

**Municipal Building
Chattanooga, Tennessee
November 9, 1999**

The meeting of the Chattanooga City Council was called to order by Vice Chairman Hakeem, with Councilmen Eaves, Franklin, Hurley, Pierce, Rutherford, and Taylor being present. Councilmen Crockett and Lively were out of the country on official business. City Attorney Randall Nelson; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

INVOCATION

Invocation was given by Councilman Taylor.

MINUTE APPROVAL

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

REZONING

1999-025 (MOUNTAIN VIEW PROPERTIES)

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS
AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO
REZONE A TRACT OF LAND LOCATED IN THE 2300 BLOCK
OF HICKORY VALLEY ROAD, MORE PARTICULARLY
DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-5
NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO
CERTAIN CONDITIONS**

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

CLOSURE & ABANDON

1999-141 (STOWERS MACHINERY CORPORATION)

On motion of Councilman Pierce, seconded by Councilman Taylor,

AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED SOUTHWEST FROM EAST 21ST STREET, NORTHWEST OF LYERLY STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

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

CLOSURE & ABANDON

1999-149 (L & P, LLC)

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,

AN ORDINANCE CLOSING AND ABANDONING EAST 24TH STREET PLACE AND 7TH AVENUE NORTHWEST FROM 8TH AVENUE AND ALLEYS NORTHEAST AND SOUTHWEST FROM EAST 24TH STREET PLACE, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

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

ROW NAME CHANGE

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

AN ORDINANCE CHANGING THE RIGHT-OF-WAY NAME FOR BEECH STREET BETWEEN BAILEY AVENUE AND UNION AVENUE TO "LEE ROBERSON STREET"

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

REZONING

1999-112 (BEVERLY WILSON)

Pursuant to notice of public hearing this request for property located at 1725 North Orchard Knob Avenue came on to be heard.

Mr. Pace of the Planning Commission Staff explained that this case came before the Council sometime ago when the applicant had a beer license, and it had expired; that it was zoned for R-2 and the Beer License had expired, and they went to the Beer Board to renew the license, and the Beer Board would not grant the license because it was out of zone, and they would not recognize the grandfather-status, and it had to be rezoned for a convenience store; that repair work was being done and C-2 zoning was denied; that they understood the store could not operate, and they went out of business and lost their grandfather-status; that it was then sent back to the Planning Commission to bring it into the proper zone and the Planning Staff recommended denial of C-2 and approval of C-5, which would allow this convenience store. He explained that C-5 does permit beer sales but no consumption on premises.

Councilman Pierce explained that the Council previously denied this based on the closeness of Harriet Tubman; that his main concern was that no alcoholic beverages be sold on the premises for consumption or take-out.

On motion of Councilman Pierce, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1725 NORTH ORCHARD KNOB AVENUE, BEING ON THE NORTHWEST LINE OF ORCHARD KNOB AVENUE AT OLIVE STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO C-5 NEIGHBORHOOD COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

passed first reading.

Vice Chairman Hakeem made sure that the applicant, Beverly Wilson, understood that she could operate the store but not for sale of alcoholic beverages. Councilwoman Rutherford noted that alcoholic beverages included beer.

REZONING

1999-155 (PEARL V. HOGAN)

Pursuant to notice of public hearing, this case to rezone a tract of land located at 1401 Meadow Lark Lane came on to be heard.

Attorney Glen Copeland was present to represent Mrs. Hogan.

Mr. Jerry Pace of the Planning Commission Staff made the presentation and stated that this case had been up several times in the past on East Brainerd Road at Meadow Lark Lane; that it was the previous site of the East Brainerd Elementary School; that the predominant use is R-1 even though there are commercial uses along East Brainerd Rd. He stated that the recommendation from the Planning Staff was to deny C-2 and that the Planning Commission recommended approval.

