

**City Council Building  
Chattanooga, Tennessee  
April 17, 2001  
6:00 p.m.**

Chairman Hakeem called the meeting of the Chattanooga Council to order with Councilmen Benson, Franklin, Littlefield, Lively, Page, Pierce, Robinson and Taylor present. 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 Benson gave invocation.

**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.

**WELCOME!**

Chairman Hakeem extended welcome to all in attendance, indicating that the City Council's new "chapter" was beginning. He expressed appreciation for everyone's presence!

**ELECTION OF COUNCIL CHAIRMAN**

At this point, the "floor" was declared open for nominations for the position of Chairman of the Council.

Councilman Benson nominated Yusuf Hakeem for the office of Chairman; Councilman Franklin seconded the motion.

**ELECTION OF COUNCIL CHAIRMAN (Continued)**

Councilman Lively made the motion for the nominations to cease on the one said name; Councilman Taylor seconded the motion; the motion carried.

**Councilman Yusuf A. Hakeem was unanimously elected Chairman of the Council.**

**ELECTION OF COUNCIL VICE CHAIRMAN**

Chairman Hakeem declared the "floor" open for nominations for the office of Vice Chairman of the Council.

Councilman Pierce nominated Ron Littlefield for the office of Vice Chairman, Councilman Lively seconded the motion.

Councilman Lively made the motion for the nominations to cease on the one said name; Councilman Taylor seconded the motion; the motion carried.

**Councilman Ron Littlefield was unanimously elected Vice Chairman of the Council.**

**PRESENTATION OF GAVEL**

City Attorney Nelson stated it has become tradition with the City Council that the City Attorney has the privilege of granting each year a gavel with which to conduct business. He stated that it is a pleasure to present Councilman Hakeem the gavel to use for the next year and indicated that it would be engraved by next week's meeting.

**CERTIFICATES OF ELECTION**

City Attorney Nelson stated the Hamilton County Election Commission entrusts him each election year to deliver the Certificates of Election to Council members. At this point, City Attorney Nelson distributed the Certificates to each Council member.

**REZONING**

**2000-221: Lawrin Giannamore**

Pursuant to notice of public hearing, the request of Lawrin Giannamore to rezone a tract of land located at 1821 and 1825 Gunbarrel Road came on to be heard.

A representative for the applicant was present; considerable opposition was in attendance.

Jerry Pace, Planner with the Planning Agency, stated that this matter is located on Gunbarrel Road and the request is for C-2 for restaurant development. He stated zoning to the north of this tract is R-4, to the south is O-1, to the west is R-1 single family and across the street is a C-2 zone, which is the Target Shopping Center. He stated the Planning Commission recommends approval of the C-2 with conditions; however, the Staff recommended denial the C-2 and approval of R-4. He stated the R-4 falls within the policy adopted for this area.

Pat Neuhoff, Architect, stated that he is working with the owner of the Brick Oven Grill on the project and pre-planning up to this point. He stated it is his understanding in conversation with Planning and Council members that a new study is being funded, which will address and affect this and adjacent areas. He asked that the matter be deferred until the study is complete and available; that it is his understanding the study's anticipated length of time is four months. He stated that it is his hope that during the deferral time there will be an opportunity to negotiate with the existing property owner for an extension as this area is tied into the study.

Councilman Benson asked for clarification as to what Mr. Neuhoff was referencing with regard to deferring the matter, whether it is to be deferred and after completion of a master land use plan for the area, the process would start over with the Planning Commission or defer the matter and have the Council consider the request under the new plan?

Mr. Neuhoff stated the request for deferral would be at the present standing; that the request received overwhelming approval from the Planning Commission. He stated considerable time and expense of the owner in architectural, planning and legal expense has been incurred at this point, and there would seem an undue hardship on Brick Oven Grill to have to retrace the steps.

**REZONING (Continued)**

Councilman Benson asked Mr. Neuhoff if he wants the Council to defer the matter and then take it back up as soon as the plan is approved? Mr. Neuhoff responded "yes". Councilman Benson then stated he would like to hear what the community thinks.

Councilman Pierce asked City Attorney Nelson whether the application has to be deferred back to Planning or the Council without the applicant having to make reapplication?

