

**City Council Building
September 5, 2000
Chattanooga, Tennessee**

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

PLEDGE OF ALLEGIANCE/INVOCATION

Councilman Taylor led those in attendance in the Pledge of Allegiance and gave the invocation.

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.

AMEND BUDGET ORDINANCE

City Attorney Nelson explained that this Ordinance was adopted a couple weeks ago, however, the newspaper neglected to run the advertisement once the notice had been submitted as required prior to third reading; that it is best to come back and "run it through" again.

On motion of Councilwoman Hurley, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND ORDINANCE NO. 11027, ENTITLED "AN ORDINANCE, HEREINAFTER ALSO KNOWN AS "THE FY 2000/2001 BUDGET ORDINANCE", TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2000, AND ENDING JUNE 30, 2001, 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 5; AND TO PROVIDE FOR CERTAIN CHANGES IN REVENUE AND APPROPRIATIONS SET OUT IN SECTION 6

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

REZONING

2000-123: Danny R. Brock

On motion of Councilman Lively, 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 4112 WATSON ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO RT-1 RESIDENTIAL TOWNHOUSE ZONE, SUBJECT TO CERTAIN CONDITIONS

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.

AMEND CITY CODE

Paul Miller, Manager of Animal Services, stated that since the last Council meeting when this matter was discussed, he met with Ms. (Edna) Taylor, as requested. He stated there have been changes to the Ordinance since the first reading and stated in *Section 7.1 (division of Animal Services created)* the concern regarding canvassing of neighborhoods has been deleted; that in *Section 7.3 (Seizure of Animals At-Large...)* clarification has been given with regard to what circumstances are necessary for an officer to seize animals and return to their property; that it does not authorize any entry on the property. He stated under *Article II, Section 7-15 (IN GENERAL...; Dogs Running At-Large...)*, the language has been clarified regarding “*It shall be unlawful for any person to allow any unrestrained dog... without permission of the property owner or other person in control of the property*”. He stated *subsection (c) under Article II, Section 7-15* has been added which references that “*It shall be unlawful for any person to permit his or her animal in such person’s care, in any public park or recreation area, including pedestrian walkways and bridges...*” as requested by the Parks and Recreation Department.

Mr. Miller continued by stating that terms have been added in *Section 7-17 (Keeping Stray Animals...)* which references “*...notifying Animal Services Division or the Animal Shelter*”; that the “*vaccination and licensing requirements have been increased to fifteen (15)*” days from the previous five (5) days; and that clarification has been given to the licensing fee and “*...rabies vaccination must be assumed by the owner if the animal is reclaimed prior to the end of the ten (10) days*” (of temporary custody). He stated in *Section 7-24 (a) (...Adoption of Animals)* which addresses spaying and neutering, a sentence has been added clarifying that “*The provisions of this subsection shall not apply to persons selling or giving away animals from a residence, business or retail facility*”. He stated *subsection (b)* of this same Section clarifies language and *subsection (c)* makes reference to redemption; that there was some confusion and it was felt it was better to separate the two items with *(b)* referencing *adoption* and *(c) redemption*.

AMEND CITY CODE (Continued)

Mr. Miller concluded his remarks by stating if the Ordinance is passed tonight he would request that *any and all late fees be waived until January 1, 2001 in Article III, Section 7-31* so that a program can be put together for people to come into compliance with the licensing so as not to penalize them. He stated in *Article IV, Section 7-41 (CRUELTY: Definitions)*, language for the definition of *“Restraint”* has been added regarding dogs that are *“legally restrained in or upon a vehicle . . .”*

Councilman Crockett inquired as to what a “ratite” is as listed on page 17. Mr. Miller stated a ratite is an ostrich or emu; that as discussed in Safety Committee it was requested that the original language not include this. He stated this should have been changed to what is currently in effect.

Councilwoman Hurley stated that she received a question from a constituent as to what is meant by “public nuisance”. She stated the definition as listed on page 17 gives a fairly clear definition of what a “public nuisance” is.

Councilman Lively stated there are some concerns he has in regard to *Article VII, Sections 7-74 and 7-75 (Miscellaneous: Keeping swine or goats; Horses and mules)*; that it appears the Ordinance is written as if everyone in Chattanooga lives “in town”. He stated that his district is largely rural and, as with the Sign Ordinance, a lot of people enforcing the Ordinance leaves out the “common sense” approach as opposed to the strict letter of the law. He stated it is very difficult for him to support something of this nature representing the type of district he represents.

Mr. Miller stated that that was his error; that those Sections should have been listed as currently reflected in the law; that discussion in the Safety Committee recommended the change.

Councilman Lively stated if the matter is voted upon tonight it becomes law and the amendments need to be made prior to voting.

