

Municipal Building
Chattanooga, Tennessee
May 13, 1997

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

INVOCATION

Councilman Lively gave the invocation for the evening.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: JAIME CASE

Jaime Case, Director of the Childrens' Awareness Center, addressed the Council regarding the high incidence of unintentional injuries as the leading cause of death and disability among children ages 14 and under in the United States. She stated her organization works collaboratively with T.C. Thompson Children's Hospital, Siskin and Chattanooga Safe Kids to provide needed information and activities to help prevent needless injuries to children that cause death and disability. She distributed copies of a proclamation issued by Mayor Kinsey proclaiming this week as "Chattanooga Safe Kids Coalition Week." She stated Chattanooga Safe Kids is headquartered at the Childrens' Awareness Center. She recognized those in attendance with her: Bob Rutledge of Siskin; Helen Pregulman, Siskin Board member; and a co-worker.

Chairman Swafford thanked Ms. Case for her remarks and for what her organization is doing about this issue.

SPECIAL PRESENTATION: CHARLES
TAGGART

Charles Taggart distributed information regarding drug awareness to members of the Council and stated two weeks ago General Powell had a large conference in Philadelphia regarding volunteerism. He stated Elks Lodge No. 91 will present the Loren Vision Tour at the UTC Arena on Saturday from 9:30 - 12:30 p.m.; that they are expecting 10,000 students from the city and county schools to attend. He stated the event is co-sponsored by Food Lion. He stated Loren is the only artist in the country that delivers a message the way he does so young people can understand; that he teaches alternatives to violence and drug use and gives young people hope. He stated young people need hope and vision to tackle the problem of drug use and abuse.

Chairman Swafford thanked Mr. Taggart for his comments and the work he does.

POWERHOUSE ANNIVERSARY

John Greaves, Fitness Specialist, at the Powerhouse reminded Council members of the 7th Anniversary celebration of the facility; that they have programs for the disabled. He stated this city has done something no other city has done; that persons can get a workout for fifty cents and if they do not have the money they don't have to pay. He made reference to the many offerings at the Powerhouse and indicated there will be an expansion of services in June.

AMEND CITY CODE: ESTABLISHMENT OF
GREENWAYS BOARD

On motion of Councilwoman Hurley, seconded by Councilman Pierce,
AN ORDINANCE AMENDING THE CHATTANOOGA CITY CODE, PART
II, CHAPTER 26, SO AS TO CREATE A NEW ARTICLE VII,
RELATIVE TO ESTABLISHMENT OF A GREENWAYS ADVISORY BOARD
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.

REZONING

Councilman Pierce made the motion to move this matter up on the agenda; Councilwoman Hurley seconded the motion; the motion carried.

1997-095: Chattanooga Neighborhood Enterprises, Inc.

Pursuant to notice of public hearing the rezoning request of Chattanooga Neighborhood Enterprises, Inc. came on to be heard.

The applicant was present; there was no opposition.

Frank Greene, First Vice President for Development, stated the request will be a mixed income, mixed residential-type project; that the restrictions are that the rezoning will be limited to the construction being done on this project for this plan only. He displayed a conceptual drawing of the proposed development of single family townhouses, with eight single family homes.

Councilman Eaves asked if people will have ownership of the homes. Mr. Greene responded that all of the homes are planned for home ownership except for the apartment (townhouse) building; that they hope to convert them to condominium ownership later.

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 IN THE 1700 BLOCK OF COWART STREET AND WILLIAMS STREET, AND IN THE 200 BLOCK OF WEST 17TH STREET AND WEST 18TH STREET, BEING ON THE SOUTHEAST LINE OF COWART STREET, THE SOUTHWEST LINE OF WEST 17TH STREET, THE NORTHWEST LINE OF WILLIAMS STREET, AND THE NORTHEAST LINE OF WEST 18TH STREET, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

CLOSE AND ABANDON

1996-237: Edwin T. Yancy

The applicant was present; there was no opposition.

On motion of Councilman Eaves, seconded by Councilwoman Hurley, AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED NORTHWEST FROM DODDS AVENUE, BETWEEN EAST 45TH STREET AND EAST 46TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, UPON CERTAIN CONDITIONS passed first reading.

REZONING

1997-076: City Department of General Services

Pursuant to notice of public hearing the rezoning request of the City's Department of General Services came on to be heard.

Representatives for the applicant were present; there was no opposition.

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 IN THE 1900 BLOCK OF WILLOW STREET, BEING ON THE SOUTHEAST LINE OF WILLOW STREET AT EAST 20TH STREET, FROM R-2 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

REZONING

1997-087: Emerson Hall

Pursuant to notice of public hearing the rezoning request of Emerson Hall came on to be heard.

The applicant was present; opposition was in attendance.

