

**Municipal Building
Chattanooga, Tennessee
September 7, 1999**

The meeting of the Chattanooga Council was called to order by Chairman Lively, with Councilmen Crockett, Eaves, Franklin, Hakeem, Hurley, Pierce, Rutherford and Taylor present. City Attorney Randall Nelson, Management Analyst Randy Burns, and Council Clerk Carol O'Neal, CMC, were also present.

INVOCATION

Randy Burns gave invocation.

MINUTE APPROVAL

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

SPECIAL PRESENTATION

Councilwoman Hurley stated Councilman Hakeem is a member of the CNE Board and stated it gives her great pleasure to recognize an award Vice Chairman Hakeem received last week in New Orleans -- the Neighborhood Reinvestment Corporation Award for Public Sector Leadership. She stated he is the public sector leader of the year and was nominated by CNE for helping to foster a productive fostership and demonstrating outstanding leadership.

AMEND ZONING ORDINANCE

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO CLARIFY
CERTAIN LANGUAGE OF THE ZONING CONDITIONS CONTAINED
IN ORDINANCE NO. 10726 (CASE NO. 1998-123)**

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

**AMEND CITY CODE RELATIVE TO
FACTORS CONSIDERED IN ACCEPTING A
BID**

On motion of Councilman Franklin, seconded by Councilman Pierce,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTIONS 2-349, 2-351, 2-352, 3-354, AND 2-360, BY RAISING TO TEN THOUSAND DOLLARS (\$10,000.00) THE AMOUNT OF EXPENDITURES REQUIRED TO MANDATE PUBLIC ADVERTISING AND BIDDING ON PURCHASES AND THE REQUIREMENT OF APPROVAL BY THE CITY COUNCIL, AND TO AMEND CHATTANOOGA CITY CODE, PART II, SECTION 2-353, RELATIVE TO FACTORS CONSIDERED IN ACCEPTING A BID

passed first reading.

URBAN GROWTH PLAN

Ken Hays called Council members' attention to the map in their notebooks and indicated there have been slight changes made from the last meeting. He stated the first change is the matter Councilman Eaves previously brought up regarding the original Collegedale boundary going to the Georgia State line. He stated a large tract of unincorporated land was left out and was not in our growth plan or Collegedale's that could be within twenty years; that we want to allow opportunity not to be locked out. He stated in addition and in looking closer at the map, that right in the area where the City and Collegedale worked out in trying to keep the drainage basin in one municipality or another through the White Oak mountains where I-75 crosses back into Bradley there are some minor conflicts but feels they will be worked out. He stated all the municipalities entered into this in a good fashion; that the map in each Council members' book represents basically that the municipalities in the boundaries have worked things out. He stated in some cases matters have gone to the legislative bodies for approval; that there is still some conflict between Signal and Walden; that both governments have committed to have things worked out by the October 1 due date.

Councilman Crockett inquired about the addition of property in the Hixson area. Mr. Hays stated that area has been added on the big map going up to North Chickamauga Creek and is not reflected on the smaller map.

URBAN GROWTH PLAN (Continued)

Councilwoman Hurley stated it seems appropriate to comment on our plan since we are about to vote on it; that we have had unprecedented cooperation between the municipalities that share in this county; that the Mayors and/or City Managers of the municipalities are to be commended. She stated as the senior member of the Council she is not sure how many can remember when Charlotte, North Carolina was the same size as Chattanooga in population or Huntsville, which is now slightly larger than Chattanooga; that she can go on-and-on regarding cities that during her lifetime have been Chattanooga's size. She stated she must confess that she finds it troubling that our "friends on the hill" would propose for the next twenty years Chattanooga would be the same size it is today; that not only Chattanooga but other municipalities. She stated to suggest that Chattanooga will never go larger and suggest its opportunity would be frozen for twenty years is truly amazing!

