

Municipal Building
Chattanooga, Tennessee
December 15, 1998

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

INVOCATION

Councilwoman Hurley delivered the invocation for the evening.

MINUTE APPROVAL

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

SPECIAL PRESENTATION TO ROBERT
FORD

Chief Dotson stated on October 4, 1998, Robert Ford was working as a Security Guard at the Tennessee Food Stamp Office at 2210 East Main Street and was notified that a woman had been shot in the parking lot. He stated after observing the victim Mr. Ford noticed that the suspect had walked away from the scene. He stated Mr. Ford ran after the suspect, located him, took his gun and returned him to the crime scene, and he offered no resistance. He stated the suspect was later charged with murder.

Chief Dotson stated the Chattanooga Police Department is honored to present Mr. Ford with a plaque for his courageous act.

Councilman Taylor presented Mr. Ford with Certificates of Appreciation from Mayor Kinsey and the Chattanooga Council; that he prays Mr. Ford will continue to be an outstanding citizen. He stated it is because of people like Mr. Ford that Chattanooga is a safe place to live.

REZONING

1998-226: Landstone LLC & Komatsu

On motion of Councilman Hakeem, seconded by Councilwoman Hurley, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED AT 623, 625, 627, 629 AND 631 RUNYAN DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS
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.

REZONING

1998-231: Genia Crittenden Durham

Councilman Hakeem stated this matter came before the Economic Development Committee and there has been a "meeting of the minds" of the buyers and community. He stated the Committee is asking for approval on second reading tonight and third reading two weeks from today because the language needs to be made more clear for everyone to understand. The owners of the property indicated their understanding of the need to hold the matter for third reading for another two weeks.

On motion of Councilman Hakeem, seconded by Councilwoman Hurley, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A PORTION OF A TRACT OF LAND LOCATED AT 1410 O'GRADY DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS
passed second reading.

AMEND ZONING ORDINANCE

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, TO INCORPORATE NEW LANGUAGE RELATIVE TO CERTAIN SUBSECTIONS WITHIN ARTICLE VI OF THE LANDSCAPE PROVISIONS AS ADOPTED IN ORDINANCE NO. 10692
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: CREATE
M-4 ZONE

Councilwoman Hurley and Councilman Taylor made the motion and second to approve the ordinance on second reading.

Councilman Pierce offered one last time to amend the Ordinance to grandfather-in the property the Council discussed at last meeting, reiterating his desire to add a grandfather clause to the ordinance.

City Attorney Nelson stated Resolution Number 20026 adopted by the City Council on October 19, 1998 pertaining to the rules of City Council says:

No matter, either ordinance, resolution, or special permit, having been duly considered and rejected at one meeting, may be placed on the agenda by either a Member of the Council or the administration for further consideration until SIX (6) Months (minimum of twenty-four [24] official weekly meetings), following original consideration of the matter unless a majority of the Council votes to place the matter on the agenda.

Councilwoman Hurley expressed her thoughts that there is something within Robert's Rules which says the only way to reverse a decision is for a member of the winning side to propose an amendment.

City Attorney Nelson stated Robert's Rules states a motion to reconsider may be made by one who voted on the prevailing side.

Councilman Pierce expressed his thought that all were on the majority side because all voted to pass it. He asked that the Council consider the grandfather clause on the property; that we do not have a winning side in this matter at this point.

Councilman Eaves stated he would like to say we are not reconsidering the ordinance; that we are only asking for an amendment to the ordinance.

Councilwoman Hurley stated the motion referred to is the motion to amend; that the motion to amend was to include the motion that her colleague is now recommending, which was a split vote of 5-4, and her colleague was not on the prevailing side.

Councilman Eaves quoted the City Attorney from a previous occasion wherein he (Attorney) stated this Council has the right to make any rules they choose. He stated we do have this right to do so; that we do have the right to amend this ordinance and does not "buy" Robert's Rules of Order here.

AMEND ZONING ORDINANCE: CREATE
M-4 ZONE (Cont'd.)

City Attorney Nelson clarified that he has indicated that the matter could be put back on if the majority voted to put it on.

Councilman Pierce asked what he needs to do to get the matter back on the floor for a vote; that he wants to bring back the amended vote to grandfather-in one piece of property.

