

Municipal Building
Chattanooga, Tennessee
April 7, 1998

The meeting of the Chattanooga Council was called to order by Chairman Swafford with Councilmen Crockett, Eaves, Hurley, Lively, Pierce, Rutherford and Taylor present; Councilman Hakeem was out of the country representing the City in Wuxi, China. Assistant City Attorney Mike McMahan, Management Analyst Randy Burns and Council Clerk Carol O'Neal were also present.

INVOCATION

Randy Burns gave the invocation for the evening.

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: "COMMUNITY
DEVELOPMENT WEEK" PROCLAMATION

Jerrold White read a proclamation from Mayor Kinsey designating April 6-12 as "Community Development Week".

Admin. Traughber expressed thanks to the Council for their support and allocations over the last several years on behalf of the Community Development staff and Advisory Committee. He stated the quality of people who have been recommended to serve on the Committee have been good, dedicated and supportive individuals who have attended long meetings and have been critical on issues when there is a need for them to be critical. He stated some cities have had difficulty in allocating funds, but we have had much broader support and commitment. He again expressed thanks on behalf of the Community Development staff and Advisory Committee.

Chairman Swafford stated many have benefited from the Community Development funds; that it is evident that the members serving on the Committee serve well and expressed appreciation to the staff and Advisory Committee.

AMEND CONDITIONS

1998-050: Fidelity Trust Company

On motion of Councilman Eaves, seconded by Councilman Crockett,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, KNOWN AS THE
ZONING ORDINANCE, SO AS TO AMEND CERTAIN CONDITIONS
IMPOSED IN ORDINANCE NO. 10539 ON PROPERTY LOCATED AT
1834 AND 1836 GUNBARREL ROAD, BEING PROPERTY DESCRIBED
IN DEED BOOK 4713, PAGE 936, ROHC, SUBJECT TO CERTAIN
CONDITIONS

passed second reading. On motion of Councilwoman Rutherford,
seconded by Councilwoman Hurley, the ordinance passed third and
final reading and was signed in open meeting.

AMEND BUDGET ORDINANCE

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
AN ORDINANCE TO AMEND ORDINANCE NO. 10580, 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 PERSONNEL SET OUT IN
SECTION 8(c)

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.

AMEND CITY CODE: ADOPT NFPA FIRE
PREVENTION CODE

On motion of Councilman Lively, seconded by Councilwoman Rutherford,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
SECTION 17-1 TO ADOPT NFPA FIRE PREVENTION CODE, 1997
EDITION, INCLUDING THE 1997 NFPA 101 LIFE SAFETY CODE
AS THE OFFICIAL FIRE CODES OF THE CITY OF CHATTANOOGA
passed first reading.

AMEND CITY CODE: OVERTIME PAY

Councilwoman Rutherford and Councilman Crockett made the initial motion to approve this request.

Councilman Pierce asked if this matter has been discussed in committee. Councilman Lively explained that this ordinance is to allow the Resource Officers in the Schools to take time off during the summer; that they do not accrue overtime in the winter when they work the ball games.

Councilman Eaves also asked if the matter was taken up in committee; that the previous ordinance was discussed in Public Works Committee but this one was not discussed.

Chairman Swafford stated he would personally like to know what this ordinance involves; that this is not to say he is opposed but he had a couple of calls about this and is not familiar with it. Chief Gloster indicated his non-familiarity with the matter, as well.

Councilman Pierce stated the matter should be tabled for the next two weeks; that he plans to schedule a Safety Committee and the matter can be discussed at that time.

On motion of Councilman Pierce, seconded by Councilman Eaves,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
SECTION 2-152(H), RELATIVE TO OVERTIME PAY FOR CERTAIN
CITY EMPLOYEES ENGAGED IN LAW ENFORCEMENT ACTIVITIES
was tabled two weeks for discussion in Committee.

ACQUISITION OF PROPERTIES

Admin. Traughber stated this is a continuation of purchase of properties for ICDC; that the source of funds are the Community Development Block Grant funds that were allocated last year. He stated the properties that are being acquired fall under the Federal Acquisition Act including the appraisal. He stated the City will be holding the property for ICDC not more than two years and if it is not used within that time they will have to turn the properties over to CNE or Habitat for Humanity. He stated ICDC has plans for the properties sometime this year.

On motion of Councilman Lively, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTIES,
MORE PARTICULARLY DESCRIBED HEREIN, FOR THE INNER CITY
DEVELOPMENT CORPORATION
was adopted.

AGREEMENT: BETTS ENGINEERING
ASSOCIATES, INC.

Councilman Eaves stated this mater was discussed in Public Works Committee and comes with the Committee's recommendation for approval.

