

Municipal Building
Chattanooga, Tennessee
August 19, 1997

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

INVOCATION

Invocation was given by J.B. Collins.

MINUTE APPROVAL

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

WTCI'S "GO PUBLIC" CAMPAIGN

Chairman Swafford expressed thanks to representatives of Channel 45 for the lapel pins Council members received publicizing the station's "Go Public" campaign. He encouraged everyone to support public television and mentioned that he and Councilman Hakeem had an opportunity to attend the ceremonies kicking off the campaign.

Nancy Linnemann of Channel 45 stated the station is in the midst of an extremely important fund raising campaign because their funding from both the state and federal governments has been cut; she thanked the Council for their generous funding. She stated if everyone sent \$10 - \$15 each year they would not have to hold a fund raising drive. She concluded her remarks by expressing appreciation for Chairman Swafford's comments in encouraging others to support the Station.

REZONING

1997-146: Tracy Cooke

On motion of Councilman Lively, seconded by Councilman Eaves, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 2300 BLOCK OF HICKORY VALLEY ROAD, AND AT 6752 WILLOW BROOK DRIVE, BEING ON THE NORTHWEST LINE OF HICKORY VALLEY ROAD AND THE SOUTHEAST LINE OF WILLOW BROOK DRIVE SOUTHWEST OF WILLOW TRACE DRIVE, FROM R-1 RESIDENTIAL ZONE AND R-4 SPECIAL ZONE TO RT-1 RESIDENTIAL TOWNHOUSE ZONE, SUBJECT TO CERTAIN CONDITIONS

passed second reading. On motion of Councilman Eaves, seconded by Councilman Taylor, the ordinance passed third and final reading and was signed in open meeting.

REZONING

1997-161: The Pryor Bacon Company

On motion of Councilman Eaves, seconded by Councilman Lively, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 7431, 7443 AND 7455 COMMONS BOULEVARD, BEING ON THE NORTHEAST LINE OF COMMONS BOULEVARD SOUTHEAST OF GUNBARREL ROAD, FROM O-1 OFFICE ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

passed second reading. On motion of Councilman Eaves, seconded by Councilman Taylor, the ordinance passed third and final reading and was signed in open meeting.

REZONING

1997-159: Parks Properties, LLC

The applicant was present.

Councilman Pierce stated he openly opposed this request for a zone change at last week's meeting; that since that time he has talked with Admin. Traughber and Mrs. Coulter and sees no reason for any objection.

REZONING (Cont'd.)

On motion of Councilman Pierce, seconded by Councilman Lively, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 601 EAST 16TH STREET, BEING ON THE NORTHEAST LINE OF EAST 16TH STREET AT JEFFERSON STREET AND MADISON STREET, FROM M-3 WAREHOUSE AND WHOLESALE ZONE TO M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

1997-162: Haresh D. & Sumitra A. Patel

Councilman Eaves stated he asked for this request to be held one week; that there are other R-T/Z zonings close to Tyner Junior and Senior High Schools; that the schools are across the street from each other. He stated with the new school system coming in it means children will have to walk a mile to school; that there are other zonings that are "waiting in the wings" after this one and we will get quite crowded and need to have some type of walkway on the side of Tyner Road because it will create problems for the children walking. He stated he has no objection to the zoning; that since last week he has talked with Admin. Marcellis, who has talked with the Mayor; that the Mayor expressed his thinking that we will get sidewalks or a walkway on the side of the road to allow children to get out of the street.

Chairman Swafford stated that is an interesting point; that there are several areas where the children will be walking the mile-and-a-half to school and we will have to look at the sidewalks issue; that this is the first of several we will have to deal with.

On motion of Councilman Eaves, seconded by Councilman Hakeem, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 6923 TYNER ROAD, BEING ON THE NORTHEAST LINE OF TYNER ROAD NORTHWEST OF TY-HI DRIVE, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL, TOWNHOUSE ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

AMEND BUDGET ORDINANCE

Councilman Hakeem stated there is a second amendment to the budget Ordinance we want to propose. He asked the Mayor to make his presentation to the Council regarding both Ordinances.

