

**Municipal Building
Chattanooga, Tennessee
September 2, 2003
6:00 p.m.**

Chairman Franklin called the meeting of the Chattanooga Council to order with Councilmen Benson, Hakeem, Littlefield, 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 Councilwoman Robinson, seconded by Councilman Lively, the minutes of the previous meeting were approved as published and signed in open meeting.

SPECIAL PRESENTATION: LYNDA PRINCE, GRAND CHIEF OF THE CANADIAN CARRIER TRIBE

Councilman Littlefield stated a few weeks ago he was invited to represent the City at a special multi-cultural gathering at Fellowship Community Church. He stated that he did not understand the concept, yet knew it involved Native Americans and people from out-of-town. He stated it was a very interesting meeting with discussion on a variety of issues and quite a bit of discussion about the Brainerd Covenant and Brainerd Mission, which is in his district. He stated it was interesting hearing those from out-of-town that were here from Oklahoma and all around and (he) was given a Native American name. He introduced Lynda Prince, Grand Chief of the Carrier Sekani Nations of British Columbia and stated that she is the first Grand Chief of the Tribe. He stated she speaks movingly about reconciliation and thought it was something we would be talking about at one point in the future because of Moccasin Bend and the Trail of Tears. He stated Native American citizens date back centuries and this is the right time to welcome someone like Grand Chief Prince to the Council. He stated he invited her to come and meet the Council and introduced Daphne Swilley, a friend of Lynda's, who was able to get her back in town.

**SPECIAL PRESENTATION: LYNDA PRINCE, GRAND
CHIEF OF THE CANADIAN CARRIER TRIBE
(Continued)**

At this point, Councilman Littlefield presented Grand Chief Prince with an "Honorary Citizen" certificate bestowing all the rights and privileges of any one living in the City.

Grand Chief Lynda Prince presented each Council member with a book entitled, *Voices From The Trail of Tears*, and a Native American coin enclosed in a suede pouch. She stated that she was honored to be present and expressed thanks for the invitation to come and bring comments and the "Honorary Citizen" certificate, as it is a great privilege and honor. She stated at age five she, and several other children, were taken away from their families due to a policy for all First Nation children. She stated all First Nation people were excluded from all talks and negotiations and they could not sing their songs, could not do their dances and could not have contact with their families. She stated they were separated from their families for ten months while they were in a school in Canada.

Grand Chief Prince stated the Trail of Tears is but another chapter in the series of events. She referenced the Scottish-Irish people in the early days of colonization and read from a book that gave an account of the Native Americans' journey and treaty signings. She stated during their plight, Ross' Landing was one of the places for departure of groups and indicated that it was improper for any tribe to cross another's land without permission; that wounds are still within the First Nation communities. She stated the Brainerd Covenant was the only covenant that was kept in the United States. She stated that the last official act of the Brainerd Mission was to have communion and the Brained Covenant was recently renewed, indicating that broken treaties and covenants have consequences. She stated that their message is not to be afraid, as they have come into revelation and knowledge with the Creator; that all will be held accountable in His sight one day. She stated she has learned to forgive and wants to see prosperity reign.

Councilman Littlefield expressed thanks to Grand Chief Prince for her comments. He stated she has taken her message to the Queen of England, to the late Princess Diana and Prince Charles, in an audience with the Pope in Rome, the President of Israel, the Mayor of Jerusalem and other Israeli heads of state. He wished her well in continuing her ministry.

SPECIAL PRESENTATION: LYNDA PRINCE, GRAND CHIEF OF THE CANADIAN CARRIER TRIBE (Continued)

Councilman Benson stated the Council is honored to have her present, indicating that she has given a brief history of her tribe's ancestry. He stated it is his hope Grand Chief Prince would find Chattanooga to be a place where she can find reconciliation.

Councilman Littlefield recognized the presence of his wife, Lanis, as the "Chief of his tribe"! He also acknowledged the attendance of others present for this segment of the Council's agenda.

RECOGNITION OF NATHAN WILLIAMS

Chairman Franklin recognized the presence of Nathan Williams of Troop 3 of the Boy Scouts of America from the Jesus Christ of Latter Day Saints Church. He stated Mr. Williams was present as a requirement of the Communications Badge, which is a "step away" from the Eagle Scout Badge. He wished him well and extended an open invitation to attend the Council meeting at any time.

