

Municipal Building
Chattanooga, Tennessee
June 3, 1997

The meeting of the Chattanooga City Council was called to order by Chairman Swafford with Councilmen Hakeem, Hurley, Lively, Pierce, Rutherford and Swafford present; Councilman Crockett was out of the city on business; Councilman Eaves was absent due to personal commitment. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

INVOCATION

City Attorney Nelson gave the invocation for the evening.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: "STAND FOR CHILDREN"

John Echols, local Chairperson, stated Stand for Children held a rally in Washington, DC in 1996 where over a quarter of a million people joined in to raise awareness of the needs facing children; that in 1997, Stand for Children sponsored over 550 community events across the nation to focus on the issues facing children and families. He stated the program is part of the ongoing effort of local groups such as Invest in Children headed by Councilwoman Hurley. He stated over 2,790 people wrote their hopes for the children of our community on slips of paper which have been joined into the (paper) chain that representatives and children of the organization brought with them to the Council meeting; that a summary of the hopes have been provided for the Council in information distributed. He asked that Council members and others in attendance stand in honor of and on behalf of the children of Chattanooga. While everyone was standing, Mr. Echols quoted from the words of Ina Hughes. (A copy of Mr. Echols' statement is filed with minute material of this date.)

SPECIAL PRESENTATION: "STAND FOR CHILDREN" (Cont'd.)

Chairman Swafford thanked Mr. Echols and others in attendance for his remarks and sharing the "chain of hope."

Councilwoman Hurley stated the Council supports wholeheartedly everything Mr. Echols stated; that Jonah Edelman was in town recently whose mother launched this effort on a national basis.

SPECIAL PRESENTATION: RICHARD BREWER

Richard Brewer stated he is very honored and proud to present this year's Riverbend poster; that Riverbend is all about Chattanooga and its citizens coming together. He stated Riverbend has been a part of the Chattanooga community for sixteen years and still takes a lot of pride in this event. He reiterated that Riverbend is a time to bring the community together and that is what it is all about; to share what Chattanooga has to offer. He stated sixteen years ago it was said there was a need for downtown development, thus Riverbend; that three years ago it was said what is needed is something to entertain the children, thus Kaleidoscope; that it was about putting children first and bringing children together. He stated the Festival is not about entertainment but bringing people and families together.

Chairman Swafford thanked Mr. Brewer for his remarks and expressed appreciation for the hard work that is put into the success of Riverbend.

Councilwoman Hurley stated that she thinks the signatures for the "chain of hope" came from Kaleidoscope.

Mr. Brewer stated it is wonderful what this community can do when it comes together and works together; that the gathering of the signatures is an unbelievable effort of the community coming together. He stated they will have over 800 volunteers on-site at Riverbend; that there will be that many and other volunteers working within the booths. He stated the Festival could not be put on without the Chattanooga Police and Sheriff's Departments.

STEWART REZONING

Councilman Taylor stated a letter was received from Steward Company asking that their closure and abandonment request (1996-202) be tabled an additional two months. He stated the matter was scheduled to come before the Council on June 17, and they are asking that the matter be held until the August 19 Council meeting.

CULP, INC. PROJECT

Councilman Hakeem made the motion to have Resolutions 7(i) - (1) moved up on the agenda; Councilwoman Hurley seconded the motion; the motion carried.

Chairman Swafford recognized the presence of Jerry Violet, the new Executive Director at DuPont and Chris Fox of Regis Corporation.

On motion of Councilman Hakeem, seconded by Councilman Pierce, A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE CULP, INC. PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE COUNTY OF HAMILTON, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES was adopted.

E.I. DUPONT DE NEMOURS & CO. PROJECT

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE E. I. DUPONT DE NEMOURS & CO. PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE COUNTY OF HAMILTON, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES was adopted.

MG INDUSTRIES PROJECT

On motion of Councilwoman Hurley, seconded by Councilman Pierce, A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE MG INDUSTRIES PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE COUNTY OF HAMILTON, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES was adopted.

REGIS CORPORATION PROJECT

On motion of Councilman Lively, seconded by Councilwoman Rutherford, A RESOLUTION TO MAKE CERTAIN FINDINGS RELATING TO THE REGIS CORPORATION PROJECT, TO DELEGATE CERTAIN AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE COUNTY OF HAMILTON, AND TO AUTHORIZE THE MAYOR TO ENTER INTO AND EXECUTE AN AGREEMENT FOR PAYMENTS IN LIEU OF AD VALOREM TAXES was adopted.

