

Municipal Building
Chattanooga, Tennessee
December 2, 1997

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

INVOCATION

Chairman Swafford delivered the invocation.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: SALLY
ROBINSON - "CHRISTMAS ON THE
RIVER"

Sally Robinson greeted the Council and stated she and Merrill Eckstein were present to give an update as to the City's "Winter Days and Lights" schedule. She stated Mr. Eckstein was present to give information regarding a new event, the NCAA College Play-off scheduled for Finley Stadium on December 20. She stated downtown Chattanooga is all lit up for the season and "Christmas on the River" is scheduled for Saturday, December 13 with a lighted parade and boats. She presented each Council member with a lighted Santa token and stated that she looks forward to seeing each of them downtown during the Holidays; that they should bring their families and join in the fun.

Merrill Eckstein stated Chattanooga has received the right to hold the NCAA tournament; that the activities will begin with a reception at the Aquarium on Friday evening, a VIP reception at the Walden Club prior to the Game on Saturday, in addition to many community activities which will include pep rallies, a chili cook-off, ice carving exhibition and other activities. He stated the Parks and Recreation Department will share in this activity and the game will be televised on ESPN-TV at 2 p.m. He asked the Council and community to support the game as they want a large, lively crowd since the game will be televised.

SPECIAL PRESENTATION: SALLY
ROBINSON - "CHRISTMAS ON THE
RIVER" (Cont'd.)

Chairman Swafford inquired as to how long it will take before the teams that will play on the 20th will be named. Mr. Eckstein responded that there are sixteen teams starting in the play-offs and there are eight games left. He stated the results of the game scheduled for Saturday, December 13 will determine who will play here on December 20.

Councilman Hakeem expressed appreciation for all the hard work that has been done; that he knows the events scheduled will be successful. He stated the concern he has might not be under the purview of the Sports Committee and asked when there are teams like Tyner High School going to the State Championship and other sports teams, is there any interaction between Mr. Eckstein's agency and the school system as far as building support from Chattanooga to support our teams.

Mr. Eckstein stated there has not been; that their mission is to present sports events that will generate visitors and dollars to town; that they have not had local involvement on the college or high school level which is not to say they will not encourage those teams; that those teams need to be supported.

SPECIAL PRESENTATION: LINDA
YOUNG: TENNESSEE SAFETY &
HEALTH COUNCIL

Linda Young of the Tennessee Safety and Health Council was present to present Safety Appreciation Awards to Pam Bullington, Harry Wilson, Corey Wilson and Ashley Wilson for their efforts on October 5, 1997. She stated Inspector Tim Carroll responded to a call of a drowning at 201 Riverfront Drive; that Isaiah Conner (age 3) was brought to shore with CPR in progress by Pam Bullington, a Registered Nurse, assisted by Harry Wilson and his two children, Corey and Ashley. She stated Ms. Bullington jumped in the water and helped bring Isaiah to the boat where Mr. Wilson and his family were; that Ms. Bullington, along with rescue personnel began CPR and Isaiah was then transported to T.C. Thompson Children's Hospital. She stated others water-skiing on the River were advised of the drowning and Chris Byrd (one of the skiers) jumped in and pulled Jay-van Conner to shore where CPR was performed prior to his being taken to Erlanger. She stated both Isaiah and Mr. Conner later died at the hospitals.

SPECIAL PRESENTATION: LINDA
YOUNG: TENNESSEE SAFETY &
HEALTH COUNCIL (Cont'd.)

At this point, Ms. Young presented "Safety Appreciation" awards to Ms. Bullington and the Wilsons for notable service to mankind through special rescue efforts. She recognized the presence of Inspector Carroll who recommended the awards be given to the recipients.

Inspector Carroll stated October 5 started out as a beautiful fall afternoon on the River and turned tragic; that these people put their life on the line and tried to save these individuals. He stated he felt they needed some type of recognition for their efforts that afternoon.

Chairman Swafford stated he and Inspector Carroll "go a long way back" and appreciates all the service he does for our City. He expressed appreciation to Ms. Bullington and Mr. Wilson and his children for their act of courage.

AMEND CITY CODE: RELATIVE TO
LANDFILL FEES

On motion of Councilman Lively, seconded by Councilman Pierce, AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 18, SECTION 18-123, RELATIVE TO LANDFILL FEES passed second reading. On motion of Councilwoman Rutherford, seconded by Councilman Taylor, the ordinance passed third and final reading and was signed in open meeting.

