

Municipal Building
Chattanooga, Tennessee
December 3, 1996

The meeting of the Chattanooga City Council was called to order by Chairman Hakeem with Councilmen DiStefano, Eaves, Hurley, Lively, Pierce, Rutherford and Swafford present; Councilman Crockett joined the meeting later. City Attorney Randall Nelson and Council Clerk Carol O'Neal were also present.

INVOCATION

Councilman DiStefano gave the invocation for the evening.

MINUTE APPROVAL

On motion of Councilman Lively, seconded by Councilman Swafford, the minutes of the previous meeting were approved as published.

SPECIAL PRESENTATION COUNTY:
COMMISSIONER WILLIAM COTTON

County Commissioner William Cotton stated he was honored to be present to present a certificate to a person who has done a remarkable job. At this point he presented a "Distinguished Citizen" certificate to Council Clerk Carol O'Neal on behalf of the Hamilton County Board of Commissioners. Mrs. O'Neal expressed thanks and appreciation on receipt of the certificate.

SPECIAL PRESENTATION: JUDGE
WALTER WILLIAMS

Judge Walter Williams presented his quarterly report to the Council for the period July 31 through October 31, 1996. He stated there has been an abundance of cases in court; that he will be meeting with Police administration and the City Attorney to try to get a handle on what is going on. He stated there has been a increase of officers on the street which has resulted in more citations being issued.

SPECIAL PRESENTATION: JUDGE
WALTER WILLIAMS (Cont'd.)

Judge Williams indicated his days on the bench have been long; that he has on occasion stayed from 8 a.m.- 8 p.m. with a 45 minute lunch break; that he cannot continue to put in that many hours; that something will have to be done.

With regard to traffic and city ordinance violations, Judge Williams stated he heard 11,798 cases; that 2,728 were paid prior to being placed on the docket and 9,070 were heard ranging from speeding and other charges. He stated he continues to support the defensive driving school program and sends over 200 per week to the school; that he believes in the program and hopes those who are referred become more responsible in their driving habits. He stated over 250 citations alone were issued to those speeding on Barton Avenue in one month's time. At this point he read from his prepared statement for special emphasis to the Council:

Speeding citations continue to increase this quarter. The leading speeding location this quarter appears to be Barton Avenue. One particular case the court is aware of was where one young lady was charged with speeding in excess of 70 miles per hour on Barton Avenue while at the same time allowing a male friend to ride standing up in the back seat of her convertible automobile. In this case, the court fined the young lady \$350.00 and court costs, ordered her to attend Defensive Driving School and suspended her license for ninety days. This was a serious case in that serious injury and/or damages could have resulted from such careless and reckless behavior on the part of this young lady. The court is aware of more enforcement by the police department to reduce the number of speeders in the City of Chattanooga. Other locations which a number of persons were cited for speeding include: Moore Road, South Market Street, I-75, I-24, I-27, North Market Street, South Broad Street, Amnicola Highway, Highway 58, McCallie Avenue and M.L. King Boulevard.

The court would also wish to call to the Council's attention that on occasion the court would allow violators of the City Code to perform public service work at a nonprofit institution in lieu of paying fines.

Judge Williams continued by stating as a result some of those performing public service have been offered full-time employment. He stated Since April 15, 1991, 587 persons have attained their GED; that 225 have been admitted to Chattanooga State and 75 at UTC.

SPECIAL PRESENTATION: JUDGE
WALTER WILLIAMS (Cont'd.)

Judge Williams stated parking is still a problem in Chattanooga; that he called to the attention of the City Attorney and the Traffic Engineer the city should provide and have markings on the street as to how cars will be parked. He made reference to the white lines that have been painted on the street, as people were taking up two parking spaces; that it is hoped painted lines will help them to learn how to park. He expressed appreciation to Admin. Marcellis and John Van Winkle for taking care of the problem; that when he sees a problem he forwards a memo or calls it to their attention; that he does not have any authority to order them to do it, but they are willing to respond and appreciates it.

