

Municipal Building
Chattanooga, Tennessee
February 18, 1997

The meeting of the Chattanooga City Council was called to order by Chairman Hakeem with Councilman Crockett, DiStefano, Eaves, Hurley, Lively, Pierce, Rutherford and Swafford present. City Attorney Randall Nelson and Council Clerk Carol O'Neal were also present.

INVOCATION

Councilman DiStefano gave the invocation for the evening.

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: MESSDAMES
MELINDA PENNEY AND MARVENE NOEL

Melinda Penney was present representing herself and Marvene Noel and stated her husband was a police officer for 19 years and Mrs. Noel's husband was a firefighter for 17 years; that they are both widows who have been affected by changes made to the Fire and Police Pension in 1992. She stated she has been working on this since June of 1995 since her husband passed away; that they both wish they had started at City Hall with the Council and Mayor first. She stated they have been working with the Fire and Police Pension Board and can't seem to get any results; that their benefits were reduced by 40%. She stated Mrs. Noel is receiving \$162 per month, and she receives \$239 per month. She stated at the last Pension Board meeting they asked all the police officers and fire fighters to attend the meeting; that they were told this is something that has to be changed by referendum or by the Council. She stated they have spoken with Mayor Roberts who has been most helpful and considerate; that they have been informed an ordinance needs to come before the Council to help them; that they are the only two cases affected by this. She stated both their husbands passed away with cancer; that things happen in life and the 25 years cannot be met. She reiterated her presence is for the purpose of asking for help as this is their last turn.

SPECIAL PRESENTATION: MESDAMES
MELINDA PENNEY AND MARVENE NOEL
(Cont'd.)

Mayor Roberts expressed his feeling that an injustice is being dealt in this situation and exactly how it happened he did not know. He stated he has not had time to do the detective work on this case; that both members of both departments overwhelmingly feel this is not right. He stated what was on the ballot in 1992 was not what was represented to the Council; that it had a different effect as it is not what was presented to us. He stated the Actuary wrote the department afterward and told them that what was passed was not what they had talked to him about, nor what he had talked about with me, the City Attorney and the Council. He stated if that (amendment) had not been passed their earnings would have essentially been doubled; that the net figure after deductions would be about \$770; that Melinda's would probably be more than that.

Mayor Roberts continued by expressing his belief that the Pension Board wants to find a way to correct this; that he has asked Randy (Nelson) and Mike to work with them to find a solution and make the solution retroactive to 1992, which would cover this situation. He stated he has reasonable expectations the Pension Board will try to present a corrective action within the next few weeks; that the Actuary has been asked to make an updated report on this. He stated the funds are in good shape; that they are not 100% funded as the General Pension Fund; that the Pension Fund is now around \$130 million which comes from good investments by the Boards; that the Fund is good enough to correct an injustice done to police and fire widows. He expressed expectation we will be able to do that.

City Attorney Nelson stated the Council does have the right to pass an ordinance to increase benefits in the Fire and Police Pension Fund after a recommendation is received from the Fire and Police Pension Board. He stated before that recommendation can be made they will have to get an actuarial report to show it would not affect the Pension fund; that it will take a little bit of time.

Chairman Hakeem inquired as to the time line we are dealing with in regard to the Actuarial report. City Attorney Nelson stated the Fire and Police Pension Board will have to be asked that question; that he supposes it should not take too much more time. Mayor Roberts stated if they can do the retroactive correction it will be complete, and we will not have to worry about the time.

SPECIAL PRESENTATION: MESDAMES
MELINDA PENNEY AND MARVENE NOEL

Councilman Pierce stated he talked with Atty. Reingold about this; that he (Reingold) is in a position to make a recommendation to the proper Committee and the Council. He stated everyone is admitting it was an oversight and glad it has been called to their attention. He asked if the Council can act on this without going back to a referendum; that if the Council can, he would like to move forward with it.

REZONING

Councilman Swafford made the motion to move Ordinance 7(c) up on the agenda; Councilman Crockett seconded the motion; the motion carried.

1997-012: B. J. Bell

The applicant was present; there was no opposition.

Councilman Swafford stated this is an item we tabled for a week so the applicant could meet with the traffic division to work on some issues; however, they have not had an opportunity to look at this closely enough.

On motion of Councilman Swafford, seconded by Councilman Crockett, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 7704 BASSWOOD DRIVE, BEING ON THE NORTHEAST LINE OF BASSWOOD DRIVE NORTHWEST OF BONNY OAKS DRIVE, FROM R-2 RESIDENTIAL ZONE TO M-3 WAREHOUSE AND WHOLESALE ZONE

was tabled one week.

TEMPORARY USE: HENLEY MEDICAL

Councilwoman Hurley made the motion to move Resolution 7(d) up on the agenda; Councilman Swafford seconded the motion; the motion carried.

On motion of Councilwoman Hurley seconded by Councilman Crockett, A RESOLUTION AUTHORIZING HENLEY MEDICAL TO USE TEMPORARILY A PORTION OF THE CITY'S RIGHT-OF-WAY LOCATED AT 1090 MCCALLIE AVENUE FOR THE PURPOSE OF INSTALLING A LIGHTED BUSINESS SIGN, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS was adopted.

