

**CITY COUNCIL BUILDING
SEPTEMBER 23, 2003
6:00 P.M.**

Chairman Franklin called the meeting of the Chattanooga City Council to order with Councilmen Benson, Hakeem, Littlefield, Lively, Page, Pierce, Robinson and Taylor present. City Attorney Randall Nelson, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Chairman Franklin led the Pledge of Allegiance, followed by the invocation.

MINUTE APPROVAL

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

INTERNS FROM HAMM

Chairman Franklin stated that we had two interns from Hamm, Germany with us tonight; that some of the Councilmen had had the privilege of visiting Hamm, including his father who had had the opportunity when he was a City Commissioner; that we had with us Martina Werner who had been working with Hazlett, Lewis and Bieter and Andreas Messmann who has been working with the Police Department. On behalf of the City of Chattanooga he welcomed both interns, stating that he hoped they were enjoying their stay. He stated that he thought Mr. Messmann just arrived four weeks ago. He presented both students with Honorary Citizen Certificates and stated that he hoped their stay was fulfilling and that they would share things we could use as well.

Mr. Messmann expressed his appreciation for the opportunity to be here, stating that he had been made very welcome and would make anyone who visited Hamm welcome there also.

Ms. Werner thanked everyone, stating that everyone was so friendly and that she appreciated the opportunity.

INTERNS (CONT'D.)

Ms. Susan Dubose with the City Personnel Dept. thanked the Police Dept. and Hazlett, Lewis and Bieter for helping us out with the intern program; that Martina wanted to work with a CPA firm and Hazlett, Lewis, and Bieter had allowed her to work on the City Audit and that Andreas had worked with the City Police Department—that he is on leave and is in law school and wanted to learn more about criminal justice and the relationship between the Police Department and the Courts. She asked Warren McEwen of Hazlett, Lewis and Bieter to say a few words.

Mr. McEwen stated that Hazlett, Lewis and Bieter were thankful to have this opportunity and had really enjoyed it; that Martina had worked well with their people, and they very much appreciated it.

Chairman Franklin asked Ms. Werner if everything was in order for the City. She responded "Oh, yes".

Sergeant Ron Parson of the Chattanooga Police Dept. expressed their pleasure at having Andreas with them, stating that he had been a gentleman and had made many good friends and that Sergeant Mincey had helped a lot in taking him around to different places such as forensics; that it had been a real pleasure. Chairman Franklin stated that he and Councilman Taylor were familiar with forensics.

ENGINEERING FEES

On motion of Councilman Benson, seconded by Councilman Littlefield,
**AN ORDINANCE AMENDING ORDINANCE NO. 11450,
ADOPTED SEPTEMBER 2, 2003, RELATIVE TO ENGINEERING
FEES, BY DELETING IN SECTION 2 THE OPERATIVE DATE OF
"OCTOBER 1, 2003" AND SUBSTITUTING IN LIEU THEREOF
"OCTOBER 14, 2003"**

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

On motion of Councilman Littlefield, seconded by Councilman Page,
**A RESOLUTION DECLARING CERTAIN REAL PROPERTY
LOCATED AT 1701 MARKET STREET, MORE PARTICULARLY**

SURPLUS PROPERTY (CONT'D.)

DESCRIBED HEREIN, AS SURPLUS AND AUTHORIZING THE SALE OF SAID PROPERTY TO TOWER PLACE, LLC, FOR A TOTAL CONSIDERATION OF TWENTY THOUSAND DOLLARS (\$20,000.00)

was adopted.

AGREEMENT

On motion of Councilman Hakeem, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH DENNIS SMITH TO PERFORM CONSTRUCTION INSPECTION SERVICES FOR VARIOUS DEPARTMENT OF PUBLIC WORKS PROJECTS FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00), INCLUDING WAGES AND OTHER REASONABLE EXPENSES

was adopted.

Councilman Pierce stated that he was not in the Public Works Committee meeting when this was discussed and was not aware of what was going on and would like an explanation.

Mr. Phillip Lynn explained that this was a contract with Dennis Smith that had been ongoing close to ten years and that he does inspections on Sanitary Sewers and Stormwater projects; that this is a renewal of the contract. Councilman Littlefield added that we were doing this back in 1987 and 1988—that it goes way back, and they do excellent work.

