

**City Council Building
Chattanooga, Tennessee
May 24, 2005
6:00 p.m.**

Chairman Robinson called the meeting of the Chattanooga Council to order with Councilmen Bennett, Benson, Franklin, Hakeem, Page, Pierce, Rico and Rutherford 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 Rico gave invocation.

MINUTE APPROVAL

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

REORGANIZATION PLAN

Mayor Littlefield stated that he announced the new administrators at a news conference at 1 p.m. today and at Public Works Committee at 4 p.m. He stated the *Charter* of the city requires when a new administration takes office the Mayor is to submit within sixty days an organizational structure. He stated individuals and heads of departments include Chief of Staff, Dan Johnson; Chief Financial Officer, Daisy Madison; Administrator of Public Works, Steve Leach; Police Chief, Steve Parks; Fire Chief, Jim Coppinger; Administrator of Neighborhood Services, Beverly Johnson; Administrator of Parks and Recreation, Rob Healy; Administrator of Education, Arts and Culture; Missy Crutchfield; Administrator of Human Services, Bernadine Turner; and Administrator of Personnel, Donna Kelley.

On motion of Councilman Rico, seconded by Councilwoman Rutherford, departmental administrators presented by Mayor Littlefield were duly approved.

REORGANIZATION PLAN (Continued)

City Attorney Nelson stated within sixty days of a new administration the Mayor is to submit a table of reorganization for government and Mayor Littlefield has done so. He stated the table provides essentially the same departments with the exception that the Parks and Recreation Department has been divided into two departments, one being Parks and Recreation and the second, keeping the Mayor's commitment to education, entitled the Department of Education, Arts and Culture.

Mayor Littlefield stated that the Office of Multicultural Affairs is shown on the reorganization structure.

City Attorney Nelson stated the reorganization structure is set forth on the pages attached to the resolution showing the Executive Branch on table one and the organization for the entire government on table two.

On motion of Councilman Page, seconded by Councilman Rico,

**A RESOLUTION ADOPTING A REORGANIZATION PLAN FOR THE
GOVERNMENT OF THE CITY OF CHATTANOOGA**

was adopted.

CONTRACT ADDENDUM

Mayor Littlefield stated one other item was addressed in Committee today regarding the renovation of City Hall. At this point he asked if Resolutions VII (a) – (c) could be moved forward on the agenda.

On motion of Councilman Page, seconded by Councilman Pierce, Resolutions VII (a) – (c) were moved forward on the agenda.

Councilman Benson stated at the appropriate time he would like to express the Council's appreciation to Admin. McDonald for his service to the city and the citizens of the city. He stated he came with the intention of staying six months and ended up staying four years! He stated the Council joins in praising Mr. McDonald for well-deserved accolades.

Chairman Robinson stated everyone shares Councilman Benson's sentiments. She stated the city expresses heartfelt thanks and best wishes as he goes forward; that thanks to him we have a much stronger and better organized city that is in the best shape it has been in decades! She stated his service is a testimony to his oversight and leadership.

CONTRACT ADDENDUM (Continued)

Councilman Pierce immediately interjected that Admin. McDonald is not gone, yet, noting that he will be around for a few more days!

Councilman Hakeem stated items (a) – (c) come with a recommendation for approval from the Public Works Committee. He added that there had been a great deal of fruitful discussion and noted that Raines Brothers was not the company where the representative stated he would “have to be forced to make some changes” in regard to African-American participation. He expressed appreciation to the representatives from Raines Brothers and indicated that a virtual plethora of ideas and concepts were suggested which will help a great deal.

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE ADDENDUM NO. 2 WITH TWH ARCHITECTS, INC. RELATIVE TO CONTRACT NO. E-04-039, INTERIOR DESIGN SERVICES FOR THE RENOVATIONS TO CHATTANOOGA CITY HALL, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FOUR THOUSAND FIVE HUNDRED SIXTY DOLLARS (\$104,560.00), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED SIX HUNDRED FOUR THOUSAND FIVE HUNDRED SIXTY DOLLARS (\$604,560.00)

was adopted.