Councilman Crockett stated one observation is that perhaps not just boundaries but the role of all the governments and municipalities will probably change the process that we just went through. He stated what we are really talking about is how to get common goals and vision for real progress, which is measured in income and educational attainment and a lot of quality of life indicators. He stated he sees everyone working together more closely, but thinks the roles of the county government are going to have to take on a kind of overarching view of not just one part of the county but all of it. He stated we have to find a way to work more closely with them from a municipality standpoint; that it is transition from a time past to a time future that we have all ten or eleven municipalities agreeing on something and the county discussing governance of something else and not seeing the very "heart" of what we are trying to do. He stated he hopes we get to the point where we all change our roles.

Mr. Hays stated "at the end of the day" he feels comfortable the county will be "on board" with the plan the Coordinating Committee adopts; that the Plan allows for an orderly transition and what we will ultimately see happening. He stated he spoke with the Chief Administrator of Memphis earlier in the day who indicated Memphis had gone through the same process of urban growth with municipalities in Shelby County; that their process was a healthy process and feels we will end up that way, as well.

Councilman Pierce stated he finds it depressing that the county sees fit to try to prevent a growth plan over the next twenty years. He stated he has given great consideration to annexation and looked at how it dilutes the black representation in this City. He stated he has not been searching for a way to do any annexation, but this is something that has been put upon us and mandated by the State to present a growth plan for the next twenty years. He stated it is just unbelievable that our county government feels it is not good for the people. He stated we elect our county representatives both in the City and county and they forget we are part of this county. He stated this is a good plan and understands more about it than he had in the beginning due to attending some of the meetings. He stated he wants to see who will vote in the County that we will have no growth for the next twenty years when it is presented to the State.

URBAN GROWTH PLAN (Continued)

On motion of Councilman Crockett, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT THE PROPOSED URBAN GROWTH PLAN OF THE CITY OF CHATTANOOGA TO THE HAMILTON COUNTY COORDINATING COMMITTEE FOR THE DEVELOPMENT OF A RECOMMENDED GROWTH PLAN FOR HAMILTON COUNTY AND ALL ITS MUNICIPAL GOVERNMENTS IN ACCORDANCE WITH T.C.A. SECTION 6-58-104 AND SECTION 6-58-106

was adopted.

AMEND RESOLUTION NOS. 21998 AND 22182

Councilman Franklin stated Resolutions 7(b) - (g) were discussed in Public Works Committee and are recommended for approval.

On motion of Councilman Franklin, seconded by Councilman Taylor,

A RESOLUTION AMENDING RESOLUTIONS NO. 21998 AND NO. 22182, ENCAPTIONED HEREINBELOW, PERTAINING TO ARCHITECTURAL AND ENGINEERING DESIGN FOR THE RESOURCE DEVELOPMENT CENTER SO AS TO INCLUDE PROXIMITY MAPPING TO MAXIMIZE ENERGY CONSERVATION AND USE OF SUSTAINABLE MATERIALS

was adopted.

AGREEMENT: HAMILTON COUNTY

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE PUBLIC WORKS DEPARTMENT TO EXECUTE AN AGREEMENT WITH HAMILTON COUNTY, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, RELATIVE TO TRAFFIC SIGNAL CONTROLLER MAINTENANCE SERVICES

was adopted.

**PERSONAL SERVICES AGREEMENT:
LAWRENCE W. BOYDSTON, JR.**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE PUBLIC WORKS DEPARTMENT TO ENTER INTO A PERSONAL SERVICES AGREEMENT WITH LAWRENCE W. BOYDSTON, JR., RELATIVE TO OPERATION OF HEAVY EQUIPMENT ON CITY CONSTRUCTION PROJECTS AND INSTRUCTION IN THE CITY-WIDE SERVICES HEAVY EQUIPMENT TRAINING PROGRAM, FOR A FEE NOT TO EXCEED FOURTEEN THOUSAND, FIVE HUNDRED DOLLARS (\$14,500.00)

was adopted.

