

Municipal Building
Chattanooga, Tennessee
October 6, 1998

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

INVOCATION

Invocation for the evening was given by J. B. Collins.

MINUTE APPROVAL

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

AMEND BUDGET ORDINANCE

On motion of Councilman Taylor, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND ORDINANCE NO. 10718, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1998, AND ENDING JUNE 30, 1999 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 PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES," SO AS TO PROVIDE FOR CERTAIN CHANGES IN THE PERSONNEL POSITIONS SET OUT IN SECTION 7(c); ADD SECTION 7(a)(4); AND TO SET FORTH THE BUDGET OF THE INTERCEPTOR SEWER SYSTEM

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

AMEND CITY CODE

On motion of Councilwoman Hurley, seconded by Councilman Lively, AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, SECTIONS 31-36, 31-41 AND 31-43, RELATIVE TO SEWER SERVICE CHARGES AND FEES 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.

AMEND BUDGET ORDINANCE

Councilwoman Hurley stated this matter was discussed in the Health, Education, Human Services and Housing Opportunities Committee and comes with the Committee's recommendation for approval.

Councilman Pierce inquired as to whether this is part of the salaries adjustment; that he was not present for the Committee meeting.

Councilwoman Hurley responded "no; that this is for the CDFI".

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 10718, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1998, AND ENDING JUNE 30, 1999 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 PROVIDING FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES," SO AS TO PROVIDE FOR CERTAIN CHANGES IN APPROPRIATIONS SET OUT IN SECTION 6

passed first reading.

COMMUNITY DEVELOP BLOCK GRANT FUNDS ALLOCATIONS

Admin. Traughber distributed two documents regarding this Resolution. He stated one outlines funds they are recommending to be reallocated; that they have met with the Advisory Committee and they have approved this process. He stated they are reallocating funds the Council approved in April and no new entities are involved.

COMMUNITY DEVELOP BLOCK GRANT
FUNDS ALLOCATIONS (Cont'd.)

Admin. Traughber stated the first funding is for the Chattanooga Community Development Corporation; that they cut the request this year with the understanding if they found projects that were needed based on spending the funds they had that they would fund the projects. He stated this was indicated as a challenge to Gary Rudolph who lived up to it by spending their allotted amount. He stated Parks and Recreation had a balance from the prior year; that they have spent their entire balance and there was a cost overrun in the Carver Recreation project and they are asking that the \$75,000 amount be allocated. He stated the other is an allocation of \$184,000 to the contingency fund of the budget to be used for any other cost overrun; that the amount is for unanticipated program income. He stated they take a conservative approach on their projects and might become more liberal for better planning and allocation of more monies in the future.

Admin. Traughber continued by stating the other document distributed involves a project that existed when funds were allocated sometime ago that involves a commercial building restoration project they want to bring back with adjustments; that he would like to make a presentation before one of the Council's Committees to discuss the matter in detail. He stated the source of the funds for the projects come from different funding sources; that the facade improvements will be constructed as a deferred loan; that the UDAG fund balance is around \$260,000.00 and grows each year by about \$70,000, which is made possible by money that was wisely invested in the Warehouse Row project. He stated there is also a request that the general fund Economic Development Pool become a part of that. He stated the last item involves storefront housing which will be available through CNE; that they are working with a model now and have looked at an area they want identified for the program. He stated they need to get the process started with this allocation and come back to the Economic Development Committee or whatever appropriate Committee for a more detailed discussion.

Chairman Crockett asked Admin. Traughber to restate where the economic development funds will be coming from.

Admin. Traughber stated they will actually be City funds that are off the sales tax revenue for use on the interior of the project, if needed; that one of the issues is that Community Development funds and UDAG funds cannot be used for interior renovation. He stated they can be used but trigger another level of guidelines which address the condition of the business and other restrictions.

COMMUNITY DEVELOP BLOCK GRANT
FUNDS ALLOCATIONS (Cont'd.)

Admin. Traughber stated it was decided another source of funds may be necessary and at this point they have no idea what pool will be set up but does not see that as a substantial amount. He stated the \$24,000 per store will be allocated with a maximum of three storefronts or 25% of the total project, which ever is less for the exterior including the roof. He stated some of the projects might have to have some type of bridge financing but we are not talking about very much money; that they will probably allocate \$200,000 to \$300,000 for the first pool and the second pool will be less.

Councilwoman Rutherford expressed support for this Resolution but sees there are physical factors; that she would like to see a similar program that could be used in the Ridgedale area.

Admin. Traughber stated they are working on another program that parallels this that is more for a neighborhood commercial facade; that there are other issues that need to be addressed. He stated this will "come on" fairly soon; that they need to look at neighborhood businesses that are willing to make some commitments.

