

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
DECEMBER 18, 2001
6:00 P.M.**

Chairman Hakeem called the meeting of the Chattanooga City Council to order with Councilmen Benson, Franklin, Littlefield, Lively, Page, Pierce, Robinson and Taylor present. City Attorney Randall Nelson, Management Analyst Randy Burns, and Shirley Crowover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance, Councilman Littlefield 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.

**BLUE RIBBON TASK EQUITY
HOWARD RODDY**

Chairman Hakeem stated that Councilman Page and others had been charged with the responsibility of bringing to us a Blue Ribbon Task Equity Committee, and the Chairperson had been selected and was with us tonight. He called on Councilman Page to introduce the Chairperson.

Councilman Page stated that he would be glad to introduce an individual who had agreed to be the Chairperson for the Blue Ribbon Task Equity Committee and that individual was Howard Roddy. He turned the meeting over to Mr. Roddy for comments.

Mr. Roddy expressed his pleasure at being with the Council, stating that he appreciated the opportunity to serve the City, noting that tax equity is an area of interest to all of our citizens both in the City and Hamilton County. He mentioned the state of the Public School System and commended the City for the additional support. He stated that he thought with the number of schools (11) on probation that it was particularly imperative we all provide as much support as possible. He stated that Councilman Page and Mayor Corker had told him that the ½ cents sales tax had been in place in Chattanooga for awhile but not in other municipalities, and we needed equity and fairness on this.

TAX EQUITY COMMITTEE
(CONT'D)

Mr. Roddy stated that a good committee had been formed and that they would have the first meeting after the first of the year and the process should be completed in 90 days with a recommendation. Members of the committee are Hicks Armour, Cindy Berry, Bill Rains, Harry Tate, Geri Spring, Cliff Headricks, and Everett Fairchild. Mr. Roddy thanked the City for extending staff to gather data, noting that the schools have a plan to look at to get the eleven schools up to par. He stated that there would be a lot of fact finding and that the committee would try to bring their best recommendation to the Council.

Chairman Hakeem thanked the committee ahead of time; that truly when we asked Mr. Roddy to serve, we were of the opinion that he had credibility beyond the reach of Chattanooga.

Councilman Page stated that one of the major objectives is to develop sustainability for the city schools, and the role we should play in it; that people trust and believe in Howard Roddy, and he thanked Councilmen Taylor and Robinson, as well as the Mayor, for the roles that they had played.

Councilman Pierce stated that a lot had been said surrounding the schools; that he had hoped that this committee would not be limited to this particular item; that tax equity involves the total tax makeup of Chattanooga and Hamilton County.

Mr. Roddy stated that such a scope would take more than 90 days; that they were going to start with the schools and this could help in looking at other issues that Councilman Pierce had addressed. He stated that they would welcome any of the Council to come to their meetings and bring special concerns like this.

Councilman Pierce expressed his fearfulness of the purpose of the committee, noting that we all support education; that he had no problem with the input that we have with the schools, but again, we are out of the school business other than as far as questions to whether we continue to fund or take this money and spend it on other things that are geared towards education. He reiterated that this was not what he thought the Tax Equity Committee was about; that he thought they would be looking at the whole system and not just the schools.

TAX EQUITY COMMITTEE
(CONT'D)

Councilman Page explained that the first phase was the education issue; that we did not put the committee in a box; that they need direction and he was hoping that what Councilman Pierce had referred to would be Phase II; that the committee was not limited in scope to just education; that beyond supporting education, we would try to determine if the city taxpayer was carrying more of the burden, and this was just an overview and the backdrop.

AMEND BUDGET ORD.
INTERCEPTOR SEWER SYST.

On motion of Councilman Lively, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 11175, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, AND ENDING JUNE 30, 2002, 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 THE PERSONNEL POSITIONS SET OUT IN SECTION 7(b); ADD SECTION 6(c); AND TO SET FORTH THE BUDGET OF THE INTERCEPTOR SEWER SYSTEM

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

AMEND CITY CODE
SEWER SERVICE CHARGES

On motion of Councilman Lively, seconded by Councilman Pierce,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, SECTIONS 31-36, 31-41 AND 31-43, RELATIVE TO SEWER SERVICE CHARGES AND FEES

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

ROW NAME CHANGE

On motion of Councilman Lively, seconded by Councilman Littlefield,
**AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF
MODERN INDUSTRIES BOULEVARD AND TRADEWAY DRIVE
TO MODERN INDUSTRIES PARKWAY, SAID RIGHT-OF-WAY
BEING MORE PARTICULARLY DESCRIBED HEREIN**
passed second reading. On motion of Councilman Franklin, seconded by Councilman
Littlefield, the ordinance passed third and final reading and was signed in open meeting.

REZONING

2001-189 (Genesis, Barbara Wilson)

On motion of Councilman Littlefield, seconded by Councilman Lively,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO
REZONE A TRACT OF LAND LOCATED AT 5710 LEE
HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN,
FROM R-3 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE AND C-
2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO
CERTAIN CONDITIONS**
was substituted. On motion of Councilman Franklin, seconded by Councilman Taylor,
the ordinance 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.

REZONING

2001-097 (John Gibson)

Mr. Pace stated that the applicant asked that this case be withdrawn at this time.

On motion of Councilman Franklin, seconded by Councilman Littlefield,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO
REZONE A TRACT OF LAND LOCATED AT 2005 LYERLY
STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM
R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE
COMMERCIAL ZONE**
was withdrawn.

