

CITY COUNCIL BUILDING  
CHATTANOOGA, TENNESSEE  
OCTOBER 19, 2004  
6:00 P.M.

Chairman Benson called the meeting of the Chattanooga City Council to order with Councilmen Franklin, 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

The Pledge of Allegiance was led by Councilwoman Robinson, followed by invocation.

MINUTE APPROVAL

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

MARSHALL MEMORIAL  
FELLOWS

Chairman Benson called on **Mr. Ricardo da Costa** to introduce the group.

**Mr. da Costa** stated that he was from Portugal and was a representative of the GMF that was created in 1972 with exchanges from the U.S. He stated that three groups had come to Chattanooga, which he described as a nice city. The representatives are from Portugal, Germany, Czech Republic, Greece, and Amsterdam, and their purpose is to study our local politics and also our National politics, along with civil rights, race relations, and the role of the church. He explained that they would be traveling to different cities and would then meet at the end in New York for three days. He thanked the Council, stating that they were glad to be here.

**MARSHALL MEMORIAL  
FELLOWS (CONT'D)**

Councilman Hakeem stated that we are all enriched by their presence and that we learn as much from them as they learn from us. He stated that we needed to get the names of all present and their occupation and that he had one question to ask each of them—What did they think about our voting system?

**Helene Terwijn** spoke next, stating that she was from Amsterdam and was a Psychologist and that she had been affiliated with the group for six years. She asked Councilman Hakeem what his question was and he responded that he wanted to know how our voting system was perceived in Europe. She answered that it was very strange to see only two candidates and two parties, which makes it difficult; that it tends to make the political race more superficial because people become polarized.

**Mr. Charlampos Savvidis** was a Journalist from Greece. He stated that he agreed with what Helene had said—that the voting system was really strange, and the winner takes all.

**Dr. Nikolas Busse** was a Journalist from Frankfurt, Germany. He stated that he covers U.S. Foreign Policy and is usually in Washington, D.C. but was glad to be in the “real” America now; that the perception of the last election was that many of his people felt that they were the greater democrats. He expressed respect for our democratic system and noted that their separation of the branches of government is not as clear cut as is ours. He stated that he was impressed with our openness and wished us well.

**Mr. Petr Larva** was an Artist from the Czech Republic and works with a non-profit sector of Art and Human Rights. He stated that he had visited many Art centers in the U.S., and it was his belief that Chattanooga could be a cultural center and could play a role equal to that of San Francisco. As for the voting question, he stated that he would like for his country to be able to elect a President.

## FELLOWS (CONT'D)

Councilman Littlefield related that in 1981 he had the opportunity to go with a delegation from the U.S. to Europe and that they went to Berlin, Paris, Geneva, etc. and that he was dazzled by all of it and came home a changed person and stated that he hoped these people had had the same pleasant experience as he had had. He went on to say that he thought that this was a wonderful program and was glad to see us on the receiving end and welcomed the delegates to our Country, stating that he looked forward to seeing them in prominent positions in their countries.

Chairman Benson expressed appreciation for their bilingual abilities, stating that Chattanooga was a part of the United States that truly represents our country and wished them a pleasant stay.

## ELAINE ADAMS

Chairman Benson stated that Parks, Recreation, Arts & Culture had a "Special Needs" presentation to make.

**Theresa North, along with Jacqueline Moore**, spoke as a representative of a group of families who had children with certain characteristics, which made life a little different for them. She stated that their journey was made easier when someone comes along who cares, and she asked Elaine Adams to join those at the podium. She also asked the children in the audience to join her also.

**Elaine** came forward and Ms. North expressed to her that the parents would like to recognize her vision and enthusiasm for the challenges that they faced; that Ms. Adams advocated looking ahead and they thanked her for "walking a little way" with them. She presented her with a Plaque and thanked her.

Chairman Benson noted that Ms. Adams came before the Legal and Legislative Committee and presented a synopsis of her program and that he was skeptical but that we had all observed and there were not enough accolades that could be given to Elaine. He stated that he was sorry she was leaving the City, but she knew the way back.

Ms. Adams expressed her appreciation.

## ELAINE ADAMS (CONT'D)

Adm. Mitchell stated that he would like to say what Elaine has done to touch hearts with people with special abilities and that all have respected the work she has done and expressed his thanks to Elaine and recognized her proud father, Bruce Adams.

