

**Municipal Building
Chattanooga, Tennessee
August 3, 1999**

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

INVOCATION

Invocation was given by City Attorney Randall Nelson.

MINUTE APPROVAL

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

**SPECIAL PRESENTATION: "TOGETHER
WE CAN" SCHOLARSHIP RECIPIENTS**

Dr. Jane Harbaugh presented the majority of the 53 "Together We Can" scholarship recipients to the Council and indicated some of the students were unable to attend due to work or other obligations. She stated they represent a wonderful, bright group of students; that there are 160 others who are still "on the pipeline" (still attending college). She thanked the Council on behalf of all the students for their generosity and foresight in this joint enterprise with the Community Foundation. At this point each student present introduced himself or herself and indicated the high school they attended and the college they will be attending in the fall.

Along with the expression of thanks from each student, Edna Varner, Principal of Howard School of Academics and Technology, also expressed thanks to the Council.

**SPECIAL PRESENTATION: "TOGETHER
WE CAN" SCHOLARSHIP RECIPIENTS
(Continued)**

Councilman Crockett expressed thanks to Pete Cooper of the Community Foundation and noted that visitors from out-of-state indicated that they could not believe a city of this size does this (provide scholarships). He recognized the presence of other principals and/or school teachers and parents.

Chairman Lively stated the students are evidence of money well spent and the results will be seen.

REZONING

1999-090: Stan Baker

Councilman Pierce made the motion to substitute the amendment (conditions) to the Ordinance, Councilman Eaves seconded the motion; the motion passed.

Councilwoman Rutherford stated the property owner who will be most highly affected by this rezoning asked if he could have input. She stated the property owner would rather have a concrete or brick wall rather than a wooden fence. She asked if there is any way to accommodate that.

Councilman Pierce asked if the Council can make a condition of that nature.

City Attorney Nelson responded "yes;" that one of the conditions of the ordinance as amended states that a wooden fence would be installed; that it can be changed to a brick wall.

Councilman Crockett stated there are only five Councilmen present tonight and in the spirit of keeping this thing moving it is obvious the Council was going to approve the request last week. He stated he did not vote for it nor did Councilwoman Rutherford; however, it is obvious it is going forward. He suggested that the Council pass the request on second reading tonight and not on third reading to allow for discussion. He stated he talked with Mr. Baker and made a suggestion and hopes they will continue to talk with the Urban Forester about the right kind of screening; that large cypresses will keep the noise level down. He stated noise and not visuals are the real objections as described to him by the property owner. He stated with the concurrence of whoever is making the motion he suggested that the Council not pass the request on third reading for discussion in the interim.

Councilman Pierce stated he did not know whether the Council needed to move forward on this; that he did not feel there would be a consensus vote on second reading. He made the motion to table the whole matter until next week.

REZONING (Continued)

Councilman Eaves stated he will not be present next week and there will not be a "full house". He stated if the matter is deferred two weeks it might give opportunity for the owner and the applicant to decide what they want, whether it is a brick wall or what has been suggested. **He stated he would not be present next week and made the motion to defer the matter two weeks; Councilman Crockett seconded the motion. On vote of the motion, Councilwoman Rutherford voted "no;" the motion failed.**

Councilman Pierce stated the motion has failed and asked if the Council can authorize that the matter be placed on the agenda two weeks from tonight.

City Attorney Nelson reminded the Council that it takes five "yea's" or five "no's" to adopt or defeat and less than five constitutes no action at all. He stated any two Council members could tell him to put it back on the agenda at any time in the future.

Councilman Pierce asked if that can be done at this time. City Attorney Nelson indicated "yes".

At this point Councilman Pierce asked that the matter be placed back on the agenda in two weeks; Councilman Eaves supported the request.

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 6 BROOKS CIRCLE AND 7 PISGAH AVENUE, BEING ON THE SOUTHEAST LINE OF BROOKS AVENUE NORTHEAST OF BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

will appear on the August 17 agenda for second and third reading.

