

**City Council Building
Chattanooga, Tennessee
April 12, 2005
6:00 p.m.**

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, Councilman Taylor gave invocation.

MINUTE APPROVAL

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

SPECIAL PRESENTATION

Vice Chairman Robinson stated members of the Council would like to recognize three distinguished gentlemen who have served with us the past four years. She asked Councilmen Lively, Littlefield and Taylor to join her at the podium. She stated everyone was reminiscing tonight over dinner, as a special celebratory occasion, for all to come together this one last time as nine members of the Council; that they all agreed it has been a very great pleasure to serve together and all worked well together. She stated everyone agreed we had a very progressive Mayor who worked very closely with us. She stated in recognition of the Council members' esteemed and distinguished service that they have chosen as a labor of love she would like to present them with a gift on behalf of the Council.

SPECIAL PRESENTATION (Continued)

At this time she presented Councilman Taylor with a metal gold and silver eagle's head engraved with his name and years of service from 1997-2006. She expressed appreciation for his years of service.

In presenting the eagle's head to Councilman Littlefield, Vice Chairman Robinson stated that he had performed distinguished service to the City from 1990-1993 as a member of the original Council and from 2001-2005. She indicated that he served as Vice Chairman from 2001-2002 and as Chairman 1990-1992 and 2002-2003.

Finally, in presenting the eagle's head to Councilman Lively, Vice Chairman Robinson noted that he was one of the original leaders of the new form of government. She stated that he served with distinction for fifteen years from 1990 - 2005. She stated that he served as Vice Chairman from 1998-1999 and Chairman from 1999-2000. She stated it is a great, great honor for this Council to recognize him for his many years of service.

Councilman Littlefield stated that he was completely surprised by the presentation and thought he would just quietly slip away! He indicated that the eagle's head is most impressive. He stated that he has had the distinct pleasure to serve with this Council and all agree this has absolutely been a great experience for all. He stated the Mayor was with us at dinner and it has been a very productive four years in Chattanooga history. He stated that he feels blessed by God to have been a part and serve with of them.

Councilman Lively stated it has been a real pleasure and two "old timers" are still on the Council along with him. He stated there have been tough times and good times but all are still friends. He stated he has enjoyed every minute and someone asked if he was sad to leave and he stated the only thing he would miss would be the 30 calls on his answering machine! He stated it has been a real joy. At this time he recognized his wife, daughters, other family members and members of his Sunday School class.

Councilman Taylor acknowledged that he did not know Councilman Lively was a Sunday School teacher! He stated that he thanks God, first, that he was able to serve eight years with this distinguished Council. He expressed appreciation to Councilmen Hakeem and Franklin, thanked Councilman Benson for his leadership and Councilman Page for his wisdom. He indicated Councilwoman Robinson is a "rose among the thorns: and noted that it has been an honor to have worked with Councilmen Lively and Littlefield.

SPECIAL PRESENTATION (Continued)

Councilman Taylor stated that he saved Councilman Pierce for last because when he first met him he was a “really colorful person”; that the more he was around him the more he understood his wisdom. He expressed thanks to the support staff – Carol O’Neal, Shirley Crownover, Carolyn Moore and Randy Burns – all department heads and noted the presence of Judy Schwartz. He recognized the presence of his wife and sons, stating that she has never ever once complained about his involvement and schedule. He stated all are moving from one stage to another and there is still a lot of work to do; that he would be working from the other side of the dais!

Chairman Benson expressed thanks to Councilmen Taylor, Littlefield and Lively and complemented Vice Chairman Robinson on the presentation. He stated this has been a “history book” Council and a real role model for legislative bodies that he hoped others can follow. He credited each and every one for their care and concern as their service has been for the betterment of the city of Chattanooga to work in harmony, which made them more progressive.

CLOSE AND ABANDON

MR-2002-153: James Glenn

On motion of Councilman Franklin, seconded by Councilman Littlefield,
AN ORDINANCE CLOSING AND ABANDONING TWO (2) UNNAMED ALLEYS LOCATED NORTHEAST OF THE 1900 BLOCK OF ROSSVILLE AVENUE AND THE 1700 BLOCK OF ADAMS STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
passed second and final reading and was signed in open meeting.