Mr. Glenn Copeland spoke for the applicant and presented a handout, which is made a part of the minute material. He called attention to Pages 2 and 3, which showed pictures of the front of the subject property and the rear of the subject property where the carport end faces East Brainerd Rd. He explained that the driveway on East Brainerd Rd. was put there by the State, and Page 3 showed what the State did in regards to a curb cut on East Brainerd Rd. into the subject property and the curb and sidewalk in Meadowlark Lane blocking the entrance and egress to the carport. Page 4 showed surrounding businesses on East Brainerd Road, including the Maxi Muffler Shop which is west of the subject property and St. Martin's Episcopal Church which is across Meadow Lark and east of the subject property. He directed attention to Page 7, which showed the zoning in the area of the subject property, which was mostly C-2. He explained that all of the people in the neighborhood support this zoning request and no one in the subdivision was opposed to this—in fact they would all like to have their property rezoned. The last page showed the property in more detail with a Preliminary Site Plan showing the usage of the property and the parking, with the proposed use being an Optometrist Office. Attorney Copeland stated that he felt it was appropriate to have this rezoned since there was no opposition.

Councilman Eaves stated that he talked to the people in the neighborhood; that there are only a few pieces left of residential property and the people behind and down the street expressed a willingness to let this happen.

Councilman Taylor asked Mr. Pace since it is already zoned C-2 in this geographical area, how they came up with “spot zoning”.

REZONING (CONT'D.)

Mr. Pace responded that he did not remember calling this “spot zoning”; that it is difficult to maintain this neighborhood on Meadow Lark as residential; that this is a residential street and once you start rezoning, it will progress further into the neighborhood. He also stated that an Optometrist Office could go into C-6 Zone, but their request is for C-2.

Councilman Taylor asked if they would use the existing building. Attorney Copeland responded that they would use the existing building at present and close in the carport and would face on East Brainerd Rd.

Councilwoman Rutherford stated that Councilman Taylor had asked her questions. She asked if the address would be changed to East Brainerd Rd. rather than Meadow Lark Lane, stating that she felt it should be. She further stated that what concerned her was Attorney Copeland’s remark that the whole neighborhood would like to be rezoned, noting that she would oppose the rezoning of the entire neighborhood unless it was a spectacular plan.

Councilman Eaves stated that 6-8 houses is all there is; that it is a short street, and we are not really talking about a lot of space and people; that most of the people seemed to be renting. He reiterated that this was a small, short street.

On motion of Councilman Eaves, seconded by Councilman Franklin,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1401 MEADOW LARK LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

passed first reading with Councilman Pierce abstaining.

REZONING

1999-172 (FIDELITY TRUST COMPANY)

Pursuant to notice of public hearing, this request to rezone a tract of land located on the southeast side of Hamill Road located at 1906 Hamill Road came on to be heard.

Paul Mallchok was present representing Fidelity Trust Co.

REZONING (CONT'D.)

On motion of Councilwoman Hurley, seconded by Councilman Franklin,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED ON THE SOUTHEAST SIDE OF HAMILL ROAD LOCATED AT 1906 HAMILL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-6 COMMERCIAL ZONE
passed first reading.

REZONING

1999-183 (LESTER-TUNE, INC.)

Pursuant to notice of public hearing, this request to rezone a tract of land located at 2600 Glass Street at Awtry Street came on to be heard.

Since the applicant was not present, Councilman Eaves moved to defer this to the next regular meeting.

Vice Chairman Hakeem noted that there was opposition present, and someone needed to get in touch with the applicant to notify them that they needed a meeting with the neighborhood group to work this out; that the neighborhood had a petition.

The Planning Staff recommended denial of C-2 but approval of R-4.

Since the applicant was not present, Councilwoman Rutherford recommended denial

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,
AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 2600 GLASS STREET AT AWTRY STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE
was denied.

REZONING

1999-190 (PRO STORAGE)

Pursuant to notice of public hearing, this case to rezone a tract of land located at 311 Glendale Drive, formerly 935 Mountain Creek Road West of the "W" Road came on to be heard.

Since this is in Councilman Lively's district, and he was not present tonight, Vice Chairman Hakeem recommended that this be deferred for one week.

On motion of Councilwoman Rutherford, seconded by Councilman Taylor,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 311 GLENDALE DRIVE FORMERLY 935 MOUNTAIN CREEK ROAD WEST OF THE "W" ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-2 LIGHT INDUSTRIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was deferred one week.

REZONING

1999-192 (MEREDITH DEMENT)

Pursuant to notice of public hearing, this request to rezone a tract of land located in the 4400 Block of Shelborne Drive came on to be heard.

This was in Councilman Crockett's district, who was also absent tonight.