REZONING

1997-093: Floyd Green, Sr.

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 ON LOUISE STREET, NORTHEAST OF THE 1000 BLOCK OF MERONEY STREET, BEING ON THE SOUTHEAST AND SOUTHWEST LINE OF LOUISE STREET AT MERONEY STREET, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE passed second reading. On motion of Councilman Pierce, seconded by Councilman Taylor, the ordinance passed third and final reading and was signed in open meeting.

CLOSE AND ABANDON

1997-050: Sovereign Stainless Fabricator

On motion of Councilwoman Rutherford, seconded by Councilman Lively, AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED SOUTHWEST FROM ELMENDORF STREET, BETWEEN RIVERSIDE DRIVE AND NORTH HICKORY STREET, MORE PARTICULARLY DESCRIBED HEREIN passed second reading. On motion of Councilwoman Rutherford, seconded by Councilman Hakeem, the ordinance passed third and final reading and was signed in open meeting.

CLOSE AND ABANDON

1997-080: Norman Talley, Sr.

On motion of Councilman Lively, seconded by Councilman Taylor, AN ORDINANCE CLOSING AND ABANDONING PULASKI STREET LOCATED NORTHWEST FROM LEE AVENUE, NORTHEAST OF O'LEARY STREET, MORE PARTICULARLY DESCRIBED HEREIN, UPON CERTAIN CONDITIONS passed second reading. On motion of Councilman Taylor, seconded by Councilwoman Hurley, the ordinance passed third and final reading and was signed in open meeting.

CLOSE AND ABANDON

1997-094: Floyd Green, Sr.

On motion of Councilman Taylor, seconded by Councilwoman Rutherford, AN ORDINANCE CLOSING AND ABANDONING LOUISE STREET LOCATED NORTHEAST FROM AUBIN AVENUE, NORTHEAST OF MERONEY STREET, MORE PARTICULARLY DESCRIBED HEREIN passed second reading. On motion of Councilman Lively, seconded by Councilwoman Rutherford, the ordinance passed third and final reading and was signed in open meeting.

CLOSE AND ABANDON

1997-098: The McCallie School

On motion of Councilwoman Hurley, seconded by Councilman Lively, AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED SOUTHWEST FROM KIRBY AVENUE, NORTHWEST OF KYLE STREET, MORE PARTICULARLY DESCRIBED HEREIN, UPON CERTAIN CONDITIONS passed second reading. On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the ordinance passed third and final reading and was signed in open meeting.

CLOSE AND ABANDON

1997-041: George Musgrave

The applicant was present; opposition was in attendance.

CLOSE AND ABANDON (Cont'd.)

Barry Bennett stated this abandonment and the next one involve requests for access to a planned unit development that was turned down; that the Staff and Planning Commission recommend against the abandonment of the areas so that the areas will still be open for any future development.

Councilman Lively stated there are two abandonments that are related to this property; that he knows we cannot close off a piece of property. He stated he knows this request is recommended for denial, yet this one should be closed as it is not a decent entrance as it is about a 60% grade down.

At this point Councilman Lively made the motion to approve this request; Councilwoman Hurley seconded the motion.

George Musgrave stated there are five accesses or driveways right at the center point where this road is; that there have been several wrecks there because traffic on Crestview travels too fast. He stated cars do not slow down; that if another road is put in service you will have to put a red light there because it is dangerous. He stated several years ago he had two vehicles torn up there; that he does not see how anyone thinks that they can come up there to do a reasonable road as there is a 60% grade. He stated he would have to install a retaining wall of about 30 feet if the road is opened.

Atty. John Anderson of Grant Konvalinka and Harrison was present representing A & T, LLC. He expressed disagreement with Councilman Lively's suggestion that this area be closed; that the location on Onyx was for the right-of-way for further development. He stated the applications for the closings of the right-of-way did not come to the forefront until an application for zoning was made. He stated there are three accesses to the property; that two are before the Council for abandonment and closure; that all three will be before you at some point since it has been before Planning. He stated to close this is to unfairly take from property owners the right to use the right-of-way for future development; that even though the property has been denied a PUD there are still possibilities for development on this tract that are being pursued at this point. He requested that the Council uphold Planning's recommendation for denial.

CLOSE AND ABANDON (Cont'd.)

