

**City Council Building  
Chattanooga, Tennessee  
December 3, 2002  
6:00 p.m.**

Chairman Littlefield called the meeting of the Chattanooga Council to order with Councilmen Benson, Franklin, Hakeem, Lively, Page, Pierce and Robinson present; Councilman Taylor was out of the city on business. 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 Franklin 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: INTERNATIONAL  
ASSOCIATION OF BLACK FIREFIGHTERS**

Freddie Brooks expressed appreciation to the Council for the opportunity to address them and stated members of the International Association of Black Professional Firefighters of Chattanooga had the pleasure to sit down with representatives from the Federal Emergency Medical Agency (FEMA) to discuss the importance of educating inner-city youth of burglar bar safety and juvenile fire settings. He stated there has been a rash of middle school-aged juveniles setting fires, which has been alarming to them as firefighters and parents. He stated that he had been in discussion with FEMA representatives (in New Orleans) with regard to making application for federal money, and what resulted in the discussion was his attendance at free class offerings at the National Fire Academy centering on public education, leadership development and fire and life strategies and a whole realm of fire fighting that Chattanooga is not doing much of.

**SPECIAL PRESENTATION: INTERNATIONAL  
ASSOCIATION OF BLACK FIREFIGHTERS  
(Continued)**

Mr. Brooks stated in applying for the monies some cities received more than Chattanooga received; that they could have received up to \$40,000 or more. He expressed hope that they will receive more in the future because it is important to them as an organization to have a fixed facility to educate people and offer programs where Council members and citizens could come and share programs with persons in their districts. He stated they submitted a proposal and \$200,000 was distributed among various cities. He asked for the Council's assistance in their efforts and indicated that the Mayor has spoken highly in support of what they are trying to do. He stated it is felt there are a lot of "avenues" that need to be covered in support of the fire department and expressed appreciation to the Council for their support.

Chairman Littlefield expressed thanks to Mr. Brooks and congratulated him for the success on the grant in obtaining \$10,000.

Councilman Franklin expressed appreciation to the Association for the programs they sponsor not only with the youth of the community, but the elderly. He stated that he was happy they have come forward with information as to what they do and are "tapping in" on federal funds to help in their local efforts. He encouraged them to keep up the good work!

Councilman Hakeem asked that representatives of the Association continue to be role models of young people in the city, as they need to know the importance of giving back to the community.

Chairman Littlefield again expressed appreciation for their presence and indicated that the Council stands ready to support them in whatever way the Association and administration can work out from a policy standpoint.

**AMEND BUDGET ORDINANCE NO. 11285**

On motion of Councilman Lively, seconded by Councilman Benson,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 11285, KNOWN AS THE BUDGET ORDINANCE, TO PROVIDE THAT CITY EMPLOYEES WHO ARE CALLED TO ACTIVE DUTY DURING A NATIONAL EMERGENCY SHALL BE PAID THE DIFFERENCE THAT THEIR CITY PAY EXCEEDS THEIR TOTAL MILITARY BASE PAY UP TO EIGHT HUNDRED FIFTY DOLLARS (\$850.00) PER MONTH AND WITH CONTINUATION OF PENSION AND HEALTH CARE BENEFITS, NOT TO EXCEED ONE (1) YEAR AND TO TEMPORARILY**

AMEND BUDGET ORDINANCE NO.  
11285 (Continued)

**EXTEND PAID MILITARY LEAVE FOR SUCH EMPLOYEES UP TO A  
MAXIMUM OF THIRTY (30) DAYS AND AUTHORIZING THE CITY  
FINANCE OFFICER TO APPROPRIATE THE NECESSARY MONEY FROM  
OTHER AVAILABLE FUNDS**

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

CLOSE AND ABANDON

**MR-2002-174: Jeanette Pope**

On motion of Councilman Benson, seconded by Councilman Franklin,  
**AN ORDINANCE CLOSING AND ABANDONING PROPERTY LOCATED  
IN THE 3800 BLOCK OF AGAWELA DRIVE, MORE PARTICULARLY  
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO  
AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO COMCAST  
CABLE COMMUNICATIONS, INC. RETAINING THEIR RESPECTIVE  
EASEMENT**

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

*(COUNCILWOMAN ROBINSON EXCUSED HERSELF FROM  
THE MEETING AT THIS POINT.)*

CLOSE AND ABANDON

**MR-2002-186: Bryant M. Black**

The applicant was present; there was no opposition in attendance.

Councilman Benson stated this matter was discussed in today's Legal and Legislative Committee and approval is recommended.

