City Council Building Chattanooga, Tennessee July 31, 2001 6:00 p.m.

Chairman Hakeem called the meeting of the Chattanooga Council to order with Councilmen Benson, Franklin, Littlefield, Lively, Page, Pierce, Robinson and Taylor present. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC, were also present.

PLEDGE OF ALLEGIANCE/NVOCATION

Following the Pledge of Allegiance, Councilwoman Robinson gave invocation.

MINUTE APPROVAL

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

SPECIAL PRESENTATION TO TENNESSEE-AMERICAN WATER COMPANY OFFICIAL

Chairman Hakeem stated this presentation comes from different segments of government to the Tennessee–American Water Company. At this point he introduced Dennis Clark, Chairman of the Youth Council, and Councilwoman Robinson, Chairman of the Council's Parks, Recreation, Arts and Culture Committee.

Dennis Clark read the wording of the certificate prior to presenting it to William L'Ecuyer, President of Tennessee-American Water Company. Councilwoman Robinson concluded the presentation by adding the Council's thanks for this generous contribution. She commended Mr. L'Ecuyer and officials of Tennessee-American Water Company for "stepping up to bat" and supporting the youth of this community.

SPECIAL PRESENTATION TO TENNESSEE-AMERICAN WATER COMPANY OFFICIAL (Continued)

William L'Ecuyer expressed appreciation for the recognition and commented as to the beauty of the framed certificate. He stated that he is pleased to be able to support the City Council in this effort to bring the City's youth into knowing what is going on with the City and their future. He thanked everyone involved for the recognition.

ACCEPT DONATION: TENNESSEE-AMERICAN WATER COMPANY

Councilman Franklin made the motion to move Resolution 7(m) up on the agenda; Councilwoman Robinson seconded the motion; the motion passed.

On motion of Councilwoman Robinson, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO ACCEPT A DONATION OF FIVE HUNDRED AND 00/100 DOLLARS (\$500.00), ON BEHALF OF THE CHATTANOOGA YOUTH COUNCIL FROM THE TENNESSEE-AMERICAN WATER COMPANY

was adopted.

REZONING

2001-082: Herman Walldorf & Company, Inc. (Jennie Brockman)

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 150 BROWNS FERRY ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO C-1 HIGHWAY COMMERCIAL ZONE

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

AMEND CITY CODE

On motion of Councilman Littlefield, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPER 25, BY ADDING A NEW SECTION 25-69 TO PROHIBIT THE SETTING OFF OF FIREWORKS IN The FIRE DISTRICT DURING CERTAIN HOURS

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

CLOSE AND ABANDON

MR-2001-016: City of Chattanooga City Engineer

On motion of Councilman Franklin, seconded by Councilman Littlefield,

AN ORDINANCE CLOSING AND ABANDONING A COMBINATION SEWER LNE AND ASSOCIATED EASEMENT LOCATED ON FLYNN STREET BETWEEN UNIVERSITY STREET AND BALDWIN STREET AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE passed first reading.

CLOSE AND ABANDON

2001-1007: Hamilton County Government

Chairman Hakeem indicated that this Ordinance moves from next week's agenda to tonight's agenda per discussion and approval in Public Works Committee.

Councilman Pierce inquired as to whether a motion is needed to move this item from next week's agenda to tonight's (agenda)? City Attorney Nelson responded "no", giving the explanation that the matter was on last week's agenda, thus the Council had notice of it.

On motion of Councilman Littlefield, seconded by Councilman Franklin,

AN ORDINANCE CLOSING AND ABANDONING TWO ALLEYS AND A PORTION OF THE WEST 16TH STREET RIGHT-OF-WAY BETWEEN LONG STREET AND MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

ACCEPT CHECK FROM HAMILTON COUNTY

Chairman Hakeem stated that a letter of appreciation would be forwarded to Commissioner Favors and the county government for their contribution.

On motion of Councilwoman Robinson, seconded by Councilman Littlefield,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO ACCEPT A CHECK IN THE AMOUNT OF NINE HUNDRED SIXTY-EIGHT AND 79/100 DOLLARS (\$968.79) FROM HAMILTON COUNTY

was adopted.

CONTRACT: EUGENE G. WRIGHT

Councilman Franklin stated Resolutions 7(b) – (I) were discussed in Public Works Committee and approval is recommended.

