

Municipal Building
Chattanooga, Tennessee
August 4, 1998

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

CLOSE AND ABANDON

1998-029: Norman Glomski

On motion of Councilman Lively, seconded by Councilwoman Hurley,
AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED
NORTHEAST FROM BACHMAN STREET, SOUTHEAST OF BELLE ARBOR
AVENUE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN
ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE

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

AMEND BUDGET ORDINANCE

On motion of Councilman Swafford, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 10718, ENTITLED "AN 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 PROVIDE FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES.", SO AS TO PROVIDE FOR CERTAIN CHANGES IN GENERAL FUND ESTIMATED REVENUE; TO PROVIDE FOR CERTAIN CHANGES IN APPROPRIATIONS SET OUT IN SECTION 5, TO PROVIDE FOR CERTAIN CHANGES IN SPECIAL REVENUE FUNDS SET OUT IN SECTION 6, AND TO PROVIDE FOR CERTAIN CHANGES IN PERSONNEL SET OUT IN SECTION 7(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 ZONING ORDINANCE: BOARD OF APPEALS, VARIANCES, SPECIAL PERMITS

Chairman Crockett declared a public hearing in process for persons wanting to address the Council "for" or "against" this Ordinance; there being none, the hearing was duly closed.

On motion of Councilman Swafford, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, BY AMENDING ARTICLE VIII, SECTION 100, RELATIVE TO THE BOARD OF APPEALS FOR VARIANCES AND SPECIAL PERMITS

passed first reading.

CLOSE AND ABANDON

1998-076: Olivet Missionary Baptist Church

The applicant was not present; there was no opposition.

CLOSE AND ABANDON (Cont'd.)

Councilman Pierce stated he was contacted by various members of Olivet this afternoon who asked if it was necessary for them to be present. He recommended passage on first reading unless there are questions from the Council.

Councilman Taylor stated this Closure and the next one were discussed in Public Works Committee last week and comes to the Council with the Committee's recommendation for approval.

On motion of Councilman Eaves, seconded by Councilman Lively,
AN ORDINANCE CLOSING AND ABANDONING A PORTION OF WALL
STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN
ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE
passed first reading.

CLOSE AND ABANDON

1998-091: First Calvary Baptist Church

The applicant was not present; there was no opposition.

Councilman Taylor stated the Minister of First Calvary called him to make him aware he would not be able to be present.

On motion of Councilman Taylor, seconded by Councilman Swafford,
AN ORDINANCE CLOSING AND ABANDONING AN ALLEY SOUTHWEST
FROM ZIEGLER STREET BETWEEN HARPER STREET AND MAY
STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN
ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE
passed first reading.

CLOSE AND ABANDON

1998-102: Environmental Transportation Services

Marty Stone of Environmental Transportation Services was present representing the applicant; there was no opposition.

CLOSE AND ABANDON (Cont'd.)

On motion of Councilman Swafford, seconded by Councilwoman Rutherford,

AN ORDINANCE CLOSING AND ABANDONING SHIPP LANE
SOUTHWEST FROM EAST 28TH STREET, SOUTHEAST OF MARKET
STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN
ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE

passed first reading.

CLOSE AND ABANDON

1998-122: J. R. Rothwell

The applicant was present; there was no opposition.

On motion of Councilman Lively, seconded by Councilwoman Rutherford,

AN ORDINANCE CLOSING AND ABANDONING AN ALLEY SOUTHWEST
FROM APPLING STREET, NORTHWEST OF RIVERSIDE DRIVE, MORE
PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT
ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

passed first reading.

AMEND CITY CODE

Councilmen Rutherford and Lively made the initial motion to approve this ordinance on first reading.

Councilman Taylor stated this matter was discussed in Public Works Committee last week and (he) indicated his wanting to meet with the Task Force. He indicated his not having heard from them.

Councilman Hakeem stated he has a series of questions regarding this matter that are in conjunction with the questions Councilman Taylor has.

Admin. Marcellis stated there is a Public Works Committee scheduled for next week and the matter can be discussed again at that time.

Councilman Taylor stated the Committee did approve this; however, the Chair of the Task Force indicated he would get with him, but has not had any contact from them.

