

**Municipal Building  
Chattanooga, Tennessee  
February 6, 2001**

Chairman Hakeem called the meeting of the Chattanooga Council to order with Councilmen Eaves, Franklin, Hurley, Pierce, Rutherford and Taylor present; Councilmen Crockett and Lively were absent due to personal commitment. 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 Crockett gave invocation.

**MINUTE APPROVAL**

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

**AMEND CITY CODE**

On motion of Councilman Lively, seconded by Councilman Pierce,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,  
CHAPTER 24, SECTION 24-261, RELATIVE TO THE MANUAL ON  
UNIFORM TRAFFIC CONTROL DEVICES**  
passed first reading.

**AGREEMENT: FARRIS, MATHEWS, BRANAN &  
HELLEN, P.L.C.**

On motion of Councilwoman Hurley, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN  
AGREEMENT WITH FARRIS, MATHEWS, BRANAN & HELLEN, P.L.C.,  
RELATIVE TO LOBBYING SERVICES FOR CALENDAR YEAR 2001, FOR AN  
AMOUNT NOT TO EXCEED FORTY-FIVE THOUSAND DOLLARS  
(45,000.00)**  
was adopted.

**LEASE AGREEMENT: UTC**

Councilman Franklin stated that this matter was discussed in today's Parks and Recreation Committee and the Committee decided to table the matter one week to allow for an opportunity to finalize the agreement with the County.

On motion of Councilman Franklin, seconded by Councilman Lively,

**A RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO A LEASE AGREEMENT WITH THE UNIVERSITY OF TENNESSEE AT CHATTANOOGA (UTC) FOR A TERM OF FORTY (40) YEARS COMMENCING FEBRUARY 1, 2001, AND TERMINATING JANUARY 31, 2041, FOR CERTAIN PROPERTY KNOWN AS THE ENGEL STADIUM COMPLEX AND AUTHORIZING THE MAYOR TO SIGN ALL NECESSARY DOCUMENTS TO FACILITATE SAID AGREEMENT, SUBJECT TO THE CITY'S CONTRIBUTIONS BEING MATCHED BY HAMILTON COUNTY**

was tabled one week.

**CONTRACT: FIRST TENNESSEE BANK**

Councilwoman Hurley stated this matter was discussed in the Housing Committee and approval is recommended.

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE GENERAL SERVICES DEPARTMENT TO ENTER INTO A CONTRACT AND TO SIGN ALL NECESSARY DOCUMENTS TO FACILITATE SAID CONTRACT WITH FIRST TENNESSEE BANK RELATIVE TO THE RENTAL REHABILITATION PROGRAM**

was adopted; Councilwoman Hurley abstained from voting.

**TEMPORARY USE: UPS**

On motion of Councilwoman Hurley, seconded by Councilman Pierce,

**A RESOLUTION AUTHORIZING UNITED PARCEL SERVICE TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY BETWEEN JORDAN AND LEE PARKWAY TO INSTALL A UNITED PARCEL SERVICE LETTER CENTER BESIDE A FEDERAL EXPRESS BOX, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**CHANGE ORDERS**

Councilman Franklin stated Resolutions (e), (f) and (g) were discussed in Committee today and approval is recommended. He clarified that no additional monies were allocated for this particular Resolution as the monies are still in the budget.

Councilman Pierce stated that he was not present for the Committee meeting; that the amount of the change orders is one-fifth of the original bid.

Admin. Mitchell stated the change orders are not part of the original contract; that they are doing more work to the building, yet not adding on to the contract. He stated that the monies are part of the original appropriation from the capital budget.

Councilman Pierce stated bid packages are sent out and when they come back more is added to the job. He inquired as to what this does to others who bade on the job? He asked the City Attorney if change orders of this size are allowed?

City Attorney Nelson stated an instance of this kind is very unusual; that usually if a change order is as much as five or ten percent above the original contract, it becomes very suspect.

Chairman Hakeem stated that the situation should be made clearer. He explained that the job came in at such a low price and the people did the job so well, \$98,000 was left over.

Councilman Pierce countered that the company performed the work as stated in their bid.

Chairman Hakeem stated the remaining \$98,000 was used to do additional work that was not in the original bid.

Councilman Pierce expressed his understanding of the amount that was left over; that his argument was still in reference to the point that what was originally bid upon was done; that if monies are left it does not mean we should go out and spend money, anyway.

Councilwoman Rutherford asked if there has to be a re-bid when an extensive additional improvement of this nature is done?

