

**Municipal Building  
Chattanooga, Tennessee  
September 28, 1999**

The meeting of the Chattanooga Council was called to order by Vice Chairman Hakeem with Councilmen Crockett, Eaves, Franklin, Hurley, Pierce, Rutherford and Taylor present; Chairman Lively was absent due to family illness. Assistant City Attorney Mike McMahan, Management Analyst Randy Burns, and Council Clerk Carol O'Neal, CMC, were also present.

**INVOCATION**

Invocation was given by Randy Burns.

**MINUTE APPROVAL**

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

**AMEND CITY CODE RELATIVE TO  
PAWNBROKERS**

Councilwoman Hurley made the motion to substitute the amendments to this Ordinance; Councilwoman Rutherford seconded the motion; the motion passed.

Councilman Crockett stated when this was discussed he assumed there was opportunity for pawnshop owners to come and meet with the committee and raise their issues.

Vice Chairman Hakeem assured Councilman Crockett that the pawnbrokers had an attorney to represent them and they are satisfied with the decision of the Council and the small amendment to the Ordinance.

Councilman Crockett stated that was his question; that he was concerned that the pawnbrokers as a group were happy with the amended version.

Vice Chairman Hakeem stated to his understanding that is the case unless Councilman Crockett is aware of information to the contrary.

**AMEND CITY CODE RELATIVE TO  
PAWNBROKERS**

Atty. Phil Fleenor was present representing three clients in town and stated concerns were addressed at a previous meeting. He stated it is his understanding that Atty. Shelley Parker submitted to the City Attorney's office a revised copy of the Ordinance on yesterday which took out the provision of what they found to be the problem in the Ordinance regarding copying and costs. He stated that provision has alleviated the problem and the copying requirement has come out at this time. He stated it is his understanding the City Attorney has received a copy of what Atty. Parker has provided and they have no objection.

Councilman Crockett stated all on the Council have pawnshops in their districts and other places.

Councilman Taylor stated for point of clarification that it was brought out at last week's meeting that the State Attorney General was to observe and provide information as it relates to copying and identification. It was acknowledged that Councilman Taylor was correct. Councilman Taylor indicated that he wanted to make sure the request was so noted in the record.

On motion of Councilman Pierce, seconded by Councilwoman Hurley,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 11, ARTICLE VII, SECTIONS 11-241 THROUGH 11-250,  
RELATIVE TO REGULATIONS FOR PAWNBROKERS**

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

**AMEND CITY CODE: ADD PROVISION  
CONCERNING FACTORS WHEN  
ACCEPTING BIDS**

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
SECTION 2-353, AS AMENDED, SO AS TO ADD A PROVISION  
CONCERNING FACTORS TO BE CONSIDERED WHEN ACCEPTING  
BIDS**

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

**EASEMENT**

On motion of Councilwoman Hurley, seconded by Councilman Crockett,

**A RESOLUTION AUTHORIZING THE PURCHASE OF A GRANT OF PERMANENT EASEMENT FOR A CONFERENCE CENTER AND RELATED USES FROM THE UNITED STATES OF AMERICA, TENNESSEE VALLEY AUTHORITY, AUTHORIZING PAYMENT, AND AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS RELATED THERETO**

was adopted.

**PARKING AGREEMENT: USA, TVA**

On motion of Councilman Pierce, seconded by Councilman Taylor,

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PARKING AGREEMENT WITH THE UNITED STATES OF AMERICA, TENNESSEE VALLEY AUTHORITY**

was adopted.

**AGREEMENT: URBAN COLLAGE, INC.**

On motion of Councilman Pierce, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH URBAN COLLAGE, INC., JOINTLY WITH THE COMMUNITY IMPACT FUND, FOR THE DEVELOPMENT OF A MASTER PLAN FOR THE BUSHTOWN NEIGHBORHOOD ASSOCIATION, FOR A TOTAL CONTRACT AMOUNT OF TWENTY-SIX THOUSAND DOLLARS (\$26,000.00), WITH THE CITY'S PORTION BEING TEN THOUSAND DOLLARS (\$10,000.00) AND THE COMMUNITY IMPACT FUND'S PORTION BEING SIXTEEN THOUSAND DOLLARS (\$16,000.00)**

was adopted.

**AGREEMENT: ARTECH DESIGN**

On motion of Councilman Taylor, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO ENTER INTO A STANDARD FORM OF AGREEMENT BETWEEN OWNER AND ARCHITECT WITH ARTECH DESIGN RELATIVE TO THE SOUTH CHATTANOOGA RECREATION COMPLEX IN AN AMOUNT NOT TO EXCEED THREE HUNDRED THOUSAND DOLLARS (\$300,000.00)**

was adopted.

