

**Municipal Building
Chattanooga, Tennessee
August 31, 1999**

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

INVOCATION

Invocation was given by Councilman Franklin.

MINUTE APPROVAL

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

SPECIAL PRESENTATION
TIM EDWARDS
CHATTANOOGA ELKS LODGE

Mr. Tim Edwards, President of Elks Lodge 91, was present to address the Council, along with Mr. Charlie Taggert, about their efforts to save lives. He stated that the Elks had made a commitment to fulfill certain goals, among which are Little League Baseball and fulfilling the role of informal mentoring with children. He spoke of their involvement with the Scouts and other youth programs. He stated that he was proud to report that they were second only to the U.S. Government in providing nursing scholarships.

Mr. Edwards went over statistics confirming that by the 8th grade 21% of students have used illicit drugs and by the time they are seniors the percentage is 42.4%. He stated that they tried to educate the youth about this trend. He mentioned that they had developed a partnership with PRIDE and SAFE NIGHT USA which is in keeping with AMERICA'S PROMISE—that they wanted to reach out and save as many as they possibly could. He gave AMERICA'S PROMISE the credit for inspiring them to nurture young Americans.

Mr. Edwards noted that as elected officials, he was sure the Council had traveled and come upon traffic accidents; that in some incidences we must remove accident victims as soon as possible and on behalf of the Elks, Mr. Charlie Taggert and himself were present bearing seatbelt cutters which could help save lives as well. He presented each Council member with a seatbelt cutter.

REZONING

1999-099 (ALVIN CANNON)

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACTS OF LAND LOCATED IN THE 5100 BLOCK OF HIGHWAY 58, BEING ON THE SOUTHEAST LINE OF HIGHWAY 58, NORTHEAST OF SWAN ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE AND R-4 SPECIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was substituted. On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the ordinance 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

1999-121 (AL CANNON)

On motion of Councilman Taylor, seconded by Councilman Franklin,

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 5300 BLOCK OF CHAMPION ROAD, BEING ON THE SOUTHWEST LINE OF CHAMPION ROAD, NORTHWEST OF HIGHWAY 58, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE

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

1999-128 (ROY BELK & JAMES DOWNER)

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 4805, 4809, AND 4813 JERSEY PIKE, BEING ON THE NORTHWEST LINE OF JERSEY PIKE, NORTHEAST OF OAKWOOD DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

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

Councilman Crockett noted that we were trying to make the façade not so much a barrack look, and he was hoping we could get this.

AMEND ZONING ORDINANCE FOR CLARIFICATION

Mr. Bennett explained that Ordinance No. 10726 was for C-5 Zoning and contained a long list of conditions from the Design Studio that were difficult to interpret and this was for clarification.

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO CLARIFY CERTAIN LANGUAGE OF THE ZONING CONDITIONS CONTAINED IN ORDINANCE NO. 10726 (CASE No. 1998-123)

passed first reading.

**LEASE AGREEMENT AND
MEMO OF UNDERSTANDING**

Councilman Eaves stated that this had been discussed in Legal and Legislative Committee and comes with recommendation. Councilman Pierce asked if Adm. Traugher was present at this meeting, and the answer was yes.

On motion of Councilman Eaves, seconded by Councilman Taylor,

**A RESOLUTION AUTHORIZING THE DEPARTMENT OF
GENERAL SERVICES ADMINISTRATOR TO ENTER INTO A
LEASE AGREEMENT AND A MEMORANDUM OF
UNDERSTANDING WITH THE 28TH LEGISLATIVE DISTRICT
COMMUNITY DEVELOPMENT CORPORATION, RELATIVE
TO CERTAIN PROPERTY LOCATED AT 815 NORTH
HICKORY STREET**

was adopted.

LEASE AGREEMENT

Councilwoman Rutherford stated that the next three Resolutions were discussed in Committee and come with a recommendation.

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
THE DEPARTMENT OF PARKS, RECREATION, ARTS &
CULTURE OF THE CITY OF CHATTANOOGA, TENNESSEE
TO ENTER INTO A LEASE AGREEMENT WITH THE TRUST
FOR PUBLIC LAND FOR THE USE OF THE WALKER
PAVILION AT COOLIDGE PARK FOR OCTOBER 1, 1999**

was adopted.