**CLOSE AND ABANDON**

On motion of Councilman Hakeem, seconded by Councilman Franklin,  
**AN ORDINANCE CLOSING AND ABANDONING UNOPENED AND UNUSED RIGHTS-OF-WAY AT THE REAR OF EVERETT STREET, 400 BLOCK OF ALABAMA AVENUE AND ONE BLOCK OF FAIR OAK PLACE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**CHANGE ORDER**

On motion of Councilman Hakeem, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO THE AVONDALE EARLY HEAD START FACILITY ARCHITECTURAL AGREEMENT WITH THOMAS JOHNSON ARCHITECTURE, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY ONE THOUSAND SEVEN HUNDRED ELEVEN AND 04/100 DOLLARS (\$1,711.04), FOR A REVISED CONTRACT PRICE NOT TO EXCEED FIFTY-SEVEN THOUSAND FOUR HUNDRED EIGHTY-NINE AND 04/100 DOLLARS (\$57,489.04)**  
was adopted.

**CONTRACT: HAMILTON COUNTY GOVERNMENT AND TDOT**

On motion of Councilman Page, seconded by Councilman Benson,  
**A RESOLUTION AUTHORIZING THE MAYOR OR THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO EXECUTE A CONTRACT WITH HAMILTON COUNTY GOVERNMENT AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO APPLY FOR AND ACCEPT A TRANSPORTATION ENHANCEMENT GRANT IN THE AMOUNT OF EIGHT HUNDRED FIFTY-THREE THOUSAND SIX HUNDRED EIGHTY DOLLARS (\$853,680.00) FOR CONSTRUCTION OF THE UNIVERSITY GREENWAY PROJECT**  
was adopted.

**AMEND BERTHING AGREEMENT**

In the absence of Councilwoman Robinson, Councilman Benson reported that this matter was discussed in today's Parks and Recreation Committee and approval is recommended.

Councilman Page expressed that it was his understanding that the Resolution would be amended to define the profit; that Admin. Boney and the party would define a mutual definition for the profit for inclusion in the Resolution.

City Attorney Nelson stated that the amendment could be inserted in the berthing agreement.

On motion of Councilman Franklin, seconded by Councilman Page,

**A RESOLUTION AMENDING THE BERTHING AGREEMENT FOR COOLIDGE PARK WITH THE TENNESSEE RIVERBOAT COMPANY (D/B/A/ RIVERBOAT BARGE AND GRILL, L.L.C.) SO AS TO CHANGE THE MONTHLY AMOUNT FROM ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) TO FIVE HUNDRED DOLLARS (\$500.00) PLUS ONE PERCENT (1%) OF THE NET PROFIT FOR THE REMAINDER OF THE AGREEMENT, MAKING THE CHANGE RETROACTIVE FOR TEN (10) MONTHS AND EXTENDING THE AGREEMENT THROUGH JULY, 2004, WITH A MUTUALLY AGREEABLE OPTION FOR ANOTHER ONE (1) YEAR EXTENSION**

was adopted.

**AGREEMENT: TDOT**

Councilman Hakeem stated Resolutions 7(d) – (m) were discussed during last week's Public Works Committee meeting and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION, RELATIVE TO THE ACQUISITION OF RIGHTS-OF-WAY FOR PROJECT LP#222, STP-M-9202(51), SHALLOWFORD ROAD FROM STANDIFER GAP ROAD TO WEST OF CENTER STREET, AND TO TRANSFER FIVE HUNDRED EIGHT THOUSAND EIGHTEEN DOLLARS (\$508,018.00) FROM THE CITY OF CHATTANOOGA CAPITAL PROJECTS STREET IMPROVEMENT FUND TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION**

was adopted.

**CONTRACT: CASH CONSTRUCTION COMPANY**

On motion of Councilman Hakeem, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT 73B-3, HIXSON MARINA COLLECTION SYSTEM, TO CASH CONSTRUCTION COMPANY FOR AN AMOUNT NOT TO EXCEED ONE MILLION SIX HUNDRED NINETY-NINE THOUSAND SEVEN HUNDRED THIRTY-ONE AND 70/100 DOLARS (\$1,699,731.70) INCLUDING A CONTINGENCY AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)**  
was adopted.

**SEWER EASEMENT**

On motion of Councilman Lively, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM GARY M. DIEHL, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101G-A-039, TRACT NO. 082.1, FOR AN AMOUNT NOT TO EXCEED THREE THOUSAND DOLLARS (\$3,000.00)**  
was adopted.

