

**Municipal Building
Chattanooga, Tennessee
October 26, 1999**

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

INVOCATION

Invocation was given by Councilman Franklin.

**REPEAL SECTIONS 1 AND 2 OF
ORDINANCE NO. 10813**

On motion of Councilman Hakeem, seconded by Councilman Franklin Ordinance 6(e) and Resolutions 7(l) and (m) were moved up on the agenda.

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

AN ORDINANCE REPEALING SECTIONS ONE (1) AND TWO (2) OF ORDINANCE NO. 10813, ENCAPTIONED "AN ORDINANCE AUTHORIZING THE CITY TO OWN AND/OR OPERATE A WATERWORKS SYSTEM WITHIN AND/OR BEYOND THE BOUNDARIES OF THE CITY, AND FURTHER AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN, PURCHASE, LEASE OR OTHERWISE ALL LANDS, GROUNDS AND OTHER PROPERTY INTERESTS, BOTH REAL AND PERSONAL, NECESSARY TO OPERATE SUCH WATERWORKS SYSTEM, AND FINALLY, AUTHORIZING A TRANSFER OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00) FROM THE GENERAL FUND TO THE LIABILITY INSURANCE FUND TO BE RECOVERED FROM BOND PROCEEDS AT A LATER DATE, TO FINANCE ACQUISITION COSTS EXCEPT THOSE TO BE USED AS PAYMENT ON FAIR MARKET VALUE OF THE PROPERTY

passed first reading.

REPEAL RESOLUTION NO. 21983

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

A RESOLUTION REPEALING RESOLUTION NO. 21983, ENCAPTIONED "A RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE THE PURCHASE OF THE TENNESSEE-AMERICAN WATER COMPANY OR IN THE ALTERNATIVE AUTHORIZING THE FILING OF AN EMINENT DOMAIN LAWSUIT TO ACQUIRE THE ASSETS OF THE TENNESSEE-AMERICAN WATER COMPANY

was adopted.

**COMPROMISE AGREEMENT
AUTHORIZATION AND RATIFICATION**

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING AND RATIFYING THE EXECUTION BY THE MAYOR OF ANY AND ALL DOCUMENTS NECESSARY IN THE COMPROMISE AGREEMENT WITH TENNESSEE-AMERICAN WATER COMPANY, RELATIVE TO THE EMINENT DOMAIN ACTION BROUGHT AGAINST IT BY THE CITY

was adopted.

DISMISS CIRCUIT COURT LAWSUIT

City Attorney Nelson stated a motion is needed to authorize the City Attorney to execute appropriate documents to dismiss the lawsuit in Circuit Court.

On motion of Councilwoman Hurley, seconded by Councilman Hakeem authorization was granted.

FRANCHISE

Chairman Lively declared a public hearing in process to hear comments from persons "for" or "against" this franchise request. There being none, the hearing was duly closed.

City Attorney Nelson stated the Ordinance has been slightly revised. He stated the previous Ordinance provided for immediate effectiveness; that the Ordinance now reflects that it will become effective two weeks after its passage date. He stated a motion is needed to adopt the revised version, followed by a motion to adopt the Ordinance on third reading.

Councilwoman Hurley made the motion to substitute the revisions to the Ordinance; Councilwoman Rutherford seconded the motion; the motion passed.

FRANCHISE (Continued)

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,
**AN ORDINANCE GRANTING UNTO KMC TELECOM III, INC. A
FRANCHISE TO INSTALL AND MAINTAIN FIBER OPTIC CABLES IN
CERTAIN RIGHTS-OF-WAY IN THE CITY OF CHATTANOOGA TO
PROVIDE TELECOMMUNICATION SERVICES, SUBJECT TO
CERTAIN CONDITIONS**

passed third and final reading and was signed in open meeting.

AMEND BUDGET

Councilwoman Hurley made the motion to substitute the revisions to the Ordinance; Councilman Franklin seconded the motion; the motion passed.

On motion of Councilman Hakeem, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND ORDINANCE NO. 10872, ENTITLED "AN
ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR
BEGINNING JULY 1, 1999, AND ENDING JUNE 30, 2000, 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
GENERAL FUND ESTIMATED REVENUE; TO PROVIDE FOR
CERTAIN CHANGES IN APPROPRIATIONS SET OUT IN SECTION 5;
TO PROVIDE FOR CERTAIN CHANGES IN PERSONNEL SET OUT IN
SECTION 7C; TO PROVIDE FOR CERTAIN CHANGES SET OUT IN
SECTION 9; AND TO PROVIDE FOR CERTAIN CHANGES SET OUT IN
SECTION 11**

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

AMEND CONDITIONS

Jerry Pace explained that a formal request had been made by the applicant through the Council Office to postpone this and the following Ordinance until December 7.

