

**City Council Building
Chattanooga, Tennessee
January 27, 2004
6:00 P.M.**

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

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance, Vice-Chairman Benson gave the invocation.

**SPECIAL PRESENTATION:
ORANGE GROVE**

Chairman Franklin recognized Mr. Hal Baker, Director of Orange Grove, and turned the meeting over to him.

Mr. Baker thanked Chairman Franklin and members of the Council. He stated that they had just completed 50 years of service, starting out in the old Orange Grove school building on Main Street with 14 students and now they had 650 individuals with a wide range of programs. He told of how much they valued their relationship with the City, especially the recycling program that hired 100 individuals and managed 15 million pounds of recyclables. He mentioned the picnic that was held in July in Miller Plaza with an address by Mayor Corker—over 2,000 families participated, and a Visionary Symposium was held with an address by Councilman Littlefield. The Visionary Symposium was completed in November. He mentioned the publication of a book “**Just One Step**” and recognized the presence of Michael Cook and Larry Cash. At this point he turned the meeting over to Susan Rouse, President of the Board of Directors.

Ms. Rouse stated that when a non-profit organization is successful, it has a

ORANGE GROVE (CONT'D)

lot to do with the leadership, and she thanked the Council for their support in publishing their book. A copy of the book was presented to each Councilmember, and she urged each one to read it and then share it with someone else, stating that they were proud of their accomplishments. She again thanked the Council.

Councilman Hakeem verified with Mr. Baker that Orange Grove was in his district! He went on to say that his district was in the process of creating a Medical Corridor and that Orange Grove was an instrumental part of the development of that concept. Mr. Baker thanked Councilman Hakeem for including them.

Councilman Littlefield stated that there were a number of things that he was proud of in this community, but he knew of nothing that better speaks to the spirit of this community than Orange Grove, mentioning all of their accomplishments over the last 50 years. He stated that Orange Grove was a great source of pride to him and told the story of a college roommate who had a special needs child, stating that the roommate lived in Atlanta, and he recommended that he move his family to Chattanooga because we had a better facility than anything in Atlanta. He reiterated that Orange Grove was a great community asset and wished them good fortune over the next 50 years.

Chairman Franklin added that they had certainly been good stewards of the City and that we were looking forward to another prosperous 50 years. Mr. Baker added that they would be needed as much in 50 years as they are now, stating that they relished their relationship with the City.

SPECIAL PRESENTATION: KNOXVILLE CITY COUNCIL

Chairman Franklin recognized our colleagues from Knoxville—Vol County--who were touring our city. He explained that some of the members of the Council were neophytes due to term limits, and he asked them to come forward, noting that they had already sat in on a committee meeting, and we had done some fraternizing with them and established camaraderie.

Councilman Littlefield stated that some of our Councilmembers were going to Knoxville Friday to look at their new animal shelter and park—that they had made great strides. He stated that we had a super majority

KNOXVILLE CITY COUNCIL

present tonight, with six out of nine of their Councilmen here, noting that he was sure they had not broken any sunshine laws while riding down. He stated that he was contacted by Joe Hultquist, whom he had known on a variety of occasions; that Mr. Hultquist told him that they had elected some new Councilmembers; that it was our pleasure for the Council to go to Knoxville in 1993, and now we were reciprocating. He stated that our Council had been on good behavior, and he asked Mr. Hultquist to introduce their members who were present.

Mr. Hultquist thanked the Council for the food and the way they had opened their door with true hospitality. He thanked the Council for the hospitality and opening the door to them. He introduced Bob Becker from the Fifth District in Knoxville; Marilyn Roddy, an At Large member; Joe Bailey, an At Large Member; Chris Woodhull, an At Large member; and Steve Hall from the Third District. He stated that he represented the First District of Knoxville, where the University was located.

Councilman Littlefield acknowledged appreciation for their presence, stating that we had hoped they would stay the night and pay our room taxes! He presented a Chattanooga Plate that we were sending to their Mayor, stating that we were looking forward to seeing them again soon.

