

**City Council Building  
Chattanooga, Tennessee  
July 25, 2000**

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

**PLEDGE OF ALLEGIANCE/  
INVOCATION**

Councilman Lively led the audience in the Pledge of Allegiance, followed by giving the invocation for the evening.

**MINUTE APPROVAL**

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

**DELEGATION FROM  
HONG KONG**

Chairman Hakeem recognized a visiting group from Hong Kong and their speaker, **Jerry Fryxell**. Mr. Fryxell stated that he was part of East Tennessee and also part of Hong Kong; that he was a representative of the result of cooperation with the USA and Asian participation. He stated that their objective was to try to introduce environmental issues into the business curriculum in Hong Kong; that they were similar to Chattanooga in that in 1969 Hong Kong was a bad place to live with serious air pollution, solid waste, and water pollution; that they had improved Hong Kong's environment. He added that Chattanooga was a good model to follow. At this point he introduced those with him who were **Catherine Wilt**, with the University of Tennessee Center for Energy, Environment and Natural Resources; **Kalmond Ma**, Assistant Director of CEMER; **Jennifer Zee**, Development Officer of CEMER; **Plato Yip**, Director of the Center for Environmental Management Education and Research (CEMER); **Carlos Lo**, Associate Professor with Hong Kong Poly; and **Thomas Bauer**, Assistant Professor at Hong Kong Poly. Mr. Fryxell thanked Chattanooga for hosting them and stated that it was a pleasure to be here.

**HONG KONG DELEGATION**  
**(CONT'D.)**

**Catherine Wilt** spoke next. She thanked the Council for giving them this opportunity and stated that this group was the result of participation between the University of Tennessee and Hong Kong Polytechnical University. She stated their goal was to have them come to Tennessee to share industrial models of good management; that when they were setting up their itinerary, Chattanooga was key on their list. She stated that they were enjoying the City and touring industrial participation in the city and looking forward to the days ahead. She thanked the Council again.

At this point Chairman Hakeem allowed one of the visitors from Hong Kong to speak.

**Plato Yip**, Director of the Center for Environmental Management Education and Research, spoke. Mr. Yip stated that he was also an officer with a Green Group called “Friends of the Earth” and that he sat on an Advisory Council that advised the government. He stated that they were here to visit different organizations and governmental agencies and also individuals to learn more about the American way. He expressed appreciation for the opportunity to speak in Chattanooga and learn more from us and to share. He thanked the Council again.

Chairman Hakeem noted that two of his colleagues had been to China—Councilman Eaves and Hurley. He expressed the hope that we could develop more relationships in the future.

**NORTH CHATTANOOGA**  
**URBAN NEIGHBORHOOD**  
**OVERLAY DISTRICT**

Because of the large number in attendance, Chairman Hakeem moved this item to the top of the agenda.

On motion of Councilwoman Hurley, seconded by Councilman Lively,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS  
AMENDED, KNOWN AS THE ZONING ORDINANCE, TO  
CREATE A NEW CHAPTER WITHIN ARTICLE V, SECTION  
1600, ENTITLED NORTH CHATTANOOGA URBAN  
NEIGHBORHOOD OVERLAY DISTRICT**

was withdrawn.

**OVERLAY DISTRICT**  
**(CONT'D.)**

Councilwoman Hurley stated that many in the audience might like to hear her reasoning for withdrawing this item and she read from a press release that had taken place earlier in the day, noting that this was the “spirit of her motion”. *“We have no plans for resubmitting the ordinance to the city council or to the Regional Planning Agency. Because of the sharp divisions which the Design Code has evoked from our neighbors, we wish to take it completely off the table, away from any further consideration”*. She added that one thing this has proven is that there are a lot of people who care deeply about their community. She invited those present to attend the **North Chattanooga Neighborhood Association’s** next regular meeting on **July 27<sup>th</sup> at 6:30 P.M. at the Northside Presbyterian Church**. She stated that she would be there and she hoped all of those present would be there as well.

**AMEND CITY CODE**  
**ADOPTION OF BLDG. CODE**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTIONS 10-1 AND 10-2, SO AS TO ADOPT THE 1999 EDITION OF THE STANDARD BUILDING CODE AND CERTAIN APPENDICES AS REVISED AND AMENDED AS THE OFFICIAL BUILDING CODE OF THE CITY OF CHATTANOOGA AND TO AMEND SECTION 10-3 CONCERNING AMENDMENTS, AND REVISING SUBSECTION F OF SECTION 10-8 RELATIVE TO MANUFACTURED HOME TIE DOWN STANDARDS AND REVISING SECTION 2-425 REGARDING BOARD OF ADJUSTMENTS AND APPEALS FOR MECHANICAL CODES**

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

**CLOSE & ABANDON**

**2000-045 (AUSTIN PROPERTIES)**

Councilwoman Rutherford noted that Ordinances (a) and (c) came before the Public Works Committee and came with a recommendation to approve.