AMEND CONDITIONS (Continued)

1999-150: L & P, LLC

On motion of Councilman Pierce, 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. 10725 (CASE NO. 1998-120) ON A TRACT OF LAND LOCATED IN THE 2400 BLOCKS OF 6TH AVENUE AND 8TH AVENUE, AND THE 2400 AND 2500 BLOCKS OF 7TH AVENUE, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was tabled until December 7, 1999 at the applicant's request.

REZONING

1999-151: L & P, LLC

On motion of Councilman Pierce, seconded by Councilwoman Hurley,

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 2400 BLOCKS OF 6TH AVENUE AND 7TH AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS

was tabled until December 7, 1999 at the applicant's request.

AMEND CITY CODE

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND THE CHATTANOOGA CITY CODE, PART II, CHAPTER 4, WHICH CHAPTER IS KNOWN AS "THE CHATTANOOGA AIR POLLUTION CONTROL ORDINANCE", BY PROVIDING FOR INCORPORATION BY REFERENCE OF CERTAIN FEDERAL REGULATIONS

passed first reading.

AMEND CITY CODE

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND THE CHATTANOOGA CITY CODE, PART II, CHAPTER 4, WHICH CHAPTER IS KNOWN AS "THE CHATTANOOGA AIR POLLUTION CONTROL ORDINANCE", BY PROVIDING FOR REVISIONS TO PERMIT FEES AND PART 70 OPERATING PERMIT EMISSIONS FEES

passed first reading.

AGREEMENT: TIBURON, INC.

On motion of Councilwoman Hurley, seconded by Councilman Hakeem,

A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT TO ENTER INTO AN AGREEMENT FOR EXTENDED SERVICE WITH TIBURON, INC., SUBSTANTIALLY IN THE FORM ATTACHED HERETO, FOR SOFTWARE MAINTENANCE SERVICES FOR A PERIOD OF ONE YEAR BEGINNING NOVEMBER 1, 1999 AT A COST OF THIRTY-THREE THOUSAND, SEVEN HUNDRED EIGHTY-FIVE DOLLARS (\$33,785.00) PLUS CHARGES FOR TECHNICAL SUPPORT AS SET FORTH IN THE AGREEMENT

was adopted.

APPROVE REQUEST FOR PROPOSAL

Councilwoman Hurley perused the meeting room for the representative from the newspaper and stated she would like to clear up a point in the story that was written in this morning's newspaper regarding this matter. (The representative from the newspaper was not present at this time.) She stated the City and the County, as she remembered, entered into an agreement to purchase this building as an incentive to ABB to stay in this community, not that the building was considered perfect for the One-Stop Shop facility. She stated she wanted to make that point and if she is wrong she would be happy to be contradicted as that point was not made in the paper this morning.

Councilman Eaves stated he would like to speak to this matter; that the City has so much money involved in it. He stated whatever entity goes into the property, taxes will be assessed

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

A RESOLUTION APPROVING A REQUEST FOR PROPOSALS (RFP) FOR THE SALE AND REDEVELOPMENT OF THE FORMER ABB COMBUSTION ENGINEERING, INC. ADMINISTRATION BUILDING AND LAND LOCATED AT 1301 RIVERFRONT PARKWAY

was adopted.

(COUNCILWOMAN RUTHERFORD EXCUSED HERSELF FROM THE MEETING AT THIS POINT.)

ALLOCATION

Councilman Franklin stated Resolutions 7(d) - (k) were discussed in Public Works Committee and are recommended for approval.

On motion of Councilman Hakeem, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT TO ALLOCATE TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) IN FUNDS EARNED FROM URBAN DEVELOPMENT ACTION GRANT (UDAG) PROJECTS FOR COMMERCIAL FAÇADE PROJECTS

was adopted.

WORK AUTHORIZATION: ARCADIS, GERAGHTY & MILLER

On motion of Councilman Franklin, seconded by Councilman Hakeem,

A RESOLUTION AUTHORIZING THE AWARD OF WORK AUTHORIZATION NO. 3 TO ARCADIS, GERAGHTY & MILLER FOR BASIC SERVICES IN CONNECTION WITH CONSTRUCTION RELATED TO SANITARY SEWER SYSTEM IMPROVEMENTS TO THE ALTAMONT ROAD SEWER SYSTEM FOR A TOTAL AMOUNT OF SEVENTY-FOUR THOUSAND FOUR HUNDRED AND 00/100 DOLLARS (\$74,400.00)

was adopted.

AGREEMENT: BETTS ENGINEERING ASSOCIATES, INC.

