

**City Council Building
Chattanooga, Tennessee
May 23, 2000**

The meeting of the Chattanooga City Council was called to order by Chairman Hakeem, with Councilmen Crockett, Eaves, Franklin, Lively, Pierce, Rutherford, and Taylor present. Councilwoman Hurley was out of the country. City Attorney Randall Nelson; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

INVOCATION

Invocation was given by Attorney Nelson.

MINUTE APPROVAL

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

APPOINTMENT OF JUDGE

Adm. Boney was present on behalf of Mayor Kinsey and announced the appointment of Attorney Russell Bean as Judge of the 2nd Division of City Court. He noted that Roger Dickson, Chairman of the Ad Hoc Committee that made the selection, was also present to answer questions of the Council.

Mr. Dickson stated that Russell Bean has 30 years of experience, which had a lot to do with his appointment. He stated that they had two good qualified candidates to choose from, and it was their recommendation to go with Attorney Bean.

Councilman Pierce asked the make-up of the selection committee. Mr. Dickson responded that it consisted of Janice Boydston, Chief Jimmie Dotson, and himself.

Councilwoman Rutherford stated that she would have to abstain from voting for this recommendation and explained that it was not because she was not in favor of Mr. Bean but that she was not in favor of the process and her abstention cast no aspersions on this individual.

JUDGE APPOINT. (CONT'D.)

Chairman Hakeem asked how long this process had been going on. Mr. Dickson responded that the process had been going on since November; that there was a need for another judge; that he was asked two weeks ago to serve on the Ad Hoc Committee to consider the candidates; that they thought there might be many, but there were only two. Chairman Hakeem verified that the process was not begun in the last two weeks.

On motion of Councilman Lively, seconded by Councilman Franklin, this appointment was accepted by the Council with Councilmen Crockett and Rutherford abstaining.

Councilman Crockett explained his abstention had nothing to do with Mr. Bean, the other candidate, nor the committee; that he felt it would be better for the new Court to start out with an elected Judge. He stated that his position was just a difference of opinion. He stated that Mayor Kinsey deserved credit for his initiative in establishing a 2nd Division and the Council deserved credit for supporting it and putting it in place; that it would be a great benefit to Chattanooga. He reiterated that he believed that the new Court should start with the person who would set the procedures permanently.

Chairman Hakeem offered the newly appointed Judge Bean the opportunity to make comments to the Council, stating that this was an important appointment for the City and many felt that Mr. Bean was deserving of this appointment.

Mr. Bean stated that waiting for this vote was like waiting on a jury! He introduced his wife, Darlene, and daughter Holly. He stated that he also had two sons who were not with him tonight—Chris, an English Major, was away in college at Appalachian State and Russ was delivering pizza. He thanked the panel that had talked to the candidates, stating that they had talked to him for an hour, and he had gone over his philosophy. He stated that Roger Dickson, who was present tonight, had made an impression on him by noting that Federal Judge Wilson always ended his day by asking himself “Have I abused my power?”

Mr. Bean thanked Mayor Kinsey for choosing him and the Council for appointing him, noting that the two Councilpersons who had abstained were friends of his, and he thought that they were honorable. He explained that all of the candidates went in front of the panel and gave their views and this was the process; that he felt like they had a good, well-rounded version of the community.

JUDGE APPOINT. (CONT'D.)

Mr. Bean continued, stating that he hoped no one held anything against him; that he had sat for seven City Judges, including Judge Riley Graham, and also sat for Red Bank and Soddy Daisy. He stated that he would listen to and respect those in front of him and apply the law fairly and justly. He stated that this was a job with a purpose. He noted that he got along well with Judge Williams; that they were friends, and he was looking forward to working with him. He stated that the other men who ran were fine men and attorneys.

Mr. Bean mentioned a newspaper article that had appeared in the paper about a week ago concerning this race, and it contained a negative about him, and he asked his mother if she had read it, and she responded "yes". He asked her if anything negative that was said about him bothered her, and she responded "accentuate the positive and eliminate the negative". He stated that he could not change his past, but he would work hard for the future. He then asked to be excused as his daughter, Holly, had a senior event tonight.

Chairman Hakeem stated that Mayor Kinsey and the City Council felt like Mr. Bean would do a good job and congratulated him.

REZONING

2000-081, BARRY EVANS

On motion of Councilman Franklin, seconded by Councilman Lively,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE SEVERAL UNPLATTED TRACTS OF LAND LOCATED IN THE 7200 BLOCK OF BONNY OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS,

was postponed for one week at the request of the applicant.

