

City Council Building
Chattanooga, Tennessee
January 20, 2004
6:00 p.m.

Chairman Franklin called the meeting of the Chattanooga Council to order with Councilman Benson, Hakeem, Littlefield, Lively, Page, Pierce, Robinson and Taylor present. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance, Councilman Page gave invocation.

**SPECIAL PRESENTATION: RECOGNITION OF THE
BOYD-BUCHANAN "BUCCANEERS"**

Robert Akins, President and Coach of the Boyd-Buchanan "Buccaneers" introduced each of the senior players and assistant coaches of the school's football team. He stated winning the State Championship was very exciting and indicated they were the runner up two years ago. He stated that he kept the idea of the silver trophy in his mind to remind him that it was the trophy for second place as they went to Nashville to play Donaldson Christian School. He stated that he could not explain to the Council how proud he was that they won the State Champion for the children and city they were representing; that it really made them proud of being "Buccaneers"! He stated it is their hope to continue representing Chattanooga with the pride and dignity this City deserves.

Chairman Franklin expressed how proud Chattanooga is of the accomplishments the team has made and that it is his hope their success on the field is indicative of what they are doing in the classroom! He stated the school is located in his district and he is especially proud. At this point he presented the City's *Certificate of Appreciation* to Coach Akins in the team's name and a replica of the key to the City for each player and coach. He concluded his comments by stating that it is his hope each senior player will continue their education in some form of college or professional school.

ANNEXATION

On motion of Councilman Lively, seconded by Councilman Littlefield,

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, BY ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF SAID CITY, BEING AN AREA WITHIN LOOKOUT VALLEY IN HAMILTON COUNTY, TENNESSEE, OWNED BY ALFRED N. VAIL, JR. AND TERESA D. VAIL, BEING MORE FULLY DESCRIBED HEREIN

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

REZONING

2003-187: City of Chattanooga

On motion of Councilman Hakeem, seconded by Councilman Lively,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED WEST OF ORCHARD KNOB AVENUE AND NORTH OF FIFTH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE, C-5 NEIGHBORHOOD COMMERCIAL ZONE AND M-3 WAREHOUSE AND WHOLESALE ZONE TO R-1 RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE, R-4 SPECIAL ZONE AND M-3 WAREHOUSE AND WHOLESALE ZONE

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

REZONING

2003-207: Greater Chattanooga Christian Services

On motion of Councilman Benson, seconded by Councilman Hakeem,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 6845 TY-HI DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

2003-214: Michael G. Oshier

On motion of Councilman Benson, 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 6809 CONNER LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
passed second reading. On motion of Councilman Littlefield, seconded by Councilman Lively, the Ordinance passed third and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-2003-191: Michael Tweety

Councilman Hakeem stated Ordinances 6(a) and (b) and Resolutions 7(b) and (c) were discussed in today's Public Works Committee meeting and approval is recommended.

On motion of Councilman Hakeem, seconded by Councilwoman Robinson,
AN ORDINANCE CLOSING AND ABANDONING A SEWER EASEMENT AND SEWER LINE ON A TRACT OF LAND LOCATED IN THE 5800 BLOCK OF LEE HIGHWAY, MORE PARTICULARLY DESCRIBED HEREIN, AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
passed second reading.

AMEND BUDGET ORDINANCE

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
AN ORDINANCE TO AMEND ORDINANCE NO. 11434, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, AND ENDING JUNE 30, 2004, 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 SPECIAL REVENUE FUNDS SET OUT IN SECTION 6
passed first reading.

PROPERTY SALE

On motion of Councilman Littlefield, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE THE SALE OF CERTAIN REAL PROPERTY LOCATED AT 0 EAST 20TH STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO CLAUDIA CLARK FOR A TOTAL CONSIDERATION OF FIVE HUNDRED DOLLARS (\$500.00)
was adopted.

