

Municipal Building  
Chattanooga, Tennessee  
April 29, 1997

The meeting of the Chattanooga City Council was called to order by Chairman Swafford with Councilmen Eaves, Hakeem, Hurley, Lively, Pierce, and Rutherford; Councilman Taylor was absent due to District 7 community meeting; Councilman Crockett was out of the city on business. City Attorney Randall Nelson, Management Analyst Lawrence Burns and Council Clerk Carol O'Neal were also present.

INVOCATION

Invocation was given by Bro. Carl L. Taylor, Sr., Retired Church of Christ Minister and father of Councilman John Taylor.

MINUTE APPROVAL

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

REZONING

1997-059: Richard Davidson

The applicant was present.

On motion of Councilman Hakeem, seconded by Councilman Lively, AN ORDINANCE TO AMEND ORDINANCE 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7210 NOAH REID ROAD, BEING ON THE SOUTHEAST LINE OF NOAH REID ROAD AT SHALLOWFORD ROAD, FROM R-1 RESIDENTIAL ZONE AND R-2 RESIDENTIAL ZONE TO O-2 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS passed second reading. On motion of Councilwoman Rutherford, seconded by Councilman Lively, the ordinance passed third and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilman Lively, seconded by Councilwoman Hurley, AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, SECTION 2-109, SO AS TO AMEND THE SECTION DEALING WITH LICENSES AND PERMITS passed second reading. On motion of Councilwoman Hurley, seconded by Councilman Lively, the ordinance passed third and final reading and was signed in open meeting.

AMEND BUDGET ORDINANCE

Councilwomen Hurley and Rutherford made the initial motion and second to approve this ordinance.

Councilman Hakeem stated he previously brought up the issue regarding the inspectors and is of the opinion that a portion of the budget amendment needs further review, and would appreciate the matter being taken for further review in (Personnel) Committee.

Councilwoman Hurley stated this matter was discussed at the Budget Committee meeting. She inquired as to whether the matter can be deleted at this point.

Admin. Boney stated that provision can be taken out if there is a way the City Attorney can amend the ordinance as it stands; that he would appreciate consideration of the rest of the ordinance.

City Attorney Nelson amended the ordinance in open meeting.

Councilman Lively made the motion to amend the ordinance by deleting the two positions; Councilman Pierce seconded the motion; the motion carried.

Councilman Hakeem clarified that the matter will be discussed in the Budget or Personnel Committee meeting.

On motion of Councilwoman Hurley, seconded by Councilman Hakeem, AN ORDINANCE TO AMEND ORDINANCE NO. 10465, AS AMENDED, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1996, AND ENDING JUNE 30, 1997, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE

AMEND BUDGET ORDINANCE (Cont'd.)

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 ESTIMATED REVENUES AND APPROPRIATIONS SET OUT IN SECTION 5; SO AS TO PROVIDE FOR CERTAIN CHANGES IN BUDGETS FOR SPECIAL FUNDS SET OUT IN SECTION 6; AND TO PROVIDE FOR CERTAIN CHANGES IN PERSONNEL SET OUT IN SECTION 7(c).  
the amended ordinance passed second reading. On motion of Councilman Lively, seconded by Councilwoman Hurley, the amended ordinance passed third and final reading and was signed in open meeting.

INSTALLATION OF FIRE HYDRANTS

On motion of Councilman Lively, seconded by Councilman Hakeem, A RESOLUTION AUTHORIZING THE INSTALLATION OF THREE (3) FIRE HYDRANTS FOR PUBLIC FIRE PROTECTION AT A LOCATION MORE PARTICULARLY DESCRIBED HEREIN, AND AUTHORIZING PAYMENT OF THE TARIFF THEREFOR was adopted.

CHANGE ORDER

On motion of Councilman Hakeem, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, MODIFICATIONS TO SUMMIT LANDFILL GAS SYSTEM, WITH SIGNAL ENVIRONMENTAL SERVICES, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY ONE HUNDRED TWENTY-THREE THOUSAND, FIVE HUNDRED TWO DOLLARS (\$123,502.00), FOR A REVISED CONTRACT PRICE OF ONE MILLION, TWELVE THOUSAND, SEVEN HUNDRED SEVENTY-NINE AND 70/100 DOLLARS (\$1,012,779.70) was adopted.