EASEMENT

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE PUBLIC WORKS DEPARTMENT TO EXECUTE AN EASEMENT WITH MG INDUSTRIES TO GRANT A PERMANENT NITROGEN PIPELINE EASEMENT IN RIVERPARK AS SHOWN ON THE DRAWINGS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, SUBJECT TO PAYMENT OF A FEE IN THE AMOUNT OF THIRTY-TWO THOUSAND, EIGHT HUNDRED EIGHTY-NINE AND 01/100 DOLLARS (\$32,889.01)

was adopted.

CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, CITY HOUSEHOLD HAZARDOUS WASTE FACILITY - NORTH HAWTHORNE STREET, WITH CLEAN HARBORS ENVIRONMENTAL SERVICES, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY EIGHTY-FIVE THOUSAND DOLLARS (\$85,000.00) FOR A REVISED CONTRACT AMOUNT OF ONE HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$165,000.00)

was adopted.

CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 3 (FINAL), CONTRACT NO. 53B-1, SPRING CREEK AND FORT OGLETHORPE PUMP STATIONS, WITH JONES ENVIRONMENTAL CONSTRUCTION, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THIRTEEN THOUSAND, THREE HUNDRED SIX AND 50/100 DOLLARS (\$13,306.50) FOR A REVISED CONTRACT AMOUNT OF EIGHT HUNDRED FIFTY-EIGHT THOUSAND, TWO HUNDRED THIRTY-THREE AND 30/100 DOLLARS (\$858,233.30), AND WHICH CHANGE ORDER INCREASES THE CONTRACT TIME BY SEVENTY-FIVE (75) CALENDAR DAYS

was adopted.

TEMPORARY USE: MIKE DARRAS

Councilwoman Hurley stated she was going to ask if this matter could be deferred one week, although she is inclined to move for denial. She stated there needs to be some compromise to leave some things out on the sidewalk but not quite as much. She made the motion to defer the matter two weeks and asked if the applicant could be contacted to be present.

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING MIKE DARRAS OF NEAT STUFF ANTIQUES TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT 1201 HIXSON PIKE FOR DISPLAY OF MERCHANDISE AT SAID LOCATION, SUBJECT TO CERTAIN CONDITIONS

was tabled two weeks.

TEMPORARY USE: REV. GEORGE E SCHMIDT, JR.

On motion of Councilman Franklin, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING REVEREND GEORGE E. SCHMIDT, JR. TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT 308 EAST EIGHTH STREET TO PROVIDE HANDICAP ACCESSIBILITY RAMP TO THE ALL SAINTS ACADEMY BUILDING, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

PERSONNEL

The following personnel matter was reported for the Public works Department:

RICHARD E. DAVIS -- Transfer/Promotion, Traffic Engineering Designer, Traffic Management, Pay Grade 13/Step 7, \$34,553.00 annually, effective July 1, 1999.

PERSONNEL

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

JAMES L. JONES -- Retirement, Fire Marshall, effective September 10, 1999.

BOBBY LAWRENCE -- Termination, Cadet, effective, September 2, 1999.

HOTEL PERMITS

On motion of Councilwoman Hurley, seconded by Councilman Pierce, the following hotel permits were approved:

RAMADA LIMITED -- 30 Birmingham Highway, Chattanooga, Tennessee

VILLAGE LODGE -- 3210 South Broad Street, Chattanooga, Tennessee

PERSONNEL

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

EDWARD JACKSON -- Return to Duty, Officer, effective September 2, 1999.

PURCHASE

On motion of Councilman Crockett, seconded by Councilman Taylor, the following purchase was approved for use by the Chattanooga Police Department:

MOTOROLA (Proprietary purchase per TCA 6-56-301)
Requisition No. R0033303

Purchase of Laptop Computers (5)

\$43,342.55

HEARING: STEVE LOGAN

City Attorney Nelson reminded Council members of the hearing for Steve Logan scheduled for Monday, September 13 beginning at 6 p.m. with Councilmen Eaves (Chairman), Hakeem and Hurley serving on the panel, with Councilman Taylor as alternate.

