

**City Council Building
Chattanooga, Tennessee
October 24, 2000**

Chairman Hakeem called the meeting of the Chattanooga Council to order with Councilmen Eaves, Franklin, Hurley, Lively, Pierce, Rutherford and Taylor present. Councilman Crockett joined the meeting later. City Attorney Randall Nelson, Management Analyst Randy Burns and Assistant Clerk to the Council Shirley Crownover were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance, Attorney Randall Nelson gave the invocation.

MINUTE APPROVAL

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

REZONING

2000-151 (John Christopher Adkins)

On motion of Councilman Lively, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO
REZONE A TRACT OF LAND LOCATED AT 3502 WILCOX
BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN,
FROM C-5 NEIGHBORHOOD COMMERCIAL ZONE TO C-2
CONVENIENCE COMMERCIAL ZONE; SUBJECT TO CERTAIN
CONDITIONS**

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

REZONING

2000-191 (Jerry Hagan)

Mr. Pace indicated that he had shared the conditions with the applicant. Chairman Hakeem asked Mr. Hagan if he had any questions or concerns relating to what was shared with him on this item.

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 A TRACT OF LAND LOCATED AT 7383 AND 7390 APPLGATE LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE

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

TEMP. R-O-W- USAGE

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING JOE V. WILLIAMS, III, TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED ADJACENT TO RIVER STREET, FOR THE PURPOSE OF BEAUTIFYING A TRAPEZOIDAL PIECE ONE HUNDRED FEET (100') LONG AND WIDTH INCREASING FROM 7.09 FEET TO 20.89 FEET

was adopted.

Councilwoman Rutherford noted that the next two Resolutions were discussed in Public Works Committee and come with a recommendation.

AGREEMENT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE PUBLIC WORKS DEPARTMENT TO EXECUTE AN AGREEMENT WITH THE CITY OF EAST RIDGE, TENNESSEE, FOR A PERIOD OF ONE YEAR, FOR THE CITY OF CHATTANOOGA TO PERFORM SIGNAL CONTROLLER MAINTENANCE SERVICES FOR THE CITY OF EAST RIDGE
was adopted.

CONTRACT

On motion of Councilman Taylor, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. SS-8-2000, 10TH STREET AREA STREETScape PROJECT, TO TOWER CONSTRUCTION COMPANY, INC., FOR THEIR LOW BID IN THE AMOUNT OF TWO HUNDRED FIFTEEN THOUSAND SEVEN HUNDRED, NINETY-FIVE AND 00/100 DOLLARS (\$215,795.00)
was adopted.

PERSONAL SER. CONTRACT

Adm. Traughber explained that this would provide additional services for data analysis and research on an at-need basis. He noted that Mrs. McKeldin was the person who coordinated the Census efforts.

On motion of Councilwoman Hurley, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE GENERAL SERVICES DEPARTMENT TO ENTER INTO A PERSONAL SERVICES CONTRACT WITH GLORIA MCKELDIN IN AN AMOUNT NOT TO EXCEED THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00)
was adopted.

CONTRACT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
GENERAL SERVICES DEPARTMENT TO ENTER INTO A
CONTRACT WITH BARGE, WAGGONER, SUMNER AND
CANNON, INC. (BWSC), FOR TECHNICAL SERVICES, IN AN
AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS
(\$50,000.00)**
was adopted.

PROPERTY PURCHASE

Admin. Traugher stated that he appreciated the Council's indulgence; that they had been quietly assembling certain property for development and keeping it within a reasonable pricing structure; that this involved an old playground, which we would deed over to Habitat For Humanity, and they will build a subdivision on it. He stated that he would be giving a full presentation to the Council and also a presentation at a committee meeting; that this was a very exciting project and reiterated that the property would be given to Habitat for Humanity.

On motion of Councilman Pierce, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
GENERAL SERVICES DEPARTMENT TO PURCHASE
PROPERTY FROM JAMES AND CATHERINE WHITE LOCATED
AT 2106 CITICO AVENUE, MORE PARTICULARLY DESCRIBED
HEREIN, FOR THE AMOUNT OF FIVE THOUSAND FIVE
HUNDRED ONE DOLLARS (\$5,501.00) AND AUTHORIZING THE
RECONVEYANCE OF THE PROPERTY OVER TO HABITAT
FOR HUMANITY**
was adopted.

**QUITCLAIM PARCEL
HOSPITAL AUTHORITY**

Adm. Traugher noted that the Council members could view this property on their screens; that this at one time was a Child Care Center; that Erlanger thought they owned this, as they own all the property around it; that it is actually City-County owned property, and the property will be deeded to the Chattanooga-Hamilton County Hospital Authority to build a Child Care Center for their employees.

QUITCLAIM (CONT'D.)