Councilman Taylor asked if the plans Atty. Anderson have utilizes the road. Atty. Anderson responded that there is utilization in this right-of-way; that because you have a right-of-way does not mean you always need a road, reiterating that there is utilization of this right-of-way.

Councilwoman Rutherford stated in regard to the zoning coming up what is the zone now and that being requested. Atty. Anderson stated there is not a request for new zoning; that it is presently R-1. He stated the only thing that will be coming up for approval is the subdivision plat; that there is nothing that needs to be changed.

Councilwoman Rutherford stated she wanted to make sure she understood; that it is presently R-1 and will remain R-1. Atty. Anderson responded "yes."

Councilman Taylor asked for clarification that there are three entrances as previously stated. Atty. Anderson responded "yes" and displayed a drawing of the property indicating the entrances.

Councilman Pierce stated it looks as if we are talking about granting one request and denying another; that it seems it will be unfair to approve one and not the other. He expressed agreement that the rights-of-way are not always roads; that there might need to be some other means of development or right-of-way rights. He stated it would be unfair to take this away from a property owner; that at a later date he will have to come back and acquire these rights. He stated he would like to see the Council vote to deny this proposal as well as the other one pertaining to this property.

At this point a roll call vote was taken on Councilman Lively's motion to approve; the motion did not pass (4-3 vote) because it did not receive a majority vote "for" or "against." Chairman Swafford indicated the matter could be placed back on the agenda at the request of a Council member. The Clerk of the Council was asked to notify the applicant and those in opposition when the matter would be placed back on the agenda.

On motion of Councilman Lively, seconded by Councilwoman Hurley,

AN ORDINANCE CLOSING AND ABANDONING ONYX DRIVE LOCATED
NORTHWEST FROM CRESTVIEW DRIVE, NORTHEAST OF GADD ROAD,
MORE PARTICULARLY DESCRIBED HEREIN

was not approved or denied for lack of a majority vote; on roll call vote:

CLOSE AND ABANDON (Cont'd.)

Hakeem
Hurley
Lively
Pierce
Rutherford
Taylor
Swafford

No
Yes
Yes
No
No
Yes
Yes

CLOSE AND ABANDON

1997-053: Kenneth Kirklen

The applicant was not present; opposition was in attendance.

Councilman Lively stated this matter should be denied because it will compromise what the prior applicant had in mind.

On motion of Councilman Lively, seconded by Councilman Piece, AN ORDINANCE CLOSING AND ABANDONING ALLEN STREET LOCATED SOUTHEAST OF KIMBRO STREET, NORTHEAST OF GADD ROAD, MORE PARTICULARLY DESCRIBED HEREIN **was denied.**

CLOSE AND ABANDON

1997-063: Parkridge Hospital, Inc.

The applicant was present; there was no opposition.

On motion of Councilman Hakeem, seconded by Councilwoman Hurley, AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED SOUTHEAST FROM KELLEY STREET, BETWEEN MCCALLIE AVENUE AND OAK STREET, MORE PARTICULARLY DESCRIBED HEREIN, UPON CERTAIN CONDITIONS passed first reading.

CLOSE AND ABANDON

1997-007: City of Chattanooga, Department of Public Works

On motion of Councilman Pierce, seconded by Councilman Lively, AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED SOUTHWEST FROM WEST 12TH STREET, BETWEEN CARTER STREET AND FORT STREET, MORE PARTICULARLY DESCRIBED HEREIN passed first reading.

CLOSE AND ABANDON

1997-024: C L Rossville Partners, L.P.

The applicant was not present; there was no opposition.

On motion of Councilman Hakeem, seconded by Councilwoman Hurley, AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED STREET AND ALLEYWAY LOCATED NORTHEAST OF COVINGTON STREET, SOUTHEAST OF EAST 50TH STREET, MORE PARTICULARLY DESCRIBED HEREIN passed first reading.

CLOSE AND ABANDON

1997-032: R. Edward Demars

The applicant was present; there was no opposition.

On motion of Councilman Lively, seconded by Councilwoman Rutherford, AN ORDINANCE CLOSING AND ABANDONING HOMESTEAD STREET LOCATED NORTHEAST FROM BONNY OAKS DRIVE, BETWEEN HIGHWAY 153 AND WILSON STREET, MORE PARTICULARLY DESCRIBED HEREIN, UPON CERTAIN CONDITIONS passed first reading.

