

Municipal Building
Chattanooga, Tennessee
October 27, 1998

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

INVOCATION

City Attorney Nelson gave the invocation for the evening.

MINUTE APPROVAL

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the minutes of the previous meeting were approved as published and signed in open meeting.

RECOGNITION OF DREW BOWERS

Councilwoman Hurley recognized the presence of Drew Bowers and his father, Dan (Bowers). She indicated that Drew is working toward a Boy Scout badge and one of the requirements is that he attend a Council meeting.

AMEND CITY CODE: AIR POLLUTION CONTROL ORDINANCE

On motion of Councilwoman Rutherford, seconded by Councilman Pierce, AN ORDINANCE TO AMEND THE CHATTANOOGA CITY CODE, PART II, CHAPTER 4, WHICH CHAPTER IS KNOWN AS "THE CHATTANOOGA AIR POLLUTION CONTROL ORDINANCE" BY PROVIDING FOR INCORPORATION BY REFERENCE OF CERTAIN STATE REGULATIONS AND FEDERAL REGULATIONS passed second reading. On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the ordinance passed third and final reading and was signed in open meeting.

AMEND CITY CODE: AIR POLLUTION
CONTROL ORDINANCE

On motion of Councilwoman Rutherford, seconded by Councilman Shockley,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 4, WHICH CHAPTER IS KNOWN AS "THE CHATTANOOGA AIR POLLUTION CONTROL ORDINANCE" BY PROVIDING FOR REVISIONS TO THE GENERAL DEFINITIONS, SAMPLING AND TESTING METHODS, PERMIT FEES, EMERGENCY EPISODES, PROCESS WEIGHT RULE, INFECTIOUS WASTE INCINERATOR RULE, PART 70 SOURCE REGULATION AND PERMITS, AND ADDING ANY CREDIBLE EVIDENCE CLARIFICATION, DEFERRAL FROM CERTAIN PERMIT REQUIREMENTS, A GENERAL PERMIT BY RULE FOR CERTAIN COATING OPERATIONS, CHEMICAL ACCIDENT PREVENTION REQUIREMENTS, COMPLIANCE ASSURANCE MONITORING, INSIGNIFICANT ACTIVITIES, HAZARDOUS AIR POLLUTANTS REQUIREMENTS, MUNICIPAL SOLID WASTE LANDFILL REQUIREMENTS, AND CERTAIN HOUSEKEEPING REVISIONS passed second reading. On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the ordinance passed third and final reading and was signed in open meeting.

APPROPRIATION

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

AN ORDINANCE APPROPRIATING FIFTY THOUSAND DOLLARS (\$50,000.00) FROM THE CAPITAL ECONOMIC DEVELOPMENT FUND TO THE CHATTANOOGA-HAMILTON COUNTY AIR POLLUTION CONTROL BUREAU FOR THE BROWNFIELD PROGRAM 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.

APPROPRIATION

On motion of Councilwoman Rutherford, seconded by Councilman Shockley,

AN ORDINANCE APPROPRIATING TWELVE THOUSAND, FIVE HUNDRED DOLLARS (\$12,500.00) FROM THE CAPITAL ECONOMIC DEVELOPMENT FUND TO THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY FOR A STUDY OF THE VOLUNTEER ARMY AMMUNITION PLANT (VAAP) passed second reading. On motion of Councilman Eaves, seconded by Councilwoman Rutherford, the ordinance passed third and final reading and was signed in open meeting.

AMEND CITY CODE

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

Councilman Pierce stated he was not present at the Public Works Committee meeting and asked for a brief explanation of this Ordinance.

Admin. Freeman stated this Ordinance would allow the City to have another vehicle to save property in need of repair and take control of vacant property that is in the neighborhood that no one is living in and is a nuisance. He stated the ordinance will be used in a case where we cannot find the owner of the property of their heir(s) to the property or a situation where the owner will not/does not want to communicate with us. He stated rather than demolish the structure we will have the option to acquire the property for redevelopment.