On motion of Councilman Eaves, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH BETTS ENGINEERING ASSOCIATES, INC., RELATIVE TO TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) PROJECT NO. 33005-2154-44, MORE PARTICULARLY DESCRIBED HEREIN, FOR A FEE NOT TO EXCEED NINETY-SIX THOUSAND, THREE HUNDRED EIGHTY AND 88/100 DOLLARS (\$96,380.88), WHICH AMOUNT IS TO BE REIMBURSED BY TDOT
was adopted.

CHANGE ORDER

Councilman Eaves stated this matter and the remaining public works Resolutions were discussed in Public Works Committee and comes with the Committee's recommendations for approval.

On motion of Councilwoman Hurley, seconded by Councilman Eaves,
A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 3, CONTRACT NO. RW-7-96, WIDENING OF GUNBARREL ROAD NORTH, WITH EAST TENNESSEE GRADING, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY SIX THOUSAND, FIFTY-TWO AND 62/100 DOLLARS (\$6,052.62), FOR A REVISED CONTRACT AMOUNT OF FOUR HUNDRED FORTY-NINE THOUSAND, TWO HUNDRED SEVENTY-SIX AND 47/100 DOLLARS (\$449,276.47)
was adopted.

AGREEMENT AMENDMENT: CONSOLIDATED
TECHNOLOGIES, INC.

On motion of Councilman Eaves, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 5 TO THE ENGINEERING AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC. AND PIEDMONT OLSEN HENSLEY, A JOINT VENTURE, RELATIVE TO THE MOCCASIN BEND WASTEWATER TREATMENT PLANT EXPANSION, FOR AN AMOUNT NOT TO EXCEED ONE MILLION, FIVE HUNDRED FIFTEEN THOUSAND, FIVE HUNDRED SEVENTY DOLLARS (\$1,515,570.00)
was adopted.

TEMPORARY USE: ROTHWELL
ENTERPRISES

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING ROTHWELL ENTERPRISES TO USE
TEMPORARILY THE SIDEWALK AT 800 CHERRY STREET FOR THE
CONSTRUCTION OF A CANOPY OVER THE MAIN ENTRANCE TO 800
TOWN CENTER BUILDING, MORE PARTICULARLY DESCRIBED
HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

ELECTRIC POWER BOARD APPOINTMENTS

Chairman Swafford stated representatives of the Electric Power Board
are present.

Atty. Carlos Smith, Counsel for the Electric Power Board,
introduced Harold DePriest, President and CEO of the Electric Power
Board. He expressed appreciation for the Council's consideration of
this request.

On motion of Councilwoman Rutherford, seconded by Councilwoman
Hurley,

A RESOLUTION CONFIRMING AND APPROVING THE APPOINTMENT
OF DR. LINDA PICKTHORNE FLETCHER AS A MEMBER OF THE
ELECTRIC POWER BOARD OF CHATTANOOGA AND JAMES "JIMMIE"
WILLIAMS AS CHAIRMAN OF THE ELECTRIC POWER BOARD OF
CHATTANOOGA

was adopted.

RESOLUTION OF SUPPORT

Councilwoman Hurley stated she hopes the Council will join her in
thanking the former Chairman, James Robinson, for his years of
distinguished service. She stated she would like to have this put
in the form of a Resolution for next week's agenda.

On motion of Councilwoman Hurley, seconded by Councilman Crockett,
the City Attorney was authorized to draw up a Resolution thanking
James Robinson for his service as Chairman of the Electric Power
Board; the motion passed.

AMENDED OPTION AGREEMENT: CITY OF
CHATTANOOGA AND ELECTRIC POWER
BOARD

Councilwoman Hurley stated it is her information that the Council
has been asked to hold this; that Ken Hays says they are not "ready
to move" on this issue.

AMENDED OPTION AGREEMENT: CITY OF
CHATTANOOGA AND ELECTRIC POWER
BOARD (Cont'd.)

On motion of Councilwoman Hurley, seconded by Councilman Crockett,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AND
EXECUTE AN AMENDED OPTION AGREEMENT BETWEEN THE CITY OF
CHATTANOOGA AND THE ELECTRIC POWER BOARD OF
CHATTANOOGA, TO EXERCISE INCREMENT ONE OF THE OPTION;
TO CONVEY A PORTION OF THE PROPERTY OBTAINED FROM THE
OPTION EXERCISE TO MR. ZIP, INC.

was tabled one week.

MIKE GRIFFIN

Councilwoman Rutherford stated Mike Griffin is coming off the
Carter Street Board and has put in many years of hard work. She
publicly expressed thanks to Mr. Griffin for his service.

OVERTIME

Overtime for the week ending April 3, 1998 totaled \$13,121.90.

PURCHASES

On motion of Councilman Lively, seconded by Councilman Crockett the
following purchases were approved for use by the Parks and
Recreation Department:

VIKING EQUIPMENT COMPANY (Lower and better bid)
Requisition No. R0032478

Purchase of Two (2) Utility Vehicles @ \$5,999.00 each.

