGO & CO. (Best bid meeting specs.)
Requisition R0080663/B0002203

Armored Car Services

\$6,696.00

REFUNDS

On motion of Councilman Pierce, seconded by Councilman Benson, the Administrator of Finance was authorized to make the following refund due to State Board of Equalization appeal of disputed back assessments:

COMCAST CABLEVISION OF THE SOUTH, Refund of property taxes for tax years 2001, 2002, & 2003, in the amount of **\$75,780.29**.

Councilman Benson asked if this was the Comcast Franchise fee. Ms. Madison explained that it was property taxes and not the fee.

REFUNDS (CONT'D)

On motion of Councilman Pierce, seconded by Councilman Franklin, the Administrator of Finance was authorized to make the following refunds of stormwater fees and/or property taxes for overpayments:

COUNTRY OAKS	\$3,602.10
W & M INVESTMENTS, INC.	\$1,047.93
D L ENTERPRISES	\$1,387.79

LIQUOR LICENSE

Bradley William Bauman was granted a Liquor License in the name of **Sam's Liquors** at **2438 Rossville Blvd.** The Certificate of Compliance was duly signed by the majority of the City Council.

This was in Councilman Pierce's district, and he stated that it was a transfer.

BOARD APPOINTMENTS

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

HOSPITAL AUTHORITY:

- ❖ Appointment of **JAMES A. WORTHINGTON, JR.** to fill the unexpired term of Lee Hilling, term expiring on **November 1, 2006.**

Chairman Robinson noted that the Council had read about Mr. Worthington and indeed felt fortunate to have a man of his caliber serving in this capacity.

On motion of Councilman Rico, seconded by Councilman Pierce, the following Board Appointment was approved:

STORMWATER BOARD:

- ❖ Appointment of **BARRY PAYNE** for a term expiring **March 30, 2009.**

COMMITTEES

Councilman Benson explained that the Legal and Legislative Committee met today and one of the items on the agenda was to discuss what is best for the citizens to be served in Councilman Yusuf Hakeem's district on his departure. The committee made a decision to fill this position to give representation for the interim period. This person will be a caretaker with no interest in running for the position on May 2nd. This will be about 100 days, and it makes no sense to put someone in on an interim basis who wishes to run for the position. Councilman Benson stated that the Council would be encouraging people to serve their community as a caretaker for 100 days; that those interested need to turn in their request on or before Monday, January 30th, at 4:30 P.M. He emphasized that they needed to get their names in quickly. On the following day, January 31st, the Legal and Legislative Committee will again meet and review the names of volunteers and will make a decision on how much time they would take to study and review the candidates before choosing someone to replace Councilman Hakeem until there is an election on May 2nd. The first official Council meeting date will be May 9th.

Attorney Nelson stated that for those interested in serving in the interim period or thinking about running, the basic qualifications that must be met are that the person must be 21 years of age; never convicted of a crime; and a resident of District 9 for one (1) full year prior to qualifying for office. He stated that anybody can apply for the interim period or to go on the ballot for May 2nd.

Councilman Pierce suggested that we ask Mrs. Johnson, who has a list of the community organizations in this district, to notify the organizations to see if they want to submit names to the Council by next Monday in order to give them some input. Chairman Robinson agreed that this was a very good idea.

Ms. Johnson stated that her department could do this because they have contact people for each organization, and they can e-mail them tomorrow.

Councilman Pierce instructed her to ask each candidate to give us a written note if they are interested and also a note signed by the Organization that they would be endorsing this individual. He emphasized that it should be someone not interested in running in May.

Ms. Johnson stated that they would send information on e-mail to the neighborhood organizations and request that they send names of people they would like to represent District 9 and get this in to Mrs. O'Neal in writing by 4:30 P.M. on Monday, January 30th.

COMMITTEES (CONT'D)

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee on Tuesday, January 31st at 3:00 p.m.**

Councilman Franklin reported that the Parks & Recreation Committee met this afternoon and Administration would be coming forward with an item in two weeks in regards to a Golf Cart Lease. He mentioned a tag team with Bobby Davenport and an update on additional property on Faith Rd., which is an acquisition for Chickamauga Creek that is in line with 2008 Vision. He also congratulated Councilman Hakeem on his appointment to the State Board of Parole, noting that Charles Traugher is Chairman of this Board. He congratulated him and wished him well on this new venture.

Chairman Robinson also acknowledged Councilman Hakeem, noting that his chair was empty and that he is missing from the dais; that he has had 15 years of long and distinguished service. She stated that he would be long remembered and would serve as a guide and that she wished him well on his appointment to the Tennessee Board of Pardons and Parole. She stated that he would be greatly missed by this City and also the City Council.

She went on to announce a **Manchester Park Neighborhood Meeting on Thursday, January 26th at 7:00 p.m. at the Manchester Park Church of Christ.**

Councilman Page echoed what had been said by Councilman Franklin and Chairman Robinson, adding that Councilman Hakeem was a wise man who will be missed.

Councilman Pierce jokingly said that Councilman Hakeem should have given the Council a day's notice. He went on to say that this was a decision that Councilman Hakeem had to make, and he made the decision; that we would all miss him. He added that he and Councilman Hakeem had never agreed on everything but had maintained their friendship. He noted that he was the only Charter member left on the Council and that he would greatly miss Councilman Hakeem.

JUDGE WILLIAMS

Chairman Robinson extended a cordial greeting to Judge Williams and wished him a Happy New Year. Councilman Benson added that we missed him, too!

Judge Williams stated that he had not planned to say anything but that he would like to ask the City Attorney a question regarding the residency request for candidates from District 9. He noted that we had had this problem before and some had said it was all right. He questioned if a person had to live in District 9 to be eligible for the interim position.

Attorney Nelson responded that a person would have to be a resident from the district for the previous year.

Judge Williams mentioned an incident where a person who lived in the County was eligible for a City Judge, questioning if it had to be on record that a person has lived in District 9 for one (1) year prior to his appointment.

ADJOURNMENT

Chairman Robinson adjourned the meeting of the Chattanooga City Council until Tuesday, January 31, 2006, 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)**