AMEND CAPITAL BUDGET

On motion of Councilwoman Hurley, seconded by Councilman Hakeem, AN ORDINANCE TO AMEND ORDINANCE NO. 10494, ENTITLED "AN ORDINANCE APPROPRIATING, AUTHORIZING, OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 1996/97", SO AS TO PROVIDE FOR THE APPROPRIATION OF ADDITIONAL FUNDS FROM VARIOUS SOURCES passed first reading.

AMEND CITY CODE

On motion of Councilman Pierce, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTION 2-152(H), RELATIVE TO OVERTIME PAY FOR CERTAIN CITY EMPLOYEES ENGAGED IN LAW ENFORCEMENT OR FIREFIGHTING ACTIVITIES passed first reading.

LICENSE FOR USE OF PROPERTY

On motion of Councilman Pierce, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LICENSE FOR USE OF PROPERTY WITH THE UNIVERSITY OF TENNESSEE AT CHATTANOOGA FOR THE INSTALLATION, REPAIR AND MAINTENANCE BY THE CITY OF CHATTANOOGA OF A MAST ARM POLE, FLASHER CABINET AND ASSOCIATED WIRING FOR TRAFFIC CONTROL PURPOSES was adopted.

AGREEMENT: TENNESSEE DEPARTMENT OF CORRECTION

On motion of Councilman Hakeem, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO ENTER INTO AND EXECUTE AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF CORRECTION, RELATIVE TO A COOPERATIVE PROGRAM FOR INMATE ASSISTANCE IN CLEANING OUT UNDERGROWTH, DRAINAGE DITCHES AND CULVERTS AND OTHER RELATED JOBS was adopted.

CHANGE ORDER

On motion of Councilman Lively, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, CONTRACT NO. SR-2-96, CURED-IN-PLACE SEWER LINING, WITH REYNOLDS, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FIFTY-SEVEN THOUSAND, SEVEN HUNDRED THIRTY-FOUR AND 67/100 DOLLARS (457,734.67), FOR A REVISED CONTRACT PRICE OF THREE HUNDRED FORTY-SIX THOUSAND, FOUR HUNDRED EIGHT AND 02/100 DOLLARS (\$346,408.02) was adopted.

CHANGE ORDER

Admin. Marcellis stated the Council might remember six months ago we entered into an agreement to do some remediation work at Howard School including moving soil at the playground. He stated solid waste regulations indicate we must take the soil to the Summit Landfill; that this is an added cost due to solid waste regulations.

Councilman Taylor reminded Admin. Marcellis that he is to give him a work plan concerning the job. Admin. Marcellis indicated he would get the information to Councilman Taylor.

On motion of Councilman Hakeem, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2, HOWARD SCHOOL ENVIRONMENTAL IMPROVEMENTS, WITH MARION ENVIRONMENTAL, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THIRTY-SIX THOUSAND, SEVEN HUNDRED THIRTY-SEVEN AND 92/100 DOLLARS (\$36,737.92), FOR A REVISED CONTRACT PRICE OF ONE HUNDRED TWENTY-SEVEN THOUSAND, TWELVE AND 77/100 DOLLARS (\$127,012.77)

was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM HARRIS A. STUERMER AND ANNIE P. STUERMER, RELATIVE TO CONTRACT NO. RW-1-97, WIDENING OF JULIAN ROAD - DAVIDSON ROAD TO RAILROAD, TRACT NO. 4, FOR A CONSIDERATION OF TWO THOUSAND DOLLARS (\$2,000.00)

was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM JANETTE ENGLEMAN, RELATIVE TO CONTRACT NO. RW-1-97, WIDENING OF JULIAN ROAD - DAVIDSON ROAD TO RAILROAD, TRACT NO. 9, FOR A CONSIDERATION OF TWO THOUSAND ONE HUNDRED DOLLARS (\$2,100.00)

was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilwoman rutherford, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM SAMUEL F. BARFIELD AND MARY E. BARFIELD, RELATIVE TO CONTRACT NO. RW-1-97, WIDENING OF JULIAN ROAD - DAVIDSON ROAD TO RAILROAD, TRACT NO. 16, FOR A CONSIDERATION OF THREE THOUSAND DOLLARS (\$3,000.00) was adopted.

RIGHT-OF-WAY PURCHASE

Councilman Hakeem inquired as to the price per foot in regard to this resolution and the previous three. Admin. Marcellis stated in this case it is a lesser value per square foot; that it is \$.75 per square foot at 5100 ft.; that the amount depends upon the site. He stated one is 1700 at \$1.50 per square foot.