Councilman Pierce asked what her title was and what she did. Adm. Mitchell responded that it was Therapeutic Recreation Specialist; that this program was started by her, with the help of Stephanie Dodd; that it involved anything athletic and also an expanded social circle, where they shared things with each other. He stated that they had started something that they intended to grow further and indicated that it was sad to see Elaine go but that they were happy for her.

### **TIMBER REMOVAL**

Councilman Littlefield stated that we were at the threshold of completing action on this but had encountered a snafu and delivered the wrong draft to AGC and the Homebuilders Assoc., and they had not had the opportunity to complete their review. He stated that we did not anticipate any problems and that he had talked to the heads of these two organizations and recommended that we **table this matter for two weeks.**

On motion of Councilman Littlefield, seconded by Councilman Hakeem,  
**AN ORDINANCE AMENDING CITY CODE CHAPTER 31 BY  
ADDING THE FOLLOWING SECTIONS 31-325.1 THROUGH  
31-325.9 KNOWN AS THE TIMBER REMOVAL ORDINANCE  
AND BY AMENDING SUBSECTIONS 31-321(b) and (c)**  
was tabled for two weeks.

### **AMEND ZONING ORD. SPEC. EXCEPT.PERMITS**

Chairman Littlefield explained that this involved word changes and a change in terms and was a housekeeping matter.

Page 5

### **AMEND ZONING ORD. (CONT'D)**

On motion of Councilman Littlefield, seconded by Councilman Franklin,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE VIII, SECTIONS 102(4) AND 107, RELATIVE TO SPECIAL EXCEPTIONS PERMITS**

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

**CLOSE AND ABANDON**

**2004-021 (City of Chattanooga)**

On motion of Councilman Lively, seconded by Councilman Franklin,  
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE OPENED 200 BLOCKS OF 2<sup>ND</sup> STREET AND LOOKOUT 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 second reading. On motion of Councilman Franklin, seconded by Councilman Taylor, the Ordinance passed third and final reading and was signed in open meeting.

**CLOSE AND ABANDON**

**2004-161 (Associated Mechanical Systems, Inc.)**

On motion of Councilman Franklin, seconded by Councilman Lively,  
**AN ORDINANCE CLOSING AND ABANDONING A RIGHT-OF-WAY AT THE 2800 BLOCK OF ROANOKE AVENUE BETWEEN CUSHMAN STREET AND BACHMAN 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 second reading. On motion of Councilman Littlefield, seconded by Councilman Franklin, the Ordinance passed third and final reading and was signed in open meeting.

Page 6

At this point Councilman Hakeem stated that we should let our guests know that we have already discussed all these matters prior to this meeting. Chairman Benson explained that this was the second and third readings and that the Council had already heard these on first reading.

**REZONING**

**2004-172 (City of Chattanooga)**

On motion of Councilman Hakeem, seconded by Councilman Lively,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE PROPERTIES WITHIN THE AVONDALE NEIGHBORHOOD AREA, MORE PARTICULARLY DESCRIBED HEREIN AND SHOWN ON THE MAPS ATTACHED HERETON, AND MADE A PART HEREOF BY REFERENCE, FROM R-2 RESIDENTIAL ZONE AND R-3 RESIDENTIAL ZONE TO R-1 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed second reading. On motion of Councilman Littlefield, seconded by Councilman Franklin, the Ordinance passed third and final reading and was signed in open meeting.

**REZONING**

**2004-176 (William R. Ring d/b/a WHR Properties)**

On motion of Councilman Lively, seconded by Councilman Franklin,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1019 DALLAS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**  
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.

Page 7

**AMEND ZONING ORD.**

**2004-185 (Thom Sedgwick c/o Hopkins Survey Group)**

On motion of Councilman Littlefield, seconded by Councilman Franklin,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO LIFT CONDITIONS IMPOSED IN ORDINANCE NO. 11579 ON PROPERTY LOCATED ON THE ABANDONED PORTION OF JOHN MARK DRIVE AND COWART DRIVE, BEING MORE**

**PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN  
CONDITIONS**

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

**CLOSE AND ABANDON**

**2004-186 (Thom Sedgwick c/o Hopkins Survey Group)**

On motion of Councilman Page, seconded by Councilman Pierce,  
**AN ORDINANCE CLOSING AND ABANDONING A SEWER  
EASEMENT LOCATED BETWEEN THE 5600 BLOCK OF  
WINDING LANE AND HIGHWAY 153, 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 Franklin, seconded by Councilman Lively, the Ordinance passed third and final reading and was signed in open meeting.

