

**City Council Building
Chattanooga, Tennessee
May 1, 2001
6:00 p.m.**

Chairman Hakeem called the meeting of the Chattanooga Council to order with Councilmen Benson, Franklin, Littlefield, Lively, Page, Pierce, Robinson and Taylor present. City Attorney Randy Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC, were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance by Vice Chairman Littlefield, Joe Smith, Regional Director of the YMCA Y-CAP Program, gave the invocation.

YMCA Y-CAP PROGRAM

Joe Smith expressed appreciation to the Council for the opportunity to appear before them. He stated that **Y-CAP** stands for the **Youth Community Action Project** and consists of young people referred by Juvenile Court who are status offenders, truants, unruly and runaways aged 10-14. He stated the program is designed to intervene on teen behavior before it escalates into a delinquency situation. He stated the program participants come from various backgrounds and are very troubled; that they are picked-up at school and brought to the YMCA where they are tutored, counseled, provided recreational activities; that they generally deal with issues young people are confronted with today. He stated with their "instruction manual" from God, they teach them what is right and wrong and embrace the mission of the YMCA. He reminded Council members that the "C" in YMCA stands for "Christian", which is what they do.

Chairman Hakeem thanked Mr. Smith for his comments.

MINUTE APPROVAL

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

DECLARE SURPLUS

Admin. Traughber stated that this property cannot be accessed from Twenty-Third Street or Rossville Boulevard; that it can only be accessed by way of an alley. He stated the buyer owns property on all the adjacent lots. He stated there would be a restriction on the property, as with all property that is declared surplus, that the Planning Agency or the Design Center must "sign off" on the proposed use of the property.

Councilman Littlefield asked if this property is part of the "hot rod" business that was in the newspaper the other day? Admin. Traughber responded "no"; that it has been made clear to the buyer that the property cannot be used for that or the storage of cars. He stated the buyer plans to do small manufacturing and inside storage, clarifying that nothing would be stored outside.

On motion of Councilman Pierce, seconded by Councilman Franklin,

A RESOLUTION DECLARING PROPERTY LOCATED AT THE INTERSECTION OF EAST 23RD STREET AND ROSSVILLE BOULEVARD, TAX MAP NO. 156A-B-001, AS SURPLUS PROPERTY AND AUTHORIZING THE SALE OF SAID SURPLUS PROPERTY TO ROY MICHAEL MALONE, SR. FOR A CONSIDERATION OF FOUR THOUSAND, TWO HUNDRED FIFTY DOLLARS (\$4,250.00)

was adopted.

GRANT APPLICATION

On motion of Councilman Lively, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE DEPARTMENT TO APPLY FOR A GRANT FROM THE UNITED STATES FIRE ADMINISTRATION AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN THE AMOUNT OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00), WHICH, IF AWARDED, WILL REQUIRE LOCAL MATCHING FUNDS OF TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$225,000.00) AND, IF SELECTED FOR APPROVAL, AUTHORIZING THE ACCEPTANCE OF SAID GRANT AND PAYMENT OF LOCAL MATCHING FUNDS
was adopted.

CHANGE ORDER

On motion of Councilman Taylor, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING A CHANGE ORDER TO PURCHASE ORDER NO. 0014943 TO GE CAPITAL, RELATIVE TO LEASING OF A TRAILER AT THE SKATEPARK, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT UP TO TWELVE THOUSAND, TWO HUNDRED EIGHTY DOLLARS (\$12,280.00), FOR A REVISED CONTRACT PRICE NOT TO EXCEED TWENTY-EIGHT THOUSAND, EIGHT HUNDRED SIXTY-SIX DOLLARS (\$28,866.00)
was adopted.

LEASE AGREEMENT: EAST LAKE SENIOR CITIZENS' ASSOCIATION

Councilwoman Robinson stated Resolutions 7(d) and (e) were discussed in today's Parks and Recreation Committee and the decision was to withdraw the two (Resolutions) from tonight's agenda. She indicated that a letter would be drafted within the next week or two regarding these two matters.

City Attorney Nelson explained that the Parks and Recreation Department would compose letters of agreement rather than a lease agreement, which should come forth within the next week or two.

