

Municipal Building
Chattanooga, Tennessee
March 30, 1999

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

INVOCATION

Chairman Crockett gave the invocation for the evening.

MINUTE APPROVAL

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

AMEND ORDINANCE NO. 10816

Councilman Eaves stated the Budget Committee discussed this matter and the Committee recommends approval. He made reference to other items that came before the Committee and stated due to the time line for putting items on the Council agenda they have been put off for another week.

Admin. Boney clarified that the ordinance on tonight's agenda did go through the regular process and the amendment does not involve any City funds.

Councilman Pierce clarified that this ordinance amendment did go through the proper procedure; that he understood there were other ordinances discussed in Committee.

Admin. Boney stated he will not speak to the other ordinances; that he is present in reference to the one on tonight's agenda. He stated the other ordinances will be on the agenda next week.

On motion of Councilman Eaves, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 10816, ENTITLED "AN ORDINANCE APPROPRIATING, AUTHORIZING OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 1998/99" SO AS TO REALLOCATE FUNDS AS SET FORTH BELOW; AND TO PROVIDE FOR THE APPROPRIATION OF ADDITIONAL FUNDS FROM VARIOUS SOURCES

passed first reading.

INTERLOCAL AGREEMENT

Councilman Taylor stated he could not attend today's Committee meeting when this matter was discussed and asked for a brief explanation.

City Attorney Nelson stated this is a Committee that is required by State law; that the Committee will not have any work to do because we have the Chamber. He reiterated that it is a Committee that has been designated as required by State law.

Councilman Pierce stated he spoke with the Mayor about this and (he) has no objections; that the matter was tabled last week so that it could be heard in Committee. He stated he could not make the meeting and asked if the matter was discussed.

Councilman Eaves clarified that the matter was discussed earlier today during a meeting of the Budget and Finance Committee.

On motion of Councilman Eaves, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH HAMILTON COUNTY, SURROUNDING MUNICIPALITIES, AND THE URBAN GROWTH PLAN COORDINATING COMMITTEE, RELATIVE TO ESTABLISHMENT OF A JOINT ECONOMIC AND COMMUNITY DEVELOPMENT BOARD WITHIN HAMILTON COUNTY, TENNESSEE

was adopted.

LEASE AGREEMENT

On motion of Councilman Lively, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE PARKS AND RECREATION ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH THE KIDNEY FOUNDATION OF THE GREATER CHATTANOOGA AREA, INC., RELATIVE TO THE ROSS'S LANDING PARK FROM MAY 11, 1999, THROUGH MAY 17, 1999

was adopted.

CONTRACT AMENDMENT: ARCADIS, GERAGHTY & MILLER, INC.

Councilman Taylor stated Resolutions 7(c) and (d) were discussed in Public Works Committee last week and are recommended for approval.

On motion of Councilman Lively, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO THE AGREEMENT WITH ARCADIS, GERAGHTY & MILLER, INC., RELATIVE TO CONTRACT NO. 53B-4, NORTHWEST GEORGIA INTERCEPTOR, WHICH AMENDMENT INCREASES COMPENSATION FOR PREPARATION OF EASEMENTS AND PERMITS FROM TEN THOUSAND DOLLARS (\$10,000.00) TO NOT TO EXCEED EIGHTEEN THOUSAND DOLLARS (\$18,000.00), FOR AN INCREASE IN TOTAL CONTRACT COMPENSATION FROM FORTY-FOUR THOUSAND, EIGHT HUNDRED DOLLARS (\$44,800.00) TO FIFTY-TWO THOUSAND, EIGHT HUNDRED DOLLARS (\$52,800.00)

was adopted.

CONTRACT AMENDMENT: ARCADIS, GERAGHTY & MILLER, INC.

