

CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
March, 25, 2008

Chairman Page called the meeting of the Chattanooga City Council to order with Councilmen Bennett, Benson, Franklin, Gaines, Pierce, Rico and Robinson present. Councilwoman Berz was absent due to 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

Invocation was given by Chief Randy Parker, followed by the Pledge of Allegiance.

MINUTE APPROVAL

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

On motion of Councilwoman Bennett, a correction was made to the Council minutes of March 11, 2008, concerning the Stringers Ridge PUD; there were several matters to be voted on, and the minutes reflected that all five items were to be referred back to the Regional Planning Agency. The Ordinance to rezone tracts of land located in the 200 Block of Sawyer Street and the 900 Block of Merriam Street from R-1 to R-2 should be deferred until the PUD comes through; also the abandonment of a multi-family housing Planned Unit Development should be deferred until the PUD comes through. The three Preliminary PUDS (2008-18, 2008-20, and 2008-21) should be referred back to the Regional Planning Agency. The minutes should be amended to reflect these corrections. Councilman Franklin seconded the motion to accept the March 11, 2008 minutes with the necessary recommendations and changes as outlined by Councilwoman Bennett.

AMEND CITY CODE
CERTIFICATION FEES

On motion of Councilwoman Robinson, seconded by Councilwoman Bennett,

AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 19, BY AMENDING SECTION 19-91 REGARDING CERTIFICATION FEES

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

AMEND CITY CODE
LICENSE FEE

On motion of Councilman Franklin, seconded by Councilwoman Robinson,

AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 27, BY AMENDING SECTION 27-61 REGARDING LICENSE FEE

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

AMEND CITY CODE
LICENSE FEE

On motion of Councilman Franklin, seconded by Councilwoman Robinson,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 22.5 BY AMENDING SECTION 22.5-55 REGARDING LICENSE FEE

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

AMEND CITY CODE
LANDFILLING REQS.

On motion of Councilman Franklin, seconded by Councilwoman Bennett,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, SECTION 31-325, LANDFILLING REQUIREMENTS IN CERTAIN RESIDENTIAL AREAS

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

CLOSE AND ABANDON

MR-2007-096 (Watson Properties)

On motion of Councilman Rico, seconded by Councilman Franklin,
AN ORDINANCE TO APPROVE THE WATSON PROPERTIES FOR THE ABANDONMENT OF A PART OF THE 100 BLOCK OF EAST 22ND STREET, THE 2000 BLOCK OF READ STREET, PART OF THE 2200 BLOCK OF BALDWIN STREET AND AN UPOENED ALLEY LOCATED ON THE SOUTH LINE OF THE 100 BLOCK OF EAST 22ND STREET WITH TENNESSEE AMERICAN WATER, ELECTRIC POWER BOARD, AT&T SOUTHEAST & COMCAST TO MAINTAIN AN EASEMENT IN THE FULL WIDTH, AS REFERENCED IN CASE NO. 2007-096
passed second and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2007-177 (D&M Properties and East LLC)

On motion of Councilman Rico, seconded by Councilwoman Robinson,
AN ORDINANCE TO APPROVE THE REQUEST OF D&M PROPERTIES, LLC FOR THE ABANDONMENT OF TWO UNOPENED ALLEYS LOCATED BETWEEN THE 2800 BLOCKS OF EAST 49TH STREET AND EAST 50TH STREET AS REFERENCED IN CASE No. 2007-177, SUBJECT TO AT&T SOUTHEAST AND CHATTANOOGA GAS MAINTAINING AN EASEMENT OVER THE FULL WIDTH, APPROVAL OF REQUEST IS ALSO SUBJECT TO THE CONDITIONS
passed second and final reading and was signed in open meeting.

Councilman Benson asked if there were any objections to this; that we had heard problems concerning a signed agreement.

Adm. Leach stated that as far as he knew, the Agreement was in progress; that this abandonment would not be effective until the Agreement was given to them.