Mayor Kinsey stated the first Ordinance increases the School Resource Officers from four (4) to seven (7) and each high school will have a School Resource Officer this school year.

On motion of Councilman Crockett, seconded by Councilman Lively, AN ORDINANCE TO AMEND ORDINANCE NO. 10589, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1997, AND ENDING JUNE 30, 1998, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDE FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES.", SO AS TO PROVIDE FOR CERTAIN CHANGES IN SECTION 5; TO PROVIDE FOR CERTAIN CHANGES IN BUDGETS FOR SPECIAL FUNDS SET OUT IN SECTION 7; AND TO PROVIDE FOR CERTAIN CHANGES IN PERSONNEL SET OUT IN SECTION 8(C)

passed first reading.

AMEND BUDGET ORDINANCE: SET TAX RATE

Mayor Kinsey stated the second ordinance is one that deals with the tax rate for this coming fiscal year at \$2.31 which represents a 20.5 cent reduction in the certified tax rate. He stated the reduction is a result of savings and contributions to the City's pension fund and \$3.3 million we have in surplus each year. He indicated we will have that amount again this year and it will be our job next year to identify why we continue to have a surplus. He stated we do not have to cut services; that this sends a great message on behalf of City government and the Council.

Councilman Hakeem stated he would like to have it made clear that this is the General Pension Fund; that we are not talking about the Fire and Police Pension.

AMEND BUDGET ORDINANCE: SET TAX RATE (Cont'd.)

Mayor Kinsey stated this is the General Pension Fund and does not involve the Fire and Police Pension at all. He stated the current fund is funded in excess of 130% to meet all existing pensions and does not jeopardize the health of the fund. He stated they are amortizing that excess over four years and could have amortized it over ten years. He stated they are still being very conservative and this does not touch the pension benefits at all; that their figures are very conservative and very sound.

On motion of Councilman Hakeem, seconded by Councilman Lively, AN ORDINANCE TO AMEND ORDINANCE NO. 10589, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1997, AND ENDING JUNE 30, 1998, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDE FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES.", SO AS TO PROVIDE FOR CERTAIN CHANGES IN SECTION 1; SO AS TO PROVIDE FOR CERTAIN CHANGES IN ESTIMATED REVENUES AND APPROPRIATIONS SET OUT IN SECTION 5; TO PROVIDE FOR CERTAIN CHANGES IN BUDGETS FOR SPECIAL FUNDS SET OUT IN SECTION 7

passed first reading.

GRANT ACCEPTANCE IF SELECTED FOR APPROVAL

Chairman Swafford indicated this matter was discussed in Parks and Recreation Committee and comes with the Committee's recommendation for approval.

On motion of Councilman Lively, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO SUBMIT APPLICATION FOR AND, IF SELECTED FOR APPROVAL, ACCEPT A GRANT FROM THE TENNESSEE DIVISION OF FORESTRY IN THE AMOUNT OF SIXTEEN THOUSAND, TWO HUNDRED EIGHTY-EIGHT DOLLARS (\$16,288.00)

was adopted.

CONCESSION AGREEMENT: LOOKOUT
VALLEY LIONS CLUB

On motion of Councilman Lively, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS AND RECREATION TO EXECUTE A CONCESSION AGREEMENT WITH LOOKOUT VALLEY LIONS CLUB FOR A TERM OF AUGUST 1, 1997 THROUGH JULY 31, 1999 was adopted.

AGREEMENT ADDENDUM: ROD ROBERTSON

Councilman Taylor stated Resolutions 7(c) through 7(f) were discussed in Public Works Committee today and are recommended for approval.

On motion of Councilman Taylor, seconded by Councilman Lively, A RESOLUTION AUTHORIZING APPROVAL OF A FOURTH ADDENDUM TO THE AGREEMENT WITH ROD ROBERTSON TO PERFORM INSPECTION SERVICES ON CONTRACT NOS. SWM-1-97, DRAINAGE AND QUALITY ABATEMENT, AND SWM-2-97, DRAINAGE DITCH REHABILITATION AND QUALITY ABATEMENT, FOR A FEE NOT TO EXCEED SEVENTY-TWO THOUSAND DOLLARS (\$72,000.00) FOR BOTH PROJECTS was adopted.

