

**City Council Building
Chattanooga, Tennessee
October 30, 2001
6:00 p.m.**

Chairman Hakeem called the meeting of the Chattanooga Council to order with Councilmen Benson, Franklin, Littlefield, Lively, Pierce, Robinson and Taylor present; Councilman Page was absent due to personal commitment. 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 Franklin, the minutes of the previous meeting were approved as published and signed in open meeting.

SPECIAL PRESENTATION: "HEALING OF THE HEARTS" CARD CAMPAIGN

Linda Rugina and Dorothea Richards of the Parks, Recreation, Arts and Culture Department were present to brief the Council regarding the Department's "Healing of the Hearts" card campaign. Ms. Rugina stated that the purpose of the campaign is to send words of encouragement to New York City. She invited members of the Council and all City residents to a card making workshop scheduled for Saturday, November 10 at Warner Park from 12 – 2 p.m. and clarified that the Parks and Recreation Department would provide all of the materials necessary. She stated the Department has art instructors on hand to assist with creativity and a card-making workshop for participants is scheduled for Friday, November 9 at all the centers. She stated the idea came from a Chattanooga woman who originally wanted to present the card to the Deputy Administrator and the Department agreed to help her "make it happen". She again extended the invitation for participation from the Council and general public.

SPECIAL PRESENTATION: “HEALING OF THE HEARTS” CARD CAMPAIGN

Chairman Hakeem expressed appreciation to the Department for finding a way to express the City’s concern and interest and thanked them for their hard work.

AMEND ZONING ORDINANCE

On motion of Councilman Littlefield, seconded by Councilman Taylor,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE VI, SETION 105 AND 106, TO INCORPORATE NEW LANGUAGE RELATIVE TO SINGLE FAMILY DWELLINGS AND DUPLEXES ON LOTS OF RECORD AND TO REVISE ARTICLE VI, SECTION 108, TO INCORPORATE NEW LANGUAGE RELATIVE TO CORNER LOT SETBACKS

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

AMEND CITY CODE

On motion of Councilman Benson, seconded by Councilman Franklin,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 24, SECTION 24-345(c), RELATIVE TO THE PUBLIC HEARING ON ABATEMENT OR REMOVAL ORDERS FOR DISCARDED AND ABANDONED VEHICLES

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

PAYMENT AUTHORIZATION

Councilwoman Robinson stated Resolutions 7(a) – (i) were discussed in today’s Parks and Recreation Committee and approval is recommended.

On motion of Councilwoman Robinson, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF THIRTY THOUSAND DOLLARS (\$30,000.00) TO THE CHATTANOOGA DOWNTOWN PARTNERSHIP AS THE CITY OF CHATTANOOGA’S PORTION FOR HOLIDAY LIGHTING IN THE DOWNTOWN AND COOLIDGE PARK AREA

was adopted.

**REGIONAL SOCCER COMPLEX MANAGEMENT
AUTHORITY CORPORATION**

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO ENTER INTO AN AGREEMENT TO FORM A REGIONAL SOCCER COMPLEX MANAGEMENT AUTHORITY CORPORATION WITH HAMILTON COUNTY, TENNESSEE AND THE CITY OF EAST RIDGE, TENNESSEE
was adopted.

CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO EAST BRAINERD PARK, WITH MCBRAYER CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY ONE THOUSAND THREE HUNDRED NINETY-SEVEN DOLLARS (\$1,397.00), FOR A REVISED CONTRACT PRICE OF FIVE HUNDRED FORTY-THREE THOUSAND SEVEN HUNDRED SEVENTY-THREE DOLLARS (\$543,773.00)
was adopted.

CHANGE ORDER

On motion of Councilman Taylor, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2, RELATIVE TO EAST BRAINERD PARK, WITH MCBRAYER CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THREE THOUSAND THREE HUNDRED THIRTY-FOUR AND 90/100 DOLLARS (\$3,334.90), FOR A REVISED CONTRACT PRICE OF FIVE HUNDRED FORTY-SEVEN THOUSAND ONE HUNDRED SEVEN AND 90/100 DOLLARS (\$547,107.90)
was adopted.

