

**City Council Building
Chattanooga, Tennessee
March 28, 2000**

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

INVOCATION

Invocation was given by Councilwoman Hurley.

MINUTE APPROVAL

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

REZONING

2000-38 Horse Creek, LLC

At the request of Chairman Lively and on motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, this case held from March 14th was moved to the top of the agenda.

Chairman Lively stated that he had met with both parties last week and thought that a compromise had been reached.

Janice Pulver of 832 Runyan Drive was present and stated that she did meet with Mr. Neil Bennett, the Developer, and discussed options that met the needs of the developer and would also protect the neighborhood. She noted that they discussed a limit of 43 units, as shown on the plan, and a limit of 1500 sq. ft. and if any of the conditions are not met or if the property is sold without the development plan taking place, it would then revert back to R-1. She mentioned the possibility of portraying the portion in the flood plain to the City to be used as a walking path for the general public. She stated that the community is agreeable to these conditions.

REZONING (CONT'D.)

Neil Bennett, Developer, stated that they met last week and had a good meeting; that with regards to the house sizes, he could not guarantee the approximate size of 1500 sq. ft.—that it could be less or a little more, and he could not commit to an exact size. He stated that they never had any intention of building townhouses—that they wanted a 5 ft. setback in lieu of 10 ft.; that if anything changed, then someone else would have to submit application for a new zoning. He stated that as far as the 7-8 acres in the flood plain, they would be willing to deed this to the City to become a public greenway for a walking trail; that he felt that adjoining properties would work with them. He ended by saying that he appreciated the consideration of the Council.

Attorney Nelson stated that he had comments and questions. He stated that with the conditions, regardless of who owns the property it would be R-1; that this is only for the plan for conditions that meet R-T/Z conditions. He stated that 43 units were mentioned and questioned if there would be no more than 43 units. He also noted that the 5 ft. setback requirement was mentioned, as well as the sq. footage. Mr. Bennett responded that he did not want to exactly lock into 1500 sq. ft. **Mike Price**, of MAP Engineering, noted that there were 43 buildable lots.

Councilwoman Hurley asked if we needed to amend what was before us tonight. Attorney Nelson responded that the only condition before the Council tonight is the attached site plan; that he would recommend that we develop these conditions before second and third readings next week.

Councilman Pierce expressed his concern about the greenway space and asked if the City was in a position to take this; he suggested not taking it off the tax rolls if it is not developed. He stated that he was not in favor of this being a condition. Attorney Nelson noted that this would not be a condition.

Chairman Lively stated that he thought Councilman Pierce would see that this is a good idea if he saw where it was. Councilman Pierce stated that he did not think the City could have a park on every vacant lot—that we could not exist this way. Chairman Lively stated that he told them to get with Adm. Mitchell about this. Councilman Pierce noted that we have had a major Park Study, and we can't add a park on every corner. Chairman Lively stated that this was in the flood plain.

REZONING (CONT'D.)

On motion of Councilwoman Hurley, 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 1005 NORTH RUNYAN DRIVE, BEING ON THE NORTHEAST LINE OF NORTH RUNYAN DRIVE SOUTHEAST OF MOUNTAIN CREEK ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

CLOSE & ABANDON

1999-093 (Hamilton County Real Property Office)

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,
AN ORDINANCE CLOSING AND ABANDONING A RIGHT-OF-WAY LOCATED NORTHEAST FROM PARK DRIVE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

CLOSE & ABANDON

MR-200-001 (City of Chattanooga)

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
AN ORDINANCE CLOSING AND ABANDONING A SEWER EASEMENT LOCATED IN AN ALLEY EAST OF 18TH STREET BETWEEN WASHINGTON AND BALDWIN STREETS AND SOUTHWARD FROM THE ALLEY ALONG 18TH STREET TO THE CENTER OF KERR STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

passed first reading.

REZONING

2000-016 (Northpoint Land Company and LLBJ, LLC)

On motion of Councilwoman Hurley, 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 1949 NORTHPOINT BOULEVARD, BEING ON THE NORTHEAST LINE OF NORTHPOINT BOULEVARD NORTHWEST OF HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO C-1 HIGHWAY COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was withdrawn.

FLOODPLAIN VAR.

