

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
FEBRUARY 25, 2003**

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

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance led by Councilman Taylor, the invocation was given by Pastor Mark Sandilands.

MINUTE APPROVAL

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

REZONING

2002-071 (Volunteer Behavioral Health Care Systems)

Councilman Taylor stated that this case was placed in the wrong place on the agenda; that it should have been for second and third readings. **On motion of Councilman Taylor, seconded by Councilwoman Robinson, this item was moved to the top of the agenda.**

Mr. Jerry Pace, Director of Operations of the Regional Planning Agency, gave some background on the case, noting that this had been going on for several months; that it was passed on first reading for C-2 Zoning, contingent upon the neighborhood and the Health Facility working on conditions; that some conditions had been recommended, but they were not enforceable conditions such as screening, etc.—they were more or less agreements. Mr. Pace stated that to his best recollection, we were waiting to hear the conditions, and he had not seen them; that they had received a letter from Joe Johnson Mental Health asking to withdraw this case.

REZONING (CONT'D)

Mr. Bill Horton, Attorney for Volunteer Behavioral Health Care Systems, stated that they wished to withdraw with the stipulation that they would not refile for one year.

Chairman Littlefield explained that it would be up to the Council on whether they permitted the applicant to withdraw.

Councilman Taylor explained that their major concern was the screening between the neighborhood and the Joe Johnson Mental Health Facility; that the neighborhood had worked untiringly to be a good partner; that their major concern was the buffer or screening between the residential home and the mental health facility. They also wanted to make sure there was off-street parking and that Springer Street was utilized for parking. He stated that he did know there were others requests in the Memo of Understanding between the neighborhood and Joe Johnson to continue to work these things out and that stipulations could be added to the Ordinance.

Mr. Pace stated that he had talked to Councilman Taylor about this; that in looking at the case, the only place they could impose conditions are those on the property; that we can't add conditions that are under consideration; that it was difficult to add conditions to this; that we have to concentrate on the portions being rezoned.

Councilman Hakeem stated that he was not clear and trying to understand this. He asked Councilman Taylor if he was in favor of or opposing the dismissal or withdrawal. Councilman Taylor responded that he was opposed to dismissal.

On motion of Councilman Taylor, seconded by Councilman Pierce,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO
REZONE A TRACT OF LAND LOCATED AT 413 SPRING
STREET, MORE PARTICULARLY DESCRIBED HEREIN FROM
M-1 MANUFACTURING ZONE TO C-2 CONVENIENCE
COMMERICAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed second reading. On motion of Councilman Taylor, seconded by Councilman Benson, the Ordinance passed third and final reading and was signed in open meeting.

Councilman Taylor explained that they had done a Community Plan and presently there is M-1 Zoning in the area, and it is an area of mixed-use; that they were trying to preserve and improve the neighborhood. He stated that members of the neighborhood were present, and they were in favor of moving forward; that they had worked untiringly in trying to make this a part of the neighborhood and had extended an outreach to the mental health community and at this point, in the midst of the stream, the applicant was wanting to withdraw the request.

Linda Bennett, who serves as President of the Northside Neighborhood Association stated that they did support the downzoning; that they were continuing with a series of provisions right now; that they did need to work with Mr. Pace; that this had been hammered out in the past week and now they would have to start all over; that this decision to locate in a residential area is a precedent, and they had started a Task Force, and they felt like they needed to bring this back into play.

Rick Bales, President of the North Chattanooga Neighborhood Association, spoke next and stated that the change to a lower zoning would not affect their operation and would serve to enhance the integrity of their neighborhood; that they felt that this downzoning was extra important for the integrity of their neighborhood and is consistent with the Hill City Plan.

Attorney Horton asked that proper protocol be followed –that he thought his motion to withdraw should be considered first. (Chairman Littlefield pointed out that there was already a motion on the floor). He stated that he would like to give a little history; that when the application to rezone to C-2 was made there was some question whether this would allow them to operate; that after Planning recommended approval without conditions, they were given instructions by Don Young that the change was not necessary to operate as it is; that a letter was sent to the Neighborhood Association and technically rezoning is not required for the way that they were operating; that as far as rezoning, if the Council denied their motion to withdraw, it would pass without conditions.

