

**Municipal Building
Chattanooga, Tennessee
November 16, 1999**

The meeting of the Chattanooga Council was called to order by Chairman Lively with Councilmen Eaves, Franklin, Hakeem, Hurley, Pierce, Rutherford and Taylor present; Councilman Crockett was 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 City Attorney Nelson.

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.

REZONING

1999-112: Beverly Wilson

On motion of Councilman Eaves, seconded by Councilwoman Rutherford,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 1725 NORTH ORCHARD KNOB AVENUE,
BEING ON THE NORTHWEST LINE OF ORCHARD KNOB AVENUE
AT OLIVE STREET, MORE PARTICULARLY DESCRIBED HEREIN,
FROM R-2 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD
COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS**

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

REZONING

1999-155: Pearl V. Hogan

On motion of Councilwoman Rutherford, seconded by Councilman Taylor

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1401 MEADOW LARK LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

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

REZONING

1999-172: Fidelity Trust Company

On motion of Councilwoman Hurley, 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 ON THE SOUTHEAST SIDE OF HAMILL ROAD LOCATED AT 1906 HAMILL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-6 COMMERCIAL ZONE

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

AMEND CITY CODE

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTION 16-55, RELATIVE TO FALSE ALARMS

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

AMEND CITY CODE

After the Clerk of the Council read the caption of the Ordinance-in-hand, which included "*Section 24-323(b) by deleting therefrom '6:00 p.m.' and substituting in lieu thereof '4:30 p.m.'*", City Attorney Nelson clarified that the caption of the Ordinance was amended during last week's Council meeting to delete that portion making reference to "*6:00 p.m. and 4:30 p.m.*", ending the caption after the Section had been referenced.

Councilwoman Hurley made the motion to substitute the amendments to this Ordinance; Councilman Pierce seconded the motion; the motion passed.

Councilman Taylor stated there had been discussion previously concerning this matter going to committee. He stated he "pulled the minutes" from the previous Council meeting and there was reference that the matter would go to committee for discussion. He stated his main reason for abstaining was that he thought it should have been discussed in committee prior to coming to the Council "floor". He stated he is in favor of changing the time to 4:30 p.m.

Councilman Pierce stated he presented this matter a couple weeks ago and asked that there be time for discussion during Council meeting. He stated it was an error on the part of the Clerk of the Council in stating that the matter would be referred to Committee; that he asked that the minutes be corrected earlier in the week. He stated the matter was never referred to committee and the City Attorney was asked during open Council meeting to amend the Ordinance.

Councilman Taylor stated it was noted in the minutes that the matter would go to committee, which were minutes the Council approved without any corrections.

On motion of Councilman Pierce, seconded by Councilman Taylor,

**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE,
SECTION 24-323(b)**

passed second reading; **Councilwoman Rutherford abstained.** On motion of Councilman Pierce, seconded by Councilman Taylor, the Ordinance passed third and final reading and was signed in open meeting; **Councilwoman Rutherford abstained.**

AMEND CITY CODE

On motion of Councilwoman Hurley, seconded by Councilman Taylor,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 31, SECTIONS 31-36, 31-37, 31-41 AND 31-43, RELATIVE TO
SEWER SERVICE CHARGES AND FEES**

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.

AMEND BUDGET ORDINANCE NO. 10872

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,

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 OF 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 THE PERSONNEL POSITIONS SET OUT IN SECTION 7(b); ADD SECTION 7(a)(4); AND TO SET FORTH THE BUDGET OF THE INTERCEPTOR SEWER SYSTEM

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

AMEND CITY CODE

Councilwoman Hurley made the motion to substitute the amendments to this Ordinance; Councilman Pierce seconded the motion; the motion passed.

On motion of Councilman Pierce, seconded by Councilwoman Hurley,

AN ORDINANCE AMENDING THE CHATTANOOGA CITY CODE, PART II, CHAPTER 10, SECTION 10-5, SO AS TO DESIGNATE FIRE DISTRICTS AND TO EXCLUDE CERTAIN PROPERTIES FROM THE DOWNTOWN FIRE DISTRICT BOUNDARIES

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

REZONING

1999-190: Pro Storage

The applicant was present; there was no opposition.

Councilman Hakeem clarified that this matter and the following Ordinance was held due to the absence of the district Council members last week.

REZONING (Continued)

Jerry Pace of the Planning Agency stated this is a parcel of land located at the former Mountain Creek Elementary School; that the predominate use of the area is surrounded by R-1 and a PUD R-1. He stated the recommendation from Planning is of approval subject to conditions.

