

**City Council Building
Chattanooga, Tennessee
January 6, 2004
6:00 p.m.**

Chairman Franklin called the meeting of the Chattanooga Council to order with Councilmen Benson, Hakeem, Littlefield, Lively, Page, Robinson and Taylor present; Councilman Pierce was absent due to prior commitment to attend a meeting of the Election Commission. 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 Hakeem introduced Rev. Juanita Greene, one of Chattanooga's new dynamic leaders in the religious community, who gave invocation. (Rev. Greene is President of the Clergy Koinonia and Pastor of Thompkin Chapel AME Zion Church.)

MINUTE APPROVAL

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

AMEND ORDINANCE NO. 11494

On motion of Councilman Benson, seconded by Councilman Littlefield,
**AN ORDINANCE AMENDING ORDINANCE NO. 11494, ADOPTED
DECEMBER 2, 2003, ENCAPTIONED "AN ORDINANCE TO AMEND PART
II, CHATTANOOGA CITY CODE, CHAPTER 24, ARTICLE XIV, SECTION
24-504, RELATIVE TO ONE-WAY STREETS." SO AS TO CORRECT THE
ENTRY REGARDING SECOND STREET IN SECTION 2**
passed first reading.

CLOSE AND ABANDON

Councilman Hakeem stated Ordinances (b) – (d) and (f) – (h) were discussed in Public Works Committee and approval is recommended.

CLOSE AND ABANDON (Continued)

MR-2003-201: Reed Watson

On motion of Councilman Hakeem, seconded by Councilman Lively,
AN ORDINANCE CLOSING AND ABANDONING TWO UNOPENED PORTIONS OF THE 2900 BLOCK OF RIVERPORT ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
passed first reading.

CLOSE AND ABANDON

2003-203: City of Chattanooga, c/o Phillip Lynn

On motion of Councilman Hakeem, seconded by Councilman Taylor,
AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF PINE STREET, LOCATED NORTH OF OAKHILL ROAD, TO SUNFLOWER LANE, SAID RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
passed first reading.

CLOSE AND ABANDON

2003-205: City of Chattanooga, c/o Phillip Lynn

On motion of Councilwoman Robinson, seconded by Councilman Taylor,
AN ORDINANCE TO CHANGE THE RIGHT-OF-WAY NAME OF PINE STREET, LOCATED EAST OF SENECA AVENUE, TO EDELWEIS STREET, SAID RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE
passed first reading.

CLOSE AND ABANDON

MR-2003-211: James F. Cofer

Councilman Benson stated this request is recommended for denial by Public Works, as well as the Planning Commission. He stated Dr. Cofer is present and would like to express his concern.

CLOSE AND ABANDON (Continued)

Dr. Jim Cofer, a local Dentist, stated his main reason for wanting the area closed is that the whole street is used just for access behind his office and the office next to it, Gas Appliances Unlimited. He stated there have been several break-ins and it is a dangerous area; that there used to be a Golden Gallon there where two people were killed. He stated the road goes nowhere and there is no reason to have it. He stated there were two objectors previously at Planning, the Hixson Water Company and Public Works because they would not have access to utility lines; that he agreed to give access, which is no problem. He stated the second objector was the EMS station in the area and the person who was the Director indicated they would sometimes use the road but they do not use Winding Lane. He stated there is no reason to have the road as it serves no purpose; that it is dangerous and all the private property owners, including himself, want it close. He stated there is no reason to have it.

Councilman Benson stated that it is his thought one thing that came up at Planning as a reason for wanting it closed is that Dr. Cofer was trying to protect the building from break-ins and to him (Benson) and Planning that was a big sacrifice; that there needs to be some other deterrent to break-ins rather than closing an alley. He stated it appears there is something that can be done to help the crime conditions to at least make it known.

Councilman Littlefield stated one other option that is not as permanent and severe as permanent closure is to grant temporary use. He suggested that Dr. Cofer speak with the Police Department and continue to work with Public Works and others to see if that is an option to be explored. He stated it was his understanding that EMS has not reconciled the fact if the street closure would not compromise their ability to serve. Dr. Cofer stated that EMS never used it.

Councilman Littlefield stated that he is not ready to say that to the authorities; that Mr. Cofer might say they never use it but have not said it to the right people.

Dr. Cofer asked if this matter could be put off so that he could talk with them.

Councilman Littlefield stated this gets the closure off the agenda; that the temporary use is something that can be granted anytime and is not so permanent. He stated there is a simple solution to Dr. Cofer's problem, which does not require something so permanent as the government closing and abandoning access.

CLOSE AND ABANDON (Continued)

Councilman Page added that there have been people who have contacted him personally regarding this and stated there is the possibility there could be in the future a traffic light at 153; that any abandonment of that road in his opinion would be impossible. He stated that he is very sympathetic to Dr. Cofer's break-in problem yet it is a police issue; that he is very interested in his business and others being protected.