On motion of Councilman Franklin, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO A PERSONAL SERVICES CONRACT WITH EUGENE G. WRIGHT TO BE A CONSULTANT FOR THE DEPARTMENT OF PUBLIC WORKS FOR A TERM NOT TO EXCEED SIX (6) MONTHS FOR A CONTRACT AMOUNT NOT TO EXCEED TWELVE THOUSAND DOLLARS (\$12,000.00)

was adopted.

CONTRACT: EAST TENNESSEE GRADING, INC.

On motion of Councilman Franklin, seconded by Councilman Littlefield,

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. SS-1-98 (DETENTION), 17TH STREET UNDERGROUND STORM WATER DETENTION FACILITIES – CONSTRUCTION, TO EAST TENNESSEE GRADING, INC. FOR THEIR LOW BID IN THE AMOUNT OF THREE HUNDRED THIRTY-SIX THOUSAND, FOUR HUNDRED FIFTY DOLLARS (\$336,450.00) (SCHEDULES I, II, III & IV – OPTION NO. 1)

was adopted.

CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilman Littlefield,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 3, CONTRACT NO. SWO-5d-99, CITICO CSO CONTROL FACILITY, WITH HAREN CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FORTY-FIVE THOUSAND, TWO HUNDRED FORTY-SEVEN DOLLARS (\$45,247.00), FOR A REVISED CONTRACT TOTAL OF FIVE MILLION, TWO HUNDRED NINETEEN THOUSAND, SEVEN HUNDRED THIRTY DOLLARS (\$5,219,730.00), AND INCREASES THE CONTRACT TIME BY SIXTEEN (16) CALENDAR DAYS

was adopted.

CHANGE ORDER

On motion of Councilman Franklin, seconded by Councilman Littlefield,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, CONTRACT NO. SS-1-00, BROAD STREET FROM M. L. KING BOULEVARD TO NORTH 220', AND M. L. KING BOULEVARD FROM BROAD STREET TO MARKET STREET, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY ONE THOUSAND, THREE HUNDRED FORTYNINE AND 21/100 DOLLARS (\$1,349.21), FOR A REVISED CONTRACT TOTAL OF ONE HUNDRED TWENTY-THREE THOUSAND, TWO HUNDRED TWENTY AND 42/100 DOLLARS (\$123,220.42), AND INCREASES THE CONTRACT TIME BY FORTY-THREE (43) CALENDAR DAYS

was adopted.

<u>DEED OF PERPETUAL CHANNEL IMPROVEMENT</u> EASEMENT

On motion of Councilwoman Robinson, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE PURCHASE OF A DEED OF PERPETUAL CHANNEL IMPROVEMENT EASEMENT FROM TAGNER BAILEY AND BRENDA BAILEY, RELATIVE TO THE TENNESSEE RIVERBANK STABILIZATION PROJECT, TRACT NO. 401E, FOR A TOTAL CONSIDERATION OF TWO THOUSAND, TWO HUNDRED FIFTY DOLLARS (\$2,250.00)

was adopted.

DEED OF PERPETUAL CHANNEL IMPROVEMENT EASEMENT

On motion of Councilwoman Robinson, seconded by Councilman Franklin, A RESOLUTION AUTHORIZING THE PURCHASE OF A DEED OF PERPETUAL CHANNEL IMPROVEMENT EASEMENT FROM GORDON L. SMITH, III AND CHRISTINE SMITH, RELATIVE TO THE TENNESSEE RIVERBANK STABILIZATION PROJECT, TRACT NO. 404E, FOR A TOTAL CONSIDERATION OF TWENTY THREE THOUSAND DOLLARS (\$23,000.00) was adopted.

DEED OF PERPETUAL CHANNEL IMPROVEMENT EASEMENT

On motion of Councilman Franklin, seconded by Councilman Littlefield,

A RESOLUTION AUTHORIZING THE PURCHASE OF A DEED OF PERPETUAL CHANNEL IMPROVEMENT EASEMENT FROM JAMES GRANT, RELATIVE TO THE TENNESSEE RIVERBANK STABILIZATION PROJECT, TRACT NO. 606E, FOR A TOTAL CONSDIERATION OF TWO THOUSAND, FIVE HUNDRED DOLLARS (\$2,500.00)

was adopted.

SEWER EASEMENT

On motion of Councilman Pierce, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM GARY G. TODD, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, TRACT NO. 016, FOR A TOTAL CONSIDERATION OF ONE THOUSAND, FIVE HUNDRED DOLLARS (\$1,500.00)

was adopted.