On motion of Councilman Hakeem, seconded by Councilwoman Hurley,

A RESOLUTION ALLOCATING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AND HOME INVESTMENT PARTNERSHIP FUNDS FROM VARIOUS FUNDING YEARS AS SET FORTH MORE FULLY HEREINBELOW, AND AUTHORIZING THE USE OF URBAN DEVELOPMENT ACTION GRANT PROGRAM INCOME TO PROVIDE FUNDING FOR THE CITY'S COMMERCIAL FACADE PROGRAM

was adopted.

AGREEMENT: ARCADIS GERAGHTY &
MILLER, INC.

On motion of Councilman Lively, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE DEPARTMENT OF GENERAL SERVICES ADMINISTRATOR TO ENTER INTO AN AGREEMENT FOR ENGINEERING SERVICES WITH ARCADIS GERAGHTY & MILLER, INC., RELATIVE TO A FIVE-PHASE INFRASTRUCTURE PROJECT FOR TENTH AND ELEVENTH STREETS, FOR A TOTAL AMOUNT NOT TO EXCEED FIFTY-TWO THOUSAND, FIVE HUNDRED DOLLARS (\$42,500.00)

was adopted.

DEED CONVEYANCE TO HABITAT FOR
HUMANITY OF GREATER CHATTANOOGA,
INC.

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DEED
CONVEYING TO HABITAT FOR HUMANITY OF GREATER
CHATTANOOGA, INC. CERTAIN PROPERTY LOCATED AT 2307
STUART STREET, TAX MAP NO. 128P J 027, RELATIVE TO THE
DEVELOPMENT OF HABITAT SQUARE
was adopted.

LEASE AGREEMENT RENEWAL WITH
FRIENDSHIP COMMUNITY CHURCH

On motion of Councilwoman Rutherford, seconded by Councilwoman
Hurley,

A RESOLUTION AUTHORIZING THE RENEWAL OF A LEASE
AGREEMENT WITH THE FRIENDSHIP COMMUNITY CHURCH FOR THE
LEASE OF THE FRIENDSHIP COMMUNITY CHURCH KNOWN AS THE
FAMILY LIFE RECREATIONAL CENTER FROM JULY 1, 1998,
THROUGH JUNE 30, 1999
was adopted.

CONTRACT: MAYSE CONSTRUCTION
COMPANY

On motion of Councilman Lively, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO.
RW-2-98, AIR NATIONAL GUARD ROAD, TO MAYSE CONSTRUCTION
COMPANY FOR THEIR LOW BID IN THE AMOUNT OF TWO HUNDRED
NINE THOUSAND, ONE HUNDRED FIFTEEN DOLLARS
(\$209,115.00)
was adopted.

TEMPORARY USE: COMMERCIAL
MANAGEMENT CORPORATION

Brian Dunley of Commercial Management Corporation was present and
stated he wanted to update the Council on what is happening on the
48 acre development they are doing; that they have come up with a
general master plan of the site from what the Council was originally
shown last September.

TEMPORARY USE: COMMERCIAL
MANAGEMENT CORPORATION (Cont'd.)

Mr. Dunley stated they have decided that it is more economical to do entirely office on this site; that they were considering some multi-family property but because of the amount of money they will spend they decided to go for a Class A office building. He stated currently they are one month behind; that they have had a lot of inquiries about the building and are in the process of securing financing to do two buildings, one after the other. He stated they have had a request from an Atlanta company needing 40,000 square feet of space and will have a lot of outside interest, particularly from the Atlanta area. He stated the first building will have two stories for multi-tenant use and anticipate beginning construction and ground breaking by the middle of November with the first building complete and occupied by the third quarter of 1999; that by January 2000 they will begin construction on the second building.

Councilwoman Rutherford expressed thanks to Mr. Dunley and stated every time she drives through (that area) she thanks Commercial Management! She stated it is wonderful what is going on and will alleviate all kinds of problems.

Mr. Dunley expressed appreciation for the assistance by the City at the intersection; that they have had a lot of positive feedback from the neighborhood.

Councilman Eaves inquired as to the time schedule because he has been asked about it.

Admin. Marcellis stated they will be complete with the project this construction season; that by December they should have the road aligned and the traffic signal.

On motion of Councilman Pierce, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING COMMERCIAL MANAGEMENT CORPORATION TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT THE INTERSECTION OF DAVE L. BROWN AND EAST BRAINERD ROADS TO PROVIDE LANDSCAPING, SUBJECT TO CERTAIN CONDITIONS
was adopted.