Councilman Taylor stated he received a call regarding the horse situation and asked if there is a grandfather clause in effect or not. Mr. Miller responded “no”.

Councilman Taylor stated if a person has three or four acres and they own a horse, what happens? Mr. Miller responded “nothing”. City Attorney Nelson stated what Mr. Miller has indicated is that the five acres as stated in Section 7-74 would apply to pigs and goats; that the last section would remain as it does not apply to miniature pigs.

Councilman Crockett stated what City Attorney Nelson is referencing has to do with current law and that has not changed. City Attorney Nelson responded, “that is correct”.

AMEND CITY CODE (Continued)

Councilman Crockett asked for clarification that nothing is changing as it relates to large animals or chickens? Mr. Miller responded, "correct".

City Attorney Nelson stated the only change he has made is in Section 7-31, explaining that Mr. Miller indicated that he did not want that to become effective until January 1 of next year and that language has been inserted.

At this point, Councilmen Lively and Franklin made the motion and second to substitute the amendments to this Ordinance; the motion passed.

After the vote was taken on second and third reading, a person in the audience asked if others would have opportunity to address this issue. Chairman Hakeem indicated that the Council had taken action on the Ordinance and that opportunity had been given for input during the Task Force, Safety Committee and a previous Council meeting.

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 7, REGARDING ANIMALS AND FOWL**

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

SPECIAL POLICEMAN

On motion of Councilman Pierce, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF RICHARD
LEONARD AS A SPECIAL POLICEMAN FOR THE CITY OF
CHATTANOOGA, PUBLIC WORKS DEPARTMENT, TRAFFIC
ENGINEERING DIVISION, TO DO SPECIAL DUTY AS PRESCRIBED
HEREIN, SUBJECT TO CERTAIN CONDITIONS**

was adopted.

SPECIAL POLICEMEN

On motion of Councilman Franklin, seconded by Councilman Taylor,

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF JAMES R.
HIGDON, GARY W. JACKSON, TIMOTHY B. LANGFORD, TIMOTHY
W. MCDONALD, WILLIAM C. PAYNE, ROBERT QUINN, REBECCA E.
ROBINSON AND ILEANA M. SPEER AS SPECIAL POLICE OFFICERS
FOR THE CITY OF CHATTANOOGA, STORM WATER ORDINANCE
ENFORCEMENT DIVISION, TO DO SPECIAL DUTY AS PRESCRIBED
HEREIN, SUBJECT TO CERTAION CONDITIONS**

was adopted.

AGREEMENT: CITY OF COLLEGEDALE

On motion of Councilman Lively, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CITY OF COLLEGEDALE FOR THE CITY OF CHATTANOOGA TO LEASE AND PURCHASE AN INTERCEPTOR GRAVITY SEWER LINE, FORCE MAIN, PUMP STATION, EASEMENTS AND FEE PROPERTY ASSOCIATED THEREWITH FOR A CONSIDRATION OF TWO THOUSAND, EIGHT HUNDRED FOUR AND 42/100 DOLLARS (\$2,804.42) PER MONTH, MORE PARTICULARLY DESCRIBED HEREIN, FOR A TOTAL AMOUNT NOT TO EXCEED FOUR HUNDRED SIXTY-EIGHT THOUSAND, THREE HUNDRED THIRTY-EIGHT AND 14/100 DOLLARS (\$468,338.14)

was adopted.

AGREEMENT: ALABAMA GREAT SOUTHERN RAILROAD COMPANY

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY TO WIDEN THEIR GRADE CROSSING ON WILLIAMS STREET FOR AN AMOUNT NOT TO EXCEED NINETEEN THOUSAND DOLLARS (\$19,000.00)

was adopted.

EASEMENTS

On motion of Councilman Franklin, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE PURCHASE OF GENERAL SLOPE EASEMENTS FROM NEW HOPE MISSIONARY BAPTIST CHURCH, RELATIVE TO CONTRACT NO. RW-4-00, WIDENING AND IMPROVEMENTS TO SHALLOWFORD ROAD, TRACT NOS. 1 AND 3, FOR A TOTAL CONSIDERATION OF TWO THOUSAND, ONE HUNDRED SEVENTY-FIVE DOLLARS (\$2,175.00)

was adopted.

TEMPORARY USE: NATURAL WOODS

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING NATURAL WOODS TO USE TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY AT 1401 WILLIAMS STREET TO PROVIDE WHEELCHAIR ACCESS TO NATURAL WOODS BUILDING AT SAID LOCATION, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

AMEND RESOLUTION 22514

Councilman Franklin stated Resolutions (g) and (h) were discussed in Parks and Recreation Committee and are recommended for approval.