REZONING

2001-113 (George B. Harless, Jr.)

Mr. Pace explained that there was a request from the applicant to withdraw certain portions of his request, which were Lots 34, 35, 36 and 37 along S. Kelley St. and Lots 52, 53, and 54 along Lyerly St.

Councilman Littlefield stated that this was heard at the Legal and Legislative Committee today, and it was recommended to consider the revised version as outlined as being their best course of action. The rezoning of the other lots is being withdrawn.

Chairman Hakeem added that the existing property being used as a flea market would be allowed continued use, but the rest of the property was being withdrawn from this request.

Mr. Pace verified that the property along Lyerly Street and S. Kelley Street was being withdrawn from this request, and the rest of the property that he was asking to be rezoned would be subject to (a) Type B of the City Landscaping Ordinance on the east and west and (b) Restricted to a Flea Market only. He added that the lots along the north boundary are to be left in their natural state of vegetation and not developed.

Councilman Littlefield stated that it would be appropriate to pass this on first reading tonight, and the Ordinance would be rewritten between now and January 8th, when it would come up for 2nd and 3rd readings.

Ms. Louise Hammonds of the Oak Grove Neighborhood Association was present in opposition, stating that she was here to represent the Oak Grove Neighborhood, and they were asking that this case be held until the Land Use Plan is done; that there could be a trucking company here, and she was familiar with this because her husband had been with a trucking company for 28 years, and they did not want this on that corner. She stated that she represented the Ridgedale community, Oak Grove, and also Highland Park, and they would all like to see something more attractive; that when people come off the Interstate, this is what they see, and we will be judged by this, and they wanted something nice and attractive. She reiterated that they wanted this held until the Land Use Study is completed.

REZONING (CONT'D)

Chairman Hakeem pointed out that the land is being used already for a Flea Market, and this rezoning will allow him to continue to use this, and any other land is being withdrawn from the request.

Ms. Hammonds again stated that the community was asking that this be held off until the Land Use Study is done for their community.

Councilman Littlefield asked Mrs. Hammonds if she was aware that they were just asking for the property where the flea market is now and anything else would have to go through the rezoning process. Ms. Hammonds indicated that she understood this; that he had been served papers to stop having the flea market as it is not zoned for this, and they cannot use it for this.

Mr. Gary Ball was the next speaker in opposition. He stated that he was a member of CENAC, and they were trying to network and work together for the good of surrounding neighborhoods; that he was asked to try to facilitate this matter; that there was a sincere effort by the group to help Mr. Gibson and Mr. Harless; that Mr. Gibson was forced to have his Flea Market turned down, and he withdrew his request; that they were trying to work out a deal for both, and Mr. Gibson got left out. He mentioned a real estate sign that Mr. Harless had on his property by Charter Real Estate, advertising that the property was for sale. He also mentioned that he was at the Council meeting a few weeks ago and saw a lady from East Lake who was denied rezoning; that the stage had been set to remove the flea market from R-2. Mr. Ball went on to say that no one at RPA would say that this rezoning would restrict anything other than it could be removed by anyone at this or any place; that it was the consensus of the community that once this is rezoned to C-2, and there is already a For Sale sign on the property, that this will enable people to market this property for something more than it is right now—that they fear this is what will happen. He reiterated that Mr. Gibson was not allowed to get anything out of this process, and he took his request out in order to compromise. He stated that it was unfair to remove one man's livelihood at the expense of a larger entity.

Chairman Hakeem stated that he gathered that Mr. Ball was saying that Mr. Gibson's request for rezoning should have been approved.

REZONING (CONT'D.)

Mr. Ball responded that they were rezoning this for the Flea Market to be legal; that Mr. Gibson was forced to get rid of his because of the legality of not being able to give him a rezoning for his two lots, he could not do this and then Mr. Harless had to agree to remove his other lots; that if Mr. Harless withdrew his lots, then Mr. Gibson's two lots on Lyerly had to be given as well; that the group made the agreement as a whole, and the "wheels came off" for Mr. Gibson, and it was not fair for either of them to get rezoning. He stated that he did not believe that a condition of "Flea Market" only would hold and prevent anything else from being developed in this area.

Councilman Littlefield stated that he had been on the Planning Staff in the past and had held the job that Mr. Pace has now, and he could say that these restrictions are enforced and can't be moved; that for it to be anything else, it would have to go through the rezoning process. He stated that in talking with Mr. Pace this afternoon, that he thought from the meeting with the people in the neighborhood that this was a compromise to give them something at this time; that if the Council holds it, it would all sit there as it is and there would be no screening. He stated that this had been a Flea Market for as long as he could remember, and he could not see where it begins and ends, reiterating that this had been a Flea Market for a long time; that he thought it was the intent at the community meeting to try to put this in some form to await the Land Use Plan and to also provide some screening; that the land is for sale, and it will be sold for some purpose.

Mr. Ball stated that if this were the case, then Councilman Taylor had misspoke at the meeting; that this rezoning would depreciate the value of their property.

Councilman Littlefield reiterated that this property had been used in this way for 15 years, and he did not think it would change that much.

Mr. Ball stated that his opinion was different from Councilman Littlefield's. He mentioned Mr. Fitzpatrick from Charter Real Estate who did not represent Mr. Gibson and did not include this. He stated that he thought the Council would be surprised at who turned Mr. Gibson in to the Building Inspector for operating a Flea Market.