CONTRACT

On motion of Councilman Hakeem, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH RAINES BROTHERS, INC. RELATIVE TO CONTRACT NO. E-04-039-200, CITY HALL RENOVATIONS, IN AN AMOUNT NOT TO EXCEED SEVEN MILLION FORTY-ONE THOUSAND DOLLARS (\$7,041,000.00), INCLUDING A CONTINGENCY AMOUNT OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00), SUBJECT TO CONTINUING APPROPRIATION

was adopted.

CONTRACT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. 3-04-039-202, CITY HALL RENOVATIONS ENVIRONMENTAL ABATEMENT, TO FIRST RESPONSE, INC., FOR A TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED TWO THOUSAND FIVE HUNDRED THIRTY-ONE DOLLARS (\$102,531.00), INCLUDING A CONTINGENCY AMOUNT OF TEN THOUSAND DOLLARS (\$10,000.00)
was adopted.

AMEND CITY CODE

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 26, ARTICLE VI, RELATIVE TO ENTRANCE FEES TO THE CHATTANOOGA ZOO AT WARNER PARK
passed second and final reading and was signed in open meeting.

INTERIM BUDGET

On motion of Councilman Hakeem, seconded by Councilman Pierce,
AN ORDINANCE PROVIDING FOR AN INTERIM BUDGET AND APPROPRIATING FUNDS FOR THE USUAL AND ORDINARY EXPENSES OF THE CITY GOVERNMENT FOR THE MONTHS OF JULY, AUGUST AND SEPTEMBER 2005, PENDING THE ADOPTION OF THE 2005-2006 ANNUAL BUDGET
passed first reading.

CLOSE AND ABANDON

MR-2005-040: KIG Management, Inc.

Councilman Hakeem stated this matter was discussed in Public Works Committee and the recommendation is to defer for two weeks (June 7).

CLOSE AND ABANDON (Continued)

On motion of Councilman Hakeem, seconded by Councilman Rico,
AN ORDINANCE CLOSING AND ABANDONING ALL BUT A FIFTY FOOT (50') RIGHT-OF-WAY OF THE EASTERN UNOPENED 5400 BLOCK OF WINNIESPANN ROAD AND A FIFTY FOOT (50') RIGHT-OF-WAY OF AN UNNAMED RIGHT-OF-WAY BETWEEN LOTS LOCATED EAST OF THE 5400 BLOCK OF WINNIESPANN ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was deferred two weeks (June 7).

CLOSE AND ABANDON

MR-2005-044: John Wise

On motion of Councilman Hakeem, seconded by Councilman Rico,
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE EASTERN UNOPENED RIGHT-OF-WAY OF THE 1100 BLOCK OF NEW PINEVILLE ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
passed first reading.

CONTRACT

Councilman Hakeem stated this matter was discussed in Public Works Committee; that there was some concern in regard to the contract this was let to. He stated the Committee requests deferral for one week. He stated Resolutions VII (g) – (t), with the exception of (m), are recommended for approval.

On motion of Councilman Hakeem, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. R-04-004, ST. ELMO PASSIVE PARK – PHASE I: BUILDING DEMOLITION, TO PATE'S HAULING & DEMOLITION FOR A TOTAL AMOUNT NOT TO EXCEED TWENTY-EIGHT THOUSAND DOLLARS (\$28,000.00), INCLUDING A CONTINGENCY AMOUNT OF THREE THOUSAND DOLLARS (\$3,000.00)
was tabled one week.

TRANSFER OF CREDITS

On motion of Councilman Hakeem, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE TRANSFER OF CREDITS FROM ONE ACCOUNT TO ANOTHER ACCOUNT WITHIN THE VARIOUS DEPARTMENTS, AGENCIES, AND DIVISIONS OF GOVERNMENT
was adopted.

