

**City Council Building
Chattanooga, Tennessee
January 21, 2000**

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

INVOCATION

Invocation was given by Vice Chair Hakeem.

MINUTE APPROVAL

On motion of Councilwoman Hurley, seconded by Councilman Franklin, the minutes of the previous meeting were approved as published.

FRANCHISE

Vice Chairman Hakeem declared a public hearing in process for persons wanting to speak for or against this franchise request; being none, the hearing was duly closed.

On motion of Councilman Crockett, seconded by Councilman Taylor,

**AN ORDINANCE GRANTING UNTO ITC^DELTACOM
COMMUNICATIONS, INC. A FRANCHISE TO INSTALL AND
MAINTAIN FIBER OPTIC TELECOMMUNICATIONS CABLES IN
CERTAIN RIGHTS-OF-WAY IN THE CITY OF CHATTANOOGA TO
PROVIDE TELECOMMUNICATION SERVICES, SUBJECT TO
CERTAIN CONDITIONS**

passed third and final reading and was signed in open meeting.

CLOSE AND ABANDON

1999-174: American Materials Technologies, LLC

Vice Chairman Hakeem stated a communication was received from the applicant requesting that this matter be withdrawn.

Councilman Pierce inquired as to why the request is being withdrawn. City Attorney Nelson stated the applicant wanted to pursue the closure and abandonment to get a plat recorded in the Register's Office; that they were able to do that without getting the roads closed and abandoned. He stated additional conditions were going to be placed on the abandonment, which the applicant did not find acceptable and from both standpoints felt it best to withdraw.

On motion of Councilman Pierce, seconded by Councilwoman Hurley,

AN ORDINANCE CLOSING AND ABANDONING STREETS AND ALLEYS LOCATED SOUTHEAST OF JERSEY PIKE, NORTHEAST OF HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was withdrawn pursuant to written request of the applicant.

REZONING

1999-217: Barry Ligon

On motion of Councilwoman Rutherford, seconded by Councilman Crockett,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 8488 EAST BRAINERD ROAD, BEING ON THE SOUTHWEST LINE OF EAST BRAINERD ROAD SOUTHEAST OF GIVENS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

1999-222: Bruce Patton

On motion of Councilman Franklin, 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 602 MIDLAND PIKE, BEING ON THE SOUTHEAST LINE OF MIDLAND PIKE AT PARK STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-5 NEIGHBORHOOD COMMERCIAL ZONE TO R-2 RESIDENTIAL ZONE

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.

REZONING

1999-224: Trinity Baptist Church

On motion of Councilman Pierce, seconded by Councilman Crockett,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1608, 1612, 1614, AND 1616 MARKET STREET, BEING ON THE SOUTHEAST LINE OF MARKET STREET SOUTHWEST OF 16TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

1999-225: Traci Kozloski

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,

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 1400 BLOCK OF WILLIAMS STREET, BEING ON THE SOUTHEAST LINE OF WILLIAMS STREET AT WEST 14TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS

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

REZONING

1999-226: Q. T. Morphis

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACT
OF LAND LOCATED AT 2001, 2003, 2005, 2007, 2009, AND 2013
ROSSVILLE AVENUE, BEING ON THE SOUTHWEST LINE OF
ROSSVILLE AVENUE AT MADISON STREET, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL
ZONE TO M-1 MANUFACTURING ZONE**

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 CONDITIONS

1999-227: Rainbow Creek Apartments, LP

On motion of Councilwoman Rutherford, seconded by Councilman Crockett,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO AMEND CERTAIN
CONDITIONS IMPOSED IN ORDINANCE NO. 10893, ON THE
RAINBOW CREEK APARTMENTS, LP PROPERTY LOCATED AT 7604
STANDIFER GAP ROAD, BEING ON THE SOUTHWEST LINE OF
STANDIFER GAP ROAD SOUTHEAST OF WALKER ROAD, BEING
MORE PARTICULARLY DESCRIBED HEREIN**

passed second reading. On motion of Councilman Eaves, seconded by Councilman Crockett, the Ordinance passed third and final reading and was signed in open meeting.

