

**City Council Building
Chattanooga, Tennessee
May 4, 2004**

Chairman Benson called the meeting of the Chattanooga Council to order with Councilmen Franklin, 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, Andy Mendonza of Widows Harvest Ministries gave invocation.

Mr. Mendonza explained that the Widows Harvest Ministry began in Chattanooga in 1987 on Mitchell Avenue in the old YMCA building and has basically been operating in two areas -- one, helping widows with home repairs with regard to anything that a widow in our city needs (roofing, painting, repairing toilets, whatever!). He stated they try to meet their needs and the service is completely free and costs the widow nothing. He stated the other area that is even more important is recognizing the great treasure that our widows are throughout our community and the gift that God has given them, especially in the area of prayer. He stated there are many widows that are part of the Widows Ministry and some have been a part since the very beginning. He stated they meet every week for prayer; that their prayers are not only for our city and nation, but actually have gone around the world. He stated they have partnered with widows in Africa, India, Pakistan and universally; that because of their prayers they have started an international prayer ministry of widows. He stated that he encourages leaders to realize everyone overlooks this group and they are the greatest resource and treasure we have in our society and city. He stated all should take advantage and enlist widows to pray for them and our city.

MINUTE APPROVAL

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

**SPECIAL PRESENTATION: ANDY MENDONZA —
WIDOW'S HARVEST CONFERENCE**

Councilman Littlefield stated that he has known Mr. Mendonza for many years and the work he does is wonderful. He stated that his father was for many years City Manager of Savannah, Georgia and as a result, Mr. Mendonza understands the trials and tribulations cities go through. He stated Widows Harvest is having a special program on May 15 at the Trade Center and the Council and Mayor wanted to recognize that and, hopefully, through the opportunity that television coverage provides, make people in Chattanooga more aware. He stated with the assistance of Council Chairman Benson and Mayor Corker, Mr. Mendonza was presented a proclamation proclaiming Saturday, May 15 as a "Day of Special Prayer and Devotion for Widows". Councilman Littlefield read the proclamation and expressed best wishes and stated that he is scheduled to be an usher for the event and will try to recruit others from the Council.

**SPECIAL PRESENTATION: VISITORS FROM TIEL,
GERMANY'S POLICE DEPARTMENT**

Sgt. Scott Dieter of the Chattanooga Police Department stated that he oversees the intern program and three-to-four months ago he received a letter from Germany requesting that three officers do training abroad. He stated a visit was made and the three officers have been with the Department for the past three weeks. He introduced the Officers and explained that the three have been spending about two years going through Police College, which give them the equivalent of the rank of Lieutenant within the Chattanooga Police Department. He stated this is their final week with the Department and that they have met the Mayor; that he thought it would be good to show them how our City Council and government works.

Officer Alexander Trey served as spokesman and stated that it is a great honor to be here and meet the Council and those in the audience. He stated that their visit has been overwhelming and never thought that they would receive the care they have from police officers and every single person they have met in the south, which is so lovely! He stated everyone has been very helpful and he could only repeat that they have been overwhelmed by how nice everyone has been to people from a thousand miles away! He thanked the Council for allowing them to speak.

Chairman Benson thanked the three officers for their attendance and complimented them for being wonderful ambassadors.

AMEND CITY CODE

Councilman Littlefield stated that this matter has been discussed many times in committee and comes with the recommendation for approval on second and third reading.

Don Mellon of Clear Channel thanked the Council for the manner in which business was conducted during the redesign of this ordinance. He expressed thanks particularly to Councilman Littlefield. He stated on behalf of the industry, he wanted to thank the Council for the great example of how industry can come together with city officials and do right for the public.

Councilman Littlefield made reference to the moratorium for new permits, which he will propose be lifted effective at the time this Ordinance becomes effective two weeks from tonight.

Councilman Lively made the motion to substitute the amendments to this Ordinance; Councilman Littlefield seconded the motion; the motion carried.

On motion of Councilman Littlefield, seconded by Councilman Hakeem,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
CHAPTER 3, ARTICLE I, SECTIONS 3-2, 3-7, 3-8, 3-13, 3-18 AND 3-20,
ARTICLE II, SECTION 3-21, ARTICLE III, SECTION 3-33, AND ARTICLE V,
SECTIONS 3-52 AND 3-55, RELATIVE TO SIGNS**

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.