He stated the City Code does not allow the feeding of meters; that drivers should move off a meter and give someone else a chance when their meter has expired; that after the time has expired, you are supposed to move to another one as it is against the law to continue to deposit coins in a meter; that the fine can be as high as \$500. He made reference to a "meter bandit" who was feeding expired meters; that if this person is caught he can be cited possibly \$500; that something has to be done as meters are for temporary parking. He also made reference to a young lady who was fined \$2,000 for illegally using a handicap placard on four different occasions. He stated 23,115 citations were issued with 2,905 of the cases docketed. He stated environmental cases continue to increase; that the sign inspector, traffic engineer and Carl Levi have asked that they be authorized to issue citations to persons who violate the City Code and expects an increase as a result of the request; that the E-TEAM is still active. He expressed appreciation for the cooperation he receives from Better Housing and Public Works; that they are around 87% compliance and have come a long way.

Judge Williams reported the budget prepared for the Finance Division and approved by the Council indicates the City expects \$1,308,720 in gross revenues; that during the first quarter gross revenues totaled \$607,450 with net revenues totaling \$289,276. He stated City Court exceeded net revenues during the first quarter by \$125,543; that there should be a return of \$1.1 million to the general fund for operating expenses. He concluded his report by expressing appreciation to the City Court Clerk's office and North American Credit for their efforts in collecting delinquent accounts and stated the Court will continue its thoughts and give directions to improve on collecting outstanding fines.

SPECIAL PRESENTATION: JUDGE
WALTER WILLIAMS (Cont'd.)

Councilwoman Hurley spoke in reference to the high incidence of speeding on Barton Avenue and asked Judge Williams if he gives a formal report to traffic engineering. She asked if it is possible to install a stop light at the intersection of Crewdson and Barton in an effort to slow drivers down; that traffic engineering has been reluctant to do that, however, something has to be done.

Judge Williams responded that he gets a report from data processing of each speeding case in Chattanooga; that he does not hear some of the cases because people pay their tickets off; however, he peruses the report. He stated they need to come up with a sense of what is happening and will call Mr. VanWinkle.

Councilwoman Hurley asked Judge Williams to make a formal report to traffic engineering. Judge Williams responded that he is aware of the reluctance of putting up a sign. Councilwoman Hurley indicated it will have to be a signal. Judge Williams indicated his awareness that the cost of a stop signal is \$150,000+. Councilwoman Hurley stated the Court has returned that much to the surplus and monies should be there.

Chairman Hakeem expressed appreciation to Judge Williams for his thorough report; that the Council looks forward to hearing from him again at the next quarter.

FRANCHISE: ERLANGER MEDICAL
CENTER

Chairman Hakeem declared a public hearing in process and asked if there were proponents and/or opponents present; there being none the hearing was duly closed.

On motion of Councilman DiStefano, seconded by Councilwoman Rutherford,

AN ORDINANCE GRANTING UNTO ERLANGER MEDICAL CENTER A
FRANCHISE TO CONSTRUCT A PEDWAY OVER WIEHL STREET, MORE
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN
CONDITIONS

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

AMEND CITY CODE

On motion of Councilman DiStefano, seconded by Councilman Swafford,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II
SECTION 24-501, RELATIVE TO SCHEDULE II, SPEED ON
THROUGH STREETS

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

AMEND CITY CODE

On motion of Councilman Swafford, seconded by Councilwoman Hurley,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE PART II,
SECTION 24-341(C) AND SECTION 24-341(D), RELATIVE TO
DISCARDED AND ABANDONED VEHICLES

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

CLOSE AND ABANDON

1996-202: Steward, Inc.

Councilman DiStefano made the motion to move this matter up on the
agenda; Councilwoman Hurley seconded the motion; the motion carried.

Lee Atchley was present representing the applicant; opposition was
in attendance.