CLOSE AND ABANDON

1999-181: Chattanooga Neighborhood Enterprise, Inc.

On motion of Councilman Franklin, seconded by Councilman Pierce,
**AN ORDINANCE CLOSING AND ABANDONING A TEN (10) FOOT
UNOPENED ALLEYWAY FROM WEST 17TH STREET NORTHEAST
FIFTY-SIX (56) FEET, MORE PARTICULARLY DESCRIBED HEREIN
AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART
HEREOF BY REFERENCE, SUBJECT TO A CERTAIN CONDITIONS**

passed first reading.

REZONING

1999-213: John Pauley, Nilesh Mehta, Dheraaj Desai and Naven Patel

Councilman Crockett stated written notice was received by the Council Clerk from the applicant requesting that this matter be tabled 28 days.

On motion of Councilwoman Hurley, seconded by Councilman Crockett,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 5112 HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO C-1 HIGHWAY COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was tabled until February 22, 2000 pursuant to written request of the applicant.

REZONING

1999-236: R. L. Williams

The applicant was not present; there was no opposition in attendance.

On motion of Councilman Taylor, seconded by Councilman Crockett,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1605 WEST 39TH STREET, BEING ON THE NORTHEAST LINE OF WEST 39TH STREET AT OLD MOUNTAIN ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

was denied.

AGREEMENT AMENDMENT

Councilman Franklin stated Resolutions 7(a) – (g) were discussed in Public Works Committee and are recommended for approval.

AGREEMENT AMENDMENT (Continued)

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO THE AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO ADDITIONAL DESIGN AND CONSTRUCTION SUPPORT SERVICES ON CONTRACT NO. SWM-2-99, DRAINAGE AND WATER QUALITY ABATEMENT, SAID AMENDMENT NOT TO EXCEED TWENTY-THREE THOUSAND, SEVEN HUNDRED NINETY DOLLARS (\$23,790.00) FOR A REVISED TOTAL FEE NOT TO EXCEED ONE HUNDRED THREE THOUSAND, SEVEN HUNDRED NINETY DOLLARS (\$103,790.00)

was adopted.

SALES ORDER AGREEMENT

On motion of Councilman Pierce, seconded by Councilman Franklin,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO A SALES ORDER AGREEMENT WITH THE ELECTRIC POWER BOARD OF CHATTANOOGA FOR THE REMOVAL AND RELOCATION OF OVERHEAD POWER LINES ALONG 17TH STREET BETWEEN BROAD STREET AND MARKET STREET, MORE FULLY DESCRIBED HEREIN, FOR A TOTAL FEE NOT TO EXCEED EIGHTY-NINE THOUSAND, ONE HUDNRED DOLLARS (\$89,100.00)

was adopted.

CONTRACT: MAYSE CONSTRUCTION COMPANY

On motion of Councilman Franklin, seconded by Councilwoman Hurley,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. SWM-2-99, DRAINAGE AND WATER QUALITY ABATEMENT PROJECT, TO MAYSE CONSTRUCTION COMPANY, FOR THEIR LOW BID IN THE AMOUNT OF TWO MILLION, TWO HUNDRED FORTY-FOUR THOUSAND, TWO HUNDRED NINETY-FIVE AND 50/100 DOLLARS (\$2,244,295.50)

was adopted.

CONTRACT: EAST TENNESSEE GRADING, INC.

On motion of Councilwoman Rutherford, seconded by Councilman Eaves,
A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. SS-1-98, 17TH STREET, BROAD STREET TO MARKET STREET STREETScape PROJECT, TO EAST TENNESSEE GRADING, INC., FOR THEIR LOW BID IN THE AMOUNT OF EIGHT HUNDRED THIRTEEN THOUSAND, TWO HUNDRED SIXTY-ONE AND 80/100 DOLLARS (\$813,261.80)

was adopted.