City Attorney Nelson stated that either process could take place; that the Council has the right to refer the matter back to Planning. He stated the Council might want to listen to the residents of the area and see what they say or wait for the study and see what it indicates and then make a decision.

Councilman Pierce asked if the matter could be short-circuited by referring it back to Planning at this time pending the outcome of the study? City Attorney Nelson indicated that the Council could.

Councilman Pierce stated if Councilman Benson has no objections the matter could be referred back to Planning now and depending upon the outcome of the plan, Planning will send it back with their recommendation.

Councilman Benson stated that the applicant has indicated that he would not go along with that; that he would prefer that it stay at this level. He stated he would like to hear how "the people" feel about it.

Mr. Neuhoff again indicated that the desire is to have the request stay at this level. He indicated that he was not certain he understood Councilman Pierce's proposal.

City Attorney Nelson stated what Councilman Pierce was referring to was if the Council sends the matter back now, as soon as the study comes through the Planning Commission can then reconsider it and send back their recommendation to the Council in light of the study.

Mr. Neuhoff expressed his understanding and indicated that it is the request of the Brick Oven Grill to stay at this level; that they have been to Planning and prefer not to go back.

**REZONING (Continued)**

Councilman Lively stated two weeks ago approximately \$157,000 was appropriated for this study. He stated any controversial zoning in this area should be tabled until the study is complete, otherwise, \$157,000 would be "blown"! He stated whether the matter is tabled back to Planning, it is this body that will make the final decision, anyway. He expressed his favor of having the matter go to Planning after the study is complete and then coming back to the Council for consideration.

Mr. Neuhoff stated he and owners of the Brick Oven Grill are present to work with the City and community and are not present to take any more time than they have to. He stated since this is a strong issue, instead of discussing it at this time he would agree to go back to Planning and will leave the decision in the Council's judgment.

Chairman Hakeem stated Mr. Neuhoff is proposing rather than "airing" the item at this time, have it go back through Planning. He asked if this would be an acceptable solution to the community?

Mike Ledford, the community spokesperson, stated that he is a lifetime resident of Chattanooga and a new neighbor in this neighborhood.

Chairman Hakeem reiterated the question as to whether the community would be amenable to the matter going back to Planning as opposed to discussing it?

City Attorney Nelson asked that Mr. Ledford address the question, first, and make a statement later.

Mr. Ledford stated the area in question was "touched" by a tornado four years ago and rather than pack up and leave, residents stayed and rebuilt because they liked the neighborhood. He stated he was touched by how much they cared and their compassion as many of them have lived in this neighborhood since it was developed in the sixties. He stated there has been encroachment of the area for the last several years, so all are sensitive to the subject. He stated last summer the Regional Planning Agency (RPA) adopted a policy for the Gunbarrel Road area which recommends this stretch of road to be used as O-1 or R-4, and not even a year later the policy is being circumvented.

**REZONING (Continued)**

Mr. Ledford stated much has been said regarding Planning recommending this change. He stated there was no opposition present at the Planning hearing because the neighborhood was not aware of it; that there are questions as to whether the signs were posted on the property. He indicated that he was not making accusations regarding the signs, as there is the possibility that the wind could have blown them away.

Mr. Ledford continued by stating there is opposition present tonight, and at this time asked those in opposition to stand. He stated the area is surrounded by Health South, The Primrose School, Women's East, Erlanger East, Pomerance Eye Center, the Bone and Joint Center and others, and a restaurant does not "fit". He stated the other facilities are Monday through Friday operations and operate during normal business hours; that the area does not need more traffic that will be generated by the Brick Oven Grill where there is significant bar business, carry-out service, open seven days a week and operates well into late night. He stated this area is fragile as the area behind is all housing; that any change from O-1 or R-4 is detrimental and asked that the request be rejected. He stated there is no reason to send this back to Planning; that the Council should save the time and trouble and reject the matter tonight as there are other suitable places for a restaurant, such as the Buck Head Road House property that is vacant on Shallowford Road. He stated Gunbarrel is not the only place to locate a restaurant, as there are 70 in the area, now. He again asked that the Council flatly reject this request.