AMEND CITY CODE: RELATIVE TO
SALE OF ON-PREMISE BEER AT MOTION
PICTURE THEATERS

On motion of Councilwoman Rutherford, seconded by Councilman Pierce, AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 5-78(C), SO AS TO PERMIT THE SALE OF ON-PREMISE BEER AT MOTION PICTURE THEATERS SUBJECT TO CERTAIN RESTRICTIONS 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.

DECLARE SURPLUS AND AUTHORIZE SALE
OF PROPERTY

Admin. Traughber stated this is property that is located in the Orchard Knob Urban Renewal area; that the Chattanooga Housing Authority managed the property acquisition; that in 1994 there was an offer to sell the property for \$58,000 and it fell through. He stated the property has been appraised at \$71,000; however it is felt \$55,000.00 is a fair offer as it has been on the market for 20+ years and is the second offer we have had; that Dr. Francis is proposing to build an office on the site and sale of the property is recommended.

Councilman Pierce stated he does not have any objection to the sale and inquired as to how the property is presently zoned. Admin. Traughber stated it is his thought that the property is zoned C-5 and offices can be accommodated in this zone. Councilman Pierce stated he asked about the zoning because he didn't want the buyer to have a problem with the neighborhood later regarding the zoning. Admin. Traughber stated the neighborhood has been canvassed to see if anyone had a problem with it and there was none.

Councilman Hakeem inquired as to the location of the property. After Admin. Traughber clarified the location Councilman Hakeem stated the neighbors will be glad to have someone on this property as there have been some problems in the past.

Councilman Pierce stated it has been brought to his attention by the Management Analyst that the current zoning is R-4, and he does not think the Council will have a problem rezoning it.

Admin. Traughber stated this type of office space can be accommodated in R-4; that in any sale his department makes the zoning is conditional; that the City will have to ask for zoning change but it does not mean the Council has to support the zoning change.

On motion of Councilman Pierce, seconded by Councilman Taylor,
A RESOLUTION DECLARING CERTAIN PROPERTY LOCATED AT
HOLTZCLAW AVENUE AND WILSON STREET, MORE PARTICULARLY
DESCRIBED HEREIN, AS SURPLUS AND AUTHORIZING THE SALE
OF SAID SURPLUS PROPERTY TO HENRY M. FRANCIS, JR., M.D.
FOR A CONSIDERATION OF FIFTY-FIVE THOUSAND DOLLARS
(\$55,000.00)
was adopted.

SPECIAL POLICEMAN

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE APPOINTMENT OF MARY HUTSON AS A SPECIAL POLICE OFFICER FOR THE EEO AND BETTER HOUSING DEPARTMENT WITH THE CITY OF CHATTANOOGA, TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

was adopted.

SEWER EASEMENT

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER EASEMENT FROM JOLLY JEWELL WOODS, RELATIVE TO CONTRACT NO. 99C, MISCELLANEOUS SANITARY SEWERS REQUIREMENTS CONTRACT, TRACT NO. 8, FOR A CONSIDERATION OF FIVE HUNDRED DOLLARS (\$500.00)

was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM TITLE GUARANTY & TRUST COMPANY, TRUSTEE, RELATIVE TO WILCOX BOULEVARD AT CHAMBERLAIN AVENUE INTERSECTION IMPROVEMENT, TRACT NO. 14, FOR A CONSIDERATION OF ONE HUNDRED TWENTY-FIVE DOLLARS (\$125.00)

was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman Hakeem, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM EDDIE L. ALEXANDER, RELATIVE TO WILCOX BOULEVARD AT CHAMBERLAIN AVENUE INTERSECTION IMPROVEMENT, TRACT NO. 19, FOR A CONSIDERATION OF EIGHT HUNDRED DOLLARS (\$800.00)

was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Taylor,
A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY
FROM SUSIE WOODS, RELATIVE TO WILCOX BOULEVARD AT
ROANOKE AVENUE INTERSECTION IMPROVEMENT, TRACT NO. 7,
FOR A CONSIDERATION OF ONE THOUSAND, NINETY-FIVE
DOLLARS (\$1,095.00)
was adopted.

