

**City Council Building
Chattanooga, Tennessee
October 1, 2001
6:00 p.m.**

Chairman Hakeem called the meeting of the Chattanooga Council to order with Councilmen Benson, Franklin, 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 Councilman Franklin, the minutes of the previous meeting were approved a published and signed in open meeting.

AMEND ZONING ORDINANCE

Councilman Lively made the motion to substitute the amendment to this Ordinance; Councilman Franklin seconded the motion; the motion carried.

On motion of Councilman Lively, seconded by Councilman Littlefield,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE V, SECTION 705, BY INSERTING NEW LANGUAGE RELATIVE TO PERMITTED ACCESSORY USE OR STRUCTURE TO A DWELLING UNIT AND AMENDING ARTICLE VI, SECTION 102, BY DELETING SUBSECTION (1) AND INSERTING A NEW SUBSECTION (1) RELATIVE TO ACCESSORY BUILDINGS OR STRUCTURES

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

CLOSE AND ABANDON

MR-2001-024: Bal Harbor Subdivision

Admin. McDonald explained that this Ordinance is presented with no objections from Public Works and approval is requested.

On motion of Councilman Lively, seconded by Councilman Littlefield,

AN ORDINANCE CLOSING AND ABANDONING A SEWER EASEMENT LOCATED ALONG THE NORTH PROPERTY LINE OF LOT 72, BAL HARBOR SUBDIVISION, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

passed first reading.

CHANGE ORDER

On motion of Councilman Page, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO THE DAISY HEAD START/EARLY HEAD START CENTER, WITH MCBRAYER CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY ELEVEN THOUSAND THREE HUNDRED NINETY-FOUR AND 02/100 DOLLARS (\$11,394.02), FOR A REVISED CONTRACT PRICE OF ONE HUNDRED EIGHTY-THREE THOUSAND THREE HUNDRED FIFTY-SEVEN AND 02/100 DOLLARS (\$183,357.02)

was adopted.

AGREEMENT: FRIENDS OF THE ZOO

Councilwoman Robinson stated that Resolutions 7(b) and (c) were discussed in today's Parks and Recreation Committee and approval is recommended.

On motion of Councilwoman Robinson, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO ENTER INTO AN AGREEMENT WITH FRIENDS OF THE ZOO, RELATIVE TO THE CONSTRUCTION AND MANAGEMENT OF AN AFRICAN AVIARY AT THE CHATTANOOGA ZOO AT WARNER PARK, FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED NINETY THOUSAND DOLLARS (\$190,000.00)

was adopted.

AGREEMENT: TRUST FOR PUBLIC LAND

On motion of Councilwoman Robinson, seconded by Councilman Taylor,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
 DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO ENTER INTO
 A CONSERVATION SERVICES AGREEMENT FOR 2001-2002 WITH THE
 TRUST FOR PUBLIC LAND, RELATIVE TO THE CHATTANOOGA
 GREENWAYS PROGRAM**
 was adopted.

OVERTIME

Overtime for the week ending September 28, 2001 totaled \$13,049.68.

PERSONNEL

The following personnel matters were reported for the Public Works Department:

LEE YEARBY -- Suspension (3 days without pay), Equipment Operator Senior, Citywide Services, effective October 1-3, 2001.

ERIC L. COX – Demotion, Crew Worker, Pay Grade 3/Step 11, \$25,071.00 annually, effective September 25, 2001; suspension without pay effective August 22 – September 25, 2001.

ANGELA R. PUTMAN – Return from Family Medical Leave, Citywide Services, effective October 1, 2001.

MARTIN G. SANDERS – Death, Light Equipment Operator, Citywide Services, effective September 19, 2001.

STACY R. SMITH – Promotion, Equipment Operator, Citywide Services, Pay Grade 6/Step 1, \$19,834.00 annually, effective July 25, 2001.

TIMOTHY A. SHIPLEY – Resignation, Equipment Operator, Citywide Services, effective September 28, 2001.