**At this point Councilman Benson made the motion to approve the Staff's version for the R-4 zone; the motion failed for lack of a second.**

Chairman Hakeem asked the applicant if he had any comments of rebuttal.

Councilman Pierce stated that he was hoping to shortcut that (rebuttal); that the applicant has requested that the matter be tabled (deferred). He stated the Council has authorized a study for the area and indicated that he did not support spending \$157,000 because he felt it is the Council's job to make those decisions, and that he does not support any more commercial in the Gunbarrel road area. He stated he was prepared to vote this matter down and at this point with the applicant being willing to table until the study is complete, it is fair to wait to see what the study recommends.

**REZONING (Continued)**

Councilman Pierce stated if we are not going to give any value to the study being performed, why have it? He stated if the study comes back and recommends one thing and we act in another way, we can save money and not have the study; that the Council could turn it down and let the other applicants come forward and do the same to them. He stated the Council makes the decision and has the last "say so", not the Planning Commission, reiterating that he would like to see the matter tabled until the study is complete. **At this point, Councilman Pierce made the motion to table the matter; Councilman Taylor seconded the motion.**

Councilman Benson stated that it is his understanding that the applicant is willing to let the matter go back from the beginning at the Planning Commission. Councilman Pierce stated that was his suggestion, at first; that the matter can go back through the whole process if the Council desires. He stated he would prefer to wait until the study is over and then make a ruling, thus the rationale for the motion to table.

**It was clarified at this point that Councilman Benson's motion to approve the Staff's R-4 version did not receive a second.**

Chairman Hakeem stated a motion to table takes precedence over any other motion on the floor. Once the vote on the motion to table was taken, Chairman Hakeem stated that the matter would be looked at again after the study is complete; that if it had been voted down tonight, it could come back in approximately nine months, if the applicant so desires.

Councilman Pierce asked Mr. Bennett about the time element for the study's completion and whether a date can be identified so persons in attendance would know when this request would come back to the Council?

Barry Bennett, Executive Director of the Regional Planning Agency, stated that the time line presently has the adoption process going to Planning on September 10; that it should be before the City Council on October 9, which would be six months from now.

Councilman Benson asked if there is an obligation to have posted the signs prior to the September 10 meeting. Mr. Bennett stated he would make sure there is ample notification.

**REZONING (Continued)**

City Attorney Nelson stated the Council's regular rezoning night would be October 9, the second Tuesday in October. He asked if the Council would rather hear this matter again on the second Tuesday or the following Tuesday, October 16? Chairman Hakeem suggested that the matter be placed on the October 16 agenda.

Councilman Littlefield asked if it could be specified, as Councilman Benson suggested, that part of the motion to table would indicate that the rezoning will be re-advertised and the property re-posted two weeks prior.

Councilman Pierce asked if rezonings are normally posted prior to the Council's hearing? Councilman Littlefield indicated that this has been a special case.

Chairman Hakeem asked if the signs are taken down once the request has been heard at the County? Mr. Pace stated that the signs are not supposed to come down. Chairman Hakeem asked if the signs stay up through the City's hearing? He stated he would like to see the signs stay up a minimum of two weeks or one-month prior.

Councilman Littlefield suggested that the sign stay up at least two weeks to make sure that people have adequate opportunity to see that the matter would be coming back up. He stated persons in attendance are writing it on their calendar, now; that it would not hurt to have one or two signs out there.

Councilman Benson asked for clarification as to when the matter would go to Planning? Chairman Hakeem clarified that the matter involving the study would go before Planning on September 10; that the item regarding the Brick Oven Grill would be held in abeyance until after the study comes before the Council on October 9.

Councilman Benson asked if the Brick Oven Grill would not have to petition Planning, that it will just come back before the Council? Chairman Hakeem indicated that Councilman Benson was correct; that the matter would not go back before Planning. He stated that the signs would be up before the October 16 Council meeting, at least two weeks before the Council hears the matter. Mr. Pace indicated that Planning would put the signs up.