AGREEMENT: CITY OF EAST RIDGE

On motion of Councilman Lively, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH THE CITY OF EAST RIDGE RELATIVE TO TRAFFIC SIGNAL CONTROLLER MAINTENANCE SERVICES was adopted.

SEWER EASEMENT PURCHASE

On motion of Councilman Taylor, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE PURCHASE OF PERMANENT SEWER EASEMENTS FROM THE CITY OF EAST RIDGE, RELATIVE TO CONTRACT NO. 53B-2, NORTHWEST GEORGIA INTERCEPTOR SEWERS (FORCE MAIN THROUGH EAST RIDGE), TRACT NOS. 124 AND 124RW, FOR A TOTAL CONSIDERATION OF SIX THOUSAND, ONE HUNDRED (\$6,100.00), DESCRIBED MORE FULLY HEREINBELOW was adopted.

TEMPORARY USE: PRO-STORAGE

On motion of Councilman Taylor, seconded by Councilman Pierce, A RESOLUTION AUTHORIZING PRO-STORAGE TO USE TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY ON THE EASTERN SIDEWALK AT 1010 GEORGIA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS, FOR INSTALLING AN AWNING
was adopted.

EXPRESSION OF APPRECIATION: BILL LEVI

Councilman Taylor inquired if a member of the family was present; indication was given no one was in attendance from the family. Chairman Swafford stated the Clerk of the Council will forward this Resolution to Mr. Levi's family.

On motion of Councilman Pierce, seconded by Councilman Taylor, A RESOLUTION EXPRESSING DEEP APPRECIATION TO THE FAMILY OF BILL LEVI FOR MR. LEVI'S DEDICATION AND FAITHFUL SERVICE ON THE BOARD OF APPEALS FOR VARIANCES AND SPECIAL PERMITS FROM 1991 TO 1997
was adopted.

EXPRESSION OF APPRECIATION: NATIONAL SOFTBALL ASSOCIATION

Chairman Swafford expressed appreciation and thanks to the entire Parks and Recreation Department for the work done during the recent Softball Tournament. He stated it was a tremendous tournament and provided great income for the City.

On motion of Councilman Lively, seconded by Councilwoman Rutherford, A RESOLUTION RECOGNIZING AND EXPRESSING APPRECIATION TO THE NATIONAL SOFTBALL ASSOCIATION ("NSA") FOR HOLDING ITS ANNUAL TOURNAMENT IN THE CITY OF CHATTANOOGA
was adopted.

COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS REALLOCATION

Councilman Crockett and Lively made the initial motion to approve this Resolution.

COMMUNITY DEVELOPMENT BLOCK GRANT
FUNDS REALLOCATION (Cont'd.)

Admin. Traughber stated a change needs to be made in the wording of the Resolution regarding the M.L. King area; that it should read ". . . property acquisition, demolition and A&E services by the City for ICDC and/or CNE".

Councilmen Pierce and Hakeem made the motion and second to approve the amended Resolution. City Attorney Nelson amended the Resolution in open meeting.

On motion of Councilman Pierce, seconded by Councilman Hakeem,
A RESOLUTION REALLOCATING COMMUNITY DEVELOPMENT BLOCK
GRANT FUNDS FROM VARIOUS FUNDING YEARS AS SET FORTH
MORE FULLY HEREINBELOW
was adopted.

OVERTIME

Overtime for the week ending August 15, 1997 totaled \$80,840.72.

PERSONNEL

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

APRIL D. RIKER -- Promotion, Laborer III, Parks Division, Pay Grade 5/Step 2, \$16,656.00 annually, effective August 7, 1997.

PERSONNEL

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

LEE YEARBY -- Suspension (5 days without pay), Equipment Operator I, City-wide Services, effective August 13-22, 1997.