AMEND CITY CODE

On motion of Councilman Littlefield, seconded by Councilman Benson,
AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, CHAPTER 10, ARTICLE II, SECTION 10-23, RELATIVE TO ENGINEERING FEES

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

AMEND CITY CODE

On motion of Councilman Pierce, seconded by Councilman Hakeem,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 32, BY ADDING A NEW ARTICLE XII, RELATIVE TO STANDARDS FOR ACCEPTANCE OF DEDICATED STREETS.

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

REZONING

2003-083: JDH Company

On motion of Councilwoman Robinson, seconded by Councilman Taylor,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF
LAND LOCATED AT 1122 AND 1124 EAST 14TH STREET, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO
M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second reading. On motion of Councilwoman Robinson, seconded by
Councilman Pierce, the Ordinance passed third and final reading and was
signed in open meeting.

CLOSE AND ABANDON

MR-2003-102: Michael Freedman Bliss

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
**AN ORDINANCE CLOSING AND ABANDONING TWO (2) UNNAMED
ALLEYS LOCATED WEST OF THE WEST LINE OF THE 3200 BLOCK OF ALTA
VISTA DRIVE, MORE PARTICULARLY DESCRIBED HEREIN AND AS
SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE**
passed second reading. On motion of Councilman Taylor, seconded by
Councilwoman Robinson, the Ordinance passed third and final reading and
was signed in open meeting.

CLOSE AND ABANDON

MR-2003-103: City of Chattanooga

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
**AN ORDINANCE CLOSING AND ABANDONING PORTIONS OF TWO (2)
DEEDED, UNOPENED RIGHTS-OF-WAY LOCATED ON MCCALLIE
AVENUE AND A DEEDED, UNOPENED ALLEY ON EAST 8TH STREET, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE,
SUBJECT TO CERTAIN CONDITIONS**
passed second reading. On motion of Councilman Lively, seconded by
Councilman Pierce, the Ordinance passed third and final reading and was
signed in open meeting.

CLOSE AND ABANDON

MR-2003-105: City of Chattanooga

On motion of Councilman Benson, seconded by Councilman Littlefield,

AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED ALLEY LOCATED OFF OF THE EAST LINE OF THE 2700 BLOCK OF CANNON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

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

CLOSE AND ABANDON

MR-2003-108: The McCallie School

On motion of Councilman Hakeem, seconded by Councilman Littlefield,

AN ORDINANCE CLOSING AND ABANDONING THE 2900 BLOCK OF ANDERSON STREET AND A PORTION OF THE 800 BLOCK OF BOYD STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

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

CAPITAL IMPROVEMENTS BUDGET 2003/2004

Councilman Benson stated this matter was discussed thoroughly in the Budget and Finance Committee for a couple weeks prior to this meeting. He stated approval is requested.

On motion of Councilman Taylor, seconded by Councilman Lively,

AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 2003/2004 AND AMENDING ORDINANCE NO. 11316

passed first reading.

GRANT: TDOT

Councilman Hakeem stated this Resolution and several others on tonight's agenda are recommended for approval pursuant to discussion in last week's meeting of the Public Works Committee.

On motion of Councilman Hakeem, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR AND, IF APPROVED, ACCEPT A GRANT FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, DIVISION OF COMMUNITY ASSISTANCE, RELATIVE TO THE HOUSEHOLD HAZARDOUS WASTE PROGRAM FOR FISCAL YEAR 2003-2004, IN AN AMOUNT NOT TO EXCEED EIGHTY-FIVE THOUSAND DOLLARS (\$85,000.00)

was adopted.

CHANGE ORDER

On motion of Councilman Hakeem, seconded by Councilman Littlefield,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), RELATIVE TO BITUMINOUS PAVEMENT RESURFACING, CONTRACT NO. E-02-001, WITH HIGHWAYS, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY TEN THOUSAND SEVEN HUNDRED AND 14/100 DOLLARS (\$10,700.14), FOR A REVISED CONTRACT AMOUNT OF ONE MILLION FOUR HUNDRED TEN THOUSAND SEVEN HUNDRED AND 14/100 DOLLARS (\$1,410,700.14)

was adopted.