On motion of Councilwoman Hurley, seconded by Councilman Franklin,
AN ORDINANCE GRANTING A FLOODPLAIN VARIANCE TO CARD-MONROE CORPORATION FOR THE PURPOSE OF CONSTRUCTING AN ADDITION TO AN EXISTING BUILDING AT 4936 ADAMS ROAD

passed first reading

(CHAIRMAN LIVELY LEFT THE MEETING AT THIS POINT AND VICE CHAIRMAN HAKEEM CHAIRED THE REMAINDER OF THE MEETING.)

CONTRACT C.O.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING A CHANGE ORDER ON THE PROFESSIONAL SERVICES CONTRACT WITH FRANKLIN ASSOCIATES ARCHITECTS, INC., RELATIVE TO RENOVATION OF THE OLD CITY COURT AND JAIL BUILDING/NEW CITY COUNCIL CHAMBER OFFICE, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FOURTEEN THOUSAND, THREE HUNDRED FIFTEEN AND 55/100 DOLLARS (\$14,315.55), FOR A REVISED FINAL CONTRACT AMOUNT NOT TO EXCEED ONE HUNDRED TWENTY THOUSAND, THREE HUNDRED FIFTEEN AND 55/100 DOLLARS (\$120,315.55)

was adopted.

**HOMESAFE FIREARMS
SAFETY KITS**

On motion of Councilman Franklin, seconded by Councilwoman Hurley,
**A RESOLUTION RATIFYING, CONFIRMING, AND APPROVING
EXECUTION BY THE CHIEF OF THE CHATTANOOGA POLICE
DEPARTMENT OF THE PROJECT HOMESAFE
PARTICIPATION AGREEMENT WITH NATIONAL SHOOTING
SPORTS FOUNDATION, AND AUTHORIZING THE POLICE
DEPARTMENT TO DISTRIBUTE PROJECT HOMESAFE'S
FIREARMS SAFETY KITS IN ACCORDANCE WITH SAID
AGREEMENT**

was adopted.

APPRECIATION (NSSF)

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**A RESOLUTION EXPRESSING APPRECIATION TO THE
NATIONAL SHOOTING SPORTS FOUNDATION FOR ITS
DONATION OF FOUR THOUSAND, FIVE HUNDRED (4,500) GUN
LOCKS TO BE PROVIDED TO CITIZENS FOR GUN SAFETY IN
THE CITY OF CHATTANOOGA**

was adopted.

Attorney Nelson stated that it should have been made a part of the Resolution that the Clerk send a copy of this to the National Shooting Sports Foundation, expressing our appreciation. He asked that the Clerk forward a copy of this to the Organization for the very worthy thing that they have done.

Councilman Franklin noted that the next ten Resolutions were discussed in the Public Works Committee and come with a recommendation.

SEWER EASEMENT PUR.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER
EASEMENT FROM JAMES L. BELL, JR., RELATIVE TO
CONTRACT NO. 99D, MISCELLANEOUS SANITARY SEWERS
REQUIREMENTS CONTRACT, TRACT NO. 27, FOR A TOTAL
CONSIDERATION OF SEVEN HUNDRED DOLLARS (\$700.00)**

was adopted.

SEWER EASEMENT PUR.

On motion of Councilman Franklin, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM WILLIAM THOMAS CRAIG, III AND PAULINE MCNEIL CRAIG, RELATIVE TO CONTRACT NO. 99D, MISCELLANEOUS SANITARY SEWERS REQUIREMENTS CONTRACT, TRACT NO. 30, FOR A TOTAL CONSIDERATION OF SEVEN HUNDRED DOLLARS (\$700.00)

was adopted.

SEWER EASEMENT PUR.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM FAITH UNLIMITED MINISTRIES CHRISTIAN CENTER, INC., RELATIVE TO CONTRACT NO. 99D, MISCELLANEOUS SANITARY SEWERS REQUIREMENTS CONTRACT, TRACT NO. 26, FOR A TOTAL CONSIDERATION OF THREE HUNDRED DOLLARS (\$300.00)

was adopted.

SEWER EASEMENT PUR.

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM MARGARET M. HAVIS, RELATIVE TO CONTRACT NO. 99D, MISCELLANEOUS SANITARY SEWERS REQUIREMENTS CONTRACT, TRACT NO. 25, FOR A TOTAL CONSIDERATION OF THREE HUNDRED DOLLARS (\$300.00)

was adopted.

SEWER EASEMENT PUR.