On motion of Councilman Lively, seconded by Councilman Hakeem,
**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE
5900 BLOCK OF WINDING LANE, MORE PARTICULARLY DESCRIBED
HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A
PART HEREOF BY REFERENCE**
was denied.

CLOSE AND ABANDON

MR-2003-216: Barry Payne

On motion of Councilman Littlefield, seconded by Councilman Hakeem,
**AN ORDINANCE CLOSING AND ABANDONING AN EXISTING
SANITARY SEWER EASEMENT AND LINE LOCATED BETWEEN MANHOLES
#308 AND #310 LOCATED OFF TYNER ROAD AND KNOWN AS
"DOGWOOD VILLAGE", MORE PARTICULARLY DESCRIBED HEREIN AND
AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART
HEREOF BY REFERENCE**
passed first reading.

CLOSE AND ABANDON

MR-2003-220: City of Chattanooga, c/o Phillip Lynn

On motion of Councilman Littlefield, seconded by Councilman Hakeem,
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED FORTY
FOOT (40') RIGHT-OF-WAY LOCATED BETWEEN 7458 AND 7460
TWINBROOK DRIVE, MORE PARTICULARLY DESCRIBED HEREIN AND AS
SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF
BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
passed first reading.

CLOSE AND ABANDON

MR-2003-224: City of Chattanooga, c/o Phillip Lynn

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED
PORTION OF MORGAN STREET AT THE INTERSECTION OF 28TH STREET,
MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE
MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**
passed first reading.

AMEND CITY CODE

Chairman Franklin indicated this Ordinance was added to tonight's agenda per discussion in today's Legal and Legislative Committee.

Councilman Littlefield stated the Legal and Legislative Committee debated this matter for more than forty-five minutes this afternoon with eight Council members present. He stated the matter comes to the Council with approval from Committee. He stated in deference to Councilman Pierce, who is at another meeting and wished to be present, it is proposed that the matter be postponed until the end of the agenda for an opportunity for him (Pierce) to join the meeting.

On motion of Councilman Littlefield, seconded by Councilwoman Robinson,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
CHAPTER 16, ARTICLE I, SECTION 2, SO AS TO REPEAL THE MAXIMUM
AGE LIMITATION FOR THE EMPLOYMENT OF POLICE OFFICERS**
was postponed for discussion until the end of the agenda.

AMEND DOWNTOWN REDEVELOPMENT PLAN

Anne Weeks, President of the Broad Street Redevelopment Group, stated this is another "part of the puzzle" to help continue the redevelopment that has started. She stated the Redevelopment Group is in favor of this and look forward to working with the Chattanooga Housing Authority, as well as the Southside Gardens neighborhood to make sure everyone "wins" in this effort to redevelop and keep the neighborhood in tact.

Councilman Taylor recognized the presence of Rev. Grant Harris and representatives from the community and the Chattanooga Housing Authority. He stated one of the things significant in the area is that there are quite a few churches.

AMEND DOWNTOWN REDEVELOPMENT PLAN
(Continued)

Councilman Taylor stated the Housing Authority has agreed they would work closely with the churches and congregations in the area as they move through this plan. He stated this is a religious community and has been a very viable source of strength through the years.

On motion of Councilman Taylor, seconded by Councilwoman Robinson,
A RESOLUTION APPROVING THE AMENDMENTS TO THE REDEVELOPMENT PLAN FOR THE DOWNTOWN AREA IMPROVEMENT PROJECT (SOUTHSIDE REDEVELOPMENT PROJECT)
was adopted.

CHANGE ORDER

Councilman Hakeem stated Resolutions (b) through (h) were discussed in Public Works Committee and are recommended for approval.

On motion of Councilman Lively, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), RELATIVE TO THE NORTH CHATTANOOGA SEWER REHABILITATION PROJECT, CONTRACT NO. W-02-001, WITH EAST TENNESSEE GRADING, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY SEVENTEEN THOUSAND FOUR HUNDRED FIFTY-ONE AND 64/100 DOLLARS (\$17,451.64), FOR A REVISED CONTRACT AMOUNT NOT TO EXCEED EIGHT HUNDRED SIXTEEN THOUSAND EIGHT HUNDRED SEVENTEEN AND 64/100 DOLLARS (\$816,817.64)
was adopted.

CONTRACT AMENDMENT

On motion of Councilman Hakeem, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AMENDMENT NO. 5, TO WORK AUTHORIZATION NO. 6, WITH ARCADIS G&M, INC., RELATIVE TO CONTRACT NO. RW-1-01, 4TH STREET ROADWAY IMPROVEMENTS, WHICH AMENDMENT INCREASES THE CONTRACT AMOUNT BY SIXTY THOUSAND FIVE HUNDRED DOLLARS (\$60,500.00) FOR ADDITIONAL CONSTRUCTION PHASE SERVICES AND RESIDENT PROJECT REPRESENTATIVE (RPR) SERVICES
was adopted.