CHANGE ORDER

On motion of Councilman Lively, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO THE JOHN A. PATTEN RECREATION CENTER, WITH MCBRAYER CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY ONE THOUSAND TWO HUNDRED NINETY DOLLARS (\$1,290.00), FOR A REVISED CONTRACT PRICE OF SIXTY THOUSAND EIGHT HUNDRED FIFTY-FIVE DOLLARS (\$60,855.00)

was adopted.

CHANGE ORDER

On motion of Councilman Littlefield, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO MEMORIAL AUDITORIUM TOILET RENOVATIONS, WITH TMG CONSTRUCTIN COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THREE HUNDRED FIFTY-THREE DOLLARS (\$353.00), FOR A REVISED CONTRACT PRICE OF TWENTY-NINE THOUSAND THREE DOLLARS (\$29,003.00)

was adopted.

CHANGE ORDER

On motion of Councilwoman Robinson, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2, RELATIVE TO MEMORIAL AUDITORIUM TOILET RENOVATIONS, WITH RMG CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY NINE HUNDRED SEVEN AND 64/100 DOLLARS (\$907.64), FOR A REVISED CONTRACT PRICE OF TWENTY-NINE THOUSAND NINE HUNDRED TEN AND 64/100 DOLLARS (\$29,910.64)

was adopted.

CHANGE ORDER

On motion of Councilman Littlefield, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO LAKE HILLS PARK, WITH HUNTER CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY ONE THOUSAND FIVE HUNDRED THIRTY-ONE AND 86/100 DOLLARS (\$1,531.86), FOR A REVISED CONTRACT PRICE OF ONE HUNDRED TWENTY-SIX THOUSAND TWO HUNDRED THIRTY-ONE AND 86/100 DOLALRS (\$126,231.86)

was adopted.

CONTRACT: JIMMIE L. DOTSON

On behalf of District 7, Councilman Taylor expressed appreciation for Chief Dotson and all he has implemented in our City. He stated that he looks forward to working with him for years to come.

Councilwoman Robinson echoed agreement with Councilman Taylor's comments and spoke on behalf of District 2 by stating that she, too, looks forward to working with the Chief and all the fine men and women of the Police Department and is glad he is with us.

On motion of Councilman Franklin, seconded by Councilman Taylor,

**A RESOLUTION AUTHORIZING, RATIFYING AND APPROVING AN
AGREEMENT BETWEEN THE CITY OF CHATTANOOGA AND JIMMIE L.
DOTSON, EXECUTED OCTOBER 29, 2001**

was adopted.

OVERTIME

Overtime for the week ending October 26, 2001 totaled \$35,159.32.

PERSONNEL

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

GILLRAY GATES, JR. – Promotion, Equipment Operator Senior, Citywide Services, Pay Grade 8/Step 3, \$24,318.00 annually, effective September 1, 2001.

NATHANIEL GREEN – Family Medical Leave, Crew Worker, Citywide Services, effective October 26, 2001.

PURCHASE

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

DIXIE FILTERS, INC. (Only bid)
Requisition R005732/P0016678

Odor Control Filter Media

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

PERSONNEL

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

JAMES E. SKEEN – Disability Retirement (over 20 years of service), Lieutenant, effective October 18, 2001.

GIFT APPROVAL

Chief Coppinger stated Robert Bernard of the Chattanooga Symphony has given a number of tickets to the Fire Department for Firefighters and that Joan Chapin of Rock City will allow Firefighters and their families to go through Rock City from November 16 – 20 as an expression of appreciation. He requested approval from the Council to accept the gifts.

Councilman Benson stated there is a need to get information as to where we stand on this and a policy that is relevant. He asked that a meeting of the Legal and Legislative Committee be scheduled dedicated to this issue.

Councilman Littlefield stated that the Committee normally meets every-other-week, yet he is scheduled to be out of town the next time it is to meet. He stated the matter could be discussed at the meeting scheduled for November 20 at 3 p.m.

Councilman Benson requested that the City Attorney bring information regarding a guide for managers, as well as what can be done to improve the situation.