**CHANGE ORDERS (Continued)**

City Attorney Nelson responded, "that would be the normal thing to do". He stated the only thing he could think of is as long as this contractor is on the site he could do it cheaper than someone who would have to bring all his equipment and employees to the site. He reiterated normally, yes, it should be re-bid.

Councilwoman Rutherford inquired as to the additional improvements.

Admin. Mitchell stated a major portion of the money was spent on additions to the building, itself; that they are now going back and doing renovation in the older part with exterior siding, replacing the opaque and scratched windows, installing of a concrete floor in the additional portion and installing fascia around the top of the building to match the eaves. He stated it will be a much better building and will look totally new from the outside.

Councilman Eaves inquired as to the original amount of the contract. Admin. Mitchell responded that the amount of the original contract was \$378,000.00.

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NOS. 1 THROUGH 7, RELATIVE TO ADDITIONS AND RENOVATIONS TO THE EASTDALE RECREATION CENTER, WITH J & J CONTRACTORS, INC. WHICH CHANGE ORDERS INCREASE THE CONTRACT AMOUNT BY NINETY-EIGHT THOUSAND THREE HUNDRED FIFTY-NINE AND 00/100 DOLLARS (\$98,359.00) FOR A REVISED CONTRACT PRICE OF FOUR HUNDRED SEVENTY-SIX THOUSAND TWO HUNDRED NINE AND 00/100 DOLLARS (\$476,209.00)**

was adopted.

**CONTRACT: HUNTER CONSTRUCTION COMPANY**

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO ENTER INTO A CONTRACT WITH HUNTER CONSTRUCTION COMPANY RELATIVE TO WORK AT LAKE HILLS PARK FOR AN AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY THOUSAND AND 00/100 DOLLARS (\$130,000.00)**

was adopted.

**CHANGE ORDER**

On motion of Councilman Franklin, seconded by Councilwoman Hurley,  
**A RESOLUTION AUTHORIZING EXECUTION OF CHANGE ORDER NOS. 1 THROUGH 3, RELATIVE TO ALTERATIONS AND ADDITIONS TO THE AVONDALE RECREATION CENTER, WITH RMG CONSTRUCTION COMPANY WHICH CHANGE ORDERS INCREASE THE CONTRACT AMOUNT BY SIX THOUSAND FIVE HUNDRED FORTY-THREE AND 71/100 DOLLARS (\$6,543.71), FOR A REVISED CONTRACT PRICE OF TWO HUNDRED NINETY-SEVEN THREE HUNDRED TWENTY-SIX AND 71/100 DOLLARS (\$297,326.71)**

was adopted.

**RESCIND RESOLUTION 22264**

Councilwoman Rutherford inquired as to what this Resolution entails.

Admin. Traugher stated that this Resolution is associated with Resolution 7(i). He stated the Council adopted a Resolution in September 1999, which pulled property out of back tax for donation to the Inner City Development Corporation (ICDC). He stated there were three parcels or property involved in that Resolution, one of which was 710 East Eighth Street. He stated since that time the UC Foundation purchased all the property around 730 East Eighth Street which is the site for the proposed Phase II of student housing. He stated the County has taken action to deed the property over to the entity and the City has to rescind the earlier action and then pass the following Resolution to deed it over to the UC Foundation.

On motion of Councilman Pierce, seconded by Councilwoman Hurley,  
**A RESOLUTION RESCINDING RESOLUTION NO. 22264, ADOPTED SEPTEMBER 21, 1999, AND ENCAPTIONED "A RESOLUTION AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED JOINTLY WITH HAMILTON COUNTY CONVEYING CERTAIN PROPERTY, MORE PARTICULARLY DESCRIBED HERIEN, TO INNER CITY DEVELOPMENT CORPORATION (ICDC) TO DEVELOP HOME OWNERSHIP OPPORTUNITIES FOR LOW TO MODERATE INCOME FAMILIES."**

was adopted.

**JOINT DEED WITH HAMILTON COUNTY**

Admin. Traughber asked that the name within the Resolution be changed to reflect "*The Campus Development Foundation, Inc.*"; that the property is not being donated to UTC but to the Campus Development Foundation, who will receive it for student housing.

City Attorney Nelson changed the caption and body of the Resolution in open meeting to reflect "*Campus Development Foundation, Inc.*".

Councilman Pierce asked if the City drew up the deed or if the County initiated it?

City Attorney Nelson stated that the City could "draw it up"; that probably the Campus Foundation would be the one ("to draw it up").

Admin. Traughber stated that is "right"; that because it is back tax property it can be a quitclaim deed and not a warranty deed.

