

**City Council Building  
Chattanooga, Tennessee  
August 16, 2005  
6:00 p.m.**

Chairman Robinson called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Franklin, Hakeem, Page, Pierce and Rico present; Councilwoman Rutherford was absent due to a district commitment. Special Counsel Mike McMahan, 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 Franklin, seconded by Councilman Rico, the minutes of the previous meeting were approved as published and signed in open meeting.

**SPECIAL PRESENTATION: MAYOR LITTLEFIELD**

Mayor Littlefield stated departmental appointments are required and some of those are Charter officials. He stated there are a number of new positions in his administration as well as some who have been around for awhile that are taking on new duties. He stated that he has three additional Charter positions to fill and asked for the Council's official endorsement of Ed Hammonds as City Court Clerk, who is serving in that capacity already; Randall Nelson as City Attorney, who is not with us tonight and has been the long time City Attorney and is requesting another term for him; and the last one is a new person to this particular office who comes with "limited experience" as she has only been an employee in the Treasurer's Office for almost 40 years – Gayle Keown, everyone's choice to be Treasurer and noted that he is proud to recommend her.

**On motion of Councilman Rico, seconded by Councilman Franklin, Ed Hammonds, Randall Nelson and Gayle Keown were confirmed as City Court Clerk, City Attorney and City Treasurer, respectively.**

**2005-2006 OPERATING BUDGET**

Special Counsel McMahan stated that Adm. Madison has made slight corrections to the ordinance.

Adm. Madison stated aside from typographical errors, the only amendment is the addition of the Director of the Office of Multicultural Affairs, a position that was not "spelled out" until this week.

Councilmen Benson and Rico made the motion to substitute the amendments to this Ordinance; the motion carried.

On motion of Hakeem, seconded by Councilman Franklin,

**AN ORDINANCE HEREINAFTER ALSO KNOWN AS "THE FISCAL YEAR 2005-2006 BUDGET ORDINANCE", TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, AND ENDING JUNE 30, 2006, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES, AND TO AMEND PART II, CHATTANOOGA CITY CODE, SECTIONS 2-285, 7-1, 7-8, 18-103, 18-105, 18-123, 18-124, 31-36, 31-41 AND 31-43**

passed second and final reading and was signed in open meeting.

**AMEND ZONING ORDINANCE**

On motion of Councilman Page, seconded by Councilman Rico,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V, SECTIONS 120, 150, 160, 253, 403 AND 410 RELATIVE TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (P.U.D.) APPROVAL BY SPECIAL EXCEPTIONS PERMIT IN RESIDENTIAL ZONES**

passed second and final reading and was signed in open meeting.

**REZONING**

**2005-033: Chattanooga Neighborhood Enterprise**

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 TRACTS OF  
LAND LOCATED AT 1902, 1904 AND 1910 ROSSVILLE AVENUE, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE AND  
M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE,  
SUBJECT TO CERTAIN CONDITIONS**

passed second and final reading and was signed in open meeting.

**REZONING**

**2005-098: Earlene P. Stewart**

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 2510 LAURA STREET, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-3 RESIDENTIAL  
ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed second and final reading and was signed in open meeting.

**REZONING**

**2005-125: Chattanooga Development, LLC**

Jerry Pace, Director of Development Services with the Regional Planning Agency (RPA), stated that the request is to table this matter two weeks.

On motion of Councilman Rico, 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 509 RIVERFRONT PARKWAY, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3  
CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**

was tabled two weeks.

**REZONING**

**2005-126: Thomas Charles Reese**

On motion of Councilman Rico, 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 704 ASHLAND TERRACE, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2  
CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN  
CONDITIONS**

passed second and final reading and was signed in open meeting.

**LIFT CONDITIONS**

**2005-131: Bobby Fairbanks**

Councilman Benson asked if anyone were present in opposition to this request. No one was present in opposition.

Councilman Pierce inquired as to the conditions for this request.

Councilman Benson stated there would be no off street parking, no ingress/egress from anything other than Gunbarrel Road, a fence would be installed for visual aesthetics and lights would not shine into homes and neighborhoods. He stated the residents worked with the developer and resolved a lot of very serious concerns and everyone ended up happy. He stated he wanted to make sure no one was present in opposition.

On motion of Councilman Benson, seconded by Councilman Franklin,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO LIFT CONDITIONS 2  
AND 4 IMPOSED IN ORDINANCE NO. 11246 ON A TRACT OF LAND  
LOCATED AT 7371 APPLGATE LANE, BEING MORE PARTICULARLY  
DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

passed second and final reading and was signed in open meeting.

**AMEND CITY CODE**

Councilman Hakeem stated this matter has been requested to be tabled one week pursuant to discussion in today's Public Works Committee meeting.

**AMEND CITY CODE (Continued)**

On motion of Councilman Hakeem, seconded by Councilman Benson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 32, ARTICLE XII, SECTION 32-273(d), RELATIVE TO STREET  
CONSTRUCTION STANDARDS**  
was tabled one week.

