

**City Council Building
Chattanooga, Tennessee
March 18, 2003
6:00 p.m.**

Chairman Littlefield called the meeting of the Chattanooga Council to order with Councilmen Benson, Hakeem, Franklin, 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, Councilwoman Robinson 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: "ARTS IN OUR SCHOOLS WEEK"

Councilwoman Robinson welcomed representatives from Allied Arts: Rodney VanValkenberg, Don Andrews, Director of Allied Arts, JoAnn Smith, Director of Magnet Schools with Hamilton County Schools, and Marilyn Harrison, Grants Coordinator for Allied Arts.

Councilwoman Robinson presented and read a proclamation on behalf of the City and the office of the Mayor proclaiming March 17-21 as "Arts In Our Schools" week.

Mr. VanValkenberg thanked Councilwoman Robinson for all she is doing and has done for the arts community for many years. He invited the Council to the ARTS Fest Showcase at the Tivoli on Thursday, March 20 at 10 a.m. when the Presidential Scholars in Arts recognized by President Bush are scheduled to perform. He indicated that lunch would follow the performance.

SPECIAL PRESENTATION: "ARTS IN OUR SCHOOLS WEEK" (Continued)

Mr. VanValkenberg stated it is his belief art is an integral part of the academic process; that the arts community invests over one million dollars each year to provide arts programs for our young people and classroom teachers. He stated Chattanooga is fortunate to have talented people in this community. He stated Allied Arts and Hamilton County Schools have been selected to participate in the John F. Kennedy Center Institute in Washington, DC and twelve teams are scheduled to go with Ms. Smith.

JoAnn Smith stated that the entire Hamilton County School system is fortunate because of their partnership with Allied Arts. She stated there are three fine arts schools within the system: Barger, East Lake and Chattanooga Center for Creative Arts. She presented brochures regarding the thirteen magnet schools within the system and expressed appreciation to the City for their support of arts in the schools.

SPECIAL PRESENTATION: "WORKSMART" VIDEO

Amy Walker Cherry presented the "WorkSmart" video regarding the new program that ties in with the renewal community tax credits. She encouraged all Chattanooga residents and employers in the renewal community zone to participate, as it is a great way to save money and help bridge the gap between neighborhoods and jobs.

Following the video, Ms. Walker emphasized there will be a special six-week campaign push to try to energize enrollment in the renewal community zone and indicated that a schedule could be retrieved from chattanoogaworksmart.com or by calling 311 for additional information about qualifying and enrolling.

Councilman Hakeem inquired as to whether the number of residents that moved out of the southside due to changes and renovations would be eligible or would they have to move back into the area.

Ms. Cherry stated the renewal community taxes and program is a federal program and we have no control over the guidelines. She stated the question has been posed to federal authorities and unfortunately they have very strict interpretations of living in the zone. She stated as long as the residents have moved away they are no longer in the renewal community zone and cannot participate; that the incentive is to move back and find a location.

SPECIAL PRESENTATION: "WORKSMART" VIDEO
(Continued)

Councilman Benson asked for clarification that it is not required that a person enroll in the Skillbuster program in order to participate in the WorkSmart program. Ms. Cherry responded "right".

Councilman Benson inquired as to the size a private enterprise has to be to qualify for tax rebates, such as the carriage industry.

Ms. Cherry responded that an employer could have only a "hand full" of only five employees and could be eligible to receive federal taxes up to 1,500 per qualified employee; that there is no limit to the number of employers. She stated ConAgra saved \$250,000 this last year, reinvested the amount and are planning a \$10 million expansion. She stated there are small companies actively moving into the renewal community zone to take advantage of this.

Councilman Taylor asked Ms. Cherry to speak in terms of the businesses that are participating.

Ms. Cherry stated at the launch of this initiative they were actively enrolling both businesses as well as residents and the telephone has been very busy today since the kick-off of the program of yesterday. She stated there has been active interest from manufacturers, insurance companies, as well as bankers and hotels. She stated it is felt no employer should exclude themselves if they are in the zone and neither should the residents.

Chairman Littlefield expressed appreciation to Ms. Cherry for her presentation. Ms. Cherry responded by expressing appreciation for the Council's interest and support!

ANNEXATION AND PLAN OF SERVICES (AREA 6)

Chairman Littlefield stated this matter was deferred from last month, as there was an area that was in mid-project and getting permits from Hamilton County government. He stated Planning has a new description of the property we wish to exclude and the City will come back later and annex it separately.