LEASE AGREEMENT: EAST LAKE SENIOR CITIZENS' ASSOCIATION

A RESOLUTION RATIFYING THE EXECUTION OF A LEASE AGREEMENT WITH THE EAST LAKE SENIOR CITIZENS' ASSOCIATION FOR THE USE OF THE EAST LAKE SENIOR CITIZENS' BUILDING AND LAND LOCATED AT 3000 EAST 34TH STREET FOR A TERM ENDING MAY 31, 2002
was withdrawn from the agenda.

LEASE AGREEMENT: HIGHLAND PARK NEIGHBORHOOD ASSOCIATION

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO EXECUTE A LEASE AGREEMENT WITH THE HIGHLAND PARK NEIGHBORHOOD ASSOCIATION FOR THE USE OF THE BUILDING AND LAND LOCATED AT 1714 DUNCAN AVENUE FOR A TERM ENDING MAY 10, 2005
was withdrawn from the agenda.

AGREEMENT: VOLKERT & ASSOCIATES, INC.

On motion of Councilman Pierce, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE INTERIM ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO NEGOTIATE AND EXECUTE AN ENGINEERING AGREEMENT WITH VOLKERT & ASSOCIATES, INC., FOR CONTRACT NO. SS-6-00, MARKET STREET STREETScape FROM 6TH STREET TO 10TH STREET
was adopted.

CONTRACT WORK AUTHORIZING NO. 6: ARCADIS GERAGHTY & MILLER

On motion of Councilman Lively, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE INTERIM ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE WORK AUTHORIZATION NO. 6 WITH ARCADIS GERAGHTY & MILLER FOR CONTRACT NO. RW-1-01, FOURTH STREET AND THIRD STREET ROADWAY IMPROVEMENTS, FOR A TOTAL FEE NOT TO EXCEED TWO HUNDRED THIRTY-FOUR THOUSAND DOLLARS (\$234,000.00)
was adopted.

LETTER

On motion of Councilman Littlefield, seconded by Councilman Page,
**A RESOLUTION AUTHORIZING THE MAYOR TO SEND A LETTER TO THE
TENNESSEE DEAPRTMENT OF TRANSPORTATION TO SHOW THE CITY'S
SUPPORT FOR THE WIDENING OF EAST BRAINERD ROAD FROM
GRAYSVILLE ROAD TO OOLTEWAH-RINGGOLD ROAD**
was adopted.

CHANGE ORDER

On motion of Councilman Lively, seconded by Councilman Littlefield,
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER
NO. 1, CONTRACT NO. BL-1-00, CITY LANDFILL AT BIRCHWOOD,
CONSTRUCTION OF PHASE IV LINER (AREA 2), WITH EAST TENNESSEE
GRADING, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT
AMOUNT BY SEVENTY-FIVE THOUSAND, FORTY-TWO DOLLARS
(\$75,042.00) FOR A REVISED CONTRACT AMOUNT OF TWO MILLION,
SIX HUNDRED ONE THOUSAND, THREE HUNDRED THIRTY DOLLARS
(\$2,601,330.00) AND INCREASES THE CONTRACT TIME BY FORTY (40)
CALENDAR DAYS**
was adopted.

CHANGE ORDER

On motion of Councilman Lively, seconded by Councilman Taylor,
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER
NO. 3 (FINAL), MAIN STREET FIREHALL, WITH SCHAERER CONTRACTING
CO., INC., WHICH CHANGE ORDER INCREASES THE CONTRACT
AMOUNT BY EIGHTEEN THOUSAND, FIFTY-EIGHT DOLLARS (\$18,058.00)
FOR A REVISED CONTRACT AMOUNT OF TWO MILLION, THREE
HUNDRED TWO THOUSAND, FOUR HUNDRED THIRTEEN DOLLARS
(\$2,302,413.00)**
was adopted.

