

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

Chairman Littlefield called the meeting of the Chattanooga Council to order with Councilmen Benson, Hakeem, Lively, Page, Pierce and Robinson present; Councilmen Franklin and Taylor were 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 Benson gave invocation.

### **MINUTE APPROVAL**

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

### **AMEND CONDITIONS**

#### **2002-110: Peter Gibson – Nino Piccolo, Architect**

Jerry Pace, Director of Operations for the Regional Planning Agency, stated that conditions have been incorporated in the Ordinance since last week.

**Councilmen Lively and Hakeem made the motion to substitute the amendments to this Ordinance; the motion passed.**

On motion of Councilman Lively, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CONDITIONS  
IMPOSED IN ORDINANCE NO. 11108 ON PROPERTY LOCATED AT 615  
WEST BELL AVENUE, BEING MORE PARTICULARLY DESCRIBED HEREIN,  
SUBJECT TO CERTAIN CONDITIONS**

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

**AMEND CITY CODE RELATIVE TO PRIVILEGE TAX  
ON HOTELS**

City Attorney Nelson explained that the Ordinance has been amended to reflect changes requested by the Hotel-Motel Association with regard to complimentary rooms. He stated that they asked him to add language as it relates to consideration because under the language in the Act passed on first reading it would not have been covered. He stated many hotels have complimentary rooms and since they are really not paid for and are given complimentary, the language has been amended to making it clear there would be no tax on rooms that were "given away".

**Councilmen Lively and Page made the motion to substitute the amendment to this Ordinance; the motion passed on roll call vote:**

<b>Benson</b>	<b>"Yes"</b>
<b>Hakeem</b>	<b>"Yes"</b>
<b>Lively</b>	<b>"Yes"</b>
<b>Page</b>	<b>"Yes"</b>
<b>Pierce</b>	<b>"Yes"</b>
<b>Robinson</b>	<b>"Yes"</b>
<b>Littlefield</b>	<b>"Yes"</b>

Prior to voting on the motion and second for second reading, Councilman Pierce questioned what happens after the bond has been retired in light of the fact that the tax is allocated for the Twenty-First Century Waterfront Plan? He asked if the money would be connected directly to the Riverfront or expended for other parts of downtown?

City Attorney Nelson stated that it is his presumption that at that time the Ordinance would have to be amended, because it would have provided what was necessary at that time. He stated State Law requires that we designate the purpose for which the taxes are going to be used and we have designated the Twenty-First Century Waterfront Plan and its development; that once it stops being used for that Plan, then in order for the Ordinance to continue to be valid some other use would have to be designated.

Councilman Pierce asked the City Attorney to tell the Council how long it will take to retire the bond with the 4% and know that this tax will be in place for this project? City Attorney Nelson responded that he has not been part of those conversations.

Chairman Littlefield stated that it is his understanding that it is for twenty-five years.

**AMEND CITY CODE RELATIVE TO PRIVILEGE TAX  
ON HOTELS (Continued)**

Admin. Boney stated it would depend upon the term of the bond and that has not been set; that the Council has an opportunity to act on those again. He stated something along the time frame as stated by Chairman Littlefield is what is considered.

Councilwoman Robinson stated for every one dollar of public money expended, four dollars have come from the private sector. She stated there has been \$800 million in investments in downtown since 1990 and of that amount, according to her calculations, \$200 million, theoretically, was public money and \$600 million was from the private sector. She stated as we enact this legislation, which we project spending over \$100 million in the next several years and building out the next phase of the riverfront, we can expect \$400 million more from the private sector. She stated it is hard for her to calculate the impact this will have; that it "goes to the heart" of what Councilman Pierce has been concerned about all along, which is we achieve a lot of development and impact not only in that area but in all areas; that the community as a whole will see evidence of this.

Chairman Littlefield stated Misty Mayo from the Residence Inn by Marriott-Downtown brought a letter from the owner of the hotel, which will be included in the minute material from this meeting.