REZONING

2000-075, GENE D. PEARSON

On motion of Councilman Lively, seconded by Councilman Pierce,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE AN UNPLATTED TRACT OF LAND LOCATED AT 2906 SILVERDALE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE

passed second reading. On motion of Councilman Franklin, seconded by Councilman Lively, the ordinance passed third and final reading and was signed in open meeting.

INTERIM BUDGET

On motion of Councilman Lively, seconded by Councilman Franklin,

AN ORDINANCE PROVIDING FOR AN INTERIM BUDGET AND APPROPRIATING FUNDS FOR THE USUAL AND ORDINARY EXPENSES OF THE CITY GOVERNMENT FOR THE MONTHS OF JULY, AUGUST, AND SEPTEMBER, 2000, PENDING THE ADOPTION OF THE 2000-2001 ANNUAL BUDGET

passed second reading. On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the ordinance passed third and final reading and was signed in open meeting.

AMEND CAPITAL BUDGET

Adm. Boney stated that this was discussed at committee meeting and basically this appropriates additional funds from the Contingency Fund and private donations to complete three projects, including the Skate Board Park and Coolidge Park and comes with a recommendation to the full Council.

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND ORDINANCE NO. 10896, ENTITLED "AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 1999/2000" TO PROVIDE FOR THE APPROPRIATION OF ADDITIONAL FUNDS FROM VARIOUS SOURCES

passed first reading.

AMEND BUDGET ORDINANCE

On motion of Councilman Pierce, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 10872, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1999, AND ENDING JUNE 30, 2000, AND APPROPRIATING 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; AND PROVIDE FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES." SO AS TO PROVIDE FOR CERTAIN CHANGES IN APPROPRIATIONS SET OUT IN SECTION 5

passed first reading.

(AT THIS POINT CHAIRMAN HAKEEM MENTIONED THAT COUNCILWOMAN HURLEY WAS OUT OF THE COUNTRY).

RFP'S FOR SALE & REDEVEL.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

A RESOLUTION APPROVING REQUESTS FOR PROPOSALS (RFP's) FOR THE SALE AND REDEVELOPMENT OF THE CHATTANOOGA PLOW POWER HOUSE BUILDING LOCATED AT 1533-1535 CHESTNUT STREET AND THE FORMER ABB COMBUSTION, INC. STORAGE BUILDING LOCATED AT 1604 CARTER STREET

was adopted.

PURCH. OF PROPERTY (CNE)

On motion of Councilman Crockett, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY LOCATED AT 1620 COWART STREET FROM CHATTANOOGA NEIGHBORHOOD ENTERPRISE (CNE) RELATIVE TO 17TH STREET IMPROVEMENTS AT THE INTERSECTION OF COWART STREET AND 17TH STREET FOR A TOTAL CONSIDERATION OF FOURTEEN THOUSAND, TWO HUNDRED FIFTY DOLLARS (\$14,250.00) PLUS ASSOCIATED CLOSING COSTS, AND FURTHER AUTHORIZING THE ACCEPTANCE FROM CNE OF PROPERTY LOCATED AT 1706 LONG STREET (TRACT 3), SAID PROPERTY MORE PARTICULARLY DESCRIBED HEREIN, RELATIVE TO 17TH STREET IMPROVEMENTS AT THE INTERSECTION OF 17TH STREET AND LONG STREET

was adopted.

CONTRACT

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. 45B, SANITARY SEWER RELOCATION FOR WIDENING OF STATE ROUTE 153 FROM NORTH HICKORY VALLEY ROAD TO AMNICOLA HIGHWAY, TO CASE CONSTRUCTION SERVICES, INC. FOR THEIR LOW BID IN THE AMOUNT OF FOUR HUNDRED TWENTY-NINE THOUSAND, FIFTY-SIX DOLLARS (\$429,056.00)

was adopted.

CONTRACT CHANGE ORDER

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 4 (FINAL), CONTRACT NO. CP-1-98, COOLIDGE PARK, WITH T.U. PARKS CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY NINETY-FIVE THOUSAND, THIRTY-TWO DOLLARS (\$95,032.00), FOR A TOTAL CONTRACT PRICE OF FIVE MILLION, TWO HUNDRED SEVENTY-FIVE THOUSAND, FOUR HUNDRED THIRTY-TWO DOLLARS (\$5,275,432.00)

was adopted.

CONTRACT CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), CONTRACT NO. CP-2-98, COOLIDGE PARK, PHASE II, WITH T. U. PARKS CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY NINETY-SEVEN THOUSAND, SEVEN HUNDRED FORTY DOLLARS (\$97,740.00), FOR A TOTAL CONTRACT PRICE OF NINE HUNDRED FIFTEEN THOUSAND, THREE HUNDRED SEVENTY-ONE DOLLARS (\$915,371.00)

was adopted.

