

**City Council Building
Chattanooga, Tennessee
January 23, 2001**

Vice Chairman Hurley called the meeting of the Chattanooga City Council to order in the absence of Chairman Hakeem, who was ill. Councilmen Crockett, Eaves, Franklin, Lively, Pierce, Rutherford, and Taylor were present. City Attorney Randall Nelson, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance, Councilman Lively gave the invocation.

MINUTE APPROVAL

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

**FRED SKILLERN
COUNTY COMMISSIONER**

Vice Chairman Hurley called on Mayor Jon Kinsey to introduce Mr. Fred Skillern.

Mayor Kinsey acknowledged that we were happy to have two County Commissioners with us tonight, noting that Charlotte Vandergriff was also in the audience. He expressed his appreciation to Ms. Vandergriff for her leadership and her work with our schools, noting that a product of our schools was also present tonight—the Red Bank State Champions. He then introduced the newest member of the County Commission—Fred Skillern, who has been on the job for five or six days. Mayor Kinsey stated that he had known Mr. Skillern for over ten years and that he was a talented individual, a hardworker, and that he knew how important it was to have economic vitality and to also educate our children. He stated that Mr. Skillern was a great friend, a great Hamilton Countian, and a great Chattanooga.

Mr. Skillern stated that he was present to open up the lines of communication on an individual basis and to get to know the City Councilmen individually and to tell them that he was available. He stated that his district contained only a small part of the City of Chattanooga, but he knew that the City supplied a large amount of money that the County spent. He stated that he wanted the Council to know that they could talk to him about issues that would be coming up.

FRED SKILLERN (CONT'D.)

Vice Chairman Hurley congratulated Mr. Skillern and wished him well, stating that the Council would enjoy a great relationship with him, as well as Chairman Vandergriff and the other County Commissioners.

RED BANK LIONS

At this point Vice Chairman Hurley stated that the Council wished to celebrate the victory of one of our fine High School football teams. She called on Councilman Lively to make the presentation.

Councilman Lively stated that the Red Bank Lions Football Team had been recognized by a lot of people and that unless someone had been in a coma, they knew that the Red Bank Lions were the 5A Tennessee State Champions. He stated that these boys were great ambassadors for Red Bank and also the City of Chattanooga and that we appreciate them and wanted to honor them, as well as their coach, Tom Weathers. He asked Coach Weathers to introduce the players and to have them stand.

Coach Weathers stated that it was an honor to be here, and they appreciated it very much; that when they had a 15-0 season, they did not realize what it would lead to; that a lot of people had been nice to them, and they had been invited to various occasions like tonight and that they enjoyed it. Coach Weathers noted that a lot of his players were not able to make it tonight—that he had 45 on the team and 23 were here tonight; that some of the boys were busy with other sports. He thanked the young men who were able to come tonight and introduced each one of them. He also acknowledged the presence of Mr. Kelley, the Principal, and Coach Reece and Coach Turner. He again thanked the Council for having them, stating that they appreciated it and had had a good time this year and hoped that they could do it again. He asked Mr. Kelley if he would like to say a few words.

Mr. Kelley, Principal of Red Bank High School, stated that this invitation tonight meant a lot; that it was hard to express how proud Red Bank was of these young men, who were ambassadors for their school. He stated that this group was known for their character and morals and that they had a bright future and were true ambassadors of our city.

Councilman Lively quipped that the city was “tight with money” and to receive any type of gift was special, but we did have caps with our City Seal on it for each player. Each player filed by and received their cap.

Vice Chairman Hurley thanked them for coming and also expressed her appreciation for the presence of Commissioner Vandergriff, mentioning her work with our schools, and stating that a great public school had been honored tonight.