City Attorney Nelson stated a small piece is going to be excluded. He stated the description was received just shortly before Council meeting tonight and asked that this matter be deferred one more week for a new amended version for second and third reading next week.

ANNEXATION AND PLAN OF SERVICES (AREA 6)
(Continued)

On motion of Councilman Pierce, seconded by Councilwoman Robinson,
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING
THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE,
TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT
CORPORATE LIMITS OF SAID CITY, BEING AN AREA OF THE JENKINS
ROAD EXTENSION IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY
THE ATTACHED MAP**
was deferred one week.

AMEND ZONING ORDINANCE

On motion of Councilman Taylor, seconded by Councilman Page,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE IV, BY
ADDING A NEW SECTION 112, TO INCORPORATE NEW LANGUAGE
RELATIVE TO SIGNAGE, MARKINGS AND OTHER DEVICES FOR PARKING
LOTS ON PRIVATE PROPERTY**

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

CLOSE AND ABANDON

MR-2002-219: Freeland and Kauffman

On motion of Councilman Page, seconded by Councilman Hakeem,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE
400 BLOCK OF MARKET STREET, MORE PARTICULARLY DESCRIBED
HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE
A PART HERE OF BY REFERENCE**

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.

REZONING

2003-024: Jeffrey Carmack

Jerry Pace, Director of Operations for the Regional Planning Agency (RPA),
stated that this Ordinance was amended to include the fifty foot landscaped
buffer between the development and residential structures on Sutton Drive and
the use would be as an office complex only.

REZONING (Continued)

Councilmen Lively and Taylor made the motion to accept the substitutions to this Ordinance; the motion carried.

On motion of Councilman Lively, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 5809 WINDING LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS

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

EXTENSION OF PERSONAL SERVICES CONTRACT

Councilman Hakeem stated this matter was discussed in today's Public Works Committee meeting and is in regard to Rob Taylor, whose work has been excellent; that the Committee requests approval of this Resolution. He indicated Resolutions 7(b), (c) and (f) - (l) are recommended for approval pursuant to Committee, as well.

On motion of Councilman Hakeem, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE EXTENSION OF AN ADDITIONAL NINE (9) MONTHS OF A PERSONAL SERVICES CONTRACT WITH CITYSCAPE DEVELOPMENT SERVICES TO PERFORM SERVICES AS A CONSULTANT FOR THE CITY AND COUNTY IN THEIR DEVELOPMENT PLANNING ACTIVITIES AT ENTERPRISE SOUTH, FORMERLY THE VOLUNTEER ARMY AMMUNITION PLANT ("VAAP")

was adopted.

SEWER EASEMENT

On motion of Councilman Hakeem, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SEWER EASEMENT FROM JOHN A. AND ANNIE S. POLASCO, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, PARCEL NO. 101G-B-020, TRACT NO. 10.A, FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED DOLLARS (\$100.00)

was adopted.

LOAN AGREEMENT: TN DEPARTMENT OF ENVIRONMENT AND CONSERVATION

On motion of Councilman Taylor, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER OR THE DEPUTY FINANCE OFFICER TO EXECUTE A LOAN AGREEMENT WITH THE STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, NO. SRF#2003-168, AND ANY AMENDMENTS OR SUPPLEMENTS TO THE LOAN AGREEMENT, IN THE NAME AND ON BEHALF OF THE LOCAL GOVERNMENT, RELATIVE TO PROVIDING FOR THE FINANCING OF THE CONSTRUCTION OF A WASTEWATER FACILITIES PROJECT
was adopted.

ESTABLISHMENT OF SPAY AND NEUTER TASK FORCE

Councilman Benson stated this Resolution comes as a recommendation for approval from the Legal and Legislative Committee. He identified the nine Council representatives as Deborah Ginn (District 1), Sonia Young (District 2), Melissa Tupps (District 3), Allison Ludwig (District 4), Oscar Scott (District 5), Betsy Bramlett (District 6), Robin Keef (District 7), Sarah Caperton (District 8) and Sylvia Bennett (District 9). He stated for the initial meeting, Paul Miller will serve as the Acting Chairman with the Task Force electing a Chairperson later. He stated there would be six special interest groups added to the nine Council member representatives that are to come from Chattanooga Animal Services, the Veterinarian Association, animal advocacy, the Cat and Dog Rescue Associations and the Humane Education Society. He stated the representative for District 8 would need to be replaced, as Ms. Caperton will represent one of the other special interest groups on the Task Force. He stated the Task Force is scheduled to make monthly reports to the Committee.

