

Municipal Building
Chattanooga, Tennessee
June 30, 1998

The meeting of the Chattanooga City Council was called to order by Chairman Crockett, with Councilmen Eaves, Hakeem, Hurley, Lively, Pierce, Rutherford, and Taylor present. Councilman Swafford was absent due to a prior commitment. City Attorney Randall Nelson, Management Analyst Randy Burns, and Assistant Council Clerk Shirley Crownover were also present.

INVOCATION

Councilwoman Hurley delivered 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.

AMEND ZONING ORDINANCE
NORTH SHORE ZONE

On motion of Councilwoman Hurley, seconded by Councilman Taylor,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958,
AS AMENDED, KNOWN AS THE ZONING ORDINANCE,
SO AS TO AMEND ARTICLE V, TO ADD A NEW ZONE
ENTITLED C-7 (NORTH SHORE COMMERCIAL/MIXED-USE
ZONE) AND TO TAKE FURTHER ACTIONS ESTABLISHING
SUCH ZONE

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.

BUDGET ORDINANCE (FY 98-99)

Councilwoman Rutherford inquired if this was being amended. **On motion of Councilman Lively, seconded by Councilwoman Hurley,**

AN ORDINANCE, HEREINAFTER ALSO KNOWN AS "THE FY 98/99 BUDGET ORDINANCE", TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1998, AND ENDING JUNE 30, 1999, 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

was substituted. On motion of Councilman Lively seconded by Councilman Taylor, the ordinance passed second reading. On motion of Councilman Taylor, seconded by Councilman Pierce, the ordinance passed third and final reading and was signed in open meeting.

AMEND CITY CODE
OVERTIME PAY FOR LAW ENFORCEMENT

Councilman Lively asked if sergeants and lieutenants were salaried or hourly paid employees. Councilwoman Hurley stated this was discussed when this came before the Safety Committee. **No one was present from the Police Dept. to answer this question, and on motion of Councilman Pierce, seconded by Councilman Taylor, this was tabled.** Deputy Chief Larry Lyda joined the meeting and Councilman Lively again asked his question. Mr. Lyda responded that they were non-exempt and non-salaried.

On motion of Councilman Lively, seconded by Councilwoman Rutherford, 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 passed first reading.

SPECIAL POLICE APPOINTMENT

On motion of Councilwoman Rutherford, seconded by Councilman Taylor, A RESOLUTION AUTHORIZING THE APPOINTMENT OF MICHAEL D. HOUSTON AS A SPECIAL POLICE OFFICER FOR THE RIVERPARK, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS was adopted.

(Councilman Taylor noted that the next eleven resolutions came before the Public Works Committee and come with a recommendation for approval.)

AGREEMENT AMENDMENT (COMQUEST, LLC)

On motion of Councilman Pierce, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO ENTER INTO AN AMENDMENT TO THE AGREEMENT WITH COMQUEST, LLC, FOR ADDITIONAL GEOTECHNICAL AND ENVIRONMENTAL SERVICES RELATIVE TO THE WEST 9TH STREET COMBINED SEWER OVERFLOW CONTROL FACILITY, FOR A FEE NOT TO EXCEED EIGHTEEN THOUSAND, FIVE HUNDRED DOLLARS (\$18,500.00) was adopted.

CONTRACT (CASH CONSTRUCTION CO.)

On motion of Councilman Pierce, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. CSO-5a-98, MABEL STREET TO CITICO CSO INTERCEPTOR SEWER, TO CASH CONSTRUCTION COMPANY, FOR THEIR LOW BID IN THE AMOUNT OF FOUR HUNDRED SEVENTY-SEVEN THOUSAND, EIGHT HUNDRED SIXTY-FIVE AND 92/100 DOLLARS (\$477,865.92) was adopted.

CONTRACT CHANGE ORDER (HYCOR CORP.)

On motion of Councilman Lively, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, CONTRACT NO. 28F (EP2), INFLUENT RELIEF PUMP STATION EQUIPMENT PROCUREMENT - SCREENS, WITH HYCOR CORPORATION, WHICH CHANGE ORDER INCREASES THE CONTRACT TIME BY ONE HUNDRED FORTY (140) DAYS was adopted.

PAYMENT AUTHORIZATION (BETTS ENG.)