SEWER EASEMENT

On motion of Councilman Franklin, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM GARY L. ROBINS, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, TRACT NO. 041, FOR A TOTAL CONSIDERATION OF ONE THOUSAND, FIVE HUNDRED DOLALRS (\$1,500.00)

was adopted.

SEWER EASEMENT

On motion of Councilman Franklin, seconded by Councilman Littlefield,

A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM JANET P. MARTIN, RELATIVE TO CONTRACT NO. 73B-3, HIXSON MARINA COLLECTION SYSTEM, TRACT NO. 071, FOR A TOTAL CONSIDERATION OF FOUR HUNDRED EIGHTY DOLLARS (\$480.00) was adopted.

SEWER EASEMENT

On motion of Councilman Franklin, seconded by Councilman Littlefield,
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT
FROM WILLIAM E. BLALOCK III, RELATIVE TO CONTRACT NO. 73B-3,
HIXSON MARINA COLLECTION SYSTEM, TRACT NO. 078.1, FOR A
TOTAL CONSIDERATION OF SEVENTY-FIVE DOLLARS (\$75.00)
was adopted.

COMMEMORATIVE SECONDARY STREET SIGN NAME: "USHER RAYMOND PARKWAY"

On motion of Councilman Franklin, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY TRAFFIC ENGINEER TO ERECT COMMEMORATIVE SECONDARY STREET SIGN NAMES ON SHALLOWFORD ROAD AT MOSS STREET AND WILCOX BOULEVARD DESIGNATING SAID PORTION OF SHALLOWFORD ROAD AS "USHER RAYMOND PARKWAY"

was adopted; Councilman Pierce voted "no".

OVERTIME

Overtime for the week ending July 27, 2001 totaled \$93,675.18.

JUDGE RUSSELL BEAN

Judge Bean stated that this is the first time he has come before the new Council and that he has been on the bench one year. He thanked the Council for placing him on the bench and stated that he has worked hard and tried to do what is right and fair. He stated there are several problem areas he would briefly like to make the Council aware of.

JUDGE RUSSELL BEAN (Continued)

Judge Bean stated that the first matter and most serious in Chattanooga is that young people are dying on our streets. He stated in his first year as Judge, twenty-four young people 21 and under have been killed in car accidents inside the City. He stated that he sees cases of people who have been paralyzed or have brain damage as a result of these accidents and it is very sad to see families in these situations. He stated what he does in court is show safety movies, counsel them and send them to defensive driving school, all of which is after the fact. He stated that he does not think young drivers know the rules of the road and asked that driver's education and safety be implemented in our schools. He stated the schools teach things such as weight lifting and realizes that the City has no control over education, now. He stated with the half-cent sales tax, \$8 million goes to the schools that the citizens voted on. He suggested that a portion of those monies be marked for driver's education and stated that he does not know how the county school system will react to that.

Judge Bean continued by stating that a lot of truck accidents have occurred on our streets with tractor-trailer trucks. He stated most of the trucks are regulated by weight and brakes and reiterated that there have been some horrible accidents. He made reference to squeaking brakes with heavy loads and overloaded trucks, making the point that UPS trucks weigh 16,000 pounds and coal trucks 30,000 pounds. He distributed photos of accidents involving the heavy trucks and smaller vehicles and the devastation that results. He stated that he recalls at one time there was a safety lane where cars were regulated and thinks a safety lane for vehicles that weigh over a certain poundage should have their brakes checked for a proper weight system. He stated the police department is working hard on controlling speeding trucks through the community; that there could be a roadside inspection for those caught for speeding. He stated if the word gets out drivers will go slowly through the City of Chattanooga because they would not want to be stopped and tested.

Judge Bean stated another area not related to the safety issue, yet is a problem, is the Chattanooga City sticker. He stated the sticker ordinance was originally passed to require out-of-city residents to pay some form of usage tax, and after that it is his belief the State or Legislature passed a law that this could not be done. He stated what has happened is that only City residents come before him for the City sticker violation. He stated that he would like to encourage the Mayor or City Council to repeal that State law as it makes sense for people using the City's roads that live in other counties and states should pay for a City sticker that would probably exclude the City's residents. He stated it is wise to be fair and do something. City Attorney Nelson expressed agreement with Judge Bean's comments in this regard.