On motion of Councilwoman Hurley, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE EXECUTION OF A DEED JOINTLY  
WITH HAMILTON COUNTY CONVEYING CERTAIN PROPERTY LOCATED  
AT 710 EAST 8<sup>H</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN, TO  
THE CAMPUS DEVELOPMENT FOUNDATION, INC.**

was adopted.

**OVERTIME**

Overtime for the week ending February 2, 2001 totaled \$19,383.17.

**PERSONNEL**

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

**GINA R. HATLER** – Resignation, Administration, effective February 2, 2001.

**MARK A. CLARK** – New Hire, Crew Worker, Parks/Landscape, Pay Grade 3/Step 1, \$15,535.00 annually, effective January 31, 2001.

**PERSONNEL (Continued)**

**FREDDIE C. MITCHELL** – New Hire, Concession Attendant, Golf Division, Pay Grade 2/Step 1, \$14,397.00 annually, effective January 31, 2001.

**SHARON A. HALE** -- Resignation, Crew worker, Parks/Landscape, effective January 26, 2001.

**PURCHASE**

On motion of Councilwoman Hurley, seconded by Councilman Franklin, the following purchase was approved for use by the General Services Department:

**MOTOROLA COMMUNICATIONS & ELECTRONICS, INC. (Single Source)**  
**Requisition R0050258**

800 MHZ Radios

\$25,092.20

**PURCHASES**

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

**KEY JAMES BRICK & SUPPLY (Lower and better bid)**  
**Requisition R0053044/P0015695**

Common Brick

\$153 per thousand bricks

**VULCAN MATERIALS COMPANY AND SOUTHEASTERN MATERIALS AND TILE COMPANY (Lower and better bids)**  
**Requisition R0053013/P0015626**

Bituminous Plant Mix

(Price information available and filed with minute material)

**PURCHASES (Continued)**

**ACHESON FOUNDRY (Best bid)**  
**Requisition R0053042/P0015694**

Manhole Catch Basins

**(Price information available and filed with minute material)**

**EMERGENCY PURCHASE**

The emergency purchase repair of one variable frequency drive at Citico II Pump Station for the Department of Public Works, issued to Encore Solutions of Lilburn, Georgia in the amount of \$36,200.00 was duly reported and signed in open meeting.

**HAMILL ROAD WIDENING INQUIRY**

Councilwoman Hurley stated that she had received a message on her voice mail inquiring about the widening of Hamill Road from 153; that she did not know if it was the portion in District 2 or 3. She asked if it is scheduled for widening or paving?

Phillip Lynn, City Engineer, stated he was not sure of the source of the questions; that he had three telephone calls, also. He stated that that section is on the Department's list to pave; that the section in question is in bad condition.

Councilwoman Hurley stated that it does need work and inquired as to the district.

Mr. Lynn stated that that section is in District 2, between Hixson Pike and 153. He stated they are looking at a petition for reconstruction for three lanes at the actual intersection. He stated the main part of the road still remains two lanes; that it would be a little wider, but not completely widened.

Councilwoman Hurley stated that her question was answered.



**PERSONNEL**

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

**BEN BIGGS, STEVE SWANSON** – Promotion, Captain, Pay Grade F4/Step 7, \$42,147.00 annually, effective February 9, 2001.

**LYNN CALLAWAY, JAMES GENTRY, JOSEPH KNOWLES** – Promotion, Captain, Pay Grade F4/Step 8, \$43,768.00 annually, effective February 9, 2001.

**BRUCE ELROD** – Promotion, Lieutenant, Pay Grade F3/Step 8, \$37,661.00 annually, effective February 9, 2001.

**KENNY LYDA** – Promotion, Lieutenant, Pay Grade F3/Step 10, \$40,451.00 annually, effective February 9, 2001.

**RODNEY SMITH** – Promotion, Lieutenant, Pay Grade, F3/Step 9, \$39,056.00 annually, effective February 9, 2001.

**ALFRED HUBBARD, RANDY STARGIN, JR.** – Promotion, Senior Firefighter, Pay Grade F2/Step 4, \$29,480.00 annually, effective February 9, 2001.

**JAMES PRICE, ROBERT THOMAS** – Promotion, Senior Firefighter, Pay Grade F2/Step6, \$32,043.00 annually, effective February 9, 2001.

