

City Council Building
Chattanooga, Tennessee
November 4, 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 Councilman Lively, seconded by Councilman Littlefield, the minutes of the previous meeting were approved as published and signed in open meeting.

EASEMENT

On motion of Councilman Hakeem, seconded by Councilman Page,
**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PERMANENT
EASEMENT FROM THE INDUSTRIAL DEVELOPMENT BOARD OF
HAMILTON COUNTY ON REAL PROPERTY LOCATED ON MUNDY STREET,
MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE,
RELATIVE TO FIRE STATION NO. 17**
was adopted.

AGREEMENT

Councilman Lively stated this matter was discussed in the Safety Committee meeting last week and approval is recommended.

AGREEMENT (Continued)

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE FIRE CHIEF OF THE CITY OF CHATTANOOGA TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE INDUSTRIAL DEVELOPMENT BOARD OF HAMILTON COUNTY AND KOMATSU CORPORATION, RELATIVE TO INSTALLATION OF A DRIVEWAY FOR FIRE STATION NO. 17, ON REAL PROPERTY LOCATED ON MUNDY STREET, MORE PARTICULARLY DESCRIBED HEREIN, WITH THE CITY'S PORTION OF SAID PROJECT NOT TO EXCEED EIGHTY-FIVE THOUSAND DOLLARS (\$85,000.00)
was adopted.

AMEND RESOLUTION 23872

Councilwoman Robinson stated this Resolution as well as (f), (g) and (h) were discussed in today's Parks and Recreation Committee and approval is recommended.

Councilman Benson stated so there is not a misunderstanding we are not about to spend \$143,000 for a concession stand and asked Admin. Mitchell to come forward and explain what is to be built. He stated after the initial Resolution was adopted in the name of the concession stand, people were concerned about this and he does not want the newspaper to indicate that we are spending \$143,000 for a concession stand!

Admin. Mitchell stated that they have tried to change the name to accommodate the concerns that have been expressed. He stated this is not just a concession stand, even though there is one there; that this includes ADA rest rooms and meeting rooms for the Youth Association. He stated it is a very large building.

Councilman Benson inquired as to the footage of the building.

Admin. Mitchell responded that it is 3,100 square feet.

Councilman Pierce inquired as to the number of ADA restrooms.

Admin. Mitchell responded that there are two restrooms, one for men and another for women.

AMEND RESOLUTION 28372 (Continued)

On motion of Councilwoman Robinson, seconded by Councilman Littlefield,
A RESOLUTION AMENDING RESOLUTION NO. 23872, ADOPTED JULY 22, 2003, ENCAPTIONED "A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, RELATIVE TO WORK AT THE LAKESIDE CONCESSION STAND, WITH EASTMAN CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THREE THOUSAND EIGHT HUNDRED EIGHTY-FIVE DOLLARS (\$3,885.00), FOR A REVISED CONTRACT PRICE OF ONE HUNDRED FORTY-THREE THOUSAND THREE HUNDRED FORTY-FIVE DOLLARS (\$143,345.00)" SO AS TO DELETE "LAKESIDE CONCESSION STAND" AND SUBSTITUTE IN LIEU THEREOF "LAKESIDE YOUTH ASSOCIATION BUILDING" AND SO AS TO DELETE "FOR A REVISED CONTRACT PRICE OF ONE HUNDRED FORTY-THREE THOUSAND THREE HUNDRED FORTY-FIVE DOLLARS (\$143,345.00)" AND SUBSTITUTE IN LIEU THEREOF "FOR A REVISED CONTRACT PRICE NOT TO EXCEED ONE HUNDRED FORTY-SEVEN THOUSAND EIGHT HUNDRED EIGHTY-FIVE DOLLARS (\$147,885.00)
was adopted.

SPECIAL POLICEMAN

On motion of Councilwoman Robinson, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE APPOINTMENT OF JEREMY SWILLEY AS SPECIAL POLICEMAN (UNARMED) FOR THE CITY OF CHATTANOOGA DEPARTMENT OF PUBLIC WORKS, STORMWATER DIVISION, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS
was adopted.

DECLARE SURPLUS

MR-2003-184: City of Chattanooga c/o Harvey Webb

On motion of Councilman Hakeem, seconded by Councilman Lively,
A RESOLUTION DECLARING CERTAIN PROPERTY LOCATED AT 2712 EAST 13TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, AS SURPLUS AND AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE THE SALE OF SAID PROPERTY TO MCCALLIE SCHOOL, FOR A CONSIDERATION OF TWO HUNDRED THOUSAND DOLLARS (\$200,000.00)
was adopted.

ACCEPT DONATIONS

On motion of Councilman Lively, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO ACCEPT TWO DONATIONS OF FIVE THOUSAND DOLLARS (\$5,000.00) EACH FROM THE LYNDHURST FOUNDATION AND THE COMMUNITY FOUNDATION, FOR A TOTAL OF TEN THOUSAND DOLLARS (\$10,000.00), TO BE USED TOWARD THE OUTDOOR INITIATIVE WEBSITE
was adopted.