CONTRACT

On motion of Councilwoman Hurley, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
THE DEPARTMENT OF PARKS, RECREATION, ARTS &
CULTURE OF THE CITY OF CHATTANOOGA, TENNESSEE,
TO ENTER INTO A CONTRACT WITH HAMICO, INC. FOR
THE CONSTRUCTION OF THE RIVERMONT TENNIS
CENTER, MORE PARTICULARLY DESCRIBED HEREIN**
was adopted.

LEASE AGREEMENT

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
THE DEPARTMENT OF PARKS, RECREATION, ARTS &
CULTURE TO ENTER INTO A LEASE AGREEMENT WITH
SUNTRUST BANK FOR THE USE OF COOLIDGE PARK FOR
SEPTEMBER 16, 1999**
was adopted.

LEASE AGREEMENT

On motion of Councilman Crockett, seconded by Councilwoman Rutherford,
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
THE DEPARTMENT OF PARKS, RECREATION, ARTS &
CULTURE TO ENTER INTO A LEASE AGREEMENT WITH
UNITED WAY OF GREATER CHATTANOOGA FOR THE
LEASE OF COOLIDGE PARK ON SPETEMBER 2, 1999**
was removed from the Agenda.

CONTRACT CHANGE ORDER

On motion of Councilman Crockett, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 4 (FINAL), CONTRACT NO. 73A-2, BIG RIDGE COLLECTION SYSTEM II, WITH J.W.T., INC., WHICH CHANGE ORDER DECREASES THE CONTRACT IN THE AMOUNT OF ONE HUNDRED SIXTY-EIGHT THOUSAND, ONE HUNDRED SIXTY-FIVE AND 10/100 DOLLARS (\$168,165.10), FOR A TOTAL CONTRACT PRICE OF ONE MILLION, FIVE HUNDRED NINETY THOUSAND, EIGHT HUNDRED FOURTEEN AND 76/100 DOLLARS (\$1,590,814.76), AND WHICH INCREASES THE CONTRACT TIME BY SEVENTY-FIVE (75) CALENDAR DAYS

was adopted.

TEMP. R-O-W USAGE

On motion of Councilman Taylor, seconded by Councilman Crockett,

A RESOLUTION AUTHORIZING MARTHA ATTAWAY TO USE TEMPORARILY THE CITY'S RIGHT-OF-WAY AT TENNESSEE AND ST. ELMO AVENUES BETWEEN BROAD STREET AND OCHS HIGHWAY FOR PLACEMENT OF TWENTY (20) BANNERS ALONG THE ROADSIDE IN THIS AREA IN CONNECTION WITH "SEPTEMBER IN ST. ELMO CELEBRATION," SUBJECT TO CERTAIN CONDITIONS

was adopted.

OVERTIME

Overtime for the week ending August 27, 1999 totaled \$75,977.43.

PERSONNEL

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

TONY R. SMITH—Promotion from Ballfield Worker to Crew Worker, Pay Grade 3/1, \$15,230 annually, effective 8/25/99.

PERSONNEL

The following personnel matters were reported for the General Services Dept.:

JAMES S. DIXSON—Hire as Planner, Pay Grade 14/3, \$30,241 annually, effective 9/10/99.

WILLIAM NELSON, IV—Hire as Electronics Technician II, Pay Grade 14/2, \$28,866 annually, effective 8/27/99.

PURCHASES

On motion of Councilwoman Rutherford, seconded by Councilman Taylor, the following purchases were approved for use by the General Services Dept.:

INTERNATIONAL EQUIPMENT CO. (Lowest and best bid)
Requisition No. R0042261

Gate Operator System at E. 10th St. Parking Lot

\$28,466.00

TOWER CONSTRUCTION CO. (Change Order #2)
Contract P0011715

To furnish side entrance at Women's Shelter, Furnish Transition Front Entrance Sidewalk, new Walkway at Clinic, Furnish ramp sidewalk, and removal of Remaining concrete pavement

\$ 3,649.00 (Total Contract \$243,344.45)

PERSONNEL

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

EDWARD MATTHEWS—Resignation of Crew Worker, effective 8/19/99.

EUSI V. HAMILTON—Lateral transfer from Sanitation Worker to Crew Worker, Pay Grade 3/3, \$16,754.00 annually, effective 8/25/99.

