

City Council Building
Chattanooga, Tennessee
February 17, 2004
6:00 p.m.

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

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Page gave invocation.

MINUTE APPROVAL

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

AMEND CITY CODE

On motion of Councilman Hakeem, seconded by Councilman Benson,

AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 2, ARTICLE III, SECTIONS 2-272 THROUGH 2-289, REVISING THE OCCUPATIONAL SAFETY AND HEALTH (OSHA) PROGRAM, AND REVISING THE OSHA RULES AND REGULATIONS FOR THE CITY OF CHATTANOOGA, AND TO PROVIDE FOR A DIRECTOR AND THE IMPLEMENTATION OF SUCH PROGRAM

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

REZONING

2003-148: Glasscock Development, Joe Glasscock

Jerry Pace, Director of Operations with the Regional Planning Agency (RPA), stated that the applicant has requested an additional week's deferment on this matter.

On motion of Councilman Littlefield, seconded by Councilman Lively,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 613 WEST VIEW ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO RT-1 RESIDENTIAL TOWNHOUSE ZONE, SUBJECT TO CERTAIN CONDITIONS
was tabled one week at the request of the applicant.

REZONING

2004-002: Edward Wall

On motion of Councilman Hakeem, 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 309 FOREST AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE
passed second reading. On motion of Councilman Lively, seconded by Councilman Littlefield, the Ordinance passed third and final reading and was signed in open meeting.

REZONING

2004-008: Chattanooga Elks Lodge #91

On motion of Councilman Benson, seconded by Councilman Littlefield,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE THE NORTHEAST CORNER OF PROPERTY LOCATED AT 1067 GRAYSVILLE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
passed second reading. On motion of Councilman Pierce, seconded by Councilman Littlefield, the Ordinance passed third and final reading and was signed in open meeting.

REZONING

2004-012: Chattanooga Neighborhood Enterprise

On motion of Councilman Pierce, seconded by Councilman Littlefield,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED IN THE 800 BLOCKS OF EAST 8^H STREET AND FLYNN STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2004-016: City of Chattanooga

On motion of Councilman Littlefield, seconded by Councilman Hakeem,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE THREE (3) TRACTS OF LAND LOCATED IN THE 6700 BLOCK OF BONNY OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 TEMPORARY MANUFACTURING ZONE TO M-1 PERMANENT MANUFACTURING ZONE AND R-1 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2004-009: Martin McNabb

Mr. Pace stated this matter was heard last week and the request is for C-2 for a storage building. He stated the Staff and Planning recommend rezoning only a portion of the property that is within 45 feet of the east property line. He stated there has been some discussion with regard to rezoning the entire tract for C-2 to accommodate the storage facility building for use by the businesses on the site. He stated a 20-foot landscape buffer would automatically have to be built to protect the residential uses to the rear.

REZONING (Continued)

Chairman Franklin indicated that he has spoken with the applicant and has been assured the rezoning would be restricted to the storage area only; that the applicant understands the landscaping requirements and is willing to do that. He stated that he consulted with Councilman Page, who now represents that part of the district, as the Highway 58 plan has been completed.

Councilman Page made the motion to approve this matter on first reading with the understanding the conditions reflect that the rezoning is subject to use for the "storage facility only"; Councilman Lively seconded the motion.

Chairman Franklin recognized the presence of Edward Freeman, a member of the Mimosa Park Residential Association and indicated that the Association has been actively involved in this and has been consulted.

On motion of Councilman Page, seconded by Councilman Lively,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE PART OF A TRACT OF LAND LOCATED AT 5008 HIGHWAY 58, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

DEVELOP NEIGHBORHOOD PLAN

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO DEVELOP A NEIGHBORHOOD PLAN FOR THE AVONDALE NEIGHBORHOOD AND SURROUNDING AREA
was adopted.

AGREEMENT: SANI-TECH JETVAC SERVICES

Councilman Hakeem stated Resolutions (b) – (d) were discussed in today's Public Works Committee and approval is requested.

AGREEMENT: SANI-TECH JETVAC SERVICES
(Continued)

On motion of Councilman Hakeem, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH SANI-TECH JETVAC SERVICES, RELATIVE TO PROVIDING SEWER CLEANING OF THE INTERCEPTOR SEWER SYSTEM (ISS), IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00)
was adopted.