AGREEMENT

On motion of Councilman Hakeem, seconded by Councilman Benson,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC. AND ARCADIS G&M, INC., A JOINT VENTURE (CTI/AGM), FOR ENGINEERING SERVICES RELATIVE TO CONTRACT NO. W-03-003-100, SANITARY/STORM SEWER "AS FOUND" PROGRAM, IN AN AMOUNT NOT TO EXCEED EIGHT HUNDRED FIFTY THOUSAND DOLLARS (\$850,000.00)
was adopted.

TEMPORARY USE

On motion of Councilman Hakeem, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING BULKMATIC TRANSPORT COMPANY TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF AN ALLEY LOCATED BETWEEN 1941 ROSSVILLE AVENUE AND 2001 ROSSVILLE AVENUE TO INSTALL A WATER LINE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

OVERTIME

Overtime for the week ending January 16, 2004 totaled \$11,816.34.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

GERALD V. D. SIMMONS – Promotion, General Supervisor, Citywide Services, Pay Grade 14/Step 7, \$39,117.00 annually, effective January 6, 2004.

RANDY BRADY, JR. – Rehire, Light Equipment Operator, Citywide Services, Pay Grade 5/Step 1, \$19,234.00 annually, effective January 14, 2004.

TONY L. DAVIS – Hire, Light Equipment Operator, Citywide Services, Pay Grade 5/Step 1, \$19,234.00 annually, effective January 14, 2004.

RAYMOND L. LOUNDS – Lateral Transfer, Light Equipment, Operator, Citywide Services, Pay Grade 5/Step 9, \$27,278.00 annually, effective January 26, 2004.

EDWARD L. WARE – Resignation, Concrete Worker, Citywide Services, effective January 15, 2004.

CHATTANOOGA POLICE DEPARTMENT:

CYNTHIA ROWE – Return to Duty (from Medical leave), Communications Officer, effective January 7, 2004.

MARK H. BENDER – Resignation, Officer, effective January 30, 2004.

WES GILLILAND, VINCENT A. WATKINS – Resignation, Officer, effective January 23, 2004.

CHRIS INDICO – Resignation, Officer, effective January 28, 2004.

ASHOK ROY – Resignation, Director, Finance and Administration, effective January 22, 2004.

PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Littlefield, the following purchase was approved for use by the Public Works Department:

BROOKER FORD, INC. (Lowest and best bid)
R0072552/B0001152

¾ Ton Pickup Truck

\$22,385.96

REFUND

On motion of Councilman Page, seconded by Councilman Pierce, the Administrator of Finance was authorized to issue the following refund of property taxes:

JOHN P. SCHUBERT -- \$1,360.67

COMMITTEES

Councilman Benson announced that the **Budget Committee would meet jointly with the Legal and Legislative Committee on Tuesday, January 27 at 3 p.m.** to discuss one item involving bonds.

Councilman Hakeem scheduled a meeting of the **Public Works Committee for Tuesday, February 3 at 4 p.m.**

Councilman Littlefield reiterated that the **Legal and Legislative Committee would meet jointly with the Budget Committee on Tuesday, January 27 at 3 p.m.** He stated a meeting would begin at 1:30 p.m. on the twenty-seventh about possible changes in the sign ordinance prior to the actual Committee meeting.

Councilman Page inquired if the discussion regarding the sign ordinance would involve off-premise or on-premise signs. Councilman Littlefield stated that the intent is to deal with billboards, primarily; that most of the people expected to be present will be from the billboard industry. He stated the reason to have the 1:30 p.m. meeting prior to the Committee meeting is to allow opportunity for a good long discussion.

COMMITTEES (Continued)

Councilwoman Robinson reminded Council members of the **Parks and Recreation Committee meeting scheduled for Tuesday, January 27 at 4 p.m.**

CLEAR CUTTING COMMITTEE

Councilman Benson announced that the Clear Cutting Committee is scheduled to meet on Wednesday at 9:30 a.m. at the Regional Planning Agency (RPA) office for persons interested in attending.

CARL EPPERSON

Carl Epperson stated that he has been a resident of Chattanooga for many years and wondered if the Council is aware that in the midst of all the beautification downtown, there are still places where it is hard to cross the street because there are no curb cuts; that persons attempting to cross have to get in the line of traffic.

