

City Council Building
Chattanooga, Tennessee
October 1, 2002
6:00 p.m.

Chairman Littlefield called the meeting of the Chattanooga Council to order with Councilmen Benson, Franklin, Hakeem, 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 Benson gave invocation.

MINUTE APPROVAL

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

AMEND CITY CODE

On motion of Councilwoman Robinson, seconded by Councilman Hakeem,
**AN ORDINANCE ESTABLISHING THE 21ST CENTURY WATERFRONT
CAPITAL PROJECTS FUND AND APPROPRIATING CERTAIN SUMS OF
MONEY TO SAID FUND**

passed second reading; **Councilman Pierce voted "no"**. On motion of Councilman Lively, seconded by Councilman Franklin, the Ordinance passed third and final reading and was signed in open meeting; **Councilman Pierce voted "no"**.

AMEND CITY CODE

On motion of Councilman Hakeem, seconded by Councilman Taylor,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 24, SECTIONS 24-111 THROUGH 24-116, RELATIVE TO THE
TRAFFIC UNIT OF THE CHATTANOOGA POLICE DEPARTMENT**
passed first reading.

CLOSE AND ABANDON

MR-2002-016: City of Chattanooga

On motion of Councilman Hakeem, seconded by Councilman Lively,
**AN ORDINANCE CLOSING AND ABANDONING SANITARY SEWER AND
 SEWER EASEMENTS ON ALL LOTS FROM GULF STREET TO HOLTZCLAW
 AVENUE BETWEEN MAIN STREET AND 14TH STREET, AS SHOWN ON THE
 MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**
 passed first reading.

AGREEMENT: HIXSON UTILITY DISTRICT

Councilman Hakeem stated this Resolution and several others were discussed in today's Public Works Committee and approval is recommended.

Chairman Hakeem recognized the presence of Jerry Turner, General Manager of the Hixson Utility District.

Mr. Turner stated that this is a good agreement and that he enjoys working with Chief Coppinger. He stated the 668 hydrants that will be maintained will help Chattanooga provide fire protection to the Hixson area.

On motion of Councilman Hakeem, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE FIRE CHIEF OF THE CITY OF
 CHATTANOOGA TO ENTER INTO A FIRE HYDRANT MAINTENANCE
 AGREEMENT WITH THE HIXSON UTILITY DISTRICT OF HAMILTON COUNTY,
 TENNESSEE EFFECTIVE JULY 1, 2002 AND ENDING ON JUNE 30, 2007, A
 COPY OF SAID AGREEMENT IS ATTACHED HERETO**
 was adopted.

DECLARE SURPLUS

Councilwoman Robinson expressed thanks to Cornerstones for the historic preservation of our City. She stated this organization is comprised of volunteers with a revolving fund made available through a trust fund to secure and keep properties in danger of being torn down. She stated this is another example of success from Cornerstones and commended them for the work they have done piece-by-piece.

DECLARE SURPLUS (Continued)

On motion of Councilman Lively, seconded by Councilman Franklin,

A RESOLUTION DECLARING A PORTION OF A PARCEL OF REAL PROPERTY LOCATED AT 338 MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, AS SURPLUS AS IT IS NOT NEEDED FOR THE RIGHT-OF-WAY FOR THE 4TH STREET BOULEVARD PROJECT, CONTRACT NO. RW-1-01, AND AUTHORIZING THE CONVEYANCE OF SAID PROPERTY TO CORNERSTONES FOR AN HISTORIC RENOVATION

was adopted.

CHANGE ORDER

On motion of Councilwoman Robinson, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO THE CARTER STREET AND 13TH STREET STREETScape PROJECT, CONTRACT NO. SS-1-02, WITH STEIN CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY NINE HUNDRED FIFTY DOLLARS (\$950.00), FOR A REVISED CONTRACT PRICE NOT TO EXCEED SIX HUNDRED THOUSAND ONE HUNDRED THIRTY-TWO AND 34/100 DOLLARS (\$600,132.34)

was adopted.

CHANGE ORDER

On motion of Councilman Hakeem, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 6, RELATIVE TO THE MARTIN LUTHER KING CSO CONTROL FACILITY, CONTRACT NO. CSO-6-99, WITH RAINES BROTHERS, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY TWO THOUSAND NINE HUNDRED FORTY-FOUR AND 61/100 DOLLARS (\$2,944.62), FOR A REVISED CONTRACT PRICE NOT TO EXCEED THREE MILLION FIVE HUNDRED THOUSAND TWO HUNDRED ELEVEN AND 85/100 DOLLARS (\$3,500,211.85)

was adopted.

AMEND CONTRACT: JACKSON, PERSON & ASSOCIATES, INC.