AMEND CITY CODE

Councilman Pierce and Page made the motion and second to approve this Ordinance on second reading.

Carl Vonnoh of 2242 Morris Hill Road read from a prepared statement expressing his displeasure with regard to repealing the blue law. He stated that he came to the Council meeting to say that he understands the intent of the Mayor who stated that this has to be the finest, most intelligent and most public-spirited City Council in the State. He referenced Chapter VI of the Constitution of the State of Massachusetts and stated that he is or claims to be a Christian and expressed apology for not being present last week when the vote was taken to begin this process to repeal the blue law; that he did not learn of the vote prior to the day and was not able to attend and assured the Council this would not happen again.

AMEND CITY CODE (Continued)

Mr. Vonnoh made reference to the public mandate for repeal of the blue law and questioned how that was known. He stated 2500 persons were surveyed and 556 of those persons responded; that 85% of those responding were in favor of repealing the law, which are the numbers the Council is using to determine the public's will. He stated the Council should not assume this number represents the will of the public. He stated his Council representative and the Council's Chairman, Councilman Benson, was quoted as saying that "t is "government intrusion into religion", which is not the case. He quoted Abraham Lincoln's mandate with regard to the last Thursday of November as a day of Thanksgiving; that the blue laws were instituted as a day to rest and worship the Creator. He stated to do away with Thanksgiving is being intrusive, yet he does not pretend to have the solution; that this becomes a defacto religious issue.

Mr. Vonnoh continued by stating that the matter before the Council is a matter of law and the Council's duty is to determine the will of the public; that the public's will has not been heard on the matter. He stated three weeks ago one man asked for exemption from the blue law, and prior to that business owners were surveyed and only a few weeks later there was a vote for repeal of the law. He stated the editorial in the Times indicated that this was the wish of a majority of constituents; that if the Council believes this is the will of the public he respectfully disagrees. He stated if there are other factors of which he is unaware he would rest his complaint. He closed with the words of Thomas Jefferson and expressed thanks to the Council for listening to him.

At this point, Councilman Franklin "called for the question" on the motion and second to approve on second reading.

On motion of Councilman Pierce, seconded by Councilman Page,

**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
CHAPTER 25, CHAPTER 6 AND CHAPTER 11, BY REPEALING SECTIONS
25-25, 6-4, 6-5 AND 11-62, RELATIVE TO DOING BUSINESS ON SUNDAY**

passed second reading; **Councilmen Hakeem and Lively voted "no"**. On motion of Councilman Pierce, seconded by Councilman Franklin, the Ordinance passed third and final reading and was signed in open meeting; **Councilmen Hakeem and Lively voted "no"**.

CLOSE AND ABANDON

MR-2003-225: City of Chattanooga c/o Phillip Lynn

On motion of Councilman Hakeem, seconded by Councilman Page,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF
RIVERFRONT PARKWAY, MORE PARTICULARLY DESCRIBED HEREIN AND
AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART
HEREOF BY REFERENCE**
passed first reading.

CLOSE AND ABANDON

MR-2004-057: Todd Long

Councilman Littlefield made the motion to deny this request as recommended by staff of Public Works. He stated the Resolution for temporary use is recommended.

On motion of Councilman Littlefield, seconded by Councilman Franklin,
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY
LOCATED IN THE 1500 BLOCK OF OLD RINGGOLD ROAD, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**
was denied.

TEMPORARY USE

MR-2004-057: Todd Long

On motion of Councilman Littlefield, seconded by Councilman Lively,
**A RESOLUTION AUTHORIZING TODD LONG TO USE TEMPORARILY THE
CITY'S RIGHT-OF-WAY OF AN ALLEY LOCATED IN THE 1500 BLOCK OF
OLD RINGGOLD ROAD TO INSTALL A FENCE, SUBJECT TO CERTAIN
CONDITIONS**
was adopted.

TEMPORARY USE

On motion of Councilman Taylor, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING ALAN COFER TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED IN AN UNOPENED AND UNMAINTAINED ALLEY BETWEEN THE 5300 BLOCK OF VIRGINIA AVENUE AND BEULAH AVENUE TO GAIN ACCESS TO THE BACKSIDE OF HIS PROPERTY, SUBJECT TO CERTAIN CONDITIONS
was adopted.

