

Municipal Building
Chattanooga, Tennessee
October 21, 1997

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

INVOCATION

Councilman Taylor gave the invocation for the evening.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: RECOGNITION
OF MARSHALL MEMORIAL FELLOWS

Councilman Crockett stated we are honored to have representatives from the Marshall Memorial Fellows Program with us tonight; that the program sends 18 Fellows who travel throughout the United States for a period of four weeks each year; that the Fellows are selected by distinguished panels in each country in Europe. He stated we are honored to have been a regular stop for the Program in the last couple of years, along with other international visitors; that we have learned a lot from their visit and hope they learn a lot from to us. He stated the Program provides a unique opportunity for them to look at a spectrum of political, social economic, cultural and regional issues and to gain firsthand experience of U.S. institutions.

Councilman Crockett introduced each visitor at this point: Dr. Thomas Hajek (Czech Republic); Jim Nowak (Poland); Friederike Sittler (Germany); Sebastiaan Mesters (the Netherlands); Dominique Lagrange (France); and Isabel Ferreira (Portugal).

Isabel Ferreira stated they were brought from Europe through the German Marshall Fund to study American administration. She stated they are very pleased to be in Chattanooga; that Chattanooga is a model city in sustainable development. She stated everyone has been very hospitable to them and many thanks for inviting them tonight.

SPECIAL PRESENTATION: RECOGNITION
OF MARSHALL MEMORIAL FELLOWS
(Cont'd.)

Councilman Crockett presented an Honorary Citizen certificate to the group on behalf of the Mayor and members of the Council.

Chairman Swafford stated Chattanooga is pleased to have the Fellows visit and hope they will enjoy their stay; that it is an honor to have them as Honorary Citizens of Chattanooga.

REZONING

1997-183: City of Chattanooga

On motion of Councilman Lively, 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 ON THE NORTHWEST LINE OF INTERSTATE 75 AT SOUTH CHICKAMAUGA CREEK, FROM R-3 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE passed second reading. On motion of Councilwoman Rutherford, seconded by Councilman Pierce, the ordinance passed third and final reading and was signed in open meeting.

REZONING

1997-188: Oma Lee Reichstein

On motion of Councilman Taylor, seconded by Councilwoman Hurley, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 112 HARTMAN STREET, BEING ON THE SOUTHWEST LINE OF HARTMAN STREET NORTHWEST OF FOREST AVENUE, FROM R-3 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed second reading. On motion of Councilwoman Hurley, seconded by Councilman Taylor, the ordinance passed third and final reading and was signed in open meeting.

REZONING

1997-192: Chattanooga Metropolitan Airport Authority

On motion of Councilman Lively, seconded by Councilman Pierce, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 100 BLOCK OF HONEST STREET, BEING ON THE NORTHWEST LINE OF HONEST STREET NORTHWEST OF LEE HIGHWAY, FROM C-1 HIGHWAY COMMERCIAL ZONE, C-2 CONVENIENCE COMMERCIAL ZONE AND M-1 MANUFACTURING ZONE TO M-2 LIGHT INDUSTRIAL ZONE passed second reading. On motion of Councilwoman Rutherford, seconded by Councilman Taylor, the ordinance passed third and final reading and was signed in open meeting.

REZONING

1997-197: Glasscock Developments

Councilman Lively stated the applicant has requested that this matter be tabled until November 18; that they now have reservations pertaining to the proposed 263 rental units on Runyan and North Runyan Drive which will surround their owner-occupied townhomes. He stated the applicant would like to gather more information on the development to make an informed decision.

On motion of Councilman Lively, seconded by Councilwoman Hurley, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1010 NORTH RUNYAN DRIVE, BEING ON THE SOUTHWEST LINE OF NORTH RUNYAN DRIVE SOUTHEAST OF RUNYAN DRIVE, FROM R-4 SPECIAL ZONE TO R-T1 RESIDENTIAL TOWNHOUSE ZONE, SUBJECT TO CERTAIN CONDITIONS was tabled until November 18 at the request of the applicant.

REZONING

1997-185: James & Brenda Thompson

The applicant was present; there was no opposition.

Councilman Crockett inquired about the conditions for this ordinance.

REZONING (Cont'd.)

Mr. Bennett stated the request is for C-2 and both Staff and Planning Commission approved the request subject to the Hixson Pike Corridor requirements which include approximately six phases of very specific landscaping and streetscape requirements.

Chairman Swafford asked if the applicant had any questions regarding the conditions; the applicant responded "no."