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND ORDINANCE NO 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 4400 BLOCK OF SHELBORNE DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was deferred for one week.

REZONING

1999-196 (PRINNA PUAKPONG)

Pursuant to notice of public hearing, this request to rezone a tract of land located at 509-511 Woodland Avenue came on to be heard.

Mr. Pace of the Planning Staff made the presentation, stating the predominant use was residential with the exception of property on North Market which is C-2. He noted that both the Planning Staff and the Planning Commission recommended denial of rezoning this property from R-2 to O-1 as it is spot zoning and encourages similar uses and is not in keeping with the character of the area.

Mr. Phil Manley spoke for the applicant. He explained that the use would be for a very small business—a computer training school with the capacity for ten people and there would actually be around eight people and one receptionist. He explained that there would be no on-street parking; that the outside appearance would not change at all except possibly the color and as it is now run-down, they would try to make it look as much like the original as possible with a little bit of landscaping. He stated that traffic would not be significant and there was no opposition from the neighborhood and no opposition at the Planning Commission meeting.

Councilman Taylor stated that this had been presented before him and discussed in lengthy detail, and he had spoken with Inspection, and they had come up with a different zone for this. He stated that he considered this spot zoning, and this is a tight community. He stated that he did support these efforts in job training and hoped that they could locate in a suitable location.

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 509-511 WOODLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO O-1 OFFICE ZONE

was denied.

AMEND CITY CODE
FALSE ALARMS

Councilman Taylor stated that this issue came to Safety Committee, and the Committee recommended to proceed.

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, SECTION 16-55, RELATIVE TO FALSE ALARMS**
passed first reading. Councilman Hakeem voted no.

AMEND CITY CODE
PARKING METER TIME

Councilman Pierce stated this was in reference to an Ordinance where none was aware of the timeframe; that parking enforcement goes to 6:00 P.M. and some were under the impression that it was earlier, and he thought it was fair to regulate the time from 6:00 P.M. to 4:30 P.M. Councilman Pierce added that he thought that Chattanooga being a tourist town, we should be considerate of our tourists and after 4:30 P.M. businesses are usually closed anyway. He suggested also amending this to add Saturday, as well, before the second and third readings so as to free up parking on the weekends.

Attorney Nelson noted that a Parking Study is going on now. Councilman Pierce responded that he still felt we should go ahead and set this time, as he felt the Study would have nothing to do with this.

Councilman Taylor asked if this had come before a committee, and he missed it. Councilman Pierce responded that he brought it up in open meeting last week. Councilman Taylor indicated that he thought it should be referred to committee for review. Councilman Pierce responded that when it was brought up last week, everyone seemed to be in agreement. Councilwoman Rutherford stated that there might not be five votes tonight.

Vice Chairman Hakeem stated that he thought this was initially in committee. Attorney Nelson questioned if it had been scheduled for the Safety Committee meeting today. Councilman Taylor still felt that this should be sent to committee. Councilwoman Rutherford agreed that this should go to committee, as we don't know how much revenue we are talking about and what it would cost to change the meters.

Councilman Pierce stated that he brought it up in open meeting last week because we would not be able to bring it to committee; that he asked at that time that it be placed on this week's agenda to discuss; that no one indicated any opposition at that time and no one had any questions.

PARKING METERS
(CONTINUED)

Councilwoman Hurley asked Chief Dotson if he had any revenue projections. Chief Dotson responded that that was not for his department to determine. Councilwoman Hurley asked Judge Williams, who was in the audience, if he had any idea about the revenue. He responded that it would be miniscule; that the Police Dept. had been enforcing this at 6:00 P.M. for about a month. Councilwoman Hurley asked if the enforcement was relatively new, and Chief Dotson responded that it was, because of the new Precinct downtown. Councilwoman Hurley asked if he had hired extra Staff for this purpose. Chief Dotson responded that he had not—that he just expanded their function. Councilwoman Hurley asked if they were still called Meter Maids, and Chief Dotson responded that they were called Police Service Technicians. Councilwoman Hurley asked if regular officers of the Precinct checked the meters or if it was the Police Service Technicians. Chief Dotson responded that it was a combination of both—that they also had Police Service Technicians doing this along with minor reports, and they are on the job beyond 6:00 P.M. and that is why this enforcement issue is surfacing. Councilwoman Hurley asked what they would be doing at this time if the time changed to 4:30 P.M. Chief Dotson answered that they would still be doing other things. Councilwoman Hurley asked if they would be enforcing more important laws.