PURCHASES

On motion of Councilman Lively, seconded by Councilman Taylor, the following purchases were approved for use by the Public Works Department:

STOWERS MACHINERY (Best bid)
Requisition R0060562/B0000588

Two (2) Crawler Tractors

\$373,363.12

ARMSTRONG RELOCATION (Lower and better bid)
Requisition R0044027/B0000622

Moving Services for DRC

\$41,877.00

EAST BRAINERD LUMBER (Only bid received)
Requisition R0060998/P0016621

Lumber and Related Materials

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

CROSIBLE FILTRATION, INC. (Single source purchase)
Requisition R0057523

Filter Cloth Fabric requirements contract per TCA6-56-304.2

\$6,620.00 per set

PERSONNEL

The following personnel matters were reported for the Chattanooga Fire Department:

MARC ABERNATHY – Resignation, Senior Firefighter, effective October 5, 2001.

JAMES GENTRY, JR. – Retirement (29 years of outstanding service), Captain, effective October 5, 2001.

HOTEL PERMITS

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

INTOWN SUITES – 1914 Gunbarrel Road, Chattanooga, TN

GUESTHOUSE INN – 2201 Park Drive, Chattanooga, TN

COURTYARD BY MARRIOTT – 2210 Bams Road, Chattanooga, Tennessee

COUNTRY HEARTH INN – 7638 Lee Highway, Chattanooga, Tennessee

EASTGATE MOTEL – 5611 Brainerd Road, Chattanooga, Tennessee

SUBURBAN LODGE HOTEL – 5730 Lee Highway, Chattanooga, Tennessee

HOMWOOD SUITES BY HILTON – 2250 Center Street, Chattanooga, Tennessee

KNIGHTS INN – 6914 Shallowford Road, Chattanooga, Tennessee

DAYS INN – HAMILTON PLACE – 2341 Shallowford Village Drive, Chattanooga, Tennessee

PARK CITY HOTEL – 2747 Cannon Street, Chattanooga, Tennessee

PURCHASE

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

AARON'S PEST CONTROL (Lowest and best bid)

Requisition R0043074/PO 016622

Pest Control Services, 12 Months Contract

\$476.00 - \$310.00 per month (Fire)

\$166.00 – per month (Police)

"FIRE PREVENTION WEEK"

Chief Coppinger invited everyone to the fire prevention ceremony scheduled for Monday, October 8 at 9 a.m. at the Fire Training Center. He stated that the ceremony would pay tribute to the fallen local firefighters, as well as other firefighters throughout the country.

GIFTS APPROVAL

Chief Coppinger asked for Council approval for KMC Telecom and Krispy-Kreme to deliver donuts to every fire station on October 11 in a "show of appreciation" to all local fire fighters.

Councilman Benson asked that a total policy regarding gifts to employees be considered; that he agrees the firefighters, as well as policemen, are in a position that all are thankful for them and they should be honored. He stated that somewhere along the line the Legal and Legislative Committee should look at the process of receiving gifts from individuals, especially, for example, if one of the twelve hotels given permit approval tonight should decide they want to give gifts to persons who inspect them.

Chief Coppinger clarified that inspectors are not allowed to accept any gratuity.

Councilman Benson stated that a policy needs to be "spelled out" and expressed agreement that the matter is being governed pretty well. He stated in order to prevent the perception down the road it is recommended that the matter be approved contingent upon the direction of the Legal and Legislative Committee taking a look at a policy regarding conflict of interest for the entire City.

Chairman Hakeem asked the Chair of the Legal and Legislative Committee to pursue this issue and come back to the Council with a possible recommendation.

On motion of Councilman Lively, seconded by Councilman Benson, approval was duly given.

PERSONNEL

The following personnel matter was reported for the Department of Finance and Administration, Division of Information Services:

KEVIN BOYER – Demotion, Programmer, Pay Grade 16/Step 8, \$42,871.00 annually, effective October 5, 2001.

PURCHASES

On motion of Councilman Littlefield, seconded by Councilman Franklin, the following purchases were approved for use by the Department of Finance and Administration, Fleet Maintenance Division:

GOODYEAR TIRE and TIRE DISTRIBUTION SYSTEM (Lowest and best bids)
Requisition R0055993/P0016617

Tires and Liners Requirements Contract

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

R. CONRAD REESE SALES & SERVICE (Lowest and best bid)
Requisition R0055987/B0000621

Rotary Lift

\$19,381.37

PURCHASE

On motion of Councilman Littlefield, seconded by Councilman Franklin, the following purchase was approved for use by the Department of Finance and Administration, Purchasing Division (Citywide):

THE PRINT SHOP (Best bid)
Purchase Order P0016109

Bulk Printing, Design & Layout Services

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

EMERGENCY PURCHASE

The emergency purchase order for the transmission replacement of a truck for the Fleet Maintenance Division, Department of Finance and Administration, in the amount of \$10,450.00, issued to Lee-Smith, Inc. was duly reported and signed in open meeting.