REZONING

2004-242: City of Chattanooga

On motion of Councilman Pierce, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE CERTAIN
PROPERTIES WITHIN THE ROSSVILLE BOULEVARD COMMUNITY, MORE
PARTICULARLY DESCRIBED HEREIN AND SHOWN ON THE ZONING
STUDY AND MAPS ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE, FROM C-2 CONVENIENCE COMMERCIAL ZONE, R-2
RESIDENTIAL ZONE, R-3 RESIDENTIAL ZONE AND R-4 SPECIAL ZONE TO
R-1 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

REZONING

2004-242 (Part 2): City of Chattanooga

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 CERTAIN
PROPERTIES LOCATED IN THE 2800 BLOCKS OF CANNON AVENUE,
CALHOUN AVENUE AND THE 2800 AND 2900 BLOCKS OF MORGAN
AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND SHOWN ON
THE ZONING STUDY AND MAP(S) ATTACHED HERETO AND MADE A
PART HEREOF BY REFERENCE, FROM R-2 RESIDENTIAL ZONE TO R-1
RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

REZONING

2005-020: Charles L. Lockwood and Frankie L. Lockwood

Councilman Hakeem asked if the applicant were present. It was noted that the applicant was not in attendance, at which point he made the motion to deny.

On motion of Councilman Hakeem, 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 2632 BOYCE STREET, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO R-5 RESIDENTIAL
ZONE, SUBJECT TO CERTAIN CONDITIONS**
was denied.

AGREEMENT

On motion of Councilman Littlefield, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE CHIEF OF THE POLICE DEPARTMENT TO ENTER INTO A SOFTWARE SERVICE AGREEMENT WITH VISIONAIR, INC. FOR THE PERIOD THROUGH JUNE 30, 2005, IN AN AMOUNT NOT TO EXCEED EIGHTEEN THOUSAND NINE HUNDRED FORTY-FIVE AND 47/100 DOLLARS (\$18,945.47) PER MONTH PLUS TRAVEL EXPENSES AND HOURLY RATES AS SPECIFIED IN SAID AGREEMENT
was adopted.

SPECIAL POLICEMEN

On motion of Councilman Taylor, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF KENNETH BOYD, JASON CHAUNCEY AND TERESA GRAINGER AS SPECIAL POLICEMEN (UNARMED) FOR THE CITY OF CHATTANOOGA DEPARTMENT OF NEIGHBORHOOD SERVICES, ANIMAL SERVICES DIVISION, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

AGREEMENT

On motion of Councilman Lively, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH RECYC, LLC FOR THE BENEFICIAL USE OF CLASS A AND/OR CLASS B BIOSOLIDS FROM MOCCASIN BEND WASTEWATER TREATMENT PLANT, CITY OF CHATTANOOGA FOR A TERM OF FIVE (5) YEARS, WITH AN OPTION TO RENEW FOR ONE (1) ADDITIONAL FIVE (5) YEAR TERM
was adopted.

SALE OF BONDS

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
A SUPPLEMENTAL RESOLUTION AUTHORIZING THE SALE OF, AND MAKING CERTAIN DETERMINATIONS RELATING TO THE CITY OF CHATTANOOGA, TENNESSEE, \$51,375,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2005A
was adopted.

GRANTS

Chairman Benson stated it was necessary to get this matter on the agenda and it did not go through committee. He stated this is really a “no brainer” and no money is required on the city’s part. He stated this involves making an application for a grant and if it is not submitted by the end of the week we would lose the “window of opportunity” to apply.

On motion of Councilman Littlefield, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND ACCEPT TWO GRANTS FROM THE STATE OF TENNESSEE GOVERNOR’S HIGHWAY SAFETY OFFICE IN THE AMOUNT OF ONE HUNDRED THIRTY-NINE THOUSAND, THREE HUNDRED SEVENTY-FOUR DOLLARS (\$139,374.00) FOR DUI ENFORCEMENT AND IN THE AMOUNT OF ONE HUNDRED FIFTY-EIGHT THOUSAND, THREE HUNDRED FOUR DOLLARS (\$158,304.00) FOR ENHANCED TRAFFIC ENFORCEMENT, WITH NO LOCAL MATCHING FUNDS REQUIRED FOR EITHER GRANT
was adopted.

OVERTIME

Overtime for the week ending April 8, 2005 totaled \$14,308.63.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **DON VAN HOOK** – Hire, Engineering Designer, Engineering, Pay Grade 17/Step 7, \$43,811.00 annually, effective March 31, 2005.
- **DON VAN HOOK** – Resignation, Engineering Designer, Engineering, effective April 1, 2005.

CHATTANOOGA POLICE DEPARTMENT:

- **BARBARA LOVELESS** – Leave of Absence (without pay), Communications Officer, effective March 25 – May 6, 2005.

PERSONNEL (Continued)

- **TIMOTHY JEROME HIGGINS, BRENT HUBBARD** – Resignation, Officer, effective April 5, 2005.
- **HOLLY V. JORDAN** – Resignation, School Patrol Officer, effective March 31, 2005.
- **ELIJAH FLEMING, JR.** – Resignation, School Patrol Officer, effective April 1, 2005.

CHATTANOOGA FIRE DEPARTMENT:

- **ROY JASON HELTON** – Retirement (job-related disability), Firefighter, effective April 7, 2005.

