

Municipal Building  
Chattanooga, Tennessee  
May 6, 1997

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

INVOCATION

Mr. Landon Howard gave the invocation for the evening.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: REV. E.L.  
YOUNG

Rev. Young congratulated Council members on their re-election and spoke to them about the Tennessee Adolescent Intensive Probation System (TAIPS). He stated TAIPS addresses the known risk factors of juvenile delinquency that are found in the family, the community, in peer relationships, in the school, and in the adolescents themselves. He stated the program is geared toward 14-17 year old African-American males; that some of their clients come through Juvenile Court, Fortwood, the schools and/or parents. He stated TAIPS has been in existence for two years from a grant funded through the Tennessee Commission on Children and Youth; that they have one year left on the grant after this year. He stated one of the major concerns they have is what can be done to bring down the percentage of African-American males being incarcerated; that we must focus on rehabilitation, prevention and intervention; that if we focus on all areas we can bring down the high percentage. He stated there are three goals they work from: (1) do what they can to keep them in school, (2) do all they can to keep them out of Juvenile Court, and (3) do all they can to build a stronger bond between parents and other authoritative figures in their lives. He stated Councilwoman Rutherford is aware of the program and asked other Council members to look over the program as he would like to have their input. He stated the goal of the program is to be self-sustaining.

SPECIAL PRESENTATION: REV. E.L. YOUNG (Cont'd.)

Chairman Swafford thanked Rev. Young for his presentation.

SPECIAL PRESENTATION: LANDON HOWARD

Landon Howard thanked the Council for allowing him to speak to them regarding the Community Protection Committee. He stated a resolution regarding the Committee was presented and passed by the Hamilton County Board of Commissioners in 1994. He introduced other members of the Committee present: Tina Pelletier, Mike Mahn and Gene Hunt.

Gene Hunt read the caption of the Resolution passed in 1994 and stated the Committee was appointed by the County Executive in 1994; that other appointments were made by the Mayor, County Commissioners and the City Council throughout 1995. He stated they began meeting later in 1995 and have come up with the recommendations being presented tonight. He commended Landon Howard for his outstanding job in putting the Committee together and staying "on target."

Tina Pelletier presented the findings of vice-related activities and stated that the Committee began their review by specifically looking at prostitution and pornography and its relationship with harmful effects on the community. She stated their report covers several areas which include Prostitution, Prostitution - A Danger To Public Health, Obscenity Addition and the Danger Posed To The Community, Victims Inside Sex-Oriented Businesses - Performers & Customers, Pornography And Its Harmful Effects On Children, The Dangers of Exposing Children to Pornography, Sex-Oriented Businesses and Organized Crime, and Sex-Oriented Businesses and the Adverse Secondary Effects.

Mike Mahan spoke in reference to the Committee's recommendations for the City of Chattanooga identified in their printed report. He stated he understands the Council's process; that they are not asking for any action tonight. He stated the report has been presented in the hope there will be a committee to study this. He stated they were under the original mandate to bring back a report and provide recommendations; that they are not raising alarm but rather an alert to the community. He stated Chattanooga has made great progress and commended the leadership and involvement of the City Attorney's office. He stated the recommendations will help make Chattanooga even better and expressed appreciation for allowing the Committee on the agenda this evening.

SPECIAL PRESENTATION: LONDON  
HOWARD (Cont'd.)

Mayor Kinsey applauded the efforts of the Committee for the work they have done, indicating they have done an outstanding job. He stated he would do all he can to make sure the recommendations are implemented as soon as they can be.

Landon Howard recognized the presence of Martha Whitmire who "got the ball rolling."

Chairman Swafford echoed Mayor Kinsey's comments, acknowledged Mrs. Whitmire, thanked Mr. Howard for chairing the Committee and expressed appreciation to the Committee members. He indicated Judge Sheila Russell was a part of the Committee prior to her death.

Councilman Hakeem "dittoed" the comments previously made regarding the Committee's work. He stated the report gives the Council more "tools" from a legal perspective so that when cases come before us we will have a framework to work from or implement as time goes on. He stated without a doubt this is a very critical report and asked that the report be filed with the Council and placed into committee. He assured those in attendance that the report will not be placed on a shelf and would be worked on.