On motion of Councilman Lively, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,  
 CHAPTER 11, ARTICLE VI, SECTION 11-186 AND BY ADDING A NEW  
 SEC. 11-200 AND 11-201, RELATIVE TO A PRIVILEGE TAX ON HOTELS**  
 passed second reading, **on roll call vote:**

<b>Benson</b>	<b>"Yes"</b>
<b>Hakeem</b>	<b>"Yes"</b>
<b>Lively</b>	<b>"Yes"</b>
<b>Page</b>	<b>"Yes"</b>
<b>Pierce</b>	<b>"Yes"</b>
<b>Robinson</b>	<b>"Yes"</b>
<b>Littlefield</b>	<b>"Yes"</b>

On motion of Councilwoman Robinson, seconded by Councilman Benson, the Ordinance passed third and final reading and was signed in open meeting; **on roll call vote:**

**AMEND CITY CODE RELATIVE TO PRIVILEGE TAX  
ON HOTELS (Continued)**

Benson	"Yes"
Hakeem	"Yes"
Lively	"Yes"
Page	"Yes"
Pierce	"Yes"
Robinson	"Yes"
Littlefield	"Yes"

**CLOSE AND ABANDON**

**MR-2002-041: Regina Sawyer**

Mr. Pace stated that this matter has been discussed in the Public Works Committee at some point in time and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilman Page,  
**AN ORDINANCE AMENDING ORDINANCE NO. 11283, ADOPTED JULY 15, 2002, CLOSING AND ABANDONING A FIFTY FOOT (50') WIDE RIGHT-OF-WAY LOCATED IN THE 1800 BLOCK OF MOREHOUSE STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, BY PERMITTING THE ELECTRIC POWER BOARD, COMCAST CABLE COMMUNICATIONS, INC. AND THE CITY OF CHATTANOOGA TO RETAIN THEIR RESPECTIVE EASEMENTS**

passed first reading.

**CONTRACT: TOWER CONSTRUCTION COMPANY**

Councilman Hakeem stated Resolutions 7(a) – (p) were discussed in the Public Works Committee and approval is recommended.

On motion of Councilman Page, seconded by Councilwoman Robinson,  
**A RESOLUTION AWARDED THE CONTRACT FOR THE GRADING AND PAVING OF TWO PARKING AREAS AT THE AVONDALE HEAD START/EARLY HEAD START CENTER TO TOWER CONSTRUCTION COMPANY FOR THEIR LOW BID IN THE AMOUNT OF FIFTY-TWO THOUSAND TWO HUNDRED DOLLARS (\$52,200.00)**

was adopted.

**CONTRACT: STEIN CONSTRUCTION COMPANY**

On motion of Councilwoman Robinson, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT RW-1-02, 4<sup>TH</sup> STREET ROADWAY IMPROVEMENTS, TO STEIN CONSTRUCTION COMPANY FOR THEIR LOW BID IN THE AMOUNT OF FOUR MILLION EIGHT HUNDRED NINETY-FIVE THOUSAND TWO HUNDRED NINETY AND 40/100 DOLLARS (\$4,895.290.40)**  
was adopted.

**CONTRACT AMENDMENT: ARCADIS G&M, INC.**

On motion of Councilman Hakeem, seconded by Councilman Page,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AMENDMENT NO. 3 TO WORK AUTHORIZATION NO. 6, CONTRACT NO. RW-1-01, RELATIVE TO 4<sup>TH</sup> STREET ROADWAY IMPROVEMENTS, WITH ARCADIS G&M, INC. FOR ADDITIONAL ENGINEERING SERVICES AND A FULL-TIME RESIDENT PROJECT REPRESENTATIVE, FOR A TOTAL FEE NOT TO EXCEED ONE HUNDRED NINETY-FOUR THOUSAND DOLLARS (\$194,000.00)**  
was adopted.

**CHANGE ORDER**

On motion of Councilwoman Robinson, seconded by Councilman Hakeem,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 4, 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 THREE THOUSAND SIX HUNDRED SEVENTY-THREE AND 84/100 DOLLARS (\$3,673.84), FOR A REVISED CONTRACT PRICE NOT TO EXCEED THREE MILLION FOUR HUNDRED NINETY-SIX THOUSAND TWO HUNDRED EIGHTEEN AND 14/100 DOLLARS (\$3,496,218.14)**  
was adopted.