CONTRACT CHANGE ORDER

On motion of Councilman Lively, seconded by Councilman Page,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), RELATIVE TO THE 17TH STREET EXTENSION FROM BALDWIN STREET TO ROSSVILLE AVENUE, CONTRACT NO. E-02-017, WITH TALLEY CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY NINE THOUSAND FOUR HUNDRED TWENTY-SIX AND 38/100 DOLLARS (\$9,426.38), FOR A REVISED CONTRACT AMOUNT OF ONE

CONTRACT CHANGE ORDER (CONT'D.)

HUNDRED TWENTY-SIX THOUSAND SIX HUNDRED EIGHTY-ONE AND 25/100 DOLLARS (\$126,681.25)

was adopted.

CONTRACT CHANGE ORDER

Councilwoman Robinson noted that this was discussed in committee and comes with a recommendation.

On motion of Councilwoman Robinson, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO CONSTRUCTION AND EXPANSION OF THE PARKING LOT AT SHEPHERD RECREATION CENTER, WITH ROBERT SMITH, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY ELEVEN THOUSAND SEVEN HUNDRED DOLLARS (\$11,700.00), FOR A REVISED CONTRACT PRICE OF ONE HUNDRED TWENTY-THREE THOUSAND SEVEN HUNDRED FIFTY-SEVEN AND 60/100 DOLLARS (\$123,757.60)

was adopted.

CONTRACT CHANGE ORDER

On motion of Councilman Lively, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 (FINAL), RELATIVE TO THE MARKET STREET STREETScape FROM 6TH STREET TO 10TH STREET, CONTRACT NO. SS-6-00 (LANDSCAPING), WITH OOLTEWAH NURSERY, WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY NINE THOUSAND ONE HUNDRED NINETY-TWO AND 21/100 DOLLARS (\$9,192.21), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED TWO HUNDRED THIRTY-ONE THOUSAND NINE AND 79/100 DOLLARS (\$231,009.79)

was adopted.

BUSHTOWN ZONING STUDY

Chairman Franklin explained that this was a Resolution that had been placed on the agenda by permission of Councilmen Pierce and Hakeem and only one clarification was needed and that concerned the moratorium.

BUSHTOWN STUDY (CONT'D)

Councilman Hakeem explained that he and Councilman Pierce had attended a community meeting and that the community was asking that we move in this direction and that it was not arbitrarily done without the consent of the community.

Councilman Pierce added that this was part of the original Study on Down Zoning in the area and now we are willing to proceed with the full development of the Plan.

Councilman Benson asked if they were directing people to downzone to R-1. Councilman Pierce responded that there would be some direction after the Study is done.

On motion of Councilman Pierce,
seconded by Councilman Hakeem,

A RESOLUTION REQUESTING THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TO CONDUCT A ZONING STUDY OF AN AREA WITHIN THE BUSHTOWN NEIGHBORHOOD WEST OF ORCHARD KNOB AVENUE AND NORTH OF MCCALLIE AVENUE, EAST OF NORTH HOLLY STREET, AND SOUTH OF EAST 5TH STREET TO DOWN-ZONE CERTAIN PROPERTIES TO R-1 RESIDENTIAL ZONE AND TO ACCOMMODATE THE GOALS OF THE BUSHTOWN NEIGHBORHOOD PLAN

was adopted.

**BUSHTOWN
MORATORIUM**

On motion of Councilman Pierce, seconded by Councilman Hakeem,

A RESOLUTION DECLARING A BUILDING PERMIT MORATORIUM ON NEW RESIDENTIAL CONSTRUCTION, OTHER THAN SINGLE FAMILY STRUCTURES, FOR A PERIOD OF NINETY-ONE (91) DAYS RELATIVE TO CERTAIN AREAS OF THE BUSHTOWN NEIGHBORHOOD, MORE PARTICULARLY DESCRIBED HEREIN AND MADE A PART HEREOF BY REFERENCE, SO AS TO PERMIT THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY TIME TO PERFORM A ZONING STUDY RELATIVE TO DOWN ZONING CERTAIN PROPERTIES TO R-1 RESIDENTIAL ZONE

was adopted.

BUSHTOWN
MORATORIUM (CONT'D.)

Councilman Hakeem asked Mr. Pace if he heard the 91 days. Mr. Pace stated that he did hear 91 days. Attorney Nelson counted that this would get us to December 23rd.

On motion of Councilman Page, seconded by Councilman Lively, the two Resolutions on next week's agenda were moved to this week. It was noted that both of these Resolutions were discussed at the end of the Parks and Recreation Committee meeting and come with a recommendation.