Councilman Hakeem stated that he was seeking to understand why Joe Johnson Mental Health wanted to maintain an M-1 Zone. Attorney Horton explained that rezoning to C-2 without conditions would in effect be no different from M-1 Zone; that if conditions were imposed, it would affect them.

REZONING (CONT'D)

Chairman Littlefield pointed out that no conditions were written in tonight; however there were some questions; that rezoning to C-2 satisfies the neighborhood.

Councilman Taylor stated that this is a situation where it seems the neighborhood worked untiringly to be supportive, and they requested that the applicant look at the buffer, and they worked to adjust the parking and all of this is within the letter that had been given to them. He stated that this goes to show that the neighborhood has been real supportive and then in the midst of working with the neighborhood, who did not take the "not in my backyard" stance, they see a movement in the other direction. He reiterated that they were trying to be good neighbors, and they were begging Volunteer Behavioral Health Care Systems to be a good neighbor and extend a good faith effort; that their being a part of the neighborhood affects the neighborhood and this withdrawal is in mid stream and this issue had been worked and dialoged beyond all boundaries.

Attorney Horton assured that they would comply with the parking and buffer zone.

ANNEXATION

On motion of Councilman Lively, seconded by Councilman Franklin,

**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND
EXTENDING THE CORPORATE LIMITS OF THE CITY OF
CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN
TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE
LIMITS OF SAID CITY, BEING AN AREA OF TIFTONIA IN
HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE
ATTACHED MAP**

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

ANNEXATION

On motion of Councilman Lively, seconded by Councilman Page,
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND
EXTENDING THE CORPORATE LIMITS OF THE CITY OF
CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN
TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE
LIMITS OF SAID CITY, BEING AN AREA OF TIFTONIA IN
HAMILTON COUNTY, TENNESSEE AS SHOWN BY THE
ATTACHED MAP**

passed second reading. On motion of Councilman Lively, seconded by Councilman Pierce, the Ordinance passed third and final reading and was signed in open meeting.

ANNEXATION

On motion of Councilman Page, seconded by Councilman Pierce,
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND
EXTENDING THE CORPORATE LIMITS OF THE CITY OF
CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN
TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE
LIMITS OF SAID CITY, BEING AN AREA OF HIXSON IN
HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE
ATTACHED MAP**

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

ANNEXATION

On motion of Councilman Page, seconded by Councilman Lively,
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND
EXTENDING THE CORPORATE LIMITS OF THE CITY OF
CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN
TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE
LIMITS OF SAID CITY, BEING AN AREA OF HIXSON IN
HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE
ATTACHED MAP**

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

ANNEXATION

On motion of Councilman Taylor, seconded by Councilman Franklin,
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND
EXTENDING THE CORPORATE LIMITS OF THE CITY OF
CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN
TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE
LIMITS OF SAID CITY, BEING AN AREA OF LEE HIGHWAY
AND INTERSTATE 75 IN HAMILTON COUNTY, TENNESSEE,
AS SHOWN BY THE ATTACHED MAP**

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

ANNEXATION

On motion of Councilman Benson, seconded by Councilman Franklin,
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND
EXTENDING THE CORPORATE LIMITS OF THE CITY OF
CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN
TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE
LIMITS OF SAID CITY, BEING AN AREA OF LEE HIGHWAY
AND INTERSTATE 75 IN HAMILTON COUNTY, TENNESSEE,
AS SHOWN BY THE ATTACHED MAP**

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

ANNEXATION

On motion of Councilman Franklin, seconded by Councilman Benson,
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND
EXTENDING THE CORPORATE LIMITS OF THE CITY OF
CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN
TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE
LIMITS OF SAID CITY, BEING AN AREA OF LEE HIGHWAY
AND INTERSTATE 75 IN HAMILTON COUNTY, TENNESSEE,
AS SHOWN BY THE ATTACHED MAP**

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

ANNEXATION

On motion of Councilman Franklin, seconded by Councilman Lively,
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND
EXTENDING THE CORPORATE LIMITS OF THE CITY OF
CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN
TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE
LIMITS OF SAID CITY, BEING AN AREA OF BONNY OAKS
DRIVE IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY
THE ATTACHED MAP**

