

December 8, 2015

Mayor Jane W. Dawkins	P
Commissioner Paul Don King	P
Commissioner Ronnie Lancaster	P
Commissioner Jeff Powers	P
Commissioner Jimmy Wigfall	P

The Board of Mayor and City Commissioners met in a Regular City Meeting on Tuesday, December 8, 2015.

A **Motion** was made by Commissioner Wigfall, seconded by Commissioner Lancaster, to approve the minutes of the November 10, 2015 meeting. No roll call vote.

A **Motion** was made by Commissioner Lancaster, seconded by Commissioner Wigfall, to approve the minutes of the November 20, 2015 meeting. No roll call vote. Commissioner Powers abstained (did not attend the Special Called Meeting).

A **Motion** to pass **Resolution #962** (A Resolution to Amend and Supplement the City Police Manual to Add a Racial Profiling Prevention Policy as Mandated by the State of Tennessee) was made by Commissioner Lancaster, seconded by Commissioner Wigfall. Roll call vote: Commissioner Lancaster, yes; Commissioner Wigfall, yes; Commissioner Powers, yes; Commissioner King, yes; Mayor Dawkins, yes. Five voted aye.

A **Motion** was made by Commissioner Wigfall, seconded by Commissioner Lancaster, to pass on first (1<sup>st</sup>) reading **Ordinance # 760** (An Ordinance to Amend the Zoning Ordinance of South Pittsburg, TN, to Clarify Membership on the Board of Zoning Appeals). Roll call vote: Commissioner Lancaster, yes; Commissioner Wigfall, yes; Commissioner Powers, yes; Commissioner King, yes; Mayor Dawkins, yes. Five voted aye.

A **Motion** was made by Commissioner Wigfall, seconded by Commissioner Lancaster, to pass on first (1<sup>st</sup>) reading **Ordinance # 761** (An Ordinance Amending the Annual Budget for the City of South Pittsburg, TN, for Fiscal Year 2015-2016). Roll call vote: Commissioner Lancaster, yes; Commissioner Wigfall, yes; Commissioner Powers, no; Commissioner King, no; Mayor Dawkins, yes. Three voted aye.

A **Motion** was made by Commissioner Wigfall, seconded by Commissioner Lancaster, to approve beer permit for Ashokkumar Chaudhary, doing business as Lottery Food Mart. Roll call vote: Commissioner Lancaster, yes; Commissioner Wigfall, yes; Commissioner Powers, yes; Commissioner King, yes; Mayor Dawkins, yes. Five voted aye.

A **Motion** was made by Commissioner Lancaster, seconded by Commissioner Wigfall, to award the CDBG Bid to Curl Construction. Roll call vote: Commissioner Lancaster, yes; Commissioner Wigfall, yes; Commissioner Powers, no; Commissioner King, no; Mayor Dawkins, yes. Three voted aye.

After a public hearing, a **Motion** to pass on second (2<sup>nd</sup>) and final reading **Ordinance # 758** (An Ordinance for the City of South Pittsburg to Amend the Zoning Ordinance of the City of South Pittsburg Pertaining to Alternative Financial Institutions) was made by Commissioner Wigfall, seconded by Commissioner Powers. Roll call vote: Commissioner Lancaster, yes; Commissioner Wigfall, yes; Commissioner Powers, yes; Commissioner King, yes; Mayor Dawkins, yes. Five voted aye.

After a public hearing, a **Motion** to pass on second (2<sup>nd</sup>) and final reading **Ordinance # 759** (An Ordinance to Abandon Alleyways Described Within the Body of this Ordinance and Shown on the Attached Graphic Within the Corporate Limits of the City of South Pittsburg, TN) was made by Commissioner Lancaster, seconded by Commissioner Powers. Roll call vote: Commissioner Lancaster, yes;

Commissioner Wigfall, yes; Commissioner Powers, yes; Commissioner King, yes; Mayor Dawkins, yes. Five voted aye.

A **Motion** to adjourn the meeting was made by Commissioner Wigfall, seconded by Commissioner Powers. No roll call vote.

