

**City Council Building
Chattanooga, Tennessee
September 4, 2001
6:00 p.m.**

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

MINUTE APPROVAL

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

ANNEXATION

On motion of Councilman Littlefield, seconded by Councilman Lively,
**AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE
CITY OF CHATTANOOGA, TENNESSEE, BY ANNEXING CERTAIN
TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS
OF SAID CITY, BEING AN AREA ON THE SIDE OF LOOKOUT
MOUNTAIN IN HAMILTON COUNTY, TENNESSEE, OWNED BY
JOHN C. WILSON AND PATSY H. WILSON, BEING MORE FULLY
DESCRIBED HEREIN AND ADOPTING THE PROPOSED PLAN OF
SERVICES FOR SUCH PROPERTY**

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

2000-2001 BUDGET

Councilman Lively stated that it is his privilege to make the motion to approve the 2001-2002 budget, which includes property tax reductions. He stated this budget was a lot tougher than some the Council has seen in the past and that more work and harder decisions were made this year by the Mayor, Staff and Council than in years previous.

Councilman Taylor stated the budget was considered in meetings of the Budget and Finance Committee held in previous weeks and today.

On motion of Councilman Littlefield, seconded by Councilman Benson,

AN ORDINANCE, HEREINAFTER ALSO KNOWN AS "THE FY 2001/2002 BUDGET ORDINANCE", TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, AND ENDING JUNE 30, 2002, AND APROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES; AND TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTERS 2, 3, 10, 12, 16, 18, 26, 27, 31, 32 AND 35 BY SETTING AND/OR INCREASING FEES ON VARIOUS CITY SERVICES, PERMITS, LICENSES AND OTHER ACTIVITIES

passed first reading; **on roll call vote:**

Benson	"Yes"
Franklin	"Yes"
Littlefield	"Yes"
Lively	"Yes"
Pierce	"No"
Robinson	"Yes"
Taylor	"Yes"
Hakeem	"Yes"

(AT THIS POINT CHAIRMAN HAKEEM EXCUSED HIMSELF FROM THE MEETING. VICE CHAIRMAN LITTLEFIELD CHAIRED THE REMAINDER OF THE MEETING.)

CHANGE ORDER

On motion of Councilman Pierce, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE EXECUTION OF FINAL CHANGE ORDER NO. 1, RELATIVE TO DRAINAGE AND QUALITY ABATEMENT, CONTRACT NO. SWM-2-98, WITH MAYSE CONSTRUCTION COMPANY, WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY SIXTY-SIX THOUSAND EIGHT HUNDRED SIXTY-EIGHT AND 46/100 DOLLARS (\$66,868.46), FOR A REVISED TOTAL CONTRACT PRICE OF ONE MILLION ONE HUNDRED SEVENTY-ONE THOUSAND EIGHT HUNDRED FIFTY-TWO AND 49/100 DOLLARS (\$1,171,852.49)
 was adopted.

CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING THE EXECUTION OF FINAL CHANGE ORDER NO. 1, RELATIVE TO DRAINAGE AND QUALITY ABATEMENT, CONTRACT NO. SWM-3-98, WITH MAYSE CONSTRUCTION COMPANY, WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY TWENTY-FIVE THOUSAND SEVENTY-NINE AND 95/100 DOLLARS (\$25,079.95), FOR A REVISED TOTAL CONTRACT PRICE OF FIVE HUNDRED ONE THOUSAND TWO HUNDRED SEVENTY-FIVE AND 05/100 DOLLARS (\$501,275.05)
 was adopted.

**CONTRACT AMENDMENT: BETTS
 ENGINEERING ASSOCIATES, INC.**

On motion of Councilman Franklin, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AMENDMENT NO. 1 TO CONTRACT NO. 55A-3, RELATIVE TO SANITARY SEWER RELOCATION FOR TDOT PROJECT #33005-2163-44, NH-I-75-1(102)5, WITH BETTS ENGINEERING ASSOCIATES, INC., FOR ADDITIONAL ENGINEERING SERVICES IN THE AMOUNT OF SEVEN THOUSAND EIGHT HUNDRED TWENTY-FIVE AND 00/100 DOLLARS (\$7,825.00), FOR A TOTAL REVISED FEE NOT TO EXCEED FORTY-FIVE THOUSAND TWO HUNDRED EIGHTY-THREE AND 80/100 DOLLARS (\$45,283.80)
 was adopted.