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

ANNEXATION

On motion of Councilman Benson, seconded by Councilman Pierce,
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND
EXTENDING THE CORPORATE LIMITS OF THE CITY OF
CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN
TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE
LIMITS OF SAID CITY, BEING AN AREA OF BONNY OAKS
DRIVE IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY
THE ATTACHED MAP**

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

ANNEXATION

On motion of Councilman Page, seconded by Councilman Pierce,
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND
EXTENDING THE CORPORATE LIMITS OF THE CITY OF
CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN
TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE
LIMITS OF SAID CITY, BEING AN AREA OF OLD LEE
HIGHWAY IN HAMILTON COUNTY, TENNESSEE, AS SHOWN
BY THE ATTACHED MAP**

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

ANNEXATION

On motion of Councilman Page, seconded by Councilman Franklin,
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND
EXTENDING THE CORPORATE LIMITS OF THE CITY OF
CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN
TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE
LIMITS OF SAID CITY, BEING AN AREA OF OLD LEE
HIGHWAY IN HAMILTON COUNTY, TENNESSEE, AS SHOWN
BY THE ATTACHED MAP**

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

ANNEXATION

Chairman Littlefield stated that we would like for this to be deferred; that this case involves property that is in the midst of expansion. It has been through the Hamilton County Code System and is going before the Hamilton County Board of Appeals. Chairman Littlefield felt that we would complicate the issue by annexing at this time. This involves Chattanooga Funeral Home and Mr. Pike and Mr. Franklin were here in the interest of this case. Chairman Littlefield stated that he had discussed this with Attorney Nelson and suggested deferring this until March 18th and if we decide to go forward with the annexation, we can exclude this single property.

On motion of Councilman Benson, seconded by Councilman Franklin,
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND
EXTENDING THE CORPORATE LIMITS OF THE CITY OF
CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN
TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE
LIMITS OF SAID CITY, BEING AN AREA OF THE JENKINS
ROAD EXTENSION IN HAMILTON COUNTY, TENNESSEE, AS
SHOWN BY THE ATTACHED MAP**

was deferred until March 18th.

ANNEXATION

On motion of Councilman Franklin, seconded by Councilman Benson,
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND
EXTENDING THE CORPORATE LIMITS OF THE CITY OF
CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN
TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE
LIMITS OF SAID CITY, BEING THE VALLEY HOSPITAL
PROPERTY IN HAMILTON COUNTY, TENNESSEE, AS SHOWN
BY THE ATTACHED MAP**

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

ANNEXATION

On motion of Councilman Page, seconded by Councilman Pierce,
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND
EXTENDING THE CORPORATE LIMITS OF THE CITY OF
CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN
TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE
LIMITS OF SAID CITY, BEING AN AREA OF EAST BRAINERD
IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE
ATTACHED MAP**

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

**AMEND CITY CODE
RELATIVE TO ANIMALS**

On motion of Councilman Pierce, seconded by Councilman Hakeem,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 7, ARTICLE II, SECTION 7-21, ARTICLE III,
SECTION 7-33(a) AND ARTICLE VIII, SECTION 84(c), RELATIVE
TO ANIMALS**

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

ANIMALS (CONT'D)

Sylvia Bennett was present and addressed the Council, stating that since the Humane Society had agreed to adjust rates comparable to veterinarians in the area, when the Contract comes up would the Council not see if the hours can't be adjusted to help the citizens of Chattanooga.

Councilman Benson stated that he knew there was just so much money, and he would like to strongly consider staggering days so people can get over there more conveniently.

Chairman Littlefield noted that the President of the Humane Society was here last week and thought it would be a worthwhile thing if we could make it work.

REZONING

2002-228 (Trotter's Place, Inc.)

Mr. Pace questioned if we had one to substitute on this.

Mr. Bill Sanders, President of Trotter's Inc. was present and explained that they had gotten a new architect and had a new plan. Councilman Benson noted that one question concerned the buffer. He was told that this was okay.