TEMP. ROW USAGE

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING BEAUTY WORLD TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT 2421 4TH AVENUE FOR THE PURPOSE OF INSTALLING AN AWNING TWELVE FEET (12') LONG AND TWO FEET, SIX INCHES (2'6") WIDE OVER THE MAIN ENTRANCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMP. ROW USAGE

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING BRIDGE SALON TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT 52 FRAZIER AVENUE FOR THE PURPOSE OF INSTALLING A CANVAS AWNING SIX FEET (6') LONG AND FOUR FEET (4') WIDE OVER THE ENTRANCE, ALONG WITH A NEW SIGN IN THE EXISTING WALL BRACKET AT THIS LOCATION, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMP. ALLEY USAGE

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING MT. CANAAN BAPTIST CHURCH TO USE TEMPORARILY AN ALLEY LOCATED BETWEEN NORTH CHAMBERLAIN AVENUE AND NOAH STREET BY ENCLOSING SEVEN AND ONE-HALF FEET (7.5') OF THE ALLEY WITH A FENCE FOR SECURITY PURPOSES, SUBJECT TO CERTAIN CONDITIONS
was adopted.

Councilman Pierce asked the extent of the alley and if it was behind other property. Adm. Marcellis stated that it was not; that the property owners on the opposite side have signed off on the church using this alley; that some of the alley could still be used; that we were closing one-half of the alley and the other half can be used, and the owners have signed off on this.

CONTRACT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO ENTER INTO A CONTRACT WITH ARCADIS GERAGHTY & MILLER FOR DESIGN WORK AND CONSTRUCTION MANAGEMENT FOR THE SANCTUARY SKATEPARK, FOR AN AMOUNT NOT TO EXCEED FORTY THOUSAND DOLLARS (\$40,000.00)
was adopted.

AGREE. (HUMANE SOC.)

Mr. Paul Miller, Director of Animal Services, was present to answer any questions the Council might have concerning this.

Chairman Hakeem indicated that he had had several calls in regards to the fee and the cost for spaying and neutering. He questioned if this Agreement dealt with this. Mr. Miller responded “no”; that this is the sheltering contract for animals off the street. Chairman Hakeem stated that he had had two questions posed to him—that some felt a fee up to \$25 was excessive and would be harmful to some people and the other item was in regards to spaying and neutering—in some cities this is a free service, and he had heard a figure in excess of \$100.00.

AGREEMENT (CONT'D.)

Mr. Miller responded that this would be an added fee in the Ordinance; that they were still gathering information in regards to providing some free services for some individuals.

Councilwoman Rutherford stated that she, too, had had some calls about fees and asked when this new Ordinance would be presented to the Council. Mr. Miller indicated that it would be in the next month. Councilwoman Rutherford asked if after this Ordinance is approved, if there will be an adoption fee. Mr. Miller explained that this fee would be administered by the Humane Society. She asked what **our** fees are. Mr. Miller responded \$5.00 for an altered animal and \$10.00 for an unaltered animal. She asked if there would be any additional fees. Mr. Miller explained that they had not finished the Ordinance yet; that they were discussing raising the unaltered fee to more than \$10.00. Councilwoman Rutherford stated that she also had heard the figure of \$100 plus. She asked where people were getting this figure. Mr. Miller responded that he did not know and reiterated that they had not yet finished the Ordinance; that the \$100 figure could be an administrative fee directed towards showing dogs. Councilwoman Rutherford asked if she adopted a pet from the Humane Society how much money would she have to leave with them. Mr. Miller responded \$50.00 for an adult pet and \$40.00 for a puppy or kitten. Councilwoman Rutherford added and then one would have to pay either the \$5.00 fee or \$10.00 fee on top of this, making it either \$55.00 or \$60.00. She asked how much of this money the city received. Mr. Miller responded none. Councilwoman Rutherford verified that on top of these fees there would also be a City tag. Mr. Miller answered affirmatively—either \$5.00 or \$10.00. Mr. Miller explained that these fees went towards spaying and neutering animals. Councilwoman Rutherford questioned the Humane Society fee. Mr. Miller answered that the City Ordinance requires it.

Chairman Hakeem suggested that Councilwoman Rutherford get with Mr. Miller to get her questions addressed.

Councilman Crockett stated that speaking from personal experience that they adopted a thoroughbred Bohemian Pointer, and it was the best dog they had; that it cost \$50.00 plus the \$5.00 fee, and they had to go to a vet and get the surgical procedure done. He stated that it was a good bargain.

AGREEMENT (CONT'D.)

