

**CITY COUNCIL BUILDING
CHATTANOOGA, TENNESSEE
JULY 24, 2001**

Chairman Hakeem called the meeting of the Chattanooga City Council to order with Councilmen Franklin, Littlefield, Lively, Page, Pierce, Robinson and Taylor present. Councilman Benson was absent due to attendance at a neighborhood meeting. City Attorney Randall Nelson, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the Council, were also present.

**PLEDGE OF ALLEGIANCE/
INVOCATION**

Following the Pledge of Allegiance, Councilman Lively gave the invocation.

MINUTE APPROVAL

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

**SPECIAL PRESENTATION:
ANN HUCKABA**

Chairman Hakeem stated that both he and the Mayor would make a presentation to Ms. Huckaba. Mayor Corker began by saying that the Council was fully aware of an accounting issue transferring \$50,000 from City funds to the Community Foundation of Greater Chattanooga, Inc. to aid the Green Team in their efforts to maintain and beautify landscaped areas on public property. He stated that we had never put any money into this. He noted that people give of themselves selflessly, and we have people on a day-to-day basis giving their time and energy and working late hours and that Ann Huckaba and her late husband, Dr. John Huckaba had a vision for landscaping to make Chattanooga a much better place to live; that today he and the City Council were applauding her efforts and also the Green Team for their efforts. He presented Ms. Huckaba with a Proclamation.

At this time Councilman Lively made the motion to move the appropriate Resolution to the top of the Agenda. This was seconded by Councilwoman Robinson.

TRANSFER OF FUNDS
COMMUNITY FOUNDATION

On motion of Councilman Taylor, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE TRANSFER OF FIFTY THOUSAND DOLLARS (\$50,000.00) FROM THE BEAUTIFUL CITY FUND TO THE COMMUNITY FOUNDATION OF GREATER CHATTANOOGA, INC. RELATIVE TO MAINTAINING AND BEAUTIFYING LANDSCAPED AREAS ON PUBLIC PROPERTY IN AND AROUND THE CITY OF CHATTANOOGA

was adopted.

Chairman Hakeem stated that it must be love that motivated Ms. Huckaba and the Green Team to get out and work with all the heat we have experienced and the passing cars. He noted that they had even had him out there on one occasion.

REZONING

2001-075 (James L. Stubbs)

Councilman Littlefield stated that this was discussed in the Legal and Legislative Meeting, and Mr. Stubbs was not present. He also was not present tonight. Councilman Littlefield stated that the wish expressed by the Highland Park Neighborhood Association was that the Council be as reasonable with Mr. Stubbs as possible as he has to get State approval. They expressed the feeling that Mr. Stubbs be given a reasonable amount of time to relocate. The reasonable amount of time seemed to be six months; if he has not relocated in six months, we will take a strong look at more aggressive measures.

On motion of Councilman Pierce, 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 1314 CHAMBERLAIN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE

was denied.

Chairman Hakeem asked those residents from Highland Park who were in attendance to stand.

AMEND CITY CODE
RE: FIREWORKS

Councilman Lively indicated that this was discussed in the Safety Committee.

On motion of Councilman Lively, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 25, BY ADDING A NEW SECTION 25-69 TO
PROHIBIT THE SETTING OFF OF FIREWORKS IN THE FIRE
DISTRICT DURING CERTAIN HOURS**

passed first reading.

Attorney Nelson explained to the public that by adopting this it shall be unlawful for any person to set off fireworks after the hour of 11:30 p.m. and before 8:00 a.m., except on New Year's Eve when the hours prohibited shall be 12:30 a.m. until 8:00 a.m. He stated that hopefully downtown residents would not be disturbed.

**INDUSTRIAL DEV. BOARD/
PAYMENT IN LIEU OF TAXES**

On motion of Councilwoman Robinson, seconded by Councilman Pierce,
**A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO
THE CHATTANOOGA CENTRAL BLOCK LIMITED
PARTNERSHIP PROJECT AT MARKET AND 7TH STREETS, TO
DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL
DEVELOPMENT BOARD OF THE CITY OF CHATTANOOGA,
TENNESSEE, AND TO AUTHORIZE THE MAYOR TO ENTER
INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN
LIEU OF AD VALOREM TAXES**

was adopted.