On motion of Councilman Lively, seconded by Councilman Franklin,

**AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED NORTHWEST FROM CHESTNUT STREET SOUTHWEST OF WEST 21<sup>ST</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**

passed first reading.

**REZONING**

**2000-063 (EDWARD JAY HARSHMAN)**

Mr. Pace stated that this case had been held for several weeks. Councilman Pierce stated that when this case was first brought up that the applicant was going to get married and asked that it be postponed. The applicant was not present.

On motion of Councilman Pierce, seconded by Councilman Lively,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 534 CENTRAL AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

**will be held for two weeks.** Mr. Pace is to notify the applicant.

**CLOSE AND ABANDON**

**2000-066 (HYMAN KWELLER)**

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEYWAY BEGINNING 99.41 FEET SOUTH OF BURNETTE STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**

passed first reading.

**REZONING**

**2000-116 (DAVID B. SMITH d/b/a REALTY PARTNERS)**

The applicant was not present.

On motion of Councilman Eaves, seconded by Councilman Franklin,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 5909 CLARK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE**

was denied.

**AMEND CITY CODE**  
**ANIMALS AND FOWL**

Mr. Miller, Director of Animal Services, was present. He noted that they presented the draft to the Safety Committee several weeks ago and the only change is in Section 7-31, raising the late fee from \$2.00 to \$10.00. He explained that they would do some educational promotion to get the word out so that people can be in compliance.

On motion of Councilman Taylor, seconded by Councilman Franklin,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 7, REGARDING ANIMALS AND FOWL**

passed first reading.

**CONTRACT**

Councilwoman Rutherford stated that Resolutions (a) and (b) have been discussed in Public Works Committee and come with a recommendation.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. BL-2-00, MODIFICATIONS TO CITY LANDFILL AT BIRCHWOOD, CONSTRUCTION OF PHASE I AND II GAS COLLECTION SYSTEM, TO WET WASTE ENERGY TECHNOLOGY, LLC, FOR THEIR LOW BID IN THE AMOUNT OF FOUR HUNDRED SEVENTEEN THOUSAND, SIX HUNDRED FIFTY-SIX DOLLARS (\$417,656.00)**

was adopted.

**CONTRACT**

On motion of Councilman Franklin, seconded by Councilman Crockett,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO NEGOTIATE WITH T.U. PARKS CONSTRUCTION COMPANY RELATIVE TO CONTRACT NO. SS-4-00, STREETScape AND ROADWAY IMPROVEMENTS TO 13<sup>TH</sup> STREET AND THE SURROUNDING BLOCKS OF THE CHATTANOOGA CONFERENCE CENTER, AND TO ACCEPT A NEGOTIATED PRICE, NOT TO EXCEED TWO MILLION FOUR HUNDRED THOUSAND DOLLARS (\$2,400,000.00)**

was adopted.

**LEASE AGREEMENT**

Councilman Franklin noted that this had been discussed in Parks and Recreation Committee and comes with a recommendation.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PARKS, RECREATION, ARTS AND CULTURE TO EXECUTE A LEASE AGREEMENT WITH THE MISSIONARY RIDGE NEIGHBORHOOD ASSOCIATION FOR THE LEASE OF THE MISSIONARY RIDGE NEIGHBORHOOD BUILDING LOCATED AT 150 SOUTH CREST ROAD**

was adopted.

**OVERTIME**

Overtime for the week ending July 21, 2000 totaled \$44,893.62.

**PERSONNEL**

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

**WILLIAM H. RYAN, III**—Voluntary Demotion from Crew Worker, Sr. to Crew Worker for TN Riverpark/Downtown, Pay Grade 3/2, \$16,312.00 annually, effective 7/24/00.

**STEVEN L. HARVEY**—Resignation of Crew Worker, Sr., effective 7/24/00.

**PURCHASE**

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

**GE MODULAR SPACE (Contract Change Order  
Purchase Order No. P0014943/R0051022**

Temporary Skatepark Trailer Lease

\$13,366 Original Contract  
\$ 3,220 Change Order 1  
\$16,586 Total Contract Cost

**PERSONNEL**

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

**MARSHA L. FETHEROLF**—Employment of Office Assistant, Pay Grade 3/5, \$18,644.00 annually, effective 7/14/00.

**FREDRICKO MOORE**—Seven day suspension without pay, effective 7/15/00-7/15/00.

**SAMUEL D. SHIPLEY**—Resignation of Concrete Worker, effective 7/6/00.

**DAVID MASTERS**—Suspension of Light Equipment Operator for ten days, effective 7/13/00-7/26/00.

**PURCHASES**

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

**WASTE EQUIPMENT HOLT (Single Source Purchase)  
Requisition No. R0050550**

Grit Screening Containers

\$10,552.00

**PURCHASES (CONT'D.)**

**POLYDYNE, INC. (Low and best bid for the City)**  
**Requisition No. R0050625/P0014976**

Contract for Emulsion Polymers for the Interceptor Sewer System

\$17.50/Dry Ton

**PERSONNEL**

The following personnel matters were reported for the Fire Department:

**TERRANCE ANDREWS AND DALE DODD**—Promotion to Senior Firefighter, F2/4, \$29,480.00 annually, effective 7/28/2000.

**ROY BARROWS, CHRIS NEWELL AND CHARLES VAUGHN**—Promotion to Senior Firefighter, F2/11, \$38,452.00, effective 7/28/2000.

**DEMAREE ILES**—Transfer of Firefighter, F1/7, \$31,855.00 annually, effective 7/28/00.

**RONALD BAKER, KEVIN CARPENTER, BYRON A. COLE, CHAD CRISP, MOSE DUCKETT, III, MICHAEL M. JACKSON, STEVE M. JAMES, DAVID K. LINAM, JAMES A. MAY, SEAN L. MAYFIELD, ROBERT MCBRYAR, DAVID G. BURNETT, MICHAEL J. MONTIETH, SHAWN C. ROACH, PERRY J. STEPHENS, JACK A. THOMPSON, CARLOS D. TIBBS, STEPHEN C. WARREN, TAMMY WEY, TERRI WHITESIDE, AND GRAYLING WILKES**—Hire as firefighters, F1/1, \$24,504.00 annually, effective 7/28/2000.

**HOTEL PERMITS**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following Hotel Permits were approved:

**MOTEL 6 DOWNTOWN**—2440 Williams Street

**HAMPTON INN**—1920 Hamil Road, Hixson

**VILLAGER LODGE**—3210 S. Broad Street

**HOTEL PERMITS (CONT'D.)**

**HAMPTON INN—DOWNTOWN—2420 Williams Street**

**HOLIDAY INN—CHATTANOOGA CHOO CHOO—1400 Market Street**

**CHATTANOOGA MARRIOTT—2 Carter Plaza**

**CHATTANOOGA RESIDENCE INN BY MARRIOTT—215 Chestnut Street**

**BLUFF VIEW INN—212 High Street**

**BLUFF VIEW INN—412 E. 2<sup>nd</sup> Street**

**PURCHASE**

On motion of Councilman Crockett, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Fire Department:

**MOTOROLA, INC. (Single Source Purchase)**  
**Requisition No. R0043000**

Six (6) Portable Radios

\$12,861.90

**PERSONNEL**

The following personnel matters were reported for the Police Dept.:

**LINDA OVERHOLT-ALAZZAM—Resignation of Police Records Trainers, effective 7/21/00.**

**COREY BOYKIN—Termination of Police Officer, effective 7/24/00.**

**DEBORAH RUTH DENNISON, BRIAN D. COOPER, CRAIG ALLEN NABORS, CURTIS EDWARD PENNEY, AND DEWAYNE V. PRATER—Promotion to Police Officers, P1/Step 1, \$26,703.00 annually, effective 7/24/00.**

**PERSONNEL (CONT'D.)**

**DAVID LEE ALLEN, NICHOLAS BRADLEE ALLEN, BILFORD “CLINT” BAILEY, JAMIE MICHELE BARROW, SAMANSELA LANETTE BEARD, MATOY A. BEST, CHAD E. BRADLEY, ADAM VINCENT CAVITT, DAVID ALLEN COWAN, ANTHONY JAMES EASTER, BRENT WAYNE HARWELL, ROBERT ANTHONY HERNANDEZ, TONYA A. HENSON, MICKEL GENE HOBACK, RANDY KEITH HOLT, TONY HUDSON, JOSEPH PHILIP IAPICHINO, STACY THOMAS LIVELY, CHRISTIAN EDWARD LORENZEN, ALEXIS JOSE MERCADO, DANIEL RILEY ROWE, MARK A. SMELTZER, JOHNNY MICHAEL SMITH, REBECCA LYNN TOLBERT, PETER ERNEST TURK, COREY ALEXIS WEST, HEIDI ARLENE WHITE, AND KIMBERLY DENISE WILSON**—Hire as Police Officers, P1/Step 1, \$26,703.00 annually, effective 7/24/00.