**REZONING**

**2004-189 (Chattanooga Housing Authority)**

On motion of Councilman Franklin, seconded by Councilman Taylor,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS  
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS  
TO REZONE A TRACT OF LAND LOCATED AT 3351  
CHANDLER PLACE, MORE PARTICULARLY DESCRIBED  
HEREIN, FROM R-3 RESIDENTIAL ZONE TO M-2 LIGHT  
INDUSTRIAL ZONE**

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

## REZONING

### **2004-192 (The RLS Group, LLC)**

Councilman Page stated that he would like to add an amendment regarding trucks with three or more axles—that they not be permitted on this property; that there is an intrusion of trucks, and he thought not allowing trucks with three or more axles would address these concerns.

Mr. Pace agreed that there was a heavy truck traffic coming into this area and noted that the City Attorney could determine the legality of adding this condition. Attorney Nelson noted that we can't limit the whole road.

Councilman Page acknowledged the maximum buffer zone to protect the neighborhood and expressed his appreciation for their willingness to work with us in making this neighborhood safe, stating that he thought this was the most appropriate zone because of other manufacturing uses in the area.

Attorney Nelson read the fourth condition which was *"No vehicles with 3 or more axles will be permitted on the property"*. He also noted that M-3 was the correct zone.

Page 9

## REZONING (CONT'D)

On motion of Councilman Page, seconded by Councilman Hakeem,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT THE 4700 BLOCK OF ADAMS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND M-2 LIGHT INDUSTRIAL ZONE TO M-3, SUBJECT TO CERTAIN CONDITIONS**

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

## REZONING

### **2004-194 (Towne Center North, LLC)**

On motion of Councilman Page, seconded by Councilman Hakeem,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS  
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS  
TO REZONE A TRACT OF LAND LOCATED AT 1033  
COWART DRIVE, MORE PARTICULARLY DESCRIBED  
HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2  
CONVENIENCE COMMERCIAL ZONE**

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.

## CLOSE AND ABANDON

### **2004-195 (Towne Center North, LLC)**

On motion of Councilman Page, seconded by Councilman Franklin,  
**AN ORDINANCE CLOSING AND ABANDONING A PORTION  
OF THE 1000 BLOCK OF COWART DRIVE, MORE  
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON  
THE MAP ATTACHED HERETO AND MADE A PART HEREOF  
BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**

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

Page 10

## CLOSE AND ABANDON

### **2004-199 (Chattanooga Housing Authority)**

On motion of Councilman Taylor, seconded by Councilman Hakeem,  
**AN ORDINANCE CLOSING AND ABANDONING AN  
UNNAMED ALLEY LOCATED AT THE SOUTH LINE OF THE  
400 BLOCK OF WATER STREET, 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 Franklin, seconded by Councilman Taylor, the Ordinance passed third and final reading and was signed in open meeting.

**CLOSE AND ABANDON**

**2004-200 (Chattanooga Housing Authority)**

On motion of Councilman Taylor, seconded by Councilwoman Robinson,  
**AN ORDINANCE CLOSING AND ABANDONING A PORTION  
OF THE UNNAMED ALLEY LOCATED OFF OF THE NORTH  
LINE OF THE 600 BLOCK OF WEST 37<sup>TH</sup> STREET, 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 Franklin, seconded by Councilman Lively, the Ordinance passed third and final reading and was signed in open meeting.

Page 11

**CLOSE AND ABANDON**

**2004-201 (Chattanooga Housing Authority)**

On motion of Councilman Franklin, seconded by Councilman Littlefield,  
**AN ORDINANCE CLOSING AND ABANDONING A PORTION  
OF AN UNNAMED ALLEY BEGINNING ON THE WEST LINE  
OF THE 3800 BLOCK OF HIGHLAND AVENUE, 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 Taylor, seconded by Councilwoman Robinson, the Ordinance passed third and final reading and was signed in open meeting.