Councilwoman Hurley asked the applicant if he agreed with the conditions; the response was affirmative.

On motion of Councilwoman Hurley, 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 311 GLENDALE DRIVE FORMERLY 935 MOUNTAIN CREEK ROAD WEST OF THE "W" ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-2 LIGHT INDUSTRIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

REZONING

1999-192: Meredith Dement

A representative for the applicant was present; there was no opposition.

Mr. Pace stated the property is located on Shelborne Drive south of Highway 58. He stated the predominant use along Highway 58 is C-2 commercial and the remaining use is R-1 single family. He stated the recommendation from Planning is to rezone 30 feet of the tract for C-2 and the remaining property R-4. He stated the matter was delayed one week due to Councilman Crockett being out of the city.

Phil Rhodes of The Hudson Company was present representing the applicant. He displayed a drawing of the property and stated the initial request was for C-2 of the entire property; that the plan is to move Mr. Dement's photo studio on the property. He stated Mr. Dement owns a portion that will serve as a buffer to the residential neighborhood and expressed agreement with the conditions contained within the Ordinance.

REZONING (Continued)

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 IN THE 4400 BLOCK OF SHELBORNE DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

AMEND CAPITAL IMPROVEMENTS BUDGET (ORDINANCE NO. 10896)

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND ORDINANCE NO. 10896, ENTITLED "AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 1999/2000" TO PROVIDE FOR THE APPROPRIATION OF ADDITIONAL FUNDS FROM VARIOUS SOURCES AND THE PROJECTS ASSOCIATED WITH THE CITY'S TOURISM DEVELOPMENT ZONE APPLICATION TO THE STATE OF TENNESSEE

passed first reading.

AGREEMENT: COOK & SPENCER CONSULTANTS, INC.

Councilman Franklin stated Resolutions 7(a)-(e) came before Public Works Committee and are recommended for approval.

On motion of Councilman Franklin, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH COOK & SPENCER CONSULTANTS, INC., RELATIVE TO THE SURVEY AND DESIGN OF CONTRACT NO. SS-1-2000, 12TH STREET STREETScape PROJECT FROM WILLOW STREET TO DODDS AVENUE, FOR A TOTAL FEE NOT TO EXCEED TWENTY-NINE THOUSAND NINETY-DOLLARS (\$29,090.00)

was adopted.

CHANGE ORDER

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2, CONTRACT NO. 29A, 19TH STREET PUMP STATION UPGRADE, WITH HAREN CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY TWENTY-EIGHT THOUSAND, FIVE HUNDRED SEVENTY-FOUR AND 44/100 DOLLARS (\$28,574.44), FOR A REVISED CONTRACT AMOUNT OF ONE MILLION, NINE THOUSAND, EIGHT HUNDRED FIFTEEN AND 56/100 DOLLARS (\$1,009,815.56)

was adopted.

PARTICIPATION AUTHORIZATION WITH CITY OF EAST RIDGE

On motion of Councilman Franklin, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING PARTICIPATION WITH THE CITY OF EAST RIDGE TO UPSIZE THE LYNWOOD INTERCEPTOR FROM A TWELVE INCH (12") TO A TWENTY-ONE INCH (21") LINE FOR AN AMOUNT NOT TO EXCEED FORTY-NINE THOUSAND DOLLARS (\$49,000.00)

was adopted.

AMEND RESOLUTION NO. 21534

Councilman Pierce inquired as to what is meant by "overhead bridge structure". Admin. Marcellis explained that the McCallie bridge was completed four years ago and goes over the railroad; that that is what is meant by the overhead being over the tracks.

On motion of Councilman Franklin, seconded by Councilman Taylor,

A RESOLUTION AMENDING RESOLUTION NO. 21534, ENCAPTIONED HEREINBELOW, RELATIVE TO THE OVERHEAD BRIDGE STRUCTURE AT MCCALLIE AVENUE, TENNESSEE DEPARTMENT OF TRANSPORTATION PROJECT NO. BR-STP-2(18), SO AS TO INCREASE THE CONTRACT AMOUNT BY FORTY-THREE THOUSAND, FOUR HUNDRED TWENTY-EIGHT AND 60/100 DOLLARS (\$43,428.60) FOR A REVISED AND FINAL CONTRACT AMOUNT OF ONE MILLION, TWO HUNDRED SEVEN THOUSAND, FOUR HUNDRED TWENTY-EIGHT AND 60/100 (\$1,207,428.60)

was adopted.