On motion of Councilwoman Rutherford, seconded by Councilman Taylor, A RESOLUTION AUTHORIZING PAYMENT TO BETTS ENGINEERING ASSOCIATED, INC. IN THE AMOUNT OF SEVENTY-TWO THOUSAND, ONE HUNDRED TWENTY-FIVE AND 92/100 DOLLARS (\$72,125.92) FOR A FINAL RECONCILIATION OF FEES RELATIVE TO THE DESIGN AND CONSTRUCTION MANAGEMENT SERVICES OF SEWER CONTRACT NOS. 72, 69B, 72A AND 69B-1, HIXSON COLLECTION SYSTEM IV was adopted.

ROW PURCHASE (KAYO OIL CO.)

On motion of Councilman Taylor, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM KAYO OIL COMPANY, RELATIVE TO SHALLOWFORD ROAD AND HICKORY VALLEY ROAD PROJECT, TRACT NO. 3, FOR A CONSIDERATION OF ONE THOUSAND DOLLARS (\$1,000.00) was adopted.

ROW PURCHASE (MCMAHAN AND PARK)

On motion of Councilman Lively, seconded by Councilman Taylor, A RESOLUTION AUTHORIZING THE PURCHASE OF RIGHTS-OF-WAY FROM MABEL C. McMAHAN AND PATRICIA C. PARK, MORE PARTICULARLY DESCRIBED HEREIN, RELATIVE TO TRAFFIC LIGHT POLES LOCATIONS AT THE INTERSECTION OF HICKORY VALLEY ROAD AND SHALLOWFORD ROAD, TRACT NO. 4, FOR A TOTAL CONSIDERATION OF FIVE THOUSAND, SEVEN HUNDRED DOLLARS (\$5,700.00) was adopted.

SEWER EASEMENT PURCHASE (MORRIS)

On motion of Councilman Taylor, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM ANDREW J. MORRIS AND STACEY B. MORRIS, RELATIVE TO CONTRACT NO. 99C, MISCELLANEOUS SANITARY SEWERS REQUIREMENTS CONTRACT, TRACT NO. 4, FOR A CONSIDERATION OF NINE HUNDRED TEN DOLLARS (\$910.00) was adopted.

SEWER EASEMENT PURCHASE (ROBINSON)

On motion of Councilwoman Hurley, seconded by Councilman Pierce, A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM FRANCIS M. ROBINSON AND NEIL P. ROBINSON, RELATIVE TO CONTRACT NO. 99C, MISCELLANEOUS SANITARY SEWERS REQUIREMENTS CONTRACT, TRACT NO. 8, FOR A CONSIDERATION OF ONE HUNDRED DOLLARS (\$100.00) was adopted.

PAYMENT AUTHORIZATION (EPB)

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING PAYMENT TO ELECTRIC POWER
BOARD OF CHATTANOOGA IN THE AMOUNT OF FIFTEEN THOUSAND
DOLLARS (\$15,000.00) FOR MOVING A TRANSFORMER AT EAST
BRAINERD ROAD, DAVE L. BROWN ROAD AND VANCE ROAD
was adopted.

TEMPORARY USAGE (SIDEWALK)

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING MARC'S QUIK STOP TO USE
TEMPORARILY THE SIDEWALK AT 804 SOUTH BROAD STREET
FOR PLACING THREE (3) TABLES AND SIX (6) CHAIRS
THEREON, SUBJECT TO CERTAIN CONDITIONS
was adopted.

TEMPORARY USAGE (ROW)

On motion of Councilman Lively, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING NORTH RIVER CHRISTIAN CHURCH
TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT 1675
SHELBY CIRCLE FOR LOCATING A BRICK SIGN ON A CONCRETE
FOUNDATION, SUBJECT TO CERTAIN CONDITIONS
was adopted.

GRANT APPLICATION AND APPROVAL

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT APPLICATION
FOR AND, IF SELECTED FOR APPROVAL, ACCEPT A GRANT IN THE
AMOUNT OF TWO THOUSAND, THREE HUNDRED FORTY DOLLARS
(\$2,340.00) FROM THE TENNESSEE DIVISION OF FORESTRY,
RELATIVE TO THE URBAN AND COMMUNITY GRANT ASSISTANCE
PROGRAM
was adopted.