**LAMAR FLINT** – Promotion, Deputy Chief, Pay Grade F6/Step 1, \$50,518.00 annually, effective February 9, 2001.

**DEPUTY CHIEF LAMAR FLINT**

Chief Coppinger introduced Deputy Chief Lamar Flint, explaining that Chief Flint has been with the Department for fifteen years, has served in various areas and has worked his way through the ranks. He stated that Chief Flint has been on the administrative staff and it has been a pleasure to work closely with him for four years. He stated that he looks forward to a lot of assistance from him in the future.

**HOTEL PERMITS**

On motion of Councilman Lively, seconded by Councilman Taylor, the following hotel permits were approved:

**GATEWAY MOTEL** – 2500 Westside Drive, Chattanooga, Tennessee

**RADISSON READ HOUSE** – 827 Broad Street, Chattanooga, Tennessee

**PERSONNEL**

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

**JOSHUA P. ELLER** – Transfer/Promotion, Animal Services Officer, Pay Grade 9/Step 3, \$24,592.00 annually, effective February 9, 2001.

**BRENDA E. MCCLENDON** – Resignation, Police Records Clerk, effective February 8, 2001.

**ALLYSON CARVAJAL, JACQUELINE PINCKNEY** – Hire, Communications Officer, Pay Grade 11/Step 1, \$24,630.00 annually, effective February 9, 2001.

**MELISSA VARNER** – Hire (Part-time), Police Service Technician, \$9.48 per hour, effective February 9, 2001.

**PURCHASES**

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following purchases were approved for use by the Chattanooga Police Department:

**DTC COMMUNICATIONS, INC. (Single Source)**  
**Requisition R0053926/P0015727**

Surveillance Equipment (per TCA 6-56-304.2)

\$27,156.00

**PURCHASES (Continued)**

**G. T. DISTRIBUTORS (Single Source)**

**Requisition R0053928/P0015725**

Firearms and Accessories (per TCA 6-56-304.2)

\$204,184.25

**PURCHASE**

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Department of Finance and Administration, Air Pollution Control Bureau Division:

**CAPITAL TOYOTA (Single Source)**

**Requisition R0001296**

Toyota Prius Vehicle (per TCA 56-301)

\$20,450.00

**CURRENT EDITION OF COMMON GROUND**

Admin. Curry presented the Council with the current edition of the ***Common Ground***, which showcases the Neighborhood Conference scheduled for July 19-20. He informed the Council that Rep. Harold Ford is scheduled to speak at the Human Rights-Human Relations' lecture series on February 21 at 7 p.m. at the Bessie Smith Hall, with a reception scheduled for 6 p.m. He stated that this is the first of an annual event dealing with race relations; that formal invitations will be mailed to all elected officials.

**BETTER HOUSING APPEAL: PHILLIP OSBORNE, JR.**

City Attorney Nelson stated a request for a hearing has been received from Phillip Osborne, Jr. He stated the Better Housing Commission entered the order on January 19 and the notice for appeal is dated the first of February, thus not meeting the ten-day "window" to appeal to the Council. He stated unless he hears that the Council wants to hear the request, he will send a letter denying the appeal on the basis of tardiness. He stated on the other side, it is his belief the individual appealing was notified when the hearing was and chose not to attend. He stated it was announced at the hearing and the order was entered the next day and he filed his appeal within ten days of receiving it in the mail, yet not within the 10 days of entry by the City.

Admin. Curry indicated that City Attorney Nelson was correct.

Chairman Hakeem acknowledged that the Council is on legally sound "footing".

City Attorney Nelson stated if the matter goes before Chancery Court it is likely to require a hearing in most cases, yet, Mr. Osborne missed the hearing and we do have an argument if we want to go that route.

Admin. Curry indicated that the Department did go through the public notification process.

Councilman Pierce stated that it is his feeling that Mr. Osborne got the notice within days of receiving it in the mail; that here could have been a delay in the delivery of mail.

City Attorney Nelson stated that the green card came back on return receipt indicating that he did receive it. Admin. Curry stated that the notification was sent by certified mail. City Attorney Nelson stated that he received nine days before.

Admin. Curry stated that the notification from Better Housing was received ten days prior; that Mr. Osborne waited until after the tenth day to file an appeal; that he chose not to come to the hearing when he was notified. He stated he had plenty of time to appeal the case through the regular process of the Better Housing Commission.

**BETTER HOUSING APPEAL: PHILLIP OSBORNE, JR.**  
**(Continued)**

Chairman Hakeem asked for clarification that if there is no action by the Council the individual will be notified he did not apply for an appeal within the normal ten-day window? The response was "yes".

Councilwoman Rutherford asked if his recourse would be through Chancery Court?