**Chairman Hakeem** expressed appreciation to those in attendance regarding this matter. He clarified **that this request would be heard again on October 19.**

**REZONING (Continued)**

On motion of Councilman Pierce, seconded by Councilman Taylor,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 1821 AND 1825 GUNBARREL ROAD, MORE  
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-  
2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN  
CONDITIONS**

was deferred until October 16, 2001 and that the rezoning would be re-advertised and the property re-posted two weeks prior; Councilmen Benson and Littlefield voted "no".

**REZONING**

**2000-028: Janice D. McElhaney**

Pursuant to notice of public hearing, the request of Janice D. McElhaney to rezone a tract of land located at 3011 Country Lane came on to be heard.

The applicant was not present; there was no opposition in attendance.

On motion of Councilman Lively, seconded by Councilman Pierce,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 3011 COUNTRY LANE, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL  
ZONE**

was denied.

**REZONING**

**2000-031: City of Chattanooga Hamilton County Chattanooga/  
Regional Planning Commission**

Pursuant to notice of public hearing, the request of the City of Chattanooga/Chattanooga Hamilton County Regional Planning Commission to rezone several tracts of land bordered by University Street to the West, the Southern Railroad to the East, East 8<sup>th</sup> Street to the north, and by Flynn Street to the South, came on to be heard.

**REZONING (Continued)**

There was no opposition in attendance.

On motion of Councilman Lively, seconded by Councilman Taylor,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE SEVERAL  
TRACTS OF LAND BORDERED BY UNIVERSITY STREET TO THE WEST, THE  
SOUTHERN RAILROAD TO THE EAST, EAST 8<sup>TH</sup> STREET TO THE NORTH,  
AND BY FLYNN STREET TO THE SOUTH, MORE PARTICULARLY DESCRIBED  
HEREIN, FROM R-4 SPECIAL ZONE AND M-1 MANUFACTURING ZONE  
TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**REZONING**

**2001-036: Jo M. Peckinpaugh**

Pursuant to notice of public hearing, the request of Jo M. Peckinpaugh to rezone a tract of land located at 7411 Shallowford Road came on to be heard.

The applicant was present; there was no opposition.

**Councilman Lively made the motion to table this matter until the study for the area was complete.**

Mr. Pace indicated that this request is within the study area and there is no controversy with this one. He stated the request falls within the R-4 zone.

**At this point Councilman Lively withdrew his motion to table.**

On motion of Councilman Benson, seconded by Councilman Franklin,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 7411 SHALLOWFORD ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL  
ZONE**

passed first reading.

**AMEND CONDITIONS**

**2001-037: Thomas R. Cook, III and Carol Hile**

Pursuant to notice of public hearing, the request of Thomas R. Cook, III and Carol Hile to amend conditions imposed in Ordinance No. 9080 on property located at 625 and 627 Morrison Springs Road came on to be heard.

The applicant was present; there was no opposition in attendance.

Mr. Pace stated this request is located in the Mountain Creek area and there was a utility easement placed on the property when the zoning change occurred for the R-2 zone. He stated the request is to lift the conditions so that the entire property could be used; that the recommendation from Staff and Planning is to approve subject to conditions.

Chairman Hakeem stated that he wanted to be "clear"; that if all the public utilities have no problem with it, we would support it?

Carol Hile, applicant, stated that she is part owner of the property and the plan is to build an office; that the property next to her was removed a year or two ago.

Councilman Taylor asked if this matter has gone before Public Works and the various utilities before coming to the Council? Mr. Pace stated normally that occurs on road abandonments; that this is a utility easement.

Councilman Littlefield stated that this is the City's way of handling these; that all Ms. Hile has to do is get the utility companies to "sign off".

Chairman Hakeem stated basically the Council approves this with the provision that the utilities that are involved have to "sign off" on it; that this is the normal process and procedure.

Ms. Hile asked if the matter could be explained more specifically? Chairman Hakeem asked if there is a particular office Ms. Hile could check with to see that this matter is handled properly?

**AMEND CONDITIONS (Continued)**

Phillip Lynn, City Engineer, stated that this is a request to remove a condition that shows the easement or an abandonment of an easement. He stated Planning will send post cards to all the utility companies asking them to sign or make their recommendations. He stated the Planning Agency keeps all the cards after the utility companies respond indicating there is no problem. The information is then forwarded to his office and a Resolution is sent to the Council to abandon. He stated he has looked at this and the City has no problem with the request and will recommend it.