**SEWER EASEMENT: GLENN P. FELTON AND
JANET B. FELTON**

On motion of Councilman Lively, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER
EASEMENT FROM GLENN P. FELTON AND JANET B. FELTON,
RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA
COLLECTION SYSTEM, TRACT NO. 068, FOR A TOTAL
CONSIDERATION OF SIX HUNDRED SIXTY-FIVE DOLLARS
(\$665.00)**

was adopted.

TEMPORARY USE: ST. JOHN'S RESTAURANT

On motion of Councilman Pierce, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING ST. JOHN'S RESTAURANT TO USE
TEMPORARILY THE CITY'S RIGHT-OF-WAY AT 1278 MARKET
STREET TO INSTALL AN AWNING, MORE PARTICULARLY
DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**TEMPORARY USE: MAINSTREAM GROUP VI,
LP**

On motion of Councilman Franklin, seconded by Councilman Taylor,
**A RESOLUTION AUTHORIZING MAINSTREAM GROUP VI, LP TO
USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT 1301 MARKET
STREET, MORE PARTICULARLY DESCRIBED HERIEN, SUBJECT TO
CERTAIN CONDITIONS**

was adopted.

GRANT APPLICATION

Councilman Taylor stated this matter was discussed in the Budget and Finance Committee and approval is recommended.

GRANT APPLICATION (Cont'd.)

On motion of Councilman Benson, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR AND ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM FOR 2001, IN THE AMOUNT OF FIVE HUNDRED FIFTY-SEVEN THOUSAND SEVEN HUNDRED FORTY-FIVE DOLLARS (\$557,745.00), WHICH, IF AWARDED, WILL REQUIRE LOCAL MATCHING FUNDS TO SIXTY-ONE THOUSAND NINE HUNDRED SEVENTY-TWO DOLLARS (\$61,972.00)

was adopted.

CONTRACT: OLH AND NELSON & THORNTON CONSULTANTS

Councilwoman Robinson stated that she read a little about this and that it is an interesting and unique approach. She stated the initiative not to provide federal funds instead offers federal tax breaks and produces the framework for taking local government incentives. She expressed that she is ready to support it and looks forward to it.

Admin. Traughber stated that this is a new initiative; that this program offers tax incentives for designated areas for economic enhancement. He stated the other significant item is that we could actually go back on applications and identify efforts for the last eight years in that area and receive credit for consideration. He stated that Chattanooga is competing with other cities for this program and that he "feels good" about our chances. He stated a presentation will be made to the Council at a later date and approval of this Resolution is part of the package. He stated the correct application due date is October 12, which is fairly short term. He stated the two consulting firms are within the budget set forth for this project through the Community Development Block Grant funds.

Councilman Benson stated that he did not know Chattanooga was competing with 40 other cities. He asked if Chattanooga has met the criteria for being within the 40 cities considered?

Admin. Traughber responded "yes"; that the Census tract shows that the designated districts have been established.

**CONTRACT: OLH AND NELSON &
THORNTON CONSULTANTS (Cont'd)**

On motion of Councilman Benson, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO
 ENTER INTO A CONTRACT WITH OLH FOR AN AMOUNT NOT TO
 EXCEED TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), PLUS
 REIMBURSABLE EXPENSES AND WITH NELSON & THORNTON
 CONSULTANTS FOR AN AMOUNT NOT TO EXCEED TWENTY
 THOUSAND DOLLARS (\$20,000.00), PLUS REIMBURSABLE
 EXPENSES FOR CONSULTANT SERVICES IN THE DEVELOPMENT OF
 AN APPLICATION FOR DESIGNATION FOR RENEWAL
 COMMUNITY PROGRAM**
 was adopted.

OVERTIME

Overtime for the week ending August 31, 2001 totaled \$21,463.53.

PURCHASE

On motion of Councilman Taylor, seconded by Councilman Franklin, the following purchase was approved for use by the Chattanooga Human Services Department:

**MID ATLANTIC SECURITY, INC. (Sonitrol of Chattanooga) (Only bid)
 Requisition R0055787/P0016534**

Monitoring & Maintenance of Burglary/Fire Alarm

\$7,302.12

PURCHASE

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

**CHATTANOOGA OFFICE SUPPLY
 (Recommended for approval from Budget and Finance Committee)**

Fixtures, Furniture and Equipment for the Development Resource Center

\$734,438.00

PURCHASE

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

OFFICE COORDINATORS, INC. (OCI)
(Recommended for approval from Budget and Finance Committee)

\$408,991.00

PURCHASE

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

IVAN ALLEN
(Recommended for approval from Budget and Finance Committee)

\$19,775.00

PERSONNEL

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

CHARLES F. STAFFORD – Retirement (25+ years of exceptional service), Captain, effective September 7, 2001.