On motion of Councilman Benson, seconded by Councilman Lively,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED IN THE 2200 BLOCK OF HICKORY VALLEY ROAD AND 6710 SHALLOWFORD ROAD MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed second reading. On motion of Councilman Lively, seconded by Councilman Benson, the Ordinance passed third and final reading and was signed in open meeting.

**WRECKER & TOWING
SERVICE**

Councilman Benson stated that this has been to committee and comes with a recommendation.

On motion of Councilman Pierce, seconded by Councilman Page,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 35, ARTICLE IV, SECTIONS 35-146
THROUGH 35-180, RELATIVE TO THE WRECKING AND
TOWING SERVICE**

passed first reading.

**AMENDING CLOSURE &
ABANDONMENT**

MR-2001-153 (Americo Group By Thomas Kale)

Attorney Nelson explained that this Closure & Abandonment was done pursuant to certain conditions and these conditions have not been met so the property is not fully closed and abandoned and is open to action by the Council.

Councilman Page stated that he remembered an issue of adequate notification on this; that one of the adjoining property owners had made a statement.

A gentleman was present who stated that he was involved with getting this closed to sell to Bi Lo, and this fell through, and it had been sold to the Towing and Recovery Museum, and it would be a major problem for them if this were rescinded.

Councilman Taylor asked if the applicant was present, questioning who the applicant was.

Mr. Thomas Kale, who made the initial application for closure and abandonment was present, stating that he was here to represent Americo Group, which is in new ownership involving Eckerds. He stated that he was quite surprised that this was on the agenda tonight; that they had gotten no notification that this was to be considered and that their attorney had not had a chance to review these assumptions. He stated that he thought one of the adjoining property owners made the application to have this rescinded; that it went through Phillip Lynn's office—City Engineer.

CLOSURE & ABANDON.
(CONT'D.)

Councilman Taylor verified that as this was developed that they would follow the conditions in place.

Mr. Kale responded that this would be true, at least from Eckerd's viewpoint; that they were spending \$900,000 to remodel and if this road closure is not in place, this will not happen; that the Ordinance required sidewalks and streetscape in the Bi Lo Development. He stated that that should still be there with Eckerd's and that the Towing and Wrecker Museum should also be required to comply. He reiterated that he was quite surprised that this came back up; that a number of properties had changed hands that would be put in danger by rescinding this closure.

The gentleman representing the Towing and Wrecker Museum stated that they closed on December 30th and this closure was in place then.

Chairman Littlefield suggested deferring this for a week and getting the City Attorney to review this and also talk to the City Engineer.

On motion of Councilman Taylor, seconded by Councilwoman Robinson,
AN ORDINANCE AMENDING ORDINANCE NO. 11216, ADOPTED DECEMBER 4, 2001 AND AS AMENDED BY ORDINANCE NO. 11282, ADOPTED JULY 15, 2002, BY RESCINDING THE CLOSING AND ABANDONING OF ALL RECORDED RIGHTS-OF-WAY IN AN AREA BOUNDED BY WEST 33RD STREET ON THE NORTH, WEST 35TH STREET ON THE SOUTH, BROAD STREET ON THE EAST AND ST. ELMO AVENUE ON THE WEST, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
was deferred for one week.

CLOSURE & ABAN.

MR-2003-001 (Jimmy Hudson)

On motion of Councilman Page, seconded by Councilman Taylor,
AN ORDINANCE CLOSING AND ABANDONING THE UNOPENED 3000 BLOCK OF SYDNEY STREET AND THE UNOPENED 1300 BLOCK OF WEST 30TH 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 first reading.

CONTRACT

On motion of Councilman Lively, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE AWARD OF THE CONTRACT FOR THE DEVELOPMENT RESOURCE CENTER OFFICE BUILDING BUILD-OUT PROJECT TO DP CONSTRUCTION, LLC, FOR THEIR LOW BID IN THE AMOUNT OF FORTY-SIX THOUSAND ONE HUNDRED DOLLARS (\$46,100.00)
was adopted.

CONTRACT

Councilman Benson stated that he was somewhat unready on this; that he had to miss the Parks and Recreation Committee meeting earlier. Chairman Littlefield indicated that this was more than a concessions stand.