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

PERSONNEL

The following personnel matter was reported for the Department of Finance, Division of Payroll:

PATRICIA A. WHATLEY-BRYAN – Transfer, Payroll Technician, Pay Grade 8/Step 1, \$22,153.00 annually, effective November 2, 2001.

PURCHASE

On motion of Councilman Lively, seconded by Councilman Littlefield, the following purchase was approved for use for the Department of Finance:

CRYSTAL SPRINGS WATER COMPANY (Lowest and best bid)
Requisition R0050451/P0016032

Citywide Requirements Contract

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

PERSONNEL

The following personnel matter was reported for the Neighborhood Services Department:

DEBBIE JOHNSON – Transfer, Neighborhood Relations Coordinator, Neighborhood Relations & Support Services, Pay Grade 14/Step 2, \$30,542.00 annually, effective October 19, 2001.

REJECT ALL BIDS

Admin. Boney stated that bids were received on tires for police vehicles and the winning bidder asked to withdraw based on an old process. He stated the whole matter should be re-bid so there would not be any controversy about how the process is done. He asked the Council for approval to reject all bids.

On motion of Councilman Benson, seconded by Councilwoman Robinson all bids on tires for police vehicles, Requisition R0055993/P0016617, were rejected.

BOARD REAPPOINTMENT

On motion of Councilman Littlefield, seconded by Councilman Franklin, the following board reappointment was approved:

HOSPITAL AUTHORITY BOARD:

- ❖ Reappointment of Jim Boney for a term to expire November 1, 2005.

RENEGOTIATE CONTRACT

City Attorney Nelson requested approval to renegotiate the contract with the **West Law Group** for computerized research to save a little money. He stated the amount is **\$18,102.00** for the first year with eight percent interest thereafter for the next couple years.

Councilman Pierce inquired as to the West Law Group.

City Attorney Nelson stated that the West Law Group is the group in Minneapolis that compiles all cases that come before the State Supreme Courts, Federal District Court of Appeals and U. S. Supreme Court; that it is the official reporting service of all courts across the country. He stated information can be “plugged” into the database regarding a specific item such as “zoning in Tennessee” and the system will pull up all cases that even mention “zoning in Tennessee”. He stated the Group also supplies his office with computerized capabilities to research the Tennessee Code, as well as a number of other forms that increase their legal capabilities. He stated the Group was initially the original book publisher of all the courts across the country, stating the company published many of the massive books that are seen in lawyer’s offices.

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

HEARING: OFFICER MICHAEL FAVORS

City Attorney Nelson reminded Council members of the hearing scheduled for Officer Michael Favors on Monday, November 5 beginning at 3 p.m. with Councilmen Lively (Chair), Robinson and Benson serving as the panel.

COMMITTEES

Councilman Franklin reminded Council members of the meeting of **the Public Works Committee scheduled for Tuesday, November 6 at 4 p.m.** He stated he would be out of the city and has asked Councilman Littlefield to chair the Committee in his absence.

Councilman Littlefield stated a meeting of the **Legal and Legislative Committee** was held today wherein a report was given from Planning regarding the regional bicycle plan; that the matter is scheduled to go before Planning for the adoption of official language and before this body sometime in the future.

COMMITTEES (Continued)

Councilman Littlefield continued by stating that a report was also given from Planning regarding the adoption of the digital form of the City's zoning map, which would replace the old paper map. He stated the digital zoning map matter has been before Planning and is scheduled for consideration before the Council on November 20. He stated the next meeting of the Committee **is scheduled for Tuesday, November 20 at 3 p.m.**

Councilman Taylor scheduled a meeting of the **Budget and Finance Committee for Tuesday, November 20 immediately following the Public Works Committee** for an update regarding the State's finances and asked that Admin. Boney lead the discussion on the matter.

CAPITAL BUDGET

Councilman Pierce inquired as to when the Council could expect to receive information regarding the capital budget?

Admin. Boney responded that sometime after Thanksgiving is the time that has been targeted; that it will first have to be reviewed by the Mayor and should be sometime around Thanksgiving.

Councilman Taylor asked that adequate time be given to present the proposal without rushing for approval.

