

Municipal Building
Chattanooga, Tennessee
April 6, 1999

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

INVOCATION

Invocation was given by Councilman Lively.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: **THE GREAT AMERICAN CLEANUP**

Greather Tinker, Chairman of the Scenic Cities Beautiful Commission, stated she was present to ask support for the "Great American Cleanup Day". She stated Carolyn Skipper could not be present due to health concerns; that Jeanette Eigelsbach, Program Coordinator and Assistant to Ms. Skipper, is present. She expressed thanks to the Council for their cooperation in the past and for their support this year.

Jeanette Eigelsbach explained that the packets each Council member received includes the Great American Cleanup Newsletter, a list of groups registered for the cleanup and a calendar for April's cleanup campaign. She stated Chattanooga is a pilot for the "Great American Cleanup", which is the former Glad Bag-A-Thon and that Glad has been bought by the Clorox Corporation. She stated as part of the national effort they have supplies given to them such as software, letterhead, posters and fliers. She stated recycling minimizes the impact of solid waste on our communities and the cleanup effort will focus on churches this year.

Chairman Crockett expressed appreciation for the hard work Carolyn Skipper has put in over the years; that Chattanooga's campaign has been a national leader each year.

AMEND ORDINANCE NO. 10816:
1998-99 CAPITAL IMPROVEMENTS
BUDGET

On motion of Councilman Pierce, seconded by Councilman Lively,

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

DECLARE SURPLUS

Admin. Traugher stated this Resolution involves two pieces of property that became back tax property; that ICDC had a conceptual design drawn for utilization of the site. He stated the conceptual design is complete and they have applied for a capital grant for \$250,000 for more detailed work and possible multi-use development. He stated in order to be eligible for the grant the agency has to have ownership or some type of commitment they will own the property, which is the rationale for asking for this transfer. He stated as the result of a recent meeting a three year restriction was requested on this approach and is okay with them; that the grant is good for five years. He stated the grant requested is similar to the one that launched the development of the Westside Center; that Daphne Sloan has been very helpful in utilizing the grant.

Councilman Pierce inquired as to whether they are interested in the deed at the present time or whether there is a time element. Admin. Traugher stated all that is needed is this Resolution indicating the Council's intent, which is due by May 1, 1999. He stated they have to have ownership of the property at the time the award of the grant is made.

On motion of Councilman Pierce, seconded by Councilwoman Hurley,

**A RESOLUTION DECLARING SURPLUS CERTAIN PROPERTY
LOCATED AT CENTRAL AVENUE AND MCCALLIE AVENUE,
MORE PARTICULARLY DESCRIBED HEREIN, AND
AUTHORIZING THE CONVEYANCE OF SAID SURPLUS
PROPERTY TO THE INNER CITY DEVELOPMENT
CORPORATION (ICDC)**

Was adopted.

AMEND AGREEMENT:
CONSOLIDATED TECHNOLOGIES,
INC.

Councilman Taylor stated Resolutions 7(b) - (h) were discussed in Public Works Committee and are recommended for approval.

On motion of Councilman Taylor, seconded by Councilwoman Hurley,

A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 2 TO THE AGREEMENT FOR ENGINEERING SERVICES WITH CONSOLIDATED TECHNOLOGIES, INC. (CTI), RELATIVE TO CONTRACT NO. CSO-2-98, CENTRAL AVENUE CSO CONTROL FACILITY, SCHEDULE I-PIPING, WHICH AMENDMENT INCREASES THE CONTRACT BY THE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000.00) FOR A REVISED CONTRACT AMOUNT OF THREE HUNDRED TWENTY-ONE THOUSAND, THREE HUNDRED DOLLARS (\$321,300.00)

Was adopted.

AMEND AGREEMENT: CROWDER
CONSTRUCTION COMPANY

On motion of Councilman Taylor, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, CONTRACT NO. CSO-2-98, CENTRAL AVENUE CSO CONTROL FACILITY, SCHEDULE II-FACILITY, WITH CROWDER CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY NINETY-TWO THOUSAND, EIGHT HUNDRED SEVENTY-SIX AND 52/100 DOLLARS (\$98,876.52), FOR A REVISED CONTRACT AMOUNT OF TEN MILLION, SIXTEEN THOUSAND, EIGHT HUNDRED SEVENTY-SIX AND 52/100 DOLLARS (\$10,016,876.52)

Was adopted.