Councilman Franklin explained that this is part of the development of the whole ballfield area and involves a re-routing of the sewer system. It was flooded badly and in the course of redevelopment they also included measures to prevent flooding and this was the last part.

Councilman Benson noted that this was all put in place prior to his taking office and put in reserve, and he now understood it was much more than a concessions stand.

CONTRACT (CONT'D)

On motion of Councilman Taylor, seconded by Councilman Pierce,
**A RESOLUTION AUTHORIZING THE CONTRACT FOR THE
CONSTRUCTION OF A CONCESSIONS STAND AT THE
LAKESIDE BALLFIELD COMPLEX TO EASTMAN
CONSTRUCTION COMPANY IN AN AMOUNT NOT TO EXCEED
ONE HUNDRED FORTY-SIX THOUSAND DOLLARS
(\$146,000.00)**

was adopted.

It was noted that Resolutions © through (n) all came before the Public Works Committee with a recommendation for approval.

**RESCIND RESOLUTION
CONTRACT**

On motion of Councilman Lively, seconded by Councilman Franklin,
**A RESOLUTION RESCINDING RESOLUTION NO. 23644,
ADOPTED JANUARY 7, 2003, AND ENCAPTIONED “A
RESOLUTION AUTHORIZING THE AWARD OF CONTRACT
81C, SANITARY SEWER RELOCATION FOR SIGNAL
MOUNTAIN PROJECT WIDENING, TO CASE CONSTRUCTION
SERVICE, INC., FOR AN AMOUNT NOT TO EXCEED FOUR
HUNDRED EIGHTY-SEVEN THOUSAND FOUR HUNDRED
FORTY-THREE AND 40/100 DOLLARS (\$487,443.40),
INCLUDING A CONTINGENCY AMOUNT OF FIFTY THOUSAND
DOLLARS (\$50,000.00)” DUE TO THE FAILURE OF CASE
CONSTRUCTION, INC. TO SUBMIT THE RELEVANT BONDS**

was adopted.

TDOT TRANSFER

On motion of Councilman Hakeem, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO TRANSFER AN AMOUNT NOT TO EXCEED SIXTY-FOUR THOUSAND THREE HUNDRED THIRTEEN DOLLARS (\$64,313.00) FROM THE PUBLIC WORKS CAPITAL PROJECTS FUND P416, TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION (“TDOT”) RELATIVE TO PROJECT NO. LP#1982, BR-STP-3614(4) HAMILL ROAD, BRIDGE OVER UNNAMED BRANCH
was adopted.

TDOT TRANSFER

On motion of Councilman Benson, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO TRANSFER AN AMOUNT NOT TO EXCEED ONE HUNDRED SEVENTY-FIVE THOUSAND FIVE HUNDRED TWENTY-NINE DOLLARS (\$175,529.00) FROM THE PUBLIC WORKS CAPITAL PROJECTS FUND P416, TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION (“TDOT”) RELATIVE TO PROJECT NO. LP #3269, STP-M-9202(79), SHALLOWFORD ROAD OVER FRIARS BRANCH
was adopted.

CHECK ACCEPTANCE

On motion of Councilman Lively, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT A CHECK FROM THE UNITED STATES TREASURY DEPARTMENT IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) ASSESSED IN COURT CASE *UNITED STATES v. HYDRO-VAC SERVICES, ET AL.*, WITH SAID FUNDS TO BE USED TO IMPROVE OR ENHANCE THE OPERATIONS OF THE INDUSTRIAL PRETREATMENT PROGRAM AT MOCCASIN BEND WASTEWATER TREATMENT PLANT
was adopted.

CONTRACT C.O.

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO THE MARKET STREET STREETScape FROM 6TH STREET TO 10TH STREET, CONTRACT NO. SS-6-00 (LANDSCAPING), WITH OOLTEWAH NURSERY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY ELEVEN THOUSAND TWO HUNDRED SEVENTY-SEVEN DOLLARS (\$11,277.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED TWO HUNDRED FORTY THOUSAND TWO HUNDRED TWO DOLLARS (\$240,202.00)

was adopted.