At this point Attorney Nelson stated that he would like to change the caption and delete ***“By Deleting Therefrom 6:00 P.M.” and substituting in lieu thereof “4:30 P.M.”***

Councilwoman Rutherford asked since the Parking Study was being done now, what the rush was.

Councilman Pierce stated he thought we were basically concerned with the revenue we were getting from parking meters; that he would welcome the Study, but he did not think it had anything to do with this. He stated that he hated to see 20 cars of tourists come out of the Aquarium at 5:55 P.M. and find a parking ticket; that he also hated to see Police Service Technicians out there at 6:00 P.M. writing tickets—that it was **“Ungodly”!**

Chief Dotson responded that they were not walking out there by themselves. He added that they also take reports and answer calls so as to free up the officers; that they are trained at working in pairs when it becomes dark. Councilman Pierce reiterated that he hated to see them writing tickets at 6:00 P.M., after dark!

On motion of Councilman Pierce, seconded by Councilwoman Hurley,

**AN ORDINANCE TO AMEND PART II, CHATTANOOGA CITY
CODE, SECTION 24-323**

passed first reading with Councilwoman Rutherford and Councilman Taylor voting No.

AMEND CITY CODE
SEWER SERVICE
CHARGES AND FEES

Adm. Marcellis stated there was no change in this from the discussion last week and sewer fees will remain the same as last year, and we will change the residential bills to 90% of consumption; that the minimum residential rate reduction is to 90%.

Councilman Taylor asked for some verification—if the customers would be able to see the reduction in sewer charges. Adm. Marcellis verified that there would be a 10% reduction if this is passed beginning December 1st.

On motion of Councilwoman Hurley, seconded by Councilman Franklin,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 31, SECTIOND 31-36, 31-37, 31-41 AND 31-43,
RELATIVE TO SEWER SERVICE CHARGES AND FEES**
passed first reading.

AMEND BUDGET ORD.
INTERCEPTOR SEWER
SYSTEM BUDGET

Adm. Marcellis stated that this was discussed in the Public Works Committee, and they listed the personnel—that they had 121 positions like last year; that there is some increase for electricity because of added pumps and extra dollars for chemicals. He stated they also added dollars for raises, which were given other city employees. He stated that there was nothing unusual in the Budget but a reduction of residential rates.

Councilman Taylor indicated that he was a little dissatisfied with this form and would like it to be a little more specific; that he would like to be specific about what we are doing. Councilman Pierce stated that this was a matter that needed to be taken up in committee.

Attorney Nelson explained that if we got real specific and covered everything in the caption that the caption would be quite lengthy; that the material is sent to Council members well in advance and also the back-up; that he would look at this again to see if the caption needed to be revised somewhat.

Councilman Taylor explained that he was talking about things like an increase in salaries; that we need to be more specific about what we are doing; that there is nothing specific in the caption.

**INTERCEPTOR SEWER
SYSTEM BUDGET (CONT'D.)**

Adm. Marcellis explained that the increases in salaries were just going from one step to another step like all employees in City Government; that the Ordinance does list the break-down by areas, and it could be broken down further between now and next week.

Councilman Taylor stated that he just wanted to bring this up for discussion. Vice Chairman Hakeem stated that it could be discussed in Public Works Committee next Tuesday and see if modifications are applicable.

On motion of Councilman Franklin, seconded by Councilman Eaves,

AN ORDINANCE TO AMEND ORDINANCE NO. 10872, ENTITLED "AN ORDINANCE TO PROVIDE REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1999, AND ENDING JUNE 30,2000, 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 THE PERSONNEL POSITIONS SET OUT IN SECTION 7(b); ADD SECTION 7(a)(4); AND TO SET FORTH THE BUDGET OF THE INTERCEPTOR SEWER SYSTEM

passed first reading.

**AMEND CODE
FIRE DISTRICTS**

Adm. Marcellis described the area involved, noting that there were two basic areas in the Southside; another section on the other side of Market Street—in all about three different areas in the Southside. He explained that this was a change from commercial and industrial which was now going to predominantly residential; that if denser property gets developed, the Fire Chief and Building Inspector will look at it.

