

Municipal Building
Chattanooga, Tennessee
November 24, 1998

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

INVOCATION

Invocation was given by Councilman Taylor.

MINUTE APPROVAL

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

REZONING

#1998-206 (DAVID WALKER)

On motion of Councilman Lively, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 3501 ST. ELMO AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-3 WAREHOUSE AND WHOLESALE ZONE TO M-2 LIGHT INDUSTRIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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.

CLOSE AND ABANDON

#1998-213 (CITY OF CHATTANOOGA)

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem, AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED NORTHWEST OF COWART STREET AND SOUTHWEST OF MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

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.

CLOSE AND ABANDON

#1998-175 (THE DIXIE GROUP, INC.)

On motion of Councilman Taylor, seconded by Councilwoman Hurley, 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 first reading.

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 first reading.

AGREEMENT

Councilman Taylor stated that the following three resolutions were discussed in Public Works Committee and come with a recommendation.

On motion of Councilman Taylor, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BATTLEFIELD ABATEMENT CONTRACTORS, INC. RELATIVE TO ASBESTOS MANAGEMENT CONSULTANT SERVICES FOR CONTRACT NO. CSO-2-98, FOR AN AMOUNT NOT TO EXCEED THIRTY THOUSAND DOLLARS (\$30,000.00) was adopted.

AGREEMENT

On motion of Councilman Taylor, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE EXECUTION OF A NOVATED AGREEMENT WITH SOIL RESTORATION AND RECYCLING, LLC AND ALTERNATIVE FUELS, LLC, RELATIVE TO THE SALE OF METHANE GAS SYSTEM, LEASING CERTAIN PROPERTY AT SUMMIT LANDFILL FOR A SOIL MEDIATION PLANT AND RELATED USES, TO PROVIDE MAINTENANCE FOR THE METHANE GAS COLLECTION SYSTEM, AND TO HANDLE SLUDGE was adopted.

AGREEMENT AMENDMENT

On motion of Councilman Taylor, seconded by Councilwoman Rutherford, A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 2 TO THE ENGINEERING SERVICES AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO THE NORTHWEST GEORGIA SEWER PROJECT, CONTRACTS 53B-1 AND 53B-2, PUMP STATIONS AND SPRING CREEK FORCE MAIN, WHICH DECREASES THE CONTRACT AMOUNT BY TWENTY-TWO THOUSAND, FIVE HUNDRED DOLLARS (\$22,500.00) FOR A REVISED CONTRACT AMOUNT OF THREE HUNDRED NINETY-THREE THOUSAND, FIVE HUNDRED TWENTY-FIVE DOLLARS (\$393,525.00) was adopted.

TEMPORARY USAGE

Chairman Crockett announced that a Resolution authorizing temporary usage of the City's R-O-W at the Old Stage Run Subdivision entrance along Cassandra Smith Road would be deferred two weeks by vote of the Public Works Committee.

DONATION AGREEMENT

Councilwoman Rutherford stated that the following two resolutions were discussed in Parks and Recreation Committee and comes to the Council with the recommendation for approval and much appreciation.

On motion of Councilman Pierce, seconded by Councilman Hakeem, A RESOLUTION AUTHORIZING THE PARKS AND RECREATION ADMINISTRATOR TO EXECUTE A DONATION AGREEMENT BETWEEN MICHAEL F. MCGAULEY, JOHN R. MCGAULEY, JR. AND THE MARY V. MCGAULEY IRREVOCABLE TRUST, RELATIVE TO THE DONATION OF APPROXIMATELY TWENTY-TWO (22) ACRES LOCATED IN SOUTH CHATTANOOGA, BORDERED BY CHATTANOOGA CREEK was adopted.

Chairman Crockett asked Mr. Michael McGauley, who was present, if he would like to say a few words. Mr. McGauley stated that this was an opportunity for them to honor their grandfather and all the "pieces fell together". He thanked the Parks and Recreation Dept. and Bobby Davenport, noting that Councilmen Pierce and Taylor are familiar with the project and stated he thought this was something we could all get excited about for the future.

Chairman Crockett thanked Mr. McGauley for this gift, noting that it was also a tribute to Charlotte Reynolds, a granddaughter who had passed away.

LEASE AGREEMENT

On motion of Councilman Taylor, seconded by Councilman Pierce, A RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH CRABTREE FARMS, INC. FOR THE LEASE OF CERTAIN PROPERTY, MORE PARTICULARLY DESCRIBED HEREIN, FOR NON-PROFIT AGRICULTURAL USES was adopted.