On motion of Councilman Franklin, seconded by Councilman Lively,

A RESOLUTION AMENDING RESOLUTION NO. 22514, ENCAPTIONED "A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO ENTER INTO A CONTRACT WITH ROSS-FOWLER FOR DESIGN WORK RELATIVE TO THE MOUNTAIN CREEK PARK IN AN AMOUNT NOT TO EXCEED THIRTY THOUSAND DOLLARS (\$30,000.00)." SO AS TO REVISE THE FEE NOT TO EXCEED THIRTY-SIX THOUSAND DOLLARS (\$36,000.00)

was adopted.

EASEMENT

Councilman Crockett expressed thanks to BASF and the persons who worked with them; that they did a generous thing for the City.

On motion of Councilman Taylor, seconded by Councilman Eaves,

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN EASEMENT, MORE PARTICULARLY DESCRIBED HEREIN, FROM BASF CORPORATION FOR THE RIVERWALK TRAIL

was adopted.

**ISSUANCE OF ELECTRIC SYSTEM
REVENUE BONDS**

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE: AUTHORIZING THE ISSUANCE OF ELECTRIC SYSTEM REVENUE BONDS OF THE CITY FOR THE USE AND BENEFIT OF THE ELECTRIC POWER BOARD OF CHATTANOOGA; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM CERTAIN REVENUES FROM THE OPERATION BY THE ELECTRIC POWER BOARD OF CHATTANOOGA'S ELECTRIC SYSTEM; GRANTING AUTHORITY TO THE ELECTRIC POWER BOARD FOR THE EXERCISE OF CERTAIN RESPONSIBILITIES IN CONNECTION WITH THE ISSUANCE AND ADMINISTRATION OF THE BONDS; PROVIDING TERMS AND CONDITIONS FOR THE ISSUANCE OF ADDITIONAL OBLIGATIONS OF A PARITY WITH SUCH BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE

was adopted.

**FIRST SUPPLEMENTAL RESOLUTION:
BONDS**

On motion of Councilman Taylor, seconded by Councilwoman Hurley,

A FIRST SUPPLEMENTAL RESOLUTION TO RESOLUTION NO. 22629 PROVIDING FOR THE ISSUANCE OF CITY OF CHATTANOOGA, TENNESSEE ELECTRIC SYSTEM REVENUE BONDS, SERIES 2000, AUTHORIZING UP TO 40,000,000.00 SERIES 2000 BONDS

was adopted.

OVERTIME

Overtime for the week ending September 1, 2000 totaled \$25,975.81.

PERSONNEL

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

KEVIN SCHROPSHIRE – Promotion, Ranger Supervisor, TN Riverpark/Downtown, Pay Grade 9/Step 4, \$25,710.00 annually, effective August 25, 2000.

PERSONNEL (Continued)

CHARLES P. MELVILLE – Resignation, Crew Worker, Parks Division, effective August 24, 2000.

JAMES LARRY CRAWLEY – Termination, Building Maintenance Mechanic, Parks Division, effective August 25, 2000.

DON SHARP – Resignation, House Manager, Civic Facilities, effective September 7, 2000.

PURCHASES

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

R. M. GEOGHOGAN, LLC (Change Order #4)
Purchase Order P0014661/Requisition R0046840

Missionary Ridge Fire Hall

\$53,999.00 -- Original Contract 5/9/00
2,324.00 – Change Order #1 - 8/1/00
2,178.00 – Change Order #2 - 8/1/00
2,788.00 – Change Order #3 - 8/1/00
1,199.00 -- Change Order #4
\$63,276.00 – Total Contract Cost

RMG CONSTRUCTION (Lowest and best bid)
Requisition R0051046/B0000502

Alteration & addition to Avondale Recreation Center

\$263,325.00

STEIN CONSTRUCTION (Lowest and best bid)
Requisition 0051053/B0000505

Construction of Tatum Park

\$269,173.00

PERSONNEL

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

PAUL FERGUSON – Suspension (3 days without pay), Inventory Clerk, Waste Resources effective August 24-28, 2000.999

CORNELIUS DONDELL WHITLOCK – Termination, Sanitation Worker, Citywide Services, effective August 11, 2000.

CALVIN L. SMITH – Released from Duty, Crew Worker, Citywide Services, effective August 30, 2000.

GARY GRAY, SR. – Lateral Transfer, Equipment Operator Sr., Citywide Services, Pay Grade 8/Step 4, \$24,401.00 annually, effective September 13, 2000.

