

Municipal Building
Chattanooga, Tennessee
April 20, 1999

The meeting of the Chattanooga City Council was called to order by Chairman Crockett with Councilmen Eaves, Franklin, Hakeem, Hurley, Lively, Pierce, and Taylor present; Councilwoman Rutherford was out of the city due to personal commitment. City Attorney Randall Nelson, Management Analyst Randy Burns, and Assistant Clerk to the Council Shirley Crownover were also present.

INVOCATION

Invocation was given by Chairman Crockett.

MINUTE APPROVAL

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

COUNCIL ELECTIONS

Chairman Crockett noted that this was the last meeting of this term and that elections would be held tonight for the new Chairman and Vice Chairman. He expressed his appreciation for the opportunity to serve during the last year, stating he was honored. He mentioned an old Chinese Proverb that says "*May you live in interesting times!*" He stated that his colleagues had made the times interesting. He then asked for nominations for Chairman.

Councilwoman Hurley stated that it was her great pleasure to place in nomination the "*Squire of Wauhatchie*", John Lively. This was seconded by Councilman Franklin. On motion of Councilman Pierce, seconded by Councilman Taylor, the nominations were closed. By unanimous vote, Councilman Lively was elected the new Chairman of the Council and at this time took over the nominations for Vice Chairman.

Councilwoman Hurley stated that it was her great pleasure to place in nomination the name of "*El Raj Yusuf Hakeem*" for Vice Chairman. This was seconded by Councilman Franklin. On motion of Councilman Taylor, seconded by Councilman Pierce, the nominations ceased. Councilman Hakeem was elected the new Vice Chairman of the Council by unanimous vote.

COUNCIL ELECTIONS
(CONT'D.)

City Attorney Nelson stated that it was his honor and pleasure to give the incoming Chairman, Councilman John Lively, the new gavel for the coming year; that it would be engraved by next week. He expressed to the outgoing Chairman, Councilman Dave Crockett, his sentiments for a job well done.

(Councilman Eaves indicated he had a little trouble with Councilman Hakeem being Vice Chairman—that we had at least three more Councilmen with more vices! Councilman Pierce questioned if we should have the new Chairman and Vice Chairman “sworn in” since Judge Williams was present).

(At this point Councilman Franklin was scheduled for a Special Presentation; since the recipient was not present this was moved to another part of the meeting.)

REZONING

#1999—Harry & JoAnn Bundy

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 1048 GRAYSVILLE ROAD, BEING ON THE NORTHEAST LINE OF GRAYSVILLE ROAD SOUTHEAST OF EAST BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

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

REZONING

1999-053 (Martin & Iona C. Hamby)

On motion of Councilman Eaves, 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 7408 IGOU GAP ROAD, BEING ON THE SOUTHWEST LINE OF IGOU GAP ROAD SOUTHEAST OF GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO G-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

BUDGET ORDINANCE AMEND.

On motion of Councilwoman Hurley, seconded by Councilman Pierce,

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 PROVIDE FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES.", SO AS TO PROVIDE FOR CERTAIN CHANGES AS SET OUT IN SECTION 11

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

**AMEND ZONING
CONDITIONS**

#1999-051 (Ring Construction)

Mr. Bennett explained that the applicant wished to amend the conditions relative to landscaping; that there was not enough physical width to meet the landscaping conditions; that a different landscaping plan had been submitted that was not as of great a width but will serve the same purpose.

On motion of Councilman Taylor, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN CONDITIONS IMPOSED IN ORDINANCE NO. 10803 ON PROPERTY LOCATED AT 3501 ST. ELMO AVENUE, BEING ON THE NORTHWEST LINE OF ST. ELMO AVENUE NORTHEAST OF CUMMINGS HIGHWAY, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

**CORRECT ZONING ORD.
NO. 10682**

Attorney Nelson explained that this had already come through Planning sometime ago with the intention of changing the zoning from R-1 and C-2 to R-4; that Barry Bennett had explained that R-4 was being requested in open meeting; that when the Ordinance was actually drafted it read from R-1 to C-2 zoning. Attorney Nelson explained that this obviously makes a great deal of difference to the applicant as they need the R-4 zoning and this was the intention of Planning. He explained that we were voiding the incorrect ordinance and coming back with a corrected version, which was what Planning had intended.

CORRECT ZONING ORD.
(CONT'D.)

On motion of Councilman Crockett, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REPEAL ORDINANCE NO. 10682, ENCAPTIONED AS SET FORTH HEREINBELOW, AND ADOPT IN ITS STEAD AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7127 LEE HIGHWAY, BEING ON THE NORTHWEST LINE OF LEE HIGHWAY, AT ST. STEPHENS PLACE, FROM R-1 RESIDENTIAL ZONE AND G-2 CONVENIENCE COMMERCIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

AGREEMENTS

Councilman Eaves noted that the first five resolutions all come with Public Works' recommendation and also the Public Works Committee.