Councilwoman Hurley stated she is not sure she has anything else to add and thanked Mrs. Whitmire for her persistence; that she (Hurley) was around to hear some of the earlier rumblings. She stated she does think we have worked through this in a way consistent with our community values and commended all on the Committee for their hard work.

Councilwoman Rutherford expressed thanks to the Committee members and stated she is pleased to be chairing a new committee of the Council that addresses this issue; that she will be scheduling a meeting of the committee within the next week or two and Chairman Swafford will be on the committee.

Councilman Swafford stated Councilwoman Rutherford has been requested to take this into a new committee known as the Youth and Family Support Committee; that it is hoped the Committee will stay around to focus on issues such as this, domestic violence and others.

**On motion of Councilman Hakeem, seconded by Councilwoman Hurley, the report of the Community Protection Committee was adopted as an official report by the Council.**

AMEND CITY CODE

Councilwoman Hurley stated this matter was discussed in Parks and Recreation Committee and thinks everyone has come to an agreement; that this ordinance reflects everyone's wishes.

On motion of Councilwoman Hurley, seconded by Councilman Hakeem, AN ORDINANCE AMENDING THE CHATTANOOGA CITY CODE, PART II, CHAPTER 26, SO AS TO CREATE A NEW ARTICLE VII, RELATIVE TO ESTABLISHMENT OF A GREENWAYS ADVISORY BOARD passed first reading.

ENDORSEMENT

Councilman Lively made the motion to move Resolutions 7(h) and (j) up on the agenda; Councilwoman Hurley seconded the motion; the motion passed.

Boyce Brawley stated this is a follow-up to the health assessment conducted under the auspices of the Metropolitan Council for Community Services which was published in May of 1996.

Chairman Swafford stated he had an opportunity to serve on this Task Force and appreciates the work the Metropolitan Council put into this.

On motion of Councilman Hakeem, seconded by Councilman Pierce, A RESOLUTION ENDORSING THE TASK FORCE'S INITIATIVES TO PROMOTE HEALTHY HABITS AND PROVIDE RECOGNITION THAT WILL HELP TO MAKE THE CAMPAIGNS BECOME COMMUNITY-WIDE EFFORTS was adopted.

ELECTRIC POWER BOARD APPOINTMENT:  
LAMAR J. PARTRIDGE

Atty. Carlos Smith expressed appreciation to the Council for the confirmation of Mr. Partridge in the action taken tonight; that his service is of immense value to the Electric Power Board.

On motion of Councilman Hakeem, seconded by Councilwoman Hurley, A RESOLUTION CONFIRMING AND APPROVING THE APPOINTMENT OF LAMAR J. PARTRIDGE AS A MEMBER OF THE ELECTRIC POWER BOARD OF CHATTANOOGA was adopted.

SPECIAL POLICEMAN

On motion of Councilman Crockett, seconded by Councilman Pierce, A RESOLUTION AUTHORIZING THE APPOINTMENT OF RICHARD B. ANSEL AS A SPECIAL POLICEMAN FOR THE CHATTANOOGA METROPOLITAN AIRPORT AUTHORITY, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS was adopted.

AGREEMENT: TENNESSEE DEPARTMENT  
OF TRANSPORTATION

On motion of Councilman Crockett, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION RELATIVE TO CONSTRUCTION OF AN INDUSTRIAL ACCESS ROAD FOR BURNER SYSTEMS INTERNATIONAL, INC. was adopted.

CHANGE ORDER

On motion of Councilman Lively, seconded by Councilman Crockett, A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 4 (FINAL), CONTRACT NO. P-1-95, BITUMINOUS PAVEMENT RESURFACING, WITH VULCAN MATERIALS COMPANY, WHICH CHANGE ORDER DECREASES THE CONTRACT AMOUNT BY NINE THOUSAND, TWO HUNDRED FIFTY-SIX AND 77/100 DOLLARS (\$9,256.77), FOR A REVISED CONTRACT PRICE OF TWO MILLION, THREE HUNDRED NINETY-NINE THOUSAND, SEVENTY-EIGHT AND 74/10 DOLLARS (\$2,399,078.74) was adopted.