Mr. Atchley stated he was present two weeks ago and at that time
heard from some of the neighborhood representatives of the Clifton
Hills neighborhood improvement community who were in support; that
when he came to the Council meeting that was the first time he heard
from any of those in opposition. He stated at that time the Council
recommended that a meeting take place with the neighbors to hear
from them further. He stated a meeting was held last night with
Councilman DiStefano present; that based upon the concerns and
wishes of those in opposition, he would like to request the matter
be tabled six weeks to give more time to address the concerns and
questions. He stated the President of Steward is away for several
days; that he believes six weeks will allow for more time to address
the concerns and questions.

CLOSE AND ABANDON

Chairman Hakeem asked those in attendance in opposition their feeling as to putting the matter off six weeks; that the delay will allow time for the two sides to come together.

An unidentified resident of the area stated she wanted to make sure the people in the community are notified when the meeting will be scheduled; that last week was the first time she had heard of the request for abandonment; that she lives a block-and-a-half from Brannon Avenue.

Chairman Hakeem asked the person to leave her telephone number so that she can be adequately notified.

On motion of Councilman Swafford, seconded by Councilwoman Rutherford,

AN ORDINANCE CLOSING AND ABANDONING JEROME AVENUE,
LOCATED NORTHEAST FROM EAST 37TH STREET, SOUTHEAST OF
BRANNON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN
was tabled six weeks (January 14, 1997).

REZONING

1996-251: Paul F. Gray, III

Mike St. Charles was present representing the applicant; there was no opposition.

Mr. Bennett stated this request is for rezoning from R-2 and C-2 to R-3 for a 96 unit apartment development; that the abutting zoning includes R-3, R-2, and C-2; that the land use is predominantly single family residential to the northwest and south of the property; that there is a 100 unit apartment complex to the north and single family and commercial on the south. He displayed a drawing of the site plan submitted by the applicant.

Councilman Eaves stated he was the one that asked that this matter be deferred because of some flooding problems; that Mr. Bowles and some of the neighborhood have contacted him since then. He stated they had a meeting with the stormwater people who told them what Mr. St. Charles had said; that the applicant will make provision for removing water from the area which will help the neighborhood. He stated they have no problem with this and neither does he.

REZONING (Cont'd.)

Councilwoman Rutherford stated she remembers asking about a traffic study regarding this request.

Bill Benjamin stated they met with John VanWinkle who came up with statistics of the number of cars that will be generated by the project and was supposed to have sent a memo to the Council regarding this and does not know if he did that. He stated Mr. VanWinkle did not have any problem with this; that the study indicated only 47 additional cars at peak hours would be added by this project.

Councilman DiStefano asked if there will be an additional entrance and exit or will exits from other parcels be used. Mr. Benjamin stated direct access will be onto Lee Highway.

Councilman DiStefano inquired as to whether additional turns will present an additional problem. Admin. Marcellis stated he did not think it would and thinks this will be adequate; that they can use the signal and make a left turn to go northeast.

Chairman Hakeem asked Admin. Marcellis to make sure the Council receives a copy of the letter Mr. St. Charles made reference to that Mr. VanWinkle was to have forwarded prior to second and third reading. Admin. Marcellis stated he will get the letter to the Council.

Councilwoman Rutherford asked if there were plans that could be shown to the Council. Mr. Benjamin presented copies of the plan, as well as a letter from the stormwater division. He displayed a picture of another complex they developed in Hixson about a year ago; that their plan at this point is that they are going to use the same floor plan and exterior look.

On motion of Councilman Eaves, seconded by Councilman Swafford,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 7215 LEE HIGHWAY, BEING ON THE
NORTHEAST LINE OF LEE HIGHWAY NORTHEAST OF ROBIN DRIVE,
FROM R-2 RESIDENTIAL ZONE AND C-2 CONVENIENCE
COMMERCIAL ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO
CERTAIN CONDITIONS
passed first reading.

AMEND CITY CODE

On motion of Councilman Lively, seconded by Councilman Swafford,
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 18, SECTION 18-123, RELATIVE TO LANDFILL FEES
passed first reading.