CONTRACT CHANGE ORDER

On motion of Councilman Lively, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2, RELATIVE TO MOCCASIN BEND WASTEWATER TREATMENT PLANT DIGESTER EQUIPMENT PROCUREMENT, CONTRACT NO. 28K(EP-3), WITH ONDEO DEGREMONT, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY TWELVE THOUSAND FIVE HUNDRED TWO DOLLARS (\$12,502.00), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED THREE MILLION SEVENTY-NINE THOUSAND EIGHT HUNDRED FORTY-EIGHT DOLLARS (\$3,079,848.00)

was adopted.

PROPOSAL

On motion of Councilman Lively, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT THE PROPOSAL OF FULLER, MOSSBARGER, SCOTT AND MAY ENGINEERS, INC. ("FMSM"), RELATIVE TO THE HYDROLOGIC AND HYDRAULIC MODELING OF FLOOD MITIGATION OPTIONS FOR THE COMMUNITY OF FOREST HIGHLANDS, FOR A TOTAL AMOUNT NOT TO EXCEED NINETY THOUSAND FOUR HUNDRED DOLLARS (\$90,400.00)

was adopted.

OVERTIME

Overtime for the week ending September 19, 2003 totaled \$69,253.83.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- ? **JULIA DEAN**—One day suspension without pay, effective 9/16/03.
- ? **DAVID ALLEN**—One day suspension without pay, effective 9/15/03.
- ? **ANTHONY CHATMAN**—Termination, effective 9/15/03.

CHATTANOOGA FIRE DEPARTMENT:

- ? **CULLEN CAVIN**—Retirement after 28 years of Lieutenant, effective 9/19/03.
- ? **ROBERT DOZIER**—Retirement after 28 years of Battalion Chief, effective 9/19/03.
- ? **CURTIS SIMMONS**—Retirement after 28 years of Firefighter, effective 9/19/03.
- ? **RONNY MCMILLIAN**—Return from Military Leave, effective 9/21/03.

PUBLIC WORKS DEPARTMENT:

- ? **CHARLOTTE HOLLAND**—Employment of Cost Estimator, Pay Grade 15/1, \$31,180 annually, effective 9/19/03.
- ? **CHRISTOPHER HOWARD MCNEESE**—Employment of Crew Worker, Pay Grade 3/1, \$18,643.00 annually, effective 9/29/03.

PERSONNEL (CONT'D.)

PARKS, RECREATION, ARTS & CULTURE DEPARTMENT:

- ? **JEFFREY S. MOORE**—Resignation of Program Coordinator, effective 9/4/03.
- ? **HEATHER BEST**—Promotion to Sr. Zookeeper, Pay Grade 7/1, \$21,624 annually, effective 9/3/03.
- ? **EMILY TOUCHSTONE**—Hire as Zookeeper, Pay Grade 6/1, \$20,429 annually, effective 9/10/03.
- ? **ROBERT T. BLACKWELL**—Reinstatement of Bldg. Main. Mech., \$24,788 annually, effective 9/10/03.

FINANCE DEPARTMENT:

- ? **DIANE ERWIN**—One day suspension of Accounting Technician, effective 8/28/03.

Chief Coppinger noted that three of their personnel transactions were retirements of three individuals who had served the City for 28 years. These men are Cullen Cavin, Robert Dozier, and Curtis Simmons. He asked that their retirements be made a part of the record in order to call to attention the appreciation the Department had for their time spent with the City. He stated that they had done an outstanding job for the Fire Department.

PURCHASE

On motion of Councilman Pierce, seconded by Councilwoman Robinson, the following purchase was approved for use by the Parks and Recreation Department:

TERMINEX INTERNATIONAL (Lowest bid meeting specifications)
Requisition R0069823/B0000924

Pest Control Requirements Contract

(See minute material for various prices)

PURCHASE

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

TIBURON, INC. (Single Source Purchase) Requisition R0054796

Annual Software Maintenance and Support Agreement

\$10,483.00

HOTEL PERMITS

On motion of Councilwoman Robinson, seconded by Councilman Hakeem, the following Hotel Permits were approved:

HOLIDAY INN—CHATTANOOGA CHOO CHOO—1400 Market Street

CHATTANOOGA CLARION—407 Chestnut Street

DAYS INN—RIVERGATE—901 Carter Street

READ HOUSE HOTEL & SUITES—827 Broad Street

CHATTANOOGA MARRIOTT—2 Carter Street

BOARD APPOINTMENTS

On motion of Councilman Benson, seconded by Councilman Littlefield, the following Board Appointments were approved:

HUMAN RIGHTS & HUMAN RELATIONS BOARD

- ? Appointments of **DICK WEISE (District 4)** term ending **July 29, 2005**;
LEONARD WELLINGTON, SR. (District 6) term ending **July 29, 2005**;
and **JAMSETTA HUDSON (District 7)** term ending **July 29, 2005**.