AGREEMENT
ELECTRIC POWER BOARD

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Attorney Carlos Smith, General Counsel for the Electric Power Board, was present along with Mr. DePriest, Mr. Suggs, and Mr. Fugatt. This relates to property between M.L.K and 10th and Broad Street and Market where the Electric Power Board will construct their new building and adjacent garage. Attorney Smith explained that there would be a condition in the provisions in regards to construction of the parking garage that parking spaces in excess of their own use would be offered to the general public at fair market rates and will be on a transit route. Attorney Smith explained that at present the in lieu tax equivalent of EPB is around \$43,000; that the estimate of the new building is based on \$205,000 to \$230,000 a year. He noted that this would be an improvement for the downtown section and would provide additional revenue for the City. He stated that he and the people from EPB were available for additional questions.

On motion of Councilman Lively, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE INTRA-GOVERNMENTAL REAL ESTATE TRANSFER WITH ELECTRIC POWER BOARD OF CHATTANOOGA WITH PROVISIONS FOR THE TRANSFER OF FUNDS FOR DIFFERING EVALUATIONS OF THE EXCHANGED REAL ESTE AND ESTABLISHING TERMS AND CONDITIONS WITH REGARD TO IN LIEU TAX EQUIVALENTS AND OTHER CHARGES, SUBJECT TO CERTAIN CONDITIONS

was adopted.

LEASE AGREEMENT

On motion of Councilwoman Robinson, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO A LEASE AGREEMENT WITH CHATTANOOGA RADIO CONTROL CLUB, RELATIVE TO UTILIZATION OF A SPACE AT THE CLOSED LANDFILL AT SUMMIT FOR FLYING MODEL AIRPLANES, FOR A CONSIDERATION OF TWO HUNDRED DOLLARS (\$200.00) PER YEAR

was adopted.

AMENDING
AMENDMENT TO RESOLUTION

Councilman Franklin noted that this comes with a recommendation from the Public Works Committee.

On motion of Councilman Franklin, seconded by Councilman Pierce,

A RESOLUTION AMENDING RESOLUTION NO. 22617, ENCAPTIONED “A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 2 TO THE AGREEMENT FOR ENGINEERING SERVICES WITH CONSOLIDATED TECHNOLOGIES, INC. (CTI), RELATIVE TO CONTRACT NO. CS0-5b-99, CITICO CSO CONTROL FACILITY, WHICH AMENDMENT INCREASES THE CONTRACT BY THE AMOUNT OF FORTY-SEVEN THOUSAND, SEVEN HUNDRED DOLLARS (\$47,700.00) FOR A REVISED CONTRACT AMOUNT OF ONE HUNDRED NINETY THOUSAND, EIGHT HUNDRED DOLLARS (\$190,800.00).” SO AS TO DELETE “ONE HUNDRED NINETY THOUSAND, EIGHT HUNDRED DOLLARS (\$190,800.00)” AND SUBSTITUTE IN LIEU THEREOF “THREE HUNDRED FORTY-EIGHT THOUSAND, SEVEN HUNDRED FORTY-FIVE DOLLARS (\$348,745.00)

was adopted.

DONATION ACCEPTANCE

Councilwoman Robinson stated that they had asked for this to be tabled for one week.

On motion of Councilwoman Robinson, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO ACCEPT A DONATION OF FIVE HUNDRED AND 00/100 DOLLARS (\$500.00) ON BEHALF OF THE CHATTANOOGA YOUTH COUNCIL FROM THE TENNESSEE-AMERICAN WATER COMPANY

was tabled for one week.

AGREEMENTS:
HUD AND CNE

This comes with recommendation from committee.

On motion of Councilman Littlefield, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE CITY FINANCE OFFICER TO ENTER INTO AN AGREEMENT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE ACQUISITION OF PROPERTY KNOWN AS THE CARR STREET APARTMENTS, MORE PARTICULARLY DESCRIBED HEREIN, FOR AN AMOUNT NOT TO EXCEED TWENTY-ONE THOUSAND, SEVEN HUNDRED DOLLARS (\$21,700.00) PLUS REASONABLE CLOSING COSTS, SAID FUNDS TO BE TAKEN FROM FY2002 CONTINGENCY FUNDS, AND FURTHER AUTHORIZING THE CITY FINANCE OFFICER TO ENTER INTO AN AGREEMENT WITH CHATTANOOGA NEIGHBORHOOD ENTERPRISE, INC. TO REHABILITATE AND MANAGE SAID PROPERTY AND BEAR THE COST OF RENOVATION

was adopted.