On motion of Councilman Lively, seconded by Councilman Taylor,

A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 2 TO THE AGREEMENT WITH ARCADIS, GERAGHTY & MILLER, INC., RELATIVE TO CONTRACT NO. 53B-4, NORTHWEST GEORGIA INTERCEPTOR, WHICH AMENDMENT DECREASES COMPENSATION FOR RESIDENT PROJECT REPRESENTATION FROM A FEE OF ONE HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$135,000.00) TO ONE HUNDRED FIVE THOUSAND DOLLARS (\$105,000.00) ON A COST-PLUS BASIS, FOR A REVISED TOTAL CONTRACT COMPENSATION OF ONE HUNDRED FIFTY-SEVEN THOUSAND, EIGHT HUNDRED DOLLARS (\$157,800.00)

was adopted.

OVERTIME

On motion of Councilwoman Rutherford, seconded by Councilman Franklin, the following purchase was approved for use by the Parks and Recreation Department:

CANON USA (Per State Contract SWC 404)
Requisition No. 0042514

Leasing of Copier Equipment (per TCA 6-56-301)

\$10,938.00

PERSONNEL

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

PAULINE J. MCGRAW -- Employment, Sanitation Worker Senior, City-wide Services, Pay Grade 5/Step 1, \$17,459.00 annually, effective March 25, 1999.

GREGORY L. SMITH -- Employment, Sanitation Worker Senior, City-wide Services, Pay Grade 5/Step 1, \$17,459.00 annually, effective March 25, 1999.

WILLIAM TAYLOR, JR. -- Transfer (Lateral), Crew Worker, City-wide Services, Pay Grade 3/Step 1, \$15,230.00 annually, effective March 31, 1999.

MARTIN G. SANDERS -- Transfer (Lateral), Sanitation Worker, City-wide Services, Pay Grade 3/Step 1, \$23,607.00 annually, effective March 31, 1999.

PERSONNEL (Continued)

ALFRED AMMONS, JR. -- Demotion, Equipment Operator, City-wide Services, Pay Grade 5/Step 6, \$21,824.00 annually, effective March 17, 1999.

EDWIN ROBINSON -- Suspension (3 days without pay), Sanitation Worker, City-wide Services, effective March 23-25, 1999.

EDNA E. HAMILTON -- Retirement, Occupational Health Nurse, City-wide Services, effective March 31, 1999.

JESSIE H. MCCARVER -- Retirement, Chief Mechanic, Waste Resources, effective March 31, 1999.

AARON ATKINSON -- Employment, Heavy Equipment Operator, Waste Resources, Pay Grade 10/Step 1, \$23,033.00 annually, effective March 17, 1999.

PURCHASES

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

EUSCO (Lowest and best bid)
Requisition No. R0034116

Digger-Derrick

\$106,077.00

VOLVO GMC (Lowest and best bid)
Requisition No. R0034753

Sway Car Conventional Cab/Chassis

\$82,310.00 (Total)

PERSONNEL

The following personnel matters were reported for the Police Department:

JOHN R. MONROE, JR. -- Medical leave of absence, Police Officer, effective March 22, 1999.

ROBIN WRIGHTSMAN -- Hire, I. D. Data Clerk (A.F.I.S.), Pay Grade 6/Step 1, \$18,574.00 annually, effective March 26, 1999.

PURCHASE

On motion of Councilman Lively, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Police Department:

LEE-SMITH, INC. (Only bid received)
Requisition No. 0037988

Low Profile Chassis

\$41,089.00

REFUND

On motion of Councilman Pierce, seconded by Councilwoman Rutherford, the Administrator of Finance was authorized to issue the following refund of 1998 property taxes and storm water fees:

FIDELITY NATIONAL TAX SERVICE -- No, 581220, Overpayment on mortgage company tape, \$4,254.94.

REFUND

On motion of Councilman Pierce, seconded by Councilwoman Rutherford, the Administrator of Finance was authorized to issue the following refund of real and/or personalty property taxes:

DIALYSIS CLINIC INC. -- No. 14899, Overpayment, \$5,780.54.