STEVE A. ROSE, SR. – Retirement (25+ years of exceptional service), Lieutenant, effective September 7, 2001.

WILLIAM COMMINS, MICHELLE FUGATT, JOHN IVES, ROBERT MALLET, HENRY MCELVAIN, DONNY MCMILLIAN, RON MIZELL, ANTHONY MOORE, JAMES MORGAN, JASON RAINS, EMILY SPINO, TERRANCE WATKINS, JEREMY YATES – Promotion, Senior Firefighter, Pay Grade F2/Step 3, \$28,198.00, effective September 7, 2001.

DANIEL HAGUE – Promotion, Senior Firefighter, Pay Grade F4/Step 2, \$34,042.00 annually, effective September 7, 2001.

PURCHASE

On motion of Councilman Taylor, seconded by Councilman Franklin, the following purchase was approved for use by the Chattanooga Fire Department:

SAFETY-KLEEN (TS) (Best bid)
Requisition R0043089/P0016595

Twelve Months Contract for Waste Removal Services

(Price information available and filed with minute material)

PERSONNEL

The following personnel matters were reported for the Department of Finance, City Court Division:

JOYCE ALLEN – Resignation, Court Operation Supervisor, effective September 6, 2001.

CHRIS ANDERSON – Termination, Court Operation Supervisor, effective September 6, 2001.

HEARING: LT. JAMES BRYAN MOORE, JR.

City Attorney Nelson stated that a request for a hearing to appeal the recent dismissal of Lt. Moore from the Chattanooga Fire Department has been received.

A hearing date for Lt. Moore was scheduled for Monday, October 8 beginning at 3 p.m. with Councilmen Littlefield, Lively and Benson serving as the panel hearing the appeal.

LIQUOR STORE LICENSE

Admin. Boney stated that A. Mark Slater, Sr. and Paul E. Stancil, II have made application for a liquor store license at the location of 5987 Brainerd Road, which is located in District 6. He stated that five Council members' signatures are required for licensing.

COMMITTEES

Councilman Franklin reminded Council members of the **Public Works Committee scheduled for Tuesday, September 11 at 4 p.m.**

Councilman Littlefield stated a meeting of the **Legal and Legislative Committee** was held earlier in the day wherein the new policy on brush and trash was considered, as well as a brief report and video on the proposed anti-noise ordinance. He stated both would be put into some ordinance form for amendment. He stated the next meeting of the Committee is scheduled for **Tuesday, September 18 at 3 p.m.**

JENNI FRANKENBERG-VEAL

Jennie Frankenberg-Veal was present representing the Tennessee Wildlife Center and made an appeal regarding the request the Center made during the City's budgeting process. She stated the southeastern region of the United States has been designated as a biologically rich region. She stated the Center is located in the Lookout Valley area where native wildlife is rehabilitated including deer, raccoons, foxes, turtles and songbirds, to name a few. She stated concerned citizens bring animals to the Center and that 44 percent of them are citizens from Chattanooga. She stated the Center has an additional partnership with the Animal Services Division through the Chattanooga Police Department; that they have been working with Paul Miller for the last year-and-a-half to develop a professional partnership. She stated \$60,000 of wildlife money was requested to help support the services the Center provides to the community; that \$55,000 was included in Paul Miller's budget. She stated it was disclosed to her by Mr. Miller that this funding was not allocated at all; that in talking with representatives of the Humane Society their budget has been increased by \$86,000. She respectfully requested that the Center's request be considered as opposed to splitting any funds that were allocated to the Humane Society this year; that expectations are that their numbers will increase based upon the development of the City, as there is a very large demand for their services. She concluded her comments by asking for reconsideration of their request before the budget process is complete.

Vice Chairman Littlefield thanked Ms. Frankenberg-Veal for her comments and indicated that the budget process is not complete. He stated he did not want to give false hope; that second-and-third reading would occur prior to finalization.

JENNI FRANKENBERG-VEAL (Cont'd.)