This matter was discussed in Councilman Benson's committee. At this point Chairman Hakeem explained that Councilman Benson was absent tonight due to a community meeting in his district, and he was not able to stay with us. Councilman Littlefield added that Councilman Benson was very interested in having perfect attendance.

OVERTIME

Overtime for the week ending July 20, 2001 totaled \$17,516.75.

PERSONNEL

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

JOHN M. GREAVES – Resignation of Recreation Specialist, Sr., effective 7/12/01.

BARRY A. SETLICH – Resignation of Cultural Arts Specialist, effective 8/17/01.

CHRISTOPHER E. MCCONNELL – Termination of Crew Worker, effective 7/18/01.

L. E. BLAKE – Retirement of Crew Worker, Sr., effective 7/24/01.

PURCHASE

On motion of Councilman Franklin, seconded by Councilwoman Robinson, the following purchase was approved for use by the Parks and Recreation Department:

PEACH STATE GOLF BALL CO. (Lowest and best bid)
Requisition R0051896/P0016290

Contract for Golf Ball Recovery for 24 months.

(See minute material for prices)

PERSONNEL

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

MICHAEL D. DUFFEY – Termination of Equipment Mechanic II, effective 7/13/01.

PERSONNEL

The following personnel matters were reported for the Chattanooga Fire Dept.:

JAMES B. MOORE, JR. – Termination of Lieutenant, effective 7/20/01.

JEFF SODER – Promotion to Sr. Firefighter, F2/3, \$28,918.00 annually, effective 7/27/01.

ROBERT DOZIER, JR. – Promotion to Sr. Firefighter, \$2/4, \$29,480.00 annually, effective 7/27/01.

PERSONNEL

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

VICTOR WOUGHTER – Resignation of Police Officer, effective 7/26/01.

DAVID (TOBY) L. WILSON – Resignation of Part-time Police Service Technician, effective 7/26/01.

THOMAS FAULK & ERIC JONES – Promotion to Police Officer, PI/Step 1, \$26,703.00 annually, effective 7/30/01.

PERSONNEL (CONT'D.)

CHRISTOPHER BAILEY & JEFFERSON LEVI – Hire as Police Officers, P1/Step 3, \$29,371.00 annually, effective 7/30/01.

CHARLES CAREATHERS, HENRY COTHERN, JR., ROBIN DAVENPORT, RASHAWN EDWARDS, JR., VALITUS EDWARDS, MICHAEL FUGATE, CHRISTOPHER GREEN, CARLOS HEARD, JUSTIN KILGORE, JOSHUA MAY, SEAN MORRIS, CORELIUS MOSS, PAUL MYERS, JENNIFER SCHRAMM, JOSEPH SHAW, JENNIFER SMITH, ALLISON TAYLOR, TIMOTHY TOMISEK, JASON TONGE, JEFFREY WHITE & FLORIDA WYNN – Hire as Police Officers, P1/Step 1, \$26,703.00 annually, effective 7/30/01.

RICHARD HUTSON, JEFFERY LANCASTER & MICHAEL ORTEL – Hire as Police Officers, P1/Step 2, \$28,037.00 annually, effective 7/30/01.

THOMAS RAULSTON – Hire as Police Officer, P1/Step 4, \$30,706.00 annually, effective 7/30/01.

LES STOVER – Hire as Police Officer, P1/Step 6, \$33,375.00 annually, effective 7/30/01.

REFUNDS

On motion of Councilman Lively, seconded by Councilman Franklin, the City Finance Officer is authorized to make the following refunds:

CHATTANOOGA TRAILER EXPRESS- \$5,681.80—Due to State Assessed Property, Tax Year 1999.

FONTENN - \$4,913.93—Due to Amended Report per Tax Assessor—Tax Year 2000.

BOARD APPOINTMENTS

On motion of Councilman Franklin, seconded by Councilman Littlefield, the following Board Appointments were approved:

HUMAN SERVICES ADVISORY BOARD:

- Reappointment of **STEVE WHITE**, for a 2-year term ending 9/1/03; **ANITA BELL**, for a 1-year term (Reappointment) ending 9/1/02; **JAMIE BERGMAN**, for a 3-year term ending 9/1/04; **CHARLES PEAVYHOUSE**, for a 1-year term ending 9/1/02; **JOHNNY HORN & LINDA MCREYNOLDS**, for 3-year terms ending 9/1/04.