**AMEND ZONING ORD.**

## TATTOO SERVICE & PAWN SHOPS, ETC.

Councilman Littlefield stated that all nine Council members were present at the Legal and Legislative Committee meeting this afternoon, and this matter was discussed for one hour and ten minutes with people from neighborhood groups, businesses (Pawn Shops) and an attorney being present. To characterize the way it was concluded, this matter was sent back to the Planning Staff to change the nature of businesses in general on Brainerd Rd. and also other communities, as the way it was attempted to be done was not the best way to go about this. We want to look at the interests of the neighborhood and research other cities and have Planning come back with a recommendation on how we should proceed. This will **be deferred or tabled for 90 days**. It was noted that there were some people who were not present at the Legal and Legislative Committee meeting and Councilman Littlefield agreed, since they were here, that if they wished to speak they could come forward or if they were satisfied with his explanation, we would move on and keep in touch with everyone.

Page 12

## TATTOO PARLORS (CONT'D)

**Reverend Herman of Red Queen Body Art** spoke first. She stated that she looked at this action on many levels; that they supported clean-up of the street and better commerce for all merchants; that they wanted to be advised and informed; that there was only one other shop and herself on this street, and only two merchants paid rent, and she was one of them. She stated that the tattoo business was one of the top grossing businesses in the U.S. and was a multi-million dollar industry and that they were taxpayers and supported their neighborhood; that they wanted their voice heard and to be allowed to continue with free commerce; that there was a desperate need for kids to go somewhere for safe, healthy counsel and kids supported their business, but it was not just youth. She stated that they wanted to be advised and to stay active in bettering their community.

Councilman Hakeem stated that once the Planning Staff comes back with a recommendation that it is our intent to get representatives from the

neighborhood groups and also the Industry back together and to all sit down at the table and see what is good for the neighborhood and how these industries impact the rest of the neighborhood.

Rev. Herman stated that she had petitions with her.

The owner of Skin Graphix was also present to speak. He stated that he had just heard about this; that he closed his business at 7:00 P.M. and that he paid for lighting on the parking lot and had run drug dealers off the corner. He stated that he never worked with minors and never would; that most of his customers were middle aged; that they did not deal or cater to minors; that his employees wore uniforms and wanted to better this industry and the community.

Chairman Benson indicated that we wanted to establish dialog between the neighborhood groups and the commercial industries.

Page 13

#### TATTOO PARLORS (CONT'D)

On motion of Councilman Littlefield, seconded by Councilman Lively,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING CERTAIN SECTIONS OF ARTICLE V AND ARTICLE VIII, SECTION 107, RELATIVE TO THE LOCATION OF TATTOO AND BODY PIERCING SERVICES AND NON-BANKING INSTITUTIONS WHICH INCLUDE CHECK CASHING, TITLE PAWN, AND PAWN SHOPS**  
was deferred for 90 days.

#### REZONING

##### **2004-193 (The RLS Group, LLC)**

Mr. Pace stated that this was deferred from last week as there were some misunderstanding in the body of the caption and there were certain conditions added. There was also some misunderstanding about the recommendation from the Staff and Planning—some thought that they recommended denial, but this comes with a recommendation for approval.

Councilman Page noted that there were questions last week about the traffic impact and John VanWinkle had looked at the traffic and thought there would be no significant impact. He stated that this was a much better use of the land.

**Richard Welch** was present to speak, stating that he was not really in opposition; that he agreed with Councilman Page that townhouses would be better than an industrial use, and the tractor-trailer problem had already been addressed. He stated that he would like to see more effort in the enforcement of more than three axle trucks and also would like to see speeding signs. He went on to speak about the flooding of Adams and Crescent Club; that when the floods come, the City fails to put up proper signs warning people and to stop traffic; that when he sees a flooding situation that he calls the City for barricades and signs and sometimes the City tells him that they have run out. He noted that much traffic is generated on this road. The other thing he wanted to talk about was train traffic on Hamill Rd.; that often traffic is backed up for a mile and people get aggravated and turn into driveways and tear down mailboxes; that he would like for the Council to look into this; that he was just asking for help.

Page 14

#### **REZONING (CONT'D)**

Councilman Page asked Adm. McDonald to respond to this.

Adm. McDonald informed Mr. Welch that on Hamill Rd. we do have in process design improvements for 153 to the railroad; that as for the flooding on Adams and Crescent Club, he was not familiar with this but stated that he would check into this but was not sure it could be easily solved.

Chairman Benson asked him about the shortage of signs to block the road that Mr. Welch had mentioned. Adm. McDonald explained that during the hurricane, we did have a shortage.

Councilman Page stated that he realized some trucks were going on the road, and we recognize fully the problem, and he expressed appreciation for Mr. Welch coming before the Council and saying these things.