CHANGE ORDER

On motion of Councilman Taylor, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, CONTRACT NO. 29A, 19TH STREET PUMP STATION UPGRADE, WITH HAREN CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY THREE THOUSAND, THREE HUNDRED FORTY-ONE AND 12/100 DOLLARS (\$3,341.12), FOR A REVISED CONTRACT AMOUNT OF NINE HUNDRED EIGHTY-ONE THOUSAND, TWO HUNDRED FORTY-ONE AND 12/100 DOLLARS (\$981,241.12), AND WHICH INCREASES THE CONTRACT TIME BY ONE HUNDRED TWENTY (120) CALENDAR DAYS FOR A REVISED COMPLETION DATE OF JUNE 30, 1999

Was adopted.

CHANGE ORDER

On motion of Councilman Taylor, seconded by Councilman Pierce,

A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, CONTRACT NO. 53B-4, NORTHWEST GEORGIA INTERCEPTOR, WITH MAYSE CONSTRUCTION COMPANY, WHICH CHANGE ORDER SUSPENDS THE CONTRACT TIME BEGINNING ON NOVEMBER 19, 1998, AND ENDING THE DAY THE SPRING CREEK PUMP STATION IS OPERATIONAL

Was adopted.

TEMPORARY USE

On motion of Councilwoman Hurley, seconded by Councilman Hakeem,

A RESOLUTION AUTHORIZING EDEN TO USE TEMPORARILY THE RIGHT-OF-WAY AT 336 FRAZIER AVENUE FOR ERECTING A TEMPORARY CANVAS AWNING, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

Was adopted.

TEMPORARY USE

On motion of Councilman Taylor, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING NORTHGATE TIRE TO USE TEMPORARILY THE DRAINAGE EASEMENT AT 5309 HIGHWAY 153 FOR INSTALLATION OF A BUSINESS SIGN, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

Was adopted.

TEMPORARY USE

On motion of Councilwoman Hurley, seconded by Councilman Franklin,

A RESOLUTION AUTHORIZING PRUETT'S TO USE TEMPORARILY THE RIGHT-OF-WAY AT 1302 DORCHESTER STREET FOR THE LOCATION OF A SUPPORT COLUMN FOR THE MAIN ENTRANCE CANOPY, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS

Was adopted.

OVERTIME

Overtime for the week ending April 2, 1999 totaled \$14,249.96

PURCHASE

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

JENKINS ENTERPRISES, INC. (Lowest and best bid)

Requisition No. R0037110

Install Azrock Tile

\$49,185.00

PURCHASE

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

RIVERBEND CONSTRUCTION CORP. (Lowest and best bid)
Requisition No. R0036049

Southside Safewalk

\$507,711.00

Admin. Traugher stated his department is working on a City-wide safewalk program that will encompass the entire City -- all the districts of the City.

PERSONNEL

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

CARL E. WALKER -- Resignation, Equipment Operator, City-wide Services, effective March 26, 1999.

SIGMUND BLATT -- Extension of Family Medical Leave, Crew Worker, City-wide Services, effective April 9, 1999.

ERIC T. CROSS -- Employment, Sanitation Worker Senior, City-wide Services, Pay Grade 5/Step 1, \$17,459.00 annually, effective March 31, 1999.

GREGORY K. HENSON -- Suspension (8 days without pay), Carpenter, City-wide Services, City-wide Services, effective March 29 - April 8, 1999.

CORNELIUS KING -- Suspension (4 days without pay), Crew Worker, City-wide Services, effective March 22-24, 1999.

CHARLES E. HARRIS -- Change in Classification and Voluntary Demotion, Engineering Project Coordinator, Pay Grade 20/Step 9, \$48,876.00 annually, effective March 26, 1999.

OTIS RUMPH -- Family Medical Leave, City-wide Services, Heavy Equipment Operator, City-wide Services, effective March 29 - June 14, 1999.

PURCHASES

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

THOMPSON VOLVO AND GMC TRUCKS (Best bid)
Requisition No. 0040922

Dump Truck for State Street Aid

\$39,259.00

LEE SMITH, INC. (Lowest and best bid)
Requisition No. R0040921

Tandem Trucks

\$65,804.84

WATER SERVICES, INC. (Lowest and best bid)
Requisition No. R0040343

Cooling Tower, Chemicals and Maintenance

\$3,588.00

JAMES MCGAHA, DENHAM LANDSCAPE, A PERFECT LAWN, RIVER CITY
LAWN & LANDSCAPE, R & T PROPERTY
Requisition No. R0041870

Grounds Maintenance

(Price information available and filed with minute material)

PERSONNEL

The following personnel matters were reported for the Fire Department:

PATRICK L. MURDOCK -- Voluntary Demotion/Transfer, Equipment Operator, Pay Grade 6/ Step 11, \$28,790.00 annually, effective March 26, 1999.