Chairman Hakeem inquired as to the normal time line? Mr. Lynn stated that it usually takes two-to-three weeks for the cards to be returned from the utility companies if there is no conflict; that it takes another couple weeks before appearing before the Council; that the entire process takes approximately four-to-six weeks.

Ms. Hile indicated that she was afraid she would never hear anything. Chairman Hakeem assured Ms. Hile that she would be notified; that it normally takes approximately four weeks before the matter comes back. Mr. Lynn indicated that his Secretary would call Ms. Hile; that she would be notified.

On motion of Councilman Lively, seconded by Councilman Littlefield,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN  
CONDITIONS IMPOSED IN ORDINANCE NO. 9080, ON PROPERTY  
LOCATED AT 625 AND 627 MORRISON SPRINGS ROAD, BEING MORE  
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
passed first reading.

**REZONING**

**2001-038: Walter M. Haynes, Winifred Haynes and Mary O. Wheeler**

Pursuant to notice of public hearing, the request of Walter M. Haynes, Winifred Haynes and Mary O. Wheeler to rezone a tract of land located at 4126 Caine Lane came on to be heard.

The applicant was present; there was no opposition in attendance.

**REZONING (Continued)**

Mr. Pace stated this request is located near Cromwell Road; that the property to the south is M-3 and M-2, with M-2 across Shallowford; that there are R-4 uses along Caine Lane to the east, north and west. He displayed a map which indicated all M-2 and M-3 zones are accessed to Shallowford with no access to Caine Lane on the south side from any of the industrial uses. He stated there are single family uses in R-1 to the east of the requested site; that the Staff recommended denial of the M-2 and Planning recommended approval subject to conditions.

Councilman Franklin stated that he had an opportunity to speak with the applicant who has done everything he could think of relating to notifying residents. He stated this company moved from the incubator in North Chattanooga where they are presently located and they are basically landlocked. He stated they are looking for land that would not interview with major residential; that they should be granted an opportunity to continue to grow their business.

On motion of Councilman Franklin, seconded by Councilwoman Robinson,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,  
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF  
LAND LOCATED AT 4126 CAINE LANE, MORE PARTICULARLY  
DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO M-2 LIGHT  
INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

passed first reading.

**PRELIMINARY PUD**

**2001-041: Ken Millican**

On motion of Councilman Franklin, seconded by Councilman Taylor,

**A RESOLUTION APPROVING AN AMENDED AND PRELIMINARY  
PLANNED UNIT DEVELOPMENT PLAN AS A PRELIMINARY PLANNED UNIT  
DEVELOPMENT FOR AN R-1 PLANNED UNIT DEVELOPMENT ON A TRACT  
OF LAND LOCATED AT 839 READ'S LAKE ROAD, MORE PARTICULARLY  
DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO  
AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN  
CONDITIONS**

was adopted.

**DECLARATION OF RESTRICTIVE COVENANTS**

On motion of Councilman Franklin, seconded by Councilman Pierce,

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DECLARATION OF RESTRICTIVE COVENANTS GRANTING UNTO THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION AN EASEMENT GRANTING ENVIRONMENTAL RESTRICTIONS ON CERTAIN PROPERTY OWNED BY THE CITY AND COUNTY AND LEASED TO THE STADIUM CORPORATION**

was adopted.

**EASEMENT**

Councilman Franklin stated Resolutions 7(c) – (i) were discussed in today's Public Works Committee and approval is recommended.

On motion of Councilman Lively, seconded by Councilman Benson,

**A RESOLUTION AUTHORIZING EXECUTION OF A TRAFFIC SIGNAL MAINTENANCE EASEMENT TO LEBCON ASSOCIATES AND CARSON PIRIE HOLDINGS, INC. FOR HAMILTON PLACE BOULEVARD AT THE I-75 RAMP**

was adopted.