On motion of Councilman Crockett, seconded by Councilman Lively, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 5469 HIXSON PIKE, BEING ON THE NORTHWEST LINE OF HIXSON PIKE SOUTHWEST OF OLD HIXSON PIKE, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

AMEND BUDGET ORDINANCE

Councilman Hakeem stated this item comes with a recommendation from the Budget and Finance Committee; that it is to move the Court Officers into a Pay Grade 13, Step 3 which is in the City's pay plan; that the position will also be subject to review of the study that is being done by the Personnel Department.

At this point Councilman Hakeem made the motion to approve this matter pursuant to Committee discussion to place the Court Officers at Pay Grade 13/Step 3; Councilwoman Hurley seconded the motion.

Councilman Lively stated after looking at this, Pay Grade 13 is primarily for supervisors, technicians, and Lieutenants in the Fire and Police Department. He stated if he recalls correctly Personnel made a recommendation at the start that these positions be in Pay Grade 10, Step 8; that he would like to amend the ordinance to do that.

Councilman Hakeem stated if that is the will of the Council he has no problem; that he believes the reasoning was to keep them from being able to receive overtime, which is why Pay Grade 13 was looked at; that it would also make them exempt. He stated he is open for changes.

AMEND BUDGET ORDINANCE (Cont'd.)

Councilman Pierce stated he has to support Councilman Lively for the Pay Grade 10; that he (Pierce) has to challenge the overtime pay that might become involved in this issue. He stated in looking at Pay Grade 13, it is his thinking that it is too far out of line; that he previously distributed information that reflected City Court Officers being paid on an average more than any other Court Officers in the City as compared with Criminal, Juvenile, and Chancery Courts which pay an average of \$28,000; that our City Court Officers average \$29,000. He stated with the pay study going on it is not going to hurt anyone to wait another four months to see what the study says; that at that point we will select the appropriate pay grade. He stated Councilman Hakeem is the one who made the suggestion for Pay Grade 10; that this will accomplish that and allows five years for step-ups; that he thinks Pay Grade 10 is being liberal rather than going to Pay Grade 13.

Councilman Hakeem asked if everyone agrees that it should be Pay Grade 10, Step 8 or Pay Grade 10, Step 9. Donna Kelley stated it will have to be Pay Grade 10, Step 9. Councilman Hakeem stated the ordinance will be modified to reflect Pay Grade 10, Step 9. City Attorney Nelson stated all that is needed is to put the grade in the ordinance; that Personnel will assign the Step.

At this point Councilman Hakeem made the motion to amend the ordinance to reflect Pay Grade 10/Step 9; Councilwoman Hurley seconded the motion; the motion passed with Councilman Taylor voting "no."

On motion of Councilman Lively, seconded by Councilman Crockett,

AN ORDINANCE TO AMEND ORDINANCE NO. 10589, AS AMENDED, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1997, AND ENDING JUNE 30, 1998, 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 PROVIDE FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES.", SO AS TO PROVIDE FOR CERTAIN CHANGES IN THE "CITY OF CHATTANOOGA CLASSIFICATION SYSTEM" SET OUT IN SECTION 8(d).

passed first reading; Councilman Taylor voted "no."

AMEND CITY CODE: RELATIVE TO
SEWER SERVICE CHARGES AND FEES

Chairman Swafford stated this matter was discussed in last week's Public works Committee and comes with a recommendation for approval; that there is no rise in the rate. Admin. Marcellis confirmed there is no increase to Chattanooga home owners.

Councilman Crockett stated he and Councilmen Lively and Hurley get asked repeated questions about sewer charges in different parts of the City from the Hixson Utility District; that he received questions about this today and wanted to address the matter in open Council meeting. He stated he had Management Analyst Randy Burns research and have a look at the rates for water and sewer; that the sewer charges are the same for obviously everyone in Hamilton County, however, the water rates are significantly different. He stated the water rates in Hixson are significantly different and lower than any place in the County by one-third to some of the rates in the County. He stated when someone looks at their bill they think the sewer bill is way out of line because it is a multiple of that; that we looked at a bill from another water district of the City and the Hixson Utility District and no where on there does it state what the charge is. He stated it is not clear the sewer rate is the same throughout Hamilton County; that he would like to put the matter in Public Works Committee to discuss if we can get that put on the bill so that people may know it is \$3.43 (per 1,000 gallons) whether you live in Hixson or any other place in the City.

Admin. Marcellis stated the Council has authority to set the actual rate to the users for the City, but it does not have the authority to set the rate in the County or other Cities; that we charge those cities and counties a certain rate and they can charge their own users whatever that governing body does.