Councilman Littlefield asked Mr. Ball where he wanted to go with this. Mr. Ball stated that Mrs. Hammonds was asking that this be put on the back burner like was done at Hamilton Place and let this property be put in the Land Use Plan and let all of the property owners come to a charette concerning the Land use Plan. He stated that he was not asking that the City close Mr. Harless down; that he thought Mr. Young and Mr. Moody were reasonable and could work something out.

REZONING (CONT'D.)

Attorney Nelson explained that to remove the restrictions, the applicant would have to go through the same process; that the restrictions would remain until this went through the zoning process again.

Chairman Hakeem asked if the property could continue to be used in this manner now that the City knows it is not in the proper zone. Attorney Nelson responded that it cannot be used in this manner if it is not a valid use.

Councilman Taylor, in response to Mr. Ball's comments concerning his mis-speaking, explained that his comments dealt with a different case; that as he understood this case, it dealt with a Flea Market only; that he was kind of confused as to what Mr. Ball was trying to do.

Reverend Stephen Gilchrist spoke next in opposition. He stated his concern, along with the 270 members of his church, was that anything done in this community should upbuild the community; that he had to chase off prostitutes in front of his church, and he wanted to build up the neighborhood and not destroy it. He stated that he had discussed this with Mr. Harless and did not want any business to come in and buy the land and use it for a liquor store or a club; that the stipulation was for a Flea Market only; that this community had been "loose", and it was time for a clean-up.

Chairman Hakeem asked the pastor if the property was used for a flea market only if he had any objection? He explained that the other property would not be rezoned. Mr. Pace confirmed that it would remain R-2. Chairman Hakeem explained that the only portion being rezoned was for the Flea Market to continue to operate.

Mrs. Hammonds stated that they had heard rumors and were told pointblank that they needed to reason with Mr. Harless because he was financially able to "buy" his way in. Chairman Hakeem assured Mrs. Hammonds that the Council did not want to go to jail and that they took their obligations seriously; that if they said a flea market, then they meant a flea market.

Mrs. Hammonds stated that such rumors made their community uneasy; that they had to go to court every day to keep their community clean; that she had lived here for 37 years.

Chairman Hakeem explained that the Council has to balance the needs of the residents with the rights of individuals; that what is being proposed is not expanding the flea market but allowing Mr. Harless to continue with what he has.

REZONING (CONT'D)

Mrs. Hammonds still maintained that they would like to wait on hearing this; that Mr. Harless had enough land on the front to have a flea market; that no one was going to run her out of her neighborhood, reiterating that Mr. Harless had enough land on the front, but he had moved across the ditch and there was nothing there on the weekends.

Mr. Pace asked Attorney Nelson if the request was tabled until the Land Use Study is complete, if Mr. Harless would be able to operate as he is doing now. Attorney Nelson responded “No”—not if it is an illegal use.

Councilman Page stated that some of the neighbors’ concerns are conjecture; that he could not vote to shut down something that had been in place for a number of years; that if it is not going to be used as a flea market, then the applicant would have to come back before the Council. He called for the question.

Councilman Benson stated that he identified with the neighbors and appreciated their sense of unity and organization; that he knew what they were going through; that people would rush in while a Land Use Study was going on and try to get rezoning. He asked how long it would take to do the Land Use Study. Mr. Pace responded six months—that it would be early fall or late summer. Councilman Benson indicated that he could see the psychological aspect it would have if this were rezoned C-2—that it would be easier to step over the line; that he would hate to see this happen before the Land Use Study even gets started; that the Study would designate how it should be used.

Chairman Hakeem stated that he was very strongly for this neighborhood and what they were trying to do, but we had to have a balance, and we would be taking away the rights of an individual to open his business for six months. Councilman Benson questioned if the individual had had the right in the first place. Chairman Hakeem agreed that he was illegal but questioned if knowing that, do we shut him down? He reiterated that there has to be a balance. Mrs. Hammonds added that he would not be shut down—that he has enough property to open on the front.

Attorney Nelson pointed out that what the Clerk read was the first version without conditions and urged the maker of the motion to make clear that first reading would be with certain conditions. Mr. Pace stated that it would be substituted for second and third readings at the next meeting.

REZONING (CONT'D)

Councilman Lively stated that he understood the concerns of the community, but this had been a Flea Market as long as he could remember.

Councilman Littlefield withdrew his motion.

On motion of Councilman Lively, 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 1900 BLOCK OF KELLY STREET AND THE 2200 BLOCK OF EAST 21ST STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading with Councilmen Benson and Pierce voting No.

Chairman Hakeem explained that Mr. Harless could use this for a Flea Market only, with screening; that another buyer would have to come through the entire planning process and that in six months the Land Use Study will be ready, and he felt that the same group would be here in place to vote; that the property outside the area is not being rezoned today, and is being withdrawn.

Councilman Pace asked if a motion was needed to allow these lots to be withdrawn.

Attorney Nelson explained that this would be in the substituted version on January 8th.

PUD(OLD STAGE RUN)

1996-170 (Old Stage Run)

Mr. Pace stated that they had met with the neighborhood, developer, stormwater people and the building inspector to determine responsibility, and the developer is the person responsible. There are conditions attached and screening is part of it, and the Planning Staff recommends approval.