AGREEMENT & DECLAR.

On motion of Councilman Lively, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE A DECLARATION AND AGREEMENT WITH KENCO GROUP, INC., RELATIVE TO THE DEDICATION OF A SEWER LINE LOCATED ON KENCO PROPERTY AT WAUHATCHIE PIKE, HAMILTON COUNTY, TENNESSEE, FOR A TOTAL CONSIDERATION OF TEN DOLLARS (\$10.00)

was adopted.

AGREEMENT & DECLAR.

On motion of Councilman Lively, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE A DECLARATION AND AGREEMENT WITH CONAGRA POULTRY COMPANY, RELATIVE TO THE DEDICATION OF A SEWER LINE LOCATED ON CONAGRA PROPERTY AT 950 WAUHATCHIE PIKE, HAMILTON COUNTY, TENNESSEE, FOR A TOTAL CONSIDERATION OF TEN DOLLARS (\$10.00)

was adopted.

EASEMENT PURCHASE

On motion of Councilman Page, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM DON MOON, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101-56.08, TRACT NO. 027.1, FOR AN AMOUNT NOT TO EXCEED SIX HUNDRED SEVENTY-SEVEN DOLLARS (\$677.00)

was adopted.

EASEMENT PURCHASE

On motion of Councilman Franklin, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE PURCHASE OF A DEED OF PERPETUAL CHANNEL IMPROVEMENT EASEMENT FROM JAMES F. AND CHERYL K. TRIMBLE, RELATIVE TO THE RIVERBANK STABILIZATION PROJECT, PARCET NO. 118N-D-004, TRACT NO. 604E, FOR AN AMOUNT NOT TO EXCEED TWO THOUSAND NINE HUNDRED SEVENTY-FOUR DOLLARS (\$2,974.00)

was adopted.

TEMP ROW USAGE

On motion of Councilman Pierce, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING BRD PROPERTIES TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED AT 711 AND 713 CHERRY STREET TO INSTALL TWO AWNINGS, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMP. ROW USAGE

On motion of Councilman Taylor, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING LINDA McFALLS, PRESIDENT OF THE MISSIONARY RIDGE NEIGHBORHOOD ASSOCIATION, TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF CREST ROAD SOUTH AND SEMINOLE ROAD SOUTH TO INSTALL A MONUMENT SIGN AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

TEMP. ROW USAGE

On motion of Councilman Franklin, seconded by Councilman Page,
A RESOLUTION AUTHORIZING MALCOLM WALKER, PRESIDENT OF THE SHEPHERD COMMUNITY COUNCIL, TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT FISK AVENUE TO PLACE A GATEWAY SIGN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

ALTON PARK PLAN

On motion of Councilman Taylor, seconded by Councilwoman Robinson,
A RESOLUTION APPROVING THE ALTON PARK REDEVELOPMENT PLAN
was adopted.

PRELIM .PUD

On motion of Councilman Taylor, seconded by Councilman Franklin,
A RESOLUTION APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PROPOSED R-3 RESIDENTIAL PLANNED UNIT DEVELOPMENT KNOWN AS THE SPENCER J. McCALLIE HOMES PLANNED UNIT DEVELOPMENT, ON A TRACT OF LAND LOCATED AT 3500 KIRKLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

FINAL PUD

On motion of Councilman Taylor, seconded by Councilman Franklin,
**A RESOLUTION APPROVING A PROPOSED FINAL PLANNED
UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR AN
R-3 RESIDENTIAL PLANNED UNIT DEVELOPMENT KNOWN
AS THE SPENCER J. McCALLIE HOMES PLANNED UNIT
DEVELOPMENT, ON A TRACT OF LAND LOCATED AT 3500
KIRKLAND AVENUE, MORE PARTICULARLY DESCRIBED
HEREIN AND AS SHOWN ON THE FINAL PLANNED UNIT
DEVELOPMENT PLAN ATTACHED HERETO AND MADE A
PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN
CONDITIONS**
was adopted.