SPECIAL PRESENTATION: ANIMAL ADVOCATES

Chairman Franklin stated that our Animal Advocate, Councilman Benson, had asked that this presentation be made at this time. Councilman Benson called on Richard Dube.

Mr. Dube thanked Councilman Benson and expressed his appreciation to the City Council for his invitation to speak here today. He stated that he was a board member of a local animal friendly group known as HART and had been asked to chair their Spay Day activities; that he had discovered that there were a number of organizations that were planning similar events and that he thought they should act collaboratively to provide a clear and consistent message to the general public. Mr. Dube read from a prepared statement that is made a part of this minute material. As he felt this was an important issue to all citizens, he encouraged the Council to pass a Resolution that would designate **Tuesday, February 24, 2004, as "Spay Day USA"**.

ANIMAL ADVOCATES

On motion of Councilman Benson, seconded by Councilman Littlefield,
**A RESOLUTION DESIGNATING TUESDAY, FEBRUARY 24, 2004, AS
"SPAY DAY USA"**
was adopted.

CLOSE & ABANDON

MR-2003-191 (MICHAEL TWEETY)

On motion of Councilman Page, seconded by Councilman Pierce,
**AN ORDINANCE CLOSING AND ABANDONING A SEWER
EASEMENT AND SEWER LINE ON A TRACT OF LAND LOCATED IN
THE 5800 BLOCK OF LEE HIGHWAY, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED
HERETO AND MADE A PART HEREOF BY REFERENCE**
passed second reading. On motion of Councilman Hakeem, seconded
by Councilman Lively, the ordinance passed third and final reading and
was signed in open meeting.

BUDGET ORD. AMEND.

On motion of Councilman Hakeem, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND ORDINANCE NO. 11434, ENTITLED
"AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR
BEGINNING JULY 1, 2003, AND ENDING JUNE 30, 2004, AND
APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE
MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON
ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND
PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY
SHALL BECOME DELINQUENT; AND PROVIDE FOR INTEREST AND
PENALTY ON DELINQUENT TAXES AND PRIVILEGES." SO AS TO
PROVIDE FOR CERTAIN CHANGES IN SPECIAL REVENUE FUNDS
SET OUT IN SECTION 6**
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.

REZONING

2003-080 (NEAL SPURLING)

REZONING (CONT'D)

Mr. Pace explained that this was part of Hill City and that they had asked for a deferral.

On motion of Councilman Lively, seconded by Councilman Taylor,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LCOATED AT 600 AND 606 HAMILTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-3MD MODERATE DENSITY ZONE
was deferred for one week.

REZONING

2003-107 (City of Chattanooga)

Councilman Littlefield stated that this was discussed in Legal and Legislative Committee and that a deferral was requested.

On motion of Councilman Lively, seconded by Councilman Taylor,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE PROPERTIES WITHIN THE AREA BEING GENERALLY BOUNDED ON THE SOUTH BY MANNING STREET, ON THE NORTH BY OXFORD STREET, ON THE EAST TO THE REAR PROPERTY LINES OF PARCELS WITH FRONTAGE ON FOREST AVENUE AND MISSISSIPPI AVENUE, AND ON THE WEST TO NORTH MARKET STREET, DALLAS ROAD AND HAMILTON AVENUE, MORE PARTICULARLY DESCRIBED HERETO, AND MADE A PART HEREOF BY REFERENCE, FROM R-2 RESIDENTIAL ZONE, R-3 RESIDENTIAL ZONE, R-4 SPECIAL ZONE, C-2 CONVENIENCE COMMERCIAL ZONE, M-1 MANUFACTURING ZONE AND M-3WAREHOUSE AND WHOLESALE ZONE TO R-1 RESIDENTIAL ZONE
was deferred for one week.

Since there were some in the audience in opposition, Councilman Littlefield suggested that we hear them tonight if they wished.