Councilman Crockett stated that is one issue; that we should discuss at some point what we charge outside of the City for sewer services, reiterating his wanting to have the matter in Committee. Admin. Marcellis stated the matter can be addressed at next week's Public Works Committee.

Councilman Eaves stated he was wondering if we request the Hixson Utility District to charge the same amount on water and lines to our fire plugs as we do the remainder of the City. Admin. Marcellis stated he does not know what type of contract exists about that as it comes through the Fire Department. He stated he does not know what type of rate or quantity they must provide; that he would imagine they would have to have it within 500 feet of each house.

AMEND CITY CODE: RELATIVE TO
SEWER SERVICE CHARGES AND FEES
(Cont'd.)

Councilman Eaves asked if we are charging too much or others too little. Admin. Marcellis stated it is up to their charge; that it does cost more for Tennessee-American to process water out of the River than Hixson does out of the Creek.

Councilman Eaves stated he would like to know they are providing the same amount of water pressure and volume at the plug that the rest of the City has and if not we need to know why.

Chairman Swafford asked that the Fire Chief be asked to be present at the next Public Works Committee meeting. Admin. Marcellis stated he would make contact with Chief Coppinger.

On motion of Councilman Pierce, seconded by Councilman Lively,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER E1, SECTIONS 31-26, 31-41 AND 31-43, RELATIVE
TO SEWER SERVICE CHARGES AND FEES
passed first reading.

AMEND BUDGET ORDINANCE

Councilman Taylor asked if this matter falls within the jurisdiction of Ms. Kelley (Personnel), as well. Councilman Hakeem responded that he thought it falls under Admin. Boney's jurisdiction. Chairman Swafford indicated that it is Admins. Boney and Marcellis.

Councilman Taylor asked for an explanation of Section 3 of the ordinance as to whether we are increasing the salary; that he needed more information regarding the \$450 and \$500 amount.

Admin. Marcellis stated this is for the Operator positions; that (Operator) II substitutes for III and III substitutes for IV. he stated they fill-in for each other when the other is off and at the end of the year we give them the extra bonus; that this has been done for the past two-to-three years.

Councilman Taylor inquired as to whether they have to substitute to receive the additional bonus. Admin. Boney clarified they receive the amount only if they substitute.

AMEND BUDGET ORDINANCE (Cont'd.)

On motion of Councilman Hakeem, seconded by Councilwoman Hurley, AN ORDINANCE TO AMEND ORDINANCE NO. 10589, AS AMENDED, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1997, AND ENDING JUNE 30, 1998, 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 PROVIDE FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES.", SO AS TO PROVIDE FOR CERTAIN CHANGES IN THE PERSONNEL POSITIONS SET OUT IN SECTION 8(C); ADD SECTION 8(A)(7); AND TO SET FORTH THE BUDGET OF THE INTERCEPTOR SEWER SYSTEM passed first reading.

SPECIAL POLICEMAN

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE APPOINTMENT OF RONALD D. MCGEE AS A SPECIAL POLICEMAN FOR THE RIVERPARK, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS was adopted.

SPECIAL POLICEMAN:

On motion of Councilwoman Hurley, seconded by Councilman Pierce, A RESOLUTION AUTHORIZING THE APPOINTMENT OF VERONICA SHIELDS AS A SPECIAL POLICE OFFICER FOR THE CHATTANOOGA CONVENTION AND TRADE CENTER, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS was adopted.

QUITCLAIM DEED

On motion of Councilman Crockett, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED FROM THE CITY OF CHATTANOOGA, TENNESSEE, TO THE CITY OF CHATTANOOGA AND HAMILTON COUNTY, TENNESSEE, RELATIVE TO THE STADIUM PROJECT was adopted.

ACCEPT PROPOSAL: BROWN
CONSTRUCTION COMPANY

On motion of Councilman Lively, seconded by Councilman Pierce,
A RESOLUTION ACCEPTING A PROPOSAL FROM BROWN
CONSTRUCTION COMPANY, RELATIVE TO THE CONSTRUCTION OF
THE STADIUM OF 1000 DREAMS, FOR AN AMOUNT NOT TO EXCEED
NINE HUNDRED THIRTY-TWO THOUSAND DOLLARS (\$932,000.00),
AND AUTHORIZING THE MAYOR TO EXECUTE AN APPROPRIATE
CONTRACT RELATING THERETO

was adopted.

OVERTIME

Overtime for the week ending October 17, 1997 totaled \$20,022.32.