SEWER EASEMENT PURCHASE

On motion of Councilman Crocket, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM CREEKS BEND GOLF CLUB, INC., RELATIVE TO CONTRACT NO. 99D, MISCELLANEOUS SANITARY SEWERS REQUIREMENTS CONTRACT, TRACT NO. 35, FOR A TOTAL CONSIDERATION OF TWO THOUSAND DOLLARS (\$2,000.00)

was adopted.

TEMPORARY USE: D & S CONSTRUCTION

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING D & S CONSTRUCTION TO USE TEMPORARILY A TRIANGULAR AREA OF THE CITY'S SEWER EASEMENT, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

TEMPORARY USE: MCKIBBON HOTEL GROUP OF CHATTANOOGA #2, L.P.

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING MCKIBBON HOTEL GROUP OF CHATTANOOGA #2, L.P. TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT THE INTERSECTION OF CHESTNUT AND SECOND STREETS FOR INSTALLING A METAL CANOPY, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

OVERTIME

Overtime for the week ending January 14, 2000 totaled \$108,698.20.

CHAIRMAN LIVELY

Vice Chairman Hakeem clarified that Chairman Lively's absence was due to illness.

PERSONNEL

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

JOEL FLEMING – Resignation, Assistant Zoo Supervisor, effective January 15, 2000.

PURCHASES

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

KLEEN-A-MATIC RENTAL UNIFORMS
Requirements Contract P0013631

Change Order #1 for Uniform Rental; additional uniform line item with embroidery is being added to this requirements contract.

\$6.44 each additional item

PORTER PAINT CO. (Low and best bid)
Requisition No. R0046738

Paint and Paint Supplies per 12 Months Requirements Contract

(Price information available and filed with minute material of this date)

PURCHASES (Continued)

XPEDX (Low and best bid)
Requisition No. R0046729

Twelve Months Requirements Contract Supplying Cleaning Supplies

(Price information available and filed with minute material of this date)

PURCHASES

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

LANGDALE FOREST PRODUCTS
Contract P0010809

Twelve Months Extension on Contract for Wooden Signal Poles per Section 2-342, Paragraph V, Chattanooga City Code.

EASTMAN CONSTRUCTION CO.
Contract P0012867

Change Orders 1,2,3,4 on Contract for Electrical Circuit Breakers

\$557,539.00	Original Contract (6/29/99)
4,897.00	– Change Order #1
2,719.00	– Change Order #1
2,970.00	– Change Order #3
<u>9,493.00</u>	– Change Order #4
\$577,618.00	Total Contract Cost

PERSONNEL

The following personnel matters were reported for the Chattanooga Police Department:

MARTA MONZON – Hire, Assistant Community Outreach Director, Pay Grade 12/Step 3, \$27,788.00 annually, effective January 14, 2000.

PERSONNEL (Continued)

MICHAEL A. EVANS – Hire, Accounting Technician, Pay Grade 8/Step 3, \$22,883.00 annually, effective January 18, 2000.

JIMMIE OING – Hire, Communications Officer, Pay Grade 11/Step 1, \$24,147.00 annually, effective January 28, 2000.

BEVERLY CODY – Resignation, Police Records Clerk, effective January 27, 2000.

UPDATE: ALTON PARK SLUDGE SITUATION

Councilman Taylor asked for an update regarding the project in Alton Park concerning sludge and odor.