AGREEMENT

On motion of Councilman Hakeem, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC., FOR ENGINEERING SERVICES RELATIVE TO CONTRACT NO. E-03-017-100, NORTH ACCES ROAD RETAINING WALL REPAIR, IN AN AMOUNT NOT TO EXCEED TWENTY-ONE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$21,750.00)
was adopted.

TEMPORARY USE

On motion of Councilman Hakeem, seconded by Councilman Page,
A RESOLUTION AUTHORIZING THE WASABI GROUP, LLC TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY OF A PORTION OF GULF STREET, BETWEEN EAST 16TH STREET AND MONTAGUE PARK AND RAILROAD RIGHT-OF-WAY, TO INSTALL GATES AND FENCES TO SECURE THE PROPERTY; AND TO ALSO TEMPORARILY USE THE CITY'S RIGHT-OF-WAY ALONG EAST 16TH STREET, BETWEEN GULF STREET AND FILLMORE STREET, TO PLANT THREE (3) CREPE MYRTLES IN THE RIGHT-OF-WAY, 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 Taylor, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE SHEPHERD COMMUNITY COUNCIL TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED BETWEEN SHEPHERD ROAD AND SHALLOWFORD ROAD TO INSTALL A COMMUNITY GATEWAY SIGN, 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 Lively, seconded by Councilman Page,
A RESOLUTION AUTHORIZING THE WINDBROOK HOMEOWNERS ASSOCIATION TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY LOCATED BETWEEN WINDBROOK LANE AND HIXSON PIKE (6200 BLOCK OF HIXSON PIKE) TO INSTALL A SUBDIVISION SIGN, AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS
was adopted.

CONTRACT

On motion of Councilman Taylor, seconded by Councilwoman Robinson,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. E-03-016: TUNNEL BOULEVARD SIDEWALK/STORMWATER PROJECT, TO MAYSE CONSTRUCTION COMPANY FOR A TOTAL AMOUNT NOT TO EXCEED THREE HUNDRED FORTY-SEVEN THOUSAND SIX HUNDRED FORTY-FOUR DOLLARS (\$347,644.00) INCLUDING A CONTINGENCY FEE OF THIRTY THOUSAND DOLLARS (\$30,000.00)
was adopted.

OVERTIME

Overtime for the weeks ending December 19, 2003 (\$14,320.79), December 28, 2003 (74,427.79) and January 2, 2004 totaled \$104,881.24.

PERSONNEL

The following personnel matters were reported for the various departments:

PUBLIC WORKS DEPARTMENT:

- ✍ **CHARLES L. THOMAS, SR., JEROME A. LANIER** – Promotion, Plant Operator Principal, Waste Resources, Pay Grade 13/Step 5, \$34,440.00 annually, effective December 24, 2003.
- ✍ **JOHN T. CALLIS** – Resignation, Crew Worker Sr., Citywide Services, effective December 16, 2003.
- ✍ **JERRY MARTIN** – Hire, Crew Worker, Citywide Services, Pay Grade 3/Step 1, \$18,643.00 annually, effective December 22, 2003.

PERSONNEL (Continued)

- ✍ **ANTONIO D. SANDS** – Promotion, Heavy Equipment Operator, Citywide Services, Pay Grade 10/Step 1, \$25,208.00 annually, effective December 17, 2003.
- ✍ **RICHARD JONES** – Compulsory Medical Leave, Crew Supervisor, Citywide Services, effective December 18, 2003 – June 18, 2004.
- ✍ **ZACHARY R. DEDENBACH** – Resignation, Crew Worker, Traffic Operations, effective January 1, 2004.
- ✍ **DONALD R. DAVIDSON** – Promotion/Transfer, Crew Supervisor, Citywide Services, Pay Grade 11/Step 2, \$27,695.00 annually, effective December 31, 2003.
- ✍ **WILLIAM CARTER JR.** – Hire, Heavy Equipment Operator, Citywide Services, Pay Grade 10/Step 1, \$25,208.00 annually, effective December 30, 2003.