On motion of Councilman Page, seconded by Councilman Taylor,

A RESOLUTION APPROVING A PROPOSED FINAL PLANNED UNIT DEVELOPMENT FOR LOTS 24-44, 55-71, 89, 90 AND 94-97 OF OLD STAGE RUN PLANNED UNIT DEVELOPMENT AS SHOWN ON THE FINAL PLANNED UNIT DEVELOPMENT PLAN ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

CONTRACT

Adm. Traugher stated that funds were allocated for this last year through Hope VI expenditures for the Alton Park area.

On motion of Councilman Taylor, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF COMMUNITY SERVICES TO ENTER INTO A CONTRACT WITH THE ALTON PARK DEVELOPMENT CORPORATION, RELATIVE TO PLANNING SERVICES FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS, IN AN AMOUNT NOT TO EXCEED TWENTY THOUSAND DOLLARS (\$20,000.00)

was adopted.

CDAC COMMITTEE

Adm. Traugher mentioned that he had sent a letter to a number of the members of the Council concerning appointments to the Community Development Block Grant Citizens Advisory Committee. He stated that he would like for the Council members to make the appointments within a timely manner; that \$5+ million dollars was involved and each councilmember has a representative, and they should try to find a person that they think would have the dedication.

Councilman Page stated that he would like to ask one quick question; that Adm. Traugher had given a January 2nd date for the appointment, and he wanted to know if that date was critical. Adm. Traugher indicated that a little more time could be allowed.

TAX MAP #CORRECTION

Councilwoman Robinson noted that Resolutions © through (h) came before the Parks and Recreation Committee with a recommendation for approval.

On motion of Councilwoman Robinson, seconded by Councilman Taylor,

A RESOLUTION AMENDING RESOLUTION NO. 23208, AS ADOPTED NOVEMBER 27, 2001, RELATIVE TO AN AGREEMENT WITH THE TYNER YOUTH ASSOCIATION, TO CORRECT THE TAX MAP NUMBER BY DELETING “TAX MAP NO. 138-I-B-1” AND SUBSTITUTING IN LIEU THEREOF “TAX MAP NO. 139-I-B-1”

was adopted.

CONSERVATION EASE.

MR-2001-035 (Finance & Administration)

On motion of Councilman Lively, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A CONSERVATION EASEMENT FROM THE STATE OF TENNESSEE ON PROPERTY LOCATED OFF CROMWELL ROAD, TAX MAP NO. 138A-A-014, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FOR THE ONGOING GREENWAY PROJECT
was adopted.

PROPERTY ACCEPT.

MR-2001-036 (Finance & Administration)

On motion of Councilman Littlefield, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF PROPERTY LOCATED OFF CHATTANOOGA CREEK, TAX MAP NO. 155E-B-016, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM JOHN P. HOOVER, JR. FOR THE ONGOING GREENWAY PROJECT
was adopted.

PROPERTY PURCHASE

MR-2001-037 (Finance & Administration)

On motion of Councilman Littlefield, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY LOCATED OFF YOUNGSTOWN ROAD, TAX MAP NOS. 128K-G-032, 32.2 AND 32.6, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FROM AUSTIN AND CLARA HUGHES FOR THE ONGOING GREENWAY PROJECT, IN AN AMOUNT NOT TO EXCEED FOUR THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$4,450.00)
was adopted.

CONSERVATION EASE.

MR-2001-038 (Finance & Administration)

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A CONSERVATION EASEMENT FROM THE TENNESSEE VALLEY RAILROAD MUSEUM ON PROPERTY LOCATED OFF CROMWELL ROAD AND SOUTH CHICKAMAUGA CREEK, TAX MAP NO. 138A-A-010, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FOR THE ONGOING GREENWAY PROJECT
was adopted.

CONSERVATION EASE.

MR-2001-039 (Finance & Administration)

On motion of Councilman Lively, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A CONSERVATION EASEMENT FROM THE CHATTANOOGA HOUSING AUTHORITY ON PROPERTY LOCATED OFF CROMWELL ROAD AND SOUTH CHICKAMAUGA CREEK, TAX MAP NO. 137E-A-001, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, FOR THE ONGOING GREENWAY PROJECT
was adopted.

TEMP. ROW USAGE

Councilman Franklin noted that this Resolution, as well as Resolution (j), were discussed in the Public Works Committee and come with a recommendation.

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING UNIMPROVED TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT THE 5TH STREET INTERSECTION WITH HIGH STREET TO STABILIZE 5TH STREET USING SUBSURFACE SOIL NAILS DURING PARKING GARAGE CONSTRUCTION, SUBJECT TO CERTAIN CONDITIONS
was adopted.

TEMP. ROW USAGE

On motion of Councilman Franklin, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING COVISTA COMMUNICATIONS TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT SLAYTON STREET BETWEEN MAIN STREET AND 17TH STREET, FOR INSTALLATION OF CONDUIT FOR FIBER OPTIC CABLE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

CENTRAL BUS. ZONE

Councilman Littlefield stated that this was still subject to debate and would be tabled until January 8th.

On motion of Councilman Littlefield, seconded by Councilman Pierce,

A RESOLUTION TO AMEND RESOLUTION NO. 22872, AS ADOPTED ON MARCH 13, 2001, ALTERING THE CENTRAL BUSINESS ZONE AREA TO INCORPORATE A NEW AREA ON THE EAST SIDE, AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

was tabled until January 8, 2002.

**AGREEMENT AMEND.
HUMANE ED.SOCIETY**

Councilman Lively stated that this came before the Safety Committee with a recommendation for approval.