Chairman Franklin inquired as to the locations where there are no curb cuts.

Mr. Epperson stated there are no curb cuts by the Dome Building, in front of Beulah Brothers and several others; that he had a list and unintentionally forgot it. He stated there are quite a few places and he has to get into traffic to get across.

Chairman Franklin referred Mr. Epperson to Admin. McDonald. Mr. Epperson stated that he would get the list to Mr. McDonald.

Councilwoman Robinson inquired as to whether the City has a "punch list" for sidewalks and streetscaping when projects are carried out that include curb cutting and other considerations.

Admin. McDonald stated that is done, now. He stated any time they do any kind of work on the street or sidewalk the handicapped ramps are included to meet ADA requirements. He stated he would meet with Mr. Epperson after the meeting regarding this.

MARGARET CHASTAIN

Margaret Chastain stated that she retired from the Chattanooga Police Department and the only thing she wanted to say was that it is her hope this body of elected officials could come together with the Mayor and get a good Police Chief. She stated that the Council has asked tough questions and thinks that made a problem for a person who was well-qualified that would have brought some calmness to the Department. She stated that she hated to read in the newspaper the comments made by various members of this elected board that this has become a racial issue because she thought we have moved into the Twenty-First Century, yet, apparently some have not. She stated that she wants the best person no matter what sex, race or religious belief.

RECOGNITION OF COMMISSIONER COTTON

Chairman Franklin acknowledged the presence of County Commissioner William Cotton.

BOBBIE BRYANT

Bobbie Bryant stated that she distributed a letter to each Council member that was addressed to Brook Thompson, the State Election Coordinator. She stated that she became concerned last week when she was informed there had been changes and redistricting; that she thought if someone was elected to be the Councilperson it was her thought that person was the representative until the next election.

Ms. Bryant stated she was highly surprised to find that Mr. Hakeem is her Council representative instead of Mr. Pierce. She stated that she did not appreciate the way Mr. Hakeem walked off from her and does not know why he feels he can walk away from someone that is talking. She stated that it was her feeling this was done because she is a woman and he does not have to listen to her. She reiterated that she still considers Mr. Pierce as her Council member; that as her Council member Mr. Hakeem should have had the courtesy to stand and listen to her no matter what his thoughts toward her might be.

Ms. Bryant continued by stating that she has been before the Council and brought legitimate issues and the Council has basically done nothing toward any of the issues; that people in government are elected to positions to represent the people which is why government is here; that elected officials are not here for the purpose of the convenience of government.

BOBBIE BRYANT (Continued)

Ms. Bryant stated that she has been here many times with legitimate complaints about the Chattanooga Police Department and has not had any response; that if the Council takes the time to listen things might not be happening in this City. She stated that she objected to the rezoning of her neighborhood last week; that Peggy Kilpatrick works for the City and she (Bryant) finds that a conflict of interest. She stated our City is falling apart because of the Council's leadership; that we do not have people of integrity. She stated it is her hope that in the next election she does not see any of the faces present tonight on the Council because she has not seen anything positive they have done!

Councilman Benson stated that he has tried to listen to Ms. Bryant faithfully and that she is not in his district. He stated that she has "painted a picture with a broad brush" concerning a lot of things. He gave her "credit" for representing a very well written statement to the State Election Coordinator and indicated that the City Attorney would interpret for her when the redistricting took place and why he (Benson) had to give up 3,000 people. He stated that two Council members represent his district: himself and Ron Littlefield; that Ms. Bryant did not lose in redistricting but gained (another Council member for now). He stated Councilmen Pierce and Hakeem represent her until the transition is made; that the redistricting has just been enacted and it is tough on the members of the Council. He stated any time the Council does not listen, Ms. Bryant should call for an appointment; that he does not want to take time during Council meeting with a "broad brush" of objections.