Paul Miller clarified that the Task Force's first meeting is scheduled for Thursday, March 20 at 5 p.m. in Room 1A at the Development Resource Center (DRC). Mr. Miller stated the Task Force has been charged with developing a five-year plan for the City to reduce the need for euthanasia of animals in the animal shelter at the Humane Society.

On motion of Councilman Benson, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A FIFTEEN (15) MEMBER TASK FORCE TO STUDY THE CREATION OF A CITY WIDE ANIMAL SPAY AND NEUTER PROGRAM
was adopted.

**CONTRACT: EAST TENNESSEE GRADING
COMPANY**

Chairman Littlefield stated this Resolution is to be deferred for one week due to questions by the Contractor. He stated a meeting with the City Attorney, Public Works staff and the Contractor is to take place during the course of the week to work out differences.

On motion of Councilman Lively, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT 81C, SEWER RELOCATION FOR SIGNAL MOUNTAIN ROAD PROJECT WIDENING, TO EAST TENNESSEE GRADING COMPANY FOR A TOTAL AMOUNT NOT TO EXCEED FIVE HUNDRED EIGHTY-EIGHT THOUSAND TWO HUNDRED ONE DOLLARS (\$588,201.00)

was deferred one week.

CONTRACT: TALLEY CONSTRUCTION COMPANY

On motion of Councilman Hakeem, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT E-02-017, 17TH STREET EXTENSION, TO TALLEY CONSTRUCTION COMPANY FOR A TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY-SIX THOUSAND TWO HUNDRED THIRTY-EIGHT AND 90/100 DOLLARS (\$136,238.90)

was adopted.

**CONTRACT: MAX FOOTE CONSTRUCTION
COMPANY**

On motion of Councilman Page, seconded by Councilman Hakeem,

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT 28K2, MOCCASIN BEND WASTEWATER TREATMENT PLANT PRIMARY SLUDGE SYSTEM IMPROVEMENTS, TO MAX FOOTE CONSTRUCTION COMPANY FOR A TOTAL AMOUNT NOT TO EXCEED NINE MILLION SIX HUNDRED TWENTY-FOUR THOUSAND NINE HUNDRED THIRTY DOLLARS (\$9,624,930.00) INCLUDING A CONTINGENCY AMOUNT OF THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00); THE BID PRICE WAS NINE MILLION SEVEN HUNDRED TWENTY-SEVEN THOUSAND DOLLARS (\$9,727,000.00); THE VALUE ENGINEERING REDUCTIONS TOTAL FOUR HUNDRED FIFTY-TWO THOUSAND DOLLARS (\$452,000.00); THE RESULTING REDUCED CONTRACT AMOUNT IS NINE MILLION TWO HUNDRED SEVENTY-FOUR THOUSAND NINE HUNDRED THIRTY DOLLARS (\$9,274,930.00)

was adopted.

CONTRACT: MAYSE CONSTRUCTION COMPANY

On motion of Councilman Hakeem, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT W-02-012-200, MARTIN LUTHER KING BOULEVARD STORMWATER DETENTION, TO MAYSE CONSTRUCTION COMPANY FOR A TOTAL AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED EIGHTY-ONE THOUSAND EIGHTY-THREE AND 51/100 DOLLARS (\$1,181,083.51) INCLUDING A CONTINGENCY AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000.00)
was adopted.

CONTRACT: ARCADIS G&M, INC.

On motion of Councilman Lively, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT 2-03-002-100, RELATIVE TO PROFESSIONAL DESIGN SERVICES FOR THE MARKET STREET STORM DRAIN, TO ARCADIS G&M, INC. FOR A TOTAL AMOUNT NOT TO EXCEED SIXTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$62,500.00)
was adopted.

OVERTIME

Overtime for the week ending March 14, 2003 totaled \$9,437.19.

PERSONNEL

The following personnel matter were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- o **DEBIE MIKEL** – Hire, Information Technology Coordinator, Administration, Pay Grade 24/Step 5, \$48,748.00 annually, effective March 7, 2003.
- o **CURTIS WYATT** – Reinstatement, Light Equipment Operator, Citywide Services, Pay Grade 5/Step 6, \$23,215.00 annually, effective March 10, 2003.

CHATTANOOGA FIRE DEPARTMENT:

- o **PERRY J. STEPHENS** – Military Leave, Firefighter, effective March 15, 2003.

PERSONNEL (Continued)

- **LEWIS LAFERRY** – Family Medical Leave, Captain, effective March 14, 2003.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- **BARBARA WOODY** – Termination (Deceased), Teacher Assistant, Head Start, effective February 27, 2003.