REZONING

1997-010: Gunbarrel Properties, LLC

On motion of Councilman Eaves, 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 7416 IGOU GAP ROAD, BEING ON THE SOUTHWEST LINE OF IGOU GAP ROAD SOUTHEAST OF GUNBARREL ROAD, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed second reading.

REZONING

1997-014: Matthew O. Ware

On motion of Councilman Lively, seconded by Councilwoman Rutherford, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, A AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 5506 MILLER DRIVE, BEING ON THE SOUTHEAST LINE OF MILLER DRIVE SOUTHEAST OF SPRING CREEK ROAD, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE

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

REZONING

1997-015: Yarmouth Group Property Management

On motion of Councilman Lively, seconded by Councilman Swafford, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 101-111 NORTHGATE COMMERCIAL CENTER ROAD, BEING ON THE SOUTHEAST LINE OF NORTHGATE COMMERCIAL CENTER ROAD NORTHEAST OF HIGHWAY 153, FROM M-3 WAREHOUSE AND WHOLESAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

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

REZONING

1997-018: Johnny D. Houston, Jr.

On motion of Councilman Lively, 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 1801 SHEPHERD ROAD, BEING ON THE NORTHWEST LINE OF SHEPHERD ROAD AT FISK AVENUE, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE passed second reading. On motion of Councilwoman Rutherford, seconded by Councilman DiStefano, the ordinance passed third and final reading and was signed in open meeting.

REZONING

1996-064: CBL & Associates Properties, Inc.

The applicant was present; there was no opposition.

Mr. Bennett stated some time ago there was a request for a rezoning of over 30 acres at the intersection of Igo Gap and Gunbarrel Roads and the applicant asked that the final reading be held. He stated in the meantime the applicants have lost control of two of the small parcels which divided the tract from the larger body of the property and a single small tract at the corner of Gunbarrel and Igo Gap Roads. He stated the second and third reading of the request was to have come up tonight, however a number of amendments have been added to the conditions from Traffic Engineering, and because of the separation of the two parcels the caption had to be changed thereby causing the ordinance to be back to first reading. He stated the action tonight will be on first reading and any additional changes to the conditions would be included prior to next week's second and third reading. He stated Case 1997-010 that was acted on earlier is the new access point to Igo Gap Road from this main development and was acted upon on second reading so that the final reading can be held at the same time as the larger tract.

Chairman Hakeem clarified that this ordinance reflects the main body of land. Mr. Bennett responded "right."

John Anderson of Grant, Konvalinka and Harrison, represented the applicant and stated this request is for the larger tract; that rezoning of the small property was requested last week; that Mr. Bennett did an excellent job of discussing the history of this tract. He asked the Council to grant the rezoning from its current zone to C-2.

REZONING (Cont'd.)

Councilman Crockett inquired about the conditions. City Attorney Nelson stated this amended version is the one we got from John VanWinkle this afternoon; that this ordinance will be amended again before next week; that this version gets the ordinance through its first reading.

On motion of Councilman Eaves, seconded by Councilwoman Hurley, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE TRACT(S) OF LAND LOCATED IN THE 1800 BLOCK OF GUNBARREL ROAD, AND THE 7400 BLOCK OF IGOU GAP ROAD, BEING ON THE SOUTHEAST LINE OF GUNBARREL ROAD AT IGOU GAP ROAD, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

REZONING

1996-297: John R. Anderson

The applicant was present; there was no opposition.

Mr. Bennett stated this case was deferred for 30 days from January 14; that both the Staff and Planning recommended against the rezoning on the basis it was a spot zone and a predominantly residential area. He stated some of the members of the Council wanted to take a look at the property which was the primary reason for the deferral.

Mr. Anderson stated he was present on behalf of Dr. Jeanette Woofery that the O-1 request is for a medical practice and community doctor's office; that Dr. Woofery lives in this area. He stated there was some opposition by the next door neighbor at the Planning Commission; however their concerns have been resolved and they are here tonight in support.

Eddie Jacks stated he talked with Mr. Anderson and Dr. Woofery and have resolved their differences; that he is in agreement with the rezoning.

Councilman Distefano stated this request was recommended for denial and inquired as to the conditions regarding screening; that this should be looked into prior to the next reading as he did not see any reference to it in the ordinance as it is written.

REZONING (Cont'd.)

On motion of Councilman Eaves, 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 8489 EAST BRAINERD ROAD, BEING ON THE NORTHEAST LINE OF EAST BRAINERD ROAD SOUTHEAST OF SHADY REST ROAD, FROM R-1 RESIDENTIAL ZONE AND R-2 RESIDENTIAL ZONE TO O-1 OFFICE ZONE passed first reading.

AMEND CITY CODE

On motion of Councilman Swafford, seconded by Councilwoman Hurley, AN ORDINANCE AMENDING THE CHATTANOOGA CITY CODE, PART II, SECTION 2-381, SO AS TO CHANGE THE REQUIREMENT FOR DIRECTOR EMERITUS ON THE AUDITORIUM BOARD FROM TWELVE (12) YEARS TO TWENTY (20) YEARS OF PRIOR SERVICE passed first reading.