City Attorney Nelson stated that was voted on last week and Council rules say it cannot come back unless a majority of the Council want it to come back up within six months.

Councilman Taylor stated a motion is "on the floor" and called for the question.

Councilman Eaves asked if the person who made the motion and second would entertain an amendment to the motion. Both Councilmen Hurley and Taylor responded "no".

At this point Councilman Pierce called for the question. Upon casting his vote on roll call, Councilman Pierce stated he will vote "yes"; that he would have liked for the grandfathering clause to have been added.

On roll call vote:

Eaves	"No"
Franklin	"Yes"
Hakeem	"Yes"
Hurley	"Yes"
Pierce	"Yes"
Rutherford	"Yes"
Taylor	"Yes"
Lively	"Yes"

The ordinance passed second reading.

Vice Chairman Lively stated the matter has been voted upon on second reading and knows it will be taken up in court. At this time he allowed Atty. Anderson to make remarks prior to voting on third reading.

AMEND ZONING ORDINANCE: CREATE
M-4 ZONE (Cont'd.)

Atty. John Anderson clarified that the motion by Councilman Pierce was a different motion than was "on the floor" last week, which was to grandfather all persons in with this same problem; that Councilman Pierce made the motion to grandfather-in a specific piece of property, which was a different motion. He stated what Councilman Eaves alluded to was that the City Council can at any time waive its rules which include Robert's Rules; that the Council is not bound by Robert's Rules in what the Council decides to so waive. He stated last week issues concerning safety, air pollution control and value were addressed; that this is economic development and not about competition and ending a monopoly; that it is about jobs, about minority contractors, about a \$20 million dollar investment, taxes and cost savings to the City and county each and every year. He stated Dave Koch with Vibration Control Engineering is present to address the issue raised by Councilman Hakeem regarding safety as it relates to the pipeline.

Doug Koch stated he is the Field Director for Vibration Control Engineering; that the safety issue involving this venture is there is no danger to the pipe line; that the major vibration is from the railroad that is directly over the pipeline. He stated the air fallout is not moot, but is not a concern and does not think that is a concern to the car lots or anyone as they are too many feet away for it to be a concern at this time.

Atty. Anderson asked Linda Spencer to address the issue regarding value.

Linda Anderson of Anchor Trust stated she is the representative that sold the property to American Materials for development. She stated she became involved with this property in 1989 and at that time it was owned by Norfolk. She gave a historical briefing regarding the property wherein she noted since 1989 the Carnation Company considered use of the property for warehousing; that Anheuser-Busch was also interested in the property and indicated due diligence of engineering was a factor. She stated two other offers have been made in the past two years, but neither moved past due diligence. She stated this is the highest and best use and uses the least amount of property and immediate absorption. She stated the location made the most sense when the property was considered, considering the same proximity being less than a mile away and there was proper zoning.

AMEND ZONING ORDINANCE: CREATE
M-4 ZONE (Cont'd.)

Ms. Spencer continued by stating she tried to review all the factors she could in regard to the property. She stated as far as loss of value, one reason she did not consider it a loss is that Vulcan already has a operation there and has been there since she started development in the area. She reiterated that it does appear this is the highest and best use offered.

Atty. Anderson expressed appreciation for the Council's indulgence and stated what the Council heard tonight is a vibration control engineer say blasting is not a risk to the pipeline; that at most the quarry will have a blast of once a week. He stated Vulcan has been in this area since 1940 and has not had an impact on value. He stated this Company is committed to doing things above and beyond competition, stopping the dust and making sure car dealers will not have to deal with dust. He requested the Council consider a motion or amendment to this reading to grandfather this property; that even under Robert's Rules that is in order and is not a motion to reconsider and does not require movement from the prevailing side to make the motion.

Councilwoman Rutherford stated when considering vibration to the pipeline, has consideration been given to any damage that could be done to the existing tracks. Atty. Anderson stated that is always a concern. Councilwoman Rutherford inquired as to whether blasting would cause any damage. Mr. Koch responded "no"; that the blasting will be further away. Councilwoman Rutherford asked if the blasting is more intense than the vibrations. Mr. Koch responded "not by Tennessee standards"; that the vibrations from the train are eight-to-ten times greater.

Prior to roll call vote on third reading, Councilman Pierce again indicated that he will vote for the ordinance and would have liked for the grandfathering clause to have been added.