CHANGE ORDER

On motion of Councilman Crockett, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), CONTRACT NO. RW-3-96 CONSTRUCTION OF COMMONS BOULEVARD, WITH MAYSE CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FORTY-EIGHT THOUSAND, NINE HUNDRED FORTY-THREE AND 35/100 DOLLARS (\$48,943.35), FOR A REVISED CONTRACT PRICE OF TWO HUNDRED FOURTEEN THOUSAND, NINE HUNDRED SIXTY-NINE AND 46/100 DOLLARS (\$214,969.46) was adopted.

CHANGE ORDER

On motion of Councilman Crockett, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 (FINAL), CONTRACT NO. RW-5-96, CONSTRUCTION OF NORTH CHAMBERLAIN AVENUE, WITH RIVERBEND CONSTRUCTION CORPORATION, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY NINETEEN THOUSAND, SEVEN HUNDRED EIGHT DOLLARS (\$19,708.00), FOR A REVISED CONTRACT PRICE OF THREE HUNDRED FORTY-SEVEN THOUSAND, SEVEN HUNDRED ELEVEN AND 60/100 DOLLARS (\$347,711.60) was adopted.

LEASE AGREEMENT

On motion of Councilwoman Rutherford, seconded by Councilman Crockett,

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT FOR THE LEASE OF ROSS'S LANDING PARK AND ADJACENT PROPERTIES TO FRIENDS OF THE FESTIVAL, INC. FOR THE 1997 THROUGH 1999 RIVERBEND FESTIVALS was adopted.

LEASE AGREEMENT

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PARKS AND RECREATION TO EXECUTE A LEASE AGREEMENT WITH JAMES C. VAUGHN, CEO, CHAMBER OF COMMERCE, D/B/A/ CHATTANOOGA CHAMBER FOUNDATION RELATIVE TO LEASING COOLIDGE PARK was adopted.

CONTRACT: MANAGEMENT AND PERSONNEL SYSTEMS, INC.

Councilman Hakeem stated this matter was brought before the Personnel Committee and comes with the Committee's recommendation for approval. He stated he would like to mention that what is being done is setting this money aside until the new Police Chief is on board; that that individual will indicate how the funds will be used and which company.

CONTRACT: MANAGEMENT AND  
PERSONNEL SYSTEMS, INC. (Cont'd.)

On motion of Councilman Hakeem, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE PERSONNEL DIRECTOR TO EXECUTE A CONTRACT WITH MANAGEMENT AND PERSONNEL SYSTEMS, INC. IN AN AMOUNT NOT TO EXCEED SIXTY THOUSAND DOLLARS (\$60,000.00) TO PROVIDE ASSESSMENT SERVICES TO THE CHATTANOOGA POLICE DEPARTMENT FOR PROMOTIONAL TESTING was adopted.

**(COUNCILWOMAN RUTHERFORD EXCUSED HERSELF FROM THE MEETING AT THIS POINT.)**

OVERTIME

Overtime for the week ending May 2, 1997 totaled \$21,434.20.

PERSONNEL

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

THOMAS WOODLEY -- Family Medical Leave, Laborer II, City-wide Services, effective May 7, 1997.

STEPHEN HEMSTREET -- Promotion, Electrician II, Traffic Management, Pay Grade 13/Step 13, \$38,218.00 annually, effective May 9, 1997.

NATHANIEL METCALF -- Suspension, Truck Driver III, City-wide Services, effective May 19 - 21, 1997.

MICKEY HYDE -- Promotion, Equipment Operator I, City-wide Services, Pay Grade 6/Step 1, \$16,864.00 annually, effective May 7, 1997.

PURCHASES

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

CHATTANOOGA FORD TRACTOR SALES INC. (Lower and better bid)  
Requisition No. 137367

Purchase of Brush Loader Four Wheel Drive Tractor/Loader

\$40,993.00

PURCHASES (Cont'd.)