**SEWER EASEMENT**

On motion of Councilman Lively, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM CHARLES J. DURHAM, RELATIVE TO CONTRAT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101G-A-051, TRACT NO. 102.1, FOR AN AMOUNT NOT TO EXCEED NINE HUNDRED FIFTY-FIVE DOLLARS (\$955.00)**  
was adopted.

**SEWER EASEMENT**

On motion of Councilman Lively, seconded by Councilman Page,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM JEWELL DENMAN PURVIS, JR. AND SUSAN STUMP, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101G-A-052, TRACT NO. 054.1, FOR AN AMOUNT NOT TO EXCEED ONE THOUSAND THREE HUNDRED TWENTY-SIX DOLLARS (\$1,326.00)**  
was adopted.

**SEWER EASEMENT**

On motion of Councilman Franklin, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM DANIEL R. AND ANDRIA M. BARNETT, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101G-A-053, TRACT NO. 056.1, FOR AN AMOUNT NOT TO EXCEED ONE THOUSAND ONE HUNDRED SIXTY-TWO DOLLARS (\$1,162.00)**  
was adopted.

**SEWER EASEMENT**

On motion of Councilman Franklin, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM RICHIE ASHLEY ROLSTON, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101G-A-061, TRACT NO. 081.2, FOR AN AMOUNT NOT TO EXCEED FOUR HUNDRED THIRTY-FIVE DOLLARS (\$435.00)**  
was adopted.

**SEWER EASEMENT**

On motion of Councilman Lively, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM MICHAEL A. AND BRENDA B. PURCELL, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101G-B-022, TRACT NO. 009.1, FOR AN AMOUNT NOT TO EXCEED TWO THOUSAND EIGHT HUNDRED NINETY-FIVE DOLLARS (\$2,895.00)**  
was adopted.

**SEWER EASEMENT**

On motion of Councilman Franklin, seconded by Councilman Page,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM MICHAEL A. AND BRENDA B. PURCELL, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101G-B-023, TRACT NO. 094.1, FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED FIVE DOLLARS (\$105.00)**  
was adopted.

### SEWER EASEMENT

On motion of Councilman Lively, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM CRAIG AND ELIZABETH ALLEN, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101G-B-028, TRACT NO. 006, FOR AN AMOUNT NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)**

was adopted.

### PURCHASE OF 260+ ACRES

Councilman Benson stated this Resolution is recommended for approval pursuant to discussion in today's meeting of the Legal and Legislative Committee.

On motion of Councilman Benson, seconded by Councilman Hakeem,

**A RESOLUTION AUTHORIZING THE MAYOR OR THE CITY FINANCE OFFICER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE THE PURCHASE WITH HAMILTON COUNTY GOVERNMENT OF TWO HUNDRED SIXTY PLUS (260+) ACRES OF REAL PROPERTY AT ENTERPRISE SOUTH INDUSTRIAL PARK FROM THE UNITED STATES GENERAL SERVICES ADMINISTRATION (GSA) WITH THE CITY'S SHARE OF THE PURCHASE PRICE NOT TO EXCEED ONE MILLION SIX HUNDRED NINE THOUSAND DOLLARS (\$1,609,000.00)**

was adopted.

### OVERTIME

Overtime for the week ending November 29, 2002 totaled \$66,821.37.

### PERSONNEL

The following personnel matters were reported for the various departments:

#### CHATTANOOGA POLICE DEPARTMENT:

- ✍ **PATRICIA SHACKELFORD-GRAY** – Family Medical Leave, Police Records Analysis, November 6, 2003 – January 5, 2003.



**PERSONNEL (Continued)**

**CHATTANOOGA HUMAN SERVICES DEPARTMENT:**

- ✍ **ROSE ROBINSON** – Termination, Teacher, Head Start, effective November 8, 2002.

**CHATTANOOGA FIRE DEPARTMENT:**

- ✍ **STEVE HARVEY** – Promotion, Building Maintenance Mechanic Sr., Pay Grade 12/Step 1, \$26,792.00 annually, effective November 30, 2002.

**MAYOR'S OFFICE, OFFICE OF PERFORMANCE REVIEW:**

- ✍ **ELIZABETH HENLEY** – Hire, Customer Service Coordinator, Pay Grade 12/Step 9, \$38,095.00 annually, effective November 15, 2002.
- ✍ **JANNA JAHN** – Hire, Senior Grants Specialist, Pay Grade 13/Step 11, \$43,045.00 annually, effective November 29, 2002.
- ✍ **ANITA EBERSOLE** – Hire, Customer Service Representative, Pay Grade 7/Step 11, \$32,261.00 annually, effective November 29, 2002.