On motion of Councilwoman Hurley, seconded by Councilman Taylor, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, BY AMENDING ARTICLE II, SECTION 100 TO ADD DEFINITIONS RELATIVE TO THE PROPOSED M-4 ZONE; TO AMEND ARTICLE V, SECTION 1001.(2) AND 1001.(4), TO DELETE CERTAIN PERMITTED USES FROM M-1 MANUFACTURING ZONE; BY AMENDING ARTICLE V, TO INSERT REVISED SECTIONS 1025 THROUGH 1026, CREATING AN M-4 OUTDOOR INDUSTRIAL USE ZONE AND ESTABLISHING USE REGULATIONS AND AUTHORIZING CERTAIN CONDITIONS ON PERMISSIBLE USES WITHIN THE M-4 OUTDOOR INDUSTRIAL USE ZONE

passed third and final reading and was signed in open meeting; on roll call vote:

AMEND ZONING ORDINANCE: CREATE
M-4 ZONE (Cont'd.)

Eaves
Franklin
Hakeem
Hurley
Pierce
Rutherford
"Taylor
Lively

"No"
"Yes"
"Yes"
"Yes"
"Yes"
Abstained
"Yes"
"Yes"

AMEND CITY CODE

On motion of Councilwoman Rutherford, seconded by Councilman Taylor, AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 18, SECTION 18-123, RELATIVE TO LANDFILL FEES passed second reading. On motion of Councilman Franklin, seconded by Councilwoman Hurley, the ordinance passed third and final reading and was signed in open meeting.

REZONING

1998-224: Marilee Mitchell

The applicant was present; there was no opposition.

Councilwoman Hurley stated she was not present for last week's presentation and asked Ms. Mitchell to make her presentation again.

Marilee Mitchell, applicant, stated she wants to use half of her duplex for a bed and breakfast; that there is a beauty shop across the street and a day care center. She stated traffic is going and coming all day and would only be increasing the traffic by one car. She stated she keeps her property up very well.

Barry Bennett of Planning stated the Staff recommended against the rezoning because it would be a spot zone; that the Planning Commission gave approval subject to use as a bed and breakfast only, no additional apartment use, and further expansion of the building.

Councilwoman Hurley asked Ms. Mitchell if she accepts the conditions. Ms. Mitchell responded "yes".

Councilman Hakeem stated he has concern that we might be setting a precedent; that we do not want to put this in the middle of a neighborhood.

REZONING (Cont'd.)

Councilman Hakeem stated we are talking about turning a duplex into a bed and breakfast; that we might say this is one instance and would not happen again. He stated what if everyone wants a bed and breakfast. He stated not in this instance, but in some cases, it could be used for services other than a bed and breakfast. He stated that is reality and feels the Council has to look at it, not just this one case but the potential for the future.

Councilman Pierce echoed Councilman Hakeem's comments. He stated he is very leery of this type of development in a residential zone; that he is noticing it is one of the biggest things now and bed and breakfasts are becoming popular. At this point he made the motion to deny; Councilman Hakeem seconded the motion.

Ms. Mitchell stated her duplex is a two story brick with six bedrooms and is very nice property.

Councilwoman Rutherford stated until recently she owned a travel agency and is very familiar with bed and breakfasts. She asked how Ms. Mitchell plans to market the bed and breakfast.

Ms. Mitchell stated she plans to market it on the Internet; that she plans to go to the Chamber and Convention and Visitors Bureau to leave brochures; that she plans to market it in different ways.

Councilwoman Rutherford inquired as to the charge. Ms. Mitchell stated the charge will be moderate; that she has a nice place, but the neighborhood is mediocre.

Councilwoman Rutherford stated Ms. Mitchell could make more money renting it out as a duplex.

Ms. Mitchell stated she does have it rented; that the income from the duplex is not enough as she is out of work due to having contracted hepatitis from contaminated water. She stated she is simply trying to not have to ask anybody for anything.

Councilman Taylor stated Ms. Mitchell made a statement that the neighborhood is mediocre. He asked if it would be hard to market a bed and breakfast if the neighborhood is mediocre and inquired as to the type of customers she is trying to capture.

Ms. Mitchell stated she is definitely not trying to capture the higher end; that there are some people who would like something nice and not pay \$100 per night.

REZONING (Cont 'd.)

