

Municipal Building
Chattanooga, Tennessee
December 1, 1998

The meeting of the Chattanooga Council was called to order by Vice Chairman Lively with Councilmen Eaves, Franklin, Hakeem, Hurley, Pierce, and Rutherford; 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

Councilman Hakeem delivered the invocation for the evening.

MINUTE APPROVAL

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

CLOSE AND ABANDON

1998-175: The Dixie Group, Inc.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

AN ORDINANCE CLOSING AND ABANDONING ANDERSON AVENUE, BENNETT AVENUE, EDWARD STREET, AND ALLEYS LOCATED SOUTHEAST OF LYERLY STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

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

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 2, SECTIONS 2-176 AND 2-177, RELATIVE TO GRIEVANCE PROCEDURES
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

1998-163: Freeman Smith

The applicant was not present; there was no opposition.

Gloria Haney of Planning stated there has been no response from the applicant regarding withdrawal of this request. She stated the Ordinance previously approved by the Council which allows for the sale of manufactured homes in the C-1 zones is effective now.

On motion of Councilwoman Hurley, seconded by Councilman Franklin,
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 6900 BLOCK OF HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-1 HIGHWAY COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE
was tabled indefinitely.

REZONING

1998-234: Westside Community Development Corporation

Pursuant to notice of public hearing, the request of the Westside Community Development Corporation to rezone a tract of land located at 1221 Grove Street came on to be heard.

Judge Williams was present representing the applicant; there was no opposition.

On motion of Councilman Pierce, 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 1221 GROVE STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO C-3 CENTRAL BUSINESS ZONE
passed first reading.

AMEND CITY CODE

City Attorney Nelson stated this Ordinance was requested from Jim Rickena, Director of Public Safety at the Chattanooga Airport, where there have been many problems as certain people have been parking in handicapped spaces. He stated we can tow the cars under State law, but there is no provision under City law; that in order to get matters like this into Judge Williams' Court, a copy of the State law will have to be incorporated into the City Code to have the same rights as under the State (law).

Councilman Pierce asked if this pertains to downtown parking and the meters. City Attorney Nelson stated handicapped persons can park anywhere without being ticketed.

Councilman Pierce stated that is something handicapped persons are not aware of; that some are left with a ticket. City Attorney Nelson stated if the car is properly marked the person should not be ticketed.

Councilman Eaves stated for the last three weeks he wished he could have used a handicapped sign due to recent knee surgery; that he now knows what a tough time handicapped people have. He stated he has seen people park in a handicapped space and have a sign in their window and then get out and walk away.

City Attorney Nelson stated because a person has a sign and gets out and walks away does not mean they are not handicapped; that they could have an asthmatic, heart or similar condition which qualifies them as handicapped.

Judge Williams stated the law says a person is allowed to park in a handicapped space if the person driving is the handicapped person, has a handicapped person with them or is picking one up. He stated if a person is using the handicapped placard and is not handicapped, he can be fined up to \$500 under City law and \$1,000 under State law for the first offense. He stated for the second offense a person can be fined up to \$1,000 under City law and \$2,000 under State law.

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 24, SECTION 24-301, RELATIVE TO DESIGNATION OF
CURB PARKING SPACES FOR THE HANDICAPPED
passed first reading.

REVISION TO THE URBAN RENEWAL PLAN

Mark Rudisill of the Chattanooga Housing Authority stated this Resolution deals with the redevelopment plan and the covenants that go with it; that this is associated with the previous rezoning ordinance approved on first reading tonight for the Westside Community Development Corporation.

Councilwoman Hurley clarified that this is a companion Resolution to the Westside Ordinance.

On motion of Councilwoman Rutherford, seconded by Councilman Pierce, A RESOLUTION APPROVING REVISION TO THE URBAN RENEWAL PLAN FOR THE DOWNTOWN/RIVERFRONT REDEVELOPMENT PLAN, PROJECT NO. TENN. R-10 was adopted.

SPECIAL POLICEMAN

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE APPOINTMENT OF SPENCER DANIELS AS A SPECIAL POLICEMAN FOR ERLANGER HOSPITAL, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS was adopted.

SPECIAL POLICEMAN

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE APPOINTMENT OF LESLEY FOSTER AS A SPECIAL POLICEMAN FOR ERLANGER HOSPITAL, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS was adopted.

TDOT RIGHT OF ENTRY FORM

City Attorney Nelson stated this matter was discussed in last week's Public Works Committee; that the State of Tennessee needs the right-of-way in order to widen the Bridge.

Councilwoman Hurley asked if this is the first step in the widening process. City Attorney Nelson responded "yes".

TDOT RIGHT OF ENTRY FORM (Cont 'd.)

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE MAYOR AND CITY FINANCE OFFICER TO EXECUTE AND ATTEST, RESPECTIVELY, A TENNESSEE DEPARTMENT OF TRANSPORTATION RIGHT OF ENTRY FORM, RELATIVE TO THE WIDENING OF OLGIATI BRIDGE BY THE STATE OF TENNESSEE

was adopted.