On motion of Councilman Franklin, seconded by Councilman Page,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF COMMUNITY SERVICES TO AMEND THE CONTRACT WITH JACKSON, PERSON & ASSOCIATES, INC., FOR TECHNICAL SERVICES RELATIVE TO THE WHITESIDE FAITH MANOR PARK CONSTRUCTION, IN AN AMOUNT NOT TO EXCEED THREE THOUSAND SIX HUNDRED FIFTY DOLLARS (\$3,650.00), WITH SAID AMOUNT TO BE PAID FROM THE COMMUNITY DEVELOPMENT FUND
was adopted.

AGREEMENT: BARNEY & WORTH, INC. AND ALLIED ARTS

On motion of Councilwoman Robinson, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO ENTER INTO AN AGREEMENT WITH BARNEY & WORTH, INC. RELATIVE TO THE CREATION OF CHATTANOOGA'S PUBLIC ART MASTER PLAN AND AN AGREEMENT WITH ALLIED ARTS RELATIVE TO SERVICES FOR SAID PUBLIC ART MASTER PLAN AND AUTHORIZING PAYMENT IN THE AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000.00) TO ALLIED ARTS FOR SAID SERVICES
was adopted.

AGREEMENT: UNIVERSITY OF CHATTANOOGA FOUNDATION

Councilman Hakeem stated this Resolution was discussed in today's Public Works Committee meeting and approval is recommended.

Councilman Benson stated this is a wonderful opportunity. He stated that he does not think anything can be given away when it is given to education; that we will get a return and this is a great investment for the community. He expressed his strong endorsement of this Resolution.

**AGREEMENT: UNIVERSITY OF CHATTANOOGA
FOUNDATION (Continued)**

On motion of Councilman Hakeem, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A SUBLEASE
 AND TRANSFER AGREEMENT WITH THE UNIVERSITY OF CHATTANOOGA
 FOUNDATION, OR ITS AFFILIATES, RELATIVE TO THE PROPERTY AT 701
 MARTIN LUTHER KING BOULEVARD KNOWN AS THE SOLAR TRAINING
 BUILDING AND TO NEGOTIATE SUCH TERMS AS MAY BE APPROPRIATE**
 was adopted.

OVERTIME

Overtime for the week ending September 27, 2002 totaled \$19,894.66.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

C. G. SMITH – Lateral Transfer, Heavy Equipment Operator, Waste Resources, Pay Grade 10/Step 4, \$28,069.00 annually, effective July 1, 2002

WILLIAM R. BROGDON – Lateral Transfer, Heavy Equipment Operator, Waste Resources, Pay Grade 10/Step 11, \$37,653.00 annually, effective July 1, 2002.

DANIEL L. CHANDLER – Lateral Transfer, Crew Supervisor, Waste Resources, Pay Grade 12/Step 9, \$38,095.00 annually, effective July 1, 2002.

PAUL THOMAS O'REAR – Lateral Transfer, Equipment Operator Sr., Citywide Services, Pay Grade 8/Step 5, \$26,481.00 annually, effective September 25, 2002.

DWIGHT A. MANGHANE – Suspension (one day without pay), Equipment Operator, Sr., Citywide Services, effective September 30, 2002.

CHATTANOOGA POLICE DEPARTMENT:

WILMA BROOKS – Demotion and Suspension (28 days without pay), Police Officer, effective September 25, 2002.

PERSONNEL (Continued)

MARK DELANEY – Resignation, Police Officer, effective September 30, 2002.

ANNETTE E. JOHNSON – Transfer/Voluntary Demotion w/no salary change, Police Records Clerk, Sr., effective September 20, 2002.

JOHN JANCEWICZ – Resignation, Police Cadet, effective September 27, 2002.

TONYA RANSOM – Family Medical Leave, Police Officer, effective July 24 – October 16, 2002.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

CHARLENE CHERRY – Rehire, Cook, Day Care, \$20,800.00 annually, effective September 13, 2002.

JUANITA HOWARD – Rehire, Dietary Aide, Day Care, \$7.25 per hour, effective September 16, 2002.

AMANDA FORGEY – Termination, Teacher, Head Start, effective September 25, 2002.

EUGENIA MCCLENDON – Termination, Teacher Assistant, Head Start, effective September 19, 2002.

AMANDA TUCKER – Termination, Teacher Assistant, Head Start, effective September 20, 2002.

FREDRICK WATSON – Hire, Dietary Aide, Head Start, \$15,806.70 annually, effective September 20, 2002.

COMMUNITY DEVELOPMENT DEPARTMENT:

JAMES A. DIXON – Resignation, Planner, effective September 6, 2002.

CITY COUNCIL:

MARIE C. HERNDON – Resignation, Council Assistant, effective September 25, 2002.

