

Municipal Building
Chattanooga, Tennessee
January 27, 1998

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

INVOCATION

Attorney Randall Nelson gave the invocation for the evening.

MINUTE APPROVAL

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

CLOSURE AND ABANDONMENT

#1997-196 (Howard Henderson)

Adm. Marcellis noted that the owner was present tonight; that they had had a conversation earlier today, and he had discovered that the site of the roadway was 10 ft. below the grade of Lee Highway. He stated that the City was not quite in that dire of straits to go to the expense of bringing it up to grade, and they now had no problem in recommending approval of this closure. He stated that the Power Board did have an easement, and the easement had to go with the land.

Mr. Ben Plain was present representing Mr. Henderson and Mr. Mullinax, who are owners of the property on each side of this property.

Mr. Mansour Taslimi was also present, but he was not in opposition to the closure.

Councilwoman Rutherford asked who recommended denial of this and why.

Adm. Marcellis explained that Public Works had recommended denial because of the bad angle at Lee Highway and Hickory Valley Rd., but they had found out the difficulty of building up the roadway.

ABANDONMENT (CONT'D.)

On motion of Councilman Lively, seconded by Councilman Hakeem,
AN ORDINANCE CLOSING AND ABANDONING HOLMES ROAD
LOCATED SOUTHEAST FROM LEE HIGHWAY, NORTHEAST OF
ROBERSON ROAD, MORE PARTICULARLY DESCRIBED HEREIN
SUBJECT TO A CONDITION AS SET FORTH HEREIN
passed first reading.

ABANDONMENT OF SEWER EASEMENT

Adm. Marcellis explained that we had put in sewer lines at a different
location and do not need this easement.

On motion of Councilman Lively, seconded by Councilwoman Rutherford,
AN ORDINANCE ABANDONING CITY OF CHATTANOOGA SANITARY
SEWER EASEMENT LOCATED ON LOTS 1, 2, AND 3 OF ROYAL
COVE SUBDIVISION, MORE PARTICULARLY DESCRIBED HEREIN
AND AS SHOWN ON THE MAP ATTACHED HERETO AND INCORPORATED
HEREIN BY REFERENCE
passed first reading.

AGREEMENT

On motion of Councilman Hakeem, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH
COMQUEST, LLC, FOR ENGINEERING SERVICES
RELATIVE TO THE DESIGN AND CONSTRUCTION OF
THE WEST 9TH STREET COMBINED SEWER OVERFLOW
CONTROL FACILITY, FOR A FEE NOT TO EXCEED
TWO HUNDRED FIFTY-SIX THOUSAND, NINE HUNDRED
FIFTY DOLLARS (\$256,950.00)
was adopted.

AGREEMENT

On motion of Councilwoman Rutherford, seconded by Councilman Lively,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF
PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH
CONSOLIDATED TECHNOLOGIES, INC., FOR ENGINEERING
SERVICES RELATIVE TO A LEACHATE PUMPING AND
STORAGE SYSTEM AT BIRCHWOOD LANDFILL, FOR A FEE
NOT TO EXCEED FIFTY-FIVE THOUSAND, ONE HUNDRED
EIGHTY DOLLARS (\$55,180.00)
was adopted.

CONTRACT

On motion of Councilwoman Rutherford, seconded by Councilman Pierce, A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. TS-3-97, TRAFFIC SIGNAL INSTALLATION, 42ND STREET AT ROSSVILLE BOULEVARD, TO W. C. TEAS COMPANY FOR THEIR LOW BID IN THE AMOUNT OF SIXTEEN THOUSAND, THIRTY-FOUR AND 10/100 DOLLARS (\$16,034.10)

was adopted.

R-O-W PURCHASE

On motion of Councilman Hakeem, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM MOSES CRUTCHER, RELATIVE TO WILCOX BOULEVARD AT ROANOKE AVENUE INTERSECTION IMPROVEMENT, TRACT NO. 5, FOR A CONSIDERATION OF FIVE HUNDRED EIGHTY-FOUR AND 03/100 DOLLARS (\$584.03)

was adopted.

R-O-W PURCHASE

On motion of Councilman Taylor, seconded by Councilman Pierce, A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM WILLARD PEARSON, RELATIVE TO WILCOX BOULEVARD AT ROANOKE AVENUE INTERSECTION IMPROVEMENT, TRACT NO. 11, FOR A CONSIDERATION OF ONE THOUSAND DOLLARS (\$1,000.00)

was adopted.