**HUMAN RIGHTS AND HUMAN
RELATIONS STUDY CIRCLES
REPORT**

Eddie Holmes, Chairman of the Human Rights and Human Relations Commission, was present to make this presentation. He recognized the attendance of some of the members who were present with him tonight and asked them to stand. He stated that some of the facilitators were also present. Mr. Holmes stated that he felt good about the results of the Study Circles; that it all began with questioning what City Government could do to foster good race relations; that the Study Circles produced about 103 suggestions, and they had narrowed these down to five specific issues to take into consideration. He noted that some of these priorities were already being implemented. Mr. Holmes mentioned the concern about home invasions and the Press Conference that had taken place, noting that citizens had come together in workshops to talk about the problem and had generated good ideas. Mr. Holmes went on to say that it had been on their hearts as to how they could create the best atmosphere to deal with race relations and had come up with the following five suggestions: **(1) Celebrate and recognize diversity** in our community and to expand the support for the Martin Luther King celebration to include more interracial groups; the City could take a greater role in the MLK celebration. **(2) Support for Neighborhood Programs**, mentioning the Community Impact Fund and encouraging neighborhoods to take a greater stand and equalizing services. **(3) Having Annual Public Forums** for citizens to talk openly about issues and to listen and take ideas into consideration. **(4) Effort to support Mixed Neighborhoods** with Neighborhood Associations forming partnerships to improve neighborhoods for everybody, and **(5) Spread Study Circles** to open these ideas up to the community for more people to come together and to expand Study Circles to include corporate CEO's city leaders and nonprofit leaders. Mr. Holmes ended by saying that he had a complete detailed list and also an itemized list and that he hoped the City Council would accept their Report and that it could be recommended.

Vice Chairman Hurley responded that this was excellent work and that it could be referred to Committee for a more indepth study. She thanked Mr. Holmes and stated that she thought her committee, Health, Education, Human Services and Housing Opportunities, would be the appropriate one to hear this. **On motion of Councilman Franklin, seconded by Councilwoman Rutherford, this issue will be referred to Committee.** Vice Chairman Hurley stated that a committee meeting would be set.

REZONING

2000-223 (Fred Zillich)

Pursuant to notice of public hearing, the request of Fred Zillich to rezone a tract of land located in the 6400 Block of Lee Highway came on to be heard. This case was held from the January 9, 2001 meeting.

Jerry Pace of the Planning Agency stated that this had been reviewed with the Traffic Engineer and now contains the conditions that the Lee Highway and Dupree Road driveways shall be widened to 30 feet and the driveway to and from Dupree Road shall be realigned such that it intersects with the street at 90 degrees. Mr. Pace stated that the applicant agrees to the conditions and that Planning recommends approval.

On motion of Councilman Franklin, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 6400 BLOCK OF LEE HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

Councilman Eaves noted that several conditions were included and questioned if everyone agreed and if these conditions were made a part of the Ordinance. Mr. Pace responded "yes".

AMEND BUDGET ORDINANCE

Councilman Taylor asked if this had come before the Budget Committee. Mayor Kinsey responded that this was part of the Capital Budget and was designed to accept some of the money coming in from Grants and Foundations. He stated that it probably should have come after Ordinance ©; that it just allows us to take money and put it in the proper account.

AMEND BUDGET ORDINANCE
(CONT'D)

On motion of Councilman Franklin, seconded by Councilman Pierce,
AN ORDINANCE TO AMEND ORDINANCE NO. 11027, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2000, AND ENDING JUNE 30, 2001, 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; AND PROVIDE FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES," SO AS TO PROVIDE FOR CERTAIN CHANGES IN GENERAL FUND ESTIMATED REVENUE; TO PROVIDE FOR CERTAIN CHANGES IN APPROPRIATIONS SET OUT IN SECTION 5; TO PROVIDE FOR CERTAIN CHANGES IN SPECIAL REVENUE FUNDS SET OUT IN SECTION 6

passed first reading.

CAPITAL BUDGET

Councilman Taylor stated that this Ordinance came before Budget Committee.

On motion of Councilman Taylor, seconded by Councilman Lively,
AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 2000/2001

passed first reading.