PURCHASE

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

ROCK CREEK CONSULTING, INC. (Lowest and best bid)
R0081684/B0002240

Parking Lot Repaving

\$12,538.39

TDEC UPDATE

Admin. McDonald stated that he wanted to bring to the Council's attention that he received word from the Tennessee Department of Environment and Conservation (TDEC) earlier this week by copy of a draft order that we would get results regarding the stormwater NPDES permit requirements; that it has long been rumored that we would receive notification.

TDEC UPDATE (Continued)

Admin. McDonald stated that he did receive an official notice that will be coming out sometime this week; that the department had worked hard hoping they would not get an order and if they did, it was hoped it would be one in which the penalty would be associated to a date in the future as they comply with various items. He stated to some extent he was able to get that in the way it was laid out. He stated there will be an upfront penalty and he has not gotten the signed order, but expects it will be coming in an amount of \$100,000. He stated while he is certainly not happy with that it is his understanding from what has happened in other similar cities this amount is pretty miniscule; that efforts made in the last two years has paid off.

Councilman Franklin asked if the notice was from EPA. Admin. McDonald responded "no, it was from TDEC". He stated TDEC and EPA collaborated on this and EPA was in agreement with TDEC's activities.

Councilman Franklin stated there have been other cities that have come under the same type of order that have received penalties in the millions and millions of dollars, including Birmingham and others. He stated this is not miniscule but is a lot less than what could have been.

Chairman Benson stated Knoxville received a much more severe penalty recently. Councilman Franklin stated it was in the tens of millions of dollars.

Councilman Franklin asked if this is it or if there some other type of penalty. Admin. McDonald stated that that he does not anticipate any further penalties.

Councilman Franklin asked if this was basically set prior to the fact. Admin. McDonald responded "right".

PURCHASE

On motion of Councilman Lively, seconded by Councilman Franklin, the following purchase was approved for use by the department of Finance of Administration, Information Services Division:

INTELLIGENT SYSTEM & NETWORKING (Lowest and best bid)

R0080377

Personal Computer Programming Services

\$35.00 per hour

THANKS TO CHAIRMAN BENSON

Councilwoman Robinson expressed thanks to Chairman Benson for the exemplary leadership he has given as Chairman for the past year. She stated it certainly has been a pleasure to serve with him and that she was speaking for every member of the Council. She stated that she looks forward to working with him in the coming four years.

UPDATE OF NORTH RIVER COMMUNITY PLAN

Councilman Page stated that he would like to make a motion to request that the Regional Planning Agency take another look at the North River Plan. He stated that he met with Barry Bennett and Greg Haynes and there is a question involving a controversy regarding the TVA restrictions.

Councilman Page made the motion requesting the Regional Planning Agency revise and update the North River Community Plan to reflect the most compatible land use for the TVA restricted property along Gann Store Road and other properties as needed; Councilwoman Robinson seconded the motion; the motion carried.

Chairman Benson inquired as to whether there would be a cost factor. Mr. Pace responded that he did not think so, but would let him know.

PARTING COMMENTS

Referencing Councilmen Lively, Littlefield and Taylor, Councilman Page stated one measure of a person's greatness is that there is a higher being. He stated as their colleague the second best measure of a person's worth and judgment is the time and energy they spend on this earth. He stated with all honesty it is his wish he could leave with the same respect as they are this evening.

Councilman Lively thanked all members of the Council staff and Council members for their cooperation. He also expressed thanks to the Mayor's staff for their cooperation between the two branches of government; that the last four years have been unbelievable, although Councilman Pierce made reference to "rubber stamping" all worked good together. He expressed thanks to his family for putting up with this!

PARTING COMMENTS (Continued)

Councilman Littlefield stated the same two people have served in this position, he and Marti Rutherford who will be returning. He stated this will indeed be an interesting transition between this Council and the next; that there is still one Council seat out there yet to be determined and he is anxious to see who that will be. He stated it has been a distinct pleasure to serve and will say it over-and-over through the days as he tries to clean up his office!

Councilman Hakeem stated that he has enjoyed the relationship he has had with this Council and administration; that it has afforded him the opportunity to be associated with greatness. He stated when we look at the history of this city in the future we will find this government in this time was one of the most productive for this city. He thanked God for allowing him to be part of that with them.

Councilman Franklin stated that it certainly has been a pleasure as Councilman Littlefield has served with both John Franklins (Senior and Junior). He stated it has been his pleasure to serve with Councilmen Taylor and Lively as well as other colleagues and that this probably has been the best of the best in working with the Council and Administration. He stated a lot was achieved yet we have "miles to go before we sleep". He reiterated that it has been his pleasure to serve with Councilmen Littlefield, Taylor and Lively and looks forward to working with them in the future.

ADJOURNMENT

Chairman Benson adjourned the meeting of the Chattanooga Council until Tuesday, April 19, 2005 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)**