TEMPORARY R-O-W USAGE

Adm. Marcellis commented on this Resolution and their reason for recommendation of denial. He explained that Dr. Felts for several years had a sign to keep people out of his parking lot; that his office was located next to the Walnut Street Bridge and there was a tendency to take spaces away from Dr. Felts' patients; that Dr. Felts was willing for the public to use his parking lot after hours; that he had elected to put the sign into the sidewalk and not on his property, and Public Works was concerned with the precedent that would be set by allowing a sign in the sidewalk. He mentioned that Provident had their signs on their property and not the street right-of-way. He reiterated the precedent of leaving the sign on the sidewalk and also mentioned there could be safety problems.

R-O-W USAGE (CONT'D.)

Councilman Hakeem stated that he seemed to recall a committee meeting where the Council had discussed some alternatives.

Adm. Marcellis responded that there had been no committee meeting concerning this particular site; that he did not know of any signs within the right-of-way.

Dr. Felts spoke next. He stated that his property was next to the Walnut Street Bridge, which was a wonderful place but really created a problem for him; that the City was not providing public parking for the Bridge area and people were parking on his parking lot which created problems for his patients and his staff. He stated the area was not paved when he first put up his sign; that the sign had been there the whole time but that the City had redone this area, and he had made the mistake of replacing his old sign with a sign that was too big, and it was noticed; that the sign should be a 6 sq. ft. size. He mentioned a problem they had of being on a hill and their flat space was used for handicap parking spaces; that they had looked for a viable place without taking up their flat spaces for handicap parking. He stated their sign was in line with a tree and there was not danger of walking into the sign. Dr. Felts reiterated that the Walnut Street Bridge area was causing the problem, and he did not think adopting this Resolution should be a problem; that his sign had been here for five years. Dr. Felts explained that last summer someone fell over a crack in the sidewalk and broke their nose, and the City did the whole area over and repaved it, and he had put his sign in a grassy area while this was being done and had then replaced it with a larger sign.

Councilwoman Rutherford asked Dr. Felts if this were approved would he reduce his sign in size. Dr. Felts stated that it was in the process of being reduced now. Councilwoman Rutherford indicated that she had great sympathy for Dr. Felts and moved to adopt the Resolution. This was seconded by Councilman Hakeem.

Councilman Pierce stated that he could not vote to approve this; that it would be setting a precedent; that he had never seen a sign in the middle of a sidewalk. He suggested giving Dr. Felts a variance to have an overhead sign. Adm. Marcellis clarified that he was speaking of a single pole with a sign on it. Councilman Pierce stated the pole would be on Dr. Felts' property, and the sign would hang over the sidewalk. He reiterated that he could not support a sign on the sidewalk. Dr. Felts indicated that he could not afford to give up a parking space for such a pole. Councilman Pierce stated that what he was thinking of would be a 4" pole which would not destroy a parking space; that it would be right on the line of the parking space.

R-O-W USE (CONT'D.)

Councilman Lively stated he, too, was sympathetic with Dr. Felts' situation but also would have to take the same position as Councilman Pierce; that adopting this Resolution would not affect just Dr. Felts; that the Council would be obligated to keep up the same practice for anyone.

Dr. Felts stated that he did not think it would be establishing a precedent because not many people have a City Park next to them; that it was the City Park (Walnut Street Bridge area) that was causing the problem, and he thought the variance was in order; that it would not be setting a precedent unless the next one that came in was located next to a City Park.

Councilman Hakeem stated he would like to make his position clear; that we look at each situation a case at a time and questioned if we have another situation where the owner would have to take up one of his handicap spaces for a sign and a situation where a public Park is this close and a tree right behind the sign where a person would have to go around the tree. He questioned if this was a problem that Dr. Felts had created or whether the City had not assisted in creating the problem. He noted that the sign had been here for five years and stated he did not see us setting a precedent. He asked Attorney Nelson if he thought we would be setting a precedent.

Attorney Nelson responded that it depended on how you define precedent; that the next person who comes along could say you gave a variance to Dr. Felts but whether everyone could show other attributes would be problematic. He questioned if the Council would remember the attributes that existed in this case. He stated this would have to be considered.

Councilman Taylor asked if the sign was presently up. Dr. Felts responded that the poles are up but because his sign had been too big, he had taken it down. Councilman Taylor questioned if there was any possibility the City could assist him with a "No Parking" sign. Adm. Marcellis responded that Dr. Felts could buy the sign and put it on his lot; that the City can't purchase such signs and put on private parking lots.

Councilwoman Rutherford noted that this sign had been here for five years and no one had noticed it; that she did not think that we were going to have sidewalks clustered with signs -- that we were talking about something that is not going to happen. She stated that the City was not providing parking for their public facility (Walnut Street Bridge). She stated that she had already made the motion to approve this and called for a vote.