SAMIR SHENOUDA—Employ as Engineering Designer in Storm Water Management, Pay Grade 17/3, \$33,918.00 annually, effective 8/27/99.

ILEANA M. SPEER—Promotion to Engineering Designer in Storm Water Management, Pay Grade 17/2, \$32,376.00 annually, effective 8/27/99.

RICHARD E. DAVIS—Promotion to Traffic Engineering Designer, Pay Grade 13/7, \$34,553.00 annually, effective 7/01/99.

ARLEN C. LONG—Resignation of Traffic Technician, effective 8/27/99.

JIMMY L. DYER—Employment of Sanitation Worker Senior, Pay Grade 5/1, \$17,459.00 annually, effective 8/25/99.

LEROY GAUNT, JR.—Rehire as Sanitation Worker Senior, Pay Grade 5/1, \$17,459.00 annually, effective 8/25/99.

PERSONNEL

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

VANCE NEWELL—Retirement of Battalion Chief, effective 8/26/99.

LEROY NORWOOD—Retirement of Capt., effective 8/27/99.

BYRON COLE—Promotion of Equipment Operator to Heavy Equipment Operator, Pay Grade 10/1, \$23,033.00 annually, effective 8/27/99.

DON BOWMAN—Promotion from Firefighter to Senior Firefighter, F2/5, \$29,865.30 annually, effective 8/27/99.

PERSONNEL (CONT'D.)

TIMOTHY BURKE and JAMES GASTON—Promotion from Firefighter to Senior Fire-Fighter, F2/10, \$36,087.60 annually, effective 8/27/99.

RICTOR CRAIG and DAVID PEACE—Promotion from Firefighter to Senior Firefighter, F2/9, \$34,843.20 annually, effective 8/27/99.

RODNEY JONES and JAMES B. MOORE—Promotion from Firefighter to Senior Firefighter, F2/11, \$37,332.00 annually, effective 8/27/99.

RONALD D. MIZELL—Reinstate, F1/Step 1, \$23,790.00 annually, effective 8/27/99.

RANDALL HERRON—Transfer/Promotion from Planning Commission to Fire Dept., F1/Step 5, \$28,548.40 annually, effective 8/27/99.

MICHELLE A. CAMERON, CHARLES T. CHAVIS, WILLIAM J. CUMMINS, SAM E. ELLISON, JAMES A. GAINES, DANIEL J. HAGUE, JOHN R. IVES, ROBERT E. MALLETT, STEVEN D. MCCALLUM, HENRY L. MCELVAIN, DONNY E. MCMILLIAN, ANTHONY W. MOORE, JAMES R. MORGAN, JASON L. RAINS, EMILY K. SPINO, WADIE E. SUTTLES, TERRANCE L. WATKINS, AND JEREMY C. YATES—Hire as Firefighters, F1/Step 1, \$23,790.00 annually, effective 8/27/99.

Chief Coppinger acknowledged the years of dedicated service that Battalion Chief Vance Newell and Captain Leroy Norwood had given the City and expressed his appreciation.

PERSONNEL

The following personnel matters were reported for the Chattanooga Police Dept.:

DEBORAH DENNISON—Promotion from Meter Patrol Officer to Communications Officer, Pay Grade 11/1, \$24,147.00 annually, effective 9/3/99.

DENNIS DALE—Resignation of Police Cadet, effective August 27, 1999.

YOLANDER E. PALMS—Resignation of School Patrol Officer, effective August 27, 1999.

NETTIE WOODRUFF—Resignation of School Patrol Officer, effective August 20, 1999.

MILA M. ARCHER, ELIZABETH WILLIAMS, DARRENE K. WATSON, JACQUELINE ASHBERRY, VIVIAN Y. JOHNSON, AND MARION HUNTOON—Hiring and Rehiring of School Patrol Officers, \$22.80 per day, effective 8/27/99.