SALE OF REAL PROPERTY

On motion of Councilman Pierce, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE THE SALE OF CERTAIN REAL PROPERTY LOCATED IN THE 500 BLOCK OF EAST M. L. KING BOULEVARD FOR DEVELOPMENT, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP AND DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, TO RENAISSANCE VENTURES, LLC, FOR A TOTAL CONSIDERATION OF FIFTY THOUSAND DOLLARS (\$50,000.00)
was adopted.

EASEMENT

On motion of Councilman Benson, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY, SLOPE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FROM RONALD L. SIMMONS, SR. AND RUBY J. SIMMONS AT 7524 IGOU GAP ROAD, PARCEL NO. 159A-C-024, TRACT NO. 29, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT, CONTRACT NO. E-03-011, FOR AN AMOUNT NOT TO EXCEED FOUR THOUSAND FORTY-EIGHT DOLLARS AND 50/100 (\$4,048.50)
was adopted.

EASEMENT

On motion of Councilman Benson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY, SLOPE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FROM RAYMOND AND BETTY HAGGARD AT 0000 IGOU GAP ROAD, PARCEL NO. 159A-C-028, TRACT NO. 26, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT, CONTRACT NO. E-03-011, FOR ANAMOUNT NOT TO EXCEED ONE THOUSAND FIVE HUNDRED EIGHTY-FIVE DOLLARS AND 50/100 (\$1,585.50)
was adopted.

EASEMENT

On motion of Councilman Benson, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY, SLOPE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FROM RAYMOND AND BETTY HAGGARD AT 7504 IGOU GAP ROAD, PARCEL NO. 159A-C-030, TRACT NO. 25, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT, CONTRACT NO. E-03-011, FOR AN AMOUNT NOT TO EXCEED SIX THOUSAND FIFTY-TWO DOLLARS AND 50/100 (\$6,052.50)

was adopted.

EASEMENT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT DRAINAGE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FROM HARESH AND SUMITRA PATEL AT 1901 IGOU CROSSING DRIVE, PARCEL NO. 159A-G-008, TRACT NO. 32, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT, CONTRACT NO. E-03-011, FOR AN AMOUNT NOT TO EXCEED TWO HUNDRED SEVENTEEN DOLLARS AND 50/100 (\$217.50)

was adopted.

EASEMENT

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY, PERMANENT DRAINAGE EASEMENT, SLOPE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FROM KRISTEN AND BRYAN BONNEMA AT 7508 IGOU GAP ROAD, PARCEL NO. 159A-C-027, TRACT NO. 27, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT, CONTRACT NO. E-03-011, FOR AN AMOUNT NOT TO EXCEED ONE THOUSAND EIGHT HUNDRED TWELVE DOLLARS (\$1,812.00)

was adopted.

EASEMENT

On motion of Councilman Benson, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY, SLOPE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FROM CORNERSTONE APOSTOLIC CHURCH AT 7548 IGOU GAP ROAD, PARCEL NO. 159A-D-001, TRACT NO. 30, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT, CONTRACT NO. E-03-011, FOR AN AMOUNT NOT TO EXCEED TWO THOUSAND EIGHT HUNDRED FIFTY-THREE DOLLARS (\$2,853.00)

was adopted.

EASEMENT

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY, SLOPE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FROM VOLUNTEER BANK AND TRUST COMPANY AT 1836 GUNBARREL ROAD, PARCEL NO. 159A-A-006, TRACT NO. 01, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT, CONTRACT NO. E-03-011, FOR AN AMOUNT NOT TO EXCEED EIGHT THOUSAND TWO HUNDRED FIVE DOLLARS (\$8,205.00)
was adopted.

EASEMENT

On motion of Councilman Hakeem, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT DRAINAGE EASEMENT FROM JAMES AND SHIRLEY JOANNE PERRY AT 1820 GRAY ROAD, PARCEL NO. 159B-A-001, TRACT NO. 41, RELATIVE TO THE IGOU GAP ROAD WIDENING PROJECT, CONTRACT NO. E-03-011, FOR AN AMOUNT NOT TO EXCEED SIX HUNDRED NINETY-FOUR DOLLARS AND 50/100 (\$694.50)
was adopted.