On motion of Councilman Lively, seconded by Councilman Pierce,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
GENERAL SERVICES DEPARTMENT TO QUITCLAIM A SMALL
PARCEL OF LAND SURROUNDED BY ERLANGER MEDICAL
CENTER, MORE PARTICULARLY DESCRIBED HEREIN, TO
THE CHATTANOOGA-HAMILTON COUNTY HOSPITAL
AUTHORITY**

was adopted.

**DEED PROPERTY/
28TH DISTRICT CORP.**

Adm. Traughber explained that this property is associated with the Citico Program and is across the street from the playground. He mentioned that Habitat for Humanity was in the business of building new homes; that this property could be saved and that Habitat had a nice track record for remodeling homes; that they had access to other funds and had received funds from the Federal Home Bank Association. He stated that he was asking the Council's support in passing this.

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
GENERAL SERVICES DEPARTMENT TO DEED PROPERTY
LOCATED AT 2112 CITICO AVENUE, TO THE 28TH
LEGISLATIVE DISTRICT COMMUNITY DEVELOPMENT
CORPORATION**

was adopted.

**PROPERTY PURCHASE/
CHATT.HOUSING AUTHOR.**

Adm. Traughber explained that roughly about six years ago the Community Development Block Grant Fund assembled property; that the concept was to develop different types and Chattanooga Housing Authority spent time and effort on this under Al Harris; that the new director looked at several different options and came up with no viable option to make this work; that this would revert back to the City after a certain period of time; that they had had a problem with this site, along with others, in figuring out something of value to use this for. Adm. Traughber explained that the \$7,300 is an administrative fee charged by the

PROPERTY PURCHASE
(CONT'D.)

Housing Authority; that if the property is owned by the City, we don't have this charge. He asked the Council to give him some time and he would figure out the best value and use for this.

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE
GENERAL SERVICES DEPARTMENT TO PURCHASE
APPROXIMATELY 4.5 ACRES OF PROPERTY LOCATED IN
THE 1600-1900 BLOCKS OF SOUTHERN STREET, MORE
PARTICULARLY DESCRIBED HEREIN, FROM THE
CHATTANOOGA HOUSING AUTHORITY FOR A
CONSIDERATION OF SEVEN THOUSAND THREE HUNDRED
DOLLARS (\$7,300.00)**

was adopted.

"BEAUTILLION"

At this point Chairman Hakeem recognized a group of citizens who were present called the "Beautillions". He asked Dr. Barbara Wofford, the Director, to make a few comments.

Dr. Wofford thanked the Council, adding that she did not know they would have to make a presentation. She stated that this was their fourth year and that the "Beautillion" was where they presented young men who had been involved in various projects and workshops where they developed skills. She stated that the Presentation of the young men would be on November 12th at the Trade Center and that they had five of the young men present here tonight.

Chairman Hakeem asked the young men present to introduce themselves. They were **Michael Mitchell, Ivan James, Kevin Hayes, Jonathan Swafford, and Mr. Thomas**. Chairman Hakeem thanked the young men, telling them that they were going through development stages that would be very important to them in their future. He advised them that someone had "seen something in them" and perceived them to be leaders and admonished them to live up to this.

Chairman Hakeem then asked two parents who were present to introduce themselves. They were **Linda Thomas and Mrs. James**, mother of Ivan.

OVERTIME

Overtime for the week ending October 20, 2000 totaled \$161,250.40.

PERSONNEL

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

BRANDI W. BUTLER—Hire as Teacher Assistant, \$9,555.00 annually, effective 9/11/00.

LEAR R. GRAY—Hire as Teacher Assistant, \$10,551.45 annually, effective 9/11/00.

VALENCIA HAMBRICK—Hire as Teacher, \$17,235.40 annually, effective 9/22/00.

RENITA HUDGINS—Hire as Teacher, \$16,885.96 annually, effective 9/22/00.

HEIDI V. MADDOX—Hire as Teacher, \$12,421.50 annually, effective 9/22/00.

KENYA L. POSLEY—Hire as Teacher Assistant, \$9,746.10 annually, effective 9/11/00.

KEYCHE A. WORBINGTON—Hire as Teacher Assistant, \$9,550.00 annually, effective 9/11/00.

PURCHASES

On motion of Councilman Franklin, seconded by Councilwoman Hurley, the following purchases were approved for use by the Human Services Dept.:

TENNESSEE HOTEL SUPPLY (Only bid meeting Specs.)
Requisition R0033222/P0015176

Staples/Dry Food Contract (Child Care Feeding Program)

(Price information available and filed with minute material)

PURCHASES (CONT'D.)

SOUTHEAST MEATS (Lowest and best bid meeting Specs.)
Requisition R0037706/P0015181

Frozen Foods/Meat/Cheese

(Price information available and filed with minute material)

PERSONNEL

The following personnel matter was reported for the Parks and Recreation Dept.:

PAUL C. WEAVER—Hire as Crew Worker, Pay Grade 3/1, \$15,535 annually, effective 10/18/00.