For the record, Councilman Benson pointed out that it was not **Wise** but **Weise**; that last week it was reported as Thayer Wise.

BOARD APPTS. (CONT'D.)

Councilman Pierce noted that Mr. Eichenthal had read the name of Harold Baker for District 8 for reappointment and stated that he was not aware of this.

Councilman Benson stated that out of all fairness, the mistake made last week on his district representative was a spell check error.

Councilman Pierce stated that he knew Mr. Baker, but he thought it should be run by the Councilperson when a reappointment comes up. He stated that he would like to know.

Mr. Eichenthal stated that it was his understanding that Mr. Traugber had been in contact with the Council members on these appointments.

Councilman Pierce asked that the name of **Harold Baker** be deleted from the list, stating that we had to get a system going for this and not do this randomly. He asked that the name of **Harold Baker** from District 8 be deleted until Administration talks to the Council about this. He also asked if the Council Office Staff should be obligated to keep up with these appointments.

Chairman Franklin stated that for the most part, he thought the Council Office was doing this.

Councilman Pierce stated that Council members needed to be notified prior to appointments and reappointments. Mr. Eichenthal indicated that he understood what Councilman Pierce was saying.

Councilman Taylor stated that they did get in contact with him about his appointee, **Jamsetta Hudson**; that he knew he appointed her a year or two ago, and it is just now coming to the forefront. He stated that he was shocked that it had taken this long; that her term expired a year or two ago, and he thought she was reappointed again when this came up and found out that she was his reappointment for years gone by.

Mr. Eichenthal stated that it was his understanding that if there was no action on vacancies, then the person continued to serve.

Councilman Taylor agreed that the Council needed to be properly notified in order to get with the person to see if they wanted to continue to serve.

Councilman Hakeem stated that these questions had been asked before; that Councilman Pierce's question had been asked; that there really has not been a system and there was an effort to identify one person in the Mayor's Office to

BOARD APPTS. (CONT'D)

bring all of the Boards and their terms up to date; that they don't have a handle on everything yet but had made some progress.

Councilman Benson stated that nearly two years ago he sent a letter appointing his representative, Dick Weise and when Thayer Wise came up last week, he called Dick Weise about this and Mr. Weise told him that he thought that no one had approved him. He stated that this really needed to be more timely.

Councilman Pierce stated that he was still concerned about appointments; that during the past Administration, the Council members got phone calls before the appointments came up; that there might be somebody who a Council person would need to question. He went on to say that we have a problem with people attending Board meetings and that he liked to look at his appointees regularly. He continued, stating that as to the Board of Electrical Examiners, the Mayor had the right to appoint who he wanted to, but he thought the Council should have some knowledge of this before the Council meeting; that Administration should notify the Council.

Mr. Eichenthal stated that Administration would be more than happy to work with the Council; that in most cases transmissions go with the package; that he was sure Mr. Compton would be happy to develop a method that works well with the Council. He continued with Board Appointments.

BEER BOARD

- ? Appointment of **KATHY JONES (District 2)** with a term ending **August 31, 2006**.

The motion to approve this was made by Councilwoman Robinson and seconded by Councilman Lively.

BOARD OF ELECTRICAL EXAMINERS

- ? Appointment of **KENNY SMITH** with term ending **October 1, 2007**; Re-appointment of **CHARLES GIBSON, III** with term expiring **October 1, 2007**; and reappointment of **PEGGY REESE** with term expiring **October 1, 2007**.

Councilman Lively made the motion, seconded by Councilwoman Robinson.

PERSONNEL HEARING
IRAN M. MEADOW

Attorney Nelson reported that the previously scheduled hearing for **Iran Meadow** had been postponed, and they wished another hearing on either October 6th, 20th, or 27th. He noted that the panel consisted of Councilmen Benson, Councilwoman Robinson, and Councilman Hakeem, with Councilman Lively as an alternate. Those involved chose another hearing date of **Monday, October 6th at 3:00 P.M.**

PERSONNEL HEARING
JUDIE JOHNSON

Attorney Nelson reported that he had received a request for a hearing from **Judie Johnson**, a Police Records Clerk. He explained to the Council that she was not sworn personnel and ten days without pay would not apply unless you missed 5% of your pay over a three year period. Attorney Nelson stated that he would so notify her that the remedy would lie with the Mayor's Office; that he just wanted the Council to be okay with this.