**CLOSE AND ABANDON**

**MR-2005-1009: City of Chattanooga**

Councilman Hakeem stated Ordinance (b) and Resolutions (a) – (e) were discussed in Public Works Committee and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilman Franklin,  
**AN ORDINANCE CLOSING AND ABANDONING THE EASTERMOST  
TWENTY FEET (20') OF A DRAINAGE DETENTION EASEMENT WHICH  
RUNS PARALLEL TO THE WEST LINE OF 652 EAST 10<sup>TH</sup> STREET, MORE  
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP  
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**  
passed first reading.

**PARKING AGREEMENT**

On motion of Councilman Hakeem, seconded by Councilman Benson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE  
DEPARTMENT OF PUBLIC WORKS TO EXECUTE A PARKING AGREEMENT  
WITH HAMILTON COUNTY GOVERNMENT AND THE AMERICAN HEART  
ASSOCIATION RELATIVE TO PROPERTY OWNED BY THE CITY OF  
CHATTANOOGA LOCATED AT 507 EAST 4<sup>TH</sup> STREET, TAX MAP NO.  
135M-J-002**  
was adopted.

**CONTRACT**

On motion of Councilman Rico, seconded by Councilman Hakeem,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT E-04-022-  
201, 8<sup>TH</sup> STREET IMPROVEMENTS, TO YERBEY CONCRETE  
CONSTRUCTION FOR A TOTAL AMOUNT NOT TO EXCEED ONE  
HUNDRED THIRTY-THREE THOUSAND THIRTY-NINE AND 75/100  
DOLLARS (\$133,039.75), INCLUDING A CONTINGENCY AMOUNT OF  
TEN THOUSAND DOLLARS (\$10,000.00)**  
was adopted.

### CONTRACT

On motion of Councilman Franklin, seconded by Councilman Rico,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. W-05-004, HIXSON PIKE SEWER REPLACEMENT, TO TALLEY CONSTRUCTION COMPANY, INC. FOR A TOTAL AMOUNT NOT TO EXCEED THREE HUNDRED NINETY-EIGHT THOUSAND ONE HUNDRED SIXTY-TWO AND 63/100 DOLLARS (\$398,162.63), INCLUDING A CONTINGENCY AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)**  
was adopted.

### TEMPORARY USE

On motion of Councilman Franklin, seconded by Councilman Benson,  
**A RESOLUTION AUTHORIZING KEN DEFOOR TO USE TEMPORARILY A RIGHT-OF-WAY ALONG THE 600 BLOCK OF RIVER STREET TO PLANT NINETEEN (19) TREES AND SEVENTY-SIX (76) BUSHES TO ENHANCE THE PROPOSED DEVELOPMENT AND TO MEET THE LANDSCAPE ORDINANCE REQUIREMENTS, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

### TEMPORARY USE

On motion of Councilman Franklin, seconded by Councilman Benson,  
**A RESOLUTION AUTHORIZING CHRISTOPHER W. CHASE TO USE TEMPORARILY ROWE ROAD TO INSTALL A GATE STARTING JUST PAST THE FIRE HYDRANT AT 306 ROWE ROAD TO THE DEAD END OF THE ROAD, AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

### OVERTIME

Overtime for the week ending August 12, 2005 totaled \$16,795.85.

## PERSONNEL

The following personnel matters were reported for the various departments:

### PUBLIC WORKS DEPARTMENT:

- **TIMOTHY L. MILLER** – Hire, Crew Worker, City Wide Services, Pay Grade 3/Step 1, \$18,850.00 annually, effective August 8, 2005.

### CHATTANOOGA FIRE DEPARTMENT:

- **GABRIEL THRASH** – Suspension (2 days without pay), Senior Firefighter, effective August 19-20, 2005.

### NEIGHBORHOOD SERVICES DEPARTMENT:

- **JENNIFER APRIL MADDOX** – Termination, Office Manager, effective August 11, 2005.

### CHATTANOOGA POLICE DEPARTMENT:

- **JEFFERY THOMPSON** – Return to Duty (From military leave), Police Officer, effective August 8, 2005.
- **TODD ROYVAL** – Reinstatement, Police Officer, Pay Grade P1/Step 5, \$35,212.00 annually, effective August 19, 2005.
- **DENNIS L. WATERS** – Resignation, Police officer, effective August 18, 2005.

## PURCHASE

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

**3M COMPANY (Lowest and best bid)**  
**R0083272/B0002479**

Sign Materials and Supplies

\$46,584.58

## PLANS FOR IGOU GAP, GUNBARREL AND JENKINS ROADS

Councilman Benson inquired as to the engineering plans for Igou Gap, Gunbarrel and Jenkins Roads and wanted to know when construction would begin.

Naveed Minhas, City Engineer, stated that there are six properties in the process of eminent domain and was not sure of the timing on that process, noting that Special Counsel McMahan could comment on that. He stated the other issue is the initial concept and the final design which should not take more than three months, assuming the eminent domain proceedings have moved on and granted to the city; that they should be able to start construction early next year.