CLOSE AND ABANDON

1999-061: North American Royalties/Wheland Foundry

On motion of Councilman Crockett, seconded by Councilman Pierce,

AN ORDINANCE CLOSING AND ABANDONING SYDNEY STREET LOCATED SOUTHWEST FROM WEST 26TH STREET NORTHWEST OF BROAD STREET, AND WEST 28TH STREET LOCATED NORTHWEST FROM BROAD STREET SOUTHWEST OF WEST 26TH STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

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

CLOSE AND ABANDON

1999-066: The Dixie Group, Inc.

On motion of Councilman Crockett, seconded by Councilwoman Rutherford,

**AN ORDINANCE CLOSING AND ABANDONING LUPTON DRIVE
LOCATED NORTHEAST FROM MERCER 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 Pierce, the Ordinance passed third and final reading and was signed in open meeting.

CLOSE AND ABANDON

MR-99-011

Councilman Pierce asked if this abandonment was made at the request of the City of Chattanooga. Admin. Marcellis stated this request was made from a private person and not the City of Chattanooga. He stated this matter, Ordinance 6(b) and Resolutions 7(a) - (d) were discussed in Public Works Committee and come with the Committee's recommendation to the full Council for approval.

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,

**AN ORDINANCE CLOSING AND ABANDONING A SEWER
EASEMENT RESERVED IN THE PREVIOUSLY ABANDONED FORTY
(40) FEET WIDE, ONE HUNDRED FIFTEEN (115) FEET LONG
SECTION OF EAST 42ND STREET, MORE PARTICULARLY
DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED
HERETO AND MADE A PART HEREOF BY REFERENCE**

passed first reading.

RIGHT-OF-WAY NAME CHANGE

On motion of Councilwoman Rutherford, seconded by Councilman Crockett,

**AN ORDINANCE CHANGING THE RIGHT-OF-WAY NAME FOR PINE
STREET FROM SECOND (2ND) STREET TO THE DEAD END SOUTH
OF THIRD (3RD) STREET TO "POWER ALLEY."**

passed first reading.

**CONTRACT: CONSOLIDATED
TECHNOLOGIES, INC.**

On motion of Councilwoman Rutherford, seconded by Councilman Crockett,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE PUBLIC WORKS DEPARTMENT TO ENTER INTO AN ENGINEERING SERVICES CONTRACT WITH CONSOLIDATED TECHNOLOGIES, INC., RELATIVE TO THE DESIGN OF STORMWATER PROJECTS UNDER CONTRACT NO. SWM-2-99, DRAINAGE AND WATER QUALITY ABATEMENT, FOR AN AMOUNT NOT TO EXCEED EIGHTY THOUSAND DOLLARS (\$80,000.00)

was adopted.

**AMEND AGREEMENT: BARLEW-
NEUHOFF ARCHITECTS, INC.**

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,

A RESOLUTION AMENDING RESOLUTION NO. 21847, ENCAPTIONED "A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH BARLEW-NEUHOFF ARCHITECTS, INC., RELATIVE TO THE DESIGN OF AN ADDITION TO THE CITY-WIDE SERVICES ADMINISTRATION BUILDING, FOR A FEE NOT TO EXCEED TWENTY-FOUR THOUSAND, NINE HUNDRED DOLLARS (\$24,900.00)." SO AS TO REVISE THE FEE NOT TO EXCEED THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00)

was adopted.

**CONTRACT: LICHTENSTEIN
ENGINEERING ASSOCIATES, P.C.**

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE AWARD OF THE CONTRACT FOR BIENNIAL INSPECTION OF WALNUT STREET BRIDGE TO LICHTENSTEIN ENGINEERING ASSOCIATES, P.C. IN AN AMOUNT NOT TO EXCEED THIRTY-TWO THOUSAND, FOUR HUNDRED DOLLARS (\$32,400.00)

was adopted.

**AGREEMENT: ORANGE GROVE CENTER,
INC.**

On motion of Councilman Crockett, seconded by Councilwoman Rutherford,
**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN
AGREEMENT WITH ORANGE GROVE CENTER, INC., RELATIVE TO
THE DUAL BLUE BAG RECYCLING PROGRAM FOR FISCAL YEAR
1999-2000**

was adopted.