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 A TRACT OF LAND LOCATED AT 5000 ADAMS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-2 LIGHT INDUSTRIAL ZONE TO RT-1 RESIDENTIAL TOWNHOUSE ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

### CLOSE AND ABANDON

#### **2004-198 (Chattanooga Housing Authority)**

On motion of Councilman Taylor, seconded by Councilwoman Robinson,  
**AN ORDINANCE CLOSING AND ABANDONING TWO (2)  
PORTIONS OF THE 3700 BLOCK OF CHANDLER AVENUE  
LOCATED BETWEEN THE 400 BLOCKS OF WATER STREET  
AND WEST 38<sup>TH</sup> 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.

Page 15

### CLOSE & ABANDON (CONT'D)

Councilman Taylor stated that he wanted to make sure this is part of the Plan; that he was concerned and Mark Rudisill was here. He asked Mr. Rudisill if CHA had purchased all of this property.

Mr. Rudisill responded that there were eight parcels of property on Chandler and that they had closed on seven parcels and had a contract on the eighth and were hoping to close next week; that Mr. Simmons, the owner, had agreed.

### WAL-MART GRANT

Councilman Littlefield noted that this Resolution, as well as the next one, had been before the Legal and Legislative Committee and come with a recommendation to approve.

On motion of Councilman Littlefield, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN  
ADDITIONAL GRANT FROM THE "SAFE NEIGHBOR HEROES  
PROGRAM" OF WAL-MART, INC. TO THE CHATTANOOGA  
FIRE DEPARTMENT IN THE AMOUNT OF ONE THOUSAND  
DOLLARS (\$1,000.00) AND EXPRESSING THE GRATITUDE  
OF THE MAYOR AND CITY COUNCIL FOR SAID DONATION**  
was adopted.

**DONATION TO FIRE  
DEPARTMENT**

On motion of Councilman Littlefield, seconded by Councilman Lively,  
**A RESOLUTION ACCEPTING A DONATION TO THE  
CHATTANOOGA FIRE DEPARTMENT FROM THE GREATER  
CHATTANOOGA EXCHANGE CLUB IN THE AMOUNT OF  
TWO HUNDRED DOLLARS (\$200.00) AND EXPRESSING THE  
GRATITUDE OF THE MAYOR AND THE CITY COUNCIL FOR  
SAID DONATION**  
was adopted.

Page 16

**AGREE. IN LIEU OF  
AD VALOREM TAXES**

Councilman Littlefield also acknowledged that this Resolution, as well as Resolution (f), were discussed in the Legal and Legislative Committee and come with a recommendation for approval.

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,  
**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING  
TO THE ADVANCED TECHNICAL CERAMICS COMPANY  
PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE  
INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF  
CHATTANOOGA, AND TO AUTHORIZE THE MAYOR TO  
ENTER INTO AND EXECUTE AN AGREEMENT FOR  
PAYMENTS IN LIEU OF AD VALOREM TAXES**  
was adopted.

**AGREEMENT**

On motion of Councilman Hakeem, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF  
THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN  
AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC.  
AND ARCADIS G&M, INC., A JOINT VENTURE (CTI/AGM),  
FOR ENGINEERING SERVICES RELATIVE TO CONTRACT NO.  
W-03-003-102, SANITARY/STORM SEWER "AS FOUND"  
PROGRAM, IN AN AMOUNT NOT TO EXCEED ONE MILLION**

**TWO HUNDRED FIFTY THOUSAND DOLLARS**  
**(\$1,250,000.00)**  
was adopted.

**MORRIS LANE PUD**

**2003-088 (Pratt & Associates)**

Mr. Pace stated that this was a Subdivision in East Brainerd, west of Hurricane Creek and was recommended for approval by Planning; the streets were narrower than required, and they have obtained a variance from the Board of Zoning Appeals. Mr. Pace stated that this was a large venture.

Page 17

**MORRIS LANE PUD**  
**(CONT'D)**

On motion of Councilman Hakeem, seconded by Councilman Franklin,  
**A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS THE REUNION PLANNED UNIT DEVELOPMENT, ON A TRACT OF LAND LOCATED AT 00000 MORRIS LANE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE FINAL PALNNED UNIT DEVELOPMENT PLAN ATTACHED HERETO AND MARDE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**AGREE. IN LIEU OF**  
**AD VALOREM TAXES**

Chairman Littlefield noted that this was also a large venture.