PURCHASE

On motion of Councilman Lively, seconded by Councilwoman Rutherford, the following purchase was approved for use by the Finance Department:

HAZLETT, LEWIS & BIETER (Lowest and best bid)
Requisition No. 0029879

Auditing Services

\$94,400.00

HEARING: JEFFREY ALFORD

City Attorney Nelson stated a request for an appeal has been received from Officer Jeffrey Alford who was terminated from the Police Department.

The hearing was scheduled for April 26 at 6 p.m. with Councilmen Eaves, Pierce, and Lively serving as the panel hearing the request; Councilman Pierce was designated to serve as Chairman. **Councilwoman Rutherford volunteered as an alternate** in the event one of the other three Council members are unable to serve.

Councilman Pierce inquired as to the charges for the termination. Chief Dotson stated Mr. Alford was dismissed for improper conduct. He stated there might be two other charges; that this was the major charge.

RECOGNITION OF FORMER CITY
COMMISSIONER JOHN FRANKLIN, SR.

Chairman Crockett recognized the presence of former City Commissioner and Vice Mayor, John P. Franklin, Sr.

RECOGNITION OF DANIELLE FRANKLIN

Chairman Crockett recognized the presence of Councilman Franklin's daughter, Danielle Franklin. Councilman Franklin indicated that Miss Franklin is 14 years old and was recently inducted into the Honor Society at her school.

COMMITTEES

Councilman Taylor reminded Council members of the **Public Works Committee meeting scheduled for Tuesday, April 6 immediately following the Health, Education, Human Services and Housing Committee meeting.**

Councilman Eaves stated a meeting of the **Safety Committee is scheduled for Tuesday, April 6 immediately following Public Works.** He indicated that he will be out of the City on April 6 and will not be present to chair the Committee meeting. Councilman Franklin volunteered to chair the meeting in Councilman Eaves' absence.

BETTY THOMAS

Betty Thomas of 803 East Tenth Street stated she came before the Council previously asking for a sign to be erected instructing people not to dump trash. She stated the sign was put up but people are still emptying trash at the site. She stated she tries to keep the neighborhood clean because she does not want to live in filth; that she and another neighbor have been keeping the area clean. She indicated that the garbage is picked up once a week on Fridays, yet people continue to dump their garbage immediately after it is picked up. She stated she does not get paid by the City to pick up the garbage and does not like cleaning up behind other people who dump trash. She displayed a letter that was found in the trash that gives some indication as to one of the persons dumping at the site. She asked that something be done about this and again thanked Administration for the sign.

Chairman Crockett asked Ms. Thomas to give the document to Admin. Marcellis, who will pass it on to Moses Freeman, the Administrator of Better Housing. Admin. Marcellis stated that he did not think that Better Housing handles such situations.

Chief Dotson stated he will be working with Better Housing through the Neighborhood Environmental Crime Unit and will be looking into situations where persons are illegally dumping. He stated they can look into this and the necessary follow-up.

Councilman Pierce stated this very same incident happened in another area; that he drove up on someone who was dumping illegally and called the police. He stated when the person who was illegally dumping saw him (Pierce), he picked up his trash. He stated when the police officer came he gave him the report of what he had seen; that the officer did take the evidence and cited the person to court. He stated he was willing to go to court to testify but the officer did not follow-up on the matter.

Chief Dotson stated that he does not know what the current ordinance says and reiterated that his Department will look into it and follow up.

BETTY THOMAS (Continued)

Councilwoman Rutherford stated she saw a similar situation the other day and asked what a person does in a situation like that; that the person was unloading a trunk load of items. She stated she will not stop and get into a confrontation with someone; especially someone who is larger than her!

City Attorney Nelson stated it is a matter of getting the person's license and reporting it to the police. Councilwoman Rutherford stated that is sometimes hard to do.

Chief Dotson reiterated that the Police Department is going to be working with Moses Freeman because there will be a lot of civil enforcement that will have to be done in situations like this. He stated he wants to make sure the officers are properly trained and know a lot about environmental law. He stated there is a growing phenomenon across the country when you talk about environmental enforcement and it will take a lot of training.

ADJOURNMENT

Chairman Crockett adjourned the meeting until Tuesday, April 6, 1999 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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