Councilman Hakeem stated when we are in the "center city" it is a lower rate like \$.25. Admin. Marcellis stated it depends upon what the appraiser appraises; that it could be less dollars because the land might sell for less when the house is sold; that it depends upon the demand and the property that sets the price.

On motion of Councilman Lively, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM WILLIAM E. WEBB, JR. AND FREDA WEBB, RELATIVE TO CONTRACT NO. RW-8-96, WIDENING OF MOUNTAIN CREEK ROAD, TRACT NO. 9, FOR A CONSIDERATION OF THREE THOUSAND, EIGHT HUNDRED FIFTY DOLLARS (\$3,850.00) was adopted.

OVERTIME

Overtime for the week ending May 30, 1997 totaled \$22,617.61.

PERSONNEL

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

CLYDE W. "NICK" WILLIAMS -- Promotion, Electrician, Parks Division, Pay Grade 12/Step 1, \$24,411 annually, effective June 4, 1997.

CRAIG E. MCCLURE -- New Hire, Assistant Superintendent, Golf Course (Brainerd), Pay Grade 10/Step 1, \$21,321 annually, effective June 9, 1997.

PERSONNEL (Cont'd.)

Chairman Swafford stated on the personnel report for the Parks and Recreation Department, there is a listing for a promotion to Electrician for an employee. He inquired as to whether that means that person has gone on to acquire an Electrical License.

Admin. McDonald stated that is a person who has been with the Department as Supervisor for several years; that he has met all of the electrical requirements and is a bona fide Electrician and has been promoted to the position.

PURCHASE

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

CMS, INC. (Lowest bidder able to perform the service)
Requisition no. 135117

Purchase of Twelve-Months Janitorial Services Contract

\$10,416.00

EMERGENCY PURCHASES

The emergency purchase of Fencing Installation for the Parks and Recreation Department, Purchase Order No. A-1148552 in the amount of \$13,956.90, issued to A-Affordable Fence Co. was duly reported and signed in open meeting.

The emergency purchase of Fencing Installation for the Parks and Recreation Department, Purchase Order No. A-1148553 in the amount of \$25,874.78, issued to A-Affordable Fence Co. was duly reported and signed in open meeting.

PERSONNEL

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

MELVIN SMITH -- Retirement, Laborer II, City-wide Services, effective April 30, 1997.

HERMAN BIVINS -- Family Medical Leave, Laborer II, City-wide Services, effective April 29, 1997.

PURCHASES

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

A. F. GREEN TRUCKING (Lower and better bid)
Requisition No. 139328

Purchase of Twelve-Month Contract for Leachate Pumping and Hauling at Summit Landfill

\$.025/gallon

CHATTANOOGA FORD TRACTOR (Best bid for the City of Chattanooga)
Requisition No. 139309

Purchase of Skid Steer Loader

\$26,398.00

CHATTANOOGA SUPPLY CO., INC. (Lower and better bid)
Requisition No. 139329

Purchase of Twelve-Months Requirements Contract for Sewer Solvent

\$32.48/50 lb.

LINEAR DYNAMICS, INC. (Lower and better bid)
Requisition No. 137888

Purchase of Traffic Paint

\$24,400.75

PERSONNEL

CYNTHIA BELL -- Suspension (three days without pay), Dispatcher Trainee, Police Department, effective June 10, 1997.

WYNETA MCLEAN - Promotion, Dispatcher, Police Department, Pay Grade 10/Below Step 1, \$20,600.00 annually, effective June 20, 1997.

PERSONNEL (Cont'd.)

KIMBERLY J. KINSEY -- Hire, Dispatcher Trainee, Police Department, Pay Grade 6/Step 1, \$16,864.00 annually, effective June 20, 1997.

VERNON E. TURNER -- Hire, Dispatcher Trainee, Police Department, Pay Grade 6/Step 1, \$16,864.00 annually, effective June 20, 1997.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Lively, the following purchases were approved for use by the Safety Department:

PHYSIO CONTROL -- (Single Source)
Requisition No. 139179

Purchase of Defibrillator/EKG Monitors per TCA 6-56-301 (11 @ \$6,784.35 ea.)