City Attorney Nelson stated that Chancery Court's recourse would be to send it back for a hearing; that the question is whether to give him a hearing before he goes to Chancery Court. He stated the Council reserves the right to not give a hearing.

Councilwoman Rutherford inquired as to whether this is a case the Department has worked on for months and years or a relatively new situation? Admin. Curry indicated that he was not sure how recent it is.

Councilman Pierce stated that he would like to set a hearing date on this request.

**The date of February 20, immediately following Council meeting, was scheduled to hear the appeal as requested by Phillip Osborne, Jr.**

**CANCELLATION OF MARCH 6 COUNCIL MEETING**

City Attorney Nelson stated in preparing for future agendas, a question arose regarding the March 6 Council meeting, whether the Council would meet since it is the date of the City election.

**On motion of Councilwoman Hurley, seconded by Councilman Franklin, the March 6 Council meeting was cancelled.**

**HEAR APRIL ZONING MATTERS ON APRIL 17**

City Attorney Nelson stated normally the zoning matters for the month of April would be heard on April 10, the second Tuesday in April. He stated he has asked the Planning Commission and Council Clerk to postpone those requests until April 17 due to the transition we will have of Council members on April 16 so that the new Council will hear the first, second and third readings. He stated it is not legal to hear ordinances a week before the transition and carry them over for second and third reading with a brand new Council. He stated it is better to start with a "clean slate" on the 17<sup>th</sup>.

**HEARING: OFFICER JEFF CHAMBERS**

Councilwoman Hurley stated that she, Councilmen Pierce and Lively began the hearing for Officer Jeff Chambers on Monday evening, recessing at 10 p.m. She stated the hearing would continue on Thursday, February 8 beginning at 3 p.m.

**COMMITTEES**

Councilwoman Hurley scheduled a meeting of the **Health, Education, Human Services and Housing Opportunities Committee** for Tuesday, February 20 immediately following the meeting of the Parks and Recreation Committee.

**JERRY SHORT**

Jerry Short expressed thanks to the Council for their support of the Westside basketball team. He indicated that this is his fourth year as Coach, and the team has a 13-1 record for the year. He asked the Council for their continued support.

**MAXINE COUSIN**

Maxine Cousin addressed the Council regarding the death of her father, Wadie Suttles. She read a communication and asked that it be spread upon the minutes:

**MAXINE COUSIN (Continued)**

*February 6, 2001*

*Good Afternoon, Members of the Council:*

*I want to read this into the record. On October 29, 2001, I wrote a letter to Mayor Kinsey, asking him to divulge to me the terms and agreements between the City of Chattanooga and any individuals in settlement of the Wadie Suttles case. Since, neither my mother, nor any member of my family were ever made aware of any settlement, such an agreement would have had to have been illegal and entirely inappropriate.*

*Today I requested a meeting with Mayor Kinsey and was informed that he was out of town. Since he has not acknowledged my letter I must assume that my allegations are true that there was some sort of an agreement in 1989.*

*Ladies and gentlemen, today is my birthday. I was 37 years old when my father was killed. His death ushered in the new City Council. There has never been justice in this case.*

*I know that there are several members of this Council that are aware of the circumstances of my father's death. When new evidence was discovered in this case in May, I made a personal request to some of you to help me in this. I asked the same thing of many ministers in this city. To this date, my requests have fallen on deaf ears. I believe that there are several members of this community who knew certain circumstances about this death that my family has just recently learned. I am asking that you all join me in a sincere effort to get to the bottom of who killed my father and who benefited from his death.*

**MAXINE COUSIN (Continued)**

*My family has done nothing wrong. My father should never have been killed. We should not be made to suffer because some people were corrupt or because some one some where wants to protect someone else. You must help us bring this awful ordeal to an end. One thing you can do is to request an unredacted copy of the FBI report for the family, which we have never had.*

*Thank you,*

*Maxine Cousin*

In response to Ms. Cousin, City Attorney Nelson stated that he could assure her that there has been no agreement between the City and family in 1989 nor since; that he would have been aware of it. He stated there has never been a resolution authorizing any such agreement, neither a copy of any such agreement; that he is quite positive he would have known had there been one. He stated in reference to the FBI report, the City also requested a copy and was not given one. He stated the City has opened the file on that to the Human Rights/Human Relations Commission who has been through it. He stated if any member of the Council wants to look at it they are welcome to do so at any time they choose.

**ADJOURNMENT**

Chairman Hakeem adjourned the meeting until Tuesday, February 13, 2001 at 6 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)**