INSTALLATION OF FIRE HYDRANT

On motion of Councilman Lively, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE INSTALLATION OF ONE (1) FIRE HYDRANT FOR PUBLIC FIRE PROTECTION AT A LOCATION MORE PARTICULARLY DESCRIBED HEREIN, AND AUTHORIZING PAYMENT OF THE TARIFF THEREFOR was adopted.

AGREEMENT: TENNESSEE DEPARTMENT OF TRANSPORTATION

On motion of Councilwoman Rutherford, seconded by Councilman Pierce, A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION RELATIVE TO INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF BAILEY AVENUE AND CENTRAL AVENUE, STATE CONTRACT NO. STP-H-2-(33) was adopted.

WALNUT STREET BRIDGE INSPECTION:
LICHTENSTEIN ASSOCIATES, P.C.

On motion of Councilwoman Hurley, seconded by Councilman Crockett, A RESOLUTION AUTHORIZING THE AWARD OF THE SECOND BIENNIAL INSPECTION OF WALNUT STREET BRIDGE TO LICHTENSTEIN ASSOCIATES, P.C., FOR THEIR QUOTED PRICE NOT TO EXCEED THIRTY THOUSAND, FIVE HUNDRED DOLLARS (\$30,500.00) was adopted.

OVERTIME

Overtime for the week ending February 14, 1997 totaled \$48,241.42.

PERSONNEL

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

TERRY W. CAGLE -- Suspension (3 days without pay), Truck Driver III, City-wide Services, effective February 10, 11, 13, 1997.

DEED R. CARROLL -- Suspension (3 days without pay), Laborer II, City-wide Services, February 11-13, 1997.

FRED BROWN -- Lateral Transfer, Equipment Operator I, City-wide Services, Pay Grade 6/Step 14, \$24,437.00 annually, effective February 12, 1997.

BRAD D. CAMPBELL -- Resignation, Laborer II, Traffic Operations, effective February 22, 1997.

PURCHASES

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

C.M. KAZMIER & Associates (Only bid received)
Requisition No. 137101

Purchase of Compact Portable Sampler and Parks

\$14,190.00

PURCHASES (Cont'd.)

NEWTON CHEVROLET (Lower and Better Bid)
Requisition No. 132811

Purchase of 3/4 Ton Pick-Up Truck
\$22,250.00

REYNOLDS/INLINER USA (Lowest bid meeting City of Chattanooga
specifications)
Requisition No. 137133

Purchase of Contract for the Reconstruction of Sewer Pipe
\$288,673.35

RAY MARLER CONSTRUCTION CO. (Only Bid Received)
Requisition No. 137090

Purchase of Twelve Months Contract for Leachate Collection Lines and
Tank Installation
\$15,500.00

NEWTON CHEVROLET (Lower and Better Bid)
Requisition No. 134751

Purchase of One 1/2 Ton Pick-Up Truck
\$17,750.00

PERSONNEL

The following personnel matters were reported for the Safety
Department:

RUSSELL COOK -- Resignation, Reserve Officer (Part-time) effective
February 14, 1997.

BONNIE WELCH -- Resignation, School Patrol Officer effective
February 27, 1997.

LASHONDA BAKER -- Termination, Police Probationer effective February
17, 1997.

PURCHASE

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

NEILL-SANDLER BUICK, PONTIAC (State Contract)
Requisition No. 134200

Purchase of Pick-up Truck per TCA-6-56-301; State Contract SWC-223
\$19,767.00

BOARD APPOINTMENT

On motion of Councilman Lively, seconded by Councilwoman Hurley, the following Board appointment was approved:

ELECTRICAL EXAMINERS BOARD:

--Reappointment of **Richard Stillwell, Fred Lupton, Walter Hodges and Eugene Carter** for terms to expire January 20, 2001.

BOARD APPOINTMENT

On motion of Councilman Crockett, seconded by Councilwoman Rutherford, the following Board appointments were approved:

CARTER STREET CORPORATION BOARD:

--Appointment of **J. Harold Chandler** for a term to expire December 2, 1999.

WASTEWATER REGULATIONS BOARD:

--Reappointment of **Arthur Grisham** for a term to expire February 23, 2001.

COMMITTEES

Councilman DiStefano scheduled a meeting of the **Health, Education, Human Services and Housing Committee for Tuesday, February 25 at 4 p.m.** to continue discussion regarding the report from the Housing Task Force.

Councilwoman Hurley scheduled a meeting of the **Budget Committee for Tuesday, March 11 at 5 p.m.** to discuss the Community Development Block Grant allocations.

COMMITTEES (Cont'd.)

Councilman Swafford scheduled a meeting of the **Parks and Recreation Committee for Tuesday, March 18 at 4 p.m.** to hear the annual report from the Tree Commission.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, February 25, 1997 at 6 p.m.


CLERK OF COUNCIL


CHAIRMAN

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