AMEND BUDGET ORDINANCE NO. 10465

Councilwoman Hurley asked Admin. Boney if this is a substantive change to the budget. Mr. Boney indicated that the major purpose is to appropriate money to pay the taxes on the Bessie Smith Hall property.

Councilwoman Hurley asked if there were other items in the amendment. Admin. Boney indicated there is one personnel item in Admin. Dinsmore's department.

Councilwoman Hurley stated it has been requested we have a budget committee meeting on that subject. Admin. Boney stated it is of the essence on passage of the Bessie Smith Hall; that if there is a concern regarding the personnel section is there any way we can split that out.

Councilwoman Hurley stated she would like to move to split that section out of the ordinance.

City Attorney Nelson suggested that the ordinance be passed as it is; that prior to second and third reading he can take out the provision regarding personnel.

Chairman Hakeem stated it has been suggested that we move forward on the tax issue and remove the personnel item. City Attorney Nelson amended the ordinance by deleting the last sentence in the caption **["and so as to provide for certain changes in the personnel set out in Section 7(c)"]**, deleting Section 4, and changing Section 5 to reflect "Section 4."

Admin. Boney expressed his appreciation to the Council for the amendment.

Councilwoman Hurley stated she will set a budget meeting for sometime next week. Councilman Pierce informed Councilwoman Hurley that three Council members will be out of the city next week and asked if the meeting could be scheduled two weeks from now.

AMEND BUDGET ORDINANCE (Cont'd.)

On motion of Councilwoman Hurley, seconded by Councilman Swafford, AN ORDINANCE TO AMEND ORDINANCE NO. 10465, AS AMENDED, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1 1996, AND ENDING JUNE 30, 1997, AND APPROPRIATING SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT; FIXING THE RATE OF TAXATION ON ALL TAXABLE PROPERTY IN THE CITY, AND THE TIME TAXES AND PRIVILEGES ARE DUE, HOW THEY SHALL BE PAID, WHEN THEY SHALL BECOME DELINQUENT; AND PROVIDE FOR INTEREST AND PENALTY ON DELINQUENT TAXES AND PRIVILEGES.", SO AS TO PROVIDE FOR CERTAIN CHANGES IN ESTIMATED REVENUES AND APPROPRIATIONS SET OUT IN SECTION 5; AND SO AS TO PROVIDE FOR CERTAIN CHANGES IN PERSONNEL SET OUT IN SECTION 7(C) passed first reading.

CHANGE ORDER

Councilman Eaves stated the Public Works Committee recommends approval of this resolution.

On motion of Councilman Eaves, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING EXECUTION OF CHANGE ORDER NO. 1, (FINAL), CONTRACT NO. 40f, DUPONT PARKWAY PUMP STATION, WITH J. S. HAREN COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY EIGHTEEN THOUSAND, FIVE HUNDRED EIGHTY AND 32/100 DOLLARS (\$18,580.32) FOR A FINAL CONTRACT PRICE OF SEVEN HUNDRED SIXTY-TWO THOUSAND, FIVE HUNDRED EIGHTY AND 32/100 DOLLARS (\$762,580.32) was adopted.

INTERGOVERNMENTAL AGREEMENT

On motion of Councilman Eaves, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF GENERAL SERVICES TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE CHATTANOOGA HOUSING AUTHORITY, MORE PARTICULARLY DESCRIBED HEREIN, RELATIVE TO INSPECTIONS was adopted.

CONTRACT: MAYSE CONSTRUCTION
COMPANY

Councilman Eaves stated the Public Works Committee recommends approval of this resolution.

On motion of Councilman Eaves, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. SWM-3-96, DRAINAGE AND QUALITY ABATEMENT, TO MAYSE CONSTRUCTION COMPANY FOR THEIR LOW BID IN THE AMOUNT OF NINE HUNDRED EIGHT-NINE THOUSAND, TWO HUNDRED TWENTY-ONE DOLLARS (\$989,221.00) was adopted.

CHANGE ORDER

Councilman Eaves stated the Public Works Committee recommends approval of this resolution.