**CHANGE ORDER**

On motion of Councilman Benson, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 5, 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 ONE THOUSAND FORTY-NINE DOLLARS (\$1,049.00), FOR A REVISED CONTRACT PRICE NOT TO EXCEED THREE MILLION FOUR HUNDRED NINETY-SEVEN THOUSAND TWO HUNDRED SIXTY-SEVEN AND 23/100 DOLLARS (\$3,497,267.23)**

was adopted.

**CHANGE ORDER**

On motion of Councilman Lively, seconded by Councilman Hakeem,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), RELATIVE TO THE RIVERVIEW AREA SEWER SEPARATION, CONTRACT NO. 134J, WITH MAYSE CONSTRUCTION COMPANY, WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY FIFTY-TWO THOUSAND FIVE HUNDRED TWO AND 87/100 DOLLARS (\$52,502.87), FOR A REVISED CONTRACT PRICE NOT TO EXCEED FOUR HUNDRED SEVENTY-EIGHT THOUSAND FOUR HUNDRED TEN AND 23/100 DOLLARS (\$478,410,23.00)**

was adopted.

**CHANGE ORDER**

On motion of Councilman Hakeem, seconded by Councilman Page,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), RELATIVE TO DRAINAGE AND WATER QUALITY ABATEMENT, CONTRACT NO. SWM-2-99, WITH MAYSE CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FORTH-EIGHT THOUSAND SIX HUNDRED THIRTY-SIX AND 03/100 DOLLARS (\$48,636.03), FOR A REVISED CONTRACT PRICE NOT TO EXCEED TWO MILLION TWO HUNDRED NINETY-TWO THOUSAND NINE HUNDRED THIRTY-ONE AND 53/100 DOLLARS (\$2,292,931.53)**

was adopted.

**CHANGE ORDER**

On motion of Councilwoman Robinson, seconded by Councilman Page,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), RELATIVE TO 17<sup>TH</sup> STREET STREETScape PROJECT, CONTRACT NO. SS-1-98, WITH WISE CONSTRUCTION, LLC, WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY SIXTY-FIVE DOLLARS (\$65.00), FOR A REVISED CONTRACT PRICE NOT TO EXCEED FOUR HUNDRED FIFTY-SEVEN THOUSAND NINE HUNDRED THIRTY-FIVE DOLLARS (\$457,935.00)**  
 was adopted.

**CHANGE ORDER**

On motion of Councilman Pierce, seconded b Councilman Page,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 (FINAL), RELATIVE TO 17<sup>TH</sup> STREET STREETScape PROJECT, CONTRACT NO. SS-1-98, WITH EAST TENNESSEE GRADING, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY SEVENTY THOUSAND FIVE HUNDRED TWENTY-FIVE AND 48/100 DOLLARS (\$70,525.48), FOR A REVISED CONTRACT PRICE NOT TO EXCEED NINE HUNDRED FORTY-NINE THOUSAND NINE HUNDRED SEVENTY-SEVEN AND 43/100 DOLLARS (\$949,977.43)**  
 was adopted.

**AGREEMENT: TDOT**

On motion of Councilwoman Robinson, seconded by Councilman Hakeem,  
**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 RIGHT-OF-WAY FOR STREET IMPROVEMENTS ON STATE ROUTE 8 EXTENDING FROM 6<sup>TH</sup> STREET TO 10<sup>TH</sup> STREET, RELATIVE TO THE MARKET STREET STREETScape PROJECT, CONTRACT NO SS-6-00**  
 was adopted.

**CHANGE ORDER**

On motion of Councilman Lively, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO MISCELLANEOUS SANITARY SEWER REQUIREMENTS, CONTRACT NO. 01-A, WITH EAST TENNESSEE GRADING, INC. AND MAYSE CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY ONE HUNDRED SIXTY-SEVEN THOUSAND ONE HUNDRED TWENTY-FIVE AND 26/100 DOLLARS (\$167,125.26), FOR A REVISED CONTRACT PRICE NOT TO EXCEED ONE MILLION SIXTY-SEVEN THOUSAND EIGHTY-FOUR AND 27/100 DOLLARS (\$1,067,084.27)**  
 was adopted.