Admin. Boney indicated that he did not see any rush on this and senses that will be the issue.

AGENDA SESSION

Councilman Pierce stated that there has been a problem with adding items on the agenda and asked that the Council go back to the agenda sessions which were formerly held after Council meetings for an opportunity to look over the following week's agenda for discussion. He stated that it is his opinion that it would not take more than five or ten minutes to peruse the agenda after each meeting in the event there is an item that should be placed in Committee.

Chairman Hakeem stated that the matter would be taken under advisement.

JUDGE WALTER WILLIAMS

Judge Walter Williams addressed the Council and stated that he had received a disturbing telephone call, yet did not know all the specifics. He stated that it is his understanding that the City is getting ready to submit a plan or something to the federal government regarding an environmental zone or something similar to that and he has been informed that the Westside community has been carved out of the zone. He stated that the designation includes the new downtown area and Cameron Hill; that in preliminary studies the Westside Development area has always been included and now, because of the 1990 Census, they are being "carved out". He stated the terminology is either the environmental zone or empowerment zone; that he had received the call and is incensed! He stated in "carving this area out", it would deny the Westside Community Development Corporation from getting additional points when applying for federal grants.

Judge Williams stated that he has been a member of the Board since its inception and at the present time the Westside Community Development Corporation is the only community development corporation in this City that has the capacity and track record of receiving major federal dollars. He stated since its inception they have received over \$2 million in federal grants and in denying them to be a part of this empowerment zone they would lose points each time they applied for federal grants. He stated they would receive ten points by being a part of the empowerment zone and not being a part of it would cause them to lose ten points. He asked the Council if there is any truth to what he has been informed of and, if time permits, requested that the matter be reconsidered as the City might be hurting this group. He stated they have done good work in bringing over \$2 million to this community and no other community development corporation has the capacity to do what they have done. He stated to deny them when they were initially a part in the planning stages and all of a sudden being "cut out" is wrong.

Chairman Hakeem asked Admin. Boney and City Attorney Nelson to research the matter and get back with Judge Williams.

Judge Williams stated that he is fine with this, yet it is his understanding that submission due Friday. He stated Mr. Traughber would know, however, he is not present tonight.

Admin. Boney stated that he attended one meeting in June or July and that Mr. Traughber and Ms. (Juliette) Thornton are working on this. He stated he would bring it to their attention and get back with Judge Williams first thing in the morning.

JUDGE WALTER WILLIAMS (Continued)

Judge Williams stated that he knows there are some issues that are handled through administration, some through the Council and others that are joint matters. He stated that it is his feeling that we need to be careful in what we do as it could have all kinds of effects. He stated the Corporation received, just three weeks ago, a grant from the federal government for half a million dollars and another last week for \$100,000 all based upon criteria. He stated they received ten points when they submitted the application and cannot afford to miss out on ten points just because they are not included in whatever the zone is! He stated his concern is that they were included in the initial discussion and all of a sudden are being "carved out".

Chairman Hakeem stated that clarification would be sought, as the Council is not sure this is the case; that Judge Williams is coming forth with information that has been provided to him. He stated the question the Council has is if this is the case, what action, if any, could be taken?

City Attorney Nelson stated if the matter is to be submitted on Friday, then something obviously needs to be done before then. He stated he has not been part of the process and does not know the whole process about any of this.

Judge Williams stated that this concerns tax credits if not the empowerment zone; that they receive certain federal credits.

City Attorney Nelson stated that he heard this was based on the Census of 1990; that he is not familiar with the criteria for whatever needs to be there. He stated Mr. Traughber could explain why the Corporation is not included; that if there is the possibility it does not have to be submitted before next Tuesday, he could be asked to come to the Council at that time.

Chairman Hakeem stated if that is the case the Council could advise administration how they feel and take action on next Tuesday.

City Attorney Nelson stated that he is not familiar enough with the matter to know if it is a legislative or administrative matter and would hesitate to advise the Council.