CHATTANOOGA POLICE DEPARTMENT:

- **FREDERICKO M. MOORE, GROVER L. WILSON** -- Military Leave, Police Officer, effective March 15, 2003.
- **KRISTAL WARD** – Return from Family Medical Leave, Police Records Clerk, effective March 17, 2003.

PURCHASE

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

CIBA SPECIALTY CHEMICALS CORPORATION
R0067130/P0018397

Emulsion Polymers

(Price information available and filed with minute material)

REFUNDS

On motion of Councilman Lively, seconded by Councilman Franklin, the Administrator of Finance was authorized to issue the following refunds:

CHARLES R. MEGAHEE, JR. – Overpayment of 2002 property taxes, \$3,059.75

VULCAN LANDS, INC. – 2001 and 2002 Stormwater Fees due to non-use of the City's System, \$4,704.48

REFUNDS (Continued)

WOODLAWN APARTMENTS, INC. – Refund of real and/or personal property taxes for 2002 due to obtaining tax-exempt status, \$2,084.26

BOARD APPOINTMENTS

On motion of Councilman Taylor, seconded by Councilman Franklin, the following appointment to the **Sign Appeals Board** was approved:

- ✍ Appointment of **GERALD MCCORMICK** to fill the unexpired term of Steve Petty for a term to expire July 1, 2004, representing District 3.

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

- ✍ Appointment of **JIM HYATT** for a term expiring June 23, 2004, representing District 2.

On motion of Councilman Hakeem, seconded by Councilman Taylor, the following appointment to the **General Pension Board** was approved:

- ✍ Appointment of **DAVID EICHENTHAL** to fill the unexpired term of James Boney for a term to expire on July 31, 2005.

On motion of Councilman Taylor, seconded by Councilman Pierce, the following Board re-appointments/appointment to the **Taxi Board** was approved:

- ✍ Re-appointment of **DON AHO** (term expiring June 8, 2005), **YUSUF A. HAKEEM** (term expiring June 8, 2005), **GEORGE FLETCHER** (term expiring February 8, 2005), and **JOHN THORNTON** (term expiring December 1, 2003).
- ✍ Appointment of **BRUCE ROLLINS** for a term to expire December 1, 2004.

LIQUOR LICENSE

Admin. Eichenthal presented Nassar S. Jaser's request for a liquor license for a store location at 2410 Glass Street. A majority of Council members affixed signatures to the document indicating their support.

COMMITTEES

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee for Tuesday, March 25 at 3 p.m.** He expressed appreciation to the Mayor for appointing a representative from the carriage industry to the Taxi Board. He stated the carriage industry stepped forward and asked for quality control and an ordinance to assure the type of services that should be provided.

Councilman Hakeem scheduled a meeting of the **Public Works Committee for Tuesday, April 1 beginning at 4 p.m.**

Councilman Lively scheduled a meeting of the **Budget and Finance Committee for Tuesday, March 25** immediately following the meeting of the Parks and Recreation Committee.

Councilman Taylor reminded Council members of the meeting of the Health, Education, Human Services and Housing Opportunities Committee on Tuesday, April 1 immediately following the Public Works Committee. He stated a meeting would be rescheduled with regard to air quality as it relates to diseases as soon as it can be arranged.

DEPARTURE OF TROOPS

Councilman Taylor stated several local officials and representatives of the police and fire departments were present to witness the departure of the local troops to Clarksville, Tennessee. He stated it was a moving experience and asked for prayers from everyone for all concerned.

Chairman Littlefield stated that he talked with several officers with the group, indicating that their first stop would be to Ft. Campbell in Kentucky where they will be for a time and then rotated if war proceeds and demand requires overseas duty. He stated in any event, they are expected to be on active duty for a year and the request for prayer is appropriate.

SISTER BEY

Sister Bey addressed the Council regarding City personnel coming onto her porch. She again related her concern with regard to the two cars that were taken from her yard and indicated that she wants this "mess" to stop.

TONY PEOPLES

Tony Peoples, Chairman of the Carriage Operators Association, expressed thanks to the Council for their cooperation and help toward the carriage industry. He stated this is a unique industry and are considered the "welcome mat" for Chattanooga. He stated they want to be an asset to the City and not an embarrassment; that they want to be accountable for what they do through regulations. He introduced the others in the industry present with him, as well as his wife, Linda.

ADJOURNMENT

Chairman Littlefield adjourned the meeting of the Chattanooga Council until Tuesday, March 25, 2003 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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