HEARING:
OFFICER JEFF GANAWAY

Attorney Nelson reminded Council members of the Hearing for **Jeff Ganaway** , set for **Monday, July 30th at 2:00 P.M.** Councilman Franklin will chair the meeting and Councilman Page and Councilwoman Robinson are on the panel.

COMMITTEES

Councilman Taylor reminded Council members of the **Budget Committee Meeting set for Tuesday, July 31st at 4:30 P.M.**

Councilwoman Robinson reported that a Parks and Recreation Committee meeting was held today, and there would not be a meeting next week.

Councilman Franklin reported that there would be a **Public Works Committee Meeting on Tuesday, July 31st at 4:00 P.M.**

BOARD APPOINTMENTS

HUMAN RIGHTS/HUMAN RELATIONS COMMISSION:

On motion of Councilman Page, seconded by Councilman Franklin, the following Board Appointment was approved.

- Reappointment of **EDDIE HOLMES**, representing District 3, for a three-year term expiring July 28, 2004.

On motion of Councilman Lively, seconded by Councilman Franklin, the following Board Appointment was approved:

- Appointment of **L. DAVID TURNER**, representing District 1, for a three-year term expiring July 28, 2004.

On motion of Councilman Franklin, seconded by Councilwoman Robinson, the following Board Appointment was approved:

- Appointment of **CYNTHIA STANLEY-CASH**, representing District 5, for a three-year term expiring July 28, 2004.

BOARD APPOINTMENTS
(CONT'D.)

On motion of Councilwoman Robinson, seconded by Councilman Pierce, the following Board Appointment was approved:

- Reappointment of **MOLLIE FLORES**, representing District 2, for a three-year term expiring July 28, 2004

SISTER BEY

Sister Bey stated that she had spoken to Mayor Corker regarding a promise he had made to fix a house next door to her. She stated that the Council knew what she could do, and she would do it; that Moses Freeman had suggested tearing the house down, but she did not want a vacant lot next to her. The property is located at 306 N. Highland Park Ave. She stated that either the City would fix the house or we would let HUD make the decision. She went on to say that she did not feel they should have to pay so much money in taxes when the money was going to build hotels, and they were not seeing any money in her neighborhood. She ended by saying that she “was not playing”.

DAVID HAYNES

David Haynes approached the Council with a concern. He explained that on November 2nd of last year he was issued a Building Permit to build a home and then in June of this year, they told him to stop because where he was building was not a City street. He stated that six families use this road every day. He noted that the prior Administration told him that it was a road, but it was just not improved. He asked that the Council find a way to honor the permit issued to him so that he could build his home.

The property is in District 1, and Councilman Lively stated that this situation was a real oddity and needed to be taken care of. He stated that we were dealing with a 30-year mistake; that when the street was annexed, it ended up on the City maps as a right-of-way; that two years ago this Council passed an Ordinance that said a house had to face a City street and when Mr. Haynes got started with his building, the City Attorney ordered that he cease building because it was not on a City street. He stated that he would like to see this adopted as a City street in order to correct a 30-year mistake. He stated that he understood that if a road is brought up to City Code standards, then the City will accept it. He went on to say that the mistake was made when this was annexed and that something needs to be done. Councilman Lively stated that he was embarrassed that he had represented these people for 12 years, and we had not done anything about this; that the property either needed to be de-annexed or made a street. He stated that there was a real problem here even though the overall Ordinance is good for the City.

DAVID HAYNES (CONT'D.)

Councilman Littlefield stated that he vaguely remembered this coming up in the 1980's. He asked if it had been confirmed that it was a County road when it was annexed into the City.

Mr. Haynes responded that the City maintained it when Fire and Police were going to Pan Gap Lake; that this road was also used to travel when the river flooded so that folks could get out to Cummings Highway. He stated that it was a County Road then.

Councilman Lively added that he recalled that it was sometimes called "High Water Road" and was renamed to "Pan Gap Circle", and this could be where the problem is. He stated that it was an injustice.

Chairman Hakeem stated that he would ask Mr. Lynn, City Engineer, to research this and come back with the results of his investigation; that in the next couple of weeks we should have this research done.

Councilman Lively stated that this seemed to be a problem with no solution, and we needed to find a way to do it.

Mr. Haynes stated that he was not asking that the City come in and improve the road; that he just wanted to build his home there; that he was paying taxes on 14 acres that he could not build on. He added that this would be more money for the City to work with at Budget time!

ADJOURNMENT

Chairman Hakeem adjourned the meeting of the Council until Tuesday, July 31, 2001, 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)**