On motion of Councilman Franklin, seconded by Councilman Crockett,

A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT TO ENTER INTO AN AGREEMENT WITH THE HUMANE EDUCATIONAL SOCIETY OF HAMILTON COUNTY, INC., SUBSTANTIALLY IN THE FORM ATTACHED HERETO

was adopted.

AMEND RES. 22513
TEMP. ROW USAGE

Adm. Marcellis stated that there was one correction on this in the third line of the text; that the 100 ft. should be 140 ft. He asked Attorney Nelson to correct this.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

A RESOLUTION AMENDING RESOLUTION NO. 22513, ENCAPTIONED HEREINBELOW, SO AS TO AUTHORIZE THE CHATTANOOGA LAND COMPANY TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY ON SECOND STREET FOR THE INSTALLATION OF EIGHT (8) METALLIC AWNINGS COVERED WITH FABRIC OF VARYING LENGTHS, PROJECTING THREE FEET (3') INTO THE SECOND STREET SIDEWALK, AND SEVERAL SIGNS PROJECTING UP TO SEVEN FEET (7') INTO THE SECOND STREET SIDEWALK AT THE ORIGINAL COCA-COLA BOTTLING PLANT BUILDING AT 201 BROAD STREET, SUBJECT TO CERTAIN CONDITIONS

was adopted.

ST. ELMO SCHOOL PROP.

Councilman Hakeem asked Councilman Taylor if he would like to report on this issue at this time. Councilman Taylor reported that they had been meeting in St. Elmo on a regular basis and a meeting had been set for June 26th, and they wanted to set up three large meetings following this meeting to engage the community. He was requesting that this matter be extended for 30 more days from the original extension of 60 days so that the community could be informed and the developer and community could get together. **On motion of Councilman Taylor, seconded by Councilwoman Rutherford, the St. Elmo School property issue will be extended another 30 days.**

OVERTIME

Overtime for the week ending May 19, 2000, totaled \$83,568.51.

PERSONNEL

The following personnel matters were reported for the Parks and Recreation Dept.:

EDDIE G. DAVIS—Resignation of Equipment Operator Sr., effective 5/19/00.

LARRY BLAKE—Promotion from Custodian to Crew Leader, Pay Grade 6/4, \$21,361 annually, effective 5/10/00.

PERSONNEL

The following personnel matters were reported for the General Services Dept.:

TONY R. SMITH—Promotion to Equipment Mechanic 1, Pay Grade 9/1, \$21,918.00 annually, effective 5/24/00.

JEFFERY B. COOKE—Promotion to Parts Room Supervisor, Pay Grade 11/5, \$28,975.00 annually, effective 5/24/00.

PERSONNEL

The following personnel matters were reported for the Public Works Department:

ROY K. COTHRAN, JR.—Promotion to Crew Supervisor Senior, Pay Grade 12/4, \$29,051.00 annually, effective 5/26/00.

JACKIE H. NATION—Employment of Crew Worker, Pay Grade 3/1, \$15,230.00 annually, effective 5/17/00.

DARRELL RANSOM—Disability Resignation of Crew Worker, Sr., effective 5/3/00.

JAMES H. ELDER—Resignation of Sanitation Worker, effective 5/8/00.

WILLIE BANKS—Family Medical Leave from 4/27/00 to 7/20/00.

GREGORY S. BALLARD—Promotion to Instrument Technician, Pay Grade 10/4, \$26,489.00 annually, effective 5/19/00.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following purchases were approved for use by the Public Works Department:

ADMAN ELECTRIC (Best bid for the City)
Requisition R00464303/P0014573

Installation of Detector Loops

\$3.98 per foot

VULCAN ALUMINUM (Best bid for the City)
Requisition R0046339/P0014109

Sign Blank Renovation

\$.83 per sq. ft.

TEMPLE INC. (Single Source Purchase)
Requisition R0046407

Diolux Lenses and Lane Control Signs

\$19,932.00

LEE-SMITH INTERNATIONAL (Best bid for the City)
Requisition R0042867/B0000410

Super Duty F-550

\$30,965.40

PREBUL JEEP (Single Source Purchase)
Requisition R0043918

One (1) Sports Utility Truck

\$20,391.00

PURCHASES (CONT'D.)

STOWERS MACHINERY (Single Source Purchase)
Requisition R0050529

Arm Plus Tips for 82C Compactor

\$17,702.00

EMERGENCY PURCHASE

The emergency purchase for a contract to contain, sample, and cleanup spill of unknown origin for the Public Works Dept., Job No. 16063 in the amount of \$61,886.15 issued to Ferguson Harbour, Incorporated was duly reported and signed in open meeting.