Respectfully submitted,

Mayor Jane W. Dawkins  
Diane Beavers, City Recorder

**CITY OF SOUTH PITTSBURG, TENNESSEE  
RESOLUTION # 962**

**A RESOLUTION TO AMEND AND SUPPLEMENT THE CITY POLICE  
MANUAL TO ADD A RACIAL PROFILING PREVENTION POLICY AS  
MANDATED BY THE STATE OF TENNESSEE.**

**WHEREAS**, by Resolution # 955 adopted by the Board of Mayor and Commissioners of the City of South Pittsburg, Tennessee on May 12, 2015, an updated and revised City Police Manual on Rules, Policies and Procedures for the City's Police Department was approved and adopted; and

**WHEREAS**, based on requirements of newly-enacted Tennessee state law, all law enforcement agencies are required to adopt a Racial Profiling Policy by January 1, 2016, and based on said State law and the recommendation from the City's Police Chief, it has now been determined that said newly-adopted Manual should be amended and further supplemented to include the adoption of said Policy; and

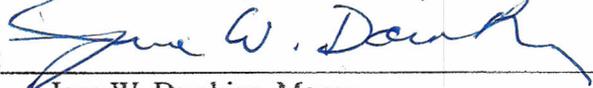
**WHEREAS**, the Board of Mayor and Commissioners of the City now desires to amend and supplement said Manual by adding thereto and including therein **Section 1.40 RACIAL PROFILING POLICY**, with copies of said section/policy attached hereto and incorporated herein and therein by reference.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Board of Mayor and Commissioners of the City of South Pittsburg, Tennessee, meeting in regular session on the 8th day of December, 2015, that the City Police Manual on Rules, Policies and Procedures for the police department, adopted by the Board through Resolution #955 on May 12, 2015, be and the same is hereby amended and supplemented by adopting, adding thereto and including therein **Section 1.40 RACIAL PROFILING POLICY**, with copies of said section attached hereto and incorporated herein and therein by reference.

**BE IT FURTHER RESOLVED** by the Mayor and Commissioners that this Resolution shall take effect immediately from and after its passage as required by law, the public welfare requiring it.

**ADOPTED** this 8th day of December, 2015.

THE CITY OF SOUTH PITTSBURG, TENNESSEE

By:   
Jane W. Dawkins, Mayor

ATTESTED:

  
Diane Beavers, City Recorder

DATE PASSED: December 8, 2015



**Stantec Consulting Services Inc.**  
Warehouse Row North  
1110 Market Street, Suite 214A  
Chattanooga, Tennessee 37402-2863

November 30, 2015  
File: BR\_175618504

**Attention: The Honorable Jane Dawkins**  
City of South Pittsburg, Tennessee  
204 W. 3<sup>rd</sup> Street  
South Pittsburg, Tennessee 37380

Dear Mayor Dawkins,

**Reference: City of South Pittsburg, Tennessee  
2013 IT South Pittsburg Stream Bank Stabilization  
Recommendation for Award**

Sealed bids were received by the City of South Pittsburg for the 2013 IT South Pittsburg Stream Bank Stabilization project at 9:00 AM local time, on Tuesday, November 24, 2015. Five single prime contractors submitted bids for this project: ERS, Inc., Lofty Construction Company, Thomas Brothers Construction Company, Inc., Curl Construction and Excavating, LLC, and Blevins Enterprises, Inc. All bids were opened and publicly read aloud. All companies represented at the bid opening are properly licensed contractors and submitted a proper bid security in the amount of five percent of the total bid submitted. The attached Bid Tabulation provides the bid results. The bids ranged from a low bid of \$49,100.00 to a high bid of \$131,000.00.

The lowest responsive responsible bidder is Curl Construction and Excavating LLC, with a bid in the amount of \$49,100.00. Curl Construction and Excavating LLC meets all required qualifications and has experience with projects similar to this project. Therefore, we recommend awarding the 2013 IT South Pittsburg Stream Bank Stabilization project construction contract to Curl Construction and Excavating LLC.