\$74,627.85 Total

NEW TECHNOLOGIES (Single source)
Requisition No. 123790

Purchase of Maintenance Agreement Per TCA 6-56-301 (\$4,209.00 monthly)

\$50,508.00 Annually

SWOPE EQUIPMENT (Lower and better bid)
Requisition No. 125741

Purchase of Diesel Tractor

\$11,687.50

PERSONNEL

The following personnel matters were reported for City Court:

PAMELA L. ROBINSON -- Resignation, Court Clerk I, effective May 30, 1997.

ROBIN E. CABRERA -- Voluntary Demotion, Court Clerk I, Pay Grade 5/Step 7, \$18,804.00 annually, effective May 30, 1997.

Councilman Pierce inquired as to the resignation of the Court Clerk I. Admin. Boney indicated that the person is moving out of the state because her husband has another job.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Lively, the following purchase was approved for use by the Chattanooga-Hamilton County Bicentennial Library;

SOUTHERN BUSINESS COMMUNICATIONS (Only bid received)
Requisition No. 134349

Purchase of Microfilm Reader/Printer

\$13,995.00

PARKING PERSONNEL

City Attorney Nelson stated he has looked into the matter Councilman Pierce requested of him two weeks ago regarding the City Court situation where certain people who have been rude to parking personnel are told to go to Court. He stated he has investigated that and has informed Judge Williams that that should be discontinued; that if conduct is that bad the person should be cited for "obstructing an officer or disorderly conduct". He stated parking tickets can be paid without having to go to Court and that the other (obstructing an officer/disorderly conduct) would fall under the jurisdiction of the Court.

Councilman Pierce thanked City Attorney Nelson for the report and asked if the information has been passed on to Judge Williams. City Attorney Nelson responded "yes;" that he called and advised him.

Councilman Pierce asked if the information had been put in writing. City Attorney Nelson responded "no," that the information will be reflected in the Council minutes.

COMMITTEES

Councilman Hakeem stated the Budget and Finance Committee met today to discuss the first draft of the general budget as presented by the Mayor. He stated the budget is somewhat of a "maintain budget"; that an effort will be to hold onto the amounts we have given agencies in the past. He stated Council members will have time to peruse the budget document and come back next week and look at it in more detail. He stated during the meeting we had representatives from four different companies; that three will be moving into Chattanooga and one will be expanding; that the four companies will provide hundreds of jobs. He stated the discussion centered around ad valorem taxes, which is a partnership between the businesses and the City; that the arrangement will work well for all concerned.

Councilwoman Rutherford stated there was a joint meeting today with the Youth and Family Support Committee and the Education/Housing Committee. She stated Phil Noblett was present and explained the things we can consider doing to "tighten up" the zoning ordinance; that he will come back with some written suggestions for us in a few weeks.

Councilman Taylor stated discussion was held regarding how we can promote and inform the community regarding the Community Protection Committee's report; that one of the ways was through public advertising and things of that nature. He stated the Committee will be working to get the original group back together so that can be one of their major responsibilities.

STATEMENT BY COUNCILWOMAN
RUTHERFORD

Councilwoman Rutherford stated for several weeks one or two of her colleagues on the Council have insinuated that she acted inappropriately in the matter concerning the reinstatement of rank for Terry Yates; that she wishes to set the record straight. She stated when Officer Yates asked for her help, she called the City Attorney who advised her that since Administration had demoted Sgt. Yates, Administration would have to promote him; that the Council would have nothing to do with it.

STATEMENT BY COUNCILWOMAN
RUTHERFORD (Cont'd.)

Councilwoman Rutherford stated she asked Admin. Dinsmore to review the case since Officer Yates had given the Administrator new information. She stated never did she tell the Administrator that he had to review the file, let alone that he had to reinstate Officer Yates to Sergeant. She stated to imply that she did such is an insult to both Admin. Dinsmore and her; that the Administrator made his decision based on the evidence. She stated she regrets any embarrassment this matter has caused the Mayor; that he was given the facts and his questions were answered by the Administrator.

She stated what good that may come from this episode is for the City to realize that occasionally an employee may be inappropriately punished, and according to the City Attorney, we do not have a method to correct such a serious injustice. She expressed her hope that the Council will move quickly to correct this flaw in our Ordinances. She stated no politics was being played in this matter, and in the future she would appreciate her colleagues asking her what actions she has taken before they come to the wrong conclusions and take erroneous assumptions to the news media. (Councilwoman Rutherford's statement is filed with minute material of this date.)