**MANDATORY REFERRAL
CLOSE & ABANDON**

MR-2008-022 (Barry Yearwood)

On motion of Councilman Franklin, seconded by Councilman Pierce,
**AN ORDINANCE TO APPROVE THE MANDATORY REFERRAL
FOR THE CLOSING AND ABANDONING A PORTION OF
SEWER LINE AND EASEMENT #50377 LOCATED IN THE 100
BLOCK OF PARMENAS LANE, AS REFERENCED IN CASE NO.
2008-022, ALSO, SUBJECT TO THE RELOCATION OF THE
SANITARY SEWER**

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

TEMPORARY USE

**Councilwoman Gaines moved that this Resolution be moved forward.
This was seconded by Councilwoman Robinson.**

On motion of Councilman Pierce, seconded by Councilwoman Gaines,
**A RESOLUTION AUTHORIZING THE BAL HARBOR
HOMEOWNERS' ASSOCIATION TO USE TEMPORARILY THE
MEDIAN IN THE BAL HARBOR CIRCLE TO PLANT TREES
ALONG THE MEDIAN, AS SHOWN ON THE ATTACHED
DRAWING**

was adopted.

Councilwoman Gaines realized that this was not the intended document,
and the meeting proceeded following the agenda.

**AMEND CITY CODE
LARGE VEHICLES**

Councilman Benson noted that this had been discussed in Legal and
Legislative Committee four weeks ago and also today and comes with a
recommendation for approval. The reason for this is to reduce the
number of people who are intruding into neighborhoods in large trucks.

AMEND CITY CODE (CONT'D)

On motion of Councilman Benson, seconded by Councilwoman Bennett,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 11, BY ADDING SECTION 291 TO
RESTRICT THE USE OF LARGE VEHICLES AND/OR
TRAILERS IN RESIDENTIAL DISTRICTS, AREAS,
NEIGHBORHOOD AND ZONES**
passed first reading.

FRANCHISE LEASE

On motion of Councilwoman Bennett, seconded by Councilwoman
Robinson,
**AN ORDINANCE GRANTING UNTO HARBOR LODGING, LLC,
A FRANCHISE IN THE NATURE OF A LEASE FOR
CONSTRUCTION AND MAINTENANCE OF A PUBLIC
PARKING LOT ON REAL PROPERTY OWNED BY THE CITY
OF CHATTANOOGA AND LOCATED AT 201 RIVERFRONT
PARKWAY, CHATTANOOGA, TENNESSEE**
passed first reading.

CONTRACT C.O.

On motion of Councilwoman Robinson, seconded by Councilman
Franklin,
**A RESOLUTION AUTHORIZING THE EXECUTION OF
CHANGE ORDER NO. 1 (FINAL) RELATIVE TO CONTRACT
NO. W-05-002-201, COMBINED SEWER OVERFLOW (CSO)
CONTROL FACILITY ENHANCEMENTS WITH H&H BROWN,
INC., WHICH CHANGE ORDER DECREASES THE CONTRACT
AMOUNT BY TWENTY SEVEN THOUSAND NINETY ONE
AND 20/100 DOLLARS (\$27,091.20) FOR A REVISED
CONTRACT AMOUNT NOT TO EXCEED FOUR HUNDRED
THRITY NINE THOUSAND THREE HUNDRED EIGHT AND
80/100 DOLLARS (\$439,308.80)**
was adopted.

CONTRACT

On motion of Councilman Franklin, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. S-08-002-201, TO STREET CUTS, LLC, FOR PRIVATE SANITARY SEWER SERVICE LINE REPAIR (SLAP) IN THE AMOUNT OF TWENTY TWO THOUSAND FIVE HUNDRED DOLLARS (\$22,500.00), PLUS A CONTINGENCY AMOUNT OF THREE THOUSAND FIVE HUNDRED DOLLARS (\$3,500.00), FOR A TOTAL AMOUNT NOT TO EXCEED TWENTY SIX THOUSAND DOLLARS (\$26,000.00)
was adopted.