After consideration and approval by the City Commissioners, and with concurrence of the funding agencies, a Notice of Award to Curl Construction and Excavating, LLC will be prepared by Stantec for signature by the proper City official and inclusion in the contract documents.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

**Stantec Consulting Services Inc.**

Paul Thomas, PE  
Associate  
Phone: 423-800-5350  
Fax: 423-800-5351  
Paul.Thomas@stantec.com

Attachment: Bid Tabulation and Summary

CC: Cathy Andrews

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**BID TABULATION & SUMMARY**

**City of South Pittsburg  
2013 IT South Pittsburg Stream Bank Stabilization**

	Bidder No. 1	Bidder No. 2	Bidder No. 3	Bidder No. 4	Bidder No. 5	Engineer's Pre-Bid Cost Estimate
	Curl Construction and Excavating, LLC 505 Blackman Blvd. W Wartrace, TN 37183	Blevins Enterprises, Inc. 734 Main Street Altamou, TN 37301	ERS, Inc. 4526 Office Park Drive, Suite 2 Jackson, MS 39206	Lofty Construction Company 800 Lofty Drive Kinball, TN 37347	Thomas Brothers Construction Company, Inc. 7849 Dayton Pike Hixson, TN 37367	
Base Bid	\$49,100.00	\$53,250.00	\$88,000.00	\$122,000.00	\$131,000.00	\$57,200.00
Alternate No. 1: Remove Site #3 - Near South Cedar Avenue from project	-\$13,000.00	-\$14,250.00	-\$4,000.00	-\$20,000.00	-\$21,000.00	-
Alternate No. 2: Remove Site #1 - Irontdale Road from project	-\$16,000.00	-\$16,000.00	-\$14,000.00	-\$82,000.00	-\$35,000.00	-
Bid Bond	Selective Insurance Agency of America	Platte River Insurance Company	Granite RE, Inc.	Granite RE, Inc.	Fidelity and Deposit Company of Maryland	-

I hereby certify that the above Bid Summary is a true and accurate tabulation of bids received at the South Pittsburg City Hall at 204 W. 3rd Street, South Pittsburg, Tennessee 37380 at 9:00 a.m. local time, on Tuesday November 24, 2015, for the 2013 IT South Pittsburg Stream Bank Stabilization project.

Paul R. Thomas  
Stantec Consulting Services Inc.  
Tennessee PE License No. 114130

**ORDINANCE NUMBER 758**

**AN ORDINANCE FOR THE CITY OF SOUTH PITTSBURG  
TO AMEND THE ZONING ORDINANCE OF THE CITY OF SOUTH PITTSBURG  
PERTAINING TO ALTERNATIVE FINANCIAL INSTITUTIONS**

**WHEREAS,** Tennessee Code Annotated (TCA) § 13-7-201, allows for the zoning of territory within a municipality; and

**WHEREAS,** the South Pittsburg Municipal Planning Commission has certified a zoning ordinance as provided for in TCA § 13-7-202; and

**WHEREAS,** TCA §13-7-204 authorizes amendments to a zoning ordinance; and

**WHEREAS,** in accordance with TCA § 13-7-203 subsection (b), the South Pittsburg Municipal Planning Commission approved and recommended the zoning amendment herein described to the Board of Mayor and Commissioners; and

**WHEREAS,** in accordance with TCA § 13-7-203, subsection (a), a public hearing was held prior to final reading of this ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND COMMISSIONERS OF THE CITY OF SOUTH PITTSBURG, TENNESSEE THAT:**

**Section 1:** **CHAPTER 2, Section 02.02. Definitions.** is amended with the addition of the term "Alternative Financial Institution" to be placed in its proper alphabetical order. The term shall read as follows:

**Alternative Financial Institutions.** establishments that are:

- (a) not licensed by an appropriate state or federal agency as a bank, savings and loan association, or credit union, industrial loan and thrift offices, insurance premium finance companies, or mortgage companies;
- (b) regulated by the Tennessee Department of Financial Institutions; and
- (c) categorized for purposes of this Ordinance as:
  - 1) "Pawnbrokers" as defined at T.C.A. § 45-6-203; or
  - 2) "Title Pledge Lenders" as defined at T.C.A. § 45-15-103; or
  - 3) "Deferred Presentment Services" as defined at T.C.A. § 45-17-102; or
  - 4) "Check Cashers" as defined at T.C.A. § 45-18-102 except that Check Cashers do not include Check Cashers exempt from state

regulation pursuant to T.C.A. § 45-18-103, or

5) any combination of Alternative Financial Services which include, but are not limited to, "Pawnbrokers", "Title Pledge Lenders", "Deferred Presentment Services" and/or "Check Cashers" as defined herein.