PROPERTY DONATION

Vice Chairman Lively inquired as to whether this is the same building CADAS has been using. The response was "yes".

Councilwoman Hurley asked if there is some type of caveat that says if the building ceases to be used for the purposes intended it will revert to the City. She stated she is not asking this in any sense against CADAS, but wondered if it is standard procedure to have such a clause. Admin. Traughber responded "yes".

Vice Chairman Lively made reference to the situation involving use of the Mountain Creek School and the regrets that followed.

Admin. Traughber stated the Council asked for information regarding the transfer of school property where the City was retaining certain portions of the property. He distributed information regarding each of the schools and stated the information in "long hand" that is reflected references the portion the City is retaining; that some property retention is for recreational, public works, other projects or easements. He stated his department is finalizing the transfer of the properties; that there have been a number of problems with the deeds. He stated if Council members have questions he can speak with them collectively or individually.

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE MAYOR TO DONATE CERTAIN PROPERTY, KNOWN AS THE PINEVILLE ELEMENTARY SCHOOL (PARCEL NO. 135-002), TO THE COUNCIL FOR ALCOHOL AND DRUG ABUSE SERVICES, INC. (CADAS)

was adopted.

AGREEMENT AMENDMENT: ARCADIS
GERAGHTY & MILLER, INC.

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO THE AGREEMENT FOR ENGINEERING SERVICES DATED MAY 17, 1990, WITH ARCADIS GERAGHTY & MILLER, INC. (FORMERLY HENSLEY-SCHMIDT, INC.), RELATIVE TO MANAGEMENT OF THE INTERCEPTOR SEWER SYSTEM, SAID AMENDMENT TO REVISE THE SCOPE OF SERVICES, CHANGE THE NAME FROM HENSLEY-SCHMIDT, INC. TO ARCADIS GERAGHTY & MILLER, INC., AND TO INCREASE THE COMPENSATION TO NOT EXCEED FORTY THOUSAND DOLLARS (\$40,000.00) PER YEAR

was adopted.

AGREEMENT AMENDMENT: CONSOLIDATED
TECHNOLOGIES, INC.

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO THE AGREEMENT FOR ENGINEERING SERVICES WITH CONSOLIDATED TECHNOLOGIES, INC. (CTI), RELATIVE TO CONTRACT NO. CSO-4a-97, CARTER STREET COMBINED SEWER OVERFLOW SYSTEM, WHICH AMENDMENT INCREASES THE CONTRACT BY AN AMOUNT NOT TO EXCEED SEVENTEEN THOUSAND, THREE HUNDRED DOLLARS (\$17,300.00) FOR A REVISED CONTRACT AMOUNT OF ONE HUNDRED EIGHTEEN THOUSAND, FOUR HUNDRED FIFTY DOLLARS (\$118,450.00)

was adopted.

CHANGE ORDER

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), CONTRACT NO. 53b-2, SPRING CREEK FORCE MAIN, WITH RUBY-COLLINS, INC., WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THREE HUNDRED SIX DOLLARS (\$306.00) FOR A REVISED CONTRACT TOTAL OF ONE MILLION, FIVE HUNDRED FORTY-SEVEN THOUSAND, SIX HUNDRED TWENTY-NINE AND 60/100 DOLLARS (\$1,547,629.60)

was adopted.

GENERAL SLOPE EASEMENT PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Pierce, A RESOLUTION AUTHORIZING THE PURCHASE OF A GENERAL SLOPE EASEMENT FROM COMMERCIAL DEVELOPMENT INVESTMENT CORPORATION, RELATIVE TO WIDENING OF EAST BRAINED ROAD AND GUNBARREL ROAD, TRACT NO. 7, FOR A TOTAL CONSIDERATION OF ONE HUNDRED DOLLARS (\$100.00) was adopted.

GENERAL SLOPE EASEMENT PURCHASE

On motion of Councilman Eaves, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE PURCHASE OF A GENERAL SLOPE EASEMENT FROM ROBERT D. PURCELL AND SANDRA PURCELL, RELATIVE TO CONTRACT NO. RW-1-97, WIDENING OF JULIAN ROAD-DAVIDSON ROAD TO RAILROAD CROSSING, TRACT NO. 21, FOR A TOTAL CONSIDERATION OF THREE HUNDRED FIFTY DOLLARS (\$350.00) was adopted.