Councilman Taylor asked Ms. Mitchell if she plans to have the bed and breakfast filled each weekend. Ms. Mitchell responded "that is her plan".

On motion of Councilman Pierce, seconded by Councilman Hakeem, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 4502 NORCROSS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS **was denied.**

CLOSE AND ABANDON

1998-245: Koch Foods, LLC

On motion of Councilman Pierce, seconded by Councilwoman Rutherford, AN ORDINANCE CLOSING AND ABANDONING 250 FEET OF EAST 18TH STREET FROM BALDWIN STREET TO KERR STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE **was tabled two weeks.**

WATERWORKS SYSTEM

Councilman Hakeem stated this matter was discussed in the Economic Development Committee and comes with the recommendation for approval.

On motion of Councilman Hakeem, seconded by Councilwoman Hurley, AN ORDINANCE AUTHORIZING THE CITY TO OWN AND/OR OPERATE A WATERWORKS SYSTEM WITHIN AND/OR BEYOND THE BOUNDARIES OF THE CITY, AND FURTHER AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN, PURCHASE, LEASE OR OTHERWISE ALL LANDS, GROUNDS AND OTHER PROPERTY INTERESTS, BOTH REAL AND PERSONAL, NECESSARY TO OPERATE SUCH WATERWORKS SYSTEM, AND FINALLY, AUTHORIZING A TRANSFER OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00) FROM THE GENERAL FUND TO THE LIABILITY INSURANCE FUND TO BE RECOVERED FROM BOND PROCEEDS AT A LATER DATE, TO FINANCE ACQUISITION COSTS EXCEPT THOSE TO BE USED AS PAYMENT OF FAIR MARKET VALUE OF THE PROPERTY passed first reading.

TEMPORARY USE: REFLECTION RIDING

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING REFLECTION RIDING TO USE TEMPORARILY 400 GARDEN ROAD FOR THE PURPOSE OF RESURFACING 275 FEET OF GARDEN ROAD AND PROVIDING GUARDRAIL ON THE WEST SIDE OF THIS SECTION AT THEIR COST, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

CHANGE ORDER

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 2, CONTRACT NO. 28F, INFLUENT RELIEF PUMP STATION, HAREN CONSTRUCTION COMPANY, INC., TO INCREASE THE CONTRACT IN THE AMOUNT OF TEN THOUSAND THREE HUNDRED SIXTY-FIVE DOLLARS (\$10,365.00), FOR A TOTAL CONTRACT PRICE OF TWO MILLION SEVEN HUNDRED EIGHTY-FIVE THOUSAND THREE HUNDRED SIXTY-FIVE DOLLARS (\$2,785,365.00), AND AN INCREASE IN CONTRACT TIME OF FIVE CALENDAR DAYS

was adopted.

AMEND AGREEMENT: A. ODELL LEINART

On motion of Councilwoman Hurley, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH A. ODELL LEINART TO CONTINUE TO PERFORM CONSULTING SERVICES RELATIVE TO MAINTAINING THE PAVEMENT MANAGEMENT SYSTEM FOR A CONSIDERATION OF THREE THOUSAND DOLLARS (\$3,000.00) PER MONTH DURING MARCH 1, 1999, TO FEBRUARY 20, 2000

was adopted.

LEASE AGREEMENT: CHATTANOOGA CHAMBER FOUNDATION, INC.

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

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE CHIEF OF THE CHATTANOOGA POLICE DEPARTMENT TO ENTER INTO A LEASE AGREEMENT SUBSTANTIALLY IN THE FORM ATTACHED HERETO WITH THE CHATTANOOGA CHAMBER FOUNDATION, INC. FOR CERTAIN SPACE IN THE CIVIC FORUM TO BE USED AS THE OFFICES OF THE INTERNAL AFFAIRS DIVISION FOR A CONSIDERATION OF TWO THOUSAND, THREE HUNDRED NINETY-ONE AND 67/100 DOLLARS (\$2,391.67) PER MONTH

was adopted.