On motion of Councilman Lively, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT TO ENTER INTO AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF CHATTANOOGA, TENNESSEE AND THE HUMANE EDUCATIONAL SOCIETY OF HAMILTON COUNTY, INC., A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SO AS TO INCREASE THE COMPENSATION PAID TO THE HUMANE EDUCATIONAL SOCIETY OF HAMILTON COUNTY, INC. TO FOUR HUNDRED TWO THOUSAND SEVEN HUNDRED THIRTY-FOUR DOLLARS (\$402,734.00), DURING FISCAL YEAR 2001-2001, FOR THE OPERATION OF AN ANIMAL SHELTER

was adopted.

PAYMENT TO HOLIDAY INN
FIRE DEPT.PROMOTION
PROCESS

Councilman Taylor stated that this was discussed in a Budget and Finance Committee.

Councilman Benson prefaced his remarks by expressing his confidence in the Fire Department and their expertise and ability to lead, stating that he had had no complaints about the Fire Department from his district. He stated that if an assessment was received from an Assessment Team, then the Chief and his administrators should be the Assessment Team. He stated that a “red flag” of concern had been raised, and he wanted everyone to know where he was coming from; that he wanted our expenditures to be those which either provide necessary services for the general good of our community, or those which are good investments in the future of our community. He stated that he did not see this \$59,385.00 plus as truly meeting a necessary service or a real investment in the community. He went on to say that he did not think this could be justified in light of the recent property tax increase, the fact that we could give no step increase, insurance costs going up, and the reduction in work force.

Councilman Benson continued to say that his lack of support is based on a number of years of experiences they had with similar costly assessment programs in the school system. He went on to mention some of the problems which we might encounter and will be confronted with if we approve this such as if real leadership is not exerted, will the assessment team be really free and independent from the subjective influence of those selecting and paying the assessment team and will it “poison the well” or “sweeten the water”? He also questioned if the Department Manager would be bound by the assessment results or if he would be free to over-ride, and if he did over-ride, would the City risk litigation. If he is not free to over-ride, will his management be undermined? Lastly, where should the process stop? If this assessment is good for one department, then why not have outside independent assessments for other departments, which could also select positions to be eliminated because of lack of money. He stated that until these things were resolved, he did not feel comfortable voting to approve or deny these expenditures.

Chief Coppinger responded that the assessment team was free and independent, and he thought as a result they did get the best candidates to serve the public; that they do a ranking order and other factors are considered, and the ones recommended might not get the promotion. He stated that they were free to over-ride the results. Chief Coppinger went on to say that the Assessment Center had been very successful in the Police Department, as well, pointing out that other departments were utilizing them, which was consistent throughout the country. He reiterated that this was a fair process, mentioning individuals who were present tonight who were committed to making this fair such as Michael Baronavski and Freddie Brooks, noting that this was a diverse group of individuals.

ASSESSMENT CENTER
(CONT'D.)

Chief Coppinger went on to say that they had done everything possible to make this a fair and honest procedure and to give some assurance—that the rank and file thought that this was a fair procedure. He stated that if there were any questions that the Council might like to hear from Lt. Baronavski or Lt. Brooks; that they were the ones who brought this team to us; that Freddie Brooks had recommended the Booth Research Group, Inc. to them.

Chief Coppinger continued, stating that the only fraternization he had with them was when he welcomed them to Chattanooga and expressed his gratitude for their coming; that he knew none of these individuals, and he thought it was a foolproof program and exceeds anything they had done in the past. He noted that he had worked through the ranks, and he thought this was fair, rather than himself or the unions telling the Council this.

Councilman Page stated that the Firefighters and Police are our first line of defense; that this had been a development tool in the past and was one of the major tools used.

Councilman Littlefield stated that he appreciated Councilman Benson's statements; that he had put a lot of work into this and had really made him think about this. He went on to say that he did check with the rank and file and asked that the representatives of the two unions briefly give their comments.

Freddie Brooks stated that he was President of Brothers United, which was not a Union. He thanked the Council for hearing their input, stating that they had never had this opportunity before. He stated that nothing was perfect, but this was a tool to get good candidates. He urged the Council not to look at firefighters as a monetary thing; that in their jobs lives are at stake, and they performed their duties. He noted that they had gotten more attention since September 11th but that they had been doing the same thing since 1871; that when someone dies in the line of duty, it attracts more attention. He asked that the Council look at this and bring something to the table as the Assessment Center identifies the best people. He explained that they were not just fighting fires, and their jobs were changing, and they needed to be better prepared.

ASSESSMENT CENTER
(COND'T)

Lt. Baronovski spoke next. He stated that Councilman Littlefield had asked him a couple of questions and basically he told him that this was one of the fairest things they had found, and the Union was in support of this. He stated that it was the fairest test that he had ever taken, adding that these individuals don't know you, and he was in strong support of this.

Councilman Benson stated that these men had done an excellent job in changing his mind; that Chief Dotson had also helped a lot in explaining this to him; that this money could be considered money spent for an investment in the future. He questioned if we could spread these assessments out to save money, noting that a lot of people are down on the Council, including firemen; that if they wanted to spend their money this way, they had his vote.

Chief Coppinger stated that he was remiss in not bringing the individuals who had spoken tonight to the committee meeting when this was discussed. He stated that he was proud to stand before the Council; that there was a good working relationship. He apologized for the inconvenience of councilmembers having to make these phone calls and reiterated that he was remiss in not including them at the committee meeting.