HEARING: JENNIFER DUGAN

City Attorney Nelson stated Councilman Crockett will be out of the City on the night the hearing for Jennifer Dugan is to be held (September 20 at 6 p.m.); that he (Crockett) was to serve on the panel along with Councilmen Franklin and Taylor (Chair). **Councilman Hakeem volunteered to serve in Councilman Crockett's stead.**

HEARING: REGINALD FINLEY

City Attorney Nelson reminded Council members of the hearing for Reginald Finley scheduled for Monday, September 27 at 6 p.m. with Councilmen Crockett (Chair), Eaves and Rutherford as the panel.

COMMITTEES

Councilman Crockett scheduled a meeting of the **Economic Development Committee for Tuesday, September 28 immediately following the Parks and Recreation Committee** for a presentation from Pem Guerry of RiverValley regarding the Retail and Master Entertainment Plan.

Councilwoman Rutherford reminded Council members of the **Parks and Recreation Committee meeting scheduled for Tuesday, September 14, 1999 at 4 p.m.**

**ROBERT MOWERY REZONING:
1998-0009**

City Attorney Nelson stated there has been a request to put back on the agenda rezoning case 1999-009 for Robert C. and Helen Mowery; that the matter has been deferred indefinitely since March 9. He stated he believes Councilman Eaves has been out to look at the property and they would like to have it on the agenda for September 21. He stated he would like to know the "pleasure" of the Council and whether the matter should be readvertised.

Councilman Eaves stated he did not mind whether the matter comes upon the twenty-first; that he would like for Council members to go out and look at the property (located at the corner of Tyner Road and Lee Highway) for a better opportunity in deciding what to do.

ROBERT MOWERY REZONING:
1998-0009 (Continued)

City Attorney Nelson clarified that the property is located at 7401 Lee Highway and the request is for rezoning from R-3 to M-1 subject to two conditions, that *"it be for the present use only and that all existing easements are retained"*.

Chairman Lively asked for clarification that the matter was deferred but not denied. City Attorney Nelson responded affirmatively.

Councilwoman Rutherford asked if the yellow rezoning sign is up and whether the neighbors will know the Council will be hearing this.

Councilman Eaves stated that he did not think the sign was up; that it was originally; that a newspaper advertisement would allow people in the neighborhood to know it is coming back before the Council.

Jerry Pace of Planning stated he will call the Mowery's to see if they can put the sign back up if they still have it; that the neighborhood needs some type of notification as a courtesy.

Councilwoman Rutherford stated it is very difficult to explain why the Council rezoned something and the neighbors were not made aware that it was coming before us on a set date. Councilman Eaves expressed his agreement.

City Attorney Nelson stated the advertising is not legally required (since it has been advertised previously); that the matter can be delayed until October 5 to allow time for neighbors to be notified.

Councilman Pierce stated we should do the "whole works" and that way no one can complain; that he doesn't know how many will read it in the paper.

Councilman Eaves reiterated that the matter was postponed indefinitely and it is up to the Council as to when to bring it back. He stated the Mowery's have maintained they have done work on the property and feel they are in a little better shape to come back. He stated that he would really like for Council members to take a look at it and see if they're satisfied; that this request comes with no recommendation (from him).

Councilwoman Rutherford made the motion to pursue the advertising process of the request to be heard October 5; Councilman Eaves seconded the motion; the motion passed.

FILE LAWSUIT

City Attorney Nelson asked for permission to bring a lawsuit against Annie L. Fletcher regarding an automobile accident when she turned left in front of Public Works Foreman, Lonnie Jeffers. He stated her insurance has not settled and time is running out; that we need to file a lawsuit to preserve our right.

On motion of Councilman Pierce, seconded by Councilman Franklin, City Attorney Nelson was authorized to file a lawsuit against Annie R. Fletcher.