Councilman Benson clarified that the design would be complete in October and Mr. Minhas responded "correct".

Councilman Benson then asked when the eminent domain process would be completed. Special Counsel McMahan responded "by October".

Councilman Benson then asked why wait until next year.

Mr. Minhas stated that they would have to go out for bid and noted four weeks would be allowed for the bidding process and that it takes another four weeks to go before Council for approval.

Councilman Benson again clarified that Mr. Minhas is indicating that the bidding process would be in November, that the matter would be before the Council in December and construction would begin in January.

Mr. Minhas stated that is a fair way to say it; that it could be earlier if it is pushed.

Councilman Benson stated that he wanted to get it down as he is getting a lot of questions.

Chairman Robinson noted that the time line process is now on record.

**HOTEL PERMITS**

On motion of Councilman Pierce, seconded by Councilman Franklin, the following hotel permits were approved:

**SKY HARBOR BAVARIAN INN** – 2159 Old Wauhatchie Pike, Chattanooga, TN

**LOOKOUT LAKE BED & BREAKFAST** – 3408 Elder Mountain Road, Chattanooga, TN

**PURCHASES**

On motion of Councilman Rico, seconded by Councilman Hakeem, the following purchases were approved for use by the Finance and Administration Department, Information Systems and Purchasing Division, respectively:

**COLEMAN TECHNOLOGIES (Single source)**  
**R0083866**

Computer Network Switching Equipment per TCA 6-56-304-2

\$19,821.40

**ACE LOCK AND KEY (Lower and better bid)**  
**R0084500/B0002412**

City Wide Lock and Key Services

\$12,000.00

**BOARD APPOINTMENTS**

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

**BEER BOARD:**

- Reappointment of *J. FREDERICK WEINHOLD* for a term expiring July 31, 2008 representing District 3.

## BOARD APPOINTMENTS (Continued)

### SIGN APPEALS:

- Appointment of **LOU MUSE** for a term expiring July 31, 2008 representing District 1.
- Reappointment of **BRAD ALLEN** (representing District 4) and **REGINALD FERGUSON** (representing District 8) for terms expiring July 31, 2008.

### HEARING: DAVID FRYE

Special Counsel McMahan stated that the hearing for David Frye needs to be rescheduled due to a conflict in schedule for the City's key witness.

**The hearing for Mr. Frye was rescheduled for Monday, September 19 beginning at 10 a.m. with Councilmen Rico, Rutherford and Franklin as the panel; Councilman Page volunteered as alternate.**

### COMMITTEES

Councilman Bennett reminded Council members of the **Economic Development Committee meeting scheduled for next Tuesday, August 23 immediately following the Legal and Legislative Committee.**

Councilman Benson stated that the **Legal and Legislative Committee would meet on Tuesday, August 23 at 3 p.m.**

Councilman Franklin reminded Council members of the meeting of the **Parks and Recreation Committee scheduled for Tuesday, August 23 at 4 p.m.**

The Clerk of the Council noted that Councilwoman Rutherford would like to have a **Safety Committee meeting scheduled for 2:30 p.m. on Tuesday, August 23.**

Councilman Benson stated that he planned to call the Legal and Legislative Committee to order and let Councilwoman Rutherford's Safety Committee "piggy back" at the front end.

## **COMMITTEES**

Councilman Pierce stated that Councilwoman Rutherford decided that she would have her meeting at 3 p.m.; that Councilman Benson yielded to her. He stated he does not know how many times this would happen but for this time the Legal and Legislative Committee would follow the Safety Committee!

## **NORTH SHORE PLANNING SESSION**

Chairman Robinson stated that the neighborhood planning session for the north shore would be held on September 12 at 6 p.m. at the Theater Center and the public is invited. She stated this would involve a comprehensive plan focusing primarily on commercial development in the areas of Coolidge Park along Manufacturer's Road onto Moccasin Bend and the adjacent commercial corridors of Cherokee and North Market.

## **DANIEL LEWIS**

Daniel Lewis of 7255 Lee Highway stated that he was present to ask that the Council consider approving a resolution that would ask the U. S. Congress and Tennessee Legislature to pass laws that would help protect private property rights of citizens in Chattanooga and Tennessee from unjust "takings" under the provisions of the Fifth Amendment of the United States Constitution and to limit the use of eminent domain by the City Council of Chattanooga for projects that would be for public use only and not for the sole benefit of another private party, the public welfare requiring it. He distributed copies of the proposed resolution and a disk for the Clerk, again asking that the Council consider sponsoring this.

Councilman Benson stated that this should be heard in the Legal and Legislative Committee which generally meets at 3 p.m. on Tuesdays. He stated he did not think the matter could be discussed next week but would confer with the City Attorney to see if it could be discussed at the Committee meeting on August 30 at 3 p.m.

**ADJOURNMENT**

Chairman Robinson adjourned the meeting of the Chattanooga Council until Tuesday, August 23, 2005 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

**(A LIST OF NAMES OF PERSONS IN ATTENDANCE  
IS FILED WITH MINUTE MATERIAL OF THIS DATE)**