EASEMENT

On motion of Councilman Rico, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF A PERMANENT SANITARY SEWER EASEMENT FROM ROBERT T. WARING AT 7002 LEE HIGHWAY, PARCEL NO. 148D-F-04.01, TRACT NO. 64, RELATIVE TO THE SHALLOWFORD ROAD SEWER RELOCATION PROJECT, CONTRACT NO. W-03-004, FOR AN AMOUNT NOT TO EXCEED TWO THOUSAND SEVEN HUNDRED SEVENTY-FIVE DOLLARS (\$2,775.00)
was adopted.

CONTRACT

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-03-001, TUNNEL BOULEVARD SIDEWALK PROJECT, TO TALLEY CONSTRUCTION COMPANY, INC. FOR A TOTAL AMOUNT NOT TO EXCEED TWO HUNDRED THIRTY-SIX THOUSAND SIX HUNDRED SEVEN DOLLARS AND 82/100 (\$236,607.82), INCLUDING A CONTINGENCY AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00)
was adopted.

GRANT

On motion of Councilman Rico, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR AND, IF APPROVED, ACCEPT A GRANT IN THE AMOUNT OF EIGHTY-FIVE THOUSAND DOLLARS (\$85,000.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, DIVISION OF COMMUNITY ASSISTANCE, RELATIVE TO THE HOUSEHOLD HAZARDOUS WASTE PROGRAM FOR THE FISCAL YEAR 2005-2006

was adopted.

TEMPORARY USE

On motion of Councilwoman Rutherford, seconded by Councilman Rico,
A RESOLUTION AUTHORIZING GEORGE SCHIMPF TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY ALONG 1109 SPEARS AVENUE TO INSTALL AND PAVE A DRIVE FOR PARKING, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMPORARY USE

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING JAMES E. CITY TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY IN FRONT OF 1269 MARKET STREET TO INSTALL AN AWNING, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

CONTRACT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO ENTER INTO A CONTRACT WITH CAVU CORPORATION FOR THE PURCHASE AND INSTALLATION OF PROPERTY TAX AND BUSINESS TAX BILLING AND COLLECTION SYSTEM SOFTWARE IN AN AMOUNT NOT TO EXCEED THREE HUNDRED SIXTY-FIVE THOUSAND NINE HUNDRED DOLLARS (\$365,900.00)

was adopted.

OVERTIME

Overtime for the week ending May 20, 2005 totaled \$14,158.12.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- **TIM MCDONALD** – Promotion, Water Quality Coordinator, Engineering, Pay Grade 19/Step 2, \$37,728.00 annually, effective May 13, 2005.
- **STEPHEN B. WEST** – Promotion, Equipment Operator Sr., Citywide Services, Pay Grade 8/Step 4, \$26,161.00 annually, effective May 3, 2005.
- **VAN M. JOHNSON** – Involuntary Demotion, Equipment Operator, Citywide Services, Pay Grade 6/Step 11, \$31,377.00 annually, effective May 18, 2005.
- **JERRY MCCULLOUGH** – Termination, Crew Worker, Citywide Services, effective May 17, 2005.
- **GEORGE W. DERAMUS** – Lateral Transfer, Equipment Operator, Sr., Citywide Services, Pay Grade 8/Step 1, \$22,818.00 annually, effective May 25, 2005.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- **LURLENE BILLINGSLEY** – Resignation, Dietary Assistant, Head Start, effective May 26, 2005.
- **PATRICIA STOUDEMIRE** – Resignation, Teacher, Head Start, effective April 21, 2005.

CHATTANOOGA POLICE DEPARTMENT:

- **TARITA WYNN** – Resignation, School Patrol Officer, effective May 12, 2005.
- **JEANETTE MCSHAN** – Resignation, School Patrol Officer, effective May 26, 2005.