On motion of Councilman Pierce, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENTS WITH ARCADIS, GERAGHTY & MILLER, RELATIVE TO RED BANK SEWAGE PUMPING STATION AND RIVERVIEW AREA SEWER SEPARATION, FOR A TOTAL COMBINED AMOUNT NOT TO EXCEED SIXTY-SIX THOUSAND, FIVE HUNDRED DOLLARS (\$66,500.00)

was adopted.

EPB PAYMENT

On motion of Councilman Eaves, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF TWELVE THOUSAND, ONE HUNDRED THIRTY-TWO DOLLARS (\$12,132.00) TO THE ELECTRIC POWER BOARD OF CHATTANOOGA FOR INSTALLATION OF EQUIPMENT RELATIVE TO CONTRACT NO. 29A, 19TH STREET PUMP STATION

was adopted.

CONTRACT CHANGE

On motion of Councilman Crockett, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, CONTRACT NO. CSO-3-98, WILLIAMS STREET CSO FACILITY, WITH BURGIN CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY SIXTY THOUSAND, SEVEN HUNDRED NINETY-TWO AND 09/100 DOLLARS (\$60,792.09), FOR A REVISED CONTRACT TOTAL OF THREE MILLION, ONE HUNDRED FORTY THOUSAND, FIVE HUNDRED FORTY-TWO AND 09/100 DOLLARS (\$3,140,542.09)

was adopted.

TEMP. ROW USAGE

Councilman Pierce asked if there was opposition present. Councilman Eaves explained that all opposition had been resolved.

On motion of Councilman Pierce, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING KOCH FOODS, LLC TO USE TEMPORARILY THE RIGHT-OF-WAY AT EAST 18TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMPORARY SIDEWALK USE

On motion of Councilman Crockett, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING BIG RIVER BREWERIES, INC. TO USE TEMPORARILY THE SIDEWALK AT 222 BROAD STREET FOR ATTACHING A CANOPY OVER THE MAIN ENTRANCE OF THE BUILDING, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

**STADIUM CORP
BYLAWS**

On motion of Councilman Hakeem, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE STADIUM CORPORATION TO ADOPT BY-LAWS EXPANDING ITS BOARD OF DIRECTORS FROM SEVEN (7) TO ELEVEN (11) AND FURTHER PROVIDING THAT TWO (2) OF THE ADDITIONAL DIRECTORS SHALL BE APPOINTED BY THE MAYOR AND CONFIRMED BY THE CITY COUNCIL AND THE OTHER TWO (2) SHALL BE APPOINTED BY THE COUNTY EXECUTIVE AND APPROVED BY THE COUNTY COMMISSION

was adopted.

WESTSIDE APPROP.

Councilman Hakeem stated that this comes with committee recommendation.

On motion of Councilman Crockett, seconded by Councilman Taylor,

A RESOLUTION EXPRESSING THE INTENT OF THE CITY COUNCIL TO APPROPRIATE UP TO \$350,000.00 TO THE WESTSIDE COMMUNITY DEVELOPMENT CORPORATION TO BE USED FOR THE CONSTRUCTION OF AN ECONOMIC DEVELOPMENT CENTER

was adopted.

**SPECIAL PRESENTATION
HAZEL R. BOWLES**

Councilman Franklin honored Mrs. Hazel Bowles, a long-time teacher who retired in 1998. He mentioned that at her retirement party she vowed to her co-workers that she would not go home and sit down. He noted that along with seven or eight other recipients Mrs. Bowles was honored by Channel 3 TV with the Jefferson Award; that these recipients have labored long and hard and done monumental things for their community. He asked Mr. and Mrs. Bowles to come forward, noting that they were neighbors of his family and stated that Mrs. Bowles had a "firm" hand in his upbringing, as well. He presented her with a Certificate of Appreciation signed by both himself and Mayor Kinsey and also a commemorative plate, cup, and pin. He urged Mrs. Bowles to continue serving Chattanooga as she had in the past.

OVERTIME REPORT

There was no overtime report submitted.

PERSONNEL

The following personnel matters were reported for Human Services:

ANGELA LEE—Resignation of Lead Teacher, effective 4/2/99.

LIBBA PRATER—Resignation of Teacher Assistant, effective 3/25/99.

JENNIFER STOLZ—Resignation of Teacher Assistant, effective 3/23/99.

PURCHASE

On motion of Councilwoman Hurley, seconded by Councilman Hakeem, the following purchase was approved for use by the Human Services Dept.:

EASTMAN CONSTRUCTION (Lowest and best bid):
Requisition No. R0037162

Renovation of Cedar Hill Classrooms

\$196,050.00

MEYER SECURITY (Low bidder):
Requisition No. R0037155

Installation for Security Video Camera/Monitor

\$12,500.00

PURCHASES

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

COATINGS APPLICATION & WATERPROOFING CO. (Lowest and best bid):
Requisition No. R0041293

Roof Restoration and Replacement for Carver Center

\$93,660.00

PURCHASES (CONT'D.)