CHANGE ORDER

On motion of Councilwoman Rutherford, seconded by Councilman Pierce, A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 (FINAL), CONTRACT NO. RW-1-95, CONSTRUCTION OF SUPERSPUN AVENUE, WITH RIVERBEND CONSTRUCTION CORPORATION, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY SIX THOUSAND, TWO HUNDRED EIGHTY-TWO AND 19/100 DOLLARS (\$6,282.19), FOR A REVISED CONTRACT PRICE OF THREE HUNDRED THIRTY-FOUR THOUSAND, TWO HUNDRED NINETY-ONE AND 94/100 DOLLARS (\$334,291.94) was adopted.

CHANGE ORDER

On motion of Councilman Lively, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2 (FINAL), CONTRACT NO. RW-1-96, CONSTRUCTION OF PALMETTO STREET, WITH EAST TENNESSEE GRADING, INC., WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY SEVENTEEN THOUSAND, ONE HUNDRED TWENTY-ONE AND 27/100 DOLLARS (\$17,121.27), FOR A REVISED CONTRACT PRICE OF FIVE HUNDRED THIRTY-ONE THOUSAND, THREE HUNDRED FIFTY-FIVE AND 60/100 DOLLARS (\$531,355.60) was adopted.

NEXT WEEK'S AGENDA

Chairman Swafford indicated Admin. Dinsmore has requested that three Resolutions on next week's agenda be brought forward for passage tonight.

Admin. Dinsmore indicated grant Resolutions 7(b), (c), and (d) on next week's agenda needed to be approved tonight; that time is a factor and approval is needed tonight. He stated the "AFIS" Resolution 7(b) involves an upgrade of the Automated Fingerprint Identification System; Resolution 7(c), "R.A.P.," is for a "Remove All Paint" grant to paint over graffiti in the city; and Resolution 7(d), "Step It Up," is a grant for a community policing program.

Councilman Pierce inquired about the community policing program. Admin. Dinsmore stated this will be a volunteer program for citizens who will go through a short Citizens' Academy which will teach basic situations.

Councilman Pierce inquired if persons in this program would be armed with firearms. Admin. Dinsmore responded, "No."

Councilman Eaves inquired as to whether the resolution having to do with the grant to "Remove All Paint" would be the type he has seen on television that could be sprayed; that there is a spray that is applied and the paint floats away. Admin. Dinsmore responded, "No."

Councilman Eaves asked if the process would be better than just painting over (the graffiti). Admin. Dinsmore stated they do not paint over it; that the Housing Authority uses a similar process in spraying off graffiti on their buildings. Councilman Eaves asked how they do it. Admin. Dinsmore responded he did not know how they do it.

On motion of Councilman Lively, seconded by Councilwoman Hurley, the resolutions were added to the agenda for the evening.

GRANT: "OPERATION AFIS"

On motion of Councilman Hakeem, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING AND ACCEPTING A GRANT FROM THE TENNESSEE DEPARTMENT OF FINANCE AND ADMINISTRATION, OFFICE OF CRIMINAL JUSTICE PROGRAMS, FOR "OPERATION AFIS," WHICH PROGRAM SHALL NOT EXCEED TWO HUNDRED TWENTY-SEVEN THOUSAND DOLLARS (\$227,000.00), FIFTY-SIX THOUSAND, SEVEN HUNDRED FIFTY DOLLARS (\$56,750.00) OF WHICH WILL BE LOCAL CHATTANOOGA FUNDS was adopted.

GRANT: "R.A.P (REMOVE ALL PAINT)"

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING AND ACCEPTING A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUVENILE JUSTICE AN DELINQUENCY PREVENTION, FOR THE "R.A.P. (REMOVE ALL PAINT)" PROGRAM, WHICH PROGRAM SHALL NOT EXCEED SIXTEEN THOUSAND, SIXTEEN DOLLARS (\$16,016.00), FOUR THOUSAND FOUR DOLLARS (\$4,004.00) OF WHICH WILL BE LOCAL CHATTANOOGA FUNDS was adopted.