Councilman Littlefield stated that he thought Councilman Benson's comments were well thought out and thought that we should think about ways to hold down the cost of this. He stated that frankly we knew how political the process of promotion could be, and we needed to keep it fair and open, and he commended the fire department on finding a way to accomplish this. He mentioned a legacy of former firefighters that we could tap in the future to help with these decisions; that this would help hold the cost, and we could employ some of these people for these type of promotions.

Councilman Pierce stated that he appreciated Councilman Benson and his statements and that he still supported him; that he had alluded to costs. He informed Mr. Brooks that the Council has to look at the taxpayers' dollars. He mentioned to Chief Coppinger that these assessment centers were every two years and asked if he would have any objection to once every three years. He questioned how many people they promoted in this period of time to warrant spending this kind of money. He asked why this could not be every three years.

ASSESSMENT CENTER
(CONT'D.)

Chief Coppinger responded that there had been changes in their pension and insurance; that they promoted 70 firefighters off the last test; that it may slow down but right now they had 13 retiring tonight and had had 27 retire since July 1st. He explained that this was an unusual transition period and there would be a lot of promotions, which was good for morale of the department. Chief Coppinger noted that right now the assessment was every other year; that this was his decision, and he needed an open line of communication, and he assured Councilman Benson that “the buck does stop here”, and he accepted the responsibility.

Councilman Pierce still maintained that he would like to see it moved to three years; that he knew there was a transition period right now, but the rush will be over, and the assessment group should last a couple of years.

Councilman Taylor commended Chief Coppinger, stating that the diversity looked good, and he thought the Chief was taking the department in the right direction.

Councilman Lively stated that it had been said this was quite a bit of money, and it was, but if we promote the right people it saves a lot and is money well spent.

Chief Coppinger stated that he could not take all of the credit; that it took a staff of a lot of good people.

On motion of Councilman Page, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING PAYMENT TO THE HOLIDAY INN-CHATTANOOGA CHOO CHOO FOR EXPENSES FOR FACILITIES, HOTEL TRANSPORTATION, FOOD AND LODGING RELATIVE TO THE PROMOTION PROCESS FOR THE CHATTANOOGA FIRE DEPARTMENT, IN AN AMOUNT NOT TO EXCEED NINENTEN THOUSAND THREE HUNDRED EIGHTY-FIVE DOLLARS (\$19,385.00)

was adopted.

AGREEMENT

On motion of Councilman Littlefield, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE CITY OF CHATTANOOGA PERSONNEL DIRECTOR TO EXECUTE AN AGREEMENT WITH BOOTH RESEARCH GROUP, INC., RELATIVE TO THE DEVELOPMENT AND ADMINISTRATION OF EXAMS FOR PROMOTIONAL TESTING FOR THE POSITIONS OF FIRE LIEUTENANT AND FIRE CAPTAIN, IN AN AMOUNT NOT TO EXCEED FORTY THOUSAND DOLLARS (\$40,000.00) AND AUTHORIZING REIMBURSEMENT OF THE ASSESSOR'S TRAVEL EXPENSES

was adopted.

**PROPOSED ANNEXATION
URBAN GROWTH BOUNDARY**

Adm. Boney stated that he briefed the Council on this in the Legal and Legislative Committee meeting. Councilman Littlefield stated that there was a recommendation of approval, and the majority of the Council was present.

On motion of Councilman Littlefield, seconded by Councilman Franklin,

A RESOLUTION ADOPTING PROPOSED AREAS OF ANNEXATION TO POTENTIALLY OCCUR WITHIN THE URBAN GROWTH BOUNDARIES OF THE CITY OF CHATTANOOGA OVER THE NEXT TEN (10) YEARS, PURSUANT TO THE URBAN GROWTH MASTER INTERLOCAL AGREEMENT AND TO AUTHORIZE THE CLERK OF THE CHATTANOOGA CITY COUNCIL TO PUBLISH A MAP SHOWING PROPOSED AREAS OF ANNEXATION WITHIN THE URBAN GROWTH BOUNDARIES OF THE CITY OF CHATTANOOGA PRIOR TO DECEMBER 31, 2001

was adopted.

PERSONAL SER. CONTRACT
HENRY L. BROOKS

Councilman Franklin stated that this was discussed in great detail in the Public Works Dept. and comes with a recommendation.

Councilman Taylor stated that he would like to get something on the record; that he did support Mr. Brooks, but he was concerned about us hiring so many outsiders, and we should look on the inside as we do with promotions; that Chief Coppinger was an example of a person moving up through the ranks. He urged to look from the inside, noting that he was not talking about Mr. Brooks but about the one who would be filling his spot. Councilman Benson asked if Councilman Taylor was saying we needed an Assessment Center.

Councilman Littlefield welcomed Mr. Brooks back and added we needed to pray for no snow.

Councilman Lively, too, indicated that we needed to promote from within and not let our people go to other cities, but he added that we needed to look at the best people.

Councilman Taylor stated that we had excellent people in Chattanooga; that we had capable individuals within the City of Chattanooga.

Councilman Pierce alluded to the continuing of add-ons to the agenda from week to week; that like change orders, it was getting out of hand; that there were five add-ons that the City Attorney had prepared for the Council tonight, and a lot were coming before the Council and were not going through the proper process; that recently this was getting out of hand, and we needed to control it.