TEMPORARY USE

Attorney Nelson noted that there was a need to defer this.

On motion of Councilman Rico, seconded by Councilwoman Bennett,
A RESOLUTION AUTHORIZING LEARA N. MORRIS TO USE TEMPORARILY A RIGHT-OF-WAY FOR THE 600 BLOCK OF CREST DRIVE TO GAIN ACCESS TO AN UNDEVELOPED EASEMENT, AS SHOWN ON THE ATTACHED DRAWINGS
was deferred for one week.

CONTRACT C.O.

On motion of Councilman Rico, seconded by Councilwoman Gaines,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 3 RELATIVE TO CONTRACT NO. W-05-002-101, COMBINED SEWER OVERFLOW (CSO) CONTROL FACILITY ENHANCEMENTS, WITH CONSOLIDATED TECHNOLOGIES, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY TEN THOUSAND ONE HUNDRED FIFTY DOLLARS (\$10,150.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED SEVENTY TWO THOUSAND FOUR HUNDRED DOLLARS (\$72,400.00)
was adopted.

CONTRACT C.O.

On motion of Councilman Rico, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE EXECUTION OF
CHANGE ORDER NO. 1, RELATIVE TO CONTRACT NO. W-
06-009-201, 2006 MISCELLANEOUS SANITARY SEWER
LINING CONTRACT, WITH INSITUFORM TECHNOLOGIES,
INC., WHICH CHANGE ORDER INCREASES THE CONTRACT
AMOUNT BY THREE HUNDRED SEVEN THOUSAND EIGHT
HUNDRED SEVENTY FIVE DOLLARS (\$307,875.00) FOR A
REVISED AMOUNT NOT TO EXCEED FOUR HUNDRED
THOUSAND DOLLARS (\$400,000.00)**
was adopted.

AGREEMENT/
AD VALOREM TAXES

On motion of Councilman Rico, seconded by Councilwoman Robinson,
**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING
TO WESTINGHOUSE ELECTRIC COMPANY, LLC PROJECT,
TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL
DEVELOPMENT BOARD OF THE COUNTY OF HAMILTON,
TENNESSEE, AND TO AUTHORIZE THE MAYOR TO ENTER
INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN
LIEU OF AD VALOREM TAXES**
was adopted.

FORTWOOD AREA POLICY

Attorney Nelson stated that this needed to be deferred for one week.

On motion of Councilman Franklin, seconded by Councilman Pierce,
**A RESOLUTION ADOPTING THE POLICY ATTACHED
HERETO AND MADE A PART HEREOF FOR THE FORTWOOD
AREA**
was deferred for one week.

AGREEMENT

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

On motion of Councilwoman Bennett, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH DOTAN CONSTRUCTION, LLC TO REMOVE AND RE-INSTALL CONCRETE CAULKING AT THE 21ST CENTURY WATERFRONT IN AN AMOUNT NOT TO EXCEED FORTY-EIGHT THOUSAND SEVEN HUNDRED ONE AND 30/100 DOLLARS (\$48,701.30)

was adopted.

OVERTIME

Overtime for the week ending March 21, 2008, totaled \$11,275.45.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **SAM O. HAYNES**—Suspension of Equipment Operator, Sr., effective 3/18/08—3/20-08.

CHATTANOOGA POLICE DEPARTMENT:

- **VANEICA HORTON**—Resignation of Communications Officer, effective 3/18/08.
- **MARCIA KEITH-MOORE**—Resignation of Police Records Clerk, Sr., effective 3/21/08.
- **CHRISTIAN LORENZEN**—Reinstatement of Police Officer, Pay Grade I/4, \$35,825.00 annually, effective 3/17/08.

PERSONNEL (CONT'D)

- **BLAKE MARTIN**—Reinstatement of Police Officer, Pay Grade 1/1, \$21,229.00 annually, effective 3/17/08.
- **MICHAEL S. MCCOY**—Resignation of Police Officer, effective 3/13/08.
- **TONNETTE D. SAUNDERS**—Voluntary Demotion of Police Service Technician, Pay Grade 3/9, \$25,318.00, effective 3/14/08.