LOOKOUT MOUNTAIN PETERBILT (Lower and better bid)  
Requisition No. 138823

Purchase of Garbage Truck

\$136,140.00

PURCHASE

On motion of Councilwoman Hurley, seconded by Councilman Hakeem, the following purchase was approved for use by the Safety Department:

CHATTAHOOGA OFFICE SUPPLY (Lower and better bid)  
Requisition No. 125729

Purchase of Furniture

\$12,918.12

HOTEL PERMIT

On motion of Councilwoman Hurley, seconded by Councilman Crockett, the following hotel permit was approved:

RAMADA INN/LOOKOUT MOUNTAIN, 2100 South Market Street

PURCHASE

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

CROUCH'S WRECKER & EQUIPMENT SALES (Lower and better bid)  
Requisition No. 139506

Purchase of Hydraulic Wrecker/Towing Body

\$12,715.67



COMMITTEES

Councilman Crockett scheduled a meeting of the **Economic Development Committee for Tuesday, May 20 at 4 p.m. at the Design Center.**

Councilman Hakeem stated a Personnel Committee meeting was held to discuss the item that was on tonight's agenda regarding the assessment, as well as a discussion regarding a position in Public Works. He stated there is an understanding between administration and the Council as to where we want to go as far as filling that position.

Councilman Lively stated a meeting of the Legal and Legislative Committee was held today to hear a report from Judge Williams regarding increasing Chattanooga's Court costs; that the City Attorney has been asked to draft an ordinance for next week's agenda regarding the matter. He scheduled a meeting of the **Legal and Legislative Committee for Tuesday, May 20 at 5 p.m.** to look at putting some "teeth" into the zoning ordinance (regarding zoning). He stated he has been getting a multitude of concerns from individuals that companies are going into older neighborhoods purchasing houses for sale with a large lot and turning them into construction/storage facilities and they are destroying the neighborhood! He stated they are putting in what he has noticed to be construction companies and home moving companies; that these are being placed in residential neighborhoods as a basis for business. He stated the neighbors are upset as their whole life savings are put into their homes; that this devalues their property. He stated he would like to look at something that will cover this situation and get it stopped.

Councilwoman Hurley noted we had a discussion of the One-Stop Shop on the committee schedule for next week. Mayor Kinsey has indicated his wanting this held for an indefinite period of time.

Councilman Pierce scheduled a **Fire and Police Committee meeting for Tuesday, May 13 at 5 p.m.** He asked that the meeting be held jointly with the **Legal and Legislative Committee.** He stated he understood Councilman Lively has asked the City Attorney to draft an ordinance regarding the report from Judge Williams and his request to increase City Court fines. He stated he would like to know what the fine will be and the suggested cost as the amount was not discussed in Committee meeting; that Judge Williams mentioned a suggested cost. He asked what (amount) will be in the ordinance.

COMMITTEES (Cont'd.)

Councilman Lively stated Judge Williams' proposed amount is what will be in the ordinance. City Attorney Nelson stated there was a proposal from Judge Williams and that information is what will be used to draft the ordinance. (Councilman Pierce expressed his thanks.)

JOINT CITY/COUNTY BUDGET HEARING

Councilman Hakeem reminded Council members of the joint City/County Budget Hearing scheduled for Wednesday, May 14 beginning at 9 a.m. at the County Courthouse. He asked that each Council member mentally prepare themselves for the meeting.

CHARLES SHROPSHIRE

Charles Shropshire stated for the last year he has been trying to get something done about a situation in front of his home at 30 West 51st Street. He stated Public Works came out and put in two drain pipes within 25 feet from each other and neither pipe catches water as it goes down his driveway. He displayed pictures to the Council of the water runoff and stated he would like to see something done about this as it is awful. He stated he does not know who the contractor was but knows the cost was too high; that they came out and did some patching and that was it; that it is now worse than ever before! He stated the City has spent thousands of dollars to put in a drain pipe, and it is not helping any; that he has been living with this for the last seven-to-eight months.

Admin. Marcellis stated he does not know the answer; that he will find out between now and the next meeting.

In talking with Mr. Shropshire, Chairman Swafford clarified that Admin. Marcellis will have a report by the next meeting and, hopefully, the matter can be corrected. He asked that Mr. Shropshire make sure Admin. Marcellis has his address and telephone number.