CHANGE ORDER

On motion of Councilman Lively, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 (FINAL), RELATIVE TO CONTRACT NO. SS-1-02, CARTER STREET AND 13TH STREET STREETScape, WITH STEIN CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY ONE HUNDRED ELEVEN THOUSAND ONE HUNDRED THIRTY-EIGHT AND 26/100 DOLLARS (\$111,138.26), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED FOUR THOUSAND FIVE HUNDRED NINETY-SEVEN AND 44/100 DOLLARS (\$1,104,597.44)
was adopted.

GRANT

Councilman Hakeem stated this matter was discussed in the Public Works Committee today and noted that the Wilcox Tunnel is located in District 9, yet it "belongs to everyone" as has been previously stated by one of his colleagues. He stated that every neighborhood in his district was notified of the meeting and a number were present. He stated this is only the first step in applying for the grant and no final decision has been made as to how the grant will be used if it is received; that there would be ample opportunity for the community's input prior to that time.

Councilman Hakeem stated the reason he invited several people to the meetings is so they could hear the information firsthand as the Council receives it, indicating that there is no attempt to hide anything. He stated that he went beyond the call to make sure every neighborhood was aware of what was happening.

GRANT (Continued)

On motion of Councilman Benson, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR AND, IF APPROVED, ACCEPT A GRANT FOR IMPROVEMENTS AND STRUCTURAL REPAIRS TO THE WILCOX TUNNEL, FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION, IN THE AMOUNT OF TWO MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$2,800,000.00); AND, IF AWARDED, AUTHORIZING LOCAL MATCHING FUNDS OF UP TO TWENTY PERCENT (20%), IF REQUIRED
was adopted.

SPECIAL POLICEMAN

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF RODNEY J. PATTON AS SPECIAL POLICEMAN (ARMED) FOR ERLANGER HEALTH SYSTEMS TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

OVERTIME

Overtime for the week ending February 13, 2004 totaled \$12,932.52.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ✍ **ROGER N. SCOTT** – Hire, Building Inspector, Codes and Inspection, Pay Grade 13/Step 4, \$33,031.00 annually, effective February 23, 2004.
- ✍ **ALONZO C. LEWIS** – Hire, Equipment Operator, Sr., Citywide Services, Pay Grade 8/Step 1, \$22,818.00 annually, effective February 18, 2004.

PERSONNEL (Continued)

CHATTANOOGA POLICE DEPARTMENT:

- ✍ **MITCHELL MOSS** – Extended Military Leave, Police Officer, November 1, 2001 – May 11, 2004.

- ✍ **STEPHEN COLEMAN** – Suspension (2 days without pay), Police Officer, effective February 11-12, 2004.

PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Pierce, the following purchase was approved for use by the Chattanooga Human Services Department:

ATLANTIC DISTRIBUTORS (Single source)
R0073823/B0001256

Cole and Dry Storage and Delivery per TCA 6-56-301

\$2.00/case

REFUND

On motion of Councilman Hakeem, seconded by Councilman Lively, the Administrator of Finance was authorized to issue the following refund for tax years 2000-2003 due to State of Tennessee exemption approval effective January 1, 2000 and a refund of companies assessed by the State of Tennessee where appeals have been settled for State of Tennessee certifications, respectively:

| | |
|--------------------------|--------------------|
| PSI CHI | \$ 9,457.55 |
| HIGHWAY TRANSPORT | 3,064.44 |

BOARD APPOINTMENT

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

PLANNING COMMISSION BOARD:

- ☞ Appointment of **VANCE TRAVIS** for a term expiring May 31, 2008 and **JILL MONTREY** for a term expiring May 31, 2007.

PURCHASE

On motion of Councilman Lively, seconded by Councilwoman Robinson, the following purchase was approved for use by the Finance Department, Information Services Division:

INTECH AND MODERN CABLE TECHNOLOGY, INC. (Lowest and best proposals)
R0069644

Structured Cabling Services Requirements Contract

(Price information available and filed with minute material)

GAS/ELECTRIC HYBRID VEHICLES

Richard Hutsell of Codes and Inspection with the Public Works Department stated that the Department is requesting the purchase of two gas/electric hybrid vehicles. He stated that an assessment was made of the needs of some of the employees within the Department and research was conducted to determine the most responsibility financial option. He stated that a comparison was made with J. D. Power and Associates with regard to the eight -year cost of ownership of the Honda hybrid vehicle as compared to the Taurus and Chevrolet Malibu the City has previously purchased. He stated the results reflect the costs saved over an eight -year period based on maintenance, repairs and fuel for a Honda would be \$3,950, for a Taurus \$10,711, and the Chevrolet Malibu, \$7,220.