Councilman Pierce asked about the area between Main and Rossville Ave. on Central—a roofing company. Adm. Marcellis stated that area was not included; that it would come up in a couple of weeks and also another spot on Dotson.

FIRE DISTRICTS
(CONTINUED)

Councilman Pierce asked why we had to wait a couple of weeks; that the Chief had written a letter that the water flow was adequate so that this area could be taken out also. Adm. Marcellis responded that he had not received the letter; that they had to have a legal description to get this into Ordinance form.

Chief Coppinger stated that he would reinforce what he had said at the committee meeting and confirmed that this would not affect our fire rating.

On motion of Councilman Taylor, seconded by Councilman Franklin,

**AN ORDINANCE AMENDING THE CHATTANOOGA CITY
CODE, PART II, CHAPTER 10, SECTION 10-5, SO AS TO
DESIGNATE FIRE DISTRICTS AND TO EXCLUDE CERTAIN
PROPERTIES FROM THE DOWNTOWN FIRE DISTRICT
BOUNDARIES**

passed first reading.

OBLIGATIONS INTENT

Vice-Chairman Hakeem stated that this was supposed to be discussed in the Budget Committee today but that time did not permit. He called on Adm. Boney.

Adm. Boney explained that this Resolution referred to the "Initial Resolution on Bonds", relating to last year's Capital Budget and this year's Capital Budget up to the allowed limits. He stated that the important thing about passing this now was that it allows us to capture reimbursement. He pointed out that in Exhibit B (FY 2000 Facilities) that the skateboard park location had changed and asked that this be struck.

Attorney Nelson pointed out that we can only go back 60 days from the time this is adopted to pick up expenses incurred and this was the reason for going ahead with this.

On motion of Councilman Taylor, seconded by Councilwoman Rutherford,

**A RESOLUTION EXPRESSING THE INTENTION OF THE CITY
OF CHATTANOOGA TO ISSUE OBLIGATIONS IN ONE OR
MORE SERIES IN AN AGGREGATE PRINCIPAL AMOUNT UP
TO FORTY-FIVE MILLION DOLLARS (\$45,000,000.00) TO
FINANCE THE COST OF VARIOUS PROJECTS COMPRISING
PART OF THE CAPITAL BUDGETS OF THE CITY FOR FISCAL
YEARS 1999 AND 2000**

was adopted.

**SPECIAL EXCEPTION
PERMIT (CEMETERY)**

1999-194

Mr. Pace stated that he did not have a slide on this but there was a map in each Councilman's packet showing the property. He stated that there were a couple of cemeteries in the area and this was recommended by Planning subject to a variance being obtained from the Board of Zoning Appeals because it contains less acreage than is required. Mr. Pace stated that he would explain to the applicant how to go through the Variance Procedure.

On motion of Councilman Franklin, seconded by Councilman Taylor,

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A CEMETERY FOR A TRACT OF LAND, PREVIOUSLY ZONED R-2 RESIDENTIAL ZONE, LOCATED IN THE 2100 BLOCK OF EAST SHEPHERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS

was adopted.

SURPLUS PROPERTY

On motion of Councilwoman Rutherford, seconded by Councilman Franklin,

A RESOLUTION TO RECOMMEND THAT CERTAIN PROPERTY LOCATED OFF OF POLK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, BE DECLARED SURPLUS

was adopted.

**URBAN FORESTRY
MANAGEMENT PLAN**

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,

A RESOLUTION APPROVING THE URBAN FORESTRY MANAGEMENT PLAN FOR THE CITY OF CHATTANOOGA

was adopted.

Councilman Franklin noted that Resolutions (e) through (h) were discussed in Public Works Committee and come with a recommendation.

TEMP. ROW USAGE

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,
**A RESOLUTION AUTHORIZING THE TEMPORARY USAGE OF
THE BROAD STREET RIGHT-OF-WAY BETWEEN 12TH STREET
AND 13TH STREET FOR THE PURPOSE OF INSTALLING A
CANOPY FOR THE CHATTANOOGA CONFERENCE CENTER,
SUBJECT TO CERTAIN CONDITIONS**

was adopted.