SISTER AARON MCLENDON BEY

Sister Bey stated she went to a meeting at Westside Baptist Church; that it was said \$5 million has been allocated to clean up the creek near Howard School. She stated she wanted to know how many of "her people" will be hired; that she is tired of outside people being brought into Chattanooga; that she is tired of "her people" being exploited.

VIRGINIA MORGAN: BOWATER  
INVITATION

Virginia Morgan extended an invitation to the Council from Bowater to a picnic on Saturday, May 17 between 11 - 1 on the site of the 792 acres of the proposed landfill. She stated there will be food and drinks provided by Bowater; that the written invitation will give directions to the site. She asked that those in attendance dress casually and hopes everyone will have a good time.

JOHN MORGAN

John Morgan of the Sale Creek Action Team (SCAT), read from a prepared statement which pointed out the "abysmal record of Chattanooga regarding recycling." He made reference to an article in the Free Press that stated less than 30 percent of city residents recycle waste products; that Public Works is hoping citizens will volunteer to recycle. He stated this is not an acceptable approach to such a critical issue; that Public Works is not getting the job done. He challenged the Council to become more pro-active on the issue; that he contacted the U.S. EPA and obtained two copies of the city government planning guide for the EPA pay-per-throw program. He indicated he would leave the two copies and a video for the Council members to review. (A copy of Mr. Morgan's statement is filed with minute material of this date.)

For informational purposes Councilman Hakeem asked City Attorney Nelson if he or the persons we are obtaining have been invited onto the property to do the necessary drilling.

City Attorney Nelson responded we have not been invited, and we have not gotten permission from the Court; that the paperwork was filed with the Court this afternoon. He stated Bowater has invited the Council to a picnic, and we are inviting them to Court!

Councilman Crockett stated he does not think Admin. Marcellis knows where the landfill might be as there is nothing definite about that. He stated residents of this City have taken the first steps in curbside recycling.

Councilwoman Hurley stated many of us have gone door-to-door to ask constituents to recycle; that in certain sections recycling is much higher than in others; that all have taken a very strong step toward curbside recycling. She stated there is a large number of constituents who are recycling and that should be applauded; that she would encourage others to do so.

JOHN MORGAN (Cont'd.)

Councilwoman Hurley stated even if we keep the maximum goal of recycling in a residential community we still need some other means of disposal. She stated Sale Creek is just one of the areas; that no final decision has been made as VAAP is still being discussed as a possible place; that the matter needs to be put in proper context. She stated we have not made a decision to go to Sale Creek; that she does not discourage SCAT from coming, but the matter needs to be put in proper perspective.

Admin. Marcellis stated 20% of what goes into Summit comes from the residential households of Chattanooga; that even if we had 50% after pressing garbage that would only be 10% diversion from the landfill. He stated we are diverting 12% of the domestic garbage.

Councilman Crockett suggested at some point it will be useful to have a discussion; that in the last discussion we had we were talking about the City's waste stream and now it involves the entire county. He stated he is not sure we are as familiar with those numbers as we were with the City's; that we should come forward with something. He asked Admin. Marcellis for an update on that information so that he can tell the Council what it will take to significantly increase the life of the landfill.

Admin. Marcellis stated there is a discussion scheduled at the next Public Works meeting that will take care of a lot of the waste going into the landfill.

RON LITTLEFIELD

Ron Littlefield introduced the Council to Buddy Chapman, the sole Commissioner in Walker County, Georgia.

Councilman Lively indicated his affiliation with Commissioner Chapman while serving in the military.

Commissioner Chapman stated we are neighbors and looks forward to working with Chattanooga. He stated he talked with Mayor Kinsey earlier and invited him to a meeting in LaFayette on Monday with the Commissioner of Tourism and Trade and the invitation was extended to Council members, as well.

ADJOURNMENT

On motion of Councilman Lively, seconded by Councilman Pierce, the meeting was adjourned until Tuesday, May 13, 1997 at 6 p.m.

  
CLERK OF COUNCIL

  
CHAIRMAN

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