OVERTIME

Overtime for the week ending February 21, 2003 totaled \$70,084.66.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ✍ **STEPHEN L. HARRELSON**—Hire as Tree Trimmer, Pay Grade 8/1, \$22,153.00 annually, effective 2/17/03.
- ✍ **ROBERT L. MARSHALL**—Hire as Crew Worker, Pay Grade 3/1, \$18,100.00 annually, effective 2/19/03.
- ✍ **DANNY R. KILGORE**—Promotion from Inventory Clerk to Supply Supervisor, Pay Grade 9/7, \$30,382.00 annually, effective 2/19/03.
- ✍ **DANIEL L. CHANDLER**—Transfer from Crew Supervisor (biweekly) to Crew Supervisor (weekly), Pay Grade 11/11, \$39,451.00 annually, effective 2/21/03.

PERSONNEL (CONT'D.)

- ✍ **RICHARD L. OAKES**—Resignation of Equipment Operator, Senior, effective 1/24/03
- ✍ **JOSEPH B. BLANKS**—Hire as Concrete Worker, Pay Grade 6/1, \$19,843.00, effective 2/10/03.
- ✍ **JOHNNY J. GANN**—Hire as Concrete Worker, Pay Grade 6/1, \$19,843.00 annually, effective 2/10/03.
- ✍ **RALPH JOHN HENDERSON**—Retirement of Quality Control Manager, effective 2/28/03.

CHATTANOOGA POLICE DEPARTMENT:

- ✍ **KENDRA ADAMS**—Family and Medical Leave of Absence for Police Officer, effective 2/21/03—4/21/03.

PARKS, RECREATION, ARTS & CULTURE DEPARTMENT:

- ✍ **JERRY DON COLEMAN**—Termination of Crew Worker, effective 1/31/03.
- ✍ **CHARLES LLOYD, JR.**—Retirement of Crew Worker, effective 2/12/03.
- ✍ **DEXTER BELL**—Resignation of Cultural Arts Specialist, effective 2/20/03.

PURCHASES

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

ADS ENVIRONMENTAL SERVICES (Single Source Purchase)
Requisition R0060041

Comprehensive Service Agreement for ADS Monitoring Equipment

\$175,000.00

PURCHASES (CONT'D)

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

GARDNER DENVER LAMSON (Single Source Purchase)
Requisition R060069/P0018817

Lamson Multi-Stage Centrifugal Blower

\$21,216.00

REFUND

On motion of Councilman Taylor, seconded by Councilman Page, the Administrator of Finance was authorized to issue the following refund of Gross Receipt Taxes due to incorrect tax rate used on 2001 tax return:

RUSSELL FM CO. -- \$1,349.85.

PURCHASE
GRANT WRITING

-

David Eichenthal, Chief Financial Officer, presented a purchase to the Council in regards to Grant Writing for Performance Review. He explained that the purpose was to provide assistance to the Office of Performance Review in regards to grant applications; there is no specific dollar amount.

Councilman Page verified that there was no cost and asked Mr. Eichenthal to explain how this arrangement works.

Mr. Eichenthal stated that one of the recommendations for his department was to identify inefficiencies in city government and to do more in the area of outside grants and that they had been pursuing this; that this arrangement would allow city departments to avail themselves to get outside contracts to assist in grant writing; that we had gone out with RFP's to identify firms that could provide this service; that if a certain department was unable to prepare a proposal, we would have a stable that would be able to assist us; that the various departments would have to find resources in their budget to fund this; that this was just another tool in seeking outside grants.

PURCHASE
(GRANT WRITING)
(CONT'D.)

Councilman Page asked if this would be on a contract by contract basis and if each contract would come before the City Council.

Mr. Eichenthal explained that the ability to go after grants requires time; that we don't go after some grants because we don't have the time and internal resources; that we are trying to ease this process and still let the Council know about the contracts.

Councilman Page indicated that he would like for the Council to have follow-up information when a department applies for a contract and also the cost and that this be done as soon as possible. Mr. Eichenthal responded "absolutely".

Chairman Littlefield noted that the Council has to approve Grant applications. He verified that this was like a request purchase and went through advertising, and we have a matrix where vendors were rated and two were selected, and the department would choose the one most appropriate for each grant; that they would have to come to the Council to approve the Grant.