PERSONNEL

The following personnel matter was reported for the Chattanooga Fire Dept.:

FREDDIE L. BROOKS—Termination of Firefighter, effective 5/17/00.

PURCHASE

On motion of Councilman Pierce, seconded by Councilman Franklin, the following purchase was approved for use by the Chattanooga Fire Dept.:

TENNESSEE FIRE EQUIPMENT (Best bid for the City)
Requisition R0046592

Fire Fighting Equipment—Organization A01708

\$15,888.00

PERSONNEL

The following personnel matters were reported for the Chattanooga Police Dept.:

MACHELLE A. GREEN & FAYE L. PARKER—Hire as School Patrol Officers, \$22.797 daily, effective 5/15/00.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Taylor, the following purchase was approved for use by the Chattanooga Police Dept.:

BLUE BIRD SALES OF TENNESSEE (Single Source Purchase)
Requisition R0047970

Used 1990 Collins Bus

\$20,000.00

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following purchases were approved for the Finance & Administration Dept.:

EASTGATE CAR WASH, HY'S CAR WASH, CAR SHINE CAR WASH,
NUMINIT CAR WASH, CAR SHINE CAR WASH & PLAZA CAR WASH
(Lowest and Best bids)
Requisition R0044375

Car Wash Services

(See Minute Material for prices)

NORTH AMERICAN CREDIT SERVICES (Lowest and Best Bid)
Requisition R0044373

Collection Service

18.5% across the board

**PROPERTY TAX/
STORMWATER REFUND**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the City Finance Officer was authorized to make the following refund on property taxes/stormwater for the tax year 1999:

HBG ENTERPRISES, INC.—Map #118C-A-048.01--\$1,089.38

PERSONNEL

The following personnel item was reported for Information Services:

KAREN L. TURNER—Return from Family Medical Leave, effective 5/22/00.

BOARD APPOINTMENTS

On motion of Councilwoman Rutherford, seconded by Councilman Taylor, the following persons were appointed to the **BOARD OF EQUALIZATION** with terms ending **May 31, 2002**.

? *Mrs. Lora Dawson* and *Mr. Finley Wilhoite*

PERSONNEL

The following personnel matter was reported for the Chattanooga Personnel Office:

BRENDA FISH—Resignation of Class/Comp Analyst, effective 5/18/00.

HEARING REQUEST:
FREDDIE BROOKS

Attorney Nelson reported that there had been a previous appeal by Freddie Brooks for a personnel hearing and a panel had been appointed consisting of Councilman Franklin as Chairman and Councilmen Lively and Hurley. This hearing is set for **Monday, June 5th at 6:00 P.M.** He explained that he now had another appeal from Mr. Brooks and questioned whether the Council wanted to consolidate the two appeals or set another hearing with a separate panel.

Chairman Hakeem verified that there was now more than one charge. Attorney Nelson explained that there were two separate charges but that they were similar in nature.

Councilman Pierce asked Attorney Nelson what the legal effect would be by having two hearings at one time; that if the last incident was upheld, there would be no need to have a hearing for the first incident. Attorney Nelson explained that Mr. Brooks had come back to work a day or two and might be entitled to pay.

Chairman Hakeem stated that the Council was about to be enveloped in “legalese” and asked Attorney Nelson what his recommendation would be. Attorney Nelson explained that this would have no legal effect one way or the other; however in cases of similar kinds, the Court consolidates cases, but he explained to the Council that they did not have to consolidate.

Councilwoman Rutherford asked if both cases could be heard at the same time; that since the panel is already chosen, we could hear both and get on with it.

On motion of Councilwoman Rutherford, seconded by Councilman Taylor, the two appeals will be heard at the same time, which is Monday, June 5th at 6:00 P.M.

COMMITTEES

Councilman Taylor scheduled a **Budget and Finance Committee Meeting for Tuesday, June 6th to immediately follow the Parks and Recreation Committee.**

Councilwoman Rutherford reminded the Council of the **Public Works Committee meeting scheduled for Tuesday, May 30th at 4:00 P.M.**

Councilman Lively scheduled an **Economic Development Committee meeting to immediately follow the Public Works Committee meeting on Tuesday, May 30th.** He also noted that the matter that was to be discussed at the **Economic Development Committee on Tuesday, June 6th** was a zoning matter and could be handled in that manner. He asked the Clerk to please convey this to the interested party.

COMMUNITY FESTIVAL

Councilman Franklin reported on the Community Festival for the North Brainerd, Eastdale and Woodmore communities that was held last Saturday. He stated that the weather was good; they had a great program and a great day and good participation. He also noted that not one single Councilperson showed up.