ACCEPT DONATIONS

On motion of Councilwoman Robinson, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO ACCEPT TWO DONATIONS OF THREE THOUSAND SIX HUNDRED DOLLARS (\$3,600.00) EACH FROM THE CHATTANOOGA TENNIS ASSOCIATION AND THE CHATTANOOGA TENNIS FOUNDATION, FOR A TOTAL OF SEVEN THOUSAND TWO HUNDRED DOLLARS (\$7,200.00), TO BE USED TOWARD THERAPEUTIC RECREATION PROGRAMS
was adopted.

LEASE AGREEMENT

Councilman Littlefield stated pursuant to Committee action, the request is to defer this matter one week.

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO EXECUTE A LEASE AGREEMENT WITH CLEAR CHANNEL OUTDOOR FOR A SITE ON THE EAST SIDE OF AMNICOLA HIGHWAY NORTH OF CHICKAMAUGA CREEK
was deferred one week.

ACCEPT REAL PROPERTY

MR-2003-144: City of Chattanooga c/o Phillip W. Lynn

On motion of Councilman Littlefield, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE DONATION OF APPROXIMATELY 6.03 ACRES OF CERTAIN REAL PROPERTY ADJACENT TO THE PROPOSED GREENWAY VIEW DRIVE AND BRAINERD LEVEE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM OSBORNE BUILDING CORPORATION
was adopted.

RIGHT-OF-WAY DEED

Councilman Hakeem stated Resolutions 7(j) and (k) were discussed in the Public Works Committee meeting and approval is recommended.

On motion of Councilman Benson, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO PURCHASE A RIGHT-OF-WAY DEED FROM TIMOTHY AND JOY ANN WHITMILL, TAX MAP NO. 159H-B-5.00, TRACT NO. 11, RELATIVE TO THE ZIEGLER ROAD WIDENING PROJECT, CONTRACT NO. E-02-007, FOR A TOTAL CONSIDERATION NOT TO EXCEED TWO THOUSAND TWO HUNDRED TEN DOLLARS (\$2,210.00)
was adopted.

RIGHT-OF-WAY DEED

On motion of Councilman Benson, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO PURCHASE A RIGHT-OF-WAY DEED FROM TIMOTHY AND JOY ANN WHITMILL, TAX MAP NO. 159H-B-7.01, TRACT NO. 12, RELATIVE TO THE ZIEGLER ROAD WIDENING PROJECT, CONTRACT NO. E-02-007, FOR A TOTAL CONSIDERATION NOT TO EXCEED ONE THOUSAND EIGHT HUNDRED FORTY-SIX DOLLARS (\$1,846.00)
was adopted.

APPLY FOR AND ACCEPT A 108 LOAN

Councilman Taylor stated this matter was discussed in today's Health, Education, Human Services and Housing Opportunities Committee and approval is recommended.

APPLY FOR AND ACCEPT A 108 LOAN (Continued)

Councilman Hakeem asked for clarification that this request is not obligated only to Hope VI.

Councilman Taylor responded that the purposes for the request were discussed in Committee and that it includes a fund for the establishment of a Brownfield Revolving Loan Fund and Community Development Loan Fund.

On motion of Councilman Taylor, seconded by Councilwoman Robinson,
**A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT
A 108 LOAN WITH THE DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT IN AN AMOUNT NOT TO EXCEED TEN MILLION DOLLARS
(\$10,000,000.00), RELATIVE TO THE HOPE VI PROJECT AND
ESTABLISHMENT OF A BROWNFIELD REVOLVING LOAN FUND AND
COMMUNITY DEVELOPMENT LOAN FUND**
was adopted.

GRANT

On motion of Councilman Lively, seconded by Councilman Littlefield,
**A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA FIRE
DEPARTMENT TO APPLY FOR AND ACCEPT A GRANT FROM THE UNITED
STATES FEDERAL EMERGENCY MANAGEMENT AGENCY 2003 FIRE
PREVENTION AND SAFETY GRANT PROGRAM, IN THE AMOUNT OF
THIRTY-SIX THOUSAND NINE HUNDRED FORTY-SEVEN DOLLARS
(\$36,947.00), WHICH, IF AWARDED, WILL REQUIRE LOCAL MATCHING
FUNDS OF FIFTEEN THOUSAND EIGHT HUNDRED THIRTY-FIVE DOLLARS
(\$15,835.00)**
was adopted.

**REQUEST OF RPA TO CONDUCT A ZONING, LAND
USE AND TRAFFIC CIRCULATION ANALYSIS**

On motion of Councilman Pierce, seconded by Councilman Littlefield,
**A RESOLUTION AUTHORIZING THE CHATTANOOGA-HAMILTON
COUNTY REGIONAL PLANNING AGENCY TO CONDUCT A ZONING,
LAND USE AND TRAFFIC CIRCULATION ANALYSIS FOR THE AREA IN
AND AROUND THE FORTWOOD NEIGHBORHOOD/UNIVERSITY OF
TENNESSEE AT CHATTANOOGA ("UTC") AREA TO DETERMINE WHAT IS
NEEDED TO PROTECT THE INTEGRITY OF THE FORTWOOD
NEIGHBORHOOD AND THE ADJACENT AREA**
was adopted.