Councilman Pierce asked if there is a "rush" regarding passage of this ordinance on first reading. Admin. Marcellis responded "no".

AMEND CITY CODE (Cont'd.)

On motion of Councilman Pierce, seconded by Councilman Hakeem, AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTION 10-3(G), REGARDING THE APPLICABILITY OF THE 1997 STANDARD BUILDING CODE TO ALTERATIONS, REPAIRS, OR REHABILITATION ON EXISTING STRUCTURES was tabled one week.

CONTRACT: BRYANT ELECTRIC COMPANY, INC./CROWDER CONSTRUCTION CO.

On motion of Councilwoman Rutherford, seconded by Councilman Swafford,

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. CSO-2-98, CENTRAL AVENUE CSO CONTROL FACILITY, SCHEDULE I (PIPING), TO BRYANT ELECTRIC COMPANY, INC. FOR THEIR LOW BID IN THE AMOUNT OF TWO MILLION, SEVEN HUNDRED SIXTY-NINE THOUSAND DOLLARS (\$2,769,000.00) AND SCHEDULE II (CONTROL FACILITY) TO CROWDER CONSTRUCTION COMPANY FOR THEIR LOW BID IN THE AMOUNT OF NINE MILLION, NINE HUNDRED TWENTY-FOUR THOUSAND DOLLARS (\$9,924,000.00)

was adopted.

ACQUISITION OF PROPERTY

Admin. Traughber explained that this Resolution involves the continuation of property acquisition on behalf of the Inner City Development Corporation (ICDC); that the monies for this purchase were allocated in last year's CDBG program. He stated ICDC will hold the property for a maximum of two years and if a development program has not been identified the property will go to CNE or Habitat for Humanity for development. He stated the property has been acquired under federal acquisition guidelines.

Councilman Pierce asked if there is a building on the property. Admin. Traughber stated there is a house which will be "rehabbed".

Councilman Pierce asked if there is any justification for the \$12,000 amount. Admin. Traughber stated under federal law they are required to have an appraisal done and give the appraisal price to the property owner. He stated the property owner can choose not to sell the property at the appraisal price; that this was done a little differently using the federal government's guidelines; that if property is acquired with City funds there is opportunity for negotiation.

ACQUISITION OF PROPERTY (Cont'd.)

Councilman Pierce asked how the appraiser arrived at the land value. Admin. Traughber stated an independent appraisal was done.

Councilman Pierce inquired as to the tax appraisal for the property. Admin. Traughber stated the tax appraisal was about \$12,000; that he has the information regarding the tax appraisal as well as a photo of the property but not with him at this time.

Councilman Pierce inquired as to whether there was more given above the assessed value. Admin. Traughber responded "no". It was indicated that the value was \$12,000.

Councilman Taylor stated he was paying attention to the full amount of the appraised value and inquired if the amount is a penny more or less; that this amount is being accepted as the official appraisal amount.

Admin. Traughber stated the amount has been accepted as the official appraisal amount; that if the owner wanted to sell it for \$2,000 we still would have to give him the appraised amount of \$12,000. He stated the owner could then turn around and file a document that says he did understand the \$12,000 amount but wants to sell it for \$2,000 and would accept \$2,000 for the property. He stated persons would say the owner would be insane to do this; however, because of the federal guidelines they are locked into the appraisal amount. He stated federal guidelines are much stronger than the documentation made to HUD years ago; that in this case the owner fully understood exactly what they are doing.

Councilman Taylor asked Councilman Pierce if he has a problem with the appraisal. Councilman Pierce responded "no"; that the land value is in the neighborhood of \$2,500; that the structure on the property is worth \$10,000, and the overall assessment is \$12,500. He stated we are paying \$500 less than the tax value; that he has no problem with the \$12,000 appraised amount.

Councilman Taylor stated he thought Councilman Pierce was not sure of the assessed value. Councilman Pierce retorted that Admin. Traughber said he was not sure. Chairman Crockett clarified that these are federal funds.

On motion of Councilman Pierce, seconded by Councilman Hakeem,
A RESOLUTION AUTHORIZING THE ACQUISITION OF CERTAIN
PROPERTY LOCATED AT 1023 EAST 8TH STREET FOR THE INNER
CITY DEVELOPMENT CORPORATION FOR A CONSIDERATION OF
TWELVE THOUSAND DOLLARS (\$12,000.00)
was adopted.