**CONTRACT SUPPLEMENT: TDOT**

On motion of Councilman Hakeem, seconded by Councilman Benson,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE A SUPPLEMENT TO CONTRACT NO. 55A-3, RELATIVE TO SANITARY SEWER RELOCATION, WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION, FOR I-75 RECONSTRUCTION BETWEEN SHALLOWFORD ROAD AND THE SUMMIT RAILROAD BRIDGE, IN THE AMOUNT OF FOUR THOUSAND TWO HUNDRED NINETY-TWO DOLLARS (\$4,292.00), FOR A TOTAL REVISED FEE NOT TO EXCEED FIVE HUNDRED NINETY-FIVE THOUSAND THREE HUNDRED SIXTY-TWO AND 81/100 DOLLARS (\$595,362.81)**  
 was adopted.

**CHANGE ORDER**

On motion of Councilman Page, seconded by Councilman Pierce,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO SANITARY SEWER RELOCATION, CONTRACT NO. 55A-3, WITH MAYSE CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FOUR THOUSAND TWO HUNDRED NINETY-ONE AND 56/100 DOLLARS (\$4,291.56), FOR A REVISED CONTRACT PRICE NOT TO EXCEED THREE HUNDRED FIFTY-NINE THOUSAND NINE HUNDRED TWENTY-NINE AND 03/100 DOLLARS (\$359,929.03)**  
 was adopted.

**CHANGE ORDER**

On motion of Councilman Hakeem, seconded by Councilman Page,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO HIXSON PIKE SANITARY SEWER RELOCATION, CONTRACT NO. 69C, WITH MAYSE CONSTRUCTION COMPANY, WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY FORTY-SEVEN THOUSAND TWO HUNDRED NINETEEN AND 76/100 DOLLARS (\$47,219.76), FOR A REVISED CONTRACT PRICE NOT TO EXCEED TWO HUNDRED SEVENTY-FIVE THOUSAND TWO HUNDRED SEVENTY-SEVEN AND 08/100 DOLLARS (\$275,277.08)**  
 was adopted.

**AGREEMENT AMENDMENT**

On motion of Councilman Lively, seconded by Councilman Hakeem,  
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 2 TO THE AGREEMENT WITH THE CITY OF FT. OGLETHORPE, GEORGIA, RELATIVE TO CONVEYANCE OF WASTEWATER TO THE CITY OF CHATTANOOGA'S WASTEWATER SYSTEM FOR TREATMENT AND DISPOSAL**  
 was adopted.

**DEED**

On motion of Councilman Page, seconded by Councilman Hakeem,  
**A RESOLUTION AUTHORIZING THE PURCHASE OF A DEED OF PERPETUAL CHANNEL IMPROVEMENT EASEMENT FROM FEHN'S RESTAURANT, RELATIVE TO THE TENNESSEE RIVERBANK STABILIZATION PROJECT, TAX MAP NO. 118E-N-022, TRACT NO. 801E, FOR A TOTAL CONSIDERATION OF ONE HUNDRED EIGHTY-SEVEN DOLLARS (\$187.00)**  
 was adopted.

**ESTABLISH TASK FORCE FOR SUCCESSFUL  
 PLACEMENT OF MENTAL HEALTH FACILITIES**

On motion of Councilman Hakeem, seconded by Councilman Page,  
**A RESOLUTION AUTHORIZING THE COUNCIL CHAIRMAN TO ESTABLISH A TASK FORCE TO ADVISE THE CITY COUNCIL ON THE PARAMETERS FOR THE SUCCESSFUL PLACEMENT OF MENTAL HEALTH FACILITIES WITHIN THE CITY OF CHATTANOOGA AS THE SAME RELATES TO ZONING LAWS**  
 was adopted.

**OVERTIME**

Overtime for the week ending August 2, 2002 totaled \$37,184.67.