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM RONDRICK LOMNICK, RELATIVE TO CONTRACT NO. 99D, MISCELLANEOUS SANITARY SEWERS REQUIREMENTS CONTRACT, TRACT NO. 31, FOR A TOTAL CONSIDERATION OF ONE THOUSAND, ONE HUNDRED DOLLARS (\$1,100.00)

was adopted.

SEWER EASEMENT PUR.

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER
EASEMENT FROM ALMA R. MANN, RELATIVE TO
CONTRACT NO. 99D, MISCELLANEOUS SANITARY SEWERS
REQUIREMENTS CONTRACT, TRACT NO. 29, FOR A TOTAL
CONSIDERATION OF SEVEN HUNDRED FIFTY DOLLARS
(\$750.00)**

was adopted.

SEWER EASEMENT PUR.

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER
EASEMENT FROM CAROLE E. FLINT, EXECUTRIX OF THE
ESTATE OF WILLIAM M. PERKINS, DECEASED, RELATIVE
TO CONTRACT NO. 99D, MISCELLANEOUS SANITARY
SEWERS REQUIREMENTS CONTRACT, TRACT NO. 28, FOR A
TOTAL CONSIDERATION OF SEVEN HUNDRED FIFTY
DOLLARS (\$750.00)**

was adopted.

SEWER EASEMENT PUR.

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER
EASEMENT FROM MINNIE R. STRICKLAND, RELATIVE TO
CONTRACT NO. 99D, MISCELLANEOUS SANITARY SEWERS
REQUIREMENTS CONTRACT, TRACT NO. 24, FOR A TOTAL
CONSIDERATION OF EIGHT HUNDRED DOLLARS (\$800.00)**

was adopted.

SEWER EASEMENT PUR.

On motion of Councilman Franklin, seconded by Councilwoman Hurley,
**A RESOLUTION AUTHORIZING THE PURCHASE OF SEWER
EASEMENTS FROM FLOYD WHITESIDE AND HARRIETT C.
WHITESIDE, RELATIVE TO CONTRACT NO. 99D,
MISCELLANEOUS SANITARY SEWERS REQUIREMENTS
CONTRACT, TRACT NOS. 21 AND 22, FOR A TOTAL
CONSIDERATION OF ONE THOUSAND, TWO HUNDRED
DOLLARS (\$1,200.00)**

was adopted.

SEWER EASEMENT PUR.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER
EASEMENT FROM HARRY EUGENE JONES, RELATIVE TO
CONTRACT NO. CSO-8-00, RIVERVIEW SEWER SEPARATION
PROJECT, TRACT NO. 15, FOR A TOTAL CONSIDERATION OF
THREE THOUSAND, SEVEN HUNDRED DOLLARS (\$3,700.00)**
was adopted.

ROW PURCHASE

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
**A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-
OF-WAY FROM YANCY LEE COKER, JR., RELATIVE TO
CONTRACT NO. SW-2-00, SCHOOL SIDEWALK PROJECTS
PHASE I, BARGER AND WOODMORE ELEMENTARY
SCHOOLS, 21ST CENTURY MIDDLE SCHOOL AND BRAINERD
HIGH SCHOOL, TRACT NO. 1, FOR A TOTAL
CONSIDERATION OF SIX HUNDRED FIFTY DOLLARS (\$650.00)**
was adopted.

CONTRACT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE AWARD OF THE SKATE
PARK CONSTRUCTION CONTRACT TO THE FRANKLIN
COMPANY FOR THEIR BID IN AN AMOUNT NOT TO EXCEED
ONE HUNDRED EIGHTY-FIVE THOUSAND DOLLARS
(\$185,000.00)**
was adopted.

Vice Chairman Hakeem explained that the next two Resolutions were not on tonight's agenda. Councilwoman Rutherford noted that both of these were discussed in committee earlier and come with a recommendation.

DONATION CONTRACT

On motion of Councilwoman Hurley, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A
CONTRACT OF DONATION WITH THE ALABAMA GREAT
SOUTHERN RAILROAD COMPANY TO ACCEPT THE
DONATION OF CERTAIN PROPERTY LOCATED ON MARKET
STREET**

was adopted.

**CONTRACT OF
PURCHASE & SALE**

Vice Chairman Hakeem noted that this was behind the old City School Administration Building.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A
CONTRACT OF PURCHASE AND SALE WITH SOUTHERN
REGION INDUSTRIAL REALTY, INC. FOR PROPERTY
LOCATED NEAR EAST 40TH STREET FOR A CONSIDERATION
OF THREE HUNDRED THOUSAND DOLLARS (\$300,000.00)**

was adopted.