CHANGE ORDER

On motion of Councilman Lively, seconded by Councilman Littlefield,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 (FINAL), RELATIVE TO CONSTRUCTION SERVICES FOR MOCCASIN BEND WASTEWATER TREATMENT PLANT, DIGESTER CLEANING AND SLUDGE INVENTORY REDUCTION, CONTRACT NO. MB-1-00, WITH SYNAGRO (FORMERLY WHEELABRATOR WATER TECHNOLOGIES, INC.), WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FIVE THOUSAND SEVENTY-SEVEN AND 64/100 DOLLARS (\$5,077.64), FOR A REVISED CONTRACT AMOUNT OF SIX HUNDRED SIX THOUSAND SEVEN HUNDRED SEVENTY-NINE AND 64/100 DOLLARS (\$606,779.64)

was adopted.

PURCHASE OF REAL PROPERTY

MR-2003-122: City of Chattanooga

On motion of Councilman Littlefield, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY LOCATED IN THE 200 BLOCK OF BASS ROAD AND THE 6100 BLOCK OF EAST BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM THE WELDON F. OSBORNE FOUNDATION, INC., FOR AN AMOUNT EQUAL TO THE TAXES OWED ON SAID PROPERTY
was adopted.

AGREEMENT: TRUST FOR PUBLIC LAND

Councilwoman Robinson stated Resolutions 7(e) – (h) were discussed in Parks and Recreation Committee and approval is recommended.

Councilman Page recognized the presence of Bobby Davenport and expressed thanks to him for the fine work the Trust for Public Land has done for the City. He also acknowledged the presence of Jeff Reynolds of the North Chickamauga Conservancy stating that the Conservancy has donated thousands of acres of land.

On motion of Councilwoman Robinson, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO EXECUTE A CONSERVATION AGREEMENT WITH THE TRUST FOR PUBLIC LAND, IN THE FORM ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, RELATIVE TO THE CHATTANOOGA GREENWAYS PROGRAM, FOR A TERM OF JULY 1, 2003 THROUGH JUNE 30, 2004
was adopted.

FRIENDS OF THE ZOO PROPOSAL

On motion of Councilman Page, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO ACCEPT THE FRIENDS OF THE ZOO'S PROPOSAL TO BUILD A RANCH EXHIBIT FOR THE CHATTANOOGA ZOO AT WARNER PARK AT A COST NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), WITH SAID AMOUNT BEING MATCHED BY PRIVATE FUNDING
was adopted.

**LEASE AGREEMENT: NORTH CHICKAMAUGA
CREEK CONSERVANCY**

On motion of Councilman Lively, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO EXECUTE A
LEASE AGREEMENT, IN THE FORM ATTACHED HERETO, WITH THE NORTH
CHICKAMAUGA CREEK CONSERVANCY FOR THE USE OF OFFICE
SPACE AT GREENWAY FARM FOR A TERM BEGINNING SEPTEMBER 1,
2003 AND ENDING AUGUST 31, 2004**
was adopted.

CONTRACT: ARTECH DESIGN GROUP, INC.

On motion of Councilman Hakeem, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO
EXECUTE A CONTRACT WITH ARTECH DESIGN GROUP, INC., RELATIVE
TO DESIGN WORK ON RENOVATIONS AND IMPROVEMENTS AT THE
GLENWOOD RECREATION CENTER, IN AN AMOUNT NOT TO EXCEED
THIRTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$37,500.00)**
was adopted.

CONTRACT: STRAUSS COMPANY, INC.

Councilman Benson inquired as to whether this matter had been discussed in
Committee. Councilwoman Robinson responded "no".

Councilman Pierce inquired as to the money for this and Councilman Benson
wanted to know what is being built.

Admin. Mitchell stated this Resolution involves four soccer fields, a concession
center, a road and parking lots. He stated they would have to create their own
infrastructure and utilities. He clarified that this was mentioned in last week's
(Parks and Recreation) Committee meeting wherein he stated he might try to
get it on this week's agenda. He stated he wanted to get it on the agenda so
that construction could begin before winter and have it completed by next
spring.

CONTRACT: STRAUSS COMPANY, INC.
(Continued)

Councilwoman Robinson stated she and Councilman Page have met numerous times with Parks and Recreation officials and the representatives from the Mayor's office helping to put together the plan for the North River-Hixson area and this is the answer to what the people in the community want. She expressed special thanks to representatives from the Mayor's Office and Parks and Recreation for putting together this package at a time when we are more and more concerned about obesity in children; that this type of program keeps students up and running.

Councilman Page stated that it is his understanding that the design is to capitalize upon a walkway and not the greenway. He stated this would be part of the North River area and the part of the design that is very exciting to him is that one would be able to walk from the Cumberland Plateau to downtown Chattanooga, which is certainly a realm of possibility. He reiterated that the thought that one can walk from that area to downtown Chattanooga is very exciting!