Mr. Hutsell stated that the bid come in with a warranty for seven years or 100,000 miles including a service package for 50,000 miles provided by the local dealer, Capital Toyota, who will also provide a loaner vehicle during servicing. He stated this purchase would substantially reduce maintenance and fuel costs.

GAS/ELECTRIC HYBRID VEHICLE (Continued)

Mr. Hutsell continued by stating that this is a new technology and something both domestic and foreign manufacturers have looked into. He stated that he was surprised during the research to find in the January *Motor Trends* magazine that this has been chosen as the "car of the year" because they were so impressed with it.

Councilman Page inquired as to how the gas/electric hybrid vehicle operates.

Mr. Hutsell explained that the gas/electric hybrid is a combination of a small gasoline engine and electric motor generator with two (2) inverters. He stated the primary source would be from the electric source; that when the electric source is drawn down and not charged the gas engine will crank. He stated that the gas would keep the battery charged and the gasoline engine "kicks in". He stated the change would be seen on the computer screen when it occurs, however it would not be felt while driving the vehicle. He stated it is amazing, as it will get 60 miles per gallon in the City.

Councilman Page asked if inspectors in the department would use the vehicle. Mr. Hutsell responded "yes"; that there are two inspectors under his supervision.

Councilman Littlefield stated that he knows people who have them and they have been surprisingly successful.

PURCHASES

On motion of Councilman Littlefield, seconded by Councilwoman Robinson, the following purchases were approved for use by the Public Works Department:

AVANTI INTERNATIONAL, INC. (Best bid)

R0068851/B0001229

Sewer Grouting Materials

(Price information available and filed with minute material)

AMERICAN MUNICIPAL SUPPLY (Lowest bid)

R0072631/B0001242

Sewer Pipe

(Price information available and filed with minute material)

PURCHASES (Continued)

TRIAD CORPORATION (Best proposal)

R0073069

Diesel Generator *(The lowest proposal by Integrated Power System failed to meet specifications.)*

\$42,573.00

CAPITAL TOYOTA (Best proposal)

R0042224

Two (2) Gas/Electric Hybrid Vehicles (\$22,308.00 ea.) *(Both Economy Honda and Honda of Cleveland submitted lower proposals, however, Capitol Toyota's proposal includes a superior warranty package. Also, the Toyota Prius is rated superior in performance as compared to the Honda Civic by several organizations in the automotive industry.)*

\$44,616.00

VULCAN MATERIALS (Best bid)

R0073099/B0001212

Concrete

(Price information available and filed with minute material)

MUNICIPAL EQUIPMENT (Lowest and best bid)

R0071536/B0001194

Two (2) Hydraulic Knucklebooms (\$87,206.00 each)

\$174,112.00

NORTH RIVER CIVIC CENTER

Councilwoman Robinson stated that she and Councilman Page are getting ready for the opening and dedication of the North River Civic Center on Friday, February 20 from 2-6 p.m. She stated they are seeking ideas on how to program the facility and invited the public to come or call 311 to make suggestions or recommendations as to its use.

NORTH RIVER CIVIC CENTER (Continued)

Councilman Page stated that the facility has 5,400 square feet and will be used for both public events and services for the area. He encouraged everyone in the north river area to participate and share their ideas as to how they want this facility developed. He stated there are several things on the "drawing board" and the residents will decide what is important for the north river area to have.

Councilman Lively made Councilmen Page and Robinson aware that he would not be able to attend the event on Friday because he would be out of town.