PURCHASES

On motion of Councilman Hakeem, seconded by Councilman Franklin, the following purchases were approved for use by the Chattanooga Human Services Department:

SOUTHEASTERN MEATS, INC. (Lower and better bid)
R0056112/P0018213

Citywide Frozen Foods & Meats

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

TENNESSEE HOTEL SUPPLY (Best bid)
R0056113/P0018219

Citywide Dry Foods

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

REFUNDS

On motion of Councilman Lively, seconded by Councilman Taylor the Administrator of Finance was authorized to issue the following refunds of various taxes for 2002 Tax Year:

KRYSTAL AVIATION – Remove aircraft which was double assessed, Tax Year 2001, \$16,675.22

VULCAN LANDS, INC. – Stormwater revisions, Tax Year 2001, \$58,021.92

SIGNAL MOUNTAIN CEMENT CO. – Amended report from TMA audit, Tax Year 2001, \$113,920.33

CHATTANOOGA PUBLISHING CO. – Removed assets deleted or non-assessable, Tax Year 2001, \$8,028.91

LIFETOUCH, INC. – Remove assets not located in Hamilton County, Tax Year 2001, \$12,481.78

NORFOLK SOUTHERN CORP – Stormwater revisions, Tax Years 1999 – 2001, \$39,424.38

(Total refunds: \$248,552.54)

BOARD APPOINTMENT

On motion of Councilman Hakeem, seconded by Councilman Franklin, the following Board appointment was approved:

BEER BOARD:

- ✍ Appointment of **CHARLEYNE KILPATRICK** (representing District 9) for a term expiring August 1, 2004.

HEARING

City Attorney Nelson stated a request has been received from Officer Wilma Brooks for a hearing before the Council regarding her suspension and demotion.

The hearing for Officer Brooks was scheduled for 3 p.m. on Monday, October 28 with Councilmen Benson, Pierce and Robinson serving as the panel hearing the request; Councilwoman Robinson will serve as Chair of the panel.

RYAN LEE

Chairman Littlefield recognized the presence of Ryan Lee who was present as a requirement for the Eagle Scout designation. Mr. Lee is a member of Boy Scout Troop 3 of the Church of Latter Day Saints in Brainerd.

PETER PRINGLE

Chairman Littlefield recognized the presence of Peter Pringle and Communications students from UTC.

COMMITTEES

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, October 8 beginning at 3 p.m.**

Councilman Franklin stated the **Safety Committee** met earlier in the afternoon to discuss the Fire and Police pension. He stated the Committee **is scheduled to reconvene on Tuesday, October 15 immediately following the Public Works Committee.**

COMMITTEES (Continued)

Councilman Hakeem stated a "short" **Public Works Committee meeting will be held on Tuesday, October 8 immediately following the Health and Housing Opportunities Committee.** He stated **two weeks from tonight (October 15) the Committee will continue discussion regarding Cash Canyon Road.** He stated that a report was heard this afternoon on the Interceptor Sewer Budget and indicated that the budget was put together very well. He stated the meeting two weeks from tonight will be held jointly with the Budget and Finance Committee.

Councilman Page stated the **Economic Development Committee will meet jointly with Legal and Legislative on Tuesday, October 8 for a final presentation of the Chattanooga Creek Plan.**

Councilwoman Robinson reminded everyone of the **Parks and Recreation Committee meeting scheduled for Tuesday, October 8 at 4 p.m.**

Councilman Taylor scheduled a meeting of the **Health, Education, Human Services and Housing Opportunities Committee for Tuesday, October 8 immediately following the Parks and Recreation Committee** for a discussion regarding HOPE VI.

EXPRESSION OF APPRECIATION

Councilman Franklin expressed appreciation to everyone for their prayers, cards and other acts of concern during the passing of his mother, Mrs. Eva M. Franklin.

M. L. KING AREA STUDY

Councilman Pierce stated that he had previously requested a study of the M. L. King area and the Planning Staff has done everything required regarding the zoning change; that all meetings have been posted and have taken place. He stated the Planning Commission has asked that each property owner receive a registered letter; that the mailing is \$3 per household and the Planning Staff does not have funds available to do this. He stated that it seems a little out of the ordinary that as many plans that are asked for, this is the first time a registered letter has been required; that what we are talking about is approximately \$1,000 for mailing. He asked if there is any way something could be done to help Planning with this.

M. L. KING AREA STUDY (Continued)

City Attorney Nelson asked if this is a rezoning study or just an area study?

Councilman Pierce responded that it is basically down zoning of the area.

Chairman Littlefield stated that this process establishes a new zoning pattern; that every piece of property is being rezoned. He stated he was not aware of this and that it is very interesting, as he could not remember this having been done before. He stated there is a regular list that tax notices are sent to and he is sure all notices are sent that way.

Councilman Pierce stated on several occasions everyone was mailed a notice, however no one ever showed up at the meetings, yet, this is what is being required.

Chairman Littlefield stated that he would talk with Planning Staff tomorrow to see where they are on this issue.

NORTH CHATTANOOGA/HILL CITY COMMUNITIES

Councilman Taylor announced that the North Chattanooga and Hill City communities will start planning for their area on October 3 at 6 p.m. at the Recreation Center on Main Street. He invited all Council members to the kickoff and requested their participation.

ADJOURNMENT

Chairman Littlefield adjourned the meeting of the Chattanooga Council until Tuesday, October 8, 2002 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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