On motion of Councilman Eaves, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, CONTRACT NO. 99B, 19TH STREET SEWER RELOCATION, WITH CASH CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY FIFTY-SEVEN THOUSAND, FIVE HUNDRED THIRTY-THREE AND 84/100 DOLLARS (\$57,533.84) FOR A REVISED CONTRACT PRICE OF FOUR HUNDRED FORTY-SIX THOUSAND, SIX HUNDRED FIFTEEN AND 39/100 DOLLARS (\$446,615.39), WITH A THREE AND ONE-HALF (3 1/2) DAY EXTENSION OF TIME FOR A REVISED COMPLETION DATE OF DECEMBER 5, 1996 was adopted.

SEWER EASEMENT

Councilman Eaves stated the Public Works Committee recommends approval of this resolution.

On motion of Councilman Eaves, seconded by Councilman Swafford, A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT ON A COMMUNITY LOT FROM OWNERS MORE PARTICULARLY DESCRIBED HEREIN, RELATIVE TO CONTRACT NO. 73B-1, BIG RIDGE COLLECTOR SEWERS III, TRACT NO. 524, FOR A CONSIDERATION OF SEVEN THOUSAND, SIX HUNDRED FIFTY DOLLARS (\$7,650.00) was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman Swafford, seconded by Councilman Eaves,
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY
FROM SUMITRA H. PATEL, RELATIVE TO CONTRACT NO.
RW-7-96, WIDENING OF GUNBARREL ROAD NORTH OF
SHALLOWFORD ROAD, TRACT NO. 9, FOR A CONSIDERATION OF
TWO THOUSAND, SEVEN HUNDRED SIXTY DOLLARS (\$2,760.00).
was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilwoman Hurley, seconded by Councilman Swafford,
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY
FROM SUMITRA H. PATEL, RELATIVE TO CONTRACT NO.
RW-7-96, WIDENING OF GUNBARREL ROAD NORTH OF
SHALLOWFORD ROAD, TRACT NO. 9B, FOR A CONSIDERATION OF
ONE THOUSAND, SIX HUNDRED FIFTY DOLLARS (\$1,650.00)
was adopted.

AGREEMENT: CHATTANOOGA AND
HAMILTON COUNTY

On motion of Councilwoman Hurley, seconded by Councilman DiStefano,
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AND
EXECUTE AN AGREEMENT AND STATEMENT OF POLICIES AND
PROCEDURES BETWEEN THE CITY OF CHATTANOOGA AND HAMILTON
COUNTY TO PROVIDE PARAMEDIC LEVEL FIRST RESPONDERS
was adopted.

APPROVAL OF CONTROLLED BURN:
AUDUBON SOCIETY

Councilwoman Hurley asked if the Council has to approve this.

Councilman Eaves stated he asked the City Attorney to prepare this;
that the Audubon Society felt any type of burn in the city requires
a special permit; that this is a controlled burn by the Forestry
Service. He stated some of our inspectors were sure they could
issue a permit within minutes upon our approval of this.

On motion of Councilman Eaves, seconded by Councilman Lively,
A RESOLUTION APPROVING THE AUDUBON SOCIETY'S HIRING OF
THE STATE OF TENNESSEE TO DO A CONTROLLED BURN ON THE
AUDUBON SOCIETY PROPERTY AT 900 NORTH SANCTUARY ROAD.
was adopted.

OVERTIME

Overtime for the week ending November 29, 1996 totaled \$12,521.76.

(COUNCILMAN CROCKETT JOINED THE MEETING AT THIS POINT.)

PURCHASE

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

MOTOROLA (Per TCA 6-56-301)
Requisition No. 137507

Purchase of Expansion of Radio System

\$2,448,356.50

PERSONNEL

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

SCOTT SNODGRASS -- New Hire, Laborer III, Waste Resources, Pay Grade 5/Step 1, \$15,834.00 annually, effective December 2, 1996.