TEMPORARY USE: EVERHART STEEL

On motion of Councilman Crockett, seconded by Councilwoman Rutherford,
**A RESOLUTION AUTHORIZING EVERHART STEEL TO USE
TEMPORARILY A SECTION OF 29TH STREET, MORE
PARTICULARLY DESCRIBED HEREIN, TO ALLOW THE ENCLOSING
OF THE AREA THROUGH A FENCE FOR INCREASED SECURITY
AND IMPROVEMENT OF THE APPEARANCE OF THE PROPERTY,
SUBJECT TO CERTAIN CONDITIONS**

was adopted.

OVERTIME

Overtime for the week ending July 30, 1999 totaled \$117,495.95.

PURCHASES

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

TENNESCO, INC. (Best and lowest bid)
Requisition No.R0042620

Electrical Supplies

\$16,065.00

PURCHASES (Continued)**COTHAM CONSTRUCTION CO. (Change Order #4)****Contract No. P0008776**

Carver Entry/Connector (Change Order No. 4 for cost increase in face brick, additional excavation work, repair of existing concrete wall and new lintels at new opening).

\$253,000.00 (Original contract, 6/16/98)
 13,000.00 (Change Order #1)
 2,357.25 (Change Order #2)
 5,232.00 (Change Order #3)
6,475.41 (Change Order #4)
 \$281,043.66 TOTAL CONTRACT COST

PURCHASE

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

HEAVY DUTY LIFT & EQUIPMENT (Best bid)**Requisition No. R0043220**

Mobile Truck Lifts

\$54,900.00

PERSONNEL

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

BYRON J. HARTLEY -- Employment, Occupational Health Nurse, City-wide Services, Pay Grade 13/Step 1, \$26,376.00 annually, effective July 30, 1999.

TONY CRUTCHER -- Termination, Crew Worker, Waste Resources, effective July 6, 1999.

PURCHASES

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

NEWTON CHEVROLET (Best bid)**Requisition No. R0040940**

Fifteen (15) Passenger Van

\$22,950.00

PURCHASES (Continued)

DIXIE FILTER, INC. (Lowest and best bid)
Requisition No. 0043565

Twelve Months contract for Odor Control Filter Media

(Price information available and filed with minute material)

RECYC SYSTEMS, INC. (Lowest and best bid)
Requisition No. 0043564

Twelve Months Contract for Lime Slurry

(Price information available and filed with minute material)

PERSONNEL

The following personnel matter was reported for the Finance and Administration Department:

JULIE J. COFFMAN -- New Hire, Tax Clerk, Treasurer's Office, Pay Grade 6/Step 1, \$18,574.00 annually, effective August 13, 1999.

PURCHASES

On motion of Councilman Crockett, seconded by Councilman Pierce, the following purchases were approved for use for the Department of Finance and Administration (Information Services):

DIGITAL EQUIPMENT CORPORATION
P0012916/R0041633

Replace expired contract for software that has been in use since April, 1990.

\$41,940.00

CHATTANOOGA DATA CONNECTION, INC.
P0012965/R0041634

Replace an expired contract for software that has been in use since April, 1997.

\$1,200.00

BOARD APPOINTMENTS

On motion of Councilman Pierce, seconded by Councilwoman Rutherford, the following Board appointments were approved:

DOWNTOWN OVERLAY ZONE:

☞ Reappointment of **CLIFF BETTS** and **JESSE HOUSTON** with terms to expiring August 1, 2002.

PERSONNEL

The following personnel matters were reported for the Police Department:

ANNE NIELSEN -- Resignation, Communications Officer, effective July 30, 1999.

ADAM CLEMENTS -- Resignation, Police Officer, effective August 8, 1999.

"NATIONAL NIGHT OUT"

Chief Dotson reminded Council members that tonight is "National Night Out;" and the following neighborhoods are participating: Two Bridges (at the Tremont Baptist Church); Manchester Park (at the Rivermont Church of Christ); Highland Park Neighborhood Watch (at 1714 Duncan Avenue); and the Eastdale Community (at the Eastdale Recreation Center).

HEARING: REGINALD FINLEY

City Attorney Nelson stated a request for a hearing has been received from Officer Reginald Findley for a 28-day suspension.