PURCHASE OF TN-AMERICAN WATER CO.

Councilman Taylor stated this matter came before the Public Works Committee and a presentation was made by Mayor Kinsey and Decosimo Co. He stated it was a good presentation showing the advantages and the savings that could be passed on to residential, industrial, and commercial properties.

On motion of Councilwoman Hurley, seconded by Councilman Pierce, A RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE THE PURCHASE OF THE TENNESSEE-AMERICAN WATER COMPANY OR IN THE ALTERNATIVE AUTHORIZING THE FILING OF AN EMINENT DOMAIN LAWSUIT TO ACQUIRE THE ASSETS OF THE TENNESSEE-AMERICAN WATER COMPANY was adopted.

OVERTIME

Overtime for the week ending November 20, 1998 totaled \$71,792.16.

PERSONNEL

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

JACQUELINE D. SIMPSON -- Reinstatement to previous status of Recreation Specialist, Sr., Pay Grade 12/5, \$30,314.00 annually, effective 12/4/98.

DAVID C. BENNETT -- Hire as Building Maintenance Mechanic, Sr., Pay Grade 12/01, \$25,262.00 annually, effective 12/2/98.

GERALD W. CASE -- Hire as Tree Trimmer, Pay Grade 6/3, \$20,432.00 annually, effective 12/9/98.

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem, the following purchase was approved for use by the Parks and Recreation Dept.:

KITSMILLER-MURRAY (Best Bid):
Requisition No. 0038510

Renovation of the Warner Park Tennis Courts

\$17,295.00

PERSONNEL

The following personnel matter was reported for the Dept. of General Services:

GARY I. BROWN -- 10 Days Suspension without pay for Crew Supervisor, and demotion to Sr. Crew Worker, Pay Grade 5/11, \$27,061 annually, effective 11/20/98.

PURCHASE

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

BEARINGS AND DRIVES (Overall low bid)
Requisition No. 0039292

Seals and Bearings Contract

(Various Prices)

PERSONNEL

The following personnel matters were reported for the Public Works Dept.:

BRAD PRYOR -- Lateral Transfer for Heavy Equipment Operator, Pay Grade 10/1, \$23,033.00 annually, effective 11/4/98.

LINDA A. BURTON -- Resignation of Office Assistant, effective 11/1/98.

PURCHASES

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

CONSOLIDATED PROCESS MACHINERY (Single Source Purchase)
Requisition No. R0039372

Diaphragms for Moccasin Bend Treatment Plant

\$33,763.00 (\$675.26 each)

INDUSTRIAL RUBBER & SUPPLY (Lower and better bid)
Requisition No. R0035119

Rubber Boots

(See minute material for prices)

CHATTANOOGA FORD TRACTOR (Only bid meeting City's specs.)
Requisition No. 0038858

Tractor for City Yards

\$21,289.00

FURROW-JUSTICE MACHINERY (Lower and better bid)
Requisition No. R0038859

Hydraulic Side-Mount Mower

\$32,250.00

SWEEPING CORP. OF AMERICA (Only bid received)
Requisition No. R0038827

Street Sweeping Services

\$33.05 Curb Mile

PURCHASES (CONT'D.)

CHATTANOOGA FORD TRACTOR (Lower bid meeting City specs.)
Requisition No. 0038876

Two-Wheel Drive Tractor

\$21,249.00

PERSONNEL

The following personnel matters were reported for the Fire Dept.:

BOB D. STYLES -- Family Medical Leave, effective 11/25/98 thru 2/20/99.

JOHN T. TOWNSEND -- Retirement of Captain, effective 12/4/98.

Chief Coppinger noted that Captain Townsend was retiring after 26 years of commendable service to the department.

PERSONNEL

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

BRENDA MCCLENDON -- Hire as Records Clerk Sr., Pay Grade 5/1, \$17,459.00 annually, effective 12/4/98.

PERSONNEL

The following personnel matters were reported for Finance and Administration Dept.:

ROBERT ELLIS -- Hire as Programmer I, Pay Grade 16/2, \$31,206.00 annually, effective 11/20/98.

JOSEPH HUMBERD -- Hire as Programmer I, Pay Grade 16/2, \$31,206.00 annually, effective 12/4/98.

COMPUTER -- YEAR 2000

Councilman Taylor stated that in looking at the Overtime Report and noting a Computer Troubleshooting session, he questioned if we were ready for the Year 2000 and were addressing this.

Adm. Boney responded that this was in his department, and they had been working on this two years and were compliant and felt good about this; that they were doing some real testing to make sure there would be no surprises; that the vendors are on target throughout the city.