LICENSE

On motion of Councilwoman Rutherford, seconded by Councilman Taylor
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LICENSE
TO OPERATE CATHODIC PROTECTION FACILITY FOR COLONIAL
PIPELINE COMPANY ON PROPERTY ON MOCCASIN BEND OWNED BY
THE CITY OF CHATTANOOGA AND HAMILTON COUNTY
was adopted.

TEMPORARY USE: THE ENGLISH ROSE

On motion of Councilman Taylor, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE ENGLISH ROSE (LLC) TO USE
TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY AT
1401 MARKET STREET, SUBJECT TO CERTAIN CONDITIONS, FOR
HANGING A BUSINESS SIGN, MORE PARTICULARLY DESCRIBED
HEREIN
was adopted.

CONTRACT: BARGE, WAGGONER, SUMNER
AND CANNON

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT
WITH BARGE, WAGGONER, SUMNER AND CANNON, RELATIVE TO
THE EAST LAKE PARK MASTER PLAN, FOR A TOTAL COST NOT TO
EXCEED TWENTY-FOUR THOUSAND, SEVEN HUNDRED DOLLARS
(\$24,700.00)
was amended.

OVERTIME

Overtime for the week ending November 28, 1997 totaled \$14,841.21.

PURCHASE

On motion of Councilman Lively, seconded by Councilman Hakeem, the following purchase was approved for use by the Parks and Recreation Department:

GRAYBAR (Overall low bid with 90% of 22 items bid)
Requisition No. R0003533

Purchase of Twelve Months Requirements Contract for Electrical Parts
(Price information available and filed with minute material)

PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Taylor, the following purchase was approved for use by the General Services Department:

ARAMARK UNIFORM SERVICE (Only bid received)
Requisition No. R0030360

Purchase of Twelve Months Requirements Contract for Uniform Rental
\$1.25 ea.

ESTES (Only bid received)
Requisition No. R0030358

Purchase of Contract to Furnish Labor and Materials to Install an Automatic Fuel Tank Gauging System
\$10,888.00

PERSONNEL

ALONZO TRAMMEL -- Voluntary Demotion, Laborer I, City-wide Services, Pay Grade 2/Step 6, \$15,606.00 annually, effective December 3, 1997.

PATRICK STEWART -- Promotion, Truck Driver II, City-wide Services, Pay Grade 5/Step 3, \$17,160.00 annually, effective November 26, 1997.

PERSONNEL (Cont'd.)

RUBY A. FARMER -- Family Medical Leave, Clerk II, effective November 20, 1997 - February 11, 1998.

JAMES T. SKINNER -- Reinstatement, Concrete Worker, City-wide Services, Pay Grade 6/Step 4, \$18,813.00 annually, effective November 26, 1997.

RICHARD C. MORRIS -- Promotion, Building Inspector II, Inspection Division, Pay Grade 12/Step 13, \$36,431.00 annually, effective July 1, 1997.

Councilman Hakeem stated the employee listed first on the personnel report is a 20-25 year employee and inquired as to whether his voluntary demotion was due to physical limitations.

Admin. Marcellis confirmed that the employee is going to a "lighter" job due to physical limitations; that the difference in salary is less than \$100 per year.

PURCHASES

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

DILLARD SMITH CONSTRUCTION CO. (Lower and better bid)
Requisition No. R0002575

Purchase of Construction Contract

\$21,080.00

MOUNTAIN VIEW FORD (Lowest bid meeting City of Chattanooga specifications)
Requisition No. R0002572

Purchase of 4X 2-Door Utility Vehicle

\$24,225.30

PERSONNEL

The following personnel matters were reported for the Police Department:

LINDA GERM -- Family & Medical Leave, effective October 22, 1997 - January 14, 1998.

INMAN MONTGOMERY, SR. -- Hire, School Patrol Officer, \$20.68 per day, effective December 1, 1997.

POLICE MANUAL INQUIRY

Councilman Pierce stated prior to the recent campaign for City offices the Fraternal Order of Police were rewriting their police manual. He inquired as to where they are on that issue.

Chief Dotson stated they need to revise the internal manual and (he) is in the process of appointing a committee to look at the policies that need to be put into effect right away. He stated the whole manual needs to be upgraded; that he needs to come to the Council to see about getting a resolution to revise the manual because it is certainly out-of-date.

Councilman Pierce stated he does not know what the process would be; that he does not know whether the Chief would want to meet with the Safety Committee to discuss the matter.