**ZONING STUDY FOR NORTH
SHALLOWFORD**

Councilman Eaves related to Mr. Pace of the Planning Staff that he was being covered up with phone calls on the North Shallowford Rd. area. He requested that the Planning Commission take this parcel and give the Council a recommendation as to where we can have C-2 zoning and O-1 zoning and a number of other things and what will be required for dividing points. He stated that this issue would not go away and that he was making a formal request to get something out on this in 60 days.

Mr. Pace responded that Councilman Eaves needed to bring them some parameters to look at; that they would be having a new director coming in on June 1st, and he was sure that he would have an agenda for the office. Mr. Pace indicated that they would be happy to take a look at this, but he would not want them to be “locked” in to 60 days—that 60 days was tight; that it usually takes 90 days to a year; that this was a complicated area that they had been working on for four years; that if Councilman Eaves would make this in the form of a motion, they would get with him and boundaries could be drawn. He stated that this did affect more than just the church property.

Councilman Eaves stated that he understood they were about through with Igou Gap Rd., **and he moved that the Planning Commission Staff be requested to do a study and make a recommendation on the North Shallowford Rd. area. This was seconded by Councilwoman Rutherford.**

Councilman Crockett stated that he understood that this was complex, and he wondered about the timing; that he was sure there was no bigger issue in town than this one.

Mr. Pace stated that it should be done in a timely and deliberate manner.

Councilman Eaves stated that he knew the traffic studies were in hand, and he did not see why there should be any hold-up; that he could not hold Planning to a specific date. He just wanted them to come up with some resolution.

ZONING STUDY (CONT'D.)

Councilwoman Rutherford stated that she supported this wholeheartedly, and she would suggest keeping in the 60-day timeframe, and if this could not be met, then Planning could come back for an extension.

Councilman Crockett questioned if this zoning was not voted on and asked how quickly it could come back to the Council again and the urgency of the 60 days. Attorney Nelson explained that it could come back to the Council in nine months after it had been turned down; that the Council could ask Planning to do a Study and make a recommendation. Councilman Crockett verified that the Council could initiate zoning.

Mr. Pace stated that they could make recommendations as to what could be changed in the way of policy so that the Council could make a decision.

Councilman Crockett stated that he supported this; that he knew Planning was looking at some policy changes on HW 153 as well and at some future point in time, they would have to look at this carefully and quickly, and he would like for HW 153 to be on their agenda when they were balancing their work load.

SHAMSUDIN MUHAMMAD
TAXI INDUSTRY

Mr. Muhammad stated that he was part of the Taxi Industry and represented a number of Taxi companies in Chattanooga, and they were having a problem with the City Ordinance that was passed in 1992. He stated that the problem was that they had been trying to get the minutes of the Taxi Board meeting to see who voted and who was on the Board. He stated that they were having a problem getting the information and had asked them if they could have copies of the information of how it was put into effect. He stated that they had been going over this for weeks and months, and they were not being heard. He stated that they were putting this in the Council's hands; that they voted for the Councilmembers and work in the City. He stated that their industry was being attacked; that they were coming to the Council first in an effort to try to rectify this by the proper means.

TAXI INDUSTRY

Mr. Muhammad stated that both he and Mr. Randy Toney, who was with him, would like to know the names of the Councilmembers who voted for this in 1992 and also the names of the Taxi Board members. He presented a form which listed their objectives, and it is made a part of the minute material. He asked that the Councilmembers read this and then they would come back before the Council to have their concerns addressed.

Attorney Nelson stated that the Ordinance adopted in 1992 would be listed in the City Code by number and the minutes of that Council meeting would reflect who voted for or against this. He explained to Mr. Muhammad and Mr. Toney that Taxi Board members do not vote on ordinances. He also advised them that if the Council saw fit, they could review the City Ordinance at any time.

Mr. Muhammad at this point stated that they had gotten a letter from Mayor Kinsey stating that two individuals for the Taxi Industry could help in amending this Ordinance. He stated that they had had friction with the Chairman of the Taxi Board. He reiterated that the Mayor gave them this letter, and they wanted to bring this to a closure. He stated that they could not make money and wanted to know where the City Council stands in helping them. He stated that they wanted to work this out in a professional manner.

Chairman Hakeem asked, assuming there was a request for information, had their lawyer requested this information or had the Taxi Industry requested it. He stated that there should be one entity requesting the information. Mr. Muhammad responded that they requested this from the City Police and the Mayor's office. Chairman Hakeem continued to ask if their attorney requested this, and the answer was "no". Attorney Nelson explained that the proper place to request the information was the Council Clerk's office.