KEVIN BALL -- Termination, Laborer III, Waste Resources, effective November 18, 1996.

HOWARD L. HARVEY -- Lateral Transfer, Truck Driver II, City-wide Services, Pay Grade 5/Step 2, \$16,329.00 annually, effective November 13, 1996.

RONALD T. SIMPSON -- Promotion, Sanitation Worker I, City-wide Services, Pay Grade 4/Step 12, \$20,307.00 annually, effective November 27, 1996.

SIGMUND BLATT -- Lateral Transfer, Laborer I, City-wide Services, Pay Grade 4/Step 14, \$21,545.00 annually, effective November 13, 1996.

ROBERT L. ELLISON, JR. -- Extension of Probationary Period, Laborer II, City-wide Services, through March 30, 1997.

PERSONNEL INQUIRY

Councilman Pierce stated he did not look the list over. Councilman Swafford inquired as to when the promotions go into effect.

Admin. Dinsmore stated the promotions went into effect better than a week ago; that they will serve as acting sergeant for 60 days; that he will come back and make them permanent, and their pay will be retroactive from last Friday's date; that he tries to coordinate the promotions on a pay day date.

Councilman Swafford stated he has a question about a couple of the names; that he would like to ask some questions and will discuss it with Admin. Dinsmore later.

Chairman Hakeem stated Councilman Swafford can talk with Admin. Dinsmore about this, however, this is an administrative matter.

Councilwoman Hurley stated she is aware this is an administrative matter, but there is one person each Council member has been contacted about and we have questions. She stated she does not want to discuss it now; that she told the person it was an administrative matter, and it is a matter of standard protocol not to intervene.

Councilwoman Rutherford asked if the quantity of names means the lawsuit has been resolved. Admin. Dinsmore responded "no it does not;" that he did not feel it was fair to keep hurting his department and making them wait until the lawsuit was settled; that these people have waited five years.

PERSONNEL

The following personnel matters were reported for the Safety Department:

CHRISTOPHER EIDSON -- Resignation Private, Fire Department, effective, December 5, 1996.

DAVID ARNOLD -- Suspension (12 hour period without pay), Captain, Fire Department, effective December 1, 1996.

DANNY IRVIN -- Suspension (12 hour period without pay), Captain, Fire Department, effective December 1, 1996.

PERSONNEL (Cont'd.)

STAN ALLEN, JAMES APPUGLIESE, JOHN BAKER, SUSAN BLAINE, RALPH BROWN, DAVID BUKOWSKI, JOHN CHAPMAN, JEFF CLARKE, CORLISS COOPER, BRIAN COTTER, JULIA DEAN, BOBBY DODD, MARCUS EASLEY, DAVID FRYE, ADRIAN GIBB, THOMAS GUTHRIE, BRENDA HAFLEY, JON K. HALL, CRAIG JOHNSON, JAMES KEEF, THOMAS KENNEDY, JAMES MASSENGALE, RICK MINCY, BRYAN MOODY, KENNETH NEBLETTE, PATRICK O'BRIEN, DANIEL RAMSEY, MARVIN RHINEHART, BOBBY RODGERS, KIRK SALTER, GREGORY SHORT, ROBERT SIMPSON, DAVIS STONE, DAVID STREIP, ERIC TUCKER, DARRELL TURNER, TOMMY WOODS -- Promotion, Acting Sergeant, Police Department, no change in grade/step, effective November 22, 1996.

PERSONNEL

The following personnel matter was reported for the City Court:

PAMELA L. ROBINSON -- New Hire, Court Clerk I, Pay Grade 5/Step 1, \$15,834.00 annually, effective December 3, 1996.

REFUND

On motion of Councilman Crockett, seconded by Councilman Swafford, the Admin. of Finance was authorized to issue the following refund for 1993 personalty taxes:

DUPONT, E. I. DENEMOURS & CO. -- Bill No. 65388, Per audit of the Division of Property Assessment, \$34,191.53.