CHATTANOOGA FIRE DEPARTMENT:

- ✍ **DAMIEN VINSON** – Military Leave, Firefighter, effective December 15, 2003.
- ✍ **JAMES T. HANES** – Promotion, Captain, Pay Grade F4/Step 7, \$46,149.00 annually, effective December 26, 2003.
- ✍ **ANTHONY M. MOORE, EMILY K. SMITH** – Promotion, Lieutenant, Pay Grade F3/Step 4, \$35,258.00 annually, effective December 26, 2003.
- ✍ **DANIEL J. HAGUE** – Promotion, Lieutenant, Pay Grade F4/Step 4, \$40,887.00 annually, effective December 26, 2003.
- ✍ **ADAM COUCH** – Promotion, Senior Firefighter, Pay Grade F2/Step 3, \$31,055.00 annually, effective December 26, 2003.

CHATTANOOGA POLICE DEPARTMENT:

- ✍ **CHARLES L. DUDLEY, JR.** (*29 years of service*), **SAMUEL MADISON** (*29 years of service*), **DANIEL F. MOODY** (*29 years of service*) – Retirement, Sergeant, effective December 25, 2003.

PERSONNEL (Continued)

- ✍ **PAMELA EDMONDSON** (25 years of service), **MICHAEL W. SHUTTLES** (25 years of service) – Retirement, Officer, effective December 25, 2003.
- ✍ **LEONARD H. GREEN, JR.** – Retirement (29 years of service), Lieutenant, effective December 25, 2003.
- ✍ **BOBBY E. HARRELL** – Retirement (16 years of service), Communications Officer, effective December 31, 2003.
- ✍ **WENDY-ANN D. MURPHY** – Resignation, Police Cadet, effective December 15, 2003.
- ✍ **STEVEN C. BRADLEY** – Resignation, Police Cadet, effective December 22, 2003.
- ✍ **EDDY CHAMBERLIN** – 28-day Suspension (without pay), Sergeant, effective December 16, 2003 – January 24, 2004.
- ✍ **ARTHUR S. GARRISON** – Disability Pension (Job Related), Officer, effective December 22, 2003.
- ✍ **CRAIG A. NABORS** – Military Leave of Absence, Officer, effective January 11, 2004 – January 11, 2005.
- ✍ **DAVIS STONE** – Return from Military Duty, Sergeant, effective January 2, 2004.
- ✍ **SHIRLEY CURTIS** – Leave of Absence (Compulsory), Police Records Clerk, effective January 26, 2003 – March 26, 2004.

CHATTANOOGA HUMAN SERVICES DEPARTMENT:

- ✍ **LISA FINNEY** – Resignation, Family Services Assistant, Head Start, effective December 5, 2003.
- ✍ **MARY ROGERS** – Termination, Teacher, Head Start, effective November 19, 2003.
- ✍ **ANGELA RAMSEY** – Resignation, Family Services Assistant, Head Start, effective December 12, 2003.

PERSONNEL (Continued)

- ✍ **MARJORIE BANKS** – Retirement, Clerk Typist V, Day Care, effective December 31, 2003.

FINANCE DEPARTMENT:

- ✍ **JAMES AARON** – Remove from Payroll, Disability Retiree, Mechanic III, effective October 16, 2003.

PURCHASE

On motion of Councilman Lively, seconded by Councilman Hakeem, the following purchase was approved for use by the Chattanooga Fire Department:

American LaFrance MedicMaster (Lowest and best bid)
R0066748/B0001160

TuffSat Handheld Pulse Oximeters

\$11,970.00

BOARD APPOINTMENTS

On motion of Councilman Littlefield, seconded by Councilman Taylor, the following Board appointments were approved:

CHATTANOOGA HOUSING AUTHORITY BOARD:

- ✍ Appointment of **CONNIE O'NEAL** for a term ending June 1, 2007.

CDBG BOARD:

- ✍ Re-appointment of **SHEILA JENNINGS** for a term expiring January 31, 2006.

HOSPITAL AUTHORITY BOARD:

- ✍ Appointment of **DR. CHARLES LONGER** for a term ending November 1, 2007. (Dr. Longer is the Medical Society's joint appointment by the Mayors of the City and County.)

REFUNDS

On motion of Councilman Littlefield, seconded by Councilman Taylor, the Administrator of Finance was authorized to issue the following refunds for stormwater fees and/or property taxes for tax year 2003 due to overpayment:

Wise Pratt & Assoc. LLC	\$1,326.71
Juan Cacicedo	1,068.82
Erika Halter	1,036.11
Clyde Jeansonne	1,123.54
Dean Baubach	1,224.81
Rawter Realty Limited	6,562.50
Michael Hicks	1,461.31
John Johnson, III	2,173.97
Melvin Setzer, Jr.	1,715.43
Melanie Glover	1,085.17
Lana Jackson	1,019.76
Andrew Coombe	1,060.01
Leota Smith Lane	1,036.11
William Welch	1,459.43
Scott Shaw	1,111.10
Ruth Williams	1,283.31
Carmon Madison	1,253.74
Daniel Gilbert	1,672.03
Stephen Crowe	1,182.04
Charles Mabee	1,546.23

PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Littlefield, the following purchase was approved for use by the Finance and Administration Department:

CRYSTAL SPRINGS WATER CO. (Lowest and best bid)
R0069284/B0001105

Citywide Bottled Water Service Requirements Contract

(Price information available and filed with minute material of this date)

ANNUAL REPORT: NEIGHBORHOOD SERVICES

Admin. Curry stated that the Annual Report of the Neighborhood Services Department would be placed in each of the Council members' boxes on tomorrow, as well as a five-year summary of the neighborhood grants program, which began five years ago. He stated the neighborhood grants go to neighborhood associations for projects they do and are enhanced by volunteer hours. He stated to date over \$2 million dollars have been awarded toward activities in our neighborhoods; that the grants have been an enhancer in our community creating community spirit and pride. He stated they are very proud of the program and the work that has been done in our communities.

Admin. Curry continued by stating that he has been invited by Commissioner Cotton to come before the County Commission on tomorrow to speak regarding neighborhood issues and how we deal with neighborhoods in the City of Chattanooga. He asked the Council for their support and attendance.

Chairman Franklin commended Admin. Curry for the excellent job he has done, indicating that he has been a good steward of grant monies received for different and sundry community projects over the past five years. He stated everyone on the Council has worked diligently and in a collaborative effort.

COMMITTEES

Councilman Hakeem scheduled a meeting of the **Public Works Committee for Tuesday, January 20 at 4 p.m.**

Councilman Littlefield stated the **Legal and Legislative Committee will meet on next Tuesday, January 20 at 3 p.m.** to discuss the subject of sign regulations. He stated there are a number of proposed amendments, some that are procedural; that some in the sign industry have requested that there be a design review and the Committee would hear from all sides. He stated that he would like for the record to reflect that there has been a request from the Knoxville City Council to visit us on January 27 to watch us at work. He stated there have been a number of changes on the Knoxville City Council and they wish to see how we do it; that he responded to a member of the Council who contacted him and told him the Chattanooga Council might wish to visit them and look at their new animal system, thereby establishing something of a "sister city" relationship.

APPOINTEE TO THE HUMAN EDUCATIONAL SOCIETY BOARD

Councilman Benson stated that he and Councilman Littlefield would be meeting with the City's new appointee, "Barbie" Wilson, to the Humane Educational Board on tomorrow morning at 9:30 a.m. in the Council Conference Room. He invited others on the Council to join them for input on what is thought the mission should be for our representative serving on the Board and to meet her.

MEETING WITH REPRESENTATIVE FROM CITY OF SIGNAL MOUNTAIN

Councilman Littlefield stated that he had an amicable preliminary meeting with representatives from the City of Signal Mountain; that differences would be worked out with them regarding plans for use of Portland Park.

ALL CANDIDATES RALLY

Councilman Hakeem announced there would be an all candidates rally sponsored by the NAACP on this Thursday, January 8 at 6 p.m. at the Carver Recreation Center. He stated all persons interested, particularly those in the City Judge race, as well as other candidates, would be present.

ROBERT PAP

Robert Pap, President of Accurate Automation Corporation (AAC), stated that his is a high tech business in Chattanooga and that Councilmen Benson and Littlefield toured the site two weeks ago to see what AAC does. He stated that he is aware a lease has been entered into for part of the building at Enterprise South to Raytheon and it is his hope he could get consideration to lease the other part of the facility for the work he does. He stated there are a lot of high tech companies in town and that a lot of other cities want Chattanooga's businesses; that he is trying to stay if he gets the proper facility. He expressed appreciation to Councilmen Benson, Littlefield and Hakeem for their support over the years and again voiced his hope the Council would get him in the facility. He extended an invitation for all on the Council to come out and see what he does.

Chairman Franklin stated that the Council wants Mr. Pap to stay and be competitive.

ROBERT PAP (Continued)

Councilman Littlefield stated that he has known Mr. Pap for a long time and actually shared the basement of the Sheraton with him years ago; that he is doing remarkable things. He stated that he builds fantastic flying objects here in Chattanooga and is outgrowing the building. He stated he talked with Amy Cherry about the Raytheon Building after meeting with Mr. Pap and it is his understanding that what the Council approved before was leasing for half of the building to Raytheon, another high tech business, and left half yet to be decided. He stated Mr. Pap indicated that he was willing to live by the same rules, regulations and requirements as other tenants.

Councilman Benson encouraged the entire Council to tour the business, indicating that Mr. Pap has a plant on the West Coast, also. He stated thirty people are employed and his building is too small and he does not have an opportunity to expand and hire more. He stated that he understands that we have leased half but is now hearing that we have leased all of it.

Admin. Eichenthal stated that there is additional available space and expressed that he is not sure what the lease terms are and would go back and check on it.