PURCHASES

On motion of Councilwoman Hurley, seconded by Councilman Crockett, the following purchases were approved for use by the Chattanooga Police Dept.:

SAFECO (Lowest and best bid)
Requisition R0033370/P0012868

Twelve (12) Months Requirements Contract for Protective Equipment for Training Division

(See Minute material for prices)

POMEROY COMPUTER RESOURCES (State Contract No. 2035573)
Requisition No. R0033302

Computer Equipment

\$33,173.55

TECTONICS (Lowest and best bid)
Requisition R0041639/B0000352

Premise Wiring for Police Services and 911 Building

\$22,553.00

PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Crockett, the following purchase was approved for the Finance & Administration Dept.:

WELDON, WILLIAMS & LICK(Single Source Purchase)
Requisition No. P0013091/R0026883

Requirements Contract for City Stickers

\$6,600.00

PERSONNEL

The following personnel matters were reported for the Neighborhood Services Dept.:

STACY HANNAH—Resignation of Code Enforcement Inspector, effective 8/13/99.

RENEE MILLER—Resignation of Code Enforcement Inspector, effective 8/26/99.

BOARD APPOINTMENTS

On motion of Councilman Crockett, seconded by Councilman Pierce, the following Board appointment was approved:

BOARD OF SIGN APPEALS:

Reappointment of **REGINALD FERGUSON** (representing District 8) for term ending July 31, 2002.

On motion of Councilwoman Rutherford, seconded by Councilman Crockett, the following Board appointment was approved:

CHATTANOOGA HUMAN RIGHTS/HUMAN RELATIONS COMMISSION:

___ Appointment of **CYNTHIA D. COLEMAN** (representing District 9) for term ending August 31, 2002.

LEGAL SETTLEMENT

Attorney Nelson explained the offer for settlement in regards to the Quarry off Jersey Pike. He stated that based on individual conversations with members of the Council, the City Attorney's office went ahead and negotiated the settlement, and the terms of the settlement had come forth this afternoon. The Council had been briefed on the terms, and Attorney Nelson asked if they wanted to settle or go into further litigation.

On motion of Councilman Eaves, seconded by Councilman Franklin, the Council voted to accept the settlement terms with Councilwoman Hurley voting "No" and Councilman Crockett abstaining.

HEARING: REGINALD FINLEY

Attorney Nelson stated that due to the postponement of the hearing set for Reginald Finley the previous night, that a new hearing date needed to be set. The hearing was scheduled for **Monday, September 27th at 6:00 P.M.** with Councilman Crockett chairing the hearing along with the panel of Councilmen Eaves and Rutherford.

COMMITTEES

Councilman Franklin reminded the Council of the **Public Works Committee meeting scheduled for Tuesday, September 7th at 4:00 P.M.**

ROBERT TEBBITT

Mr. Tebbitt stated that he was in District 2, which is Councilwoman Hurley's district, and he had discussed the Water Company takeover with her, and she knew his personal feelings. He stated that he felt he needed to come today because of the situation with the Sewer Dept.—that this should be an example to people of what can happen when the City takes over; that the City should really provide services in a non-profit manner; that if the City is making a profit, they are earning income by a form of taxation that is not regulated by the Public. He stated he wanted to voice his disapproval of the City taking over the Water Co. to the Council, and everybody that he had talked to felt the same way—that the City did not need to be in the business of providing water.

Councilman Crockett responded to Mr. Tebbitt's remarks, making mention of the fact that this response was not directed solely at Mr. Tebbitt and that he (Councilman Crockett) was due at a community meeting in Colonial Shores. He stated that the points raised by Mr. Tebbitt were significant issues and had been discussed in a variety of formats. He stated that this had to be addressed; that any decisions and discussions regarding the future of the Water Co. need to be as thoughtful as they could be on the part of elected officials and that the City had not acted in this fashion. Councilman Crockett stated that as a Policy of Precedence, the City should have started with questions and discussion when in fact we started with a Press Conference, and this was the wrong way to begin, and we had been going downhill thereafter. He mentioned two press conferences that have been held in the past two weeks which should not have been.

COUNCILMAN CROCKETT
(CONT'D)

Councilman Crockett went on to say that Mr. Tebbitt had made a point about sewers—that the City had been making a profit and the sewer funding was not being handled correctly. He stated that this was not true. He explained that this money did not come from the General Fund, and the City had acted responsibly to make sure we could extend the sewers and that our Sewer Bond rating was not in the B's; that we had to get ourselves taken out of the mandates because our sewers were substandard. He explained that this was a hard thing to do and pointed out that five of the Councilmen had made this hard vote to enable us to raise these funds. He stated that he thought it was important to realize that these are tough things to vote on. (He stated that Councilwoman Rutherford did not vote for this).