**JUDGE WILLIAMS
CITY COURT REPORT**

At this point Vice Chairman Hakeem called on Judge Walter Williams to give his City Court Report.

Judge Williams stated that earlier in the day he had received a call from Chairman Lively that his Report was on the agenda and then that it might not be on the agenda, and he was not sure of the status. He stated that he appreciated the opportunity to give this Report; that rather than a Quarterly Report it was a Seven-Month Report since it had been seven months since he had been here. He stated that he was pleased to give the Report, and he would try to be precise and attachments would follow the Report that the Council could review at their leisure. Judge Williams' Report is spread upon the minutes in its entirety:

JUDGE WILLIAMS
(CONT'D.)

SEVEN-MONTH REPORT
(JULY, 1999 - JANUARY, 2000)
OF THE CHATTANOOGA CITY COURT
TO THE CITY COUNCIL

March 28, 2000

Once again I am pleased to give to the City Council the status of operations of the Chattanooga City Court. I will try to be more concise and provide attachments to the report for your review at your leisure. Financially and in processing of cases the court is doing fine. I will be instituting additional charges regarding special judges and the types of cases they will hear. My judicial assistant will review all dockets and report to me any irregularities. Also, there will be no matters brought up to a special judge of any type not on the printed docket. All other matters will be held for my review and action. Any employee who fails to follow this mandate will be immediately relieved of his/or her duties. There will be no exceptions to this rule. After the independent investigation is complete I will make the necessary personnel changes should the same be necessary.

I am hopeful that several appellate cases will soon be decided to clear the air of the Court's actions in several matters. I am deferring final judgment in those cases where I think the fine should exceed the "alleged \$50.00 limit" suggested in Judge Meyer's decision. When a final decision is made then I will issue appropriate judgments. You might find it interesting to note that recently a young man was cited to court for speeding 106 m.p.h. in a 40 mile zone on Hixson Pike. The officer testified that he would not have been able to stop him without the assistance of a telephone pole. If the prior Criminal Court ruling had merit then this person could be fined no more than \$50.00; the same amount assessed against someone speeding 12 miles over the posted speed. I will not accept such a ludicrous application of the law and expect the appellate courts to sustain the City's position (See Attachment 1).

JUDGE WILLIAMS
REPORT (CONT'D.)

I. Cases

A. Traffic and City Ordinances

The total number of cases filed in City Court was 29,743. The Clerk's records show that 4,050 cases were paid before Court in lieu of appearance. The Court heard 25,693. Defensive Driving School as an alternative to fines and points against a person's license continues to be used. The Safety Council reported that 858 persons completed the Course during the period which leads all other local courts. I continue to believe the course helps defendants in improving their knowledge of the rules of the road.

Speeding and red light cases continue to increase but I do see a small reduction in repeat offenders. It appears that Hixson Pike; Riverside Drive; Hwy 153; Lee Hwy and Broad Street were the hot spots during the period (See Attachment 2). However, I would point out to you the increased number of speeding tickets issued on residential streets which suggest the possibility of greater harm to individuals. The number of accident cases have increased as well during the period. It appears that rear-end and failure to yield the right of way cases comprise the majority of these cases.

Noise violation cases continue to be brought before the court and I will continue to issue stiff penalties and sanctions where appropriate. Confiscation of speakers, radios, amplifiers from repeat offenders occur quite frequently.

Finally, I have noticed the continued increase in the number of cases where persons are not wearing their seat belts. Very rarely will any leniency be granted in these cases. The Court doubles the fine for repeat offenders.

B. Parking

It seems that in recent weeks that parking tickets have taken a life of their own. But rest assured that any parking tickets I dismiss have a sound basis. I stand firmly on my decision. I would highlight to the City Council that 85-87% of all dismissed parking cases for 1997-199 (4,573) were cases involving

JUDGE WILLIAMS
REPORT (CONT'D.)

deceased, out-of-state, or incarcerated persons along with a few tickets issued to some members of the Council. The record clearly shows that 10% of the remaining tickets were settlement cases authorized by the Court to clear the books. There is no "parking scandal" as it has been erroneously reported by the media.

The total number of parking tickets issued during the period was 20,235. There has been a reduction in the last few months which the Court attributes to the reorganization of the downtown precinct.