GRANT ACCEPTANCE

On motion of Councilwoman Rutherford, seconded by Councilman Taylor, A RESOLUTION AUTHORIZING THE DEPARTMENT OF PARKS AND RECREATION TO ACCEPT GRANTS FROM ALLIED ARTS OF GREATER CHATTANOOGA AND THE BENWOOD FOUNDATION, MORE PARTICULARLY DESCRIBED HEREIN, FOR "IN YOUR FACE III" was adopted.

CONTRACT: TDOT AND HAMILTON COUNTY

On motion of Councilwoman Rutherford, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A JOINT CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION AND HAMILTON COUNTY FOR A FIVE HUNDRED, THIRTY-FIVE THOUSAND DOLLAR (\$535,000.00) ISTE A GRANT FOR THE CONSTRUCTION OF THE COOLIDGE PARK SEGMENT OF THE TENNESSEE RIVERPARK was adopted.

OVERTIME

Overtime for the week ending July 31, 1998 totaled \$119,109.15.

Chairman Crockett asked for an explanation of the week's overtime amount.

Admin. Boney stated some departments report overtime every other week; that the Police Department's overtime constitutes \$64,928.09 of the \$119,109.15; that Public Works and Parks and Recreation had high amounts, also. He stated this amount is not out of line with what they have experienced in the last few months.

Chairman Crockett asked how this compares with last week's amount, as well as the overall year-to-year figure. Admin. Boney stated the amount is higher than last week's; that he did not look at the year-to-year figure.

Councilman Hakeem stated we have had a few situations where we have had a few policemen involved in stake-outs at drug locations and that is an example of some of the things they are doing, which we appreciate very much.

Chairman Crockett stated his question was more for year-to-year figures, and not necessarily any department's overall amount.

OVERTIME (Cont'd.)

Admin. Boney stated he has not looked at the overall year-to-year amount; that the department with the most is the Chattanooga Police Department. He stated overtime is not a straight line function as summer overtime is higher than the overtime in months like February and March; that the Chief (of Police) monitors the overtime and so does he (Boney). He stated the appropriation for overtime was increased significantly this year.

Councilman Pierce stated emphasis has been placed on the budget; that, basically, we are going to have the flexibility in overtime from time-to-time; that departments should not be "scared off" from getting the job done. He stated he is hearing from Admin. Boney that the situation is being monitored.

Admin. Boney stated the Chief has applied for several grants, some of which are for overtime.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Swafford, the following purchases were approved for use by the Human Services Department:

LITTLE TYKES (Lower bid)
Requisition No. R0034416

Purchase of Playground Equipment System

\$22,584.00

EASTMAN CONSTRUCTION
Contract No. P0008860

Change Order #1 for Remodeling of Child Care/Social Services Areas
(Original contract approved at June 16, 1998 Council meeting)

\$44,280.00 - Original Contract
9,980.00 - Change Order #1
\$54,260.00 - TOTAL

PERSONNEL

The following personnel matters were reported for the Department of General Services:

STEVE R. GARRISON -- New Hire, Director of Contract Management, Pay Grade 16/Step 7, \$40,897.00 annually, effective June 31, 1998.

LOUIE E. CREEKMORE -- Promotion/Transfer, Electronics Technician II, Pay Grade 13/Step 5, \$30,639.00 annually, effective July 31, 1998.

PERSONNEL

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

CORNELIOUS D. KING -- Employment, Laborer I, City-wide Services, Pay Grade 2/Step 1, \$13,497.00 annually, effective August 5, 1998.

RANDY BLEVINS -- Transfer and Promotion, Truck Driver II, City-wide Services, Pay Grade 5/Step 13, \$22,723.00 annually, effective August 5, 1998.

PATRICK STEWART -- Resignation, Truck Driver II, City-wide Services, effective July 30, 1998.

ROBERT A. BAILEY -- Resignation, Laborer III, City-wide Services, effective July 23, 1998.

BILLY J. SKILES -- Retirement, Truck Driver III, City-wide Services, effective July 31, 1998.