GRANT: "STEP IT UP"

On motion of Councilman Lively, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING AND ACCEPTING A GRANT FROM THE TENNESSEE DEPARTMENT OF FINANCE AND ADMINISTRATION, OFFICE OF CRIMINAL JUSTICE PROGRAMS, FOR "STEP IT UP" (A COMMUNITY POLICING PROGRAM), WHICH PROGRAM SHALL NOT EXCEED EIGHTEEN THOUSAND, TWO HUNDRED FORTY-FIVE DOLLARS (\$18,245.00), FOUR THOUSAND FIVE HUNDRED SIXTY-ONE DOLLARS (\$4,561.00) OF WHICH WILL BE LOCAL CHATTANOOGA FUNDS WAS ADOPTED.

OVERTIME

Overtime for the week ending April 25, 1997 totaled \$87,958.33

PERSONNEL

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

JOHN S. THOMASON -- Termination, Arborist, Urban Forestry, effective April 25, 1997.

PURCHASE

On motion of Councilman Lively, seconded by Councilman Pierce, the following personnel matters were reported for the Parks and Recreation Department:

BUILDING SERVICES, INC. (LOWER AND BETTER BID)  
REQUISITION NO. 135117

Purchase of twelve-months janitorial services contract

\$8,268.00

TURF CARE PRODUCTS, INC.  
CONTRACT NO. A-1146367

Change Order No. 1, purchase of irrigation pump station approved by Council on February 11, 1997.

\$39,319.00 - Original contract  
1,051.00 - Change order #1  
\$40,370.00 - Total contract price

PERSONNEL

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

GEORGE MOODY, III - Resignation, Laborer II, Waste Resources, effective April 25, 1997.

GEORGE E. LIGHTFOOT -- Retirement, Laborer III, City-Wide Services, effective April 25, 1997.

ARTHUR T. LAWSON -- Retirement, Laborer I, City-wide Services, effective April 22, 1997.

PERSONNEL (Cont'd.)

ALONZA ANDERSON -- Retirement, Laborer II, Traffic Management, effective April 30, 1997.

ORLANDO SPRATLING -- Promotion, Foreman, City-wide Services, Pay Grade 10/Step 1, \$21,321.00, effective April 23, 1997.

ELLA COLLUM -- Rescind resignation, Information Technician, Engineering, Pay Grade 8/Step 11, \$25,365.00, effective April 30, 1997.

PURCHASES

On motion of Councilwoman Hurley, seconded by Councilman Lively, the following purchases were approved for use by the Public Works Department:

LINEAR DYNAMICS, INC. (LOWER AND BETTER BID)  
REQUISITION NO. 137855

Purchase of non-reflectORIZED traffic paint

\$4.37/gal. Yellow  
4.17/gal. White

R-W CONTRACTORS, INC. (LOWEST AND BETTER BID)  
REQUISITION NO. 138952

Purchase of variable frequency drives

\$79,899.27

PURCHASE

Admin. Dinsmore stated his purchase request is for fire engines; that they are purchasing three fire engines with existing capital money and are trying to "lock in" on the price for two more in the next capital budget. He stated Admin. Boney knows about this, and it will be reflected in the upcoming capital budget. He stated there was a \$900 difference in "locking in" two more engines and thought it was good business to do that.

SPECIAL PRESENTATION: QUARTERLY  
REPORT OF CITY COURT -- JUDGE  
WALTER WILLIAMS (Cont'd)

Judge Williams concluded his report by reminding the Council that consideration needs to be given to the Court's previous request that authorization be given the Court to impose jail time when the Court feels that such is appropriate in certain cases that come before the Court. He stated consideration should be given, also, as to whether or not Court costs in City Court need to be adjusted to come closer to the actual cost of operating and handling city cases. He stated our Court costs (\$22) are considerably lower than all the Court costs of surrounding cities and in Hamilton County General Sessions Court. He expressed thanks to the Council for its continued support and willingness to consider changes where appropriate; that he is always willing to discuss the operations of City Court with any member of the Council, individually or jointly, in order to try to make things better. **(A copy of Judge William's report is filed with minute material of this date.)**

Councilwoman Hurley expressed thanks to Judge Williams for his report and stated it is her feeling we are about to have a major breakthrough in North Chattanooga; that she is not happy to have the street that has the highest speeding record (in her District)! She stated the police is out there, they are catching people, and it is a serious problem; that speeding is getting to be a much, much worse problem, and we have to do something.