Handicap tickets continue to be a problem in that numerous reports and cases are filed involving other persons using another person's placard. The media could help by advising the public that stiffer penalties are imposed when this occurs.

I hope the Council's Public Safety Committee will support the Court's recommendation to the Police Department to purchase hand-held ticket writers which will speed up writing tickets and increase enforcements of parking scofflaws, stolen vehicles and the like.

C. Environmental

There were 608 environmental cases during the period which has steadily increased with more inspectors and enforcement. I am seeing more coordination of efforts in some areas but more can be done to eliminate the duplication of efforts. I plan to meet soon with the Better Housing Commission to review each of our roles and recommend to the Council appropriate changes. I believe we all could do a better job if we understand and modify our roles.

II. Revenues

As of January 31, 2000 the Finance Division reported that there were total revenues of \$963,063. This figure does not include an additional \$408,906 held in suspense pending the Court of Appeals ruling and the approximate \$250,000 in deferred judgments I plan to issue when the decision is reached. Therefore, revenues should far exceed the budgeted figure of \$1,998,350. Excess revenues over expenditures are presently \$318,663 versus the projected yearly amount of \$725,731. The only

JUDGE WILLIAMS
REPORT (CONT'D.)

reason the Court may not exceed the financial projections rests with the timing decision of the appellate courts.

Notwithstanding a few housekeeping matters that I will handle in the short-term, I can truthfully say that I have carried out the duties of City Court without fear or favor and will continue to do so. This week we will be visited by an out of town judge and his staff to see how to create an environmental court/docket. I am always willing to share and learn from others. I look forward to the establishing of another division of the Court to help move cases quicker through the system.

Mr. Vice Chairman, this is the report of the operations of Chattanooga City Court for the specified period, and I welcome any questions or comments from the Council.

Respectfully submitted,

Walter F. Williams
City Court Judge

Vice Chairman Hakeem asked for questions from the Council. There being none, he thanked Judge Williams for this report. (A copy of the report and attachments is filed with the minute material).

OVERTIME

Overtime for the week ending March 24, 2000, totaled \$113,170.74.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following purchases were approved for use by the Department of General Services:

YATES WRECKER SERVICE (Lowest and best bid meeting specs.)
Requisition No. R0047828

Contract for towing services for twelve months

(See minute material for various prices)

REJECT ALL BIDS
Requisition No. R0044848/P0013989

For Fuel Management Services

PERSONNEL

The following personnel matters were reported for the Public Works Dept.:

ANGELA D. CARTER—Termination of Permit Clerk, effective 3/13/00

CHRIS HUDGINS—Lateral transfer of a Crew Worker in Street Maintenance to Sanitation Worker position, effective 4/5/2000.

JASON J. BLANKS—Employment of Crew Worker, Senior,; Pay Grade 5/1; \$17,459.00 annually; effective 3/29/00.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following purchase was approved for use by the Public Works Dept.:

DYCHO COMPANY (Best bid for the City)
Requisition No. R0045264/P0014066

Supply and delivery of Liquid Calcium Nitrate to Big Ridge Pump Stations 5 and 6.

\$1.70/gallon

PERSONNEL

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

CYNTHIA POINTER—Hire as School Patrol Officer, \$22.797 daily, effective 3/16/00.

PROP. TAX REFUND

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the City Finance Officer was authorized to make the following refund of 1999 property taxes:

CHATTANOOGA COMMUNITY KITCHEN, INC.—BILL #9617--\$1,057.98

PERSONNEL

The following personnel transactions were reported for the Chattanooga Personnel Office:

JENNIFER K. HENDERSON—Hire as Part-time Clerk, \$8.00 per hour, effective 3/16/00.

GAYLE OLDHAM—Transfer as Personnel Assistant, \$28,154 annually, effective 4/7/00.

HEARING:
CURTIS GREEN

City Attorney Nelson rescheduled a hearing for **Curtis Green for Monday, April 10th at 6:00 P.M., with Councilman Franklin as Chairman along with Councilmen Crockett and Eaves.**

COMMITTEES

Councilwoman Franklin reminded the Council of the **Public Works Committee meeting set for Tuesday, April 4th at 4:00 P.M.**

Councilman Eaves scheduled a **Legal and Legislative Committee meeting to immediately follow the Public Works Committee on April 4th.** He also scheduled meetings for April 11th and April 18th to immediately follow other meetings.