Chairman Hakeem asked what Councilman Pierce would suggest—other than going through committee, what would be his suggestion. Councilman Pierce responded that timing was the factor; that everything was on a fast track and had to be voted on; that he had no objection to Mr. Brooks being promoted.

Adm. McDonald stated that Mr. Brooks had been with the City since 1971 and had done an outstanding job; that he had worked his way up to Director over the past 30 years and had done a good job; that Public Works was one of the most difficult divisions to run and direct and Henry had done an outstanding job and had been of great help to him and given him good advice and help, and he thanked him for his support and wished he and his wife, Lucy, many years of happy retirement.

HENRY BROOKS (CONT'D.)

Mr. Brooks stated that he did not know his retirement would be so short. He, too, stated that he would pray that it did not snow. He stated that he had had a great staff of very hardworking people, and he thanked them and everyone.

On motion of Councilman Franklin, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO A PERSONAL SERVICES CONTRACT WITH HENRY L. BROOKS, TO PROVIDE MANAGEMENT SERVICES TO THE DIVISION OF CITY-WIDE SERVICES UNTIL A PERMANENT DIRECTOR IS HIRED AND THEN PROVIDE ORIENTATION AND TRAINING TO THE NEW DIRECTOR, IN AN AMOUNT NOT TO EXCEED THIRTEEN THOUSAND THREE HUNDRED EIGHTY-FIVE DOLLARS (\$13,385.00.)

was adopted, with Councilman Pierce voting “no”.

OVERTIME

Overtime for the week ending December 14, 2001, was reported in the amount of \$131,762.22.

PERSONNEL

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

NORMA FIELDS—Resignation of Recreation Specialist, effective 11/30/01.

JENNIFER OUSLEY & DAVID HEDRICK—Hire as Zookeepers, Pay Grade 6/1, \$19,834.00 annually, effective 11/28/01.

KENNETH DANIEL & ANDREA BALDWIN—Hire as Recreation Specialists, Pay Grade 9/1, \$23,313 annually, effective 12/14/01 and 11/30/01 respectively.

RICHARD O. KIMMEL—Resignation of Project Coordinator, effective 12/6/01.

ROGER BRASWELL—Resignation of Crew Worker, effective 12/11/01.

PURCHASE

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

NEWTON CHEVROLET (Low bidder meeting specs.)
Requisition No. R0056475/B0000620

Utility Truck

\$25,750.00

PERSONNEL

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

HENRY BROOKS—Retirement of Citywide Services Director, effective 12/3/01.

DONALD R. DAVIDSON—Promotion to Senior Crew Supervisor, Pay Grade 12/1, \$26,792.00 annually, effective 12/12/01.

MALCOLM WATKINS, JR.—Resignation of Crew Worker, effective 12/18/01.

Mr. Brooks' retirement was again recognized by Adm. McDonald.

PURCHASES

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

CITY OF LOS ANGELES BUREAU OF SANITATION (Single Source Purchase)
Requisition No. R0057541

Centrifuge Equipment

\$25,000.00

PURCHASES (CONT'D)

CROWN TECHNOLOGIES (Lowest and best bid meeting specs)
Requisition No. R0054996/P0016587

Thermoplastic Paving Marking Materials

\$423.00/Ton for Yellow

\$466.00/Ton for White

PERSONNEL

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

ROBERT D. COBLEIGH & STEPHEN R. MCJUNKIN—Retirement of Captains, effective 12/21/01 and 12/29/01 respectively.

BOBBY BAKER—Retirement of Lieutenant, effective 1/2/02

DUANE R. PITTS—Retirement of Chief of Training, effective 12/28/01

LYNN CALLAWAY, JACK FLOYD, KENNETH LEVI & JOSEPH MEADOWS—Retirement of Captains, effective 12/28/01

RONALD R. CALLAWAY, RICHARD W. FLOYD, BILLY E. RICHARDS & WILLIAM SHACKLEFORD—Retirement of Lieutenants, effective 12/28/01.

DONNY CRISP—Retirement of Firefighter, effective 12/28/01.

WILLIAM M. KNOX—Promotion to Battalion Chief, Pay Grade F5/6, \$50,499.00 annually, effective 12/28/01.

JAMES CRAIG HANEY & CHARLES MCMILLIAN—Promotion to Captain, Pay Grade F4/8, \$45,153.00 annually, effective 12/28/01.

CHARLES PATTON—Promotion to Captain, Pay Grade F4/7, \$43,500.00 annually, effective 12/28/01.

PERSONNEL (CONT'D.)

Chief Coppinger noted that he had 13 men retiring from various ranks and he read each of their names. He noted that Duane Pitts, who was retiring as Chief of Training, was present tonight and gave a word of special thanks to him.

Councilman Pierce noted that they were retiring six captains and promoting three and that would mean only three would come out of the assessment center.

PERSONNEL

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

CAMMIE TUDORS—Medical Leave of Absence of Communications Officer, effective 11/15/01 thru 1/18/02.

JOHN BAKER—Death of Police Sergeant, effective 12/12/01.

BRIAN M. JACKSON—Resignation of School Patrol Officer, effective 12/12/01.

WAYNE DICKEY, FRED W. STAFFORD & WILLIAM ZINKELER—Retirement of Police Captains, effective 12/27/01.

C. L. WILLHOIT—Retirement of Police Lieutenant, effective 12/27/01.

DAVID L. HUGGINS, SR., GARY LOMENICK & GLENN SIMS—Retirement of Police Sergeants, effective 12/27/01.