On motion of Councilwoman Hurley, seconded by Councilman Hakeem, AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY CODE, BY ADDING NEW SECTIONS 21-101 TO 21-127 TO PROVIDE FOR SLUM AND BLIGHT CLEARANCE FOR DEVELOPMENT AND/OR REDEVELOPMENT OF SUCH PROPERTIES passed first reading.

CHANGE ORDER

Councilman Shockley stated Resolutions 7(a) - (e) were discussed in Public Works Committee and are recommended for approval.

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), CONTRACT NO. SWM-5-98, COOLIDGE PARK STORMWATER, WITH STEIN CONSTRUCTION COMPANY, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY SIX THOUSAND, SEVEN HUNDRED FIFTY-SEVEN DOLLARS (\$6,757.00) FOR A REVISED CONTRACT PRICE OF FIFTY-TWO THOUSAND, EIGHTY-SEVEN DOLLARS (\$52,087.00), AND WHICH CHANGE ORDER INCREASES THE CONTRACT TIME BY TWENTY-EIGHT (28) DAYS

was adopted.

SEWER EASEMENT PURCHASE:
YUTHASUH/OFELIA CHANKIJ

On motion of Councilwoman rutherford, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM YUTHASUH CHANKIJ AND OFELIA A. CHANKIJ, RELATIVE TO CONTRACT NO. 52E, SANITARY SEWER RELOCATION, INTERSTATE I-75 WIDENING, EAST BRAINERD ROAD TO STATE ROUTE 153, TRACT NO. 16, FOR A CONSIDERATION OF ONE THOUSAND, ONE HUNDRED DOLLARS (\$1,100.00)

was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM SUSIE C. WOODS, RELATIVE TO WILCOX BOULEVARD AT ROANOKE AVENUE INTERSECTION IMPROVEMENT, TRACT NO. 7.1, FOR A CONSIDERATION OF TWENTY-FIVE DOLLARS (\$25.00)

was adopted.

TEMPORARY USE

Councilwoman Hurley stated this matter will go before the Board of Sign Appeals shortly and would like for the minutes to reflect that we do have some question about the type of sign this is and hopes the Board will look at the sign; that it is a bicycle that will hang out over the street. She stated we do not have anything in the Sign Ordinance legally opposing this and hopes there will be some type of condition imposed as it is out of character with the rest of the neighborhood. She stated we might need to revisit this issue.

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING SUCK CREEK CYCLE TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT 138 MARKET STREET FOR THE PURPOSE OF HANGING A BUSINESS SIGN, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

PROPERTY CONVEYANCE

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,
A RESOLUTION AUTHORIZING THE GENERAL SERVICES
ADMINISTRATOR TO CONVEY TO CRYE-LEIKE REALTORS CERTAIN
PROPERTY LOCATED AT 1215 MARKET STREET FOR A TOTAL
CONSIDERATION OF TEN THOUSAND, EIGHT DOLLARS
(\$10,008.00)
was adopted.

SPECIAL PRESENTATION: RECOGNITION
OF CHLOE GARTH-ELKINS - "FIRST
TEAM, 1998 ALL-USA TEACHER TEAM"

Councilman Hakeem stated he would like to take this opportunity on behalf of the Mayor and City Council to recognize Chloe Garth-Elkins. He stated he and Councilmen Pierce are graduates of Howard High School and that one of this former teachers (Mrs. Woods) is present tonight. He stated he wanted to take this opportunity to pay tribute to an individual who has done this City well. He stated as a youth coming up in the City, when we normally looked at being number one we did not perceive things that were positive; that today there seems to be a plethora of things of a positive nature happening in our City, about our City.