AGREEMENT (FAIN PENNINGTON)

Councilman Hakeem stated he would like a clarification of the consulting services. Deputy Chief Larry Lyda explained that these services were for the supervision of a Fingerprint Program; that Mr. Pennington was one of six in the state that is certified in this, and it would save us money. He stated this was a good deal, and Mr. Pennington was one of the best in the State.

On motion of Councilwoman Rutherford, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO ENTER
INTO AN AGREEMENT WITH FAIN PENNINGTON FOR CONSULTING
SERVICES TO THE CHATTANOOGA POLICE DEPARTMENT
was adopted.

SERVICES, MAINT. & SUPPLY AGREEMENT

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO ENTER
INTO A SERVICES, MAINTENANCE AND SUPPLY AGREEMENT WITH
THE HAMILTON COUNTY 911 EMERGENCY COMMUNICATIONS SUB-
STANTIALLY IN THE FORM ATTACHED HERETO
was adopted.

OVERTIME

Overtime for the week ending June 26, 1998, totaled \$21,728.78.

PERSONNEL

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

MARCUS FREEMAN -- Hire as Laborer II, Pay Grade 4/01, \$15,165.00 annually, effective 6/30/98.

JAMES MARLER -- Hire as Laborer II, Pay Grade 4/01, \$15,165.00 annually, effective 7/1/98.

JEFFREY D. WEAVER -- Hire as Laborer III, Pay Grade 5/01, \$16,151.00 annually, effective 7/1/98.

MARK A. BIRCHFIELD -- Resignation as Laborer III, Pay Grade 5/04, \$17,664.00 annually, effective 7/7/98.

PERSONNEL

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

HERANA ROBINSON, SR. -- Employment as Sanitation Worker I/Alternate Laborer I, Pay Grade 3/1, \$14,307.00 annually, effective 6/24/98.

JACK T. NATION -- Employment as Laborer II, Pay Grade 4/1, \$15,165.00 annually, effective 6/24/98.

KELVIN L. MCGHEE -- Employment as Laborer I, Street Cleaning, Pay Grade 2/1, \$13,497.00 annually, effective 6/24/98.

DAVID L. LANKFORD -- Employment as Laborer II, Sewer Construction Section, Pay Grade 4/1, \$15,165.00 annually, effective 6/24/98.

MANUEL D. LEWIS -- Employment as Sanitation Worker II in Garbage Collection, Pay Grade 5/1, \$16,151.00 annually, effective 6/25/98.

JAMES L. BRANDON -- Employment as Laborer II in Street Maintenance, Pay Grade 4/1, \$15,165.00 annually, effective 6/24/98.

STEPHEN GRAVES -- Resignation of Concrete Worker in Sewer Maintenance, effective 6/12/98.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley, the following purchase was approved for use by the Public Works Dept.:

TENNESSEE TRUCKS INC. (Lower and better bid)
Requisition No. 0034660

Four (4) Recycle Trucks

\$174,652.84 (each)
\$698,611.36 (total)

PERSONNEL

The following personnel matter was reported for the Fire Dept.:

JOHN T. TOWNSEND -- Suspension, Two days without pay, effective July 7-8, 1998.

PURCHASE

Chief Coppinger explained that this purchase was for a Quint Fire Apparatus which was very unique; that it had a large pump capacity of 1,500 gallons and a 75' aerial ladder and served a dual purpose. Councilman Pierce asked how many times in the last few years we had needed this many gallons. Chief Coppinger explained that we needed to purchase this to improve our fire insurance rating from Class 3 to Class 2. Councilwoman Rutherford asked if this equipment would have made any difference in the East Brainerd Rd. fire Sunday, and Chief Coppinger responded that it would not have. Councilwoman Hurley asked about the condition of the firemen that were injured. Chief Coppinger responded that they were doing well and thanked Councilwoman Hurley for asking. Chief Coppinger stated that this was not the low bid -- that there were 37 items that they took issue with on the low bid.

On motion of Councilman Hakeem, seconded by Councilwoman Hurley, the following purchase was approved for use by the Fire Dept.:

CENTRAL STATES FIRE APPARATUS (Best bid meeting City Specs.)
Bid No. B0000144

Quint Fire Apparatus

\$394,764.00

HOTEL PERMITS

On motion of Councilwoman Hurley, seconded by Councilman Lively, the following Hotel Permits were approved:

MAIN STAY SUITES -- 7030 Amin Drive

HAMPTON INN -- 1920 Hamill Rd.