CLARENCE W. WILLHOIT—Retirement of Police Officer, effective 12/27/01.

Chief Dotson stated that he would like to note, as well, a number of retirements, and he read the names, noting that this represented a significant amount of years. In addition, he recognized John Baker who lost his battle with cancer and who had worked with the Police Department for 13 years.

PURCHASE

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

MOTOROLA, INC. OF KNOXVILLE, TN. (Single Source Purchase)
Requisition No. R0049461/P0017051

Motorola Radio Repairs & Replacements

\$70,770.00

At this point, Councilman Littlefield noted that there were four new hires under Parks and Recreation and inquired of Donna Kelley if they were still filling positions with employees whose jobs had been eliminated. Ms. Kelley assured Councilman Littlefield that they were keeping up with these employees; that they were working with them directly and individuals were being contacted about job availabilities and follow-up calls were made, and the employees were asked to talk to Personnel. She stated that they were making every effort that they could. Councilman Littlefield asked if none of these employees were willing to take these positions. Ms. Kelley stated that she would talk with Councilman Littlefield later about this.

Adm. McDonald was asked about the employee who was injured on duty from the Public Works Dept. He responded that he was in the hospital and not making much progress; that he was in the trauma unit in serious condition; that efforts were being made to find out about his family. He stated that he would keep the Council informed.

PURCHASE

No one was present from the Human Services Dept. to report this purchase. Attorney Nelson indicated that the Council could act on this anyway.

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

ATLANTIC DISTRIBUTORS (Emergency Purchase)
Requisition No. R0056889

Emergency Cold and Dry Storage & Delivery Services for Commodities

(See minute material for various costs)

COMMITTEES

Councilman Benson reminded everyone of the **Health, Education and Human Services Committee** meeting to be held **Tuesday, January 8th at 4:30 P.M.**

Councilman Lively wished one and all a Merry Christmas and a Happy New Year.

Councilwoman Robinson wished everyone a Merry Christmas.

Councilman Taylor mentioned a Parental Community Walk to be held **January 19th at 11:00 A.M. at the Piney Woods School** to visit the five schools that are on notice. He invited firefighters and policemen to be present.

JORGE ARELLANO

Mr. Arellano of Better Homes stated that he was before the Council about a month and one half ago; that CNE had removed him from their bid list, and the Council was going to assist him and look into the matter. At the time he was here, the attorney for CNE was also present on another matter, and Mr. Arellano was told to try to get with him to work something out. Mr. Arellano stated that they were unable to work anything out, and the attorney did not return his call. He stated that there were many reasons why he was let go from CNE, and he would like the situation looked into; that it was personal rather than professional on CNE's part.

Attorney Nelson explained to Mr. Arellano that the City does not supervise CNE; that it is an independent corporation that we have no direct authority over; that if we looked into it, we would see that it is probably beyond our control for any remedy.

Chairman Hakeem noted that Mr. Arellano had made a request for us to look into this. He asked if he had met with the attorney. Mr. Arellano stated that he had talked outside with him when he was here a month or so ago, and he never called him back. Mr. Arellano stated if there was not much the Council could do, he would hire a private attorney; that he did not want to air the details, but he thought if the Council heard his part that they would thoroughly understand; that a certain individual received a position and was able to exercise his authority, and he had held a grudge for a year and one-half, and he made good on his promise.

JORGE ARELLANO(CONT'D.)

Chairman Hakeem explained to Mr. Arellano that the Council could not recommend to him to seek legal counsel.

Councilman Taylor questioned if we did not have Board representation that could walk Mr. Arellano through the process and could talk to CNE. Chairman Hakeem stated that we would do that.

Councilman Pierce suggested that since we do not have anything to do with CNE that the Housing Committee could look at this; that it takes quite a bit of funds to operate CNE.

Councilman Benson stated that he had spent an hour with Mr. Arellano and had talked to all of the people involved and there was a total impasse as far as he could see; that he had already spent time on this, and it was regrettable that there was this much of a division.

Mr. Arellano asked if there was not a Board that CNE had to bring such matters to and questioned if they could remove him from the bid list without going before a Board; that this new person had asked him not to call him anymore and to go through legal channels. He questioned if it should not have been taken before a Board.

Chairman Hakeem stated that he did not know if this was an administrative or a board matter; that the Council has done what it can do and Mr. Arellano needed to look at other options.

RONNIE CRAIG

Mr. Ronnie Craig of East Lake addressed the Council concerning a flood problem that he had had since 1993 in front of his house. He stated that he got the run around when he called the City; that Councilman Taylor did return his call and sent someone out there; that this had been a problem since 1993, and he had called the City of Chattanooga about the foundation of his house, which was hazardous for him and his children; that his yard was a mosquito-infested swamp, and he thought if the Council looked at it, they would help him out.

Councilman Taylor stated that he made contact with the proper people, and they came out to the house. He asked Adm. McDonald if he was familiar with this situation. Adm. McDonald indicated that he was not and asked to be given the opportunity to check into this to see what the appropriate thing to do would be. Councilman Taylor asked that he do this.

ADJOURNMENT

Chairman Hakeem adjourned the meeting of the Chattanooga City Council until Tuesday, January 8, 2002, and extended Seasons Greetings to everyone.

CHAIRMAN

CLERK OF COUNCIL

**(A LIST OF NAMES OF PERSONS IN ATTENDANCE IS FILED
WITH MINUTE MATERIAL OF THIS DATE)**