Emerson Hall stated the request will accommodate an Express Oil Company; that the Company is well aware of the corridor plan for the area and the requirements involved; that the Planning Commission did approve the change. He stated there was some question as to the protection of Hamilton Chase apartments regarding a buffer of trees and shrubbery; that Express Oil will comply with the corridor plan and consider anything that might be necessary to assure the area is properly buffered. He stated this is strictly a daylight operation.

Councilman Hakeem asked if Mr. Hall needs a C-1 to do this type of operation. He stated in reviewing the zoning requirements C-1 is in the corridor; that C-1 and C-2 are almost identical.

City Attorney Nelson clarified that the ordinance reflects C-2. Chairman Swafford indicated that the ordinance in the Council member books reflects C-1.

REZONING (Cont'd.)

Mr. Bennett stated surrounding zoning includes R-1, R-3 and C-2; that a couple of O-1 and R-4 zones previously approved are further south, as well as C-2 on the northwest corner; that the land use development is all commercial with single family residential and office use. He stated the Staff and Planning Commission recommend approval subject to the Growth Corridor Design Standards because of the screening and landscaping requirements and dedication of the right-of-way as determined by the traffic engineer.

Councilwoman Rutherford asked if there was any opposition by R-1 residents at the Planning Commission. Mr. Bennett responded "not that he could recall;" that the primary concern came from representatives from the apartments concerned about the screening.

Ross Schram of Shumaker and Thompson stated he represents the owners and residents of the Hamilton Chase Apartments, a 300 unit garden community on Gunbarrel that was constructed in 1987. He stated the entrance to Hamilton Chase is adjacent to the proposed property; that they are not opposed to the planned use; that their purpose is to request that after the rezoning takes place the existing environment of Hamilton Chase is preserved for residents; that there is no reason why the residential community and this business cannot co-exist successfully. He stated Hamilton Chase has suffered from the recent construction of the roller skating rink because of the way the facility was constructed; that they (skating rink) did not adhere to the policy nor provide adequate buffering and exceptional amounts of noise and lights come directly from that facility into the windows of the apartment owners. He stated they would like to avoid repeating that situation and want to make certain the following is incorporated into the design: (1) landscaping of some type of buffer to shield the business from the residents, such as rapid-growing evergreens; (2) the layout of the facility should face Gunbarrel to shield any light, noise and other activities from residents of Hamilton Chase; (3) access to make sure the location of ingress and egress will not aggravate the traffic; (4) signage positioning so that it will not block visibility of those looking for Hamilton Chase apartments. He stated with careful planning there is no reason why we cannot be good neighbors. At this point he introduced Amy Born of Hamilton Chase.

Amy Born stated she has been the Property Manager for years; that in addition to the day-to-day administration of the complex she responds to complaints of the residents. She stated she has had 40-50 complaints from residents regarding the skating rink's noise, cars, and lights; that the main complaint has been that the trees were removed, which is why they are so concerned about this proposed development. She asked that their concerns be considered.

REZONING (Cont'd.)

At this point Councilman Eaves made the motion to defer the matter two weeks; Councilman Hakeem seconded the motion.

Chairman Swafford clarified that the matter is being deferred so that both parties can get together and come to an agreement.

On motion of Councilman Eaves, seconded by Councilman Hakeem, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1916 GUNBARREL ROAD, BEING ON THE SOUTHEAST LINE OF GUNBARREL ROAD NORTHEAST OF IGOU GAP ROAD, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS **was tabled two weeks.**

REZONING

1997-091: Jack Born

Pursuant to notice of public hearing the rezoning request of Jack Born came on to be heard.

The applicant was present; opposition was in attendance.

Mr. Bennett stated this property is located at 8625 East Brainerd Road, just west of the intersection of Hurricane Creek and Morris Hill Road; that the surrounding zoning is R-2, R-1, R-4 and C-2. He stated the land use includes a fairly large church property located to the north, single family residential and commercial (Winn-Dixie).

Atty. John Anderson of Grant, Konvalinka and Harrison represented the applicant and stated the Winn-Dixie is across the street from this property; that there is a Golden Gallon and Spur station in the area, as well. He stated the request for rezoning is so that Mr. Born can develop this property as light commercial, such as a beauty shop; that they have agreed to whatever reasonable screening and landscaping necessary and Mr. Born will be glad to do that. He asked that the C-2 zoning be approved.

Atty. Buddy Presley represented the members of the Christ United Methodist Church and indicated he had forwarded a letter to the Council members identifying the problems the Church has with this request. He stated the biggest problem is this property is on the corner of one of the main entrances into the Church; that there is 155 feet of frontage on East Brainerd Road and it is not directly across from the Winn-Dixie.

REZONING (Cont'd.)