Judge Williams stated he has driven over Barton Avenue four times; that at 35 miles per hour it feels like you are "crawling", and it is very difficult to keep it at 35 m.p.h.; that everyone was going around him, and no one was behind (him). He stated he came back doing 45 m.p.h. and still felt like he was "crawling." He stated he has had a discussion with John VanWinkle about it, and there is no answer; that if you raise the limit to 50 m.p.h. on the Veterans Bridge, motorists will do 50 m.p.h. down Georgia Avenue.

Councilwoman Hurley stated we actually did more (miles) on the Bridge, then thought it was unfair to go five miles more; that it was lowered to be more consistent. Judge Williams stated he will continue to monitor it; that most of the cases are on Barton.

Councilman Lively asked if it would be possible to have the Judge's staff put together an itemized report so the Council can see what surrounding cities are getting for Court costs. Judge Williams indicated the information has been submitted previously, and he will be happy to provide it again.



SPECIAL PRESENTATION: QUARTERLY  
REPORT OF CITY COURT -- JUDGE  
WALTER WILLIAMS (Cont'd.)

Councilman Swafford stated there is still a tremendous problem in his District with people passing in the turning lane on Wilcox Boulevard near the junior high school; that it is a constantly dangerous area and hopes it can be addressed.

Councilman Pierce stated he hates to come from this perspective but has to raise the question; that when we are talking about Court fines, in the report you gave us we profited \$700,000. He stated he does not see the City becoming dependent upon Court costs; that the taxpayers coming before the Court are the ones who can least afford an additional cost as those are the people who are coming to Court. He stated he is not in favor of raising the costs unless Judge Williams can tell him what the real motive is.

Judge Williams stated the total operation of City court is about \$1.8 million and the point is those monies can be used for other things; that we are not coming close to other cities' costs. He stated in Red Bank it is \$50; that we are so far behind the other Courts it is ridiculous; that the only reason we can survive is because of volume, and if you use the Court you should pay for it. He stated why should property tax revenues be used to fund it; that over the last ten years the State has raised its share three times, and the City has never increased it proportionately; that the general fund is being deprived.

Chairman Swafford suggested that the matter be discussed in Legal and Legislative Committee.

Councilwoman Rutherford stated the more a person pays the more cautious they will be about violating the law. Judge Williams stated that has been discussed; that there is no incentive in a person paying off a ticket before Court; that they have discussed creating an incentive to pay tickets off early, but he has not had time to get to it. He stated what he is saying about Court costs is it is unfair; that it is unfair for the State to get more money off the City's Court costs than what the City gets. He stated the City gets \$3.75 out of the \$22 and that is all we get; that \$5 goes for the Police Pension Fund. He stated a total of \$8 is all we get and the rest goes to the State and county. He stated that is ridiculous; that it used to be the city got more money.

Chairman Swafford thanked Judge Williams for his report and reiterated that the matter involving Court costs will be discussed in Legal and Legislative Committee.

**(COUNCILMAN PIERCE EXCUSED HIMSELF FROM THE MEETING AT HIS POINT.)**

MEMPHIS DRIVE STUDY

Councilwoman Hurley stated she would like to make it part of the record that she is requesting the Planning Commission look at a piece of property that parallels Memphis Drive that is zoned M-1. She stated she wants to see about appropriate zoning to see if there is a way in which we can look at zoning that piece of property. She stated this is in response to a number of neighbors who have concerns.

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, approval was granted for the the matter to be referred to Planning.

COMMITTEES

Councilman Hakeem scheduled a meeting of the **Personnel Committee for Tuesday, May 6 at 4 p.m.**

Councilwoman Hurley stated a meeting of the Parks and Recreation Committee was held earlier today regarding the Greenways Advisory Board; that the ordinance will be on next week's agenda; that this is a re-creation of the Greenways Committee.

Councilman Lively scheduled a meeting of the **legal and legislative Committee for Tuesday, May 6 at 5 p.m.**

ADJOURNMENT

On motion of Councilman Hakeem, seconded by Councilwoman Hurley, Chairman Swafford adjourned the meeting until Tuesday, May 6, 1997 at 6 p.m.

  
CLERK OF COUNCIL

  
CHAIRMAN

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