Mr. Jim Crooks of 612 Forrest Ave. spoke in opposition. He stated that back in December he sent out letters to all of the property owners in the area; that out of 120 property owners, he spoke to only one person who is in favor of this issue. He urged the Council to give strong consideration to voting against this. He stated that there were a number of reasons that people were against this, most importantly that people had bought their

REZONING (CONT'D)

property with a particular zone and had plans for it and now this zoning was being taken away from them. He added that different zonings allow for more diversity in neighborhoods, and this was one of the things that he liked about this area. He stated that he appreciated the time the Council had spent on this and the individual council members that he had spoken to.

Mr. Jerry Bonner also spoke in opposition and asked that the Council consider the fact that anytime they approved rezoning that it should be considered for the highest and best use in the area and that R-1 does not fit "the highest and best use". He stated that he did not think this had been looked at in this perspective and the fact that some of the properties are on major thoroughfares. He asked the Council to consider the highest and best use of the property in making their decision.

BERTHING AGREEMENT

Councilwoman Robinson noted that this was discussed the Parks, Recreation, Arts and Culture committee meeting today and comes with a recommendation.

On motion of Councilwoman Robinson, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE EXECUTION OF A BERTHING AGREEMENT, AND ANY RELATED DOCUMENTS, FOR ROSS'S LANDING PARK WITH CHATTANOOGA RIVERBOAT CORPORATION, INC. AND CHATTANOOGA DOWNTOWN REDEVELOPMENT CORPORATION

was adopted.

AGREEMENT

Councilman Hakeem noted that Resolutions (b) thru (e) were discussed in Public Works Committee last week and are recommended for approval.

On motion of Councilman Hakeem, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH VOLKERT & ASSOCIATES, INC., RELATIVE TO CONTRACT NO. E-03-032-100, TRAFFIC STUDY FOR THE HIXSON PIKE "S" CURVES, FOR ENGINEERING SERVICES IN A TOTAL AMOUNT NOT TO EXCEED THIRTY-NINE THOUSAND DOLLARS (\$39,000.00)

was adopted.

AGREEMENT

On motion of Councilwoman Robinson, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH LICHTENSTEIN CONSULTING ENGINEERS, RELATIVE TO CONTRACT NO. E-03-041, WALNUT STREET BRIDGE REHABILITATION, FOR ENGINEERING SERVICES IN A TOTAL AMOUNT NOT TO EXCEED NINETY-ONE THOUSAND FIVE HUNDRED DOLLARS (\$91,500.00)
was adopted.

TEMP. ROW USE

On motion of Councilman Lively, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING BI-LO, LLC, TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF THE 5900 BLOCK OF SHALLOWFORD ROAD TO INSTALL THREE (3) GROUNDWATER MONITORING WELLS, AS SHOWN ON THE MAPS ATTACHED HERETON AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

TEMP. ROW USE

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING ERLANGER HEALTH SYSTEM TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF THE 300 BLOCK OF MARKET STREET TO INSTALL AT THE ENTRANCE OF THE SMOOTHIE KING A CANOPY AND A VERTICAL BANNER THAT WILL SERVE AS SIGNAGE, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

CONF. CENTER COMPLEX

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,
A RESOLUTION OF THE CITY OF CHATTANOOGA, TENNESSEE, AUTHORIZING CERTAIN AMENDMENTS TO THE CONFERENCE CENTER COMPLEX AND PARKING GARAGE LEASE AGREEMENT AND AUTHORIZING CERTAIN ACTION RELATING THERETO
was deferred for one week.

OVERTIME

Overtime for the week ending January 23, 2004 totaled \$66,024.37.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

DONALD R. LAND—Hire as Equipment Operator, Pay Grade 6/1, \$20,429.00, effective 1/16/04.

LAMANORRIO D. WILLIAMS—Hire as Crew Worker, Pay Grade 3/1, \$18,643.00 annually, effective 1/20/04.

LARRY G. COULTER—Rehire as Equipment Operator, Sr., Pay Grade 8/1, \$22,818.00 annually, effective 1/21/04.

STEPHEN K. TRIMBLE—Suspension & Demotion of Crew Worker, 2/9/04-2/27/04.