Councilman Crockett asked for what reason would the Council do anything but to make us more solvent? He explained that in the past we had a sewer moratorium, and we did not have the commitment to put sewers in outlying districts of the City. Councilman Crockett emphasized that he thought these things needed to be said. He stated that he did not know what the rate decrease should be, but he did know that it should not be decided by a “sling shot approach”—that this rate decrease could not be decided at a Press Conference on Friday or Monday.

Mr. Tebbitt responded that if the City truly wants to do something for the citizens it should be non-profit.

Councilwoman Rutherford stated that in 1993, this issue came to a vote, and she did make the hard decision to increase the sewer fee; that over the past six years we had not done a periodic review; that the accounting firm of Johnson, Hickey & Murchison had looked this over, and in these six years there had been a net profit of 27%; that she had never said this went into the General Fund, but she noted that this was a huge profit.

Councilman Crockett still maintained that when the Council had to vote to raise taxes or we would have had to continue in the moratorium, that five of the Council did vote for it and Councilwoman Rutherford voted against it; that we had to raise the revenue to meet the moratorium, and by the sales tax referendum and the merger of the schools, we were able to reduce the tax. Councilwoman Rutherford responded that she did not think it was needed at that time.

COUNCILMAN DON EAVES

Councilman Eaves questioned very strongly the accusation that the City is operating for a profit, pointing out that \$1.38 million is in bonds and we are doubling the size of the plant. He stated that \$10 million dollars of the surplus was pulled out so that we would not have to borrow money. He explained that the City has to look after the peoples' money, and the reserves are for emergencies; that if we allow ourselves to slip back into a sewer moratorium that our bond rating will go downhill. He emphasized that we were not running a Sewer Plant for profit; that the overage is for emergency situations. He explained that Red Bank, East Ridge, Walker County, Catoosa County, and Ft. Oglethorpe are tied into this sewer system, and we have kept it solvent. He went on to point out that we had to finance all of this upfront, and these smaller entities were not able to finance in cash, and the Sewer Fund had advanced them money, and they were paying us a fee for each gallon that comes in here. He stated that we were being ultra-conservative with the peoples' money and were definitely not operating a For-Profit business.

Councilwoman Hurley asked Finance Adm. Boney to comment on the numbers released on Monday, stating that they might be incomplete.

Adm. Boney responded that we could not say that the numbers released yesterday are inaccurate—that the fallacy is in how they are interpreted; that the whole idea of allowing interest income to accumulate is for actual services. He stated that by necessity the numbers included yesterday were historical in nature; that it was not the full picture and was like looking at it in a vacuum. He noted that we got the AA Bond Rating in March of 1998 and that this was a long and arduous task.

Councilwoman Hurley stated that she had talked with former Mayor Robert Kirk Walker, and he had suggested that we ask our Bond Counsel to confirm what Adm. Boney had stated and to see if it was consistent with their advice to keep our good Bond Rating.

Councilwoman Rutherford thanked Mr. Boney and stated that the Mayor and she both agreed that the sewer fees need to be reduced and now it is just a matter of how much.

Councilman Pierce stated that this was not a new issue since 1990; that in the past we had thought about privatization but had taken the initiative not to privatize; that this question had been raised every year; that when we made this decision in 1993, Councilwoman Rutherford had just come on Board and questioned her audacity in voting against it. He stated that we had been concerned about sewer fees from Day One. He pointed out that Mayor Kinsey had cut the property taxes and had done a good job; that he had made his decision on projected figures he could work with and with more study given, might be able to cut more.

SEWER FEE DISCUSSION
(CONT'D.)

Councilman Crockett stated that we could all credit each other; that you did not change a Bond Rating and correct sewer problems in one term of office or two years; that we passed the sales tax referendum and our sewer services were at a high level; that to have this increase in sewer services, we had to make hard decisions on things that were not glamorous like putting in new pipes; that this has been in the making for more than a decade, and he did not think it was fair to make offhand comments that were not well-grounded on a subject that we had worked at with this persistence; that if we get the rates down, it will be hard work.

ADJOURNMENT

Chairman Lively adjourned the meeting until Tuesday, September 7, 1999 at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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