Councilman Benson indicated that he tried to contact Ms. Frankenberg-Veal today and commended her for the job the Center does. He stated this is the wrong year for this, commenting that he had taken a baby squirrel to the Center three weeks ago. He encouraged everyone to donate to the Tennessee Wildlife Center as it is a 701(C)3 organization. He, too, indicated that he did not want to build up Ms. Frankenberg-Veal's hopes as the money is not there this year and is not included in the budget.

Councilman Lively stated that Ms. Frankenberg-Veal makes a good point; that he knows for a fact that the Center does a service for the City that many people may not know about. He stated anytime a wild animal is injured it is taken to the Center; that it stays full always. He stated that it is his wish that the budget could be looked at in such a way to see if there is "room"; that he will communicate with the Mayor as he (Lively) might have seen something left in the budget as a one-time allocation from last year.

SISTER BEY

Sister Bey asked why African-American History is not taught in the schools? She stated it is time for "her people" to know their true heritage; that they did not come here by choice and were dragged here in chains.

THOMAS MORRELL

Thomas Morrell stated if a person starts from a flawed premise, it could be well meaning and well intentioned and then become misguided and misinformed. He stated if there is governance of the past, persons become prisoners of government of the past. He indicated that he ran against Zach Wamp several years ago and tried to tell people taxation is governance of the past; that once a taxing mode is factored-in to government the system cannot be made to work. He stated the reality is, whether we like it or not, regardless whether a person is white or black, we will be shareholders of our corporate city, county, and state. He stated the only thing we get to be are good stewards or lousy stewards; that a "righteous" system produces saints and sets people free and an "unrighteous" system produces criminals and builds prisons. He stated last week members of the police association were present who believed they were short-changed of a "righteous" system.

THOMAS MORRELL (Cont'd.)

Mr. Morrell continued by stating that everyone is needed to do something that will actually help get us where we as a community need to be. He stated the budget and the comprehensive annual financial reports are the two sets of books for every government; that if this path is continued it will never get us where we need to be. He concluded his comments by expressing appreciation for the time given to speak.

KEN NEBLETTE

Ken Neblette of the Police Benevolent Association and the Fraternal Order of Police stated that it was his hope to have discussion regarding the proposal he left for the Council on last Friday; that he did not have a chance to speak during last Friday's recessed Council meeting. He inquired as to the Council's thoughts regarding the proposal?

Vice Chairman Littlefield stated that this is not the time to discuss the matter, as there is not discussion of the plan on the agenda.

Mr. Neblette stated that he ran into the same problem during the Budget Committee meetings and was not allowed to speak; that this is the only forum for him to check into it.

Vice Chairman Littlefield explained that everyone on the Council is familiar with his proposal; that discussion is still going on among staff people and the budget is not final until it is final. He stated that he does not know of any other avenue for discussion, reiterating that all are familiar with the proposal. He stated the proposal has been discussed by administration and that the Council's Management Analyst, Randy Burns, has been working with administration during discussions. He stated the Council did not come prepared to discuss the matter.

Mr. Neblette stated that it was not his intention to put anyone on the spot and reiterated that this is the only forum he has to speak to the Council as a whole.

Councilman Benson stated that he spoke with Mr. Neblette in the hallway and has a lot of empathy for him. He stated he has done everything he could to try to see what the Council could do. He expressed confidence that he has been told the matter would be worked out (when we can).

KEN NEBLETTE (Cont'd.)

Mr. Neblette expressed confidence in the Council and administration and asked for a commitment to review the matter.

Councilman Benson stated that he did not think anyone could commit at this time and asked Mr. Neblette to have a little faith in the Council.

Vice Chairman Littlefield stated that the matter has been discussed; that if greater revenues are realized the issue would be reexamined. He stated that is all that can be done, now.

DANIEL LEWIS

Daniel Lewis clarified that the City's annual financial report showed assets totaling \$1.5 billion. He made reference to a quotation that "politicians are interested in the election and a statesman is interested in the next generation". He asked the Council to show their interest in the next generation as the budgetary issue is considered.

SHARON SHINDLEY

Sharon Shindley expressed thanks to the Council for posting the Council minutes on the City's web site. She asked if there is the possibility that committee minutes could be made available, as well, because she cannot attend many of them due to earning a living?

Vice Chairman Littlefield stated that the committee meeting minutes are not on the City's web site.

ADJOURNMENT

Chairman Hakeem adjourned the meeting of the Chattanooga Council until Tuesday, September 11, 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)**