HIGH SPEED PASSENGER RAIL

On motion of Councilman Hakeem, seconded by Councilwoman Hurley, A RESOLUTION SUPPORTING EFFORTS TO SECURE HIGH SPEED PASSENGER RAIL SERVICE BETWEEN CHATTANOOGA AND ATLANTA, TO ENDORSE THE APPLICATION FOR SELECTION AS A CANDIDATE FOR DEVELOPMENT OF MAGNETIC LEVITATION (MAGLEV) TECHNOLOGY IN THE UNITED STATES, AND TO DESIGNATE THE ATLANTA REGIONAL COMMISSION AS CHATTANOOGA'S REPRESENTATIVE IN SUBMITTING SAID APPLICATION OR ANY OTHER SUPPORTIVE DOCUMENTATION FOR SAID PURPOSES was adopted.

OVERTIME

Overtime for the week ending December 11, 1998 totaled \$16,032.16.

SPECIAL PRESENTATION: QUARTERLY
REPORT OF CITY COURT OPERATIONS

Judge Williams presented the quarterly report of City Court at this time. His complete statement has been spread upon the minutes.

**QUARTERLY REPORT
(JULY 1, 1998 - NOVEMBER 30, 1998)
OF THE CHATTANOOGA CITY COURT TO THE CITY COUNCIL**

December 15, 1998

Once again it is my pleasure to give to the City Council the status of the operation of the Chattanooga City Court. As you are aware the number of cases continues to grow with special enforcement efforts of the police, fire and neighborhood services departments. There has also been a slight increase in the number of cases from the Air Pollution Control Bureau. In light of the present case load I have issued an order to the Clerk of the Court that no more than 150 new cases per session (morning and evening) may be docketed on any given day. Further court rules allow for not more than 50 continued cases per session. These limits had to be put in place to accommodate seating for defendants and proper disposition of cases. I previously advised the Council that this action would be taken and the same has been communicated to the various city departments.

SPECIAL PRESENTATION: QUARTERLY
REPORT OF CITY COURT OPERATIONS
(Cont'd.)

I. Cases

A. Traffic and City Ordinances
The total number of cases filed in Court was 14,993. The Clerk reported that 4,232 cases were paid prior to court. Therefore, the Court heard 10,761 cases. Judgments ranged from fines, Defensive Driving School, public works, community service, dismissals, etc. Several defendants were ordered to deliver flowers, candy, Thanksgiving and Christmas gifts to forgotten persons in nursing homes and non-profit retirement homes in lieu of fines and/or court costs. There were a number of out of town defendants who requested and were granted waivers of appearance by the Court to pay moving citations. The number of requests has increased significantly because of the I-75 construction reduced speed zone of 45 m.p.h. I hope the media could help get the message to the public that the speed on I-75 is 45 m.p.h. where posted, 24 hours a day and 7 days a week whether workers are present or not.

Also, I have decided not to allow anyone who exceeds the posted speed by more than 25 m.p.h. to attend Defensive Driving School. I personally think such actions require stiff penalties. I have also been in touch with the Tennessee Department of Safety in Nashville regarding suspending licenses of repeat offenders more expeditiously. We must all take reasonable measures to achieve greater compliance of traffic laws.

It appears that I-75 has grown to be the spot where the most citations for speeding have been issued. Lee Highway, Highway 27 and Hixson Pike closely follow. Appendix I is attached for your information which gives the monthly and total citations issued on several streets in the city. Please note the number of citations issued on Midland Pike (169) which was the result of the reduced speed zone to 25 m.p.h. I have had discussions with Traffic Engineering of the need for placing additional signs and prior notification to the public regarding areas where the speed is reduced to allow a transition period.

The number of accidents continues to climb and is exacerbated when there are wet and slippery roads. Motorists should reduce their speed and allow for additional stopping distance when conditions are not favorable. We must strive to become more responsible or continue to experience increased insurance rates.