**AGREEMENT AMENDMENT:**  
**CONSOLIDATED TECHNOLOGIES, INC.**

On motion of Councilman Franklin, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING AMEND NO. 1 TO THE AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO ADDITIONAL DESIGN AND CONSTRUCTION PHASE SERVICES ON THE 19<sup>TH</sup> STREET CSO FACILITY, SAID AMENDMENT NOT TO EXCEED ONE HUNDRED NINETY-SEVEN THOUSAND, SIX HUNDRED FIFTY-EIGHT DOLLARS (\$197,658.00) FOR A REVISED TOTAL NOT TO EXCEED THREE HUNDRED TWENTY-SEVEN THOUSAND, EIGHT HUNDRED EIGHTY DOLLARS (\$327,880.00)**

was adopted.

**CHANGE ORDER**

Councilman Pierce inquired as to the January 29, 1999 completion date.

Admin. Marcellis expressed that he is not sure of the date; that he thought it was sometime later.

Paul Cate stated they are withholding money pending final completion and the contractor has agreed to that provision.

Admin. Marcellis stated this is a decrease we are holding. Mr. Cate then indicated that it is actually in addition to that.

Later in the meeting during departmental reports, Admin. Marcellis explained that the liquidated damages are in the amount of \$10,000 and the contractor has agreed to pay it. He stated there are some other conditions and we are holding back some retainage for about a year or two to make sure it functions correctly.

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,

**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2, CONTRACT NO. 28H, SUBMERGED OUTFALL DIFFUSER, WITH SOUTHERN MARINE CONSTRUCTION COMPANY, WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY THIRTEEN THOUSAND, FIVE HUNDRED SIXTY DOLLARS (\$13,560.00) FOR A REVISED CONTRACT TOTAL OF ONE MILLION, ONE HUNDRED SEVENTEEN THOUSAND, EIGHT HUNDRED FORTY DOLLARS (\$1,117,840.00) WITH THE DATE FOR COMPLETION OF ALL WORK BY JANUARY 29, 1999**

was adopted.

**CHANGE ORDER**

On motion of Councilman Franklin, seconded by Councilman Crockett,

**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 (FINAL), CONTRACT NO. 73B-1, BIG RIDGE COLLECTION SYSTEM III, WITH J.W.T., INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY THREE HUNDRED FOUR THOUSAND, SIX HUNDRED THIRTY-SEVEN AND 04/100 DOLLARS (\$304,637.04) FOR A REVISED TOTAL AMOUNT NOT TO EXCEED ONE MILLION, TWO HUNDRED NINETY-EIGHT THOUSAND, FIVE HUNDRED TWO AND 71/100 DOLLARS (\$1,298,502.71)**

was adopted.

**TEMPORARY USE: GOLDEN GALLON, INC.**

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,

**A RESOLUTION AUTHORIZING GOLDEN GALLON, INC. TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT THE INTERSECTION OF GUNBARREL AND EAST BRAINERD ROADS FOR DRILLING TWO (2) WATER QUALITY MONITORING WELLS AT SAID LOCATION, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**TEMPORARY USE: THOMAS W. VAN CLEAVE**

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THOMAS W. VAN CLEAVE TO USE TEMPORARILY THE HOUSTON STREET RAMP BETWEEN FIFTH (5<sup>TH</sup>) STREET AND THE NORTH END OF THE RAMP TO DEVELOP A LANDSCAPED PEDESTRIAN PEDWAY, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**OVERTIME**

Overtime for the week ending September 24, 1999 totaled \$86,300.04.

**PURCHASE**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following purchase was approved for use by the General Services Department:

**G T DISTRIBUTORS (Lowest and best bid)**  
**Requisition No. 0045323**

Setina Prisoner Partitions

\$12,859.20

**PERSONNEL**

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

JAMES HANEY -- Promotion, Lubricator, Waste Resources, Pay Grade 7/Step 7, \$25,792.00 annually, effective September 22, 1999.

JAMES H. ELDER -- Suspension (2 days without pay), Sanitation Worker, City-wide Services, effective September 14 and 16, 1999.

CHARLES D. STEWART -- Family Medical Leave, Crew Supervisor Sr., City-wide Services, effective August 30 - November 22, 1999.

JIMMY L. DYER -- Resignation, Sanitation Worker Sr., City-wide Services, effective September 17, 1999.

DON M. SANDERS -- Resignation, Equipment Operator, City-wide Services, effective September 18, 1999.

TIMOTHY W. MCDONALD -- Promotion, Biologist, Engineering, Pay Grade 14/Step 1, \$27,491.00 annually, effective July 1, 1999.