**AGREEMENT: CONSOLIDATED TECHNOLOGIES, INC.**

On motion of Councilman Littlefield, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE DEPUTY ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS AND THE CITY FINANCE OFFICER TO EXECUTE AND ATTEST, RESPECTIVELY, AN AGREEMENT FOR ENGINEERING SERVICES WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO THE GAS COLLECTION SYSTEM IN AREA II OF THE CITY LANDFILL ON BIRCHWOOD PIKE, FOR A TOTAL FEE NOT TO EXCEED EIGHTY-FOUR THOUSAND, EIGHT HUNDRED EIGHTY DOLLARS (\$84,880.00)**

was adopted.

**AGREEMENT: CONSOLIDATED TECHNOLOGIES, INC.**

On motion of Councilman Franklin, seconded by Councilman Littlefield,  
**A RESOLUTION AUTHORIZING THE DEPUTY ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS AND THE CITY FINANCE OFFICER TO EXECUTE AND ATTEST, RESPECTIVELY, AN AGREEMENT FOR ENGINEERING SERVICES WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO DESIGN AND CONSTRUCTION OF THE EASTGATE PUMP STATION NO. 2, GRAVITY CONNECTOR SEWER, AND FORCE MAIN, FOR A TOTAL FEE NOT TO EXCEED SIXTY-ONE THOUSAND, THREE HUNDRED FIFTY-NINE DOLLARS (\$61,359.00)**

was adopted.

**AGREEMENT: CONSOLIDATED TECHNOLOGIES, INC.**

On motion of Councilman Taylor, seconded by Councilman Franklin,  
**A RESOLUTION AUTHORIZING THE DEPUTY ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS AND THE CITY FINANCE OFFICER TO EXECUTE AND ATTEST, RESPECTIVELY, AN AGREEMENT FOR ENGINEERING SERVICES WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO CONTRACT NO. SS-1-98 (17<sup>TH</sup> STREET UNDERGROUND STORMWATER DETENTION FACILITIES), FOR A TOTAL FEE NOT TO EXCEED THIRTY-EIGHT THOUSAND, FIVE HUNDRED DOLLARS (\$38,500.00)**

was adopted.

**AGREEMENT: ABDUL KADIR A. M. AMEEN**

On motion of Councilman Franklin, seconded by Councilman Benson,  
**A RESOLUTION AUTHORIZING THE DEPUTY ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH ABDUL KADIR A. M. AMEEN, RELATIVE TO CONSTRUCTION INSPECTION ON STORMWATER PROJECTS, WHICH AMENDMENT INCREASES THE CONTRACT AMOUNT BY FIFTEEN THOUSAND DOLLARS (\$15,000.00) INCLUDING WAGES AND OTHER REASONABLE EXPENSES SPECIFIED IN THE AGREEMENT FOR A TOTAL AMOUNT NOT TO EXCEED FIFTY-FIVE THOUSAND DOLLARS (\$55,000.00), AND EXTENDS THE TIME OF COMPLETION UNTIL APRIL 26, 2001**

was adopted.

**EASEMENT**

On motion of Councilman Benson, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE PURCHASE OF A GENERAL SLOPE EASEMENT FROM JACK NEWTON FLEMING AND CYNTHIA A. FLEMING, RELATIVE TO CONTRACT NO. RW-3-00, SHALLOWFORD ROAD IMPROVEMENTS, TRACT NO. 31, FOR A TOTAL CONSIDERATION OF EIGHT HUNDRED DOLLARS (\$800.00)**

was adopted.

**TEMPORARY USE: MARNITA PACK**

On motion of Councilman Pierce, seconded by Councilman Taylor,

**A RESOLUTION AUTHORIZING MARNITA PACK TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT 752 EAST M. L. KING BOULEVARD FOR INSTALLATION OF AN ALUMINUM AWNING WITH CANVAS COVER OVER THE ENTRANCE DOOR AND ADJACENT WINDOWS, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

**INTERIM ADMINISTRATOR OF PUBLIC WORKS**

On motion of Councilman Franklin, seconded by Councilman Littlefield,

**A RESOLUTION APPROVING THE APPOINTMENT OF WILLIAM C. "BILL" MCDONALD, JR. AS INTERIM ADMINISTRATOR FOR THE DEPARTMENT OF PUBLIC WORKS AND AUTHORIZING HIM TO SIGN VOUCHERS, REQUISITIONS AND OTHER NECESSARY DOCUMENTS FOR AND ON BEHALF OF THE PUBLIC WORKS DEPARTMENT, EFFECTIVE APRIL 18, 2001**

was adopted.