TEMPORARY USE: ELECTRIC POWER BOARD

On motion of Councilman Pierce, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING THE ELECTRIC POWER BOARD TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT THE NORTH SIDE OF THE SIDEWALK AT 10TH STREET FOR PROVIDING A CANOPY OVER THE AUTOMOBILE ENTRANCE AND EXIT ON THE SOUTH SIDE OF THE GARAGE BUILDING, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

TEMPORARY USE: TAQUERIA LA ALTENA

On motion of Councilman Benson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE TAQUERIA LA ALTENA TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT 314 WEST MAIN STREET FOR INSTALLATION OF A DECORATIVE METAL FENCE ON THE MAIN STREET SIDEWALK FOR ENCLOSING DINING TABLES AND CHAIRS FOR OUTDOOR DINING, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

AGREEMENT: HAMILTON COUNTY SHERRIFF'S DEPARTMENT

On motion of Councilman Benson, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT FOR THE USE OF LAW ENFORCEMENT OVERTIME EXPENSE PROGRAM WITH THE HAMILTON COUNTY SHERIFF'S DEPARTMENT FOR THE METHAMPHETAMINE TASK FORCE, A COPY OF SAID AGREEMENT BEING ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE
was adopted.

FINAL PUD

On motion of Councilman Taylor, seconded by Councilman Franklin,
A RESOLUTION APPROVING A PROPOSED FINAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS FREDERICK STREET PLANNED UNIT DEVELOPMENT, ON TRACTS OF LAND LOCATED BETWEEN WEST 37TH STREET AND WEST 38TH STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE FINAL PLANNED UNIT DEVELOPMENT PLAN ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

CONTRACT: "MULCH IN MOTION"

On motion of Councilman Franklin, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO ENTER INTO A CONTRACT FOR THE INSTALLATION/SPREADING OF MULCH AT VARIOUS PLAYGROUNDS WITH "MULCH IN MOTION", THE LOW BIDDER, FOR A PRICE OF FIFTEEN THOUSAND, FOUR HUNDRED DOLLARS (\$15,400.00) FOR SPREADING TWO THOUSAND (2,000) CUBIC YARDS OF MULCH
was adopted.

OVERTIME

Overtime for the week ending April 27, 2001 totaled \$18,091.82.

PERSONNEL

The following personnel matters were reported for the Parks and Recreation Department:

ERIC L. LOVE – Termination, Custodian, Buildings and Structures, effective April 17, 2001.

PERSONNEL (Continued)

ROBBIN D. SPIVEY, KAREN J. EDWARDS – Voluntary Demotion, Custodian, Buildings and Structures, Pay Grade 2/Step 8, \$19,725.00 annually, effective April 25, 2001.

RANDALL E. WORLEY – New Hire, Crew Worker, TN Riverpark/Downtown, Pay Grade 3/Step 1, \$15,535.00 annually, effective April 18, 2001.

DONNA K. ABERNATHY -- New Hire, Crew Worker, TN Riverpark/Downtown, Pay Grade 3/Step 1, \$15,535.00 annually, effective April 25, 2001.

PURCHASE

On motion of Councilman Franklin, seconded by Councilman Taylor, the following purchase was approved for use by the Parks and Recreation Department:

KELLEMS RECYCLING SYSTEM (Lowest and best bid)
Requisition R0054529/B0000577

Playground Mulch

\$12.98/Cubic Yard

PERSONNEL

The following personnel matters were reported for the General Services Department:

MARCIE MOORE – Reinstatement, Purchasing Technician, Pay Grade 8/Step 1, \$21,219.00 annually, effective May 4, 2001.

PURCHASES

On motion of Councilman Pierce, seconded by Councilman Franklin, the following purchases were approved for use by the General Services Department:

A-AFFORDABLE FENCE (lower and better bid)

Requisition R0056103/P0015933

Fencing Materials, Citywide Contract

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

GRAYBAR ELECTRIC COMPANY (Lowest and best bid)

Requisition R0056102/P0015882

Electrical Supplies, Citywide Contract

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

XPEDX (Lowest and best bid)

Requisition R0056101/P0015864

Cleaning Supplies, Citywide Contract

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

SAFETY AND COMPLIANCE MANAGEMENT

Requisition No. R005384/P0016029

Alcohol and Drug Testing Service (Offers the lowest test prices with no additional charges for after-hours service imposed; they have provided this service for the City in the past and has a commendable performance track record.)

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

PERSONNEL

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

WILLIAM H. SUTTON – Resignation, Equipment Operator, Citywide Services, effective April 19, 2001.