City Attorney Nelson stated that is an administrative matter, but like the Fire Department it is good to keep the dialogue going between the two bodies; that this is something Chief Dotson should take to administration.

Councilman Pierce stated if Chief Dotson needs input from the Council, the Council would be available; that he would like to see the process started.

Chief Dotson inquired as to whether the Council has any resolution as far as the process is concerned or would he bring the document before the Council once it is complete. Councilman Pierce stated that would be between Chief Dotson and administration. City Attorney Nelson clarified that this is an administrative matter.

Chairman Swafford inquired as to whether the matter would have to be voted on at all by the Council. Councilman Pierce stated the changes would not have to be voted on.

POLICE MANUAL INQUIRY (Cont'd.)

City Attorney Nelson stated there has been a vote on some occasions but it was mostly under the former City Commission when that was done; that this is an administrative matter.

Councilman Pierce again reiterated that he would like to see the process moved forward.

Councilman Taylor asked Chief Dotson to keep the Council informed as they proceed. He stated he received a call about Mr. Foster getting into contact with the Chief about an internal report; that he (Foster) is present at tonight's meeting.

Chief Dotson stated he will talk with Mr. Foster but cannot get in-depth as the matter is still in litigation; that he can direct him to the Captain of Internal Affairs if he wants to talk about specifics. He stated he has made it a personal practice not to discuss a matter while it is in litigation.

COMMITTEES

Councilwoman Rutherford stated the Youth and Family Support Committee met today to cover two issues; that Chief Coppinger explained a change in the Fire Manual and the other was a presentation by Gwen Walker from Tennessee Human Services about the Families First Program.

Councilman Hakeem reminded Council members of the **Budget and Finance Committee meeting scheduled for Tuesday, December 9 at 4 p.m.** for further discussion regarding the capital budget.

GLENWOOD PUBLIC MEETING

Councilman Hakeem stated there will be a public meeting at Glenwood Community Center on this Thursday, December 4, at 6 p.m. He stated this is a planning meeting for the Glenwood neighborhood and representatives from the Planning Commission will be present.

COUNCILMAN LIVELY

Councilman Lively reminded Council members that he will be out of the city next week on business and will not be present for the Council meeting.

STORMWATER PROGRESS

Chairman Swafford stated the new program has started; that he has received some calls about the stormwater department "moving" and becoming very active in several areas. He stated the Mayor was out this morning perusing some of the projects; that they are moving rapidly in cleaning up some of the catch basins, and it is impressing people. Admin. Marcellis expressed thanks for Chairman Swafford's remarks.

CHARLES SHROPSHIRE

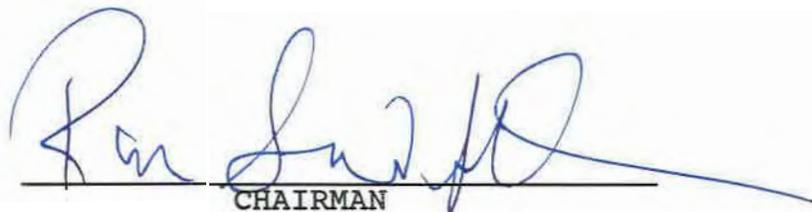
Charles Shropshire stated he went to the Electric Power Board last Friday to pay his light bill and there was an elderly man who almost fell due to the large number of leaves that have fallen. He stated with Christmas coming he hopes the City will clean-up the City because people cannot walk down the sidewalks because the sidewalks are full of leaves. He stated he would like to see all the Council members get a broom and get the leaves up and does not think any more trees should be planted if this is going to be the end result.

DR. GRACE HEWELL

Dr. Grace Hewell informed the Council that progress has been made regarding the invitation to the National Environmental Justice Advisory Council to hold its next future meeting here; that the Council will meet December 8-11 in Durham, North Carolina. She stated the Council is chaired by a lay person with a designated official from EPA working with them. She stated on December 8 at 8 p.m. there will be a public comment section where comments will be taken from persons supporting proposals for the next meeting; that she does not know who will represent Chattanooga government at this meeting; that she is attending and representing a large number of community groups that she has pulled together, which include Winn-Dixie, DuPont, Westside Baptist, League of Women Voters, and AARP to name a few. She stated on December 10 proposals for the next meeting will be discussed by members of the Council and a decision will be made and (she) hopes Chattanooga will be selected.

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, December 9, 1997 at 6 p.m.


CHAIRMAN


CLERK OF COUNCIL

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