REZONING POSTPONEMENT

City Attorney Nelson stated the applicant regarding rezoning case 2001-113 (George B. Harless, Jr.) scheduled for Council consideration on October 16 has requested that the matter be postponed due to his having to undergo surgery. He stated the applicant would notify the Council Clerk as to when he would like for the matter to be rescheduled before the Council. He stated the communication indicates that Gary Ball and Mrs. Hammonds of the neighborhood associations affected by this rezoning have been notified and are in agreement with the postponement. He stated the matter would be rescheduled as soon as the doctor releases him after surgery (approximately two months/60 days).

Jerry Place of the Planning Agency asked if it would be appropriate to bring the other rezoning request for Mr. Gibson forward which is similar to this one and hear them both together at the delayed date or move forward with it on October 16? He stated both requests were tabled for an opportunity to meet with the neighborhood associations, which has not occurred, yet.

City Attorney Nelson suggested that the Planning Agency contact the applicant for the second request to see if both matters should be heard at the same time.

Chairman Hakeem suggested that Mr. Harless' matter be deferred indefinitely tonight and that Planning representatives talk with Mr. Gibson regarding the second request.

Councilman Pierce inquired as to whether the 60-day deference would require that amount of time for Mr. Harless' recovery. City Attorney Nelson responded "yes".

On motion of Councilman Lively, seconded by Councilwoman Robinson the rezoning request was deferred indefinitely.

COMMITTEES

Councilman Franklin reminded Council members of the meeting of the **Public Works Committee scheduled for Tuesday, October 9 at 4 p.m.**

Councilman Littlefield stated that the Legal and Legislative Committee had a long meeting today with discussion regarding the brush and trash Ordinance and that resident association representatives were present. He stated the matter was discussed at some length with a very aggressive question and answer session; that the Committee approved having the matter on the agenda for consideration by the City Council on October 16.

Councilwoman Robinson stated that the Parks and Recreation Committee met today and reviewed the second draft of a facilities use document to be used by the management resident groups. She stated it is hoped that the document will be presented in final form in a few weeks; that a copy of the draft will be circulated to the various neighborhood centers within the coming week.

BOARD APPOINTMENT

On motion of Councilman Lively, seconded by Councilwoman Robinson, the following board appointment was approved:

BOARD OF SIGN APPEALS:

- ❖ Appointment of **JAMES WALLACE WOODS** for a term expiring January, 2004 representing District 1.

LAND USE PLANNING SESSION

Councilman Page announced that the land use planning session for the Highway 58 area is scheduled for Monday, October 8 at 6 p.m. at St. John United Methodist Church.

**INTERNATIONAL DOWNTOWN ASSOCIATION
CONFERENCE**

Councilwoman Robinson stated that she attended the annual meeting of the International Downtown Association (IDA) Conference in Pittsburgh, Pennsylvania this past weekend and Chattanooga received an award for the Southside Plan per nomination by RiverCity. She stated that as a member of the Board of IDA she received the award on behalf of the City, which will be on display in the RiverCity office. She stated the award brings good international recognition to our City for continued downtown revitalization.

Councilman Pierce inquired as to why the RiverCity office is housing the award if it was presented to the City; that it should be on display here? Councilwoman Robinson clarified that RiverCity made the nomination for the Southside Plan. She stated that she would check into the matter.

EMERGENCY PREPAREDNESS

Chairman Hakeem stated that ABC News was in Chattanooga today studying our preparedness for eventualities such as those that occurred in New York and Washington. He stated that he wanted to make everyone aware that it is his understanding the report will be made on national television on Wednesday evening at 6:30 p.m.

ADJOURNMENT

Chairman Hakeem adjourned the meeting of the Chattanooga Council until Tuesday, October 9, 2001 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)**