TEMPORARY USE

On motion of Councilman Lively, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING JOHN HENSLEY, JR. (ARCADIS G&M, INC.) TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED AT 1250 MARKET STREET TO INSTALL A GPS BASE STATION ANTENNA AND WIRE, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

SPECIAL POLICEMAN: ERIC C. PAYNE

On motion of Councilman Page, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF ERIC C. PAYNE AS SPECIAL POLICEMAN FOR ERLANGER HEALTH SYSTEMS TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

LEASE AGREEMENT

Councilman Franklin stated Resolutions (e) – (j) were discussed in today's Parks and Recreation Committee and approval is recommended.

On motion of Councilman Franklin, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO EXECUTE A LEASE AGREEMENT WITH THE COUNCIL FOR ALCOHOL AND DRUG ABUSE SERVICES, INC. (CADAS) RELATIVE TO SPACE WITHIN THE NORTH CHATTANOOGA RECREATION CENTER AS OUTLINED IN THE LEASE ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
was adopted.

CONTRACT

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO EXECUTE A CONTRACT WITH ARTECH DESIGN GROUP, INC., RELATIVE TO DESIGN SERVICES AT THE WASHINGTON HILLS RECREATION CENTER, IN AN AMOUNT NOT TO EXCEED FORTY THOUSAND DOLLARS (\$40,000.00)
was adopted.

CONTRACT

On motion of Councilman Franklin, seconded by Councilman Page,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO EXECUTE A CONTRACT WITH EASTMAN CONSTRUCTION COMPANY, RELATIVE TO RENOVATION OF THE PARKS MAINTENANCE FACILITY BUILDING AT 1102 S. WATKINS STREET, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00)
was adopted.

CONTRACT

On motion of Councilman Hakeem, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO EXECUTE A CONTRACT WITH JDC INDUSTRIAL MECHANICAL SYSTEMS, INC., RELATIVE TO THE REPLACEMENT OF THE COOLING TOWER AT THE TIVOLI THEATRE, IN AN AMOUNT NOT TO EXCEED FORTY-THREE THOUSAND NINETY-SEVEN DOLLARS (\$43,097.00)
was adopted.

CONTRACT

On motion of Councilman Franklin, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO EXECUTE A CONTRACT WITH JDC INDUSTRIAL MECHANICAL SYSTEMS, LLC, RELATIVE TO THE PURCHASE AND INSTALLATION OF AN HVAC SYSTEM AT THE JOHN A. PATTEN RECREATION CENTER, IN AN AMOUNT NOT TO EXCEED FIFTY-TWO THOUSAND ONE HUNDRED NINETY-EIGHT AND 48/100 DOLLARS (\$52,198.48)
was adopted.

GRANT

On motion of Councilwoman Robinson, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A GRANT APPLICATION TO THE STATE OF TENNESEE IN THE AMOUNT OF THREE HUNDRED THOUSAND DOLLARS (\$300,000.00), RELATIVE TO THE PAVILION IN THE PART ON THE FORMER ROPER SITE
was adopted.

TEMPORARY USE

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING TONY GRIFFY TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED AT 1710 EDGEHILL AVENUE TO INSTALL A SANITARY SEWER IN AN UNOPENED AND UNMAINTAINED ALLEY, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

LEASE AGREEMENT

Councilwoman Robinson stated that this matter was added to today's meeting of the Parks and Recreation Committee and is recommended for approval. She reminded the audience that this involves the annual Riverbend Festival beginning at 6 p.m. on June 11 – 19, which is considered as our annual community reunion!

On motion of Councilwoman Robinson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO EXECUTE A LEASE AGREEMENT WITH FRIENDS OF THE FESTIVAL FOR THE PERIOD OF JUNE 1, 2004 THROUGH JUNE 25, 2004, RELATIVE TO RIVERBEND FESTIVAL 2004
was adopted.

OVERTIME

Overtime for the week ending April 30, 2004 totaled \$91,464.27.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **ROBERT E. MONTGOMERY** – Lateral Transfer, Crew Worker, Citywide Services, Pay Grade 3/Step 8, \$22,885.00 annually, effective April 28, 2004.
- **CHARLES E. SANDERS** – Family Medical Leave, Crew Supervisor, Citywide Services, May 11– July 29, 2004.
- **IRVING PENN** – Suspension (5 days without pay), Sanitation Worker, Sr., Citywide Services, effective April 26 – 30, 2004.
- **JOHN W. POINTER** – Termination, Sanitation Worker, Citywide Services, effective April 26, 2004.
- **CATHY BARONAVSKI** – Family Medical Leave (total of 12 weeks), Light Equipment Operator, Citywide Services, effective May 3, 2004.