Councilman Pierce asked if this would include the Police Department; that at the present time they have someone on board to do grant writing. He questioned if this would be all under one head; that Public Works and other departments might get some good out of this, but the Police Department, he felt, should be independent and go after their own grants.

Mr. Eichenthal explained that they had structured this so that when outside firms work on grant writing that they find the sources; that we would continue to basically look for grant opportunities; that Performance Review would be working with departments in developing Grant Proposals; that we are creating a situation because of their expertise, that firms will be available to help departments make good choices and the Office of Performance Review will at least have a backstop; that they would find opportunities and basically want to create a back-up. He explained that this required extensive work and that the Fire Department did partner in this selection process; that they had selected two firms to help out if Performance Review is not in the position to assist; that the departments may use several, and they may not use them; that the opportunity will just be there if the need arises.

GRANT WRITING
(CONT'D)

Councilman Benson stated that he had just received this today at 1:00 P.M., and it is ¼" thick; that he did not like to vote on something without having enough information; that Mr. Eichenthal had explained that various departments would be funding this; that he was surprised that Mr. Eichenthal would bring this to the Council tonight when they had just got the information today.

Councilman Pierce moved to table this for one week. This was seconded by Councilman Page.

COMMITTEES

Councilman Taylor reminded the Council of the **Health, Education, Human Services and Housing Opportunities Committee meeting scheduled for Tuesday, March 4th immediately following the Public Works Committee** to deal with air quality as it relates to diseases.

Councilman Lively asked Mr. Eichenthal if he had any need for a **Finance Committee meeting**; there being no need, no meeting was scheduled.

Councilman Hakeem reminded the Council of the **Public Works Committee meeting scheduled for Tuesday, March 4th at 4:00 P.M.**

Councilman Franklin scheduled a **Safety Committee meeting for Tuesday March 18th immediately following the Public Works Committee.**

Councilman Benson stated that the **Legal and Legislative Committee** would take a hiatus next Tuesday. Mr. Pace reminded him about the South Broad issue that needed to be discussed next week. Councilman Benson scheduled a **Legal and Legislative Committee meeting Tuesday, March 4th at 3:30 P.M.**

MARK SANDILANDS

Pastor Sandilands brought an issue before the Council. He stated that he had gotten a notice on a Grant issued in 2002 by the City of Chattanooga to build a house that had been sold and the funds used; that on January 29th he got a letter from CNE which stated that the Grant was cancelled; that he had gotten no notice from the City; that the house is at 4121 Hooker Rd. and is up for sale, and they are demanding payment of \$55,000 because the Grant was cancelled; that the Grant was cancelled after the house was built and cancelled after the money was spent; that they are asking for \$55,000 in February, and the house is on the market for sale at 4121 Hooker Rd.; that to his knowledge no information had been given to him, and he questioned if this was an oversight.

Chairman Littlefield asked who this was from. Pastor Sandilands stated that the Grant was awarded from the City in 2002 to build a house for Scenic View Development; that after the Contract was signed, the property was given to them; now they are saying the Grant was cancelled, and he questioned how you could cancel something that has already been spent. Pastor Sandilands stated that he had put in a call to Sandra Gober. She stated that she did not know anything about it but would find out and call him; that after two weeks he had not had a return call, and he dropped in on her to see if she had any information, and she was out sick, and he was told he would get a call, but he had not; that he was due to come up with \$55,000 three days from now.

Chairman Littlefield stated that we would ask the City Attorney to talk to CNE and also Mr. Traughber; that we should be able to get an answer to Pastor Sandilands by tomorrow; that he could find out what was going on. Pastor Sandilands stated that a copy of his letter had been sent to Mr. Traughber. Chairman Littlefield went on to say that the Council is at a loss right now; that this is in Councilman Taylor's district, and he asked that a phone number be left with the Clerk of the Council. Councilman Taylor assured him that we would follow up and get answers as to what is going on. Chairman Littlefield noted that this was an unusual situation.

ADJOURNMENT

Chairman Littlefield adjourned the meeting of the Chattanooga City Council until Tuesday, March 4th, 2003 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)**