On motion of Councilman Franklin, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH BETTS ENGINEERING ASSOCIATES, INC., TO DESIGN, PROVIDE CONSTRUCTION AND EASEMENT SERVICES, SURVEYING, AND INSPECTION FOR THE RELOCATION OF SANITARY SEWERS FOR TENNESSEE DEPARTMENT OF TRANSPORTATION PROJECT NO. NH-153(7)-33052-3242-14, WIDENING OF S.R. 153 FROM I-75 INTERCHANGES AT HICKORY VALLEY ROAD TO NORTH OF S.R. 58 (AMNICOLA HIGHWAY), FOR A FEE NOT TO EXCEED FIFTY-ONE THOUSAND FIVE HUNDRED SEVENTEEN AND 99/100 DOLLARS (\$51,517.99), 100% OF WHICH IS REIMBURSABLE BY THE TENNESSEE DEPARTMENT OF TRANSPORTATION

was adopted.

**AGREEMENT: UNIVERSITY OF
TENNESSEE AT CHATTANOOGA**

On motion of Councilman Franklin, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH THE UNIVERSITY OF TENNESSEE AT CHATTANOOGA TO CARRY OUT FINAL STATISTICAL ANALYSIS AND REPORT PREPARATIONS OF CHATTANOOGA URBAN STREAMS BASELINE SURVEY PROJECT YEAR 3 CONTRACT, FOR A TOTAL COST NOT TO EXCEED THIRTY-TWO THOUSAND FIVE HUNDRED NINETY-ONE AND 48/100 DOLLARS (\$32,591.48)

was adopted.

AGREEMENT: TDOT

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO CONSTRUCT A CLOSED LOOP TRAFFIC SIGNAL SYSTEM ALONG HIXSON PIKE BETWEEN CLOVERDALE DRIVE AND AUSTIN ROAD FOR A TOTAL AMOUNT OF TWO HUNDRED THIRTY THOUSAND AND 00/100 DOLLARS (\$230,000.00), TO BE TOTALLY FUNDED BY FEDERAL FUNDS

was adopted.

CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 (FINAL), CONTRACT NO. 53B-4 NORTHWEST GEORGIA SEWER COLLECTION SYSTEM, SPRING CREEK AND WAVERLY DRIVE INTERCEPTORS, WITH MAYSE CONSTRUCTION COMPANY, WHICH DECREASES THE CONTRACT BY THE AMOUNT OF NINETEEN THOUSAND, NINE HUNDRED TWENTY-ONE AND 01/100 DOLLARS (\$19,921.01) FOR A TOTAL CONTRACT PRICE OF ONE MILLION FOUR HUNDRED FORTY-TWO THOUSAND, ONE HUNDRED TWENTY-FOUR AND 49/100 DOLLARS (\$1,442,124.49)

was adopted.

CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), CONTRACT NO. 73D, LAKESHORE COLLECTION SYSTEM, WITH MAYSE CONSTRUCTION COMPANY TO INCREASE THE CONTRACT BY THE AMOUNT OF TWO THOUSAND, FIVE HUNDRED TWENTY-SEVEN AND 17/100 DOLLARS (\$2,527.17), FOR A TOTAL CONTRACT PRICE OF NINE HUNDRED FORTY THOUSAND, FOUR HUNDRED SIX AND 17/100 DOLLARS (\$940,406.17)

was adopted.

PAYMENT AUTHORIZATION

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF FIFTY-TWO THOUSAND THREE HUNDRED EIGHT AND 00/100 DOLLARS (\$52,308.00) TO HAMILTON COUNTY, TENNESSEE, FOR THE CITY OF CHATTANOOGA'S SHARE OF PROJECT COSTS RELATIVE TO DESIGN OF THE STREAMBANK PROTECTION PROJECTS AT COOLIDGE PARK AND HERITAGE LANDING

was adopted.

TEMPORARY USE: ARTECH DESIGN GROUP

On motion of Councilman Franklin, seconded by Councilman Hakeem,

A RESOLUTION AUTHORIZING ARTECH DESIGN GROUP TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY FOR THE PURPOSE OF INSTALLING TWO METALLIC CANOPIES, MORE PARTICULARLY DESCRIBED HEREIN, TO THE FRONT WALL OF THE DEVELOPMENT RESOURCE CENTER AT 1250 MARKET STREET, SUBJECT TO CERTAIN CONDITIONS

was adopted.

OVERTIME

Overtime for the week ending October 22, 1999 totaled \$98,730.49.

(COUNCILWOMAN HURLEY EXCUSED HERSELF FROM THE MEETING AT THIS POINT.)

EMERGENCY PURCHASE

The emergency purchase of a new boiler at the Avondale Center for the Human Services Department, on Purchase Order No. P0013523 in the amount of \$36,000.000, issued to Boiler and Heat Exchange was duly reported and signed in open meeting.