CHATTANOOGA POLICE DEPARTMENT:

- **JAMES F. HOLLOWAY** – Military Leave, Police Officer, effective April 16 – May 15, 2004.

GENERAL GOVERNMENT:

- **HENRY ANTHONY COTHERN** – Voluntary demotion, Customer Service Rep., Pay Grade 7/Step 5, \$25,843.00 annually, effective April 30, 2004.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

BRANDI MOORE – Resignation, Nurse, Head Start, effective April 16, 2004.

PURCHASE

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

FLASHER & BARRICADE SERVICE COMPANY (Lower and better bid)
R0073281/B0001432

Flasher & Barricade Service (for option "B" priced at \$45 per day for each barricade).

(Price information available and filed with minute material of this date.)

REFUNDS

On motion of Councilman Franklin, seconded by Councilman Littlefield, the Administrator of Finance was authorized to issue the following refunds of real and/or personal property taxes for tax year 2003 due to assessment changes:

| | |
|-----------------------------|------------|
| DICKS SPORTING GOODS | \$1,306.23 |
| GOLDEN GALLON TN LLC | 4,793.58 |

BUDGET INQUIRY

Councilman Pierce inquired as to how far along the Finance Department is on the budget and asked if it is possible for him to receive information regarding the projected income for the year. He stated that he knows there are comparisons to last year and knows there will be cuts.

Admin. Eichenthal asked for clarification of Councilman Pierce's request, whether it is for the coming or current year.

Councilman Pierce stated the request is for the coming year.

Admin. Eichenthal stated that the presentation would be made and projected as part of the budget.

Councilman Pierce stated that he was hoping to get the information prior to the presentation.

BUDGET INQUIRY (Continued)

Admin. Eichenthal stated that he does not have the information for Fiscal year 2005 at this point.

Councilman Pierce inquired as to the state of the budget at this point.

Admin. Eichenthal stated that they are in the process of developing a proposal and are looking at revenue and expenditure estimates.

Councilman Pierce then asked if Admin. Eichenthal could give estimates.

Admin. Eichenthal reiterated that they do not have the information at this point; that they are in the process of developing that information.

HEARING: THOMAS E. HORTON

City Attorney Nelson reported that Mr. Horton's hearing was initially scheduled in late March, at which time he requested a continuance so that he could retain counsel. He stated Mr. Horton has now stated that he has not hired counsel and will not hire counsel and will present his case.

Mr. Horton's hearing was rescheduled for Monday, May 24 beginning at 3 p.m. with Councilmen Benson, Robinson and Lively serving as the panel. Councilman Littlefield will serve as alternate.

COMMITTEES

Councilman Hakeem reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, May 10 at 4 p.m.**

Councilman Littlefield stated that the **Legal and Legislative Committee is scheduled to meet at 3 p.m. on Tuesday, May 10.**

Councilman Lively stated that the Safety Committee met with Chief Cooper this afternoon and it was a good, informational meeting. He stated that it was decided both parties would meet quarterly. He expressed that it is good to have Chief Vaughn present this evening and that it is his understanding there would be a rotation of Chiefs in attendance at Council meeting. He reiterated that the Council received good information today!

SISTER BEY

Sister Bey stated that her daughter-in-law who lives in Poss Homes was initially present with her and had papers she wanted to present to the Council. She made reference to there not being any urban renewal since 1996 and the City is continuing to tear down houses and putting people in the street. She stated she is not afraid to go back to HUD as she is tired of the Council members acting as if "her people" don't have any feelings; that "'her people' are from Asia and African and do not want any part of you". She stated "her people" are trying to get back to their own country, as they are tired of being "dragged around and used like dogs". She referenced her distaste for the Bessie Smith Strut because it is "not real" and she does not want it to end like last year; that Atty. Taylor's son is involved and they know the police shot that boy! She stated that she cares about "her people" and wish they would wake up and care about themselves.

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, May 11, 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)**