On motion of Councilman Littlefield, seconded by Councilman Franklin,  
**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE U.S. XPRESS, INC. PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE COUNTY OF HAMILTON, TENNESSEE, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES**  
was adopted.

Attorney Alfred Smith added for a matter of record that this would create 1,000 new jobs.

### OVERTIME

Overtime for the week ending October 15, 2004 totaled \$119,829.98.

Page 18

### PERSONNEL

The following personnel matters were reported for the various departments:

#### **PUBLIC WORKS DEPARTMENT:**

- **YURY KULAKEVICH** – Voluntary Demotion to Crew Worker, Sr., Pay Grade 5/3, \$21,106.00 annually, effective 10/20/04.
- **EDWARD R. BARTON** – Dismissal of Equipment Operator, effective 10/8/04.
- **J. DOUGLAS FRITZ** – Resignation of Water Quality Coordinator, effective 10/28/04.
- **DELANO HALFACRE** – Promotion to Crew Supervisor, Sr., Pay Grade 12/3, \$30,304.00 annually, effective 9/1/04.
- **MICHAEL T. PARDUE** – Promotion to Crew Supervisor, Sr., Pay Grade 12/5, \$33,009.00 annually, effective 9/1/04.
- **DAVID CHANDLER** – Termination of Sr. Gas/Mechanical Inspector, effective 10/18/04

#### **CHATTANOOGA POLICE DEPARTMENT:**

- **CAMMIE TUDORS** – Termination of Communications Officer, effective 10/1/04.
- **BRIAN L. BLUMENBERG** – Suspension without pay of Police Officer,

Effective 10/08/04—10/21/04.

- **LARRY A. SCHROYER** - Retirement of Lieutenant, effective 10/21/04.
- **JACQUELINE WORTHINGTON** - Return to duty of Police Records Clerk, Sr., effective 10/11/04.
- **TODD FLOYD** - Suspension without pay of Police Officer, effective 10/28/04—10/29/04.

Page 19

### PERSONNEL (CONT'D)

#### **CHATTANOOGA FIRE DEPARTMENT:**

- **DONALD RUSH** - Retirement of Firefighter, effective 10/15/04.

#### **CHATTANOOGA PERSONNEL DEPT.:**

- **KAREN T. MCMAHON** - Hire as Program Manager, \$40,000 annually, effective 8/31/04.

### HOTEL PERMITS

On motion of Councilman Franklin, seconded by Councilman Page, the following Hotel Permits were approved:

**CHATTANOOGA MARRIOTT**—2 Carter Plaza

**COMFORT SUITES** - 2431 Williams Street

**DAYS INN-AIRPORT** - 7725 Lee Highway

**HILTON GARDEN INN** - 311 Chestnut Street

**MAINSTAY SUITES** - 7030 Amin Drive

### PURCHASE

On motion of Councilman Lively, seconded by Councilwoman Robinson, the following purchase was approved for use by the Fire Department:

**CENTRAL STATES FIRE APPARATUS, INC. (Increasing Present Contract P0014608)**  
**Requisition No. R0054853**

Change Order No. 6 to purchase one additional 75-foot Custom Quint

\$497,396.48

Page 20

**PURCHASE**

On motion of Councilman Littlefield, seconded by Councilman Lively, the following purchase was approved for the Chattanooga Personnel Dept.:

**HORIZON HEALTH (Lowest and Best Proposal Meeting Specs.):**  
**Requisition No. R0045592**

Contract for Services to operate the City's Employee Assistance Program

(See minute material for pricing)

The question arose as to what the name of this company was previously. Mr. Claxton stated that he believed it was previously Behavioral Health Association.

Councilman Hakeem had a question for Ms. Kelley. He stated that historically we had had a program within departments to assist people who want to grow within their departments and become Assistant Directors and Heads of Departments. He stated that he thought Mr. Shaw was the overseer of this program. Ms. Kelley responded that it was called Career Development. Councilman Hakeem asked her if people had been able to advance. Ms. Kelley responded that of the people promoted, over one-half of them had gone through this training program.

