

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
FEBRUARY 18, 2003**

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

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance, Chairman 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.

CLOSE AND ABANDON

MR-2002-223 (CITY OF CHATTANOOGA)

On motion of Councilman Franklin, seconded by Councilman Hakeem,
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED
ALLEY LOCATED IN THE 2600 BLOCK OF LOCKWOOD
AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND
AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A
PART HEREOF BY REFERENCE**

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

STREET NAME CHANGE

2002-230 (CITY OF CHATTANOOGA)

On motion of Councilman Lively, seconded by Councilman Taylor,

AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME FOR THE 1700 AND 1800 BLOCKS OF CUMMINGS HIGHWAY TO BROAD STREET AND FOR A PORTION OF BROAD STREET TO CHARGER DRIVE, SAID RIGHTS-OF-WAY BEING MORE PARTICULARLY DESCRIBED HEREIN

passed second reading with Councilman Benson voting “no”. On motion of Councilman Taylor, seconded by Councilwoman Robinson, the Ordinance passed third and final reading and was signed in open meeting with Councilman Benson voting “no”.

REZONING

2003-009 (BLOOD ASSURANCE, INC.)

On motion of Councilman Franklin, seconded by Councilman Pierce,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE PART OF A TRACT OF LAND LOCATED AT 700 EAST 3RD STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2003-012 (CUMMINGS COVE, LLC AND INMAN, LLC)

On motion of Councilman Hakeem, seconded by Councilwoman Robinson,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 4214 CUMMINGS HIGHWAY AND 4010 CUMMINGS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND G-2 CONVENIENCE COMMERCIAL ZONE TO RT-1 RESIDENTIAL TOWNHOUSE ZONE

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

ANNEXATIONS

Mr. Jeff Pfitzer made a presentation in regards to the 14 separate territories being considered for annexation. He explained that this was in conjunction with the Master Interlocal Agreement and Growth Plan and proceeded to give a brief history of the growth pattern of Chattanooga. He remarked that in the 1830's the City of Chattanooga was "a gleam in the eyes on the Riverfront"; that the 1920's showed an expansion between the river and Missionary Ridge; the 1930's saw growth across the river and into Lookout Valley and the Brainerd area; in the 1950's we continued towards East Brainerd and H/W 153; the 1960's saw us expanding towards Moccasin Bend, the Mountain Creek area, and Amnicola Highway; the 1970's we expanded on all three sides of the city; the 1980's produced little action; the 1990's took in Enterprise South and the Summit Landfill; and in 2000 out toward I-75 and east of the city.

Mr. Pfitzer noted that in 1999 a Growth Plan was called for, and this Plan was formulated over two years by a coordinating committee made up of the County, surrounding municipalities, the schools, and the Chamber of Commerce. This committee developed the growth policy through a series of meetings, which was ratified by each municipality in the county.

After the Growth Plan was adopted, we used statutory methods to implement it such as by Ordinance or Referendum. He explained that there were no restrictions on non-residential property, and we were moving forward on these properties. He emphasized that this Plan was adopted by the City, County, and surrounding municipalities. He went on to say that this was based on the Plan presented to the Council in December of 2001 and that the first step of implementation will result in less than a 1% increase in population. The Plan of Services will include police, traffic engineering, fire, refuse collection, road and street construction and repair, signs and lighting, planning and zoning, recreation facilities and programs, water system, electrical service, sewer system, inspection and code enforcement, and animal control. Mr. Pfitzer went over the Proposed Plan of Services in detail, which is a part of each Ordinance.

In summation he stated that in the areas proposed in the Growth Plan that the citizens and businesses were already benefiting from their proximity to the city of Chattanooga and should be willing to share in our costs and as reciprocity will share in this added level of services.

ANNEXATION (CONT'D)

Attorney Nelson added that in addition, under Fire Services, that one of the things these areas would be receiving would be First Response Services that includes paramedics and EMT services until an ambulance gets there and secondly, on behalf of commercial establishments, when we extend the boundaries, they will receive Class 3 Fire Rates, which are considerably cheaper than they are currently paying. He stated that both were significant benefits to persons and businesses being annexed.

ANNEXATION—MAP 1-A

Mr. Pfitzer explained that this included the Birmingham Highway and Wauhatchie Pike and included businesses such as KENCO and CONAGRA.

Chairman Littlefield asked if anyone would like to speak in opposition.