CHATTANOOGA POLICE DEPARTMENT:

CAMMIE R. TUDORS—Compulsory Leave of Absence for Communications Officer, effective 1/28/04.

CRAIG JOEL—Five-day Suspension without pay for Officer, effective 1/26/04—1/30/04.

HAROLD DIAZ—Return to duty from Military for officer, effective 1/23/04.

CHATTANOOGA HUMAN SERVICES DEPT.:

KARINA HENDRIX—Resignation of Teacher, effective 12/31/03.

STEPHANIE WOODS—Resignation of Teacher Assistant, effective 1/07/04.

PERSONNEL (CONT'D)

PARKS, RECREATION, ARTS & CULTURE DEPT.:

BARBARA READNOWER—Retirement of Recreation Supervisor, effective 12/31/03.

THOMAS GRIBBEN—Hire as Groundskeeper, Pay Grade 7/3, \$23,733.00 annually, effective 12/31/03.

THOMAS HORTON—Termination of Crew Worker, effective 1/6/04.

CHATTANOOGA FIRE DEPARTMENT:

RICHARD M. AKERS—Termination of Captain/Firefighter, effective 1/27/04.

PURCHASE

On motion of Councilwoman Robinson, seconded by Councilman Taylor, the following purchase was approved for use by the Parks, Recreation, Arts and Culture Department:

APPAREL EMBROIDERY, INC. (Lowest complete bid meeting specs.):
Requisition R0072185/B0001131

Uniform Apparel

(See minute material for various prices)

HOTEL PERMITS

On motion of Councilman Lively, seconded by Councilwoman Robinson, the following Hotel Permits were approved:

FRICKS MOTEL—3535 Cummings Highway

LOOKOUT LAKE BED AND BREAKFAST—3408 Elder Mountain Road

REFUNDS

On motion of Councilman Littlefield, seconded by Councilman Lively, the Administrator of Finance was authorized to issue the following refunds on stormwater fees and/or property taxes for 2003 and also refunds for the years 1997-2002 due to assessment appeal settlements:

Edward Stephens (\$1,292.06); Dorothy Lamkin (\$1,137.33); and Varghese Kurien (\$1,010.90) for stormwater fees and/or property taxes for tax year 2003.

Colonial Pipeline Gas (\$17,407.11) and East TN Natural Gas (\$2,270.27) due to assessment appeal settlements.

Total amount of refunds: \$23,117.67.

BOARD APPOINTMENTS

On motion of Councilman Hakeem, seconded by Councilman Lively, the following Board appointment was approved:

GENERAL PENSION BOARD

- ✍ Appointment of **BETTYE LYNN SMITH** to fill the unexpired term of B. Franklin Davis to expire on **July 1, 2004** and she will then be re-appointed to a full term to expire **July 1, 2009**.

On motion of Councilman Lively, seconded by Councilman Hakeem, the following Board appointments and reappointments were approved:

MECHANICAL CODES BOARD OF ADJUSTMENTS AND APPEALS

- ✍ Appointment of **BETH SOLOFF** for a term to expire **March 4, 2006**.
- ✍ Reappointments of **JOE FARLESS** for a term to expire **March 4, 2008**; **GARY HILBERT** for a term to expire **July 1, 2005**; **JAMES RAULSTON** for a term to expire **January 1, 2008**; **FLOYD RUSSELL** for a term to expire **May 9, 2007**; and **B.H. YERBY** for a term to expire **March 4, 2006**.

BD. APPOINTMENTS(CONT'D):

On motion of Councilman Page, seconded by Councilman Pierce, the following Board appointments and reappointments were approved:

BOARD OF MECHANICAL EXAMINERS

- ✍ Appointment of **GLEN SKILES** to expire **October 6, 2007**.
- ✍ Reappointments of **LARRY DANIELS** to expire **October 6, 2007**; **BILL TATE** to expire **October 6, 2007**; and **RANDY SMITH** to fill the unexpired term of Denny Baker, term expiring **May 31, 2004**.