PERSONNEL (Continued)

FINANCE DEPARTMENT:

- **EDWARD WELLMAN** – Hire, Management & Budget Analyst, Pay Grade 17/Step 2, \$35,220.00 annually, effective May 27, 2005.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Rico, the following purchase was approved for use by the Public Works Department:

CIBA SPECIALITIES (Lowest and best bid)
R0082397/B0002322

Wet Weather Polymer

\$0.52 per pound

NOTE OF THANKS

Admin. McDonald expressed thanks to Council members for their kind comments, which, he noted, were very important to him. He stated their support has been “key” to his success as Administrator of Public Works.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Rico, the following purchases were approved for sue by the Chattanooga Fire Department:

FDM SOFTWARE LTD. (Single source)
R0082735

Software Maintenance & Support per TCA 6-56-304.2

\$17,410.20

PURCHASES (Continued)

LEE-SMITH, INC. (Lowest and best bid)

R0081128/B0002276

Box Trucks (*Lee-Smith's alternate bid was not considered for award since it failed to meet specifications in several areas*)

\$126,000.00

ACCURATE SAFETY AND ROCO RESCUE (Lowest and best bids)

R0081158/B0002217

Rope Rescue Equipment

\$11,358.95 -- ACCURATE SAFETY
(Purchase of all other items)

\$ 1,827.95 -- ROCO RESCUE
(Items 3, 28, 32, 42, and 43)

CENTRAL STATES FIRE APPARATUS (Lowest and best bid)

R0081054/B0002196

Rescue Truck (*Taylor Made Ambulance submitted a lower bid that did not meet bid specifications; Summit Fire Apparatus' bid included additional charges which would have increased their bid price to \$277,355 in order to meet the city's minimum requirements.*)

\$275,501.00

RECOGNITION OF MADISON FAMILY MEMBERS

Councilman Hakeem asked Admin. Madison to introduce her family members. Admin. Madison recognized the presence of her daughter, Sonya, and sister, Jean Warren. She stated that her husband was not able to attend and her daughter and sister were present to support her.

WITHDRAWAL OF SHANE WEBB HEARING REQUEST

City Attorney Nelson a hearing for Shane Webb was scheduled for Monday, May 23 and was requested to be postponed. He reported that a communication was received from Atty. Johnny Houston, attorney for Shane Webb, confirming that Mr. Webb has decided not to pursue the appeal of his termination from the Chattanooga Police Department. He stated Mr. Webb has obtained employment in another state and wishes to put the entire matter behind him.

HEARING: DAVID FRYE

City Attorney Nelson stated a request for hearing for Police Officer David Frye has been requested by Atty. Gerald Tidwell who has requested the dates of August 1, 8, and 22. He stated a panel is needed to hear this appeal.

Chairman Robinson asked if this could be done after an opportunity to place an item on the ballot for the August election, referencing previous discussion regarding the makeup of the panels hearing the requests.

City Attorney Nelson clarified there is no August election, noting that the Council would have to "bite the bullet".

Chairman Robinson stated that everyone agrees there is a need to tweak what the Council is doing in hearing the cases and that several ideas have been "floated". She stated one involved increasing the number of people that serve on the panel to spread out responsibility.

Councilman Benson suggested that maybe the Council as a whole should hear the appeals, noting that he would not serve (on hearings) for awhile as he needs time to be rehabilitated.

It was noted that the process could be changed. Councilman Benson stated the number could be increased as it is burdensome for two or three and it is not fair.

Councilman Page stated that the Council should look at the process and change it; that it should be discussed in Committee. He suggested that the Council continue with the process now and have more discussion regarding possible changes.

Councilman Benson noted that he would schedule a meeting of the Legal and Legislative Committee for next Tuesday for discussion of the matter.

HEARING: DAVID FRYE (Continued)

Councilman Hakeem asked if a panel has to be set tonight.

City Attorney Nelson responded that the Council is required to set a hearing date within fifteen days of the request for hearing. He stated the request was made on May 18 and if the Council does not set a hearing tonight it would have to be set next week, which will be the last Tuesday during the fifteen days.