**PURCHASE**

On motion of Councilman Hakeem, seconded by Councilman Franklin, the following purchase was approved for use by the Chattanooga Police Department:

**ORION ELECTRONICS (Single source)**  
**R0065107**

Computer Software System Upgrade per TCA 6-56-304.2

\$19,995.00

## REFUND

On motion of Councilman Page, seconded by Councilman Hakeem, the Administrator of Finance was authorized to issue the following refund:

**PINNACLE TOWERS, INC.** – Assessment Change per Comptroller of the Treasury, Office Of State Assessed Properties, \$10,209.80.

## BOARD APPOINTMENT

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

### **BEER BOARD:**

- ✍ Appointment of **CHRISTOPHER P. KEENE** for a term to expire July 31, 2005 representing District 8.

## BOARD APPOINTMENT

On motion of Councilman Lively, seconded by Councilman Pierce, the following Board reappointment was approved:

### **CARTER STREET CORPORATION:**

- ✍ Reappointment of **JIMMY HUDSON** for a term ending December 1, 2006.

## HEARINGS

City Attorney Nelson reminded Council members of the personnel hearing for Brian K. Little scheduled for Monday, December 9 beginning at 2 p.m. with Councilmen Littlefield, Franklin and Hakeem serving as the panel; and the hearing for Gerry M. Davis scheduled for Monday, December 16, 2002 beginning at 3 p.m. with Councilmen Benson (Chair), Robin and Pierce serving as the panel.

## COMMITTEES

Councilman Benson stated the **Legal and Legislative Committee** is scheduled to meet on **Tuesday, December 10 at 3 p.m.**

### **COMMITTEES (Continued)**

Councilman Franklin stated the **Safety Committee is scheduled to meet on Tuesday, December 10 immediately following Public Works Committee** to continue discussion regarding the Fire and Police Pension Fund.

Councilman Hakeem stated that a meeting of the Public Works Committee is scheduled for Tuesday, December 10 at 4 p.m.

### **RESULTS OF HEARING**

Councilman Hakeem stated the hearing for Firefighter Bilal Muhammed was held on Monday afternoon with himself and Councilmen Page and Benson as the panel. He stated body's decision was unanimous in upholding administration's position of fourteen days without pay for Mr. Muhammed.

### **DISTRICT 4 COMMUNITY MEETING**

Councilman Benson invited everyone that could come to the District 4 meeting at Erlanger Women's East on Thursday night (December 5) at 7 p.m. He stated this would be a district-wide meeting and a couple hundred people are expected to attend along with department representatives to answer questions and concerns from citizens. He stated that he knows it is the same evening as the Urban League event and was sorry about the conflict; that the plans had been made a year in advance.

### **RECOGNITION OF FORMER COUNCILMAN S. DANIEL THOMAS**

Councilman Franklin recognized the presence of former Councilman S. Daniel Thomas and Mrs. Thomas.

### **M.L. KING ZONING MATTER**

Councilman Pierce asked for clarification regarding the zoning matter for the M. L. King area. He stated that it is his understanding the matter has been passed until the regular zoning night scheduled for next month (January 14).

**M. L. KING ZONING MATTER (Continued)**

City Attorney Nelson clarified that the M. L. King zoning matter would be advertised to be heard by the Council on January 7, the first Tuesday of the new year.

Chairman Littlefield stated that those in attendance at today's Legal and Legislative Committee meeting were told the matter would be handled as soon as the Council got back into session at the first of the year.

Councilman Hakeem stated if there are questions that need to be dealt with on that date regarding this matter would they be heard in committee or brought right to the Council. Chairman Littlefield stated that the matter would be brought right to the Council.

Councilman Pierce interjected that it was his thought the effort has been made to address everything at this point; that those in opposition would have an opportunity to speak at the regular meeting next month. Councilman Benson stated it was all worked out in Committee.

Chairman Littlefield stated based on discussion in today's Committee meeting with property owners, it "sounded" like there would be some adjustment in the plan. Councilman Benson stated all parties were agreeable to the adjustment.

Chairman Littlefield stated the matter would be advertised in its present form and it will need to be modified when it comes before the Council on January 7 and then a motion to substitute amendments the following week of the revised ordinance to take care of the questionable area.

**ADJOURNMENT**

Chairman Littlefield adjourned the meeting of the Chattanooga Council until Tuesday, December 10, 2002 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)**