PERSONNEL

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

JAMES BRAD MOULDER -- Resignation, Crew Worker, Tennessee Riverpark-Downtown, effective October 22, 1999.

KENETRA L. PARHAM -- Promotion, Crew Worker, Tennessee Riverpark-Downtown, Pay Grade 3/Step 1, \$15,230.00 annually, effective November 3, 1999.

LARRY ZEHNDER

Admin. Mitchell stated the National Recreation Association met in Nashville last week with well over 9,500 delegates in attendance. He stated Larry Zehnder was sworn in as Chairman of the President's Council of the National organization.

Councilman Hakeem stated an appropriate sequence of events is necessary to congratulate Mr. Zehnder. **On motion of Councilman Hakeem, seconded by Councilman Franklin, the Clerk of the Council was authorized to compose a letter on behalf of the Council expressing the Council's appreciation of the efforts Mr. Zehnder has put forth to be so recognized by his colleagues in this manner.**

PURCHASES

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

LESCO, INC., AGRO DISTRIBUTION, PENNINGTON SEED, REGAL CHEMICAL, AUSTIN FEED & SEED (Items split among five (5) vendors for best available items and lowest bids)

Requisition No. R0042681

Requirements contract for Chemical, Fertilizer and Seed

(Price information available and filed with minute material)

PURCHASES (Continued)

ROYER OF NORTH CAROLINA (Best and lowest bid)

Requisition No. R0043430

Shredder Aerator Mixer

\$74,995.00

ASPLUNDH, INC. (Best and lowest bid)

Requisition No. R0043448

Requirements Contract for Tree Trimming & Removal

\$61.00 per hour

PERSONNEL

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

WALTER DANIEL BOYD -- Employment, Crew worker, Traffic Management, Pay Grade 5/Step 1, \$17,459.00 annually, effective October 27, 1999.

LLOYD HUSSEY -- Transfer, Sanitation Worker, City-wide Services, Pay Grade 3/Step 7, \$19,952.00 annually, effective October 27, 1999.

TONY L. BOYD -- Transfer, General Supervisor Sr., City-wide Services, Pay Grade 16/Step 7, \$38,933.00 annually, effective October 29, 1999.

ANDREW A. WILLIAMS -- Dismissal, Sanitation Worker, City-wide Services, Pay Grade 3/Step 10, \$22,694.00 annually, effective October 20, 1999.

PERSONNEL

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

STEVEN TATE -- Promotion, Senior Firefighter, Pay Grade F2/Step B, \$37,332.00 annually, effective October 22, 1999.

ERNEST J. PORTER -- Suspension (6 days without pay), Battalion Chief, effective November 7, 8, 9, 10, 11, 12, 1999.

HOTEL PERMITS

On motion of Councilman Pierce, seconded by Councilman Franklin, the following hotel permits were approved:

GATEWAY MOTEL -- 2500 Westside Drive, Chattanooga, Tennessee

DAYS INN RIVERGATE -- 901 Carter Street, Chattanooga, Tennessee

PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Franklin, the following purchase was approved for use by the Chattanooga Police Department:

EAST RIDGE UNIFORMS (Best bid)
Requisition No. R0033466

Uniforms for Communications

\$10,830.00

PERSONNEL

The following personnel matter was reported for the Department of Finance and Administration:

JAMES A. DEGLER -- Resignation, Tax Clerk, Treasurer's Office, effective October 21, 1999.

COMMITTEES

Councilman Franklin scheduled a meeting of the **Public Works Committee for Tuesday, November 2 at 4 p.m.**

Councilman Hakeem stated the Budget and Finance Committee recommends that the Council authorize the Mayor to move forward in discussions and negotiations with the County in regard to the tax equity question. He asked that the Council go on record to authorize the Mayor to do this. He indicated that the Mayor would be asked to come back to the Committee in two weeks for a preliminary review of where we stand on that issue. **On motion of Councilman Hakeem, seconded by Councilman Franklin, approval was given to authorize the Mayor to proceed.** He scheduled a meeting of the **Budget and Finance Committee for Tuesday, November 9 immediately following the Safety Committee** to hear the Mayor's preliminary review.

COMMITTEES (Continued)

In the absence of Councilwoman Hurley, Councilman Hakeem scheduled a meeting of the **Health, Education, Human Services and Housing Opportunities Committee for Tuesday, November 16 immediately following the Public Works Committee** to discuss the \$8 million funding the City presently gives the School System, as well as any other additional amount the City puts into the School System. He stated Superintendent Register and other School System personnel have been asked to be present.

ADJOURNMENT

Chairman Lively adjourned the meeting until Tuesday, November 2, 1999 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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