On motion of Councilman Lively, seconded by Councilman Hakeem, the following Board reappointments were approved:

PLUMBING BOARD OF EXAMINERS

- ✍ Reappointments of **ROBERT DAILEY** for a term to expire **May 31, 2004**; **MARION QUARLES** for a term to expire **July 31, 2004**; **JAMES RAULSTON** for a term to expire **July 31, 2004**; and **ELMER THOMAS** for a term to expire **July 31, 2004**.

On motion of Councilman Hakeem, seconded by Councilman Littlefield, the following Board reappointments and appointments were approved:

GAS FITTERS EXAMINERS BOARD

- ✍ Reappointments of **WILLIAM BENTON** for a term to expire **October 6, 2004**; **JESS GRAHAM** for a term to expire **October 6, 2007**; and appointment of **DARRELL BLANCETT** for a term to expire **October 6, 2007**; **MARK STOLPMANN** for a term to expire **October 6, 2007**; **RANDALL TAYLOR** for a term to expire **October 6, 2005**; and **RONNIE WARNOCK** for a term to expire **October 6, 2004**.

Councilman Hakeem questioned the fact that Mr. James Raulston had been reappointed to two boards, asking if this was a problem or if there was a difficulty finding other persons to serve. Mr. Eichenthal responded that this was a series of reappointments and this person has served satisfactorily.

PURCHASES

On motion of Councilwoman Robinson, seconded by Councilman Littlefield, the following purchases were approved for use by the Employee Benefits Dept.:

HARTFORD LIFE (Lowest and best proposal) Requisition R0045576

Group Term Life Insurance

\$290,496.00

HARTFORD LIFE (Lowest and best proposal) Requisition No. R0045577

Group Long Term Disability Insurance

\$294,801.00

Councilman Littlefield asked Tracy Clarke when we would be re-bidding for Health Insurance. Mr. Clarke responded that we are waiting on renewal numbers for CIGNA; that it will be another month.

HEARING: THOMAS HORTON

City Attorney Randall Nelson stated that **Thomas Horton** of the Parks, Recreation, Arts and Culture Dept. had requested an appeal to his termination of employment and asked when the Council would like to set a hearing date and who would like to be on the panel.

The panel will be comprised of **Councilmen Benson, Pierce, and Lively, with Councilman Littlefield being an alternate and the date of the hearing will be Monday, March 22nd at 3:00 P.M.**

COMMITTEES

Councilman Taylor announced to all the Council and the community that on **February 25th at 7:00 P.M., Dr. Maya Angelou** would speak at the **Alton Park Development Corp.**, and he asked for everyone's support.

COMMITTEES (CONT'D)

Councilwoman Robinson noted that she and Councilman Page share in the Grand Opening of the North River Community Center on **February 20th at 6:00 P.M.**

Councilman Pierce thanked Mr. Eichenenthal of the Mayor's Office for the insurance refund and for doing the right thing, stating that employees had expressed to him their appreciation for this.

Councilman Page added to Councilwoman Robinson's announcement concerning the Grand Opening of the facility in the North River Civic Center, which will be on **February 20th**, with the open house being from **2:00 P.M. until 6:00 P.M.** He stated that all Council members were invited and also the community and that they were looking forward to the event.

Due to the announcement by the Mayor, Councilman Lively scheduled a meeting of the **Safety Committee for Tuesday, February 3rd, immediately following the Public Works Committee.**

Councilman Littlefield stated that he would have his usual **Legal and Legislative Committee** meeting at **3:00 P.M. on Tuesday, February 3rd.**

Councilman Hakeem reminded everyone of the **Public Works Committee** meeting scheduled for **Tuesday, February 3rd at 4:00 P.M.** He stated that one of the items to be discussed would be the Wilcox Tunnel, either in a preliminary form or an indepth discussion.

Councilman Benson asked that the **Budget and Finance Committee** be allowed to "piggyback" on the Legal and Legislative Committee to continue with the bond issue.

ADJOURNMENT

Chairman Franklin adjourned the meeting of the Chattanooga City Council until Tuesday, February 3rd 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)**