CONTRACT CHANGE ORDER

On motion of Councilman Lively, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING CHANGE ORDER NO. 5 WITH SEXTON CONSTRUCTION CORPORATION, RELATIVE TO ROCK REMOVAL ENCOUNTERED DURING THE INSTALLATION OF THE SEWER AT THE NEW FIRE SUPPORT FACILITY ON BELL ARBOR AVENUE, WHICH CHANGE ORDER INCREASES THE CONTRACT BY FOUR THOUSAND, TWO HUNDRED FIFTEEN DOLLARS (\$4,215.00) FOR A REVISED CONTRACT TOTAL OF FOUR HUDNRD THIRTY-ONE THOUSAND, SEVEN HUNDRED SEVENTY-NINE DOLLARS (\$432,779.00)

was adopted.

AGREEMENT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE DEPUTY ADMINISTRATOR OF THE PUBLIC WORKS DEPARTMENT TO EXECUTE AN ENGINEERING AGREEMENT WITH BETTS ENGINEERING ASSOCIATES, INC., FOR ENGINEERING SERVICES FOR RELOCATION OF SANITARY SEWERS TO ACCOMMODATE THE CONSTRUCTION OF 1-75 FROM SOUTH OF STANDIFER GAP ROAD TO NORTH OF BONNY OAKS DRIVE, FOR A TOTAL FEE NOT TO EXCEED THIRTY-SEVEN THOUSAND FOUR HUNDRED FIFTY-EIGHT AND 80/100 DOLLARS (\$37,458.80)

was adopted.

**HOME INVASION
LEGISLATION**

At this point Vice Chairman Hurley stated that Councilman Crockett wished to move a Resolution up on the Agenda. **On motion of Councilman Crockett, seconded by Councilman Franklin, Resolution (k) was moved to this point of the agenda.**

On motion of Councilman Crockett, seconded by Councilman Franklin,

A RESOLUTION REQUESTING THE HAMILTON COUNTY LEGISLATIVE DELEGATION TO SPONSOR LEGISLATION IN THE GENERAL ASSEMBLY TO MAKE HOME INVASIONS A SEPARATE CRIME WITH SEVERE PENALTIES AND TO MAKE SUCH INVASIONS AN ENHANCEMENT FACTOR IN DETERMINING THE RANGE OF PENALTIES

was adopted.

Councilman Pierce questioned if the County, since we had two of their representatives present tonight, could not join us on this. Attorney Nelson explained that Commissioner Favors would introduce this before the County Commission.

EASEMENT PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE PURCHASE OF A CONSTRUCTION EASEMENT FROM LOIS A. SOFIELD RELATIVE TO CONTRACT NO. RW-4-00, WIDENING AND IMPROVEMENTS TO SHALLOWFORD ROAD, TRACT NO. 34, FOR A TOTAL CONSIDERATION OF FIVE HUNDRED DOLLARS \$500.00

was adopted.

EASEMENTS PURCHASE

On motion of Councilman Lively, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF TWO CONSTRUCTION EASEMENTS FROM CHARLES A. STANDEFER, JR. RELATIVE TO CONTRACT NO. RW-4-00, WIDENING AND IMPROVEMENTS TO SHALLOWFORD ROAD, TRACT NO. 9, FOR A TOTAL CONSIDERATION OF EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$8,500.00)
was adopted.

CONTRACT CHANGE ORDER

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1, CONTRACT NO. SS-1-00, FOR FINAL ADJUSTMENT IN QUANTITIES AND ADDITIONAL SCOPE OF WORK FOR THE 12TH STREET STREETScape TO TOWER CONSTRUCTION COMPANY, INC. IN AN ADDITIONAL AMOUNT OF THIRTY-SIX THOUSAND FOUR HUNDRED THIRTY-FIVE AND 52/100 DOLLARS (\$36,435.52) FOR A TOTAL CONTRACT PRICE OF THREE HUNDRED SIXTY-THREE THOUSAND THREE HUNDRED SIXTY-FIVE AND 16/100 DOLLARS (\$363,365.16) AND AN INCREASE IN CONTRACT TIME OF FORTY (40) CALENDAR DAYS
was adopted.

TEMP. ROW USAGE

Mr. George Machan was present and addressed the Council, stating that the Agent needed to be amended to include the titleholder as well as himself, as he was only part owner.