Councilman Pierce asked why put the hearing off until August. City Attorney Nelson stated that Atty. Tidwell expressed in his letter that he has a heavy trial schedule.

Councilwoman Rutherford stated that she was certain the officer would like to have the hearing set as early as possible.

Councilman Pierce inquired what Officer Frye was charged with.

Chief Parks stated that Mr. Frye is a Lieutenant that had improper conduct issues and was demoted from Lieutenant to Police Officer and given a twenty-eight day suspension. He stated he is currently in the 28 day suspension, so he can come back.

Councilman Franklin stated that he knows the August date is far off due to the availability of the law firm or the lawyer. He stated within that time the Council can have discussion of what to do in relationship to the hearing whether there should be three or five persons; that the discussion could take place at next week's Legal and Legislative Committee meeting.

Councilwoman Rutherford inquired as to whether a date would be set tonight.

A hearing for Mr. Frye was scheduled for Monday, August 1 beginning at 10 a.m. with Councilmen Rico, Rutherford and Franklin serving as the panel; Councilman Page volunteered as alternate.

DOWLEN PUD ON MAY 31 AGENDA

Councilman Page stated on next week's agenda under resolutions is the Dowlen PUD. He stated this request is located in District 3 and he will not be present at next week's meeting. He stated that he has spoken with the developer and some of the neighborhood people who thought the matter was to be heard on June 14. He stated he has been informed by Jerry Pace that the June 14 rezonings would be fairly heavy and made the request to have the matter appear on the June 21 agenda.

DOWLEN PUD ON MAY 31 AGENDA (Continued)

On motion of Councilman Page, seconded by Councilman Pierce, the Dowlen PUD was approved to be moved to the June 21 Council Agenda.

DISTRICT 4 COMMUNITY MEETING

Councilman Benson announced there would be a District 4 community meeting on Thursday, June 2 at Erlanger East beginning at 7 p.m.

COMMITTEES

Councilman Benson scheduled a meeting of the **Legal and Legislative Committee at 3 p.m. on Tuesday, May 31.**

Councilman Franklin reminded everyone of the meeting of the **Parks and Recreation Committee scheduled for 4 p.m. on Tuesday, May 31.**

Councilman Hakeem stated that the **Public Works Committee is scheduled to meet on Tuesday, June 7 at 4 p.m.**

DISTRICT 8 COMMUNITY MEETING

Councilman Hakeem expressed appreciation to the representatives of the Public Works, Neighborhood Services and Police Departments for their participation in the District 8 meeting at Orchard Knob Baptist Church last evening. He stated all residents that participated have spoken positively noting that this will lead to a better relationship between government and community.

FUNERAL SERVICES FOR SHAKENDRA MCCLENDON

Councilman Franklin announced that several individuals had inquired as to the arrangements for Shakendra McClendon, the Brainerd High School student involved in a fatal accident last weekend while enroute to her graduation. He noted that visitation for Ms. McClendon will be from 8 – 9 p.m. at Taylor Funeral Home and that funeral services will be held on Saturday, May 28 at 1 p.m. at Brainerd High School.

Chairman Robinson asked that Councilman Franklin express the Council's condolences to the family.

NAACP PRESIDENT AND VICE PRESIDENT

Councilman Hakeem recognized the presence of NAACP President, Valoria Shipman, and Hannah Martin, one of the organization’s Vice Presidents and a resident of District 8.

BUDGET INQUIRY

Councilman Page inquired as to when the budget would be presented, whether it would be in July or August.

Admin. Madison stated that it would be presented some time in June and would not be passed by the Council until the Assessor’s Office has completed the reappraisal process.

Councilman Page clarified that the presentation would be made in the month of June. Admin. Madison stated that the Mayor would have to “make that call”; that the plan is to present some time in June.

ADJOURNMENT

Chairman Robinson adjourned the meeting of the Chattanooga Council until Tuesday, May 31, 2005 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)**