R-O-W USE (CONT'D.)

Councilman Lively indicated that if it were a sign put up by the City, it would eliminate the precedent of anyone wanting a private sign. He, too, asked if the City could help.

Adm. Marcellis stated that he could not see us putting a "No Parking" sign on private property; that we could not use public funds for private purposes. Dr. Felts stated he would be willing to give the City the money for the sign!

Councilman Taylor questioned if there would have to be a certain time on the sign; that Dr. Felts had expressed to the Council that he allowed the public to use his parking lot after his working hours.

Dr. Felts again stated that he was right by the Bridge; that it was a good neighborhood, and he wanted people to be able to use his parking lot after business hours, even though he had to pick up trash the following morning; that his lot had to be left open for his patients and staff between the hours of 8:00 A.M. and 6:00 P.M. He stated after those hours all could use his parking lot at no charge at all.

Councilman Lively asked since the Resolution stated temporary usage if the sign would go in the concrete. Dr. Felts stated it was already in the concrete -- that temporary just meant the City could get the right-of-way back at any time they needed it. Adm. Marcellis added that if the City should need this right-of-way that they would have to give Dr. Felts notice of this. **Councilman Lively stated that he had changed his mind, and he now supported this.**

Councilman Pierce stated that he also had creative problems with his parking area for his business; that his entrance was off of MLK; that unlike Dr. Felts he had to close off his area and if people went ahead and used it then he had to clean it up; that if the Council granted this to Dr. Felts then he would make the same request of the City to allow him parking space during certain hours. Adm. Marcellis responded that all he could say would be "Do Not Block Drive".

Councilman Pierce added that he did not think this sign would deter people going into the parking lot and parking; that the sign would not do what Dr. Felts is trying to accomplish. He questioned how many people would even want to park there after 6:00 P.M. Dr. Felts responded that he had seen as many as 40 cars in the parking lot after 6:00 P.M. Adm. Marcellis stated that he, himself, would not go into a private lot to park during business hours; that he did not know how many others would do this.

R-O-W USAGE (CONT'D.)

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem, A RESOLUTION AUTHORIZING CHARLES B. FELTS, III, TO USE TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY AT 102 WALNUT STREET, SUBJECT TO CERTAIN CONDITIONS, FOR INSTALLATION OF AN ENTRANCE SIGN ON THE SIDEWALK IN FRONT OF THE BUILDINGS AT SAID LOCATION

was voted on roll call vote as follows:

COUNCILMAN HAKEEM	"Yes"
COUNCILMAN LIVELY	"Yes"
COUNCILMAN PIERCE	"No"
COUNCILWOMAN RUTHERFORD	"Yes"
COUNCILMAN TAYLOR	"Yes"
CHAIRMAN SWAFFORD	"Abstain"

Since the matter did not receive five votes, no action could be taken.

Chairman Swafford explained that this matter could be put back on the agenda at any time at the request of the Chairman, Co-Chairman, or any two Council members; that he wanted to look at the site and the situation. He noted that there were three members of the Council absent tonight and that there may be a desire to put this back on the agenda.

Councilwoman Rutherford and Councilman Taylor asked that this be put back on next week's agenda. Attorney Nelson indicated that this would be done.

OVERTIME

Overtime for the week ending January 23, 1998, totaled \$21,956.66.

PERSONNEL

The following personnel matters were reported for the Parks and Recreation Department:

EDDIE J. SWANSON--Hire as Custodian, Pay Grade 1/1, \$12,733.00 annually, effective 1/28/98.

JAMES E. MORGAN--Retirement of Welder, effective 1/31/98.

PURCHASES

On motion of Councilman Lively, seconded by Councilman Pierce, the following purchases were approved for use by the Parks and Recreation Dept.:

TERRA INTERNATIONAL, REGAL CHEMICAL, AUSTIN FEED & SEED, & PENNINGTON
(All four vendors supply different types of chemicals):
Requisition No. R0030876

Six Months Contract to Supply Chemicals, Fertilizers, and Seed with an option to renew for an additional six months.

(See minute material for prices)

CHATTANOOGA PEPSI-COLA CO. AND CHATTANOOGA COCA-COLA COMPANY
(Flexibility needed of offering both products):
Requisition No. R0029324

Twelve Month Requirements Contract for Soft Drink Products for Brainerd Golf Course Concessions.

(See minute material for prices)

PURCHASE

Adm. Boney presented this purchase for Adm. Traughber. He explained that everything had been worked out with the Pension Board regarding the Long Term Disability Insurance.