**PERSONNEL**

The following personnel matters were reported for the various departments:

**PUBLIC WORKS DEPARTMENT:**

- ? **LEE YEARBY** – Suspension (3 days without pay), Equipment Operator, Citywide Services, Sr., effective August 6-8, 2002.
- ? **EDWIN L. ROBINSON** – Suspension (3 days without pay), Crew Worker, Citywide Services, effective August 6-8, 2002.
- ? **ERIC WILLIAMS** – Compulsory Medical Leave, Crew Worker, Sr., Citywide Services, effective July 24, 2002 – January 24, 2003.
- ? **STACY R. SMITH** – Return from Family Medical Leave, Crew Worker, Citywide Services, Sr., effective July 23, 2002.
- ? **RANDAL A. THEBO** – Hire, Plant Operator, Waste Resources, Pay Grade 9/Step 1, \$23,313.00 annually, effective July 31, 2002.

**CHATTANOOGA POLICE DEPARTMENT:**

- ? **HENRY D. FARLEY** – Resignation, Police Officer, effective August 2, 2002.
- ? **AARON WILLIAMS** – Transfer/Voluntary Demotion, Animal Services Officer, Pay Grade 9/Step 2, \$24,453.00 annually, effective July 29, 2002.

**CHATTANOOGA FIRE DEPARTMENT:**

- ? **JESSE M. ASHLEY** – Promotion, Senior Firefighter, Pay Grade F2/Step 11, \$40,923.00 annually, effective July 26, 2002.
- ? **ERIC D. GORDON, KEVIN M. CARPENTER, STEVE M. JAMES, TERRI D. WHITESIDE, TAMMY L. WEY, JAMES A. MAY, SHAWN C. ROACH, MICHAEL J. MONTIETH, STEPHEN C. WARREN** – Promotion, Senior Firefighter, Pay Grade F2/Step 3, \$30,150.00 annually, effective August 9, 2002.

**PERSONNEL (Continued)**

- ? **CARLOS D. TIBBS** – Promotion, Senior Firefighter, Pay Grade F4/Step3, \$37,993.00 annually, effective August 9, 2002.

**BOARD APPOINTMENT**

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

**GENERAL PENSION BOARD:**

- ✍ Appointment of **CORINNE ALLEN** to fill the unexpired term of Katy Jones for a term to expire June 9, 2003.

**PURCHASE**

On motion of Councilman Lively, seconded by Councilman Benson, the following purchase was approved for use by the Neighborhood Services Department:

**THOMAS BROTHERS CONSTRUCTION COMPANY, INC. (Lowest and best bid)**  
**R0061356**

Demolition Services (*Ulyess Shipley & Son submitted a lower bid but withdrew its bid due to the asbestos abatement requirement*)

\$78,888.00

**COMMITTEES**

Councilman Benson reminded Council members of the **Legal and Legislative Committee meeting scheduled for Tuesday, August 13 at 3 p.m.**

Councilman Hakeem reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, August 20 at 4 p.m.**

**BOARD AMENDMENTS**

Councilman Pierce inquired as to changes in the various City Boards with regard to appointees from the various districts? City Attorney Nelson responded that the matter is scheduled for discussion in the Legal and Legislative Committee at a later date, indicating that the Charter amendments have to pass first reading no later than next Tuesday. He stated the board changes is one of the things "waiting in the wings" along with the Concord problem.

Chairman Littlefield stated that he received a list from the City Attorney's office regarding the various Board members' terms and expiration dates and will share the information with members of the Council.

Councilman Benson stated that some of the information contained within the material is not correct. Chairman Littlefield stated that the information was received today and that errors have been noted. He stated the effort is being made to proceed with identifying whatever new people need to be named to Boards.

**AGENDA: TUESDAY, AUGUST 13, 2002**

Chairman Littlefield stated items on second and third reading next week are a reflection of what was passed on first reading tonight; that there are several rezoning matters on first reading and Resolutions which were considered in Committee today.

**ADJOURNMENT**

Chairman Littlefield adjourned the meeting of the Chattanooga Council until Tuesday, August 13, 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)**