STORM SEWER EASEMENT

On motion of Councilwoman Hurley, seconded by Councilman Hakeem, A RESOLUTION AUTHORIZING THE PURCHASE OF A STORM SEWER EASEMENT FROM ANNETTE JOHNSON, RELATIVE TO INSTALLATION OF A STORM DRAIN BETWEEN ALABAMA AVENUE AND ST. ELMO AVENUE, FOR A TOTAL CONSIDERATION OF ONE THOUSAND, ONE HUNDRED DOLLARS (\$1,100.00) was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM PATRICIA CRAFT, RELATIVE TO CONTRACT NO. RW-8-96, WIDENING OF MOUNTAIN CREEK ROAD - CANEBREAK DRIVE TO STONEBROOK DRIVE, FOR A TOTAL CONSIDERATION OF FOUR HUNDRED FIFTY-TWO DOLLARS (\$452.00) was adopted.

REVOCABLE LICENSE AGREEMENT

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PARKS AND RECREATION TO EXECUTE A REVOCABLE LICENSE AGREEMENT WITH EAST GATE CENTER, INC., AND RENEWALS THEREOF FOR A PERIOD OF UP TO THREE (3) YEARS, RELATIVE TO THE OPERATION AND MAINTENANCE OF A RECREATION CENTER AT EASTGATE MALL

was adopted.

INFRASTRUCTURE IMPROVEMENTS (VAAP)

Councilman Hakeem stated this matter was discussed in the Economic Development Committee meeting held earlier in the day and leverages costs up to one million dollars. He stated the Resolution has the Committee's recommendation for approval.

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem,

A RESOLUTION AUTHORIZING THE CITY TO SHARE COSTS WITH HAMILTON COUNTY, RELATIVE TO INFRASTRUCTURE IMPROVEMENTS AT THE VOLUNTEER SITE, WITH THE CITY'S LOCAL MATCH NOT TO EXCEED THE AMOUNT OF FORTY-FOUR THOUSAND, FIVE HUNDRED DOLLARS (\$44,500.00) TO BE TAKEN FROM THE ECONOMIC DEVELOPMENT FUND

was adopted.

AGREEMENT: ARTECH DESIGN GROUP, INC.

Councilman Hakeem stated this matter was discussed in the Economic Committee meeting today and is recommended for approval.

On motion of Councilman Pierce, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH ARTECH DESIGN GROUP, INC. FOR DESIGN FEES AND EXPENSES RELATIVE TO THE DEVELOPMENT RESOURCE CENTER

was adopted.

OVERTIME

Overtime for the week ending November 27, 1998 totaled \$12,270.49.

PURCHASE

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

GLIENTEK, INC. (Lower and better bid)
Requisition No. R0038528

Purchase of CNC Router

\$18,495.00

PERSONNEL

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

ROBERT C. BELL -- Employment, Crew Worker, City-wide Services, Pay Grade 5/Step 1, \$17,459.00 annually, effective November 25, 1998.

GRADY E. SHOOK, EDWARD R. BARTON, WILLIAM TAYLOR, JR. -- Employment, Crew Worker, City-wide Services, Pay Grade 3/Step 1, \$15,230.00 annually, effective November 25, 1998.

GILLRAY GATES, JR. -- Lateral Transfer, Crew Worker, City-wide Services, Pay Grade 3/Step 7, \$19,952.00 annually, effective November 21, 1998.

GENEAL LEWIS -- Family Medical Leave, Light Equipment Operator, City-wide Services, effective October 21 - December 9, 1998.

WILL R. BAILEY -- Dismissal, Crew Worker Senior, City-wide Services, effective November 24, 1998.

PURCHASE

On motion of Councilwoman Hurley, seconded by Councilman Pierce, the following purchase was approved for use by the Public Works Department:

TEMPLE, INC. (Lower and better bid)
Requisition No. R0037221

Purchase of Traffic Signal Heads

\$16,754.00

PERSONNEL

The following personnel matters were reported for the Police Department:

BEVERLY C. CODY -- Promotion, Communications Officer, Pay Grade 11/Step 1, \$24,147.00 annually, effective December 4, 1998.

CYNTHIA A. ROWE -- Hire, Communications Officer, Pay Grade 11/Step 1, \$24,147.00 annually, effective December 4, 1998.

LIQUOR LICENSE

Admin. Boney stated application has been made for a liquor license at 2001 Market Street; that the property was previously used as a liquor store some years ago. He stated the applicant is applying for a license at the same location but because of the lag in time, the applicant is required to apply for a new license. He stated the matter has been properly advertised and has passed all the constraints.

Councilman Pierce asked for clarification as to the location, whether it is the property at 20th and Market Streets. Admin. Boney responded "yes".

The applicant, Kay Cho, stated the location has been used previously as a convenience and package store and is ready to open the liquor store.

On motion of Councilman Eaves, seconded by Councilman Hakeem, the liquor license was approved.

CANCELLATION OF DECEMBER 22 COUNCIL MEETING

On motion of Councilman Hakeem, seconded by Councilman Pierce, the Council meeting of December 22 was canceled.

ADJOURNMENT

Vice Chairman Lively adjourned the meeting until Tuesday, December 8, 1998 at 6 p.m.


CLERK OF COUNCIL


CHAIRMAN

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