ALVIN D. THOMPSON -- Suspension (28 days without pay), Firefighter, effective April 11 - May 9, 1999.

FIREMEN'S ACADEMY

Councilman Pierce inquired as to whether another Academy has begun. Chief Coppinger stated it is to begin April 9.

Councilman Pierce made reference to the previous discussion in Committee relative to age and recalled that there were a couple applicants over 31. He stated based on the policy the Council has not paid this matter attention and (he) does not see any reason not to start the Academy. He stated he needs clarification on this matter.

City Attorney Nelson stated the law we have says the maximum age is 31 now. He stated by amendment in 1989 the age limit complied with the Age Discrimination Employment Act (ADEA) requirements; that in 1996 there was an amendment that firemen and policemen were excepted from the ADEA even though we had an ordinance equal to the federal government statutes; that he doesn't know what has happened since 1996.

Chairman Crockett inquired if there is still some concern because of ADEA. City Attorney Nelson responded "no"; that the exception was given for fire and police personnel; that the it should not be illegal for a city to have an age limit; that we issued an ordinance which says 31 is the limit right now.

Chief Coppinger stated he is not comfortable beginning the Academy; that he made a commitment there would be a diverse group of firefighters and this will eliminate four of the African-American candidates. He stated if that is the Council's position he will have to back up; that the individuals have gone through the process and have been notified and (they) plan to report on this Friday.

Councilman Pierce stated the question was not to hold it up; that it is good this was brought up clarification.

FIREMEN'S ACADEMY (Continued)

City Attorney Nelson stated he could prepare an ordinance to permit the Academy to move forward for this particular class only.

Councilman Pierce stated he would not have any problem supporting that; that he has always said he would support the age limit to age 40. He stated he does not know the wishes of other Council persons and whether they will support it or not.

At this point Councilman Pierce made the motion for the City Attorney to draft an ordinance to allow the Academy to proceed; Councilman Hakeem seconded the motion; the motion passed.

Chief Dotson stated the same situation would apply to the Police Department; that he has an Academy to begin May 21 and two are over the age of 31. He stated his concern is if they are not allowed it will hold the class up because he will not violate the City's ordinance.

Councilman Pierce stated he still stands by his position if the Chief is willing and the Council is willing to vote tonight; that other than that he will abide by what was stated in Committee meeting to table the matter until "whenever".

Councilman Hakeem stated the bottom line is "what is good for the goose is good for the gander". He suggested that both matters be incorporated within the same Ordinance that will be drafted by the City Attorney.

On motion of Councilman Taylor, seconded by Councilman Hakeem the City Attorney was requested to include the upcoming Police Department's Academy to be exempted from current City law in the Ordinance; the motion passed with Councilman Pierce voting "no".

(This matter was taken up later in the meeting after the City Attorney had opportunity to write the Ordinance.)

PURCHASES

On motion of Councilwoman Hurley, seconded by Councilman Lively, the following purchases were approved for use by the Fire Department:

TENNESSEE FIRE EQUIPMENT (Lowest and best bid)
Requisition No. R0039442

Requirements Contract (Helmets, Boots, Suspenders, Gloves)

(Price information available and filed with minute material)

SKAGGS COMPANIES (Lowest and best bid)
Requisition No. 0039437

Fire Uniforms

(Price information available and filed with minute material)

PERSONNEL

The following personnel matters were reported for the Police Department:

JOHN COLLINS -- Termination, Police Officer, effective February 16, 1997.

ELECIA JENKINS -- Resignation, Police Officer, effective April 1, 1999.

PURCHASE

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

DECATUR ELECTRONICS, INC. (Sole source supplier)
Requisition No. R0038269

Handheld Radar Units

\$12,400.00

COMMITTEES

Councilman Taylor asked that the matter regarding the North Chattanooga area's rezoning scheduled for discussion in **Economic Development Committee** for Tuesday, April 13 be rescheduled for the following week, **April 20 immediately following Public Works Committee**.

Chairman Crockett stated a meeting of the **Safety Committee** was held earlier in the day and indicated a meeting of the Committee will be held a couple weeks from now to further discuss the matter of the age requirement. The Committee meeting was scheduled for **Tuesday, April 27 immediately following Parks and Recreation Committee**.