Councilman Hakeem stated the individual we are recognizing is one who "fills the bill" of being a role model in her own right. He stated when he looks at her family it is one that has been committed not only to their own education, but the education of young people -- not just in the City of Chattanooga, but also in Huntsville. He stated Ms. Garth-Elkins' father (Dr. Arlyce Garth) was a Professor at A & M University; that her mother (Dr. Charlotte Garth) is a long-time educator in the City and he can speak firsthand of the quality of students taught under her tutelage. He recognized the presence of Ms. Garth-Elkins' Principal, Edna Varner; her cousin, Public Defender Ardena Garth; and her children.

At this point Councilman Hakeem read and presented Ms. Garth-Elkins with the City's "In Appreciation" certificate and other gifts.
(Those in attendance gave a standing ovation to Ms. Garth-Elkins.)

Ms. Garth-Elkins expressed thanks to the Council and Mayor and stated she gets teary-eyed when she talks about education and all the children. She stated it is up to us to educate all the children and make sure they have every opportunity possible to be all they can be. She stated the certificate presented tonight belongs to education, Ms. Varner, her father and (her) children who give so unselfishly of their mother (Garth-Elkins); that it belongs to the people.

RESOLUTION OF RECOGNITION

On motion of Councilman Hakeem, seconded by Councilwoman Hurley,
A RESOLUTION RECOGNIZING AND HONORING CHLOE
GARTH-ELKINS FOR HER OUTSTANDING ACHIEVEMENT IN BEING
NAMED TO THE FIRST ALL-USA TEACHER TEAM
was adopted.

OVERTIME

Overtime for the week ending October 23, 1998 totaled \$77,344.53.

PERSONNEL

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

ROBERT G. STEPHENSON - Termination, Assistant Project Coordinator, effective October 8, 1998.

LUTHER HOGAN -- Resignation, Golf Course Ranger, effective October 22, 1998.

PURCHASES

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the following purchases were approved for use by the Parks and Recreation Department:

HOMESTEAD LAWN & TRACTOR (Lower and better bid)
Requisition No. R0035782

Purchase of Two Utility Vehicles

\$14,694.00

R & S TRUCK & TRACTOR (Lowest bid meeting City of Chattanooga specifications)
Requisition No. R0035795

Purchase of Tractor

\$14,480.00

EMERGENCY PURCHASE

The emergency purchase of repairs to the carport at the Greenway Farm Conference Center for the Parks and Recreation Department issued to Tower Construction Company, Requisition No. R0037500, in the amount of \$37,644.00 was duly reported and signed in open meeting.

PERSONNEL

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

MAURICE L. POWELL -- Promotion, Equipment Operator, City-wide Services, Pay Grade 6/Step 1, \$18,574.00 annually, effective October 28, 1998.

PURCHASES

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

MCPHERSON OIL (Best product for the City of Chattanooga's use)
Requisition No. R0035146

Purchase of Requirements Contract for Equipment Oil

(Price information available and filed with minute material)

INDUSTRIAL CHEMICALS, INC.
P. O. No. P0004022

Purchase Renewal of "Term Contract" for Emulsion Polymers per Chattanooga City Code, Section 2-342, Paragraph V

(Price information available and filed with minute material)

SEWER SYSTEM INQUIRY

Councilman Pierce stated he had a call today -- and will probably get more tomorrow -- in regard to the sewer at 28th and Roanoke; that there are still problems at that location. He stated the young lady who called informed him that several of the residents have had to call for someone to come out and clean out their sewer line; that one person had called Roto-Rooter who indicated it was the City's problem and that someone from Moccasin Bend should go out and look at it.

Admin. Marcellis indicated that he was not knowledgeable of this. He stated if the problem is in the main sewer it is the City's responsibility and we will take care of it.

Councilman Pierce stated the address in question is 2810 South Hawthorne; that within the last three months seven or eight other residents have had to have their sewer line cleaned out and thinks that is a high number.

Admin. Marcellis stated he will have a couple manholes moved and check them; that if there is some problem and it is the City's they will try to make it right.