JUDGE RUSSELL BEAN (Continued)

Judge Bean stated one other thing he would like for the Council to direct its attention to is the new State Statute passed in Tennessee. He stated Tennessee was one of only four states where a driver's license can be secured without having liability insurance. He stated there are many cases that come before him where people are injured with no source of income and no liability insurance. He stated the State has now passed a Statute, which states if a motorist is pulled over or an accident occurs, the officer can ask the driver to show their insurance card. He stated if the driver does not have an insurance card it is State law that a \$100 fine can be charged (a copy of this Statute was distributed to Council members, a copy of which is filed with minute material of this date).

Councilman Pierce asked if this Statue has been put into effect?

Judge Bean responded that it is "in effect" and would like to see if the City would pass an Ordinance to that effect; that locally we can fine up to \$50 per this Statute, now. He stated this would encourage people to have insurance and also keep the fine money at home. He concluded his remarks by thanking the Council for giving him this time to speak with them.

Chairman Hakeem thanked Judge Bean for coming to share his concerns and stated the City Attorney would be the "lead" on the matters mentioned and the Council would seek advice from him. He stated some of the items mentioned will probably go into a meeting of the Legal and Legislative Committee for consideration and one item would be a concern for the Education Committee.

Councilman Pierce stated regarding the Ordinance Judge Bean spoke of, can the City pass an ordinance for a fine with a lesser amount than the State?

City Attorney Nelson stated that one of the problems cited in an agreement before the Tennessee Supreme Court was if a City adopts a State Statute how can you justify a different penalty for those being cited to City Court as opposed to those going to Sessions Court? He stated the answers were not real good but one possible answer was there are certain violations for both federal and State law; that the penalty is greater on one than the other and there is no requirement those laws be considered. He stated they do have a concern where we have adopted laws that are put under those by the State. He stated we might want to wait and see what they say; that there should be an opinion within the month.

JUDGE RUSSELL BEAN (Continued)

Councilman Benson stated Judge Bean has brought good things to the Council all focused on prevention, which is very good to see. He stated the Judge talked about the safety lane sticker and that drivers must have insurance. He asked for clarification that there is no driver's education being taught in the schools now? Judge Bean responded "no".

Councilman Franklin stated that he had the privilege of taking driver's education and simulated driver's education in high school, and in addition, took the defensive driving course for the mere fact it lowered his insurance.

PERSONNEL

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

CHRISTOPHER DEAN – Termination, Crew Worker, Citywide Services, effective July 25, 2001.

GARY BRIDGES – Return from Family Medical Leave, Light Equipment Operator, Citywide Services, effective July 16, 2001.

NATHANIEL METCALF – Return from Family Medical Leave, Equipment Operator Senior, Citywide Services, effective July 23, 2001.

FAITH V. PEET -- Termination, Laboratory Assistant, Waste Resources, effective July 23, 2001.

ROY E. DUNCAN – Family Medical Leave, Crew Worker, Traffic Operations, effective July 18 – October 9, 2001.

PERSONNEL

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

CHARLES C. FINNEY, JR. – Promotion, Communications Officer, Pay Grade 11/Step 1, \$24,630.00 annually, effective July 27, 2001.

ANNETTE JOHNSON – Medical Leave of Absence, Property Service Clerk, effective July 17, 2001.

PURCHASE

On motion of Councilman Lively, seconded by Councilman Taylor, the following purchase was approved for use by the Department of Finance, Information Services Division:

ACCESS TECHNOLOGIES (Single Source Purchase) Requisition R0049122/P0016566

Computer Networking Equipment (Per TCA 6-56-304.2)

\$11,665.74

BOARD REAPPOINTMENT

On motion of Councilman Taylor, seconded by Councilman Franklin, the following Board reappointment was approved:

CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING COMMISSION:

❖ Reappointment of ROBERT (BOB) MCNUTT for a term of four years ending May 31, 2005.

COMMITTEES

Councilman Taylor stated a joint meeting of the Economic Development and Budget Committees was held earlier today wherein members heard a very informative report regarding the State's budget from Lobbyist, Tom Varlan.

HEARING: OFFICER GANAWAY

Councilman Franklin stated a panel consisting of himself and Councilmen Page and Robinson sat in judgment of a personnel hearing involving Officer Jeff Ganaway, a seventeen-year veteran of the Chattanooga Police Department. He stated it was the unanimous outcome of the hearing to sustain the three-day suspension served by Administration.