AGREEMENT: TDOT

On motion of Councilwoman Rutherford, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN
AGREEMENT WITH THE TENNESSEE DEPARTMENT OF
TRANSPORTATION FOR IMPLEMENTATION OF SURFACE
TRANSPORTATION PROGRAM ACTIVITY, RELATIVE TO THE
TENNESSEE VALLEY RAILROAD MUSEUM, A COPY OF SAID
AGREEMENT BEING ATTACHED HERETO AND INCORPORATED HEREIN
BY REFERENCE
was adopted.

HEALTH INSURANCE FOR CITY
EMPLOYEES

Councilwoman Hurley stated this matter was discussed in the Health,
Education, Human Services and Housing Opportunities Committee and
comes with the Committee's recommendation for approval.

Admin. Traughber stated the rates for the new plan will be \$36 per
month for the individual, \$46 per month for a two person family plan
and \$56 per month for the family plan with children. He stated in
some cases, depending upon whether the employee is in an HMO or PPO
plan, the rates will go down.

Councilman Pierce inquired as to the difference in the old plan and
the new plan. Admin. Traughber stated the individual HMO is \$32 and
the individual PPO is \$42; that the individual rate in the new plan
will be \$36. He stated the family HMO is \$50 and the family PPO is
\$67; that the new rate will be either \$46 (for two person) or \$56
(family with children).

On motion of Councilwoman Hurley, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A BLUE
PREFERRED-GROUP MASTER CONTRACT WITH BLUE CROSS BLUE
SHIELD OF TENNESSEE, RELATIVE TO HEALTH INSURANCE FOR
CITY EMPLOYEES
was adopted.

OVERTIME

Overtime for the week ending October 2, 1998 totaled \$22,174.51.

PERSONNEL

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

COURTLAND T. SMYTH, JR. -- Voluntary Demotion, Laborer III, Parks Division, Pay Grade 7/Step 3, \$21,657.00 annually, effective September 30, 1998.

DREW W. SCHLATTER -- Resignation, Operator II, Golf Division, effective October 5, 1998.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley, the following purchases were approved for use by the Parks and Recreation Department:

TOWER CONSTRUCTION COMPANY (Lowest and best bid)
Bid No. B0000194

Purchase of Demolition of Existing Structure, Renovating Restroom, Construction of New Hexagon Structure at East Chattanooga Recreation Center

\$20,861.00

KITSMILLER MURRAY (Lowest and best bid)
Requisition No. R0035797

Purchase of Paving Project (Frost Stadium/Walkway)

\$13,250.00

COTHAM CONSTRUCTION COMPANY
P.O. No. P0008776

Purchase of Change Order #1 for the Relocation of Existing Electrical Transformers and Secondary Electrical Service to Existing Facilities, Rewired and Installed; and Change Order #2 for Relocation of an Existing Site Light Pole and Lamp

\$253,000.00	-	Original Amount
13,979.00	-	Change Order #1
<u>2,357.25</u>	-	Change Order #2
\$269,336.25	-	Revised Amount

PURCHASES (Cont'd.)

B & B JANITORIAL (Lower and better bid)
Requisition No. 0035775

Purchase of Janitorial Services

\$20,580.00

PERSONNEL

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

PHILLIP W. LYNN -- Employment, City Engineer IV, Engineering, Pay Grade 41/Step 8, \$78,891.00 annually, effective October 5, 1998.

BENJAMIN G. TAYLOR -- Promotion, Traffic Control Technician, Traffic Engineering, Pay Grade 12/Step 3, \$27,788.00 annually, effective September 25, 1998.

CALVIN WILSON -- Suspension (3 days without pay), Truck Driver III, City-wide Services, effective September 29, 30 - October 1, 1998.

ST. CLAIR BORNGNE' -- Suspension (3 days without pay), Truck Driver II, City-wide Services, effective September 21-23, 1998.

DAVID E. GRIFFITH -- Employment, Plant Operator, Waste Resources, Grade 9/Step 1, \$21,918.00 annually, effective October 7, 1998.

JEFFERY L. GILBERT -- Transfer and Voluntary Demotion, Traffic Engineering, Sign Fabricator, Pay Grade 7/Step 7, \$25,792.00 annually, effective October 23, 1998.

PURCHASES

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

GLOBAL STONE - TENN LUTTRELL (Lower and better bid)
Requisition No. R0035120

Purchase of Requirements Contract - High Calcium Quick Pebble Lime

\$77.00/ton

PURCHASES (Cont'd.)

GANN CONSTRUCTION COMPANY (Lower and better bid)
Requisition No. R0034179

Purchase of Heavy Duty Metal Building Additions

\$32,500.00

PERSONNEL

The following personnel matter was reported for the Fire Department:

CHARLES M. "CORKY" ROBINSON -- Deceased, Lieutenant, effective October 2, 1998.