OVERTIME

Overtime for the week ending October 31, 2003 totaled \$80,450.10.

Councilman Pierce indicated that the overtime amount appears to be excessive, especially since there are no events or anything going on.

Councilman Benson indicated that the amount is \$20,000 over last month.

Admin. Eichenthal stated that his office has been tracking overtime on a regular basis, and with the most recent data as of mid-October, the City is ten per cent down in overtime spending at this point in the fiscal year as compared to last year. He stated the increase in overtime over the last year has been in Public Works primarily due to their response to storm conditions during the summer and the major storm in September. He reiterated overall citywide the overtime amount lies at 9.9 per cent.

Councilman Pierce then asked if there has been a response from FEMA with regard to the support they will give in reimbursing the City.

Admin. McDonald stated that he has that report and has been notifying various people involved in it and will bring it to the Council. He stated he may be able to do that by next week's Public Works Committee meeting and if not, it would come up at the following meeting.

Councilman Pierce stated that he has not heard anything in awhile.

Councilman Benson stated that some of that overtime could be recouped; that some of it is due to the Concord landslide created by the developer and the City was billed.

Admin. McDonald responded "no"; that there was very little of that. He stated the Department is mostly still catching up with the windstorm and the unusual amount of brush that has been put out. He stated part of the overtime is their own in that they felt they had to clean it up and the other is due to the unusual amount put out by residents due to the storms we have had over the summer.

PERSONNEL

The following personnel matters were reported for the various departments:

PERSONNEL (Continued)

PUBLIC WORKS DEPARTMENT:

- ? **JOHNNY J. GANN, ZACHARIAH BELL** – Demotion (Voluntary), Crew Worker, Citywide Services, Pay Grade 3/Step 5, \$20,113.00 annually, effective November 19, 2003.
- ? **DAVID L. LANKFORD** – Dismissal, Crew Worker, Citywide Services, effective October 27, 2003.
- ? **PAUL E. SNEED** – Lateral Transfer, Crew Worker, Citywide Services, Pay Grade 3/Step 11, \$25,823.00 annually, effective November 12, 2003.
- ? **CURTIS WYATT** – Dismissal, Light Equipment Operator, Citywide Services, effective October 15, 2003.

CHATTANOOGA FIRE DEPARTMENT:

- ? **ANTHONY R. DODD** – Resignation, Firefighter, effective October 28, 2003.

CHATTANOOGA POLICE DEPARTMENT:

- ? **JOHNNY SMITH, CLINT BAILEY** – Resignation, Police Officer, effective November 6, 2003.

PURCHASE

On motion of Councilwoman Robinson, seconded by Councilman Taylor, the following purchase was approved for use by the Public Works Department:

BROOKER FORD, INC. (Lowest and best bid meeting specifications)
R0068934-B0000936

Cargo Van

\$15,512.93

HEARING: ANTHONY CHATMAN

City Attorney Nelson reported that Anthony Chatman's hearing should be rescheduled because his Attorney, Jerry Tidwell, requested additional time to prepare.

The hearing for Mr. Chatman was rescheduled for November 17 at 3 p.m. with the same panel hearing the request.

COMMITTEES

Councilman Page stated that the Economic Development Committee met today and heard a report from Merrill Eckstein of the Greater Chattanooga Sports Authority regarding the impact of sporting events in the Chattanooga area. He stated an item of importance is that the NCAA college championship is up for re-bid in January and all are anxiously waiting to "land" that Division I game again.

Councilman Hakeem reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, November 11 at 4 p.m. and the meeting of the Committee-of-the Whole on Monday morning, November 10 at 9 a.m. at the Development Resource Center for a discussion regarding the proposed Stormwater agreement and Board.**

Councilman Littlefield stated the **Legal and Legislative Committee** met today and among other things considered the two conflicting draft contracts that have been "bouncing back-and-forth" regarding the Humane Society contract for the current year. He stated it was also determined the extension has expired effective September 30 and there is the need to adopt a Resolution to enable them to be paid for the period of time since September 30 up to the present time. He stated Councilman Benson was appointed by the Committee as the representative to sit down with Lt. Michael Glenn of the Chattanooga Police Department, who serving as the Animal Control Officer presently, Guy Bilyeu of the Humane Society and a representative of the City Attorney's Office to "hammer out" a final draft for the Council's consideration next week, as well as the Resolution extending the Contract. He scheduled a meeting of the Committee **for Tuesday, November 11 at 3 p.m.**

PATRICIA ROGERS

Patricia Rogers stated that she lives in the Ridgedale area and expressed hope there would be a positive and good attitude toward the future for the use of land in the area. She stated green spaces are a premium, now, and expressed appreciation with what Dixie Yarns is proposing for vacant land in the Ridgedale community. She stated there should something in writing or some understanding with sufficient leadership for use of the green space at the old recreation center on Thirteenth Street, as well as careful planning with McCallie School.

ADJOURNMENT

Chairman Franklin adjourned the meeting of the Chattanooga Council until Tuesday, November 11, 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)**