Ms. Bryant stated last week when she said Councilman Pierce was her Councilman she was told Hakeem is, now; that it was not said to her that it is a dual role. She stated that she brought a list to the Council and has not heard from the City Attorney; that she gave her address to the Clerk of the Council for Council members to communicate with her and it has been close to a year and she has not heard from anyone. She stated that she assumed that the Council members do not want to communicate.

City Attorney Nelson stated that *U.S. Constitution*, the *Tennessee Charter* and *City Charter* all require that we redistrict after each Census is taken so that representation in each district is approximately equal. He stated that it is not fair for one person to have 2,000 in his district when others have 10,000; that we have to "strike a balance" within ten percent. He stated under the law that has to be done at least a year in advance of the next election; that anyone who wants to run for office is given an opportunity to know what district they are running in and the proper residency requirement.

BOBBIE BRYANT

City Attorney Nelson stated that this body redistricted last fall, a year-and-a-half of the next election. He stated a notice was printed in the newspaper, there was adequate chance for public discussion and numerous committee meetings were held, which was Councilman Pierce's committee. He stated the City was required to bring the numbers within ten percent required by the *Constitution*.

City Attorney Nelson continued by stating with respect to the second matter that she has not heard from him, he informed Ms. Bryant she appeared before this Council and he told her at that time all but one of the items on the list she presented to the Council was not within jurisdiction of the Council to handle. He stated the Council has no authority over the courts, the county government or the schools. He stated the only item on her list the Council has any authority at all was in regard to the Police Department, which was addressed at that meeting.

Ms. Bryant stated that the City Attorney referred her to the Grant Jury Foreman and stated that she has a lot of concern about the Foreman as he has held the position for a long time and is a "rubber stamp". She stated Councilman Benson made the statement that she could call and make an appointment and asked why citizens in this town cannot get an appointment with the Mayor. She stated Shirley Pond screens his calls and citizens cannot get past her. She stated the Mayor should be accessible to everyone and have an "ear" for everyone; that she does not know who she (Pond) works for as she does not work for the Mayor; that it is her thought she is working for whoever is controlling the City.

FLOYD KILPATRICK

Floyd Kilpatrick asked for clarification regarding the report he heard earlier in the day that the candidate for the Chief of Police, Larry Wallace, voluntarily withdrew his candidacy. He stated if it is confirmed, he asked where do we go from here. He commended the City Council for asking the tough questions to maintain some type of fairness in the selection process.

Chairman Franklin confirmed that contact was made by the Mayor's office that Mr. Wallace had withdrawn his name from consideration. He stated in addition, a press conference was held at 2 p.m. this afternoon and the Mayor spoke to that. He stated at that point the question was asked where we go from here and to his recollection the Mayor responded that he would be considering that over the course of the next two-to-three days.

FLOYD KILPATRICK (Continued)

Chairman Franklin explained that the Mayor left town following the press conference for Washington for the U. S. Conference of Mayors. He stated as for the other candidates who applied, there is no reference where that is in the process; that questions will be forthcoming. He reiterated at this point, it was by Mr. Wallace's choosing to withdraw.

LOUISE HAMMONDS

Louise Hammons of the Oak Grove community, stated as she listened to Councilman Page's opening prayer about our learning to live together within the community, it was her hope that that would be taken into consideration as there are a lot of problems in our community and we need a good man to help work that out. She stated that it should not matter what color the person is, if it is a woman or whatever! The best man for the job is what is needed! She expressed her hope that everyone in Chattanooga will pray over that and give the Council support of their prayers to select the right man for the job.

CARL EPPERSON

Carl Epperson spoke again and reiterated that the City needs a good Chief of Police. He stated since he has been in Chattanooga he has become a "police buff" and knew Ervin Dinsmore and Gene Roberts well. He asked the Council to ask the Mayor to seriously consider a gentleman who has been in the police department for years, has done a good job and cares about the community - "Skip" Vaughn. He stated this is only one man's opinion and (he) would appreciate "Skip" Vaughn being considered.

ADJOURNMENT

Chairman Franklin adjourned the meeting of the Chattanooga Council until Tuesday, January 27, 2004 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)