Admin. Marcellis stated this involves a combined sewer overflow project, which is a seven million gallon facility that is the size of two football fields; that there is a berm to direct the drainage away from the Howard School football field with the intention of growing grass quickly with biosolids. He stated the contractor, unfortunately, was not knowledgeable as to how to mix the biosolids into the ground and literally left it on top; that odor began to permeate the first day before the Christmas holiday. He stated the contractor let them know about it and indicated they never heard anything from the neighborhood; that the decision was made to stop adding any more sludge at the time. He stated the contractor was asked to dig the biosolids into the ground; that topsoil was hauled from Moccasin Bend to finish the berm and for use in topping the combined sewer overflow. He stated while it was a good idea, the contractors should be trained a little better and the department will probably not do this again in a developed area where there is housing nearby. He stated he made an attempt today to go out and check the area, however his schedule did not permit him to do so; that there is still a faint odor that should be gone shortly. He stated if there is another rainy day like today the odor should end soon.

Councilman Taylor stated it is his hope that this will not be a regular practice because this is a highly populated area; that he received quite a few calls regarding the odor.

Councilman Franklin inquired as to the contractor. Admin. Marcellis indicated that he could not recall; that it is an out-of-town contractor. He stated he would get the information and relay it to Councilman Franklin on Wednesday.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following purchases were approved for use by the Chattanooga Police Department:

G. T. DISTRIBUTORS (Only bid received)

Requisition No. R0047073/B0000388

Body Armor

\$13,262.36

MOUNTAIN VIEW FORD, INC. (Lower and better bid)

Requisition No. R0047099/P0013852

Requirements Contract for Crown Victoria Vehicles

\$19,547.95 per unit

PERSONNEL

The following personnel matter was reported for the Finance Department:

BETTYE JOE WELLS – New Hire, Telecommunications Manager, Information Services, Pay Grade 27/Step 6, \$52,476.00 annually, effective January 28, 2000.

HEARING

City Attorney Nelson reminded Councilmen Franklin (Chair), Rutherford and Hurley of the personnel hearing scheduled for Officer Coleman scheduled for Monday, January 24 at 6 p.m.

COMMITTEES

Councilman Franklin reminded Council members of the Public Works Committee meeting scheduled for Tuesday, January 25 at 4 p.m.

COMMITTEES (Continued)

Councilman Taylor stated a meeting of the **Safety Committee** was held earlier with discussion centering on the Teen Social Club and Teen Curfew Ordinances. He reminded Council members of the meeting of the Committee that is scheduled for **Tuesday, February 1 immediately following the Parks and Recreation Committee** to discuss the Police Department's year-end report and the cost analysis for the Department's technical package, as well as continuation of discussion regarding the Teen Social Club/Curfew Ordinances.

Councilman Hakeem stated a meeting of the **Budget and Finance Committee** was scheduled for today to discuss the Capital Budget and other items taking place in Nashville that can impact the City. He **rescheduled** the meeting **for Thursday, January 20 at 3:30 in the Collins Conference Room.**

TAYLOR CHILDREN

Councilman Taylor introduced his children, John, Jr. and Andrew Logan, who were in attendance at the meeting.

RALPH MITCHELL

Ralph Mitchell (Khalil Musaud Muhammed) stated that he experienced an unpleasant turn of events on January 12 when he went home early from work and discovered a police officer in the house with his fiancée; that he was unable to get into the house because he did not change the bottom lock at the time. He stated he went to all the windows and knew they were in the house but could not see them and ended up sitting on the front porch for about 15 minutes; that he looked down the street and could see the policeman's car. He stated after discovering the policeman in the house he called the County Commission office and was told by the Secretary to contact the Police Department to see who the policeman's district supervisor was. He stated after making the telephone call he returned to the house; that the policeman did not come out until he threatened to call the news media. He stated the policeman came out of the house and attempted to explain (his reason for being in the house). He stated the officer called other officers for back up and gave the impression he (Mitchell) was trying to create a disturbance. He stated a man should not have to go to work and find a police officer in the home with his fiancée; that he wanted to come to the Council to report the incident in the hope there would be an internal affairs investigation.

Vice Chairman Hakeem suggested that Mr. Mitchell communicate with Chief Dotson.

ADJOURNMENT

Vice Chairman Hakeem adjourned the meeting until Tuesday, January 25, 2000 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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