Councilman Benson stated 20,000 feet is all we approved. Councilman Littlefield indicated that the building is 40,000 square feet.

Councilman Eichenthal stated that Raytheon is utilizing roughly 20,000 feet of it; that Amy Cherry is the representative on this and both the City and County are looking for occupants at Enterprise South. He reiterated that Amy Cherry is the absolute person to deal with it.

COMCAST CABLE COMPANY

Councilman Hakeem inquired as to the franchise with Comcast Cable with regard to the time left and options when it expires.

Admin. Eichenthal admitted that he did not know and would be happy to look at that, as well.

City Attorney Nelson stated that the current franchise agreement terminates in 2006 and that it is a nonexclusive agreement. He stated if other companies should come in there is no impediment; that we are willing to negotiate franchises with them, too.

COMCAST CABLE COMPANY (Continued)

Councilman Littlefield stated that he was present years ago when we negotiated this agreement and we cannot offer any new carrier any better than that. City Attorney Nelson indicated that it is a "most favorable nation" status.

City Attorney Littlefield stated that has been a "sticking point" and everyone is concerned about the increase. He stated Comcast has the infrastructure and that makes it difficult for another carrier to come in.

City Attorney Nelson stated that that could be one of the terms we might renegotiate in two years.

DAVID GOETCHEUS

David Goetcheus stated he and his wife moved to Chattanooga in 1978 for a better place for their children to grow up. He stated in 1992 their two sons were murdered off Brainerd Road behind the Comedy Catch in a house and they were their only two children. He stated they have struggled with the grief and pain of this as it has been a nightmare; that they tried to do everything right to achieve a resolution to their children's murder. He distributed statistical information regarding unsolved murders in Chattanooga that have occurred since 1990. He pointed out that there have been seventy-three (73) unsolved murders since 1990, which is a high number. He stated from 1990-1996 there were 255 murders of which twenty-six (26) were solved for a percentage of 10.1; that in 1997-2003 there were 189 murders of which forty-seven (47) were solved for a percentage of 24.8. He stated there was a 26.8 percent decrease in the total murders but an 80.7 percent increase in unsolved murders in the last seven years. He stated the percentages relate to the number of detectives in the Major Crimes Department in the Chattanooga Police Department; that there were fifteen Major Crimes Department employees which was cut back to six (6) which is alarming and directly correlates to the percentages for each year. He stated it is alarming to know we have as high as a 42 percent unsolved murder rate in this City.

Mr. Goetcheus stated as parents of murder victims they have done all they can do and have cooperated with the police; that they have tried to make their sons murders as viable as they could through the media. With great emotion he stated that the anniversary of their death is this Friday and it is their hope is that someone would come forward so they can have closure on this.

DAVID GOETCHEUS (Continued)

Mr. Goetcheus stated they have met with John Walsh of *America's Most Wanted* who investigated the murder and highlighted the terrible mistakes made by the Chattanooga Police Department. He stated the matter has been aired several times on *America's Most Wanted*. He stated they have tried to take as much action as they could; that if they alienate the police department they lose any opportunity of seeing their children's murder solved. He stated they have met with Chief Dotson and the staff in the Major Crimes Unit who are a highly skilled and trained group; that Chief Dotson responded by adding three detectives to the Unit. He stated they went to the Mayor's Office in 2002 and provided statistical information however there has been no response.

Mr. Goetcheus asked the Council to take action and make the resolution of unsolved murders a priority in Chattanooga by establishing accountability for the Police Chief and the visibility needed by setting performance goals and routinely monitoring them. He stated it is very important to them that whatever the outcome is of our getting a new Chief that administration commit to placing more emphasis and a higher priority and greater accountability to solving outstanding murders in Chattanooga. He expressed thanks to the Council for allowing him to speak and clarified that the statistics distributed came from the Chattanooga Police Department and published information in the Times-Free Press.

Chairman Franklin expressed sorrow for Mr. & Mrs. Goetcheus' loss as they continue to suffer over the last several years. He stated the Council would do all they could to try to assist the Police Department to assure they have all the tools and personnel available to try to solve some of the unsolved murders. He expressed thanks to Mr. Goetcheus for coming to discuss a most difficult matter, again expressing sympathy based upon the anniversary coming up this Friday.

Councilman Littlefield asked Mr. Goetcheus to stay so he could speak with him after the meeting. He stated that he saw him on television the other day and thought about this case; that he served in his previous tenure on the Council when the murder occurred. He stated the location is on the edge of the neighborhood he has lived in for more than thirty (30) years and went by the scene the day after the murder; that he is the father of two sons and that makes him think of this case. He stated that he has a meeting with Chief Dotson tomorrow about another issue and this will be one of the things he will talk with him about as well as one or two other things prior to his exit.