On motion of Councilman Lively, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING GEORGE H. MACHAN TO TEMPORARILY USE AN UNOPENED STREET RIGHT-OF-WAY BEING A PART OF PLAZA HILLS LANE, MORE PARTICULARLY DESCRIBED HEREIN, TO IMPROVE 580 FEET OF THE UNOPENED RIGHT-OF-WAY AT NO COST TO THE CITY FOR A REAR ENTRANCE TO LOT 4701 WHISPERING HILLS LANE, SUBJECT TO CERTAIN CONDITIONS
was deferred for one week for Attorney Nelson to make the necessary change.

AGREEMENT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE MAYOR, WITH WITNESS
BY THE CITY FINANCE OFFICER, AND THE
ADMINISTRATOR FOR THE DEPARTMENT OF
NEIGHBORHOOD SERVICES TO ENTER INTO AN
AGREEMENT WITH NEIGHBORHOODS, USA TO HOST THE
ANNUAL NATIONAL CONFERENCE MAY 21-24, 2003, AND TO
EXECUTE ANY OTHER CONTRACTS RELATIVE TO THE
SUPPORT AND IMPLEMENTATION OF SAID CONFERENCE**
was adopted.

DEEDS (CCHDO)

Vice Chairman Hurley indicated that the next three Resolutions were discussed in
Committee.

On motion of Councilman Lively, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE EXECUTION OF DEEDS
JOINTLY WITH HAMILTON COUNTY CONVEYING CERTAIN
PROPERTIES, MORE PARTICULARLY DESCRIBED HEREIN
TO THE CHATTANOOGA COMMUNITY HOUSING
DEVELOPMENT ORGANIZATION (CCHDO)**
was adopted.

DEEDS (CNE)

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE EXECUTION OF DEEDS
JOINTLY WITH HAMILTON COUNTY CONVEYING CERTAIN
PROPERTIES, MORE PARTICULARLY DESCRIBED HEREIN,
TO CHATTANOOGA NEIGHBORHOOD ENTERPRISE (CNE)**
was adopted.

DEEDS
HABITAT FOR HUMANITY

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE EXECUTION OF DEEDS JOINTLY WITH HAMILTON COUNTY CONVEYING CERTAIN PROPERTIES, MORE PARTICULARLY DESCRIBED HEREIN, TO HABITAT FOR HUMANITY OF GREATER CHATTANOOGA, INC.
was adopted.

PAYMENT
POLICE DEBRIEFING
AND TRAINING

On motion of Councilman Taylor, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE PAYMENT OF FIFTEEN THOUSAND DOLLARS (\$15,000.00) TO VOLUNTEER BEHAVIORAL HEALTH CARE SYSTEM, INC. TO BE PAID OUT OF LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM FUNDS FOR CRITICAL INCIDENT STRESS DEBRIEFING AND MANAGEMENT TRAINING FOR TEN (10) OFFICERS IN THE CHATTANOOGA POLICE DEPARTMENT
was adopted.

EARLY VOTING LOCATIONS

On motion of Councilman Taylor, seconded by Councilman Franklin,
A RESOLUTION REQUESTING THE HAMILTON COUNTY ELECTION COMMISSION TO ESTABLISH TWO (2) SATELLITE VOTING LOCATION(S) FOR EARLY VOTING IN THE MARCH CITY ELECTION AND AUTHORIZING THE PAYMENT OF THE COSTS OF SUCH VOTING LOCATION(S)
was adopted.

Councilman Lively stated that he would like to reiterate that a copy of the Minutes of the Committee should go with this Resolution so that the Election Commission will know our concern.

Vice Chairman Hurley added that we had been told that the Election Commission can do two sites, and they can be moved from one place to another; that the Council has no authority and cannot encourage this; that the minutes need to be forwarded to show the spirit of this Resolution.

OVERTIME

Overtime for the week ending January 19, 2001 totaled \$22,465.89.

PERSONNEL

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

CARLA ASKONAS—Resignation of Grants Coordinator, effective 1/25/01.

CYNTHIA BIGGERS—Resignation of Purchasing Technician, effective 1/22/01.