Chairman Hakeem stated that what was being suggested was that the Council take control of what the Taxi Board is doing; that prior to this the Taxi Board had not met in about one and one-half years because there were not enough to attend; that this Taxi Board had attempted to work with the Industry, maybe not at their pace, in an effort to work with one item at a time. He stated that he could understand and appreciate the Taxi Industry feeling that they were being threatened, but they were being heard. He stated that this Chairman had been more patient than any Board chairman that he had seen; that this would have not been tolerated on any other Board he had seen in the past.

Councilwoman Rutherford asked who the Chairman of the Taxi Board was and was told Mr. Don Aho.

TAXI INDUSTRY (CONT'D.)

Councilman Taylor suggested sending this to committee to address their concerns and also have the Chairman of the Taxi Board present.

Councilman Pierce noted that we have an ongoing committee of the Council working with this Taxi Board.

Attorney Nelson stated that it could be worked through the Legal and Legislative Committee.

Councilwoman Rutherford stated that she thought it was the purpose of the Taxi Board to work out these problems and questioned whether the Council should interfere.

Chairman Hakeem stated that the Council has the authority to override the Taxi Board, but the Taxi Board had not been to the Council.

Councilwoman Rutherford suggested giving them six months to work the problem out, noting that she did not like to jump into a civilian volunteer Board; that it was hard enough to get people to serve on Boards, and she would like to give them the opportunity to work out this problem.

Councilman Taylor asked when they presented their request to the Board. Mr. Muhammad responded two months ago and that was their concern; that they were not called on and could not be heard; that they had gotten no satisfaction at that level, and the Mayor had said that the Board should work with them.

Chairman Hakeem asked if any committee meeting had been held in our Conference Room to have input from the Taxi Industry. Mr. Muhammad responded that the Board was trying to enforce things in the Ordinance and the Mayor had them come to the meeting. Chairman Hakeem stated that he did not think Mr. Muhammad had participated. Mr. Muhammad disagreed, saying that he did participate at one meeting and was told to take it or leave it. Chairman Hakeem stated that the Taxi Industry's attorney had been invited by letter and had not been here. Mr. Muhammad responded that the schedules got mixed up.

Councilman Taylor asked if they were saying this had been heard in a committee meeting. Chairman Hakeem explained that it was a committee meeting of the Taxi Board. Mr. Muhammad stated that there had been only one meeting. Councilman Taylor noted that this was the first time he had heard anything about this, and he would like it brought to a Council committee. He stated he was not sure if he was the only Council member hearing this for the first time.

TAXI INDUSTRY (CONT'D.)

Councilman Franklin asked for a point of clarification if this Board was selected like other Boards are. Chairman Hakeem explained that there are four members from the Taxi Industry and members at large and members that are citizens; that five members are not members of the Taxi Industry. He stated that he was one of the five other members.

Councilman Lively stated that a lot of the regulations had come about because of abuse of time and money; that we had a hard time coming up with these regulations; that it was hard to work within the system the way it was.

Chairman Hakeem asked if we had an informational meeting, would we want to hear the Taxi Industry and the Board in the process. Councilman Taylor stated “yes”—as it relates to their concerns; that we need to address them; that if there is a problem, we need to look at it; that he felt we needed to review the situation for informational purposes.

Councilman Pierce asked how soon they could come with their concerns; that the Police were citing Taxi Cabs for violations, and they could not get specifics.

Mr. Muhammad explained that the Police Dept. was charging them with “flat rates”, saying they had no right to use flat rates, and this had been in effect for 30 to 40 years. He questioned why they were being cited if “flat rates” exist; that the Taxi Industry should have been involved if flat rates had been deleted. He referred to the 1990 Ordinance and the 1992 Ordinance. He stated that the 1990 Ordinance had a flat rate sheet attached.

Attorney Nelson explained that the 1992 Ordinance superseded the 1990 one and is the controlling Ordinance; that the flat rate can be no greater than the rate in the Ordinance would be.

Councilwoman Rutherford stated that she would like to see the minutes from the Taxi Board meetings to clarify this for the Council; that a new Board was formed around the first of January and there should be minutes which would clarify a lot; that she had been in committee meetings, and they do not produce much; that she would like to see what the Board has been doing.

Chairman Hakeem stated that this could be set off for a few weeks.

Councilman Taylor stated that this would be fine, and he would like to see a copy of the Ordinance, also; that Informational Packets could be given to the Councilmembers.

TAXI INDUSTRY (CONT'D.)