COMMITTEES

Councilwoman Robinson reported that the Parks, Recreation, Arts & Culture Committee met today and that their Staff went over their 2003 Program and the thousands of participants who enjoyed the activities and the wonderful array of things they had to offer. There was also a very informative update from the Zoo.

Councilman Page reminded the Council of the **Economic Development Committee scheduled for Tuesday, October 7th to immediately follow the Parks and Recreation Committee scheduled for 4:00 P.M.** The purpose of this meeting is a Chamber of Commerce Update.

Councilman Littlefield stated that he was going to alter the **Legal and Legislative Committee** scheduled for next Tuesday as it appeared right now that we might not have a Council meeting next Tuesday. He stated that he wanted to have the Mayor present for the Legal and Legislative Committee meeting and that he was going to schedule the meeting for **Thursday, October 2nd at 3:00 P.M.** to hear a report and see a power point presentation by some of the participants of the Animal Care Task Force. He added that he and Councilman Benson had seen a preliminary version with a lot of numbers, costs, and savings in spaying and neutering. He added that some of this was covered in a news article in yesterday's paper. He stated that this was fairly detailed and he would like as many Councilpersons as possible to be present, and we would try to get the Mayor there and urged as many to come as possible.

COMMITTEES (CONT'D)

Chairman Franklin reiterated that this would be **Thursday, October 2nd at 3:00 P.M.**

Councilman Benson added that this time would work out well as there would be a 5:30 Neighborhood Services Grand Reception at Hunter Art Museum and the Legal and Legislative Committee meeting would be over by that time. He also noted that this presentation would cover more than spaying and neutering and would outline options about a new Animal Shelter.

Councilman Hakeem scheduled a **Public Works Committee meeting for Tuesday, October 7th at 3:00 P.M.**

COUNCIL MEETING CANCELLATION

Chairman Franklin stated that since there were just two items on next week's agenda, and they had been taken care of tonight, that he would like to have a motion to cancel next week's Tuesday night meeting. **On motion of Councilman Page, seconded by Councilman Lively, there will be no City Council meeting next Tuesday, September 30th. Councilman Benson voted "no" in opposition. Councilman Pierce did not vote since he would not have been present anyway.**

SISTER BEY

Sister Bey addressed the Council, stating that they knew she lived in Bushtown and that she wanted a better understanding of rezoning different places; that there was a house next to her that Congressman Wamp had said was supposed to be repaired. She stated that she had met with a Senator and heard from the President; that the Council made promises but when it comes down to reality, it's not there. She went on to say that the Secretary General was not a bit pleased about what is going on here and that she was going to Senator Alexander's office to find out what was going on because the people in her neighborhood did not see any money and wanted a better understanding of what they were doing. She stated she was tired of stalemating and did not know what the Council was trying to prove, but she did not appreciate it because she cared about her people. She questioned who was making money, stating that the real contractors and not sub-contractors should be. She ended by saying she did not have to take this lying down and that her peoples' birthright had been stolen.

LOUISE HAMMONDS

Mrs. Hammonds addressed the Council, stating that she did not have a problem but just wanted to give a special thanks to Councilmen Hakeem, Littlefield, Franklin, and Pierce for helping them out with the issue on 23rd St. She said "Thank you".

GARY BALL

Mr. Ball addressed the Council, stating that he was from Ridgedale and came to the meeting with Mrs. Hammonds and wanted to thank the Council for listening to him and all the ones that came out about the 23rd Street issue; that he knew the Council supported what was said. He stated that he complained a lot, but he wanted to let the Council know that they appreciated this; that he knew it was not over because the applicant had already applied for a Beer Board license. He stated that they would keep this under their wing and that as the Council revisited the Ordinance, the group that had worked on this would be glad to help. He went on to say that he knew that you can't put these businesses out of town but thanked the Council for hearing all of the voices when the issue came up; that he thought all sides were heard and that they were pleased with the outcome.

Chairman Franklin thanked him for the kind words.

ADJOURNMENT

Chairman Franklin adjourned the meeting of the Chattanooga City Council until Tuesday, October 7, 2003 at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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