PERSONNEL

The following personnel matters were reported for the Public Works Dept.:

LYNN PICKEL—Promotion to Electrical/Instrument Maintenance Supervisor, Pay Grade 19/1, \$33,725.00 annually, effective 12/27/00.

TAWANNA M. CLARK—Employment of Electrical Instrument Technician, Pay Grade 12/1, \$25,767.00 annually, effective 1/10/01.

ROBERT N. BARNES—Employment of Electrical Instrument Technician, Pay Grade 12/1., \$25,767.00 annually, effective 1/10/01.

JAMES SANDERS—Retirement of Equipment Operator, Sr., effective 1/17/01.

JAMES E. JOHNSON—Dismissal of Crew Worker, effective 1/10/01.

EDWARD T. ECTOR—Dismissal of Crew Worker, effective 1/10/01.

EDWIN T. SPENCE—Compulsory Medical Leave of Senior Crew Worker, effective 1/17/01—3/30/01.

JAMES CORNETT—Leave without pay for Heavy Equipment Operator, effective 1/17/01—2/02/01.

Ms. Johnson added that **James Sanders**, who is retiring as of 1/17/01, has served 34 years and 9 months with the City and has been a very dedicated employee.

PERSONNEL

The following personnel matter was reported for the Chattanooga Fire Department:

MELISSA SILVERS—Family Medical Leave for Senior Fire Fighter, effective 1/12/01.

PERSONNEL

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

MARK RAWLSTON—Promotion to Captain, Pay Grade 4/5, \$50,421.00 annually, effective 1/26/01.

VIVIAN L. HIXSON—Promotion to Lieutenant, Pay Grade 3/6, \$46,633.00 annually, effective 1/26/01.

PAUL W. LEE, JR.—Promotion to Lieutenant, Pay Grade 3/7, \$48,499.00 annually, effective 1/26/01.

CARLA LEWIS—Hire as Animal Services Officer, Pay Grade 9/1, \$22,356.00 annually, effective 1/26/01.

DEVONNA BROWN, JENNIFER HENSLEY, AND BROOKE TAYLOR—Hire as Police Service Technicians, \$9.48 per hour, effective 1/26/01.

LOUISE WILLIAMS—Return to duty of Communications Officer, effective 1/12/01.

JAMES L. MORGAN, JR.—Rescind employment of School Patrol Officer, effective 1/11/01.

FLORRIE L. SLAY—Resignation of School Patrol Officer, effective 1/12/01.

JANICE WRIGHT—Promotion to Police Service Technician, Pay Grade 5/8, \$24,396.00 annually, effective 1/26/01.

GLORIA JOHNSON—Change of Employment Status to Police Service Technician, Sr., Pay Grade 5/1, \$17,808.00 annually, effective 1/26/01.

SHAWN HICKEY—Suspension of Police Officer, adding an additional six days to the original 14 days suspension, effective 1/22/01.

MISTY MURRAY REPORT

Chief Dotson reported that in response to Ms. Murray's concern last week, that they had looked into this and had increased the visibility; that the problem actually occurred in the breezeway of the Parking Garage across the street; that Lt. Freeman Cooper had met with her and worked it out and increased the visibility.

HEARING: SHAWN HICKEY

Vice Chairman Hurley reported that a hearing was held last night for Mr. Hickey, lasting only 45 minutes; that the panel consisted of Councilmen Lively, Councilman Eaves, and herself and that they upheld Administration's action and extended the time.

HEARING:
VINCENT A. WATKINS

Attorney Nelson reminded Council members of the hearing coming up on **Monday, January 29 with Councilmen Franklin (Chair), and Councilmen Rutherford and Pierce, beginning at 3:00 P.M.**

COMMITTEES

Councilman Franklin reported that a Parks and Recreation Committee was held this afternoon and one item was discussed—leasing Engel Stadium to the University of Tennessee at Chattanooga. This will be a joint venture between the City and the County and will appear on next week's agenda.

Vice Chairman Hurley scheduled a **Health, Education, Human Services and Housing Opportunities Committee to meet immediately after the Public Works Committee on Tuesday, January 30th.**

ADJOURNMENT

Vice Chairman Hurley adjourned the meeting until Tuesday, January 30th 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)**