**KENARDO CURRY**

Mr. Curry stated that he was not seeking approval of anything but would like to bring to the Council's attention that next week they needed to schedule a hearing by the entire Council in relation to Spot Blight; that according to City Ordinance, the proposals must come before the City Council before they are taken to the Chancellor; that he needed a hearing by the Council in the very near future. Chairman Benson asked him how long it would take. Mr. Curry responded about thirty minutes; that he

had five pieces of property and that the Council could have a full package by tomorrow. Chairman Benson confirmed that it would take 30 minutes to do this justice, with Mr. Curry adding that would be time enough for due diligence. Councilman Pierce suggested scheduling it at the end of the Council meeting next Tuesday. Mr. Curry added that there would be no opposition. **Attorney Nelson suggested making it part of Departmental Reports next week.** Mr. Curry added that he would have a video for the Council.

Page 21

### **BOARD APPOINTMENTS**

On motion of Councilman Hakeem, seconded by Councilman Taylor, the following Board Appointments were approved:

#### **LIBRARY BOARD:**

- Appointment of **Chrystal L. Partridge** to fill the unexpired term of Bettye Lynn Smith to expire **July 1, 2005.**

#### **CHATTANOOGA HAMILTON COUNTY HOSPITAL AUTHORITY BOARD:**

- Re-appointment of **Bruce Adams** for a term to expire **November 1, 2008.**

At this point Mr. Eichenthal stated that he had one more item to cover. Chairman Benson interjected that if it concerned his leaving the City, that we hated to see his departure. However Mr. Eichenthal stated that there would be an invitation on each Councilperson's desk tomorrow; that there would be a forum on the Governor's Diversity Business Enterprise Initiative that is being co-sponsored by the Chattanooga African American Chamber of Commerce **at 6:00 P.M. on Monday, October 25<sup>th</sup> at the Bessie Smith Hall.** Mr. Eichenthal stated that representatives from the Governor's office would be present to discuss what the State is doing in regards to new initiatives for minority-owned businesses.

Chairman Benson mentioned that Ms. Daisy would be doing Mr. Eichenthal's job in the interim, and we were sorry to see him leaving City employment but were glad he was staying in Chattanooga, stating that he had enjoyed working with him. Mr. Eichenthal stated that he had a bit more time to go.

Councilman Hakeem stated that he could not state here his reaction when he heard that Mr. Eichenthal was leaving the City of Chattanooga;

that he had been very pleased with his professionalism and the work he had done and that we were very fortunate to have an individual like him, and he hoped that we could continue to work with him.

Councilman Pierce suggested holding up on these farewell speeches because Mr. Eichenenthal was going to be here at least three more months.

Page 22

### HEARING—DAVID CHANDLER

Attorney Nelson stated that he had received a request from a Public Works' employee, **David Chandler, who was terminated on October 18<sup>th</sup>**, for a hearing before the City Council. He suggested either November 1, 8, or 15<sup>th</sup>. Councilman Hakeem noted that we had a Federal election going on November 2<sup>nd</sup> and some might be involved with this on November 1<sup>st</sup>.

The hearing was set for **Monday, November 8<sup>th</sup> at 1:00 P.M.**, with **Councilmen Benson, Pierce, and Hakeem agreeing to sit on the panel. Councilman Franklin will be the alternate.**

### CITY ATTORNEY

**On motion of Councilman Lively, seconded by Councilman Franklin,** the City Attorney's Office was authorized to intervene in the Tennessee American Water Co.'s rate proposal.

### COMMITTEES

Councilman Littlefield stated that there would be a **Legal and Legislative Committee meeting next Tuesday, October 26<sup>th</sup>, at 3:00 P.M.**

Councilman Hakeem stated that there would be a **Public Works Committee meeting next Tuesday, October 26<sup>th</sup> at 4:00 P.M.**

### CHIEF COPPINGER

Chief Coppinger, at this point, stated that he had been remiss in not mentioning the retirement of Donald Rush; that he had 28 years of service, and he apologized for not mentioning this sooner; that he had done an outstanding job and was a good man.

**JUDGE WILLIAMS**

Chairman Benson recognized the presence of Judge Walter Williams and asked him if he wished to say anything. Judge Williams responded that he did not see any of the regular people present but would not take their time.

**PERSONNEL REPORT**

Councilman Hakeem asked that Donna Kelley prepare in writing her report on people that had been promoted; that there were some departments where people were making advances and other departments where no advances were being made. Ms. Kelley agreed to do this.

**ADJOURNMENT**

Chairman Benson adjourned the meeting of the Chattanooga City Council until Tuesday, October 26<sup>th</sup> 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)**