Atty. Presley made reference to the narrow two lane road and this being the only commercial development within "shouting distance" of the Winn-Dixie. He stated he has a petition signed by 180 members of the Church; that the Church has a membership of 1,500 members. He stated the Church has been trying to negotiate with Mr. Born and thought they could have worked it out. He stated they are the adjoining land owner on almost all four corners of this property; that Mr. Born has not presented a detailed plan and has made only vague references; that they have no idea what it will be or comprise. He stated this is in the middle of residential property and is right on the Church's main entrance; that if it is zoned commercial the Council will have "crossed the line;" that everything will then be subject to commercial development. He stated the Church is willing and have expressed a desire to deal with the issue but need some specifics; that they would like to move it further away from the main entrance. He stated they understand at some point a lot of this property will go commercial if that two lane becomes a four lane; however, the Tennessee Department of Transportation has indicated there is no definite plan for four lanes on that road and this will present a significant traffic hazard. He asked that the C-2 be denied. At this point members of the Church stood to indicate their opposition to the request.

Councilman Hakeem asked for clarification regarding negotiations with Mr. Born.

Atty. Presley stated they were basically talking about a land swap with Mr. Born; that he (Born) has decided to "roll the dice" and see what happens tonight. He stated if this is granted it will be hard to negotiate with him; that they tried to do a land swap as late as yesterday.

Councilman Hakeem asked if a traffic study has been done. Atty. Presley responded that the Planning Commission Staff has recommended denial for all the reasons he has expressed to the Council; that there was a traffic study done in 1994; that he talked to the traffic engineering department today. He stated it was done in anticipation of the stop light and turning lanes at Hurricane Creek's entrance.

Councilman Hakeem asked if the traffic study is in regard to the entire neighborhood. Atty. Presley responded "it is localized to that intersection only."

Councilman Hakeem inquired about the ingress and egress. Atty. Presley stated the Church has 380 feet of frontage on East Brainerd Road, which is a short space with setbacks.

REZONING (Cont'd.)

Councilman Hakeem asked if the swap was for more frontage. Atty. Presley stated they could not get down to a number.

Atty. Anderson stated Winn-Dixie is not directly across the road but sufficiently close; that negotiations were held regarding a land swap but some of that would present a hindrance to Mr. Born and would be giving up more land. He stated this property is currently zoned R-2, which could be a two family dwelling and would have to have two curb cuts; that they are asking for C-2 to allow this to be only one curb cut and it will not generate a significant amount of traffic. He asked that the rezoning for C-2 be approved; that it is his understanding that the Church would have access to its property from Morris Hill Road.

Councilwoman Hurley stated she did support the Winn-Dixie which was a very controversial vote; that she did it because it was a good piece of development and pledged she would not support strip development up-and-down that street. She expressed support for the Staff's recommendation; that it is important for us to be able to support good pods of development without opening situations of what would otherwise be residential needs.

At this point Councilman Hakeem made the motion to approve the request; Councilman Lively seconded the motion.

Nancy Crowe spoke in opposition to the request and stated she is a resident of East Brainerd and a half mile from this development is the Covenant Presbyterian Church; that when this was first proposed no one could foresee the problem this parking lot would cause; that residents have immense flooding problems as a result. She stated she lost her heating and air unit last summer due to water damage; that she has been told she cannot put duct work under the house because of the water. She reiterated that no one could foresee these problems and this project would also open it up for commercial development, which is not appropriate. She made reference to the three springs within the area and when the three springs come together there are flooding problems. She stated if this is passed with the requested zoning, they are clueless about what this will be. She stated she would like to avoid problems and asked that the Council accept the Staff's recommendation as East Brainerd Road is already overloaded. She concluded her statement by making reference to the editorial in today's Times regarding this matter.

REZONING (Cont'd.)

On motion of Councilman Hakeem, seconded by Councilman Lively, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATE AT 8625 EAST BRAINERD ROAD, BEING ON THE NORTHEAST LINE OF EAT BRAINERD ROAD NORTHWEST OF MORRIS HILL ROAD, FROM R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

passed first reading; on roll call vote:

Crockett	No
Eaves	Yes
Hakeem	Yes
Hurley	No
Lively	Yes
Pierce	No
Rutherford	No
Taylor	Yes
Swafford	Yes

REZONING

1997-092: George S. & Barbara O. Edwards

Pursuant to notice of public hearing the rezoning request of George S. and Barbara O. Edwards came on to be heard.

Councilwoman Hurley stated she spoke with the applicant who asked that this request be deferred one month (June 10).

On motion of Councilwoman Hurley, seconded by Councilman Eaves, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 4706 HIXSON PIKE, BEING ON THE SOUTHEAST LINE OF HIXSON PIKE, SOUTHWEST OF WILLIAMS ROAD, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS **was deferred one month (June 10, 1997).**

REZONING

1997-09: Floyd Green, Sr.

Pursuant to notice of public hearing the rezoning request of Floyd Green, Sr. came on to be heard.

REZONING (Cont'd.)

The applicant was present; there was no opposition.

Floyd Green stated he is proposing to build a facility for the aged with sixteen rooms; that he has