TEMPORARY USE: GIRLS PREPARATORY SCHOOL

On motion of Councilman Franklin, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING GIRLS PREPARATORY SCHOOL TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY FOR THE INSTALLATION OF AN ENTRANCE GATE AND WROUGHT IRON FENCE WITH BRICK COLUMNS, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

OVERTIME

Overtime for the week ending November 12, 1999 totaled \$15,533.64.

PERSONNEL

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

KELLEY A. PRICE -- Promotion, Recreation Specialist Sr., Recreation Division, Pay Grade 12/Step 4, \$29,051.00 annually, effective November 19, 1999.

KEVIN L. MCGOWAN -- Promotion, Recreation Specialist Sr., Recreation Division, Pay Grade 12/Step 1, \$25,262.00 annually, effective November 19, 1999.

JOEL L. FLEMING -- Promotion, Asst. Zoo Supervisor, Zoo Division, Pay Grade 12/Step 1, \$25,262.00 annually, effective November 10, 1999.

JEREMY HICKS -- Resignation, Crew Worker Sr., Parks Division, effective November 5, 1999.

CHRISTOPHER HARRIS -- Termination, Crew Worker, TN Riverpark (Plaza) effective November 11, 1999.

PERSONNEL

The following personnel matters were reported for the General Services Division:

DANNY R. GORDON, CLAUDE P. SHELTON, JR. -- Promotion, Mechanic II, General Services Fleet Maintenance 12th Street Garage, Pay Grade 11/ Step 1, \$24,147.00 annually, effective November 10, 1999.

WILLIE E. HORNE -- Promotion, Mechanic II, General Service Fleet Maintenance 12th Street Garage, Pay Grade 11/Step 5, \$28,975.00 annually, effective November 10, 1999.

GENE SETTLES, PURCHASING DIRECTOR

Admin. Traugher introduced Gene Settles, the City's new Purchasing Director. He stated Mr. Settles comes to the City with 29 years of governmental purchasing experience and management from TVA. Chairman Lively welcomed Mr. Settles on behalf of the Council and expressed that the City is glad to have him.

PURCHASE

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the following purchase was approved for use by the General Services Department:

INTERNATIONAL EQUIPMENT CO. (Change Order #1)
Purchase Order No. P0013206

Gate Operator Systems

\$28,466.00 - Original Contract
4,950.00 - Change Order #1
\$33,416.00 - Total Contract Cost

PERSONNEL

The following personnel matter was reported for the Public Works Department:

WAYMON L. KEITH -- Termination, Crew Worker, City-wide Services, effective October 19, 1999.

PERSONNEL (Continued)

PAUL EDWARD BLACK -- Employment, Crew Worker Senior, Traffic Management, Pay Grade 5/Step 1, \$17,459.00 annually, effective December 15, 1999.

RAY HARRINGTON -- Return from Family Medical Leave, Water Quality Technician, Engineering, effective November 5, 1999.

JAMES SKINNER -- Resignation, Concrete Worker, City-wide Services, effective November 5, 1999.

PURCHASES

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

VULCAN MATERIALS AND BHY CONCRETE AND BHY CONCRETE (Best bids)
Requisition No. R0039092

Concrete

(Price information available and filed with minute material of this date)

HOTEL PERMITS

On motion of Councilwoman Hurley, seconded by Councilman Taylor, the following hotel permits were approved:

QUALITY INN - 2000 East 23rd Street, Chattanooga, TN

BAYMONT INN & SUITES, 3540 Cummings Highway, Chattanooga, TN

EXPRESSION OF THANKS

Councilman Pierce expressed thanks to Chief Coppinger and Admin. Marcellis for their assistance regarding the fire districts Ordinance amendments.

PERSONNEL

The following personnel matter was reported for the Chattanooga Police Department:

SGT. DAVID CLIETT -- Retirement, effective November 18, 1999.

PERSONNEL

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

SHARON R. GREEN -- New Hire, Tax Clerk, Treasurer's Office, Pay Grade 6/Step 1, \$18,574.00 annually, effective November 29, 1999.

BOARD APPOINTMENT

On motion of Councilwoman Hurley, seconded by Councilman Hakeem, the following Board appointment was approved:

CHATTANOOGA METROPOLITAN AIRPORT AUTHORITY:

-- The appointment of **CARL RAWLINGS** for a term to end November 15, 2006.