HOTEL PERMITS

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the following hotel permits were approved:

- RIGHT WAY INN -- 6200 Fisk Avenue, Chattanooga, TN
- HOMEWOOD SUITES -- 2250 Center Street, Chattanooga, TN
- HAMILTON INN -- 6860 Lee Highway, Chattanooga, TN
- EXTENDED STAY AMERICA #125 -- 6240 Airpark Drive, Chattanooga, TN
- LAQUINTA INN #931 -- 7015 Shallowford Road, Chattanooga, TN
- EASTGATE MOTEL -- 5611 Brainerd Road, Chattanooga, TN
- SLEEP INN -- 2351 Shallowford Village Drive, Chattanooga, TN

HOTEL PERMITS (Cont'd.)

WINGATE INN -- 7308 Shallowford Road, Chattanooga, TN
COUNTRY SUITES -- 7051 McCutcheon Road, Chattanooga, TN
CHATTANOOGA MICROTTEL -- 7014 McCutcheon Road, Chattanooga, TN
DAYS INN -- 2342 Shallowford Village Drive, Chattanooga, TN
COUNTRY HEARTH INN -- 7638 Lee Highway, Chattanooga, TN
SUBURBAN LODGE -- 5730 Lee Highway, Chattanooga, TN
BLUFF VIEW INN -- 411 E. Second Street, Chattanooga, TN
GUESTHOUSE INN -- 2201 Park Drive, Chattanooga, TN
DAYS INN AIRPORT -- 7725 Lee Highway, Chattanooga, TN
MOTEL 6 #700 -- 7707 Lee Highway, Chattanooga, TN
RAMADA LIMITED -- 2361 Shallowford Village Drive, Chattanooga, TN
DAYS INN TIFTONIA -- 3801 Cummings Highway, Chattanooga, TN

CLUBHOUSE FIRE INQUIRY

Councilwoman Rutherford asked if there is any more information about the Clubhouse fire. Chief Coppinger stated the cause is still undetermined and is under investigation; that the insurance company has ruled it accidental. He stated several samples have been collected and sent to the TBI Lab.

Councilwoman Rutherford inquired as to when they will know the results from the Lab. Chief Coppinger stated they are relying upon TBI; that it could be a couple weeks or more.

PERSONNEL

The following personnel matters were reported for the Police Department:

CARLOS WOODRUFF -- Suspension (two days without pay), Patrol Officer, effective October 26-27, 1998.

PERSONNEL (Cont'd.)

CLARA J. GOINS -- Return from Family and Medical Leave, Dispatcher, effective October 19, 1998.

PATRICIA CHASTAIN -- Rescind hiring, Meter Patrol Officer, effective October 23, 1998.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley, the following purchase was approved for use by the Police Department:

NOBLE (Single Source)
Requisition No. 0038202

Purchase of Training Program for 550 Employees per TCA 6-56-301

\$40,560.00

PERSONNEL

The following personnel matters were reported for the Neighborhood Services Department (Better Housing Commission):

TONY SMITH -- Promotion, Lead Code Enforcement Inspector, Codes & Community Services, Pay Grade 15/Step 4, \$32,896.00 annually, effective October 23, 1998.

STEVE HARGIS - Promotion, Lead Code Enforcement Inspector, Codes & Community Services, Pay Grade 15/Step 3, \$31,466.00 annually, effective October 23, 1998.

Councilwoman Hurley expressed that she was pleased with the promotions and hopes these persons will stay in place.

Admin. Freeman stated he will try to keep them in the areas they are in; that they are asking them to assume responsibility in their area. He stated they need to put a new inspector in the areas where we have the most problems, which is between the Ridge and the River; that these are good guys.

COMMITTEES

Councilman Eaves announced that the Safety Committee will meet on Tuesday, November 10 immediately following the Public Works Committee meeting.

ADJOURNMENT

Vice Chairman Lively adjourned the meeting until Tuesday, November 3, 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)