COMMITTEES

Councilman Hakeem scheduled a meeting of the **Public Works Committee for Tuesday, March 2 beginning at 4 p.m.**

Councilman Littlefield scheduled a meeting of the **Legal and Legislative Committee for Tuesday, February 24 at 3 p.m.**

Councilman Benson added that the Legal and Legislative Committee would hear a report from "Barbi" Wilson, the City's representative to the Humane Society Board. He stated Ms. Wilson has met two-or-three times with the Board and will make periodic reports concerning their activities and affairs. He stated her report will be given at 3 p.m. and if any of the Council members would like a one-on-one meeting with her, she would be available at 2 p.m., one hour prior to the meeting. He stated there would be two opportunities for Council members to talk with her; he stated the 3 p.m. meeting would be considered as a Committee of the Whole to hear her report.

Councilman Page asked if there would be a formal written report in addition to the verbal report.

Councilman Benson stated Ms. Wilson has been giving us written reports; that one has been distributed previously. He encouraged Council members to talk with Ms. Wilson at 2 p.m. regarding their own personal concerns.

REZONING REQUEST

Councilman Littlefield stated that he would like to make a motion with regard to a residential street off Lee Highway, west of Shallowford Road, that has been affected by flash flooding for a number of years. He stated that this started some years ago and efforts to remedy the situation have not been totally successful. He stated residents have complained, which has been understandable for a number of years.

REZONING REQUEST (Continued)

Councilman Littlefield made the motion to ask Planning to rezone all residential property on that dead end street (a residential street off Lee Highway, west of Shallowford Road) to R-4 and give an option of converting some of the houses, most of which are duplexes, to small office operations similar to a real estate or insurance office: Councilman Lively seconded the motion. He stated this is an area he recently inherited with the redistricting and would like to initiate this process.

NORTH BRAINERD NEIGHBORHOOD ASSOCIATION

Chairman Franklin announced that there would be a meeting of the North Brainerd Neighborhood Association on Thursday at 6 p.m. at Dalewood Middle School. He stated one topic on the evening's agenda would be the North Brainerd Land Use Plan.

MAXINE COUSIN

Maxine Cousin, former Executive Director of Concerned Citizens for Justice and currently of the Atlanta Organizing Committee stated that she does not like coming to the Council meeting because it is a useless effort. She stated on December 6, 2003, she and others commemorated the anniversary of her father's death to remind the community that men and women are dying; people who never received justice. She stated she has communicated with Councilmen Hakeem, Littlefield and Taylor and nothing has been done about her father's death, even though the person was named it was never investigated. She stated that the family asked that the proper authority handle the matter and rather than provide judicial remedies, it was handled through fraudulent means.

Ms. Cousin stated that Mayor Roberts and the City Attorney made a "deal" to settle the matter, but they could not stop it because they couldn't start it and didn't control it. She stated Tommie Brown has claimed leadership in Chattanooga and Moses Freeman and Ward Crutchfield wrote proposals to metropolize this City, which made her (Brown's) statement a big contradiction. She stated consolidating the City and County through illegal tactics is continuing in this City.

MAXINE COUSIN (Continued)

Ms. Cousin stated that she was present to say to everyone that they have consistently denied her family their right to justice under the law; that it has become a mechanism that has manifested itself and whatever happens is the Council's responsibility. She stated until this is done right, the Council will never achieve what they want; that all their plans will backfire, hopes will disappear and they will always have to rationalize the unjust murder of men, women and children. She stated that a crime has been committed! She stated that she went to and beseeched the City Attorney regarding what they want; that they want the name of the person who killed her father relayed to the family of Wadie Suttles; that they want a civilian oversight committee, restitution for twenty years of being a victim of gross human rights violations and a public apology for more than twenty years of living in this inhumane, unjust merry-go-round! She concluded her comments by stating that Council members' families are no more important than hers and that she is angry because they can do something and haven't! She stated that she wants ethical leadership and justice, as this cannot continue. She stated this is the last time she would come before them and whatever happens is their responsibility.

SHIRLEY DEAKINS

Shirley Deakins stated all she could say is "me too"; that all the rest exists because of this same bunch of things and few people who think they are the owners of this town; those who "got along to get along". She stated there are team players in this public/private circle of debauchery and deceit and she is ashamed! She stated that she lives on Baker Street and has been censored by the media, as she cannot talk about these things. She stated that she would have to congratulate all on the Council and her alma mater; that she would have to say they are the "most of the worst"!

ADJOURNMENT

Chairman Franklin adjourned the meeting of the Chattanooga Council until Tuesday, February 24, 2004 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)