MACK H. BYNUM -- Employment, Laborer I, City-wide Services, pay Grade 2/Step 1, \$13,497.00 annually, effective August 6, 1997.

PERSONNEL

The following personnel matters were reported for the Police Department:

JOHNATHON R. CHAMBERS -- Resignation, Park Police Officer, effective August 18, 1997.

JOHN R. BARCLAY, SHELIA EASTERLY, PATRICIA A. HIGGINS -- Hire, School Patrol Officer, \$20.6758 daily rate, effective August 18, 1997.

HOTEL PERMITS

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

RESIDENCE INN, 215 Chestnut Street

RADISSON READ HOUSE, 827 Broad Street

GATEWAY MOTEL, 2500 Westside Drive

COMFORT SUITES, 2431 Williams Street

DAYS INN/RIVERGATE, 901 Carter Street

BLUFF VIEW INN, INC., 412 East Second Street

HEARING: TERRY YATES

City Attorney Nelson stated a hearing is scheduled next Monday night for Terry Yates; that he is requesting a delay as it appears he will be called upon to testify. He stated upon finding that out he called another attorney to represent this administration and the attorney called yesterday and said he had a conflict. He stated it is too late to get someone else "on board" by next Monday.

The Council rescheduled Mr. Yates' hearing for September 15 beginning at 6 p.m.

Councilman Pierce asked Councilman Taylor, as Chairman of the Yates' hearing panel, to get with the City Attorney, as well as the attorney representing the Council, as soon as possible because there are matters that need to be discussed.

HEARING: HAROLD HARMON

Councilman Hakeem stated the new attorney representing Mr. Harmon called to request a delay in Mr. Harmon's hearing date as he was not prepared to represent his client at that time. He stated this is Mr. Harmon's one opportunity to reschedule the hearing.

The Council rescheduled Mr. Harmon's hearing for Monday, September 8 beginning at 6 p.m.

Councilman Lively stated he knows there are times when hearings have to be put off; that it becomes the responsibility of people requesting the hearing to make that request. He stated a fellow asked for a hearing before the Council and it was granted; that the Committee, Attorney and the Court Reporter showed up. He stated everyone was present except for the one requesting the hearing! He asked at what point do we bill that individual for expenses.

City Attorney Nelson stated we have not adopted a policy, but it will certainly be something the Council can discuss in Legal and Legislative Committee if you want to look into it.

Councilman Lively stated we need to look into it at some point; that taxpayers' money is being used. He stated he will schedule a Committee meeting to discuss the matter at a later date.

COMMITTEES

Councilman Hakeem stated many of the items that were covered in **Budget and Finance Committee** have been dealt with by the Council tonight. He stated the "Together We Can" Scholarship program will continue; that wording needed to be changed to reflect the Hamilton County Schools at this time. He stated there was discussion regarding Court Officers and it was requested to have the Management Analyst, Mr. Burns, and Admin. Boney do some research and give comparative figures to see if a change is warranted and justified. He scheduled a meeting of the Committee for **Tuesday, September 2 at 5 p.m.**

Councilman Lively scheduled a meeting of the **Legal and Legislative Committee for Tuesday, August 26 at 5 p.m.** to further discuss the proposed amendment to the Wrecker Ordinance.

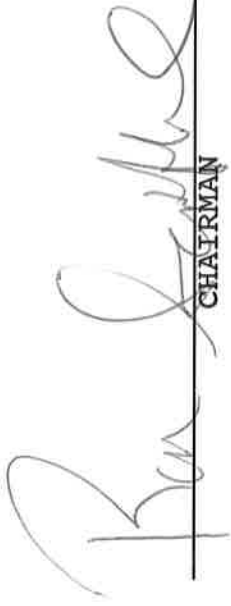
CHARLES MILLICAN

Charles Millican was present to thank the Council, and particularly Councilman Hakeem, for the assistance provided in settling the recent UPS dispute. He personally invited everyone to the rally scheduled for Thursday, August 21 at 4 p.m. across from the UPS

office on Founders Way.

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, August 26, 1997 at 6 p.m.


CHAIRMAN


CLERK OF COUNCIL

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