DONATIONS

Adm. Zehnder made note of two donations to the Department of Parks and Recreation: (1) An electrician with Advanced Electricity for electricity and hook-up at the Golf Course in Hixson in the amount of \$900.00 in time and material; and (2) A Plumber with Walden Plumbing Co. on Signal Mt. in the amount of \$600.00 for time and material.

PURCHASES

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

KEMIRA WATER SOLUTIONS, INC. (Lowest and best bid)

Requisition R0106988/B0004935

Liquid Ferric Chloride

\$330/dry ton

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

CARMEUSE LIME & STONE, INC. (Lowest and best bid)

Requisition R0106981/B0004948

Bulk Quiklime

\$141.64/dry ton

PURCHASE

On motion of Councilman Benson, seconded by Councilman Rico, all bids for Six (6) Digital Cameras will be rejected so that specifications can be revised. This is a purchase of the Chattanooga Police Dept.

PERSONNEL HEARING

Attorney Nelson stated that he had received a letter from Attorney D. Scott Bennett asking for an appeal of the termination of **LAWRENCE GOODINE** from the Chattanooga Police Department since he has now been acquitted of the charges against him. Officer Goodine is now seeking his position back. A Personnel Hearing was set for **Monday, May 5th at 9:00 a.m.** with a panel consisting of **Councilmen Rico, Benson, and Franklin. Councilwoman Robinson will be the alternate.**

COMMITTEES

Councilwoman Bennett scheduled a meeting of the **Budget and Finance Committee for Tuesday, April 1st at 2:00 p.m.** for a CARTA presentation.

GATHA LOGAN, JR.

Mr. Gatha Logan, Jr. of Mountain Creek Rd. approached the Council stating that he was present to acquire a great service from the City of Chattanooga; that over the past week he was in the Brentwood section of Nashville, Tennessee, at a Disability Meeting; that he had been thinking about this for one and one-half years and had decided to ask the Council for some money—that he needed a lot of money! He stated that he wanted to acquire services for people with disabilities in this City and wanted to make this City as a Beacon of Hope for people with disabilities world-wide. Mr. Logan stated that he needed \$22.1 million dollars because he wanted to acquire the Blue Cross-Blue Shield building and use this as a headquarters for people of disability. He stated that he was trying to fulfill a promise and was also asking for State funding

LOGAN (CONT'D)

so that disability service would be equal or more than M.R.; that disability funding is far behind, and they needed more funding.

He went on to say that people think that disabled persons are always looking to get a hand out and always asking for money; that it is true that they need services; however they want to work for what they get to give them a sense of pride.

Mr. Logan stated that he was asking the Council to accommodate his disability and to listen to the urgent need that he was requesting today.

Chairman Page reminded Mr. Logan that his time was up.

Mr. Logan asked the Council to give him two or three more minutes; that \$22.1 million dollars was what he needed; that he had plans for the different floors of the building, which would accommodate and serve people with disabilities; that the center would service people all across the State and there were 40,000 disabled persons in the State.

Chairman Page stated that he was not trying to be mean but that Mr. Logan's time was up. He thanked him for his opinion; that the City had provided a lot of accommodations for the handicapped and he did appreciate Mr. Logan's efforts in carrying the flag, and he thanked him for his attendance.

Mr. Logan stated that he still needed to speak. He wanted to know what the City of Chattanooga would do for him? Chairman Page explained that this Council could do nothing even though he knew there was much that needed to be done for those with disabilities. Mr. Logan asked Chairman Page to point him in the right direction. Chairman Page indicated that he could not do this—that the Council's prayers were with him and that the Council did think that everyone needs to make sure that handicapped people are taken care of. He asked Mr. Logan to please go back to his seat.

ADJOURNMENT

Chairman Page adjourned the meeting of the Chattanooga City Council until Tuesday, April 1st 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)**