The date of August 30 at 6 p. m. was scheduled for Ofcr. Findley with Councilmen Crockett (serving as Chairman), Rutherford and Eaves as the panel hearing the request.

HEARING: WAYNE JEFFERSON

Councilman Eaves stated a hearing was held last night for Wayne Jefferson regarding a four-day suspension. He stated the panel hearing the request changed the four-day suspension to include ten-days. He stated that he was a little confused at this point; that he thought he made the motion that the ten days were to go "on top" of the four that were given, making it a total of fourteen days.

Councilwoman Rutherford stated that was the motion Councilman Eaves made and her second.

HEARING: WAYNE JEFFERSON
(Continued)

Councilman Eaves stated that he thought that was the way it was; that the sum total is a fourteen-day suspension. He asked Chief Dotson if that was the way it was understood and indicated that the fourteen days are not to be taken out of leave pay.

Chief Dotson stated he did understand it was a total of fourteen days and that the time cannot be taken out of his (Jefferson's) leave; that it will be taken as time served and they will have to take the time off.

Councilman Crockett clarified that the total is for fourteen (days).

Chief Dotson stated when officers are on suspension everything is taken from them including their weapon and badge; that everything has to be turned in; that they also take their I.D. badges that are used to get into the building and from that point are considered visitors. He stated they take everything into consideration when officers are suspended and Officer Jefferson will be presented papers as soon as possible.

Councilman Pierce asked for clarification on the days off; that the days are actually working days; that weekends are not included in the days off. Chief Dotson stated the days off are actual working days. He stated if it is a ten-day suspension they are ten actual working days, not including their days off.

Councilman Pierce stated he did not know if the days off are included. Chief Dotson clarified that the officer's days off are not counted.

Councilman Pierce asked for clarification that the days off are not days with pay. Chief Dotson responded "no, Sir."

Councilman Eaves stated he has looked into matters similar to this and has received a couple calls and if he is anything he is pro-Police and not the other way around. He stated it has come to him from statements made and telephone calls received that absenteeism at the courts is a problem, whether at sessions, juvenile and city court. He stated the needs to be addressed because there are quite a few officers not showing up.

Chief Dotson stated the 28-day suspension request that the Council scheduled tonight is because the officer refused to go to court. He stated officers are being told it is part of their responsibility and they are paid overtime to go to court. He stated if they are not in court the proper measures are taken; that the Council is beginning to see some of that impact because they are not going to court for whatever reason. He stated the City has liability if they don't do something about it and the Council will be seeing more requests for hearings for suspensions coming; that this is just the beginning. He stated he is very serious about the conduct of officers showing up in court and they must be prepared to testify. He stated any time an officer detains a citizen and takes away their rights they should be in court to testify and if the officers are not showing up he is taking drastic measures.

HEARING: WAYNE JEFFERSON
(Continued)

Councilman Crockett assured the Chief that he can count on the Council to be serious about it as well. Chief Dotson reiterated that the Council will see more hearing requests coming before them.

COMMITTEES

Councilwoman Rutherford stated the Parks, Recreation, Arts and Culture Committee met earlier in the day to discuss two budget matters and a personal services agreement which will be on next week's agenda.

Councilman Crockett scheduled a meeting of the **Economic Development Committee for Tuesday, August 10 immediately following the Budget and Finance Committee** regarding the retail and entertainment master plan from Pem Guerry of RiverValley Partners.

SISTER BEY

Sister Bey stated she sent a letter to Senator Thompson regarding how citizens' rights are violated, how garbage stays on the streets for two and three weeks and how someone can go on another's property. She stated she has a car in her yard and (she) has been ordered to court and will drive the car down there; that an inspector had been sent to her home. She stated the car is insured and presented the car's Title to the Council to show proof of ownership. She stated others have cars in their yards and she has asked the Senator to investigate the matter; that the Council is trying it put things in people's neighborhoods they do not want and are taking away citizens' rights altogether. She cautioned Council members to remember the year 2000.

ADJOURNMENT

Chairman Lively adjourned the meeting until Tuesday, August 10, 1999 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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