HAMILTON PLACE PLAN

Councilman Benson expressed thanks to Council members for their attendance during the meetings regarding the Hamilton Place Land Use Study. He stated Staff members of the Planning Agency were present, Administrator McDonald and an overwhelming response from the community. He stated a lot of involvement and enthusiasm for the implementation of the Plan was expressed based on the principle for good substantial growth. He indicated that everyone is not happy with the Plan, yet a large percentage are very happy because they know the Plan gives some control over their destiny and land use plan and will better harmonize with the residential property in the area.

SISTER BEY

Sister Bey displayed a communication from Congressman Zach Wamp, a response to a communication she had forwarded to him, with regard to HUD money. She expressed dissatisfaction with regard to the number of homes being torn down in her area, indicating that some do not need to be torn down. She stated the home next door to her is to be torn down, yet she does not want it torn down or a vacant lot next door. She made reference to the United States not having a good relationship with South Africa, and the need for the United States not to go there.

DAVID HAYNES

David Hayes stated that he was before the Council last week with regard to Pan Gap Circle. He stated landowners in that area have paid an average of \$100,000 in City taxes in being annexed. He stated 320 feet of City streets and sewers has been installed, as well as trash service. He stated they do not need sewers, but would like to have a City road. He stated if the City puts in a road, within the next three-to-four years the City would be able to recoup the money for the cost of the road from the tax money from the homes going in.

Chairman Hakeem asked Mr. Haynes if his request last week dealt more specifically with his ability to build a house on Pan Gap Circle? Mr. Haynes responded "yes".

Chairman Hakeem then asked if Mr. Haynes' request this week is for the City to build a road? Mr. Haynes stated that the only way he can build a house is if the City declares this a street.

DAVID HAYNES (Continued)

Chairman Hakeem reminded Mr. Haynes that Administration is working on his request.

Mr. Haynes stated that he would like to give the Council "food for thought" and indicated that annexation Ordinances state that the "... citizens within the annexed areas would receive all benefits..."; however, the City never put this road in.

JOHN FARMER, SR.

John Farmer, Sr. addressed the Council regarding the number of speeding tickets he has received even though he was not speeding. He made reference to an incident that occurred on Igou Gap Road wherein an officer ticketed him for traveling at 45 miles per hour, when he was not traveling at all as traffic was backed up and he was standing still! He stated the officer pulled him out of traffic onto a side street and gave him the ticket, wherein he asked the officer to show him on radar the speed he was purported to have been traveling. He indicated that incidents of this nature occur often; that he moved from another City to Chattanooga because he had been harassed by the police, only to have the same occur here. He distributed copies of a letter written to the office of Internal Affairs at the Chattanooga Police Department, stating that he is tired of the harassment.

Chairman Hakeem asked Mr. Farmer if he had filed a complaint? Mr. Farmer responded "yes".

BOB HAYNES

Bob Haynes stated that he lives at the corner of O'Grady and Pan Gap and expressed appreciation for the interest the Council has taken in this matter. He stated that he intends to work with Admin. McDonald in every way to assist in getting his son's house built since he was issued a permit. He stated that he has an eighteen foot base cut out, and if the City would give him the milling they are chipping up he could put the base down and all the City would have to do is chip seal it and approve it for a City street.

Chairman Hakeem stated that Admin. McDonald should be afforded an opportunity to get all the facts and get back with all concerned.

RAYMOND MURRAY

Raymond Murray stated that he was present to support the Haynes' and indicated that he first appeared before the Council in March of 2000 and made reference to a list of streets that had been "discriminated against". He stated that he was present two weeks ago but did not present the information and proceeded to indicate the streets that have been "discriminated against": Massengill Road, Zena Drive, and Cash Canyon Road. He stated within three blocks nine houses are at the end; that the County is reaping the harvest from the City by providing them a road, yet Pan Gap Circle cannot get tar and gravel on it. He stated the City tars and gravels back alleys in East Lake and wonders why something cannot be done on Pan Gap.

Chairman Hakeem reiterated that Admin. McDonald will be responding to the concerns raised. Mr. Murray stated if they cannot get something done, his request would be for deannexation!

KEN NEBLETTE

Ken Neblett of the Chattanooga Police Department stated that budget discussions are going on and communication or inclusion has not happened. He asked to be kept in mind during the deliberations.

ADJOURNMENT

Chairman Hakeem adjourned the meeting of the Council until Tuesday, August 7, 2001 at 6 p.m.

-	CHAIRMAN
CLERK OF COUNCIL	

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