PERSONNEL

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

RALPH E. MEANS, JR. -- Return from Medical Leave of Absence, Laborer
II, Traffic Management, effective October 20, 1997.

HERMAN SLEDGE -- Retirement, Purchasing Technician, Waste Resources,
effective October 30, 1997.

MARCUS TANKERSLEY -- Resignation, Laborer III, Waste Resources,
effective October 10, 1997.

MARIE BLEVINS -- Termination, Scale Operator, Waste Resources,
effective September 25, 1997.

HUMPHREY GAINES -- Family and Medical Leave, Survey Technician,
Engineering, effective October 10, 1997 - January 2, 1998.

CHRISTOPHER L. JOHNSON -- Resignation, Laborer II, City-wide
Services, effective October 10, 1997.

THOMAS C. MONTGOMERY -- Employment, Laborer II, City-wide Services,
Pay Grade 4/Step 1, \$ 15,165.00 annually, effective October 15,
1997.

PURCHASES

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

ADS ENVIRONMENTAL SERVICE (Single source purchase)
Requisition No. R0028705

Purchase of Comprehensive Service Agreement per TCA 6-56-301

\$131,220.00 annually

CROWN TECHNOLOGY (Lower and better bid)
Requisition No. R0005118

Purchase of Twelve-Months Requirements Contract for Alkyd/Maleic Thermoplastic Pavement Material

\$585.00/ton white
\$545.00/ton yellow

REFUNDS

On motion of Councilman Pierce, seconded by Councilwoman Hurley, the Administrator of Finance was authorized to issue the following refunds:

HYDRO-VAC SERVICES, INC. -- Industrial user surcharge, Overpayment,
\$2,294.75

ADM MILLING CO. -- Industrial user surcharge, Overpayment,
\$14,259.07

ROADTEC, INC. -- Industrial user surcharge, Overpayment, \$1,104.40

PERSONNEL

The following personnel matters were reported for the Finance Department (Treasurer's Office):

NETIA A. REEL -- New Hire, Revenue Data Spec./Clerk IV, Pay Grade 6/ Step 1, \$17,201.00 annually, effective October 24, 1997.

PERSONNEL

The following personnel matter was reported for the Department of Finance (Information Services):

KAREN L. TURNER -- Medical Leave, Programmer I, effective October 27, 1997 - February 27, 1998.

BOARD APPOINTMENT

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

STADIUM CORPORATION BOARD:

---Appointment of (Mrs.) RICKIE PIERCE to fill a four year term ending October 21, 2001.

PURCHASE

On motion of Councilman Lively, seconded by Councilwoman Hurley, the following purchase was approved for the Department of Equal Employment Opportunity and Fair Housing:

ELEVATOR MAINTENANCE & REPAIR CO., INC. (Lower and better bid)
Requisition No. R0005013

Purchase of Contract to bring Elevator up to ADA Standards

\$68,500.00 (base bid)
4,000.00 (alternate)
\$72,500.00 TOTAL

HEARING

City Attorney Nelson stated a request for a hearing was received from Nathaniel and Deborah Jones to appeal the decision of the Better Housing Commission regarding property located at 908 South Kelley Street. A hearing for the Joneses was scheduled for Tuesday, November 4 immediately following the Council meeting; it was indicated the panel hearing the case will be comprised of the entire Council.

RESULTS OF HEARING: OFCR. TETZEL
TILLERY

Councilman Pierce stated a hearing was held for Officer Tillery last night; that he, Councilman Hakeem and Councilwoman Hurley served on the panel hearing the case. He stated Ofcr. Tillery had received a three day suspension without pay; that after hearing information gathered for the hearing it was decided the City was justified in the time given and the panel upheld the City's position.

COMMITTEES

Councilman Crockett scheduled a meeting of the **Economic Development Committee for Tuesday, October 28 at 5 p.m.** He asked that the meeting be held jointly with the Budget and Finance Committee.

Councilman Hakeem stated the Budget and Finance Committee met earlier and had a discussion regarding the City's Financial Analyst; that it was unanimously agreed that Public Financial Management out of Memphis be employed as our financial advisor for the coming three years; that the matter will be on the agenda next week. He reminded Council members of the **Budget and Finance Committee for Tuesday, November 4 beginning at 4 p.m. and continuing through 5 p.m.**

Councilman Lively scheduled a meeting of the **Legal and Legislative Committee for Monday, November 10** regarding a matter mentioned to him by Judge Williams.

STUDENTS FROM LOOKOUT VALLEY HIGH

Councilman Lively recognized the presence of students from Lookout Valley High School who were present furthering their education and knowledge of government.

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, October 28, 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)