Mr. Goetcheus stated that he was not speaking just for his children, as he and his wife are part of a Victims of Homicide group, which is a very sad organization to be a part of.

DAVID GOETCHEUS (Continued)

Mrs. Goetcheus spoke from her seat in the audience and commended Detectives Tim Carroll and Mike Mathis who have been exceptionally helpful and clarified they are not complaining about the detectives on this case. She stated they are looking for more priority to be given to solving all the unsolved murders in Chattanooga, especially with the new administration coming in.

Councilman Benson stated the statistical information distributed references that the source of the data is from the Chattanooga Police Department and reflects a 25.8 decrease in total murders but an 80.7 percent increase in unsolved murders in the last seven years. He asked if Chief Dotson agrees with these statistics.

Mr. Goetcheus responded that they are his numbers. Mrs. Goetcheus stated some of the statistics are from the TBI, also.

GREG LUTHER

Greg Luther stated that he lives in St. Elmo and in 2001 was President of the St. Elmo Improvement League. He stated in 2001 RPA completed the St. Elmo Plan and there were a number of things put into the Plan at the time to placate the neighborhood; that the old St. Elmo School is now Alexian Brothers yet there are other projects that have been abandoned by the City. He stated that there were a number of things in the Plan and they were looking forward to having St. Elmo and Tennessee Avenue done; that he now understands this is no longer on the "drawing board" and has been put off. He stated they are having problems with the old recreation building and a CDC group wants the building and there are still meetings about what will happen with the old building. He requested that he be notified of any future meetings involving the old recreation center so he can attend and would like more feedback from the City and more capital work done in the St. Elmo area. He stated even though the Plan called for a bike path on Virginia Avenue, it was put on St. Elmo Avenue where we have semi-trucks going 50-60 miles per hour and the striping for the road was done with old ground up road stripes leaving pits and holes in the roadway. He stated this is moving backward and he would like for the City to prioritize a little better. He stated all the attention goes to downtown; that downtown is for tourists that come and play and those who pay taxes to live here would like to see more.

SYLVIA BENNETT

Sylvia Bennett stated that she has two issues and one is a knee-jerk reaction to a problem. She stated she has been going to the Chattanooga Police Department and has been part of the community organization for over three years and has complained about the fact that our neighborhoods do not feel safe. She stated that she feels trying to make a move to get more police and better people is a knee-jerk reaction. She thanked those who work within the neighborhoods and applauded the Council for what they do. She stated the other issue has to do with stormwater; that she has been attending the Legal and Legislative meetings and listens to the problems and the hard solutions that are made. She stated on the first of December there were people dumping truckloads of rock and debris in her neighborhood and she checked and found people were dumping without a permit. She stated she was told they would not get a permit because this involved a hillside and would run down; sometime later she heard trucks running again with heavy equipment and she called the City again and was told it was the Council's fault because they left a loophole in what was done about stormwater wherein a person can get a permit to put in a single family home and dump anything they want. She stated that she called again and was told by stormwater there was nothing they could do about it. She stated where they are dumping the people below this site will be looking at rock or whatever plus getting runoff. She stated if there is a loophole it is her hope the City will help the neighborhood before this goes any farther.

Chairman Franklin asked Ms. Bennett to address her stormwater issue to Admin. McDonald. Ms. Bennett indicated that she had spoken with Doug Fritz. Chairman Franklin informed her she needed to talk with Admin. McDonald.

AMEND CITY CODE

Councilman Littlefield stated this matter was discussed before today's Legal and Legislative Committee with eight members of the Council present. He stated the vote was 6-2 to place the matter on tonight's agenda for action. He stated the Ordinance comes from Committee with a recommendation for approval.

At this point Councilman Littlefield made the motion to pass this Ordinance on first reading; Councilman Benson seconded the motion.

Chairman Franklin stated that the Ordinance would be "massaged" prior to second and third reading next week.

AMEND CITY CODE (Continued)

Chip O'Dell addressed the Council at this time and indicated that he had hoped to prevent a motion being made on this matter as he is not sure the Council wants to "tie our hands" on this because it cannot be taken back. He stated there was mention earlier in Committee that Congress had the foresight to exempt all public safety officers from the age discrimination act, which is why they are exempt. He stated if the age limit is changed or moved it cannot be put back; that he does not think we can get back to age 31 since it was moved to 39. He asked the Council not to move on this tonight and take time to think about it; that he does not want their "hands tied". He stated the matter should be reviewed and the Council should not do something tonight and not be able to take it back. He stated he has not had an opportunity to see the ordinance or at least review it for a better argument; that there has been talk about this for six months and (he) was not aware of the meeting regarding this until yesterday.

Councilman Hakeem stated that he called his colleague, Mr. Hamilton, last week and if he (O'Dell) was not informed until yesterday not to fault the Council.