**Section 2:** **CHAPTER 8 C-1 LOCAL HIGHWAY COMMERCIAL DISTRICT (LIMITED), Section 08.02. Uses Permitted.** is amended with the addition of an item "12" which shall read as follows:

12. **Alternative Financial Institutions (Refer to Chapter 13, Section 13.15. Standards for Alternative Financial Institutions.)**

**Section 3:** **CHAPTER 9 C-2 GENERAL COMMERCIAL DISTRICT, Section 09.02. Uses Permitted.** is amended with the addition of an item "5" which shall read as follows:

5. **Alternative Financial Institutions (Refer to Chapter 13, Section 13.15. Standards for Alternative Financial Institutions.)**

**Section 4:** **CHAPTER 13 SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS** is amended with the addition of a new "**Section 13.15. Standards for Alternative Financial Institutions.**" which shall read as follows:

**Section 13.15. Standards for Alternative Financial Institutions.**

Alternative Financial Institutions as defined in Section 02.02. of this ordinance shall adhere to the following regulations:

1. No Alternative Financial Services Establishment shall be located within 1500 feet of any other Alternative Financial Services Establishment, with the interval distance to be measured from property line to property line.
2. No Alternative Financial Services Establishment shall be located within 500 feet of any residentially zoned property, with the interval distance to be measured from property line to property line.

**NOW, BE FURTHER ORDAINED,** that this ordinance shall become effective upon final reading and passage by the Board of Mayor and Commissioners, the public welfare requiring it.

**RECOMMENDED BY THE PLANNING COMMISSION:** July 9, 2015

**Date Advertised in the Chattanooga Times:** 11.20.15

**Date of Public Hearing:** 12.8.15

First Reading: 11.10.15  
Second Reading: 12.8.15

*Jane W. Dawkins*  
Mayor, Jane W. Dawkins

ATTEST:

*Diane Beavers*  
Recorder, Diane Beavers

**ORDINANCE NUMBER: 759**

**AN ORDINANCE TO ABANDON ALLEYWAYS DESCRIBED WITHIN THE BODY OF THIS ORDINANCE AND SHOWN ON THE ATTACHED GRAPHIC WITHIN THE CORPORATE LIMITS OF THE CITY OF SOUTH PITTSBURG, TENNESSEE.**

**WHEREAS,** the City of South Pittsburg has agreed to abandon an alleyway connecting to Elm Avenue between Fifth Street and Sixth Street as described in the body of this ordinance; and

**WHEREAS,** the Board of Mayor and Commissioners wish to formalize this agreement in writing; and

**WHEREAS,** the South Pittsburg Municipal Planning Commission has reviewed and recommended the proposed abandonment of the aforementioned alleyways in their meeting on October 22, 2015.

**NOW, THEREFORE, BE IT ORDAINED BY THE** Board of Mayor and Commissioners of the City of South Pittsburg that the Director of Public Works, for the City of South Pittsburg, is instructed and authorized to abandon an alleyway connecting to Elm street between Fifth Street and Sixth Street described more accurately within the body of this ordinance, said alleyway being within the corporate limits of the City of South Pittsburg:

Section 1: Unnamed alleyway defined by being adjacent to the southernmost lot line of parcel 142O A 004.00, and the northernmost lot line of parcel 142O A 038.00, which runs parallel to Fifth and Sixth Street, and touches and is perpendicular to Elm Avenue. The abandonment does not include any portion of the right-of way for Elm Avenue.

Section 2: All adjoining property owners shall be entitled to claim property to the center of the alley and to the extent upon which their property borders the street.

Section 3: The City of South Pittsburg, Tennessee reserves the right to maintain any utility easements within the abandoned right-of-way. Nor shall this ordinance impact any other easements which may be in place on the impacted alleyways.

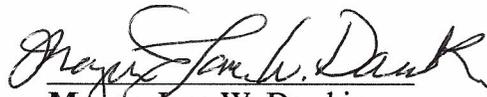
Section 4: Any need to relocate utilities within the alleyways including but not limited to water, sewer and gas shall be the responsibility of the property owner(s) claiming the abandoned areas.

**NOW, THEREFORE, BE IT ORDAINED** that the Mayor of South Pittsburg and the City Administrator are authorized and instructed to execute the abandonment on behalf of the city.

**NOW, THEREFORE, BE IT FURTHER ORDAINED** that this Ordinance shall take effect and be in force immediately from and after its final passage, the public welfare requiring it.

FIRST READING: 11.10, 2015

SECOND READING: 12.8, 2015

  
Mayor, Jane W. Dawkins

ATTEST: 

Recorder, Diane Beavers