**JAMES J. BELKO AND MICHAEL L. TAYLOR**—Hire as Police Officers, P1/Step 4, \$30,706.00 annually, effective 7/24/00.

**JILLIAN MITCHELL**—Hire as Communications Officer, 11/Step 1, \$24,147.00 annually, effective 7/28/00.

**MIRANDA MIDDLETON**—Hire as Part-time Police Service Technician, \$9.48 per hour, effective 7/28/00.

Councilman Pierce asked Captain Cooke if he was aware of the Burglary Alarm Ordinance that the Council had put into effect about the number of times an alarm could go off. He asked if any other Councilpersons from any district other than his had received calls about this. He stated that he had had several calls about the number of times and wondered if there were any other complaints other than from his district. Councilman Eaves stated he had had one call, but it was someone from Councilman Pierce’s district. Councilman Pierce stated that he had asked interested business people to be here tonight; that there is a question about the number of calls coming in either being “false calls” or “real calls”. He questioned how one could tell the difference.

Captain Cooke responded that it would basically be determined when they responded, and there was no visible signs showing them anything, and it could be something like faulty wiring or even cats. He noted that it was easy to trigger the alarms.

Councilman Pierce asked if someone tampered with the door from outside if that would trigger the alarm. Captain Cooke responded that in some cases that would be correct.

**FALSE ALARMS (CONT'D.)**

Councilman Pierce continued to ask how one would determine whether an alarm was false or real; that some businesses have as many as 15-20 false alarms per year, and the Ordinance allows only four, and they don't feel like this is fair. He questioned whether the Council should revisit this or just let it go into effect.

Chairman Hakeem asked if it was Councilman Pierce's desire that this matter go back in committee for discussion. Councilman Pierce responded that it was not his personal desire, but he had received these complaints and just wondered if any other Councilpersons had received any. Chairman Hakeem suggested that Councilman Pierce provide the names of the businesses that had complained to him to Chief Dotson and let him talk to them to determine if there is a problem.

Captain Cooke stated that there was a meeting set up to make sure that people are aware of what the Ordinance says; that there will be educational meetings to discuss this issue.

**BOARD APPOINTMENTS**

On motion of Councilman Lively, seconded by Councilwoman Hurley, the following Board appointments were approved:

**BOARD OF SIGN APPEALS**

- ❖ Reappointment of **CHARLES G. SMITH** (representing District 6) for a term ending July 31, 2003.

**CHATTANOOGA POLICE DEPARTMENT CITIZENS REVIEW COMMITTEE**

- ❖ Reappointment of **CLARE SAWYER** (representing District 2) for a term ending July 31, 2003.

**CARTER STREET CORPORATION**

- ❖ Appointment of **J. HAROLD CHANDLER**, for a term ending December 1, 2003.

**LIQUOR LICENSES**

On motion of Councilman Crockett, seconded by Councilman Taylor, the following Liquor Licenses were approved:

**HIGHWAY 58 LIQUORS**—4762 Highway 58 (Owner, Pratul J. Parekh)

**HIGHWAY 58 LIQUORS**—4762 Highway 58 (Owner, Darshna P. Parekh)

**OPEN SPIGOT LIQUOR STORE**—4901-A Bonny Oaks Drive (Owner, James E. Downer)

**OPEN SPIGOT LIQUOR STORE**—4901-A Bonny Oaks Drive (Owner, Rendal E. Hardeman)

**HEARING: COREY A. BOYKIN**

Attorney Nelson stated that **Corey A. Boykin** of the Chattanooga Police Department had requested a Personnel Hearing as a result of his termination. A hearing was set for **Monday, August 21<sup>st</sup> at 4:00 P.M. with Councilman Lively acting as Chair, along with Councilwoman Rutherford and Councilman Taylor. Councilman Eaves will serve as alternate.**

**COMMITTEES**

Councilman Crockett scheduled a **Legal and Legislative Committee to immediately follow the Public Works Committee on Tuesday, August 1<sup>st</sup>** for a continuation of the discussion on the terms of Board Appointments.

Councilman Crockett also asked Chairman Hakeem about the Taxi Board issue and when it should be discussed. Chairman Hakeem stated that he would talk to Councilman Crockett about this after the meeting.

Councilman Lively scheduled an **Economic Development Committee meeting to immediately follow the Legal and Legislative Committee meeting on Tuesday, August 1<sup>st</sup>** to discuss two issues that Mayor Kinsey wishes to bring before the Council.

**FORTWOOD MORATORIUM**

Councilman Pierce stated that he had asked for a moratorium in the Fortwood area and this needs to be extended for 60 days according to Planning; that they would like to reduce the lines to open up McCallie Ave.

Mr. Pace stated that this had been discussed with the neighborhood; that the Moratorium was up August 22<sup>nd</sup>; that they would like to amend the boundaries and this could take 90 days. He asked Attorney Nelson's advice.

Attorney Nelson stated that a Resolution would need to be adopted, and he would have it prepared by next week to extend the Moratorium and also put in the boundaries.

**ADJOURNMENT**

Chairman Hakeem adjourned the meeting until Tuesday, August 1, 2000 at 6:00 P.M.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

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