SPECIAL PRESENTATION: QUARTERLY
REPORT OF CITY COURT OPERATIONS

- B. Parking
Information unavailable at this time. Judge Williams stated there are two different computer systems providing this information and the information could not be provided. He stated another report on parking will be submitted later.
- C. Environmental
There were 458 environmental cases filed in Court during this period. The records show 1 case was paid with the Court hearing 457 cases. While the inspectors and the Court did our lawful duty, I must report that no person was removed from any property without proper relocation or referral to the appropriate governmental or private agency. I am most proud that all of us go "the extra mile" to help those in need.
- The Court is beginning to see a slight increase in the number of cases where craftsmen are performing or contracting to perform work without proper permits, licenses or authorization to perform work inside the City. I tend to be very tough on those who take advantage of unknowing citizens and require a full reimbursement of funds paid in lieu of higher fines and other punishments. Let the word go out, loud and clear, that this judge will not go easy on anyone who tries to take advantage of another and will do whatever legally I can to put a stop to this practice.
- I have continued to meet with local neighborhood groups regarding their complaints and possible solutions. I simply attend the meetings to speak to issues that come up in Court and suggest ways of resolving community problems. I am pleased with the efforts of the new Neighborhood Services Department and its efforts in revitalizing neighborhoods. I have already seen greater cooperation between neighborhoods and city inspectors and hope the same continues.
- In the very near future I hope the Council will continue the dialogue begun a few years ago regarding the role of the Better Housing Commission and the Environmental Court. It seems there are several areas where there is duplication of efforts.

SPECIAL PRESENTATION: QUARTERLY
REPORT OF CITY COURT OPERATIONS
 (Cont'd.)

II. Revenues

As you know I appeared before the Council in July 14, 1998, to announce my decision to authorize an amnesty period for the forgiveness of interest only for a period of 60 days (August 1 - September 30, 1998). I am pleased to report that the Court feels the effort was productive in a number of ways. First, the Clerk was able to clear up several old files and records. Secondly, many persons were able to get clearances on their licenses and get garnishments released. Thirdly, but not most importantly, the City Clerk collected \$147,089 over and above its regular collections and those of North American Collections. The following is a breakdown of the amnesty effort:

Cash collected:	\$147,089
Interest waived:	220,065
Total	<u>\$367,154</u>

While we all had hoped more persons would have taken advantage of the offer, I must say "It was the right thing to do and I have no second thoughts for authorizing the same."

It seems that I am compelled to emphasize that City Court was not created for the sole purpose of being a "revenue stream" for the city. However, if properly managed it will always receive more income than expenditures authorized for its operation. It has been that way for over 70 years and will continue into the new millennium.

The total revenues to date (12/11/98) are \$1,093,403 versus anticipated annual revenues per budget of \$1,805,500. Total expenses to date of the Court and Clerk's office are \$492,825 leaving excess revenues over expenditures of \$600,578. The budget of the City anticipated the yearly excess revenues to be \$747,369. Therefore, the Court has already met 80.3% of the anticipated excess revenues within 5 months of the fiscal year. All of this was done notwithstanding the fact that 41% of cases heard during the period were dismissed for various reasons (Defensive Driving School, good behavior, G. E. D., finding of not guilty, etc.). Also, the Court ordered 2,488 defendants to pay court costs to cover some expenses.

SPECIAL PRESENTATION: QUARTERLY
REPORT OF CITY COURT OPERATIONS

The Clerk's office collections are up over 59.8% over the previous period last year. Revenues collected through North American Collections are slightly below last year but we know the amnesty period had some impact. Also, we have put some new procedures in place with the collection agency that we are certain will increase the collection rate prior to year-end.

In conclusion, I am concerned that there seems to be a feeling that the Court has had a meeting with the Police Department regarding its new efforts on cracking down on traffic offenders and the methods to be used. I want to categorically deny any collusion or discussion by this judge with the Police Department on this matter. I have not been consulted nor have I sought a meeting with the Police Department on this subject other than a brief mention by Chief Dotson to me a couple of Tuesdays ago of his scheduled press conference. I support traffic enforcement but do question some of the suggested (or may I say reported) actions to be employed. I reserve how I will handle the same as cases come to court. But I will have no problem dismissing any case that is found to be without merit or purpose. Further, I will continue to discuss and speak out against those officers who double charge a person for the same incident not because it is legally inappropriate to do so, but because it is simply wrong. I will do my job without fear or favor and I am sure the Police Department will do likewise.

Mr. Chairman, this is the report of the operations of the Chattanooga City Court for the specified period, and I welcome any questions or comments from the Council.

Respectfully submitted,

Walter F. Williams
City Court Judge

PERSONNEL

The following personnel matter was reported for the Parks and Recreation Department:

ARTHUR LEE SPRATLING - Retirement, General Supervisor, Buildings and Grounds, effective December 31, 1998.