DIXIE YARNS INITIATIVE

Councilman Hakeem stated he would like to share information with the Council and the public involving only the facts with no emotionalism regarding an initiative in the Ridgedale community. He stated approximately six weeks ago it became known to him that a project was being done with the Dixie Yarns Company and surrounding areas within his district. He stated since that knowledge has been shared with him, he attended the meetings in regard to the initiative. He stated approximately two weeks ago there was a meeting at City Hall with planners in regard to the project and at that meeting there were contractors present talking about building homes and that sort of thing. He stated at the time he requested a meeting with them so that everyone could be "on the same page" as he was concerned there were no residents or community people. He stated Ms. Stinnett, who is the Project Manager or Coordinator, for the project was to set up a meeting with the contractors.

Councilman Hakeem continued by stating he did not receive a call regarding the meeting and talked with Admin. Traugher, who in turn talked with Ms. Stinnett; that he found out today the meeting is confirmed on tomorrow in his (Hakeem's) office. He stated on the day the meeting was held two weeks ago he informed Councilwoman Rutherford, who is a part of the Ridgedale community, that there would be a meeting with the contractor and others here at City Hall, which was done while both were in the Council break room. He stated since that time, it has been reported in the media that the Mayor and others want to keep individuals out of the meeting that will be held tomorrow. He stated he set up the meeting for tomorrow; that no individual has come to him or implied to him to keep anyone out of the meeting. He stated he wanted to make the facts known because it has been reported on the radio and through fax that people are keeping individuals out of the meeting. He assured everyone that that is not the case; that the meeting tomorrow will have community people involved in it who have not been involved in other meetings he has been a part of. He reiterated that he wanted to make the facts known.

DIXIE YARNS INITIATIVE (Continued)

Councilwoman Rutherford thanked Councilman Hakeem for clarifying the matter; that she did not know about the meeting on Thursday and was told last Thursday that she was not to attend the meeting. She stated the information had been passed down from the Mayor's Office. She stated Councilman Hakeem did tell her two weeks ago that he would let her know when the meeting was taking place, but she had not received notice from him (Hakeem).

Admin. Traughber stated he very rarely reacts to Council issues and indicated that he was never informed by the Mayor or anyone on his staff to keep any Council person from this particular meeting -- not at all! He stated Councilman Hakeem set up the meeting, and, in fact, announced the meeting in a meeting two weeks ago with twenty-something people present, and asked that the Project Manager that works for me to coordinate it. He reiterated that the Mayor or no one in his office told him to keep Councilwoman Rutherford from the meeting.

Councilwoman Rutherford expressed appreciation to Admin. Traughber for telling her that; that it means a tremendous amount to her; that the two of them have worked on this project since January and appreciates his words. She stated she will not be at the meeting tomorrow but would like to be kept informed as to how the project continues.

Councilman Crockett stated he has not been at any of the meetings; that from what he knows of the project it is a very unusual opportunity for the City and a business that is extending a hand. He stated it is a nice opportunity however it goes.

Councilman Hakeem stated that he is of the impression someone is questioning his credibility or reliability when they told Councilwoman Rutherford that she is not invited to the meeting. He stated that he feels information should be shared with him, if not with the Council, as to who the individual is who told Councilwoman Rutherford that she was not invited to the meeting.

Councilwoman Rutherford stated she has been asked by many people over the past week "who said and did what", and she has not revealed one name and does not plan to do so. In addressing Councilman Crockett, she indicated that she has had an outstanding working relation with the Stowe family since January, as well as Ron Morgan on urban design. She stated Mr. Morgan has not been as involved as he would like to be but the Stowe family has been exceptional to this point.

Councilman Hakeem stated it is not helpful to this Council and community to make charges and accusations and an individual not have an opportunity to confront their accuser; that what he understands of the "American way" is that "you are innocent until proven guilty." He stated in this situation he feels he and others are put in a position of being "guilty until proven innocent." He stated he cannot defend himself because he doesn't know who said what and thinks it is inappropriate.

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ST. ELMO EVENT

Councilman Taylor invited everyone to the September 11 event in St. Elmo from 10 a.m. until 6 p.m.

ADJOURNMENT

Chairman Lively adjourned the meeting until Tuesday, September 14, 1999 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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