JACQUELINE ODOM – Released from Duty, Crew Worker, Citywide Services, effective April 18, 2001.

CHRISTOPHER DEAN, JEFFERY D. HUNTER, RENA L. ODEN, STACY R. SMITH, CECEDRIC TREMBLE, DAVID MASSENGALE – Employment, Crew Worker, Citywide Services, Pay Grade 3/Step 1, \$15,535.00 annually, effective April 18, 2001.

JOHNNY V. REESE – Employment, Sanitation Worker, Citywide Services, Pay Grade 3/Step 1, \$15,535.00 annually, effective April 18, 2001.

LEROY FITCH – Promotion, Equipment Operator Senior, Citywide Services, Pay Grade 8/Step 7, \$27,797.00 annually, effective April 25, 2001.

LARRY G. COULTER – Resignation, Heavy Equipment Operator, Citywide Services, effective April 19, 2001.

PURCHASES

On motion of Councilman Benson, seconded by Councilman Franklin, the following purchases were approved for use by the Public Works Department:

CAPITAL WHOLESALE FENCE (Only bid received)

Requisition R0060755/P0015928

Fencing Materials

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

STERLING TRUCK COMPANY (Best bid)

Requisition R0060734/B0000570

Tractor (New and Unused)

\$68,009.05

PURCHASES (Continued)

AVANTI INTERNATIONAL (Single source)

Requisition R0060567

Urethane Chemicals per TCA 6-56-304.2

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

ELLIOTT MACHINE SHOP AND TENNESSEE-RAND COMPANY (Lower and better bids dual contract)

Requisition R0070524/P0015950

Lasta Filter Press Parts

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

HOTEL PERMIT

On motion of Councilwoman Robinson, seconded by Councilman Franklin, the following hotel permit was approved:

LOOKOUT LAKE BED AND BREAKFAST, 3408 Elder Mountain Road, Chattanooga, Tennessee

PERSONNEL

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

RENISHA D. BRADY, CARLITA L. PALMER, JACKIE ANN QUARLES, RUTH TODOS, MINDY S. MILLIGAN, ANGELA J. NORMAN – Hire, Communications Officer, Pay Grade 11/Step 1, \$24,360.00 annually, effective May 4, 2001.

MARY E. HUTSON – Hire, Communications Officer, Pay Grade 11/Step 3, \$27,092.00 annually, effective May 4, 2001.

PERSONNEL (Continued)

BILLIE WILLIAMS, DEIDRA HALL, JEFFY HONEYCUTT – Hire, Police Service Technician, Pay Grade 3/ Step 1, \$15,535.00 annually, effective May 4, 2001.

DAVID L. TOMLINSON – Resignation, Police Officer, effective May 7, 2001.

DANNY VIAR – Resignation, Police Cadet, effective April 30, 2001.

ELAINE SMITH – Suspension (14 days without pay), effective April 30, 2001.

PERSONNEL

The following personnel matters were reported for the Department of Finance and Administration:

CHRIS ANDERSON – New Hire, Court Operations Supervisor, City Court, Pay Grade 13/Step 1, \$26,904.00 annually, effective May 18, 2001.

LAJUAN ELSTON – New Hire, Senior Clerk (Bench), City Court, Pay Grade 7/Step 1, \$20,083.00 annually, effective May 4, 2001.

PATRICIA MOORE – Return from leave, Clerk, City Court, effective April 14, 2001.

BOARD APPOINTMENTS

Councilman Littlefield stated that he was involved in setting up the Historic Zoning Commission years ago and inquired as to how persons are appointed; whether they are appointed by the Mayor?

Admin. Boney responded that persons are appointed by the Mayor and subject to the approval of the Council.

Chairman Hakeem asked if the terms are for one year? Admin. Boney stated they appointees are filling out (unexpired) terms and will be eligible for reappointment for a term of four years.

Councilman Littlefield indicated that he knows most of the appointees and that they are good appointments.