Councilman Eaves stated that he would like to go back to what went on when we set this up; that one of the men who worked hard on this is our present Council Chairman—that he attended the meetings; that it got so bad with the Taxi Industry and people being “ripped off” that we set up a deal to run a shuttle for people to get downtown at a reasonable price; that other cities do this; that this was how bad it had become; that the Taxi Industry said that the Shuttle was unfair competition to them; that the situation was utterly and completely out of hand; that he saw our Chairman trying to resolve this for hours and hours of work; that it was a very, very real problem, and it bothered him for anyone to imply that “their skirts are clean”, and ours “are 100% dirty”; that we tried to get the Taxi Industry to meetings and “you won’t come”, and then you come before this body! He stated that he was going to look at this from his knowledge with a “jaundiced view”; that we had gotten no cooperation; that we could make some new Ordinance and “you” might not be happy with that.

Chairman Hakeem stated that the Council would look at the minutes from the Taxi Board meetings this year and afterwards would set up a Legal and Legislative Committee meeting and inform those Taxi Industry people who were present when it would be held; that it should be within the next 30 days.

Mr. Toney asked that when the Council looks at the minutes that they also look at the minutes of the 1992 Council meeting and see who the members were that voted this in.

Chairman Hakeem assured them that we would review this and would review who voted on this from the City Council.

Councilman Pierce stated that if they were still using the same attorney that he should have this information; that the meetings went on for months, and he was not a part of it.

Mr. Toney stated that the City does not have the minutes. Chairman Hakeem explained that the Council Clerk should be able to retrieve these Council minutes but not the Taxi Board minutes.

Councilman Pierce stated that he would say the vote was unanimous on the Council; that part of our Council sat in on this, and the Taxi Association agreed with adopting it.

JOHN WRIGHT

Mr. Wright stated that he wanted to plead his case of police misconduct; that the incident happened December 9, 1999; that he was walking his dog when he saw some of his buddies and stopped to talk; that an officer came down and stopped in front of the house and sat there for 2-3 minutes and asked if they were waiting on a “sell”. He then asked them for I.D. Mr. Wright stated that he asked the policeman “what we had done”, and the officer continued to ask him for I.D. He stated he asked the officer “What did I do?” He stated that the officer told him to get behind the car; that he proceeded to “pad” him down with a “search and seizure”, and the officer struck him. He stated he asked him again, “What did I do?” and the officer struck him in the face. Mr. Wright stated that he waived his right for a Grand Jury trial and was told he had 30 days to get a lawyer, and it was going to cost him \$6,500 to get someone to represent him, and they gave him 30 days to come back. He stated that he got a letter from the Police Dept. dismissing his case. Mr. Wright stated that he did everything he was supposed to do. He stated that he went to Chief Dotson and Internal Affairs, and he had not received anything; that they wanted to dismiss everything like nothing had happened and sweep it under the rug.

Chairman Hakeem stated that Mr. Wright had said that he did everything the officer told him to do. He asked him if he showed him his I.D. Mr. Wright responded that he did not get smart with the officer; that he just asked him “What did I do?” Chairman Hakeem stated that he was not saying that the officer was right, but did he give him his I.D. Mr. Wright responded that the officer “got” his I.D., prompting Chairman Hakeem to say but you did not give it to him.

Chief Dotson was present and stated that regarding the letter that Mr. Wright received, that they did investigate and completed an Internal Affairs report; that he sent the letter to Mr. Wright explaining the findings to him and stated that if he was not satisfied with the findings, he could go to Internal Affairs and explain it to them. Chief Dotson stated that they did not sweep anything under the carpet; that if the findings were not as Mr. Wright saw them, then Captain Parks of Internal Affairs would explain them further.

Councilman Pierce stated that the case was not dismissed; that this letter came from Chief Dotson; that if it was turned over to the Grand Jury, it was out of the Chief’s hands; that Mr. Wright could expect something in the future—that it was not over.

Chairman Hakeem indicated that he thought Mr. Wright said it was dismissed from Court. Mr. Wright responded “no”; that it was under investigation, but he had received nothing from the Court. Chairman Hakeem asked him if he had talked to Steve Parks. Mr. Wright responded that he talked to the secretary, and she told him to go to Chief Dotson.

JOHN WRIGHT (CONT'D.)

Chief Dotson stated that they did not give out information on the phone; that when he sent his letter that it said who Mr. Wright was supposed to see; that Steve Parks does not send people back to him; that Mr. Parks would not explain the findings and send the person back to him; that Mr. Wright needed to meet with Internal Affairs for an explanation. He reiterated that they did not “sweep anything under the rug”. He stated that this was why he had a trained Internal Affairs office. He stated that he would be more than happy to refer Mr. Wright back to Captain Parks, and he can explain the findings to him.

Chairman Hakeem suggested that Mr. Wright take this step first.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, May 30, 2000 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)**