BOARD APPOINTMENT

On motion of Councilman Lively, seconded by Councilwoman Rutherford, the following board appointment was approved:

Industrial Development Bond Board:

--Reappointment of **GARY VISHER** for a term to expire May 26, 2002.

HEARING: ROBIN KILBY

City Attorney Nelson reported that it has been determined that Mr. Kilby was adequately notified of his termination and the request for a hearing is denied.

CASE NOS. 1996-273 AND 1996-274

City Attorney Nelson stated items 6(n) and 7(a) on next week's agenda have been requested to be taken off and tabled until January 21, 1997. He stated the case involves a rezoning and a special exceptions permit for A.C. Pruett.

Councilwoman Hurley stated this is in her district and comes with a recommendation for denial. She inquired as to their reason to postpone.

The Council Clerk informed Councilwoman Hurley that the attorney for Mr. Pruett called to make the request so that they could have more time to talk with those in opposition and perform the necessary studies involving the property; that they will notify all those in opposition.

Councilwoman Hurley stated she believes the Council should have them come and explain why they want the deferral; that the Council can determine at that time whether it should be deferred. At this point she made the motion to keep the matter on the agenda for next week; Councilman Lively seconded the motion; the motion carried.

COMMITTEES

Councilman DiStefano stated a meeting of the **Housing Committee was held this afternoon; that an attempt was made to set an agenda for the next meeting scheduled for Tuesday, January 14 at 4 p.m.**

Councilwoman Hurley stated there is a need to schedule a meeting of the Budget Committee to discuss an amendment to the Budget ordinance as requested by the Safety Department.

City Attorney Nelson stated it will take an ordinance to change the budget ordinance; that if the Council delays action until December 17 the ordinance will not go into affect until January 21, as it will not be voted on second and third reading until January 7, if that is not a problem.

Admin. Boney stated he did not think there is a problem; that this involves the personnel section.

Councilwoman Hurley stated apparently three members of the Council will not be here next week and one of them has requested the matter regarding personnel in the amendment be reviewed in Committee, and the meeting will have to be held on the 17th.

COMMITTEES (Cont'd.)

Councilman Pierce stated we have serious problems here; that he would like to be present for the committee meeting. He stated he is asking that the ordinance regarding personnel be held for two weeks; that we are talking about personnel in Dinsmore's department, and he (Dinsmore) can inform us as to whether it will create an inconvenience to delay action.

At this point Councilman Pierce made the motion to table the matter regarding the personnel section for two weeks so that it can be discussed in committee; Councilwoman Rutherford seconded the motion; the motion carried.

City Attorney Nelson stated the matter will be brought back as a separate ordinance amendment.

Councilwoman Hurley scheduled a meeting of the **Budget Committee for Tuesday, December 17** immediately following the Public Works Committee.

Councilwoman Rutherford reminded Council members of the **joint meeting of the Safety/Legal and Legislative Committees scheduled for Tuesday, December 10 at 4 p.m.** regarding a discussion on pawn shops.

WILCOX AND TUNNEL BOULEVARD
INQUIRY

Councilman Swafford stated he had some concern regarding the turning lane on Wilcox from Tunnel Boulevard; that the matter has been discussed previously. He stated there is a "no passing" sign located behind a tree and is not visible; that the sign might need to be enlarged and placed up front so that it can be easily seen. He stated it is just a matter of time before someone will either be hit or killed as the school bus stops in that location and picks up children; that people are passing in the turning lane. He stated at the end of the Wilcox Tunnel some of the railing and concrete has been broken and there appears to be about twenty lights that are out. Admin. Marcellis stated he will coordinate his efforts with the Electric Power Board regarding the matter.

BETTER HOUSING APPEAL: RONALD
GUSTER

Immediately following the Council meeting, the Council met to hear a Better Housing appeal requested by Ronald Guster. After presentation of information the Council upheld the Better Housing Commission's ruling regarding the matter.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, December 10, 1996 at 6 p.m.


Chairman


CLERK OF COUNCIL

(A list of names of persons in attendance is
filed with minute material of this date)