Chairman Franklin inquired as to whether this is part of Recreate 2008.

Admin. Mitchell responded "yes"; that Recreate 2008 incorporated three things: an aquatic facility, which is complete; soccer fields, which will begin soon; and a civic center, which is still a future goal.

On motion of Councilman Taylor, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO EXECUTE A CONTRACT WITH THE STRAUSS COMPANY, INC. TO CONSTRUCT A SOCCER COMPLEX AT DUPONT PARK IN AN AMOUNT NOT TO EXCEED ONE MILLION THREE HUNDRED THIRTY-EIGHT THOUSAND SIX HUNDRED FIFTY-EIGHT DOLLARS (\$1,338,658.00)

was adopted.

OVERTIME

Overtime for the week ending August 29, 2003 totaled \$28,157.10.

(Councilman Hakeem excused himself from the meeting at this point.)

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ✍ **TIMOTHY BROOKS** – Promotion, Equipment Operator, Citywide Services, Pay Grade 6/Step 2, \$21,425.00 annually, effective August 20, 2003.
- ✍ **DEREK WATTS** – promotion, Crew Worker Senior, Citywide Services, Pay Grade 5/Step 2, \$20,170.00 annually, effective August 26, 2003.
- ✍ **TERRY D. CARTER** – Promotion, Equipment Operator, Citywide Services, Pay Grade 6/Step 1, \$20,429.00 annually, effective August 20, 2003.
- ✍ **PATRICIA E. DARR** – Hire, Equipment Operator, Citywide Services, Pay Grade 6/Step 1, \$20,429.00 annually, effective September 10, 2003.
- ✍ **ZACHARY DEDENBACH, DAVID LAWSON, LARRY KING, JR.** – Hire, Crew Worker, Traffic, Pay Grade 3/Step 1, \$18,643.00 annually, effective September 10, 2003.

CHATTANOOGA FIRE DEPARTMENT:

- ✍ **DAMIEN VINSON** – Military Leave, Firefighter, September 6–27, 2003.
- ✍ **DAVID MCBURNETT** – Suspension (2 days without pay), Senior Firefighter/Instructor, effective September 4-5, 2003.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- ✍ **JOANN SANDERS** – Retirement, Teacher, Head Start, effective September 4, 2003.

EMERGENCY PURCHASE

The emergency purchase of elevator repairs at Frost Stadium for the Parks, Recreation, Arts and Culture Department on Requisition R0069818 to Thyssen Krupp Elevator Corporation in the amount of \$13,549 was duly reported and signed in open meeting.

BOARD APPOINTMENTS

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

SIGN APPEALS BOARD:

- ✍ Appointment of **JACK STEINER, JR.** for a term ending July 31, 2006 representing District 6.

AIR POLLUTION CONTROL BOARD

- ✍ Appointment of **JAMES BELL** for a term expiring May 15, 2007, **ROBERT HOWARD** for a term expiring July 5, 2005 and **ROBERT LYNCH** for a term expiring July 6, 2007.

PURCHASE

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

MUNICIPAL SOFTWARE

City View Software, Annual Maintenance Fees

\$10,000.00

INVITATION TO CHURCH CONFERENCE

Councilman Taylor extended an invitation to everyone to attend the Tennessee Churches of Christ Conference beginning on Thursday, September 4 at 6 p.m. at the Trade Center. He stated that he is the host for this year's Conference and would appreciate seeing the Chairman and other members of the Council at the Conference during that time.

COMMITTEES

Councilman Littlefield scheduled a meeting of the **Legal and Legislative Committee for Tuesday, September 9 beginning at 3 p.m.**

COMMITTEES (Continued)

Councilman Page stated the **Economic Development Committee** met this afternoon and the members were brought up to date on the developments at Enterprise South. He stated that he was impressed with the number of people on board and that we are all "on the same page". He scheduled another meeting of the Committee for **Tuesday, September 9 immediately following the meeting of the Parks and Recreation Committee.**

SISTER BEY

Sister Bey expressed her displeasure regarding Senator Frist's visit to Africa and again complained about the tearing down of people's houses and cars that are being "snatched" from people's yards. She expressed concern that Councilman Hakeem did not return a call to her and that Senator Frist has a lot of explaining to do.

ADJOURNMENT

Chairman Franklin adjourned the meeting of the Chattanooga Council until Tuesday, September 9, 2003 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

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