EMERGENCY PURCHASE

The emergency purchase to lease a Trailer for Brown Acres Golf Course for the Parks and Recreation Department, Purchase Order No. P0010899 in the amount of \$20,690.00, issued to GE Capital Modular Space was duly reported and signed in open meeting.

PURCHASES

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

NEWTON CHEVROLET (Lower and better bid)
Requisition No. R0038525

Purchase of 1999 Cab and Chassis
\$17,250.00

R & S TRACTOR (Lower bid meeting City of Chattanooga specifications)
Requisition No. R0038548

Purchase of All Purpose Diesel Tractor
\$14,800.00

TENNESSEE ELECTRIC MOTORS (single source purchase)
Requisition No. R0035599

Purchase of 120 Windshields for Golf Carts at Brown Acres
\$12,999.60

PERSONNEL

The following personnel matter was reported for the Public Works Department:

MARGARET GRIER -- Employment, Secretary, Waste Resources, Pay Grade 6/Step 1, \$18,574.00 annually, effective December 4, 1998.

PERSONNEL (Cont'd.)

WESLEY B. WILSON -- Lateral Transfer, Crew Worker, City-wide Services, Pay Grade 3/Step 1, \$15,230.00 annually, effective November 19, 1998.

WARREN MINES -- Lateral Transfer, Sanitation Worker, City-wide Services, Pay Grade 3/Step 1, \$15,230.00 annually, effective November 19, 1998.

EMERGENCY PURCHASE

The emergency purchase to repair the Centrifuge Rotating Assembly at Moccasin Bend for the Public Works Department, Purchase Order No. P0010480 in the amount of \$35,000.00, issued to Baker Huges was duly reported and signed in open meeting.

PERSONNEL

The following personnel matters were reported for the Fire Department:

BOB D. STYLES -- Retirement, Firefighter, effective December 4, 1998.

ERNEST T. WOODRUFF -- Leave of Absence without Pay, Captain, effective December 15, 1998.

RICHARD M. RAY -- Family Medical Leave, Firefighter, effective December 18, 1998.

RODNEY R. DAVIS -- Disability Retirement, Lieutenant, effective December 26, 1998.

JAMES D. BERRY -- Disability Retirement, Lieutenant, effective December 31, 1998.

RODNEY W. TAYLOR -- Retirement, Lieutenant, effective January 1, 1999.

MARILYN E. HENRY, LEWIS A. LAFERRY, LEROY NORWOOD, JAMES D. SCOGGINS -- Promotion, Captain, Pay Grade F4/Step 7, \$40,919.80, effective December 18, 1998.

STEVEN M. WRIGHT -- Promotion, Captain, Pay Grade F4/Step 9, \$44,067.40 annually, effective December 18, 1998.

PERSONNEL (Cont'd.)

RICHARD M. AKERS, JAMES H. DILL, JR., WILLIE L. HUBBARD, CHARLES E. MCMILLIAN -- Promotion, Lieutenant, Pay Grade F3/Step 9, \$37,918.60 effective December 18, 1998.

DAVID L. ANDERSON, JAMES C. HANEY -- Promotion, Lieutenant, Pay Grade F3/Step 8, \$36,564.40 annually, effective December 18, 1998.

LARRY D. BARIE -- Promotion, Lieutenant, Pay Grade F3/Step 6, \$33,856.00 annually, effective December 18, 1998.

CHARLES E. PATTON -- Promotion, Lieutenant, Pay Grade F3/Step 7, \$35,210.20 annually, effective December 18, 1998.

ERIC BRUCE, DARYL A. MANIS -- Promotion, Senior Firefighter, Pay Grade F2/Step 3, \$27,376.80 annually, effective December 18, 1998.

PHILLIP A. HYMAN -- Promotion, Senior Firefighter, Pay Grade F2/Step 4, \$28,621.20 annually, effective December 18, 1998.

JOHN R. TAYLOR -- Promotion, Senior Firefighter, Pay Grade F2/Step 5, \$29,865.60 annually, effective December 18, 1998.

SHAWN K. REESE -- Eight (8) Day Suspension Without Pay, Firefighter, effective December 28-29, 1998 and January 2-7, 1999.

Chief Coppinger acknowledged the retirement of Bob Styles, retiring after 32 years of service; and Rodney Taylor, retiring after 25 years of service.