CONTRACT C.O.

On motion of Councilwoman Hurley, seconded by Councilwoman Rutherford,
**A RESOLUTION AUTHORIZING THE EXECUTION OF
CHANGE ORDER NO. 1, CONTRACT NO. CSO-7-98, TREMONT
STREET CSO FACILITY, WITH HAREN CONSTRUCTION
COMPANY, WHICH CHANGE ORDER INCREASES THE
CONTRACT AMOUNT BY NINETY-EIGHT THOUSAND THREE
HUNDRED SEVENTY-TWO DOLLARS (\$98,372.00) FOR A
REVISED CONTRACT AMOUNT OF ONE MILLION EIGHT
HUNDRED TWENTY THOUSAND EIGHT HUNDRED TWELVE
DOLLARS (\$1,820,812.00)**

was adopted.

TEMP. ROW USAGE

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
**A RESOLUTION AUTHORIZING TIRE CENTERS, LLC, TO USE
TEMPORARILY THE CITY'S RIGHT-OF-WAY FOR THE
PURPOSE OF PREVENTING VANDALISM AND THEFT BY
ENCLOSING A SECTION OF THE ALLEY LOCATED AT 1148
EAST 23RD STREET BETWEEN BURNETT AND POLK STREETS,
SUBJECT TO CERTAIN CONDITIONS**

was adopted.

AGREEMENT

On motion of Councilman Franklin, seconded by Councilwoman Rutherford,
A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH CASE CONSTRUCTION SERVICES, INC. FOR CONTRACT NO. SS-3-99, WILLIAMS STREET STREETScape, WEST MAIN STREET TO WEST 14TH STREET, FOR THEIR LOW BID IN THE AMOUNT OF ONE HUNDRED NINE THOUSAND FIVE HUNDRED TWO AND 76/100 DOLLARS (\$109,502.76)
was adopted.

OVERTIME

Overtime for the week ending November 5, 1999 totaled \$111,231.62.

PERSONNEL

The following personnel matters were reported for the Public Works Dept.:

ELDRIDGE KENNEMER—Dismissal of Sanitation Worker, effective 10/20/99.

ANTHONY R. MITCHELL—Employment as Crew Worker, Pay Grade 3/1, \$15,230.00 annually, effective 11/3/99.

ALVIN L. HUFF—Rehire as Crew Worker, Pay Grade 3/1, \$15,230.00 annually, effective 11/3/99.

BOBBY G. CRUTCHER—Promotion to Light Equipment Operator, Pay Grade 5/3, \$19,205.00 annually, effective 11/3/99.

GARY L. BROWN—Promotion to Equipment Operator in Emergency Services Section, Pay Grade 6/10, \$27,677.00 annually, effective 10/20/99.

BRADLEY S. PRYOR—Family Medical Leave from 10/25/99—11/22/99 for Heavy Equipment Operator.

DAVID L. HILL—Suspension of Sanitation Worker from 9/9/99—9/14/99.

PERSONNEL (CONT'D.)

LARRY MCCURRY—Resignation of Crew Supervisor, effective 11/4/99.

MICHAEL L. DAVIS—Family Medical Leave for Equipment Operator, effective 11/5/99—11/22/99.

PURCHASES

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

EUREKA FOUNDRY (SINGLE SOURCE PURCHASE)

Requisition No. R0042361

Light Fixture Poles and Adapter

\$23,666.00

WINONA LIGHTING (SINGLE SOURCE PURCHASE)

Requisition No. R0042362

Top Luminair (Stadium Project)

\$39,200.00

PERSONNEL

The following personnel matters were reported for the Fire Department:

RICHARD W. MORRIS—Disability Retirement, effective 11/2/99.

TERRI L. WOMAC—Lateral transfer from the Police Dept. to Fire Dept. of Accounting Technician, Pay Grade 8/7, \$27,252.00 annually, effective 11/19/99.

HOTEL PERMIT

On motion of Councilwoman Hurley, seconded by Councilman Franklin, the following Hotel Permit was approved:

THE PETTIT HOUSE, 109 Ochs Highway

PURCHASE

On motion of Councilman Pierce, seconded by Councilman Franklin, the following purchase was approved for use by the Fire Dept.:

POWERLIFT (LOWEST AND BEST BID)
Requisition No. R0039550

Stabilize Footing at Fire Administration Building

\$68,200.00

PERSONNEL

The following personnel matters were reported for the Police Dept.:

CHARLES LAMBERT—Death of Police Technician, effective 10/31/99.