At this point Councilman Pierce also brought up a concern that he had noticed concerning a real slowness in getting computer access and bringing up data. Adm. Boney responded that he would get someone to look into this.

Chairman Crockett stated that he had written a letter to Mayor Kinsey, Ken Hays, and Adm. Boney stating that he would like to have a committee meeting with a full briefing on the issues that had just been raised by Councilman Taylor; that this would be discussed at a future time in committee, and he thanked Councilman Taylor for bringing up this subject.

COMMITTEES

Councilwoman Rutherford reminded the Council of the **Parks and Recreation Committee scheduled for Tuesday, December 1st at 3:30 P.M.** which would be the final discussion before the 2008 Plan is voted on.

Chairman Crockett stated that in the absence of a Chairman of the Budget and Finance Committee that Vice-Chairman Lively would chair a **Budget and Finance Committee on Tuesday, December 15th at 4:00 P.M. to discuss the Capital Budget.**

Councilman Hakeem reminded the Council of the **Economic Development Committee** scheduled for **Tuesday, December 1st at 5:00 P.M.** regarding the Planning Study proposed for Ridgedale.

Chairman Crockett stated that Councilman Franklin would serve on the committees that former Councilman Swafford had served on.

Chairman Crockett stated that in the absence of Councilman Eaves, who had had surgery on his knee and it was pretty painful for him to get around, that he would like to set a **Safety Committee following the Committee of the Whole Meeting scheduled for Tuesday, December 8th** (immediately following the Public Works Committee).

At this point Councilman Pierce stated that he felt uncomfortable as Chairman of the Legal and Legislative Committee, and would like for Chairman Crockett to appoint someone else or chair it himself. Chairman Crockett responded that Councilman Pierce had brought important issues to the committee; that he would be looking at the committee structure in the near future and would be making some adjustments.

RECOGNITIONS

Chairman Crockett recognized Scout Stephen Lee who was in the audience and was working on his Citizen's Merit Badge. He also recognized some young people from UTC who were present.

SISTER BEY

Sister Bey approached the Council and stated she would like a better understanding of Resolutions (e) and (f); that she would like it in writing "in black and white" and was not taking this lying down. Chairman Crockett explained to her that it was a donation of some property to the City of Chattanooga.

EDDIE HOLMES

Eddie Holmes of the NAACP was present. First of all he thanked Chairman Crockett for the part he had played in getting him appointed to the Human Rights and Human Relations Committee. Secondly, he stated that he knew the Council was interested in Fairness and Tax Equity, and he would like for the school districts to be a part of discussions and that the schools in the city limits receive their proper share.


MR. MARCEL

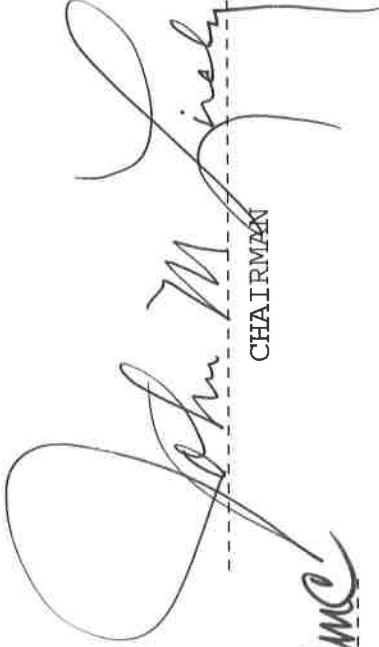
Mr. Marcel approached the Council regarding fire safety changes that he would like to see put into effect. He mentioned an incident where he and his son had been trapped in a back bedroom with bars, and they could not get out; that there needed to be some new changes to the information that the Fire Dept. was giving out regarding survival; that he felt like his child was killed because of the information that the Fire Dept. delivered -- that the size of the mouth needed to be measured. He stated that he also did home improvements, and he would like to see changes in the Fire Alarm Building Code regarding smoke detectors; that any home over \$50,000 should be required to have heat detectors, and he would like to see the City of Chattanooga pioneer this idea and be the first in the country to change the Fire Alarm Code; that if this would save one life it would be worth it.

Chairman Crockett noted that Chief Coppinger was in the audience and would take these comments into consideration.

ADJOURNMENT

Chairman Crockett adjourned the meeting until Tuesday, December 1, 1998, at 6:00 P.M.


CLERK OF COUNCIL


CHAIRMAN

Fieley, Vice

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