**PURCHASE**

On motion of Councilman Crockett, seconded by Councilwoman Hurley, the following purchase was approved for use by the Public Works Department:

**ENCORE SOLUTIONS (Best Bid)**

**Requisition No. R0043695**

Repair of Drive Modules

**(Price information available and filed with minute material)**

**PERSONNEL**

The following personnel transaction was reported for the Chattanooga Fire Department:

PAUL C. JOHNSON -- Retirement, Commander, effective September 24, 1999

**HOTEL PERMITS**

On motion of Councilwoman Rutherford, seconded by Councilman Crockett, the following hotel permits were approved:

COUNTRY SUITES, 7051 McCutcheon Road

LOOKOUT MOUNTAIN INN, 3800 Cummings Highway

COUNTRY HEARTH INN, 7638 Lee Highway

MOTEL 6, 2440 Williams Street

**PURCHASES**

On motion of Councilwoman Rutherford, seconded by Councilman Crockett, the following purchases were approved for use by the Chattanooga Fire Department:

**MARSHAL MIZE FORD (Lowest and best bid)**

**Requisition No. 0042935**

F-450 Cab and Chassis

\$26,123.00

**PURCHASES (Continued)**

**BIO LAB FEDERAL SERVICES (Lowest and best bid)**  
**Requisition No. 0042933**

Pest Control Contract (Monthly)

\$399.00 per month

**PERSONNEL**

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

VICTOR WUGHTER -- Police Officer, Suspension (4 days without pay), effective October 1, 1999.

RHONDA JOHNSON NUNLEY -- Police Officer, Suspension (14 days without pay), effective September 24, 1999.

ERIC L. JONES, JASON HOLMES, CHRISSY STANCIL, CURTIS PENNEY, MATTHEW VANDEGRIFF, THOMAS S. FAULK -- Hire, Part-Time Police Service Technician, \$8.94 per hour, effective September 24, 1999.

Councilwoman Rutherford inquired as to the Part-Time Police Service Technician position.

Deputy Chief Larry Lyda explained that this is a program that started in Memphis that he had read about several years ago and wanted it for Chattanooga's Police Department. He stated it is a program where we "grow" our own police officers; that they are recruited out of high school and will not be armed. He stated they will work part-time and will have to attend college; that this allows the Department an opportunity to evaluate them for a long period and keep them from getting into another career track.

Councilwoman Rutherford asked if all those listed on the Departmental transaction sheet are high school graduates and enrolled in college. Deputy Chief Lyda responded "yes".



**REFUNDS**

On motion of Councilman Crockett, seconded by Councilman Pierce, the Administrator of Finance was authorized to issue the following refunds for 1998 property taxes:

**AIM HOUSING, INC.**, Map number 157I-G-002, Appeal resolution by the State Board of Appeals, \$4,063.00

**SIGNAL CENTERS, INC.**, Map number 157A-C-001, Appeal resolution by the State Board of Appeals, \$2,585.55

**HEARING: TIMOTHY NABORS**

Asst. City Attorney McMahan reminded Council members of the hearing for Timothy Nabors scheduled for Monday, October 4 at 6 p.m. with Councilmen Hurley (Chair), Lively and Franklin serving as the panel.

**HEARING: REGINALD FINDLEY**

Councilman Eaves stated a hearing for Officer Reginald Findley was held last evening; that it was decided judgment would be held for two-to-three weeks at the request of administration. He stated the panel voted to allow for that and should have something final within a period of two-to-three weeks.

**CHAIRMAN LIVELY**

Vice Chairman Hakeem explained that Chairman Lively's absence is due to illness in his family.

**BRIGGS WALLACE**

Vice Chairman Hakeem recognized the presence of Ms. Briggs Wallace, a student at Girls' Preparatory School (GPS) and extended a hearty welcome to her.

**WALNUT STREET BRIDGE**

Councilman Eaves stated he walked the Walnut Street Bridge, again, and expressed concern with regard to dogs "marking their territory".

**COMMITTEES**

Councilman Crockett stated representatives of RiverValley presented the Downtown and Retail Report this afternoon in great detail to the Economic Development Committee. He indicated that it requires no action on the part of the Council at this time.

Councilman Franklin reminded Council members of the **Public Works Committee scheduled for Tuesday, October 5 at 4 p.m.**

Councilwoman Rutherford stated the Parks and Recreation Committee met today and part of the meeting involved a discussion about the acquisition of 2,000 acres of green space at VAAP, which will be coming before the Council in the near future.

**ALTON PARK/ST. ELMO COMMUNITY MEETING**

Councilman Taylor expressed thanks to the Council and public for coming out to support the Alton Park community on Monday evening.

**ADJOURNMENT**

Vice Chairman Hakeem adjourned the meeting until Tuesday, October 5, 1999 at 6 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)**