**PERSONAL SERVICES CONTRACT: MAI BELL HURLEY**

On motion of Councilman Benson, seconded by Councilwoman Robinson,

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PERSONAL SERVICES CONTRACT WITH MAI BELL HURLEY TO BE A SPECIAL ASSISTANT TO THE MAYOR FOR A TERM NOT TO EXCEED ONE (1) YEAR**

was adopted.

**PERSONAL SERVICES CONTRACT**

On motion of Councilman Franklin, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PERSONAL SERVICES CONTRACT WITH A MEDIA CONSULTANT FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS AT A COMPENSTATION OF FIVE THOUSAND DOLLARS (\$5,000.00) PER MONTH**  
was adopted.

**OVERTIME**

Overtime for the week ending April 13, 2001 totaled \$13,452.44.

**ACKNOWLEDGEMENT OF PRESENCE**

Chairman Hakeem acknowledged the presence of **COUNTY COMMISSIONER JOANN FAVORS** and former **CITY COMMISSIONER JOHN P. FRANKLIN, SR.**

**PERSONNEL**

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

**TERRY A. HAMPTON** – Suspension (10 days without pay), Equipment Operator, Citywide Services, effective March 26 – April 12, 2001.

**BERNARD E. SCHULTZ** – Suspension (3 days without pay), Crew Supervisor Senior, Citywide Services, effective April 5-10, 2001.

**PURCHASES**

On motion of Councilman Lively, seconded by Councilman Pierce, the following purchases were approved for use by the Public Works Department:

**ELLIOTT MACHINE SHOP (Single source)**  
**Requisition R0060728**

Lasta Frames Repairs Requirements Contract per TCA 6-56-304.2

\$70,000.00 per year (approximately)

**PURCHASES (Continued)**

**EAGLEBROOK (Lowest and best bid)**  
**Requisition R0060548/P0015962**

Ferric Chloride Liquid

\$248.50 per day ton

**PRIORITY WASTE SERVICES OF TENNESSEE, LLC (Lowest and best bid)**  
**Requisition R0053056/P0015771**

Front-End Loader Services

\$85,611.96

**INTRODUCTION OF WILLIAM MCDONALD**

Deputy Admin. Johnson introduced William "Bill" McDonald, Interim Administrator for the Department of Public Works. Admin. McDonald greeted Council members, indicated his looking forward to working with each of them and expressed excitement about the challenges Mayor Corker has presented.

**PERSONNEL**

The following personnel matter was reported for the Chattanooga Fire Department:

**WILLIAM T. CRAIG** – Correction of retirement date, Captain, effective April 24, 2001.

**PERSONNEL**

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

**JEFFERY GANNAWAY** – Suspension (3 days without pay), Police Officer, effective April 15, 2001.

**RALPH D. WARD** -- Retirement (26 years of dedicated service), Police Lieutenant, effective April 19, 2991.

**STUART K. MABRY** – Reinstatement, Police Officer, Pay Grade P1/Step 3, \$29,371.00 annually, effective April 20, 2001.

**REGINALD FINLEY** – Termination upheld per City Council Disciplinary Panel, Police Officer, effective October 11, 1999.

**TERRI WITZINGER** – Transfer/Voluntary Demotion, Secretary, Pay Grade 6/Step 8, \$25,956.00 annually, effective April 16, 2001.

**RESULTS OF HEARING: REGINALD FINLEY**

City Attorney Nelson stated a hearing for Reginald Finley was continued last Wednesday after having gone before Chancellor Brown, who ordered the hearing begun again. He stated none of the committee members are part of the Council anymore; that the previous discipline was reaffirmed by the committee at that time by a vote of 2-0.

**COMMITTEES**

Councilman Franklin stated the Parks and Recreation Department presented their 2002 mission statement and goals at today's Parks and Recreation Committee meeting.