COATINGS APPLICATION & WATERPROOFING CO. (Lowest and best bid):
Requisition No. R0037599

Furnish and Install Exterior Siding for Carver Center

\$34,686.00

PERSONNEL

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

MICHAEL A. JONES—Family Medical Leave for Equipment Operator, effective 4/7/99 thru 5/15/99.

NATHANIEL HOWARD—Family Medical Leave for Equipment Operator, effective 4/13/99 thru 5/31/99.

FREDRICKO A. MOORE—Promotion from Crew Worker to Concrete Worker, Pay Grade 6/1, \$18,574.00, effective 4/7/99.

EDWIN L. ROBINSON—Lateral Transfer to Crew Worker, Pay Grade 3/6, \$19,038.00, effective 4/21/99.

WILLIAM BROGDON—Lateral Transfer to Heavy Equipment Operator, Pay Grade 10/8, \$31,555.00, effective 4/21/99.

PURCHASE

On motion of Councilwoman Hurley, seconded by Councilman Taylor, the following purchase was approved for use by the Public Works Department:

M-B COMPANIES, INC. OF WI (Lowest and best bid):
Requisition No. R0038143

Thermoplastic Spray Machine

\$221,928.00

PERSONNEL

The following personnel matters were reported for the Police Department:

FREDIA POPE—Retirement of Admin. Coordinator, effective 4/30/99.

KAREN R. MCLIN—Resignation of School Patrol, effective 3/19/99.

Chief Dotson mentioned that Mrs. Pope had been a dedicated member of the Department for 29 years.

PURCHASES

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

INNOVATIVE SURVEILLANCE TECHNOLOGY (Lowest and best bid):
Requisition No. R0033537

Remote Controlled Surveillance System

\$52,242.00

MOTOROLA (Single Source Purchase):
Requisition No. R0033366

20 Motorola Radios and Accessories for Training Division

\$52,906.85

STAPLES/IVAN ALLEN (Lowest and best bid):
Requisition No. 0038239

Office Furniture

\$12,086.53

**MAY 10 PERSONNEL
HEARING—ALVIN D.
THOMPSON, JR.**

A Personnel Hearing was set by Attorney Randall Nelson for Fire Department Employee, **Alvin Douglas Thompson, Jr.**, who was suspended for 28 days. The hearing is set for May 10th at 6:00 P.M. **Councilwoman Hurley** volunteered to serve as Chairman for this hearing along with Councilmen Crockett and Hakeem. Councilman Taylor will serve as alternate.

**MAY 17 PERSONNEL
HEARING—JOHN
COLLINS**

Attorney Nelson set a Personnel Hearing for **John Collins**, Police Dept., for May 17th at 6:00 P.M. Councilman Pierce stated that he thought the Council had held a hearing regarding this employee previously, and he felt that a totally different group should hear it at this time. **Councilman Franklin** agreed to serve as Chairman, along with Councilwoman Hurley and Councilman Hakeem. There is no alternate.

**BETTER HOUSING
APPEALS**

Attorney Nelson stated that Councilman Pierce had suggested on Better Housing Appeals that we not hire Special Attorneys to sit with the Council; that we do need Special Attorneys on employee appeals; that if there is no objection, he will not hire Special Attorneys for Better Housing Appeals unless he feels it is really warranted. (Councilman Crockett warned Attorney Nelson that he might lose his “Attorney Union Card”—Attorney Nelson responded “So be it!”)

**CORNELL GREEN
HEARING**

Attorney Nelson noted that a hearing for **Cornell Green** had originally been set for tonight. Due to the absence of Councilwoman Rutherford, this hearing was rescheduled for April 21st at 6:00 P.M.

JEFFERY ALFORD
HEARING

Councilman Eaves stated that he had originally agreed to serve as a committee member for this hearing on April 26th; however he would be out of town and Councilwoman Rutherford needed to be made aware of this, as she had agreed to serve as an alternate.

COMMITTEES

Councilman Hakeem **cancelled the Economic Development Committee** scheduled for Tuesday, April 27th as the Grove Street Project with Daphne Sloan had already been discussed.

Councilwoman Hurley **scheduled a Health, Education & Human Services Committee immediately following the Parks and Recreation Committee on Tuesday, April 27th.**

COUNCIL MEETING
APRIL 27TH

Chairman Lively stated that we have a short agenda next week and there had been some discussion about not having a meeting next week; that there is a group coming from Atlanta. It was decided that the Council would go ahead and have the regular meeting, and the Council members would meet with the group coming from Atlanta after the meeting.

JERRY SHORT

Mr. Jerry Short of Westside addressed the Council. He stated he wanted to let the Council know that he was in charge of the Baseball Team in this neighborhood; that as of yet they did not have any specific dates, but when they do set the dates, he stated they were looking for Councilman Pierce and Councilman Taylor to be present. He stated he had been working with the youth all these years and needed support from the Council; that the kids would be looking for Councilman Pierce to come over and see what is happening in Westside.

ADJOURNMENT

Chairman Lively adjourned the meeting until Tuesday, April 27, 1999, at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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