PURCHASE

On motion of Councilman Lively, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Parks and Recreation Dept.:

TECH MECHANICAL, INC.
Requisition R0036924

Replace Cooling Tower @ Memorial Auditorium

\$85,759.00

PURCHASE

On motion of Councilman Franklin, seconded by Councilman Crockett, the following purchase was approved for use by the General Services Dept.:

GARY JACKSON ENTERPRISES (Lowest and best bid)
Requisition R0044684/B0000521

Demolition Services—Frederick Street Structures

\$19,478.27

PERSONNEL

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

DENNIS MARSHALL—Promotion to Crew Worker Senior, Pay Grade 5/9, \$25,464.00 annually, effective 10/18/00.

JERMAH V. STRONG—Promotion to Crew Worker Senior, Pay Grade 5/5, \$21,370.00 annually, effective 10/18/00.

ANTHONY MITCHELL—Promotion to Crew Worker Senior, Pay Grade 5/1, \$17,808.00 annually, effective 10/18/00.

PERSONNEL

The following personnel matters were reported for the Police Department:

JAMES C. HAMILTON—Medical Leave of Absence for Communications Officer, effective 10/18/00.

SHAWN HICKEY—14-Day Suspension without pay for Police Officer, effective 10/23—11/9.

BOARD APPOINTMENT

On motion of Councilman Crockett, seconded by Councilwoman Rutherford, the following Board Appointment was approved:

CHATTANOOGA-HAMILTON COUNTY AIR POLLUTION CONTROL BOARD:

✍ Nomination of **DR. GENE S. VAN HORN** for term ending **October 18, 2004.**

BETTER HOUSING APPEAL:
TYRONE BYRD

Attorney Nelson stated that a hearing for Mr. Byrd was scheduled for Tuesday, October 31 immediately following the Council meeting. Both sides asked that this date be changed, and they agreed upon **Tuesday, November 21 immediately following the Council meeting.** Councilwoman Rutherford indicated that she hated to put this off a month. Attorney Nelson stated that everyone was in agreement with this.

COMMITTEES

Councilwoman Hurley scheduled a **Health, Education, Human Services, and Housing Opportunities Committee** meeting to **immediately follow the Parks and Recreation Committee scheduled for Tuesday, October 31st**.

Councilman Franklin reminded Council members of the **Parks and Recreation Committee** meeting scheduled for **Tuesday, October 31st at 4:00 P.M.**

MARY ABERNATHY

Ms. Abernathy addressed the Council and stated that she was before them to offer allegations of discrimination in the Chattanooga Fire Department. She alleged sexual harassment and discrimination in the Training Program. She stated that **Ronald Baker** was forced to resign under duress from a program in which he had excelled in every way; that **Captain Moore** harassed and humiliated him in front of others; that he illegally discriminated against Mr. Baker while allowing two others to forgo a daily run; that Mr. Baker was not granted a profile and was forced to do what others were excluded from doing. Ms. Abernathy stated that the other two men were allowed to remain with the class with no hardships imposed on them; that they said Mr. Baker was not able to complete the physical training. She stated that this was a clear case of discrimination, and she asked the Council to reinstate Mr. Baker until a proper investigation could be done and allow him to complete the last week and one-half of training. She stated that his grades and conduct were excellent and that he had an excellent record. She stated that they did not know why he was forced to resign when the other two were not asked to resign and were blatantly retained. She stated that they had had no opportunity to fully comprehend how this was possible with everything Mr. Baker had done to make himself a good and mighty firefighter of the City of Chattanooga.

Chairman Hakeem asked the City Attorney to address this.

Councilman Taylor asked if Ms. Abernathy was a relative of Mr. Baker, and she responded "yes".

Attorney Nelson stated that basically, under the new form of government, the Council has legislative power and the Mayor is over Administration; that Ms. Abernathy's proper redress would be first to go to the Fire Chief and then if it is not resolved to go to the Mayor or the Equal Opportunities Office to look into the allegation of discrimination. He stated that this would be the appropriate avenue, and she should first call Chief Coppinger. Ms. Abernathy indicated that she had already talked to him.

MARY ABERNATHY (CONT'D.)

Attorney Nelson then advised that she go to the Mayor or the EEO Office.

Chairman Hakeem explained to Ms. Abernathy that the Council was not attempting to put the responsibility on someone else; that this was a procedural process.

Councilman Pierce questioned if Mr. Baker had a right to appeal to the City Council at this point. Attorney Nelson responded that he was not a tenured employee and would not have this right. Councilman Pierce advised her that this needed to go through the Mayor's Office.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, October 31, 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)**