COMMITTEES
(CONT'D.)

The meeting on April 4th will involve a discussion creating a second division of City Court. Councilman Eaves asked if the Council could create this division without it being voted on by the public. Attorney Nelson explained that it did not have to be voted on, and it can be done. He went on to say that there are certain provisions to take a look at anyway.

PAUL MOORE

Mr. Paul Moore, who owns a concrete service, was present stating that he was a contractor on the Conference Center and doing the foundation; that he was told that he could not go above ground, and it was not fair to his company; that if he could bring it out of the ground, he had the qualified people to do it. He stated that every time he got a job, it seemed like the same thing happened, and he asked the Council to look into this process. He stated that he was not going to “lay down dead” and let this pass him by; that it could be a win-win situation for the City; that they were doing their job, and they were stopped at the foundation, and the City was giving the job to someone from North Carolina. He stated that he had been there everyday and had credible people; that his guys had gone to school, and he did not understand why they would say he was not qualified to go to the next level.

Vice Chairman Hakeem asked him who in the system told him this. He also asked him if he had bid on the job. Mr. Moore responded that he had been told the job should “roll” on over to him; that he did bid on it with a “unit” price. He questioned why the City was getting another contractor when he was qualified.

Attorney Nelson stated he thought he was a little familiar with this; that the project was bid and the bids that came in were more than what was estimated, and it was going to be redesigned. Vice Chairman Hakeem clarified that this was a different project.

Mr. Moore reiterated that this job was going to roll over to someone in North Carolina. Vice Chairman Hakeem asked him if he had spoken directly to Mr. Rob Taylor about this. Mr. Moore responded that he had seen him in passing but had not had the time to talk to him. Vice Chairman Hakeem explained to Mr. Moore that there are designated funds and a process and procedure and that Administration carries this out; that he thought the appropriate person to talk to would be the Project Manager. He stated that he did not know what the bidding process was. Mr. Moore responded that he did bid on the first project—that they gave the City a price. Vice Chairman Hakeem questioned if he and the general contractor were to work above ground. Mr. Moore indicated that he was led to believe that the parking garage job would “roll” over, and he would get the conference center.

PAUL MOORE (CONT'D.)

Councilman Pierce asked Mr. Moore if his bid was directly related to the parking garage, and he did not see it “roll” over to the conference center. Mr. Moore responded that he thought the bid on the parking garage would take them to the conference center—that that was where the biggest money was.

Councilwoman Rutherford stated that she did not know anything about the bidding; that she would like to ask Mr. Rob Taylor to be present at a committee meeting to give the Council a briefing; that she did not know enough about this. Vice Chairman Hakeem asked if the Council wanted Mr. Taylor to come in or just give a written report. Councilman Franklin indicated that he would also like for Mr. Taylor to come in and give the Council a briefing.

RAYMOND MURRAY

Mr. Raymond Murray of Lookout Valley appeared before the Council to record a complaint that all the streets out in his area have sewers and are paved except for his; that the City paved 200 ft. and then quit; that he paid city taxes but got no services. He wanted to know if anything was being done about this; that he lived on Pan Gap Circle.

Councilman Eaves asked if this was a dedicated City street. Mr. Murray responded that it was taken over by the City from the County, and the City failed to give them services when they were annexed. Councilman Eaves asked if this was part of an area where people said they did not want this. Mr. Murray indicated that the City paved just pass the house of a city employee and then quit. He stated that one family was holding the rest of them from getting services.

Adm. Marcellis indicated that he had researched this; that the street was not dedicated by the County and never accepted as a City street; that we only have a dedicated street 200 ft. to 300 ft. off O’Grady Drive; that all else is just gravel; that if the street is brought up to City standards then the City would accept the street and maintain it; that it had not been brought up to city standards.

Mr. Murray stated that if the City did not want to give them services, then they should de-annex them. He questioned why the City had taken over Cash Canyon Rd. and tarred and graveled it; that there are only four houses on the road, and the people don’t want to be in the City, and the City furnished a road without them paying taxes. He stated he did not understand why the City did not want to give them services.

Adm. Marcellis stated that the City did not go up this road to get garbage and the Post Office did not go up it.

RAYMOND MURRAY
(CONT'D.)

Vice Chairman Hakeem asked if Mr. Murray paid taxes. Adm. Marcellis responded “yes”, but no sewer taxes.