JUDGE WALTER WILLIAMS (Continued)

Councilman Benson stated what Judge Williams brought forward is a case where he feels blind-sighted; that he (Williams) is telling the Council that we have until Friday to do this. He stated he does not know if the Council has any authority or not; that time-and-time again, people are coming forward and saying something is occurring and we know nothing about it, yet they want us to solve it. He stated he does not know if this should have come before committee or not; that he thinks there is a bigger problem than this one instance. He stated he does not know if the Council agrees, but he does not see how we can operate without better coordination.

(At this point, Judge Williams excused himself from the Assembly Room in an effort to try to connect with Mr. Traugher via cellular telephone.)

Chairman Hakeem again stated clarification would be sought. He stated all Councilpersons were asked how they felt about issues coming before the Council, and it is his belief that the response was that if issues were perceived to be of importance they should be brought to the Council early enough for time to respond. He stated that it is his thinking that if a matter is considered an "everyday item" it does not need to be discussed in committee. He asked if he was correct in thinking items of importance should come before Committee? A positive response was affirmed.

Councilman Franklin stated in light of this and the possibility that the matter might be submitted on Friday, the Council might consider recessing the meeting and coming back together to take action if this is something that is within the Council's purview.

Councilman Littlefield stated that he has worked on empowerment zone cases in Charlotte and South Georgia, as well. He stated the only reason he could imagine an area would be excluded is because it no longer fits the criteria and the criteria is rather restrictive. He stated in the former City Commission form of government application authorization was granted once acceptance was received. He asked if the Council has that authority?

City Attorney Nelson responded "not necessarily"; that if it does not require any expenditure on the City's behalf it is not necessary. He stated if an expenditure is involved on the part of the City for matching funds of \$10,000 or more, yes, it is required.

Councilman Taylor stated that the Judge could be referring to the renewed tax incentive.

JUDGE WALTER WILLIAMS (Continued)

Admin. Boney stated there is no expenditure on the part of the City for that; that it does involve credits for enterprise investment in this area. He stated that he is trying to remember the one meeting he had been to and the discussion involved.

Councilman Taylor stated if the issue is the empowerment zone that the Judge is referring, the application is probably gone or is just leaving the City.

Admin. Boney stated that it has to be determined whether it is the empowerment zone.

Councilman Taylor stated as it relates to administrators of departments, when matters of this nature come up it would be good if someone could be here to address them. He stated that he has noticed that there is less representation from the departments.

Chairman Hakeem stated if the administrators know there is something involving their department they could be present; that if it is the Council's desire to have representation at every meeting it could be requested.

Councilman Taylor stated as issues are addressed and there is an open forum, the Council does not always know what questions might arise; that it would be good to have a department representative present to guide us through.

Chairman Hakeem asked if that is to be considered a formal request? Councilman Taylor responded "yes".

Judge Williams returned to the Assembly Room and reported that he could not connect with Mr. Traughber and interjected that he remembered that the conversation included Alton Park and something about Cameron Hill.

Chairman Hakeem asked that City Attorney Nelson and Management Analyst Randy Burns research the matter. He stated if this cannot be resolved short of the Council taking action if it is in our purview, is there any desire to recess the meeting until clarification could be received?

Councilman Taylor recommended that the proper departments heads have an opportunity to work through the issue and make the Council aware of what is going on. He stated that it is his thinking that no Council action is required.

JUDGE WALTER WILLIAMS (Continued)

Councilman Pierce expressed agreement with Councilman Taylor's recommendation, stating that as a result of the discussion tonight, administration should handle this.

Judge Williams thanked the Council for listening and stated that the matter might involve renewed tax credits. He stated that it is his hope all are sensitive to what is going on in all of the City's communities and what might help one community could be devastating to another.

PROPOSED POLICE TRAINING CENTER

Councilman Pierce asked if a Safety Committee is scheduled for a future date? He stated that someone else has come forward to purchase the building on M. L. King that was to be used for a police training center. He inquired as to what is happening with the building?

Councilman Lively, Chair of the Safety Committee, stated that he does not have a meeting scheduled and that a meeting is not necessary regarding the issue. He stated he would investigate the matter and report his findings to the Council.

ADJOURNMENT

Chairman Hakeem adjourned the meeting of the Chattanooga Council until Tuesday, November 6, 2001 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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