Councilman Pierce asked City Attorney Nelson about an article that appeared in the newspaper stating if an employee wants to be reinstated all they would have to do is take a test. City Attorney Nelson stated there is nothing that prevents this officer or anyone from being promoted; that he was demoted once but it does not mean he could not again be promoted if the position is open, he passed the examination and his background justified it.

Councilman Pierce stated the only issue he would make is an officer was demoted primarily because he was cited for conduct unbecoming an officer; that he cannot see where taking a test would have any bearing on his being reinstated. He stated at the personnel hearings we have had you are saying they can simply take a test and be reinstated.

City Attorney Nelson stated you have to consider the whole record; that if they research and decide he has learned his lesson and did make a worthwhile contribution, there is nothing that will prevent reinstatement or promotion.

STATEMENT BY COUNCILWOMAN
RUTHERFORD (Cont'd.)

Councilman Pierce stated he would question that after that person was reinstated by administration; that the matter should be brought to the Council because that is the body that had the hearing. He made reference to this case being an unusual one; that the person appealed to Chancery Court and the matter was upheld and then went to the Supreme Court and was also upheld. He stated administration could go back and say we do not have enough evidence. City Attorney Nelson stated no promotion should be based upon new evidence; that it should be based on the person's entire record.

Councilman Pierce stated we do not have any guidelines for that; that we should talk about guidelines. He stated he does not think the opinion the City Attorney is giving is the one he wants to hear.

Councilman Hakeem asked for a point of clarification; that in the statement read by Councilwoman Rutherford he heard something regarding "on advice from the City Attorney administration had the power to make the change."

Councilwoman Rutherford stated the City Attorney told her since demotion had come from administration the promotion would have to come from administration; that the City Council would have no say so in it. She stated that is what City Attorney Nelson told her and that is when she contacted administration and asked for a review.

City Attorney Nelson stated this Council has already adopted rules and regulations governing promotions; that it was not administration that made the rules it was the Council. He stated if administration feels that any officer should be promoted under those rules it is up to administration to do that.

Councilman Hakeem stated in this instance the officer that was promoted was reviewed by administration and asked if that is the policy the Council has put in place.

City Attorney Nelson responded "no" which is why the promotion was rescinded; that it should have been treated as a whole new promotion.

SISTER BEY

Sister Bey addressed the Council and stated she has not been able to sleep at night; that her own people are working against her. She indicated she would stop the \$5 million that would be coming in from the federal government to clean up the Chattanooga Creek as she is "tired of playing (games)".

ZELLA TALLANT

Zella Tallant of 273 North Germantown Road stated all she can tell the Council is that she needs a car badly; that she does have a car, insurance and abides by all the laws. She stated presently all of her taxes are paid, and she tries to be a lady most of the time; that she has had automobile insurance with the same company for 20 years and has never received a ticket. She stated when she got her new insurance policy there was an increase and when she inquired as to why there was an increase she stated she was told that it was because she lived in zip code 37411. She asked what that had to do with anything and why all of a sudden the premium had gone up, and the response was "because of the crime rate in that area." She stated she has not committed a crime but is paying for the crime rate; that she has not been hurt or affected by that but her insurance has gone up. She stated she then received her property insurance notice, and it is going up \$150. She made reference to what has been going on recently only two blocks from her; that young people who have no purpose other than just to gather. She stated she goes to Walgreens for the newspaper; that she will not go while all the young people are there; that they have not hurt her but (she) will not go in the midst of them. She stated she is paying more and has not done anything; that if she is injured in any way she is going to come back and remind the Council she "told you so." She stated as she leaves her house she goes down Brainerd Road and has to go down Germantown and made reference to the people who sell papers that dart in front of her.

Chairman Swafford stated he lives in zip code 37411 and his insurance did not go up; that the issue of crime will continue to be worked on across the entire city. He stated there have been several meetings, and we are trying to resolve some of the situations regarding teenagers and young adults; that there will be ongoing meetings in regards to that. He stated there have been meetings and an understanding with the young men selling newspapers; that Safety and administration is to be commended on that. He reiterated that both issues are being addressed; that he is not sure what we can do about insurance rates.

ZELLA TALLANT (Cont'd.)

Ms. Tallant stated the insurance companies have applied their new rules all over the United States; that five states have been redoing their insurance companies and Tennessee is one of them.

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, June 10, 1997 at 6 p.m.


CLERK OF COUNCIL


CHAIRMAN

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