BOARD APPOINTMENTS (Continued)

On motion of Councilman Littlefield, seconded by Councilman Lively, the following Board appointments were approved:

HISTORIC ZONING COMMISSION:

- ❖ Appointment of ***ANN AIKEN, HEATHER BELL, GEORGE WILCOX and JOANN BRACKIN*** for a term of one year, ending May 1, 2001

COMMITTEES

Councilman Franklin reminded Council members of **the Public Works Committee meeting scheduled for Tuesday, May 8 at 4 p.m.**

STATUS OF LAND USE PLAN FOR DISTRICT 4

Councilman Benson inquired as to the status of the land use plan for District 4.

Barry Bennett, Executive Director of the Planning Agency, stated that they have signed the contract with the consultants and are in the process of getting a mail out ready to announce the first public hearing to the area residents. He stated the process is well underway.

Councilman Benson asked Mr. Bennett if he "felt good" about the process so far? Mr. Bennett responded, "Absolutely".

Councilman Benson asked if the anticipated date of completion is still scheduled for October? Mr. Bennett stated they are looking at a total of six months to get back to this body; that it will be heard before the Planning Commission in September and this body in October.

JOHN MCCULLOUGH

John McCullough stated that he lives on Pinewood Drive in East Brainerd and has been to all the Planning meetings held concerning the Hamilton Place Mall and the New Hope Church (property). He stated that he has a problem regarding a rezoning on Pinewood Drive dating back to 1995 wherein Ordinance conditions have not been implemented by the contractor nor enforced by the City; that it has been six years and four months. He stated he has listened to all the problems with Hamilton Place, yet when an Ordinance change is given, who enforces it and how do citizens know the changes will be made? He stated that he spent six months of his time researching this matter and distributed information to each Council member. He stated he has had conversations with people in the City and the builder and no one cares or does anything, therefore, his complaint is being registered with the Council.

City Attorney Nelson stated that Mr. McCullough asked who supervises the changes to Ordinances, he indicated that that would be the job of the Building Inspector.

Mr. McCullough stated that he has spent six years and six months talking to Messrs. Young, Moody, and Rucker and nothing has been done. He stated after six years it has been very frustrating.

Councilman Littlefield asked Mr. McCullough to give a brief description of what the problem is.

Mr. McCullough stated Ken Defoor built townhouses adjacent to this property when the property was rezoned from RT-1 to R-4. He stated that he attended the Council meeting in 1994 and at that time the builder agreed to install a fence on the north, east and west sides of the property to protect the residential properties. He stated one townhouse was built and the builder constructed a fence behind that consisted of a block wall with a wooden fence above and that is all that has occurred. He stated the Ordinance states that a fence must be constructed on the east, north and west sides and that has not been complied with.

Councilman Littlefield asked if Mr. Defoor is the builder? Mr. McCullough responded that Mr. Defoor does not return his calls and will not meet with him.

JOHN MCCULLOUGH (Continued)

Councilman Littlefield asked if the conditions were attached when Jack Raulston had the property? Mr. McCullough stated that the Ordinance says there should be sight-obscuring landscaping and there was no definition at that time of what that was. He stated when the matter came before the City Council he (applicant) offered to put up a fence and he has only built a fence on part of it.

Chairman Hakeem asked Mr. McCullough to provide the information he has to Mr. Bennett and Phillip Lynn, the City Engineer. He stated they will get back to him after some research has taken place.

SISTER BEY

Sister Bey stated that she was before the Council in reference to her son who had some trouble with the police. She stated a white female from Trenton hit his automobile and the investigating officer called him a "nigger". She indicated that an inquiry regarding this was made in "June" and the policeman called her son a liar; that the case went before Judge Williams in "June". She asked the Council to look into this.

Councilman Hakeem asked if it is his understanding that the matter has not gone to court? He stated that he would ask the Police Department to investigate the use of inappropriate language.

City Attorney Nelson stated that the matter should be reported to the Police Department; that they have an Internal Affairs Division that can check on it.

Chairman Hakeem stated that the Chief has left the Council Assembly Room and asked Sister Bey to provide basic information regarding the matter so that it can be given to the Chief; that someone from the Department would get back with her. He asked her to give the Clerk of the Council or the Management Analyst the information before leaving. (Sister Bey did not supply the information to either the Clerk of the Council or the Management Analyst.)

JUDGE WILLIAMS

Chairman Hakeem acknowledged the presence of Judge Walter Williams.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, May 8, 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)**