AMEND CITY CODE

City Attorney Nelson rejoined the meeting and read the prepared Ordinance addressing the current Academies in the Fire and Police Departments.

Councilman Taylor inquired as to the highest age in the Police Academy.

Chief Dotson stated right now in the class that is ready the highest age is 50, a transfer from the Park Police which was abolished, and is qualified to go on to the Police Department.

Councilwoman Hurley inquired as to the "top age" of those being hired. Chief Dotson stated 47 is the highest age right now of the group qualifying.

Councilwoman Hurley asked what the next age limit is. Chief Dotson stated he did not know; that the maximum age he has now is 50 and 47 and after that he does not know. He stated he can get the information for her.

Councilwoman Hurley inquired as to those within the 31-35 age range. Chief Dotson stated the majority will probably be below 35 and the next group will be 35 or older.

Councilwoman Hurley stated she would very much like to see that type of information when we present this amendment; that she is not personally in favor of shifting hiring practices; that for her that would be the exception and not the rule. She stated she would like clarification before we discuss this subject again and would like to see some actuarial specifications, as we have never had that in the discussions we have had on two occasions. She stated the attorney for the Pension Board reflects information with no actuarial proof; that we have all been on different sides of this issue. She stated if the intention were to hire more than one-third or fewer than that at the range of 40 and above she will probably not support this when it comes to a vote.

AMEND CITY CODE (Continued)

Chief Dotson stated his intention is not to target any particular group, only qualified persons; that they are having to go out and bring in minorities. He stated there would be a pool under age 35 and maybe 40; that it is not the intention of his department to bring in a complete group over 40. He stated it is his intention to get the best qualified applicant; that there are two now aged 50 and 47 which does not mean there will be more than that. He stated he prefers to have 30 of the best qualified persons; that there probably will not be a whole class over 35 or 40 as that is not going to happen. He stated he is trying to spend the taxpayers' dollars wisely and will be targeting the best of the best and if they happen to be over 40 he should be able to place the person. He stated he would like to give the City the best qualified applicant for placement on the street.

On motion of Councilman Taylor, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTION 16-2, TO ADD A NEW SUBSECTION (c) TO EXCEPT FROM THE MAXIMUM AGE OF HIRING OF AGE THIRTY-ONE (31) THE CLASSES TO BE STARTED FOR NEW FIREFIGHTERS IN APRIL, 1999, AND FOR NEW POLICE OFFICERS IN MAY, 1999

Passed first reading; **Councilman Pierce abstained.**

NEXT WEEK'S AGENDA:
1999-053: MARTIN & IONA HAMBY

City Attorney Nelson stated the Hamby rezoning is on next week's agenda. He stated Planning's recommendation was ambivalent and there were some typographical errors made. He stated one of the problems we have is that it is conditional zoning continued across a piece of property that is not owned by these owners and is closing an ingress and egress which needs to be looked at. He stated there are some references to a prior zoning case, which does not make sense. He asked that the Council ask Planning at their meeting next Monday to look at it and correct it to the extent possible and then come back; that his office cannot prepare an ordinance on the information given. He stated Ann Coulter concurs.

On motion of Councilman Lively, seconded by Councilwoman Hurley, the matter was referred back to the Planning Commission; the motion passed.

HEARING: EASTERLING SMITH

City Attorney Nelson stated a request for hearing has been received from Easterling Smith regarding his termination from the Parks and Recreation Department.

A hearing was scheduled for Monday, May 3 beginning at 6 p.m. with Councilmen Hakeem (serving as Chairman), Franklin and Taylor serving as the panel hearing the request; Councilwoman Rutherford will serve as alternate.

**HEARING:
BETTER HOUSING APPEAL**

City Attorney Nelson stated the request for a hearing to appeal the decision of the Better Housing Commission has been received from Raymond C. Gorrell and William G. Schwall.

A hearing was scheduled for Tuesday, May 4 immediately following Council meeting.

COUNCIL ELECTIONS

City Attorney Nelson stated the agenda for April 20 will reflect the election of Council Chairman and Vice Chairman.

JUDGE WALTER WILLIAMS

Judge Walter Williams' presence was acknowledged. Councilman Pierce inquired as to the Judge's swearing in ceremony. Judge Williams stated the **swearing in ceremony** will take place on **Monday, April 19 at 9 a.m. in the City Court chambers.**

ADJOURNMENT

Chairman Crockett adjourned the meeting until Tuesday, April 13, 1999 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

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