**WASHINGTON HILLS RECREATION CENTER**

Councilman Franklin stated the unveiling of a master plan for the Washington Hills Recreation Center will be presented in a public meeting at the Center on Thursday, April 19 at 7 p.m. He invited all Council members and the general public to attend.

**NOTE OF THANKS**

Councilman Littlefield thanked members of the Council for electing him as Vice Chairman. He expressed how deeply honored he was and that it is fun to be back.

**JOINT DISTRICT MEETING**

Councilwoman Robinson announced a joint meeting of Districts 2 and 7 neighborhood associations at the North Chattanooga Recreation Center scheduled for Monday, April 23 at 6:30 p.m. She stated all interested citizens are invited to attend.

**NOTE OF APPRECIATION**

Chairman Hakeem expressed appreciation to members of the Council for affording him the opportunity to serve once again as Chairman. He stated that he looks forward to many good things the Council will do together with the new Mayor for this City and its citizens.

**EDDIE EUBANKS**

Eddie Eubanks addressed the Council regarding problems with the Crimestoppers office and stated that he had attempted to make contact with Chief Dotson. He related the recent events of his leaving a radio station in Rossville in the early morning hour (2 a.m.) and traveling in the Wilcox Boulevard area. He stated that he noticed a young woman walking alone, offered assistance and took her to her home. He then indicated that he heard on the radio and noticed on the television the next morning that there was a missing person report of a young woman, who was the young woman he had offered assistance the night prior.

**EDDIE EUBANKS (Continued)**

Mr. Eubanks stated that he called Crimestoppers and escorted police officers to the location where he had taken the young lady. He stated that he called Crimestoppers later to inquire as to his reward and was told that the award had been retracted. He stated that his purpose for being present this evening was to see why the reward was not being offered.

Chief Dotson stated that this is his first knowledge of the matter. He stated Crimestoppers does not offer rewards for missing persons; that a reward is usually offered by the family or someone willing to support and/or sponsor a reward for a missing person. He stated if foul play or some other type of evidence led to finding someone, then there could possibly be a reward offered. He stated in the ordinary course of missing persons, Crimestoppers does not offer a reward. He stated that he can check to find out how information was given and see what led to this; that since he has been Chief of Police there has never been a reward offered for a missing person from Crimestoppers, and reiterated this is the first he has heard of the matter.

Councilman Pierce stated normally the County, through their Fugitives Department, "runs" pictures on the television in an effort for support; that no reward is offered.

Chairman Hakeem asked if Crimestoppers is a separate entity within the Police Department?

Chief Dotson responded that it is a separate entity; that the Department funds the salary of the officer managing the function of Crimestoppers; however, the neither the City nor Police Department funds the reward, itself. He stated the reason he is shocked and surprised this happened is because of the severity and quantity of missing persons cases. He stated unless this is a case wherein the family wants to fund it themselves, normally the Crimestoppers Board does not fund rewards for missing persons.

Chairman Hakeem asked Chief Dotson to research the matter and communicate with Mr. Eubanks. Chief Dotson stated he would be more than happy to do so. He expressed that he was quite puzzled because the identity of the person supplying the information is never forwarded in order for one to receive the reward; that the person is given a number rather than any type of identification. He stated the premise and philosophy of Crimestoppers is for the person to remain anonymous.

**WILLIE SPIGHT**

Willie Spight of the M. L. Johnson Company congratulated the re-elected and newly elected Council members. He stated that he was glad to have the opportunity to say thank you for "opening the doors" to the Johnson Company; that they look forward to working with the City and community in building the future of Chattanooga.

Chairman Hakeem asked Mr. Spight to familiarize those in attendance as to who the M. L. Johnson Company is. Mr. Spight stated that the M. L. Johnson Company is a management firm located in St. Louis, Missouri; that the Company has an office in Chattanooga located at 14<sup>th</sup> and Market Streets and has been working on projects with the City including the Development Resource Center, the new No. 1 Fire Hall and others.

**ADJOURNMENT**

Chairman Hakeem adjourned the meeting of the Chattanooga Council until Tuesday, April 24, 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)**