Councilwoman Hurley asked what it would take for it to become a City street. Adm. Marcellis responded that they would have to build a road. Councilwoman Hurley verified that it was their responsibility to build the road.

At this point Mr. Murray went over other roads that were not up to City specifications.

Adm. Marcellis reiterated that we had accepted 200 ft. to 300 ft. of this road, but the rest of the street is not built to City standards.

Councilwoman Rutherford questioned if when we annexed an area from the County if the County did not have to bring the road up to specifications. Adm. Marcellis responded that we maintain streets that were maintained by the County, but this was never a street that the County maintained. Councilwoman Rutherford questioned if we could get the County to bring this up to standard. Adm. Marcellis explained that it was up to the developer to build a roadway. Attorney Nelson added that “not only would the County not do it—they could not” because they were precluded by law.

Vice Chairman Hakeem reiterated that they were in the City and paying taxes; that prior to annexation it would be up to the residents to bring the road up to standard.

Mr. Murray continued to question why others were taken in such as Cash Canyon Rd. and were maintained by the City. Adm. Marcellis explained that Cash Canyon was a dedicated street in the County and maintained by the County before annexation.

Vice Chairman Hakeem asked Mr. Murray if his street was maintained by the County before annexation, and he responded “yes”. Adm. Marcellis disagreed, stating that it was not maintained by the County; that it was a gravel road with horrible risks and was not maintained by the County, and he could confirm that. He asked Mr. Murray to give him a list of the roads that he was concerned about, and he would tell him why we do or do not maintain them.

Vice Chairman Hakeem stated that he understood Mr. Murray’s frustration, but it was not the City’s responsibility. He asked that he give Adm. Marcellis the roads he was speaking about.

RAYMOND MURRAY
(CONT'D.)

Mr. Murray stated that he had heard about the City going into areas that had been annexed and starting sewer service; that they were annexed 20 years ago, and they had not been given any sewer service. Adm. Marcellis explained that service is paid for by the users, and Mr. Murray is not paying because he does not have sewer service.

Vice Chairman Hakeem stated that we wanted the option of dealing with annexation, but we had no plans on the books to do it at this time.

MONTY BELL

Monty Bell addressed the Council concerning an unpaid parking ticket dilemma. He stated that unlike the Council, who had expense accounts, he had none, even though he was the President of his company; that this went back to 1993 when he was asked to pay a \$5.00 parking ticket. He stated that he had talked to Councilwoman Rutherford; that he had paid this ticket which was \$111.00 now; that he had paid this parking ticket seven years ago and could not pay for it now; that he would like to have this resolved. He noted that Councilman Taylor was not present tonight, and he had talked to him, too, and had sent information to the Council. He stated that he had talked to Rick Dyer, who did not want to talk to him because he said that he (Mr. Bell) was trying to trap him. He stated that he had paid for this ticket every year since 1993. Mr. Bell stated that he also had a vehicle registration that he was concerned about; that he was trying to be a business person, and the City was not accepting him in this fashion; that he could not pay a parking ticket or register a vehicle; that no one had invited him to present his case.

Vice Chairman Hakeem stated that Mr. Bell needed to deal with Mr. Dyer. Mr. Bell responded that Mr. Dyer refused to talk to him because he was not represented by an attorney. Vice Chairman Hakeem reiterated that he needed to talk to Mr. Dyer about this; that he could not understand him not wanting to talk to a person about a parking ticket. Mr. Bell stated that he had met with Mr. Dyer once, and it had been a long time coming.

Councilman Franklin asked if Mr. Bell had paid for one ticket and gotten another one. Mr. Bell responded that he paid in 1993 when Ms. Tidwell was there and then the ticket resurfaced, and he had been paying for the same ticket. He stated that he had received threatening letters from Mr. Dyer—that he usually got these letters on holidays, and he called these his holiday letters about parking tickets.

MONTY BELL (CONT'D.)

Vice Chairman Hakeem stated that one would need to talk to Mr. Dyer to hear the other side; that Mr. Bell needed to talk to the Court House about the registration of the car. Mr. Bell indicated that he had talked to the Dept. of Treasury about this vehicle. Vice Chairman Hakeem stated that this was not a City responsibility—that he needed to take this up with the County.

ADJOURNMENT

Vice Chairman Hakeem adjourned the meeting until Tuesday, April 4, 2000, 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)**