Mr. O'Dell stated he was not aware and most others are not, nor has he had a chance to look at the ordinance. He asked the Council to wait to have the first reading for another meeting, as there are concerns he and others have expressed that have not been answered.

Councilman Benson stated that it is his belief we are under a fully correct impression; that the City Attorney told us when the law was passed it really grandfathered-in people that had a limit. City Attorney Nelson responded "yes".

Councilman Benson then stated so the law says there would be no age restriction and it is an oxymoron to say they did not because one already said it was right.

City Attorney Nelson stated one said it could keep it but if they do away with it then the very question is whether to bring it back.

Councilman Benson stated not having a restriction on age was the thing to do, honoring the grandfather situation. He stated from what he understands, Nashville has done away with the age limit and other cities as well. He stated that he feels it is an archaic and arbitrary policy, which eliminates a lot of people born a few minutes apart.

AMEND CITY CODE (Continued)

Councilman Benson stated a person could be born at 11:59 p.m. and not qualify for employment with the City and another born two minutes later would qualify; that to him it is an individualized matter. He stated we need to put the best people in personnel and depend upon them to look for those people manifested with an exceptional ability with physical, chronological or mental experiences and hold them accountable for those they employ. He stated he does not see more than two-or-three employed in a matter of years above 40; that he thinks they should have the authority to make that decision. He stated the people who fight so often are the ones not responsible for administration of that department. He stated we should not tie administration's hands with an archaic act with discrimination on age.

Councilman Littlefield stated it is painful to debate this issue with the President of the Fire and Police Pension because all know what great respect we have for them. Speaking for himself, he stated he would do nothing to jeopardize their pension in any way for any potential increases or improvements; that the issue has been pointed out that the age limit could conceivably "tie our hands" if we are able to employ a very skilled specialized person that was older than permitted age. He stated we could not offer an officer the same type of commission that other officers in the Chattanooga Police Department might get if they are over the age limit we have now. He expressed agreement with Councilman Benson's comment that it is his thought this is going to have a very small effect and a few people will be employed after spending six months debating the issue. He stated we can take comfort other cities have eliminated this age limit with no serious detrimental effect. He stated the upside is we will be able to employ people with greater skills in a newly trained rookie officer and put them to work on cases.

Councilman Lively stated that he felt there was going to be a gentleman's agreement on this vote, but apparently not. He stated for the record he still says the fire and police departments are paramilitary organizations and age limits are there for a reason; that it is a young man's game. He stated it is his thought all will agree there are good points on both sides, yet he still thinks eliminating this age limit is asking for a lot of trouble; that things have worked well in the past and we keep talking about experienced people. He stated he wished there was some way to amend it where we could hire someone over 40 with experience and knowledge and put them to work, but to hire a rookie over 40 he would question someone's mental capacity, someone 40-50 years old who had never been a policemen and wants to be one. He stated a lot of negative things have been said about a young police force, yet young people see sharper than any of us and know more than we did at their age.

AMEND CITY CODE (Continued)

Councilman Lively stated it is his belief we can get good people; that Chattanooga is competitive with most cities and we gain some and lose some. He stated that it is his thought to totally eliminate the age requirement with no strings attached is a big mistake.

At this point Councilman Littlefield "called for the question".

Chip O'Dell again asked that the Council look at this between now and next week to address older police officers. He suggested that the City hire back some of the mature Chattanooga officers and detectives; that it would be a big plus, as that type of experience will not be found somewhere else. He stated with regard to pay, Cleveland has a good police department and they will not come here to work; that the City should look at how to maintain and retain employees we have today. He stated the other issue has to do with residency restriction and when this was brought up in 1999, Chief Dotson was concerned about the minority pool and if there was a recruitment that surrounded Hamilton County and the age limit at 39 the minority pool would increase by 21 percent; that there is no telling what the increase would be if it is opened to everybody. He stated these are concerns that should be looked at before next week; that the City should hire police officers back in.

Chairman Franklin stated Mr. O'Dell made good points and one of the things he (Franklin) commented on today was with reference to a conversation with a retired officer; that this is something that could be considered.

City Attorney Nelson pointed out the residency requirement in Tennessee is a matter of *City Charter* and not something we can "cure" in a week or two; that it would take the vote of the people.

On motion of Councilman Littlefield, seconded by Councilman Benson,
**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
CHAPTER 16, ARTICLE I, SECTION 2, SO AS TO REPEAL THE MAXIMUM
AGE LIMITATION FOR THE EMPLOYMENT OF POLICE OFFICERS**
passed first reading; **Councilman Lively** voted "no".

ADJOURNMENT

Chairman Franklin adjourned the meeting of the Chattanooga Council until Tuesday, January 13, 2004 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)**