REITA F. KELLOG AND JERRY E. WHITE—Hire as Communications Officers, Pay Grade 11/1, \$24,147.00 annually, effective 11/19/99.

JUSTIN MCCOMMON—Hire as Police Service Technician, \$8.59 an hour, effective 11/19/99.

MICHAEL SCOTT MULLINS—Reinstatement of Police Officer, P1/Step 2, \$27,220.50 annually, effective 11/19/99.

AMY CHARLENE KRAJESKY—Hire as Secretary Senior in the Internal Affairs Division, Pay Grade 7/1, \$19,689.00 annually, effective 11/19/99.

JOHNNY H. FRAZIER AND CHARLES W. HINDEMAN—Retirement of Police Officers, effective 11/18/99.

ADM. BONEY

Adm. Boney noted that there was an Ordinance—First Reading on next week's agenda to provide for the appropriation of additional funds from various sources and the projects associated with the City's Tourism Development Zone application to the State of Tennessee; since there was no opportunity to discuss this in tonight's Budget Committee meeting, he inquired if it would remain on the agenda. Vice Chairman Hakeem stated that we would leave it on the agenda, and a Budget Committee Meeting would be scheduled.

PERSONNEL

The following personnel matters were reported for Neighborhood Services:

VANESSA JACKSON, JAIME ALLISON, AND LAURIE VAUGHEN—Hire as Neighborhood Relations Coordinators, Pay Grade 14/1, \$27,491.00, effective 11/05/99.

Councilman Pierce asked Mr. Moses Freeman how we stand with the State. Mr. Freeman responded that we were moving toward compliance. Councilwoman Hurley suggested maybe that should be restated to moving toward recognition that we are in compliance. Vice Chairman Hakeem stated that there might be some in the audience who were not aware of what Mr. Freeman was speaking of and asked him for a recap.

Mr. Freeman stated that this was in regards to Title VI of the Civil Rights Act.; that to receive any federal funds we have to show that we are not discriminating and that we are notifying the public of any kinds of complaints, and he explained that we do put up posters and make people aware of their rights; that we have to make sure we are in compliance. He explained that the State had asked us to do more and initially we thought that unnecessary and now we will do what they ask us to do—that we don't want to jeopardize any funds.

HEARING:
ANDREW A. WILLIAMS

City Attorney Nelson stated that written notice has been received from Andrew Alexander Williams requesting a hearing before the Council concerning his termination from the Public Works Department. A hearing was set for **Monday, November 29th at 6:00 P.M. in the Council Assembly Room** with **Councilman Eaves serving as Chairman**, along with **Councilwoman Rutherford and Councilman Hakeem**.

WALNUT ST. BRIDGE

Councilman Eaves inquired about the status of the bridge. Councilwoman Hurley responded that Administration had made the decision to permit dogs on the bridge, and they would now change the signs. She explained that this was an Administration signage issue, and they would change the sign.

COMMITTEES

Councilman Franklin reminded the Council of the **Public Works Committee meeting** scheduled for **Tuesday, November 16th at 4:00 P.M.**

Councilwoman Rutherford stated that a Parks and Recreation Committee meeting was held earlier in the evening to hear an update of the Greenway System.

Councilman Taylor stated that a lengthy Safety Committee Meeting was held earlier in the evening, and he scheduled another **Safety Committee Meeting** for **Tuesday, December 7th**, for "Part II".

Councilman Hakeem scheduled a **Budget and Finance Committee meeting** for **Tuesday, November 16th immediately following the Public Works Committee meeting.**

DISCLAIMER

Mr. Pace asked to make the Council aware that the letterhead used for the Pearl V. Hogan presentation on Meadow Lark Lane and E. Brainerd Rd. was **not** from the Planning Commission, even though it had their logo on it.

ADJOURNMENT

Vice Chairman Hakeem adjourned the meeting until Tuesday, November 16th, 1999 at 6:00 P.M.

CHAIRMAN

CLERK OF COUNCIL

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