Chief Coppinger stated Lt. Robinson gave nineteen years of service and dedication to the Department and will be sorely missed. He expressed sympathy to the Lieutenant's family. Chairman Crockett expressed the Council's heartfelt sympathy, also.

PURCHASE

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

HARLESS FIRE EQUIPMENT (Lower and better bid)
Requisition No. 0031658

Purchase of Hurst Jaws of Life Equipment

\$39,000.00

HOTEL PERMIT

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley, the following Hotel Permit was approved:

RAMADA INN -- 100 West 21st Street, Chattanooga, TN

PERSONNEL

The following personnel matter was reported for the Police Department:

RUTH H. BRALY -- Lateral Transfer, Administrative Secretary, Pay Grade 9/Step 4, \$25,206.00 annually, effective October 7, 1998.

PURCHASE

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the following purchases were approved for use by the Police Department:

STRAUSS CONSTRUCTION

Purchase of Change Order #1 for Renovation of 911 Building approved at July 7, 1998 Council meeting for unforeseen developments: HVAC system for restrooms, one fire wall and two fire dampers mandated for the protection of the building.

\$419,800.00 - Original Amount
35,000.00 - Change Order #1
\$454,800.00 - Revised Amount

TIBURON, INC. (Single source purchase)
Requisition No. 0037917

Purchase of Software & Software Modules (Per TCA 6-56-301)

\$38,295.00

R & T SPECIALTY (Single source supplier)
Requisition No. 0037855

Purchase of DARE T-shirts

\$11,250.00

PERSONNEL

The following personnel matter was reported for the Neighborhood Services Department:

SCOTTIE SWAFFORD -- New Hire, Code Enforcement Data Coordinator, Better Housing, Pay Grade GPC08/Step 1, \$20,803.00 annually, effective October 2, 1998.

BETTER HOUSING APPEAL

City Attorney Nelson reminded Council members of the Better Housing Appeal scheduled to begin immediately following the Council meeting.

AGENDA FOR OCTOBER 10, 1998

City Attorney Nelson stated Admin. Traughber will be out of the city next Tuesday and has requested that Resolutions 7(c) and (d) on next week's agenda be held one week.

COURT PROCEEDINGS REGARDING M-4 ZONE

Councilman Pierce asked City Attorney Nelson to give a report regarding the Court proceedings involving the M-4 zone.

City Attorney Nelson stated he went to Court at 8:45 a.m. last Wednesday; that the Chancellor realized there were more problems that could be handled on such short notice. He stated the Chancellor put the case over until Monday and gave us until Friday to file briefs; that over the weekend they put witnesses together and went to court on Monday morning. He stated Councilman Eaves and Mayor Kinsey testified; that it was a long day. He stated the Trial Judge enjoined us from enforcing the present ordinance and enjoined AMT from doing any construction on the property. He stated the Chancellor permitted AMT to go forward with their permitting process and permitted us to go forward with the legislative process. He stated the Chancellor was advised that last week the Council resubmitted the ordinance to Planning and it is scheduled to come up at their meeting on Monday; that based on what they do it will be readvertised with whatever changes or "tweaks" necessary.

Councilman Pierce asked if the readvertisement will come after it is received from Planning. City Attorney Nelson indicated he will make it a point to do so this time!

City Attorney Nelson added that he met with AMT and several others last Wednesday about the problem with borrow pits; that they had a very profitable meeting and will try to associate some of those ideas into the ordinance that has been resubmitted to the Planning Commission.

COMMITTEES

Councilwoman Hurley stated the Health, Education, Human Services and Housing Opportunities Committee met earlier and received a briefing from Chattanooga Neighborhood Enterprise (CNE). She stated she will not be present next week and the matter Admin. Freeman has regarding spot blight acquisition can be discussed in the Public Works Committee.

Councilman Taylor reiterated Admin. Freeman's concern regarding spot light acquisition will be discussed in next week's **(Tuesday, October 13) Public Works Committee scheduled for 4 p.m.** He indicated the matter will appear on next week's agenda for first reading and can be tabled a week if it is felt the matter should be tabled until October 20.

Councilman Hakeem scheduled a meeting of the **Economic Development Committee for Tuesday, October 20 at 4 p.m.** regarding amendments to the Air Pollution Control ordinance.

Councilman Eaves scheduled a **Safety Committee for Tuesday, October 20 immediately following the Economic Development Committee meeting.**

MEETING RECESSED FOR BETTER HOUSING COMMISSION APPEAL

The meeting was recessed at this point for the Better Housing appeal requested by Jonathan Rogers.

ADJOURNMENT

Immediately following the Better Housing Commission appeal, Chairman Crockett adjourned the meeting until Tuesday, October 13, 1998 at 6 p.m.


CLERK OF COUNCIL


CHAIRMAN

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