PERSONNEL

The following personnel matter was reported for the Police Dept.:

FAIN PENNINGTON -- Retirement of Detective, effective 7/02/98.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley, the following purchase was approved for use by the Finance Dept.

RUPPRECHT AND PATASHNICK (Single Source Purchase)
Requisition No. R0001247

Partisol-Plus Sequential Sampler for Air Pollution Control Board

\$42,374.20

Kathy Jones of Air Pollution was present to answer any questions the Council might have. She stated they had to purchase this equipment because of new standards required; that this was a whole new sampling apparatus and is different from what we have now; that the funding would come from EPA.

PROPERTY TAX REFUND

On motion of Councilman Lively, seconded by Councilwoman Hurley, the City Finance Director was authorized to make the following tax refund:

HASADACA JOINT VENTURE LP -- Bill #24469 -- E&R Change -- \$7,750.51.

COMMITTEES

Councilman Taylor reminded the Council of the **Public Works Committee** meeting to be held **Tuesday, July 14, 1998 at 4:00 P.M.**

RAIL TRANSPORTATION STUDY MEETING

Chairman Crockett noted that representatives from Atlanta Metro and Chattanooga Metro (as far up as Bradley County) met last Friday. He stated that Councilwoman Rutherford attended the meeting and that he attended. He stated that the Steering Committee would be jointly approved by the Mayor and Atlanta and after they have reached some conclusions they will meet in August to explain the scope of the Feasibility Study and in mid-September there will be a meeting in Georgia. Chairman Crockett stated that lots of people were participating.

Councilwoman Rutherford added that this was one of the most interesting meetings she had attended and thanked Chairman Crockett for having the meeting in Chattanooga and hoped that there would be future meetings here.

LAURA CARTER

Laura Carter addressed the Council, stating that she was the candidate for the Tennessee Senate in District 10. She stated that the Council was doing a great job, but a political race was being run, and she felt that the City Council was interfering; that they were eligible, elected candidates, and she wanted the Council to know that.

Chairman Crockett explained that the Council does not typically allow political candidates to use this as a forum; however, he stated, Ms. Carter's comments might be appropriate but asked that she keep in mind that this is not a political forum.

DR. GRACE HEWELL

Dr. Grace Hewell addressed the Council with a "Good Afternoon" and an acknowledgment of the special privilege it was to be with the Council. She stated that she had sad and mixed feelings tonight; that she knew the Council was keenly interested in our efforts to promote Sustainable Development and equity and fairness. She stated that the Council had worked well with her and other people. She stated that she was saddened because she had been burglarized, and she did not seem able to get any information and wondered if the City had heard of the citizens' right to know; that she had been trying to reach the Chief of Police and might have to appeal to the community to help her find her things.

Dr. Hewell stated that she went to the National Literacy Institute meeting in Oakland, and she wanted to keep the Council up to date on what is happening; that the Council had made it possible for her to go. She stated that she was saddened that she had not read anything about the U.S. Educational Dept.'s participation, but she was pleased to bring to the Council a Report that had been 5-6 years in the making on the levels of literacy in the United States; that we have a poor record in Tennessee and the Southern states, but she did not feel that the formula was equitable and fair to us; that the President had tried to reduce literacy; that Congress had asked that this survey be done and the United States Educational Dept. had worked with the National Literacy Institute, and this was their report. She stated that she had brought figures for the Council, and if the members did not want these reports, she would appreciate if they would give them back to her; that she was carrying out the purpose of the Women's Conference, and the Council had felt that it was important that she do this. She stated she would end by saying that what she was talking about was Adult Education, and she hoped the Council would direct their attention to its improvement.

DR. GRACE HEWELL (CONT'D.)


Dr. Hewell stated she had brought enough reports for everyone, and if she did not have enough reports, the Council had the resources to reproduce them. She added that her Sorority gave her transportation to Oakland, and she thanked the Council and the Mayor for the materials they had given her on Community Development and the Environment.

Chairman Crockett expressed his appreciation for Dr. Hewell's message back from the Conference and stated the proper people would look into her burglary. He thanked her for coming.

Councilman Taylor stated that we were glad to have Dr. Hewell back in town.

ADJOURNMENT

Chairman Crockett adjourned the meeting until Tuesday, July 7th, 1998, at 6:00 P.M.


Vice CHAIRMAN


CLERK OF COUNCIL

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