Councilman Pierce stated it looks as if the "docket is being loaded" with regard to promotions. Chief Coppinger stated that is a point well 'taken'; that there have been seventeen retirements since July 1; that when the Captains retire the Lieutenants move up and makes it appear that way. He stated there are still many vacancies and no additions to the budget.

PERSONNEL

The following personnel matters were reported for the Police Department:

NATHAN BATES, CAMMIE TUDORS -- Hire, Communication Officer, Pay Grade 11/Step 2, \$24,247.00 annually, effective December 18, 1998.

PERSONNEL (Cont'd.)

JACQUELINE WORTHINGTON -- Rehire, Communication Officer, Pay Grade 11/Step 2, \$24,247.00 annually, effective December 18, 1998.

Councilman Pierce inquired as to whether the 911 positions are being filled well. Chief Dotson responded "yes"; that they are filling up pretty well; that they are averaging two-to-three positions per month and were twelve short.

He inquired as to whether the 911 staff is paid by the City or the telephone company. Chief Dotson stated the 911 support staff is paid through the 911 system and is not familiar as to who their funding is secured. He stated the dispatchers are paid through the Police Department's budget.

Councilman Pierce inquired as to whether the budget is for City and other municipalities. Chief Dotson stated the City does a part of the 911 in Red Bank and the county; that they have their own separate dispatchers, and we are responsible for training them.

Councilman Pierce asked if Red Bank pays the City to train their people. Chief Dotson responded that he did not know; that when the City hires they are trained, as well.

Councilman Pierce stated he is concerned why he has to pay for the service on this telephone statement and should not be paying twice for another municipality; that it is something that needs to be "taken up" at a later time.

CITIZENS REVIEW BOARD

Chief Dotson expressed thanks to the Council for approving the Resolution for space allotment for the Citizens Review Committee. He stated he has received only two recommendations regarding the make-up of the Committee and reminded Council members that they need to make appointments as soon as possible so that a background check can be performed and training can be started for implementation of the program.

Vice Chairman Lively asked if the time can be extended until the first of the year as several have approached him wanting to serve.

Chief Dotson stated he is willing to extend the time to an extent; that an extension of 60 days was given to provide the names initially.

BOARD APPOINTMENT

On motion of Councilwoman Hurley, seconded by Councilman Pierce the following board appointment was approved:

BOARD OF APPEALS FOR VARIANCE:

--Appointment of **VERONICA YOUNG** to complete the unexpired term of John Franklin, Jr. for said term ending October 1, 2000.

REFUNDS

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford, the Administrator of Finance was authorized to issue the following refunds of stormwater fees for tax years 1994, 1995, 1996, 1997 and 1998:

1994	\$	132.20
1995		132.00
1996		12,846.95
1997		12,332.65
1998		<u>84.00</u>
		\$25,443.80

COMMITTEES

Councilwoman Rutherford scheduled meetings of the **Parks and Recreation Committee for Tuesday, December 29 and Tuesday, January 12 immediately following the Public Works Committee** for both dates.

Councilman Pierce asked Councilman Franklin to schedule a meeting of the Legal and Legislative Committee to discuss the skateboarding issue downtown merchants have been complaining about. City Attorney Nelson indicated that he is working on the matter, now. Councilman Franklin scheduled a meeting of the **Legal and Legislative Committee for Tuesday, December 29 immediately following the Parks and Recreation Committee** meeting.


Vice Chairman Lively scheduled a meeting of the **Budget and Finance Committee immediately following the Legal and Legislative Committee** meeting.

TIM ORTEGA

Tim Ortega stated he owns a business in the City and this is the first time he has attended a Council meeting. He stated he does not want anybody to take his business from him; that if he wants to sell his business then anybody can buy it. He stated the Council and the City are attempting to proceed to buy the Tennessee-American Water Company, and it is said the purchase is for economic reasons, and he does not care why the officials wants to buy it. He stated he feels officials are purchasing something that is not for sale and when government buys private enterprise that means many feel as if they are looking at a Socialist City. He stated this City is not for making a profit, it is for growth; that if you have to stifle private enterprise then the City is "backing up".

ADJOURNMENT

Vice Chairman Lively adjourned the meeting until Tuesday, December 29, 1998 at 6 p.m.



SHIRLEY SIMON
CLERK OF COUNCIL



D. A. LIVELY
CHAIRMAN

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