KENNETH G. FOWLER -- Resignation, Maintenance Mechanic, Waste Resources, Pay Grade 10/Step 11, \$29,996.00 annually, effective July 29, 1998.

CHARLES HOGAN -- Suspension (one day without pay), Maintenance Mechanic, Waste Resources, effective July 30, 1998.

WILLIAM MASSENGALE -- Suspension (three days without pay), Maintenance Mechanic, Waste Resources, effective July 30, 1998.

PERSONNEL

The following personnel matter was reported for the Fire Department:

GARY SPANGLER -- Hire, Laborer 2, Pay Grade 4/Step 1, \$15,165.00 annually, effective July 31, 1998.

HOTEL PERMITS

On motion of Councilman Lively, seconded by Councilwoman Hurley, the following hotel permits were approved.

LOOKOUT LAKE BED & BREAKFAST -- 3408 Elder Mountain Road,
Chattanooga, TN

PARK CITY HOTEL -- 2747 Cannon Street, Chattanooga, TN

HOLIDAY INN EXPRESS -- 4833 Hixson Pike, Chattanooga, TN

HAMPTON INN -- 3641 Cummings Highway, Chattanooga, TN

HAMPTON INN -- 2420 Williams Street, Chattanooga, TN

FRICK'S MOTEL -- 3535 Cummings Highway, Chattanooga, TN

KING'S LODGE MOTEL -- 2400 Westside Drive, Chattanooga, TN

PERSONNEL

The following personnel matters were reported for the Police Department:

KIM STAGGS -- Resignation, Dispatcher, effective August 6, 1998.

KIM KINSEY -- Promotion, Dispatcher, Pay Grade 10/Less than 1,
\$21,012.00 annually, effective July 31, 1998.

Chief Dotson stated the Police Department is doing some of the strategies Councilman Hakeem talked about earlier; that as some of their projects come to a close some of the overtime dollars will be reduced. He stated the Department had a major narcotics investigation going on that used a lot of the money; that the arrests made will "dry up" a large part of the narcotics market in this City for several years to come.

Councilman Pierce inquired about the last narcotics round-up and asked how much money was confiscated (if the Chief can answer publicly). Chief Dotson stated the money confiscated will come back by asset forfeiture that the Police Department will spend; that he does not know how much they will get back until the federal courts rule as they are attached to federal guidelines.

Councilman Pierce asked if there is any idea as to the amount confiscated. Chief Dotson stated he cannot say right now; that the matter is still under litigation and has to go through the federal court system; that it will have a significant impact.

COMMITTEES

Councilman Taylor reminded members of the Council of the **Public Works Committee scheduled for Tuesday, August 11 at 4 p.m.** He stated at the meeting scheduled for August 25 he would like to have a discussion regarding alleys in an effort to find some type of solution; that he has had several concerns raised lately regarding alleys.

Councilwoman Rutherford stated a **Committee of the Whole will be held immediately following Public Works Committee next Tuesday (August 11)** to hear a briefing regarding the Eastgate Plan, which is scheduled for next week's Council agenda.

City Attorney Nelson stated he did not get a recommendation from Committee to add Charter amendments to next week's agenda; that there needs to be another meeting for further discussion. Councilman Pierce scheduled a meeting of the **Legal and Legislative Committee immediately following the Committee of the Whole on Tuesday, August 11**, for further discussion regarding the Charter amendments.

"NATIONAL NIGHT OUT


Councilman Taylor invited all Council members to the "National Night Out" observance taking place in Alton Park immediately following the meeting. He stated the observance will be held at the intersection of 38th Street and Alton Park Boulevard; that a candle will be lighted as a symbolic gesture against crime.

DISTRICT 9 MEETING

Councilman Hakeem expressed appreciation to Councilmen Pierce, Rutherford and Taylor for attending the District 9 meeting on Monday evening; that a full meeting was held with a lot of information shared. He stated Chief Dotson was present and gave information regarding community policing; that the impression he has gotten from the community is that this is a process they want to "buy into"; that a partnership is being developed.

ADJOURNMENT

Chairman Crockett adjourned the meeting until Tuesday, August 11, 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)