HOTEL PERMITS

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

INTOWN SUITES – 1914 Gunbarrel Road, Chattanooga, Tennessee

RED ROOF INN – 7014 Shallowford Road, Chattanooga, Tennessee

CHATTANOOGA CLARION HOTEL – 407 Chestnut Street, Chattanooga, Tennessee

COMFORT SUITES – 7324 Shallowford Road, Chattanooga, Tennessee

EXTENDED STAY AMERICA – 6240 Airpark Drive, Chattanooga, Tennessee

PURCHASE

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

MINE SAFETY APPLIANCE CO. (Best bid)

Requisition R0046624

Breathing Apparatus

\$495,167.70

PERSONNEL

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

CYNTHIA POINTER – Resignation, School Patrol Officer, effective August 28, 2000.

SHELLEY KINCER – Resignation, Police Service Technician, effective September 11, 2000.

DANNY H. WELCH – Retirement, Police Officer, effective September 7, 2000.

TONY HUDSON, REBECCA TOLBERT – Voluntary Demotion, Police Service Technician, Pay Grade 3/Step 1, \$15,535.00 annually, effective August 30, 2000.

REFUNDS

On motion of Councilman Crockett, seconded by Councilman Lively, the Administrator of Finance was authorized to issue the following refunds:

BI-LO, INC. -- Amended reports from TMA audit per Assessor, Various bill numbers, \$43,882.29

AMEDISYS HOME CARE – Refund due to report filed 8/21/00 to correct original assessment, \$5,900.69

PURCHASE

DELL MARKETING
Contract P0009972

Increase contract amount

\$2,000,000.00

BOARD APPOINTMENT

On motion of Councilman Crockett, seconded by Councilman Franklin, the following Board appointment was approved:

BEER AND WRECKER BOARD

- Reappointment of **ALBERT COKER** for a term ending July 1, 2003 (representing Council District 7)

PERSONNEL

The following personnel matters were reported for the Neighborhood Services Department:

CAMILLA BIBBS, PAMELA BOWMAN, DENNIS TATE – New Hire, Neighborhood Relations Coordinator, Pay Grade 14/Step 1, \$28,041.00 annually, effective September 8, 2000.

SPECIAL COUNCIL MEETING

City Attorney Nelson reminded Council members of the special Council meeting scheduled for Tuesday, September 12 at noon. He stated that a quorum is needed to accept the winning bids on the Power Board's bond issue.

COMMITTEES

Councilman Crockett stated that a meeting of the Legal and Legislative Committee was held prior to Council meeting to discuss changes to the health benefit provisions relative to City employees and spouses. He stated that the matter would be on next week's agenda.

Councilman Lively scheduled meetings of **the Economic Development Committee for Tuesday, September 12 and 19** immediately following the Public Works and Parks and Recreation Committees, respectively.

LOU REMSON

Lou Remson addressed the Council regarding an ongoing problem. She stated that she has been before the Council previously asking for help; that the problem has been going on for twelve years. She stated she has been to every conceivable place looking for help; that since the last time she was present before the Council she has suffered an illness and is still trying to recover. She stated she has lived in Chattanooga all her life and due to the persistent problem cannot get a good night's sleep. She stated that when people visit with her they have to pay hotel expenses because they cannot get a good night's sleep in her home. She appealed to the Council for help, stating that her husband is her sole supporter and both are loyal taxpayers; that she could not go back to work because she could not recover properly in her own home. She stated that her medication has been doubled and the problem continues to go on-and-on. She stated that she knows the Council can do something.

LOU REMSON (Continued)

City Attorney Nelson stated that this matter has been to City Court; that it is something between her and her next door neighbor. He stated that it has been recommended that Mrs. Remson file a nuisance action in Chancery Court if the problem is that bad; that he does not know if she has done that yet, as it is a remedy.

Chairman Hakeem explained that the concern has to do with an air conditioning unit that makes excessive noise.

Councilman Crockett stated that he remembers this situation and thought the City Attorney had looked into it. He asked if this is a residential or commercial air conditioning unit? City Attorney Nelson stated that it is a residential air conditioner on the house next door.

Councilman Crockett asked if the neighbor has been asked about it? City Attorney Nelson responded that it has been to City Court under the Noise Ordinance and the Judge did not find there was a violation.

Chairman Hakeem inquired as to Mrs. Remson's options other than City Court? City Attorney Nelson stated if the air conditioner is really causing a nuisance she has the option of filing a lawsuit against the next door neighbor regarding the alleged nuisance and ask the Court to obey.

Councilman Taylor inquired as to the Judge's decision. Mrs. Remson stated that he told her that he did not find anything on the "book"; that he found nothing in the "book" that gave him any jurisdiction to help.

Councilman Franklin stated that he has recently had two conversations with Mrs. Remson; that he knows the next door neighbor and will talk with him to see if there could be some resolution since appeals to the proper channels has not been to Mrs. Remson's satisfaction at this point.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, September 12, 2000 at 12 p.m.

CHAIRMAN

CLERK OF COUNCIL

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