Councilwoman Rutherford expressed her unfamiliarity with Carl Rawlings. Admin. Boney explained that Mr. Rawlings is associated with one of the carpet mills in Dalton and his appointment is part of the expanded Airport Authority Board structure to embrace a more regional concept to the airport.

COMMITTEES

Councilman Hakeem stated the Budget and Finance Committee met earlier today; that the Mayor gave an overview of preliminary discussions with the County Executive regarding the sales tax agreement. He stated the Mayor plans to come back to Committee possibly within the next two weeks to see if there is a plan being suggested by himself and the County Executive to put forth to legislative bodies.

Councilwoman Hurley reminded Council members of the **Health, Education, Human Services and Housing Opportunities Committee** scheduled for **Tuesday, November 23** with Superintendent Register being present.

Councilwoman Rutherford stated a meeting of the **Parks and Recreation Committee** will be held **Tuesday, November 23 at 4 p.m.**

COMMITTEES (Continued)

Councilman Taylor stated a **Safety Committee** was previously scheduled for Tuesday, December 7 and there is a need to change the date to **December 14 immediately following the Public Works Committee.**

DR. GRACE HEWELL

Dr. Grace Hewell stated she is a resident of Chattanooga, Tennessee and is present asking for a point of information about policies and procedures. She asked how community residents' concerns are addressed by the Council and whether they are limited entirely to committee action. She asked what the procedures are in the way concerns are handled, as well as how policy issues are handled. She stated she would like to give a status report that the Hamilton County Board of Commissioners took a position in support of the preparation of our citizens' request for a proposal on environmental education. She stated they are pulling together a group of people and suggested that there be a joint position paper with the City Council and the county agreeing to whatever takes place because we are moving close to cooperation with many counties, and such a proposal would not be limited to no particular neighborhood but a more comprehensive approach to education. She stated she earlier distributed information regarding the definition of environmental education; that education is not limited to children and youth, but more comprehensive toward planning. She stated the issue involves two committees of the Council.

Councilman Hakeem stated that the Council has expressed to Dr. Hewell on more than one occasion that the matter has been put into Councilman Crockett's committee; that she has been asked to contact Councilman Crockett to see if it can be placed on his committee's agenda. He asked for clarification of the two committees Dr. Hewell referenced.

Dr. Hewell stated the committee is Health and Education; that education is certainly an issue and the health of people is covered by another committee. She stated that she did speak with Councilman Crockett, who is amenable as soon as a committee can be arranged; that she might not be present but is sure people from the county would meet with whomever Councilman Crockett wants to meet with. She stated it is her hope there will be a meeting before the year 2000.

Councilwoman Hurley stated the Council did suggest that the matter go before Councilman Crockett's committee; that she thinks Dr. Hewell has a number of issues. She stated that the Council referred the request to the City's Grants Division, which she thought originally was that the Council apply for a grant; that the Grants Division reviewed it and indicated we really just did not have the capacity to manage that grant. She stated we do not run the schools system and knows Dr. Hewell is talking about an adult program, as well.

DR. GRACE HEWELL (Continued)

Councilwoman Hurley continued by stating that she is trying to be as honest and straight forward as she can; that the Council does not have the staff capacity to run an education program and environmental education program; that we can have an economic development committee meeting and discuss this if that is all that is required. She stated it is not within the Council's function, in her opinion, to apply for and administer the grant; that a few weeks ago she informed Dr. Hewell that the Council could not do that and would be stepping outside what the Council's legitimate responsibilities are. She stated this conversation has been held a number of times and thinks it would be a misrepresentation if we promise we could apply for a grant, administer the grant and educate the adults in this community. She stated we simply do not have the capacity.

Dr. Hewell stated she deals with policy formulation and decision-making; that she is talking about guidance. She stated there is a break in communication when these grants are awarded; that she is personally very proud of the cooperation of this Council and of Chattanooga; that Tennessee is the third state to get environmental justice legislation in the United States. She stated many of the questions and issues can be handled by dialogue with the county, but if the Council does not want to participate that is a decision of the Council.

Councilwoman Hurley stated she would only say it is not an issue whether we wish or do not; that the fact is the county does have responsibility for public health in this community and for education. She stated she does not think she and Dr. Hewell should debate the matter here, reiterating that the conversation has taken place before and thinks it is important that each branch of government understand what its responsibility is.

ADJOURNMENT

Chairman Lively adjourned the meeting until Tuesday, November 23, 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)**