\$11,998.00

PHALTLESS, INC. (Lower and better bid)
Requisition No. R0030967

Purchase of Construction of New Tennis Courts for Riverview Park

\$36,216.00

PERSONNEL

The following personnel matter was reported for the General Services Department:

DEBRA D. SHROPSHIRE -- New Hire, Purchasing Technician, Pay Grade 6/Step 2, \$17,739.00 annually, effective March 27, 1998.

PERSONNEL

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

JOSHUA D. PARRISH Suspension (two days without pay), Laborer II, City-wide Services, effective March 31 - April 1, 1998.

CLAYTON COOK -- Dismissal, Sanitation Worker I, City-wide Services, effective March 24, 1998.

JAMES E. MARTIN -- Employment, Building Inspector I, Inspection, Pay Grade 11/Step 1, \$23,269.00 annually, effective April 13, 1998.

PERSONNEL

The following personnel matter was reported for the Fire Department:

DAVID L. HAMLER -- Retirement, Private, effective April 2, 1998.

Chief Coppinger indicated Mr. Hamler served 19 loyal years and his retirement is due to disability; that his injury was sustained while on the job.

PERSONNEL

The following personnel matters were reported for the Police Department:

JAMES LEWIS, JR. -- Hire, School Patrol Officer, \$20.6758 daily rate, effective April 1, 1998.

DIANE HOLLAND -- Hire, Clerk II, Pay Grade 4/Step 1, \$15,165.00 annually, effective April 13, 1998.

DEBORAH POOLE -- Hire, Clerk II, Pay Grade 4/Step 1, \$15,165.00 annually, effective April 13, 1998.

DEBORAH WHEELER -- Hire, Clerk II, Pay Grade 4/Step 1, \$15,165.00 annually, effective April 13, 1998.

REFUND

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the Administrator of Finance was authorized to issue the following refund for property tax:

DELONG SPORTSWEAR -- Bill/Map No. Per1014064, Paid in error, \$1,191.78

BOARD APPOINTMENTS

On motion of Councilman Lively, seconded by Councilwoman Hurley, the following board appointments were approved:

MEMORIAL AUDITORIUM/TIVOLI THEATRE BOARD:

--District 1, **Tracy Knauss**; District 2, **Joy Walker**; District 3, **Gary McDougal**; District 4, **U.S. Myers**; District 5, **Booker T. Scruggs, II**; District 6, **Connie Weathers**; District 7, **Lisa G. Cook**; District 8, **John Edwards**; District 9, **Willie McClendon**; Mayoral Appointments: **Sherrie G. Ward and Carolyn Hickman** -- All for three-year terms ending April 15, 2001.

CARTER STREET BOARD:

--**Maura Phillips** for a four-year term ending April 15, 2002.

BOARD OF SIGN APPEALS:

--**Bradley Allen**: Appointed to fill an unexpired term (of District 4 representative, Tom Stegar) ending July 1, 1999.

HEARING: CARLTON PARKS

Assistant City Attorney McMahan stated he has been in contact with Chief Dotson and Atty. Berke, Counsel for Carlton Parks; that criminal charges are still pending against Mr. Parks, and it was agreed a hearing date will not be scheduled until there is resolution of the pending charges. He stated Atty. Berke will notify the City Attorney's office when they are ready to put the case before the Council.

SPEED RAIL

Councilman Crockett stated he, Councilman Hakeem, Mayor Kinsey, County Executive Ramsey, the Chairman of the County Commission and others went to Washington last week to lobby for the speed rail. He expressed thanks to Congressman Wamp for doing a great job and thanked Nathan Deal and Max Cleland for their support.

DR. GRACE HEWELL

Dr. Grace Hewell stated she presented a certificate to the Council at the end of the Women's Conference in September, 1996 and felt it was never too late to let Councilman Crockett know how much she appreciates his cooperation and efforts. She stated Councilman Crockett was absent when the certificate was presented to the Council and felt it was never too late to say thank you to anyone. She presented Councilman Crockett with a pocket-sized flashlight as a token of appreciation for all the wonderful things he does.

Councilman Crockett expressed thanks to Dr. Hewell for the flashlight and the kind remarks.

COMMITTEES

Councilman Pierce scheduled a meeting of the **Safety Committee for Tuesday, April 14 at 5 p.m.** to discuss the proposed seat belt ordinance and the ordinance on tonight's agenda regarding overtime pay for certain City employees engaged in law enforcement activities.

Councilman Lively scheduled a meeting of the **Legal and Legislative Committee for Tuesday, April 14 at 4:30 p.m.**

Councilwoman Hurley scheduled a meeting of the **Parks and Recreation Committee for Tuesday, April 14 at 4 p.m.**

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, April 14, 1998 at 6 p.m.


CHAIRMAN


CLERK OF COUNCIL

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