Mr. Jerry Walls came forward stating that he had a business in the area being proposed for annexation, and he felt like he was alone in this opposition. He stated that he was not overly excited about being annexed for several reasons, but he doubted it would change the Council's minds.

Mr. Walls proceeded to explain that he started his business in 1975 and built it in Hamilton County, not the City of Chattanooga; that he had 40 employees; that the extra fire protection would amount to a few hundred dollars but being in the City would cost him several thousands of dollars in taxes. He stated that he now lived in the city of Chattanooga and had seen how things had been neglected since he had been annexed; that a few streets in his area can't get into their houses; that the streets are not built up to city standards and the residents are expected to bring them up to city standards and then the City will take them over; that they had to pay to get their streets paved. He stated that his business was on Gordon Rd., and it was not up to city standards, and he wondered what would happen here. He told the Council that if they did annex him that he would be persistent; that if the services promised did not take place that the Council would be seeing his face quite regularly; that he had been in Lookout Valley 40 years, and there are still areas that don't have services. He stated that he could tell the Council this firsthand because he had seen it.

ANNEXATION (CONT'D)

Mr. Walls went on to address the comments that were made concerning the fact that the newly annexed areas should be proud to be part of the economy of Chattanooga. He stated that he had been in business 28 years and 90% of his business was done in Chattanooga and now only 25% was done in Chattanooga—that he had lost two customers—Wheland and Roper. He stated that he was not overly excited about participating in the economy of Chattanooga—that our manufacturing was going down the tubes; that Mayor Corker had said he would make an effort to promote manufacturing, but he had not seen a lot happening.

Mr. Walls verified that Mr. Pfitzer had said that once an area was annexed that it would be three years before they have services like sewers. He questioned if he were annexed if he would have to pay city taxes before he got sewers. Mr. Pfitzer responded that all the other services would be available upon annexation—that they would be effective the date of annexation. Mr. Walls verified that this was everything but sewers. Attorney Nelson added that it could be within six months if the lines are big enough—that this was the only service that was not immediate upon annexation. Mr. Walls stated that if there was anything he needed it was sewers—that he would be paying \$11,000 or \$12,000 in taxes without full service.

Councilman Pierce explained that the sewer tax was a tax on its on; that they would be getting police, garbage service, and water; that the sewers could not be instantly—that it would be covered within three years—that there is a process we have to go through, and it can't be done overnight. He advised Mr. Walls that he would have benefited from being in the City, and it would not hurt him to be a good neighbor.

Mr. Walls responded that he was not saying that he had been driving on county roads all the time; that he was just concerned about having to pay full property taxes for three years before he got full service.

Mr. Pfitzer explained to him that he would be receiving services this year without paying city taxes; that taxes would begin next year. Councilman Pierce added that this year he would be paying nothing and next October the full amount.

Mr. Randy Johnson spoke next in opposition. He stated that he operated a convenience store on the Birmingham Highway, and he also lived in the city on Cash Canyon Rd. and did not have services; that he figured it would be the same way with this annexed area as it was with Cash Canyon.

Councilman Lively noted that garbage service had been mentioned and explained that we don't furnish garbage service for commercial.

ANNEXATION (CONT'D)

On motion of Councilman Hakeem, seconded by Councilman Lively,

**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND
EXTENDING THE CORPORATE LIMITS OF THE CITY OF
CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN
TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE
LIMITS OF SAID CITY, BEING AN AREA OF TIFTONIA IN
HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE
ATTACHED MAP**

passed first reading.

ANNEXATION—MAP 1-B

Mr. Pfitzer proceeded with the hearing on this area. He explained that this was to the north on Cummings Highway, covering the Alpine Lodge.

Chairman Littlefield noted that we had spent a tremendous amount of money to widen Old Wauhatchie Pike.

Attorney Nelson noted that the same Plan of Services is applicable to this property, as it will be with each annexed area.

There was no opposition present.

On motion of Councilman Lively, seconded by Councilman Franklin,

**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND
EXTENDING THE CORPORATE LIMITS OF THE CITY OF
CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN
TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE
LIMITS OF SAID CITY, BEING AN AREA OF TIFTONIA IN
HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE
ATTACHED MAP**

passed first reading.

ANNEXATION—MAP 2-A

Mr. Pfitzer explained that this was to the north with the same Plan of Services that had been outlined and contained “good ole” Gudel’s Station. Attorney Nelson noted that it was Gudel’s Garage.

On motion of Councilman Pierce, seconded by Councilman Hakeem,

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF SAID CITY, BEING AN AREA OF HIXSON IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

passed first reading.

ANNEXATION—MAP 2-B

Mr. Pfitzer noted that the same Plan of Services would cover this area on Hixson Pike beginning at Big Ridge Rd. and including Eckerds, an animal hospital, Tubby’s, a meat market, etc.

On motion of Councilman Hakeem, seconded by Councilman Franklin,

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF SAID CITY, BEING AN AREA OF HIXSON IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

passed first reading.

ANNEXATION—MAP 4A-1

Mr. Pfitzer explained that this was to the east and was located on Hunter Road and included a Krystal, Super 8 Motel, etc. The same Plan of Services applies, and there was no opposition present.

On motion of Councilman Lively, seconded by Councilman Franklin,

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF SAID CITY, BEING AN AREA OF LEE HIGHWAY AND INTERSTATE 75 IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

passed first reading.

ANNEXATION—MAP 4A-2

Mr. Pfitzer noted that this was also on the east side of the City and includes Mt. View Industrial Park, a future Memorial Hospital site, churches, and schools. There was no one in opposition to this.

On motion of Councilman Benson, seconded by Councilman Hakeem,

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF SAID CITY, BEING AN AREA OF LEE HIGHWAY AND INTERSTATE 75 IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

passed first reading.

ANNEXATION—MAP 4-B

Mr. Pfitzer stated that this was Hilltop Drive and included Miller Industries. The same Plan of Services previously discussed will apply and no one was present to speak in opposition.

On motion of Councilman Benson, seconded by Councilman Taylor,

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF SAID CITY, BEING AN AREA OF LEE HIGHWAY AND INTERSTATE 75 IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

passed first reading.

ANNEXATION—MAP 5-A

Mr. Pfitzer stated that this was within the existing city limits off of Bonny Oaks Drive and includes the Drivers' License facility, Mr. Zip and an industrial park. The same Plan of Services applies and no one was in opposition to speak.

On motion of Councilman Franklin, seconded by Councilwoman Robinson,

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF SAID CITY, BEING AN AREA OF BONNY OAKS DRIVE IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

passed first reading.

ANNEXATION-MAP 5-B

Mr. Pfitzer explained that this was the same Plan of Services and was located at the corner of Bonny Oaks and Hickory Valley and included a church and a cemetery. There was no one in opposition to speak.

On motion of Councilman Benson, seconded by Councilwoman Robinson,

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF SAID CITY, BEING AN AREA OF BONNY OAKS DRIVE IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

passed first reading.

ANNEXATION-MAP 5-C

Mr. Pfitzer noted that this was the same Plan of Services and is located on Old Lee Highway, and there was no one present to speak in opposition.

On motion of Councilman Benson, seconded by Councilman Taylor,

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF SAID CITY, BEING AN AREA OF OLD LEE HIGHWAY IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

passed first reading.

ANNEXATION-MAP 5C-1

Mr. Pfitzer noted that this, too, was the same Plan of Services. There was no one in opposition to speak.

On motion of Councilman Lively, seconded by Councilwoman Robinson,

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF SAID CITY, BEING AN AREA OF OLD LEE HIGHWAY IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

passed first reading.

ANNEXATION-MAP 6

Mr. Pfitzer again stated that this was the same Plan of Services and is located along Old Lee Highway and Jenkins Rd. This area included a Church of God office, Chattanooga Funeral Home, etc. There was no one in opposition to speak.

On motion of Councilman Franklin, seconded by Councilman Taylor,

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF SAID CITY, BEING AN AREA OF THE JENKINS ROAD EXTENSION IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

passed first reading.

ANNEXATION-MAP 7

Mr. Pfitzer noted that this was the same Plan of Services and is located on Morris Hill Rd. and includes Valley Psychiatric Hospital. There was no one in opposition to speak.

On motion of Councilman Benson, seconded by Councilman Franklin,

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF SAID CITY, BEING THE VALLEY HOSPITAL PROPERTY IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

passed first reading.

Councilman Pierce asked if the hospital was tax exempt. Attorney Nelson stated that he thought it was a private hospital. Chairman Littlefield stated that the answer was “no”.

ANNEXATION-MAP 8

Mr. Pfitzer explained that this was in the southeast part of the Urban Growth Plan and includes East Brainerd Rd. and Morris Hill Rd. with the Golden Gallon, Spur Gas Office, and a church. There was no one in opposition to speak, and the same Plan of Services applies.

On motion of Councilman Benson, seconded by Councilwoman Robinson,

AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF SAID CITY, BEING AN AREA OF EAST BRAINERD IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP

passed first reading.

Councilman Page asked the assessed value of the total annexation. While Mr. Pfitzer was looking this information up, Councilman Benson stated that he may have misled Councilman Pierce—that Valley Psychiatric Hospital was “For Profit”, but it might be tax-exempt—that it was HCA. Councilman Page stated that this was a public company and was “For Profit”. Mr. Pfitzer stated that the assessed value of the total annexation was \$25 million dollars plus.

DONATION-ST.ELMO AVE.

On motion of Councilman Taylor, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE MAYOR OR THE CITY FINANCE OFFICER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE THE DONATION OF REAL PROPERTY LOCATED AT 4501 ST. ELMO AVENUE, TAX MAP NO. 167G-E-004, TO THE ST. ELMO IMPROVEMENT LEAGUE
was adopted.

AGREEMENT

Councilman Hakeem noted that Resolutions b, c, and d were all discussed in Public Works Committee and come with a recommendation for approval.

On motion of Councilman Hakeem, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT), TO CONSTRUCT A PROJECT DESIGNATED AS FEDERAL PROJECT NO. BH-STP-3556(7); STATE PROJECT NO. 33959-1506-94, BRIDGE AND APPROACHES OVER SOUTH CHICKAMAUGA CREEK, L. M. 4.01
was adopted.

PROF. SERVICES AGREEE.

On motion of Councilman Hakeem, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO HYDRAULIC MODELING AND EVALUATION OF FLOOD CONTROL OPTIONS AT WARNER PARK/ENGEL STADIUM, CONTRACT NO. S-03-001-100, FOR A TOTAL AMOUNT NOT TO EXCEED FOURTEEN THOUSAND DOLLARS (\$14,000.00)
was adopted.

AGREEMENT

On motion of Councilman Hakeem, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH ORANGE GROVE CENTER, INC., RELATIVE TO CONTINUING TO PROVIDE FACILITIES EQUIPMENT, LABOR AND SERVICES REQUIRED TO RECEIVE, HANDLE, SORT, PROCESS AND MARKET RECYCLABLES FOR THE CITY'S RECYCLING PROGRAM FOR THE FISCAL YEAR 2002-2003
was adopted.

Chairman Littlefield acknowledged the presence of Mr. Hal Baker in the audience.

LOAN AGREEMENT

On motion of Councilman Taylor, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE MAYOR OR THE CITY FINANCE OFFICER TO ENTER INTO A LOAN AGREEMENT WITH AMERICAN COMMUNITIES FUND SO AS TO FINANCE UP TO FIVE MILLION DOLLARS (\$5,000,000.00) IN INFRASTRUCTURE INVESTMENT RELATIVE TO THE ALTON PARK HOPE VI EFFORT
was adopted.

Councilman Page asked Adm. Boney if this was in the Budget this year.

Mr. Ken Jordan explained that this was an amendment to a Resolution passed last October after a phone conversation with Fannie Mae that in the event there was an insufficiency in funds, we would use other available appropriations in reserves to cover the difference.

Councilman Page still questioned if it was in the Budget. Adm. Boney explained that there was no obligation on the part of the City, and it was not a line item in the Budget; that Fannie Mae wanted a guarantee, and we do similar things on other debts and just allows them some "hook" on the City.

Councilman Lively asked what percentage could be covered through other sources. Mr. Jordan responded that this would have no adverse effect on Program Income; that Program Income would cover the loan.

OVERTIME

Overtime for the week ending February 14, 2003 totaled \$11,733.08.

PERSONNEL

The following personnel matters were reported for the various departments:

CHATTANOOGA POLICE DEPARTMENT:

- ✍ **JUDIE JOHNSON** – Return from Medical Leave of Absence, effective 11/25/02.
- ✍ **AMY WILLIAMS** – Return from Family & Medical Leave, effective 2/7/03.
- ✍ **MARILYN PRESLEY** – Resignation of School Patrol Officer, effective 1/31/03.
- ✍ **HOLLY D. DANKOWSKI** – Resignation of Police Records Trainer, effective 2/11/03.

CHATTANOOGA FIRE DEPARTMENT:

- ✍ **BRADY WADE BRANDON, JOSHUA SHANE BURCHARD, DONIELLE ANDRE DEAN, LARRY EUGENE HENDERSON, DARRELL DEWAYNE HINTON, RONALD LEE HODGE, DARIN GREGORY HONEYCUTT, DOUGLAS BROOKS HULLANDER, KENNETH LANE JOURNIETTE, JONATHAN ANDREW LEHMAN, NICHOLAS QUINN MILLER, RICHARD SKYLER PHILLIPS, MELISSA LYNN REGA, RYAN ALLEN SMITH, EDWARD PEARSON TATE, DAMINE JERRELL VINSON, BRIAN LEE WILSON, AND TIMOTHY JAMES YOUNGBLOOD** – Hire as Firefighters, Pay Grade FI/1, \$26,269.00 annually, effective 3/21/03.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- ✍ **JOYCE MYERS** – Termination of Nurse, effective 2/6/03.
- ✍ **KIMBERLYN JOHNSON** – Termination of Family Services Supervisor, effective 2/11/03.
- ✍ **RICHARD W. JAMES** – Hire as General Maintenance, \$26,249.60 annually, effective 2/7/03.

PERSONNEL (CONT'D.)

PUBLIC WORKS DEPARTMENT:

- ✍ **JOHNNY J. GANN** – Hire as Concrete Worker, Pay Grade 6/1, \$19,843.00 annually, effective 2/10/03.
- ✍ **JOSEPH B. BLANKS** – Hire as Concrete Worker, Pay Grade 6/1, \$19,843.00 annually, effective 2/10/03.

CHIEF FINANCIAL OFFICER

At this point Chairman Littlefield stated that he would respond to an appointment of Administration for a key individual on the Administrative Staff. He stated that it saddened him to see that Mr. Boney has elected to retire from the position of Chief Financial Officer, and it is made effective now, but he will continue to provide guidance for the upcoming Budget. Mr. David Eichenthal will bear the burden to see the Budget through.

Chairman Littlefield went on to say that he could not say every good thing about Mr. Boney; that the City Attorney and other Councilpersons will want to speak; that certainly he had enjoyed working with him and hoped that he stayed in Chattanooga, and we could continue to enjoy the benefit of his considerable knowledge of municipal finance. He noted that we had a memorandum from Mayor Corker stating that Jim Boney had retired from his duties as Chief Financial Officer effective immediately and that he was appointing David Eichenthal to assume the role and requested the approval of the Council.

Councilman Lively moved that the Council approve the appointment. This was seconded by Councilman Hakeem.

Councilman Pierce stated that he would like to say that it saddened him when he got the call that Mr. Boney had decided to abruptly leave and retire, and it sounded to him like it was out of the ordinary. He stated that he was here when Mr. Boney was brought on board, and he did not support him 100% but had learned to work with him and appreciate him. He went on to say that he personally heard the news and then got in touch with the press; that it was a slap in the face the way this came into being; that with a position of this nature where the Council has an obligation, they should have had some kind of pre-notice. He stated that he read in the paper where Chairman Littlefield saw nothing wrong with the procedure, but it was his opinion that the process was not the way it should be; that the Mayor had shown no trust or respect for this Council. He stated that he had nothing against Mr. Eichenthal but did question approving a person with no background

CHIEF FINANCIAL OFFICER
(CONT'D.)

information on him. He went on to say that he thought there was a Resume on Mr. Eichenthal when he first came here, but he could not get a copy of it, and he would like to know about his financial experience; that he felt like we had people on board who could have filled the position, and we needed to see if there are others out there.

Councilman Pierce went on to say that it had been reported by the Press that there is a feeling that the Council is a rubber stamp—that people could not think differently if the Council approved this appointment tonight with no background information. He stated that he felt like he could go on and on, and the Council should do the right thing.

Chairman Littlefield stated that he had great respect for Councilman Pierce and appreciated his frank comments and opinion. He stated that he still had a copy of Mr. Eichenthal's Resume, and he had a significant history of work in finance in the City of New York; that he was hired as an internal auditor, and he did not feel that this was an inappropriate appointment. He agreed that it did come up quickly; that he had heard suggestions about this last Tuesday and was gone Wednesday, Thursday, and Friday and that yesterday the news had escaped from the bag, and the Mayor had chosen to move ahead quickly. He explained that situations such as this can become volatile and uncontrollable, and it is better to lay them to rest quickly and move on; that he had confidence in the Mayor's choice, and Administration "rises or falls" on the appointments that are made.

Councilman Taylor stated that he received the word through the media and got a call from Councilman Pierce; that he thought this was an interesting way to receive information, being a part of the Council. He stated that he appreciated the outstanding job that Mr. Boney had done and did regret his retiring so abruptly and quickly and only one official was notified. He stated that there was a selection process that we should follow and one of the processes is to go through committee for a discussion and a look at the Resume. He stated that he did not have a copy of the Resume; that he knew what Mr. Eichenthal was hired for and had done an outstanding job in that area.

Councilman Taylor went on to say that it had been stressed over and over that the Council was a rubber-stamp, and this rings out loud and clear; that the Council had no information and none of the Council was in on this major decision; that this position affects this City and for the Council to vote on something they heard about through the newspapers is not wise and prudent. He urged that the Council follow proper procedures and turn this over to committee with proper information. **Councilman Taylor moved that this matter go to committee.**

CHIEF FINANCIAL OFFICER
(CONT'D)

Chairman Littlefield stated that we did not have a committee to hear this; that this is the Mayor's choice; that when we confirmed Mr. Eichenthal for his present position, the Council was treated to his Resume; that he received the News Release and attempted to get the word out; that when the news began to unfold, a concentrated effort was made to get in touch with everyone.

Councilman Taylor stated going back to Mr. Eichenthal's position when he came on board for a specific job and his performance in this particular position; that he did not come on as Chief Financial Officer, and the Council did not look at him in this perspective; that the Council should have been informed if this was the long-range plan.

Chairman Littlefield stated that his Resume seemed to cover all the points; that if a Mayor learns that the votes are not there, he would not appoint a person; that the Council had never turned down a Mayor's request—that this is the Mayor's appointment.

Councilman Taylor responded that we are not turning him down; that he is speaking of the process and procedure; that if we do not approve this tonight, it is not turning it down; that Mr. Eichenthal could be the best for the job, but procedure and process should be followed and has to be followed. **Councilman Taylor again moved to send this to committee. This was seconded by Councilman Pierce.**

Councilman Benson stated that he could agree with what Councilmen Pierce and Taylor had said—that he had a problem with the process and procedure; that he, too, learned this news from the Press; that when we hired David Eichenthal, it was stated that we needed an independent quality control person, separate from the Finance Officer; that if this was rendered mute, he questioned why we were establishing or approving this position. He went on to say that Mr. Eichenthal had done an excellent job; that he is no Jim Boney, and we have got to look at him on his own merits. Councilman Benson did not look upon this as a rubber stamp for the Mayor and went on to agree that it was not the right process and procedure; however the Mayor had continued to bring good people in with much success; that it was a little offensive, but the Mayor had made great decisions and we might have to “just suck this up”; that he saw no reason not to go forth with this decision, reiterating that the people he had brought in had done a good job. He went on to say that this still did not answer his question about a quality control person being the Chief Financial Officer. He ended by saying he did not like the Mayor's procedure.

CHIEF FINANCIAL OFFICER
(CONT'D.)

Councilman Pierce stated that he appreciated Councilman Benson's views; that we all agree that the Mayor has brought in good people, but the process is not right; that the Council has a duty to the people that voted them in to make the right decisions and to approve who the Mayor decides to appoint—that Councilman Benson was making a decision for the Mayor and not the people who voted him in; that the Council needs to do what they were put here to do and approve the person best for the job and not just because some individual says he is the best; that to approve this appointment tonight would be a break-down of the system.

Councilman Hakeem stated that all of the Council had been provided background information of Mr. Eichenthal and had had an opportunity to see him work and that Mr. Eichenthal goes the extra mile; that he understood there was an effort to apologize from Administration to all of the Council persons. He stated that he had to look at himself, and he realized that the Council has not always done things by process; that it is a two-way street, and we don't need to beat the Mayor over the head because it is a two-way street and no one is perfect.

Councilman Hakeem went on to say that the Mayor will be held responsible for this individual, and we need to give him some leeway to the type of person that he selects; that he questioned if it were the Council's responsibility to "select the best person"; that "yes" the Council had this responsibility for their own staff; that when it is the Mayor's staff, he may see something in an individual that we don't see, and we should not tell him who he should select. Councilman Hakeem went on to say that there always has to be "give and take", and he did not recall us going through committee on this type of thing before. He jokingly added to not hold it against Mr. Eichenthal because he is from New York. He ended by saying that the Council had been guilty of the same thing.

Councilman Pierce stated that it needed to be called to our attention when we do things wrong; that we need to go by Roberts Rules of Order. Chairman Littlefield added that we were going through a "process" right now.

Councilman Hakeem stated that at the risk of being looked at as rubber-stamping, that when he saw that a person was qualified and the Mayor would be held responsible, he was not much concerned. He thanked Mr. Boney for the service that he had provided to the City.

CHIEF FINANCIAL OFFICER
(CONT'D.)

Councilman Lively remarked to Col. Boney that he “hated to see him go” and that he hoped he enjoyed his retirement. He went on to say that all of us have different philosophies and when you hire a head football coach you don’t question who he hires as assistants; that this takes the burden off our backs, and we should not care who the Mayor picks if he is qualified, as long as he keeps going forward; that this man is already on the team and is just shifting positions. He stated that the Council knew his qualifications and what he had done, and he looked forward to working with him.

Councilman Page stated that he would be remiss in not saying that Mr. Boney has his respect, and he hated to see him go; that he was a real resource for the City and would be missed. He went on to say that the question he had was two-fold—that he had a problem with the protocol and an apology was made, and he accepted it; that in regards to qualifications in municipal finance that he would like for Mr. Eichenthal to comment; that he knew he was in Audit Finance. He stated that he would like Mr. Eichenthal to tell the Council what his qualifications are for Chief Financial Officer of the City and also address the Audit Finance part.

Mr. Eichenthal expressed his appreciation for the opportunity to do this. He stated that he had spent 12 years in New York City government and from 1997 to 2001 had worked for the New York City Public Advocate; that he had served the Chief of Police and the Chief of Staff; that he had been the principal advisor on a \$40 million dollar budget and that the Public Advocate responds on the direction of the budget. He stated that he had served four years on the Senior Staff of the New York City Comptroller, which was the principal authority of policy on municipal finance and the local economy. He continued by saying that the Public Advocate’s Office produces a regular report to respond to the Mayor’s budget and budget trends and proposes budget options.

In addition to the Comptroller position and Public Advocate, Mr. Eichenthal was also Assistant Inspector General for school construction and played a part in the oversight of investments of a \$3 million dollar program and found that \$3 million dollars was being wasted. He went on to say that his experience with the Comptroller’s Office resulted in a \$30 million dollar budget savings in New York City.

Mr. Eichenthal went on to say that he thought it was important to point out the Financial role and the Budget role; that Finance and Administration is where services and purchases reside and that he had experience on an Information Management Staff, which was a state-wide body and a procurement council; that he had served as Public Advocate on the Audit Committee in New York City and had looked at financial statements.

CHIEF FINANCIAL OFFICER
(CONT'D)

Mr. Eichenthal went on to say that he was guilty of being a lawyer, and his undergraduate work was done in Public Policy Study in Chicago, and he had also taught budget procedures. He stated that this was his background.

Mr. Eichenthal then proceeded to address the Independent Audit Function, stating that he and the Mayor had discussed this but that there was no final resolution. He stated that in New York City this function is performed by the City Comptroller. He noted that something we were looking at was creating an Audit Advisory Board; that both he and the Mayor agreed that this was important if the Council approves his appointment.

Councilman Page stated that the Chief Financial Officer serves at the pleasure of the Mayor; that we had had a capable administrator in Mr. Boney and that he would support Mr. Eichenthal's nomination; that he had served well in his present position and that he congratulated him.

Chairman Littlefield stated that in regards to the Audit Committee that he thought Mr. Eichenthal's comments were right; that when this form of government was created, that the Council had an auditor on their side to provide a level of oversight, and he would like to ask that our auditor (management analyst) be a part of this as well.

Councilwoman Robinson stated that she, too, would like to echo what other members of the Council had said in wishing Mr. Boney well; that she had worked with him on the City Council and also he had helped them on the Downtown Partnership. She stated that she wished him well as he moved to another level of his career. She went on to say that it had been a pleasure to work with Mr. Eichenthal; that we had come to know his work ethic and approach to things. She stated that we can't clone Mr. Boney but that Mr. Eichenthal might bring a new and fresh perspective and Mr. Boney would be in the wings making sure that the transition goes forward smoothly. She stated that she shared the thought that we need an independent audit perspective on this and hoped that Mr. Eichenthal's experience in performance fine tuning would assure this. She stated that she would challenge he and the Mayor to come back to the Council with an exact plan.

Councilman Franklin stated that it had been his distinct pleasure to work with Mr. Boney for five years; that he had grown to respect him before he got here from comments from one or two who had preceded him concerning his integrity and fiscal expertise; that he had established a relationship even before he came on this Council, and this made it difficult for him to swallow this. He went on to say that a lack of process had evolved; that he understood the vision and drive of our present Mayor was as different as night and day from other Mayors, but this did not make him less effective; that the Mayor had brought in Mr. Eichenthal for the Call System, and the Council would all benefit from this in dealing with their constituents; that his Resume was impressive, and he looked forward to working with him.

CHIEF FINANCIAL OFFICER
(CONT'D)

Councilman Franklin stated last but not least that he felt like there was some give and take; that no two situations were exactly the same, and we have to make adjustments along the way and trust people we work with. He stated that Mr. Boney knew how he felt—that he knew how he felt and what he was prepared to do but everyone had to understand the full breadth of the Council’s job; that he was looking forward to the few months that Mr. Boney had left and that he owed him three strokes. He wished Mr. Boney Godspeed and accepted his true feelings. He ended by saying he was looking forward to working with Mr. Eichenthal in fulfilling his vision.

A roll call vote was taken on the motion of Councilman Taylor to bring this issue to committee. This motion was seconded by Councilman Pierce. The roll call vote was as follows:

COUNCILMAN BENSON	“NO”
COUNCILMAN FRANKLIN	“NO”
COUNCILMAN HAKEEM	“NO”
COUNCILMAN LIVELY	“NO”
COUNCILMAN PAGE	“NO”
COUNCILMAN PIERCE	“YES”
COUNCILWOMAN ROBINSON	“NO”
COUNCILMAN TAYLOR	“YES”
CHAIRMAN LITTLEFIELD	“NO”

The motion to take this matter to committee failed.

CHIEF FINANCIAL OFFICER
(CONT'D)

Councilman Lively moved to approve the Mayor's appointment of David Eichenthal as Chief Financial Officer of the City. This was seconded by Councilman Hakeem on roll call vote as follows:

COUNCILMAN BENSON	"YES"
COUNCILMAN FRANKLIN	"YES"
COUNCILMAN HAKEEM	"YES"
COUNCILMAN LIVELY	"YES"
COUNCILMAN PAGE	"YES"
COUNCILMAN PIERCE	"ABSTAIN"
COUNCILWOMAN ROBINSON	"YES"
COUNCILMAN TAYLOR	"NO"
CHAIRMAN LITTLEFIELD	"YES"

The appointment was approved.

Councilman Pierce asked about the position that Mr. Eichenthal was now holding—that it would be a fulltime job to be Chief Financial Officer; that he would be heading the Court Clerk's office—that he thought this was overloading and creating jobs and something wasn't "ticking" with him; that Mr. Boney had agreed to stay and work on the budget. Chairman Littlefield stated that the Council could deal with any discrepancies during budget time; that we had merged two positions.

COMMITTEES

Councilman Benson reminded the Council of the **Legal and Legislative Committee** scheduled for **Tuesday, February 25th at 3:00 P.M.**

Councilman Hakeem reminded the Council of the **Public Works Committee** scheduled for **Tuesday, March 4th at 4:00 P.M.**

Councilman Lively, who chairs the Budget and Finance Committee, asked Mr. Eichenath if had any matters that needed attention in this committee. There were none at this time.

Councilman Pierce stated that he thought it was in the best interest of the City to put off the **Committee Of-The-Whole** meeting relating to Redistricting scheduled for next week. He stated that this meeting would be rescheduled; that Fran Dzik wanted to go to Nashville and some of the figures may not be correct.

Councilwoman Robinson announced that there would be a Neighborhood Association Meeting in District 2 at **7:00 P.M. at the Northside Presbyterian Church on Thursday, February 20th**. She stated that this was a very active group.

Councilman Taylor reminded everyone of the **Health, Education, Human Services and Housing Opportunities Committee** scheduled to meet on **Tuesday, March 4th immediately following the Public Works Committee**. This is to discuss our concerns with air quality as it relates to different diseases. At this point he recognized the St. Elmo Neighborhood Association President and commended him on the job he was doing.

HENRY HOSS

Mr. Henry Hoss, Chairman of the Hamilton County Wastewater Treatment Authority was present. In regards to the annexations that had been heard, he stated that WWTA rendered sewer service to all those locations; that as he understood the Growth Plan issue, WWTA would be asked to cede the annexed areas to the City for sewer service. He stated that he did not think WWTA would want to do this—that in the long term they would not want to cede the property. He stated that they would be working with the City on providing sewer services to these areas.

Chairman Littlefield stated that he was glad to see Mr. Hoss here; that this was subject to discussion and that he had a lot of respect for the job that has to be done.

ADJOURMENT

Chairman Littlefield adjourned the meeting of the Chattanooga City Council until Tuesday, February 25, 2003, 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)**