On motion of Councilman Lively, seconded by Councilman Hakeem, the following purchase was approved for use by the General Services Dept.:

PROVIDENT LIFE AND ACCIDENT COMPANY (Lowest and best bid for the
City):
Requisition No. R0005317

Contract for Long Term Disability Insurance

\$109,668.00

PERSONNEL

The following personnel matter was reported for the Public Works Department:

QUINTUS THOMAS--Promotion to the Equipment Operator II/Truck Driver IV Position, Pay Grade 8/1, \$19,510.00 annually, effective 1/21/98.

PURCHASES

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

CHEROKEE TRUCK EQUIPMENT (Lower and better bid):
Requisition No. R0030102

Twelve Month Requirements Contract for Universal Rollout Waste Containers

\$41.95/95 gal.
\$39.95/65 gal.

FOSTER CONSTRUCTION, INC. (Lower and better bid):
Requisition NO. R0028799

Contract to construct Household Waste Facility

\$256,205.00

TELECATION (Single Source Purchase)
Requisition No. 31547

Laboratory Information Management System

\$15,000.00

PREBUL JEEP (Allowed under State Contract)
Requisition No. R0029051

Three (3) Jeep Cherokees

\$18,694.38 EACH
\$56,083.14 TOTAL

PERSONNEL

The following personnel matters were reported for the Chattanooga Police Department:

JOHN L. PINCKNEY, JR.--Retirement of Patrolman, effective 2/12/98.

JAMES W. WILSON--Retirement of Detective, effective 2/01/98.

Councilwoman Rutherford inquired of Chief Dotson if James Wilson was the person who worked with the Wrecker Board, and the answer was yes.

At this point Councilman Lively announced that Chief Dotson would be preaching at his church (Lookout Valley Baptist Church) Sunday and invited everyone to come and hear him. Chief Dotson made it clear, so that the wrong message would not be given, that he was not a preacher.

PURCHASES

On motion of Councilman Lively, seconded by Councilman Pierce, the following purchases were approved for use by the Police Department:

NEWTON CHEVROLET-GEO, INC. (Lower and better bid for City)
Requisition No. R0027846

Twelve Month Requirements Contract for Unmarked Police Vehicles

(See minute material for prices)

TIBURON, INC. (Single Source Purchase)
Requisition No. 0027988

RMS Software

\$21,050.00

PERSONNEL

The following personnel matter was reported for the Department of Personnel:

WALLACE B. POWERS--Retirement of Assistant Personnel Director, effective 1/29/98.

PERSONNEL (CONT'D.)

Ms. Kelley stated that Mr. Powers had worked in the Personnel field for most of his career and had worked with us for the last 12 years. She stated that his patience and perseverance were already missed.

Chairman Swafford commended Ms. Kelley on the very nice retirement luncheon given in honor of Mr. Powers and agreed that he would be missed.

COMMITTEES

Councilman Hakeem scheduled a **Budget and Finance meeting**, at the request of Adm. Boney, for **Tuesday, February 3rd at 4:00 P.M.**

Councilwoman Rutherford asked, since the Public Works Committee Meeting was canceled today, if the parking for service vehicles downtown would be discussed at the next Public Works meeting. Adm. Marcellis noted that he had been ready to share information today and had asked that Sally Robinson be present for this meeting. He stated that he had rescheduled everyone for the meeting at 4:00 P.M. on February 10th. She reported that the plans for Eastgate had been **extensive and well received and invited everyone to attend a public Planning Meeting on this issue on Thursday, January 29th at 6:30 P.M. at the Old Brainerd Junior High School.**

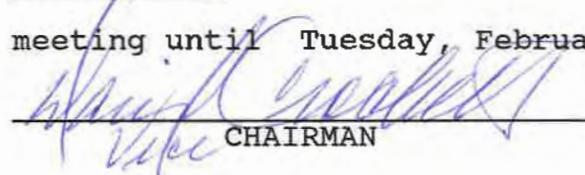
Councilman Lively scheduled a **Legal and Legislative Committee meeting at the request of Judge Williams for Tuesday, February 3rd at 4:30 P.M.** He asked Ms. Crownover to inform Judge Williams of this meeting.

Councilman Pierce scheduled a meeting of the **Committee of the Whole for Tuesday, February 3rd at 4:15 P.M. to discuss the Bessie Smith Hall transfer.** He also scheduled a **Safety Committee meeting for Tuesday, February 10th at 4:30 P.M. for a report of the Study regarding Fire Codes.** Councilman Pierce asked that when we do talk about downtown parking that we be sure and include Sally Robinson. Adm. Marcellis stated that she had been asked to be present at today's meeting and she would be invited to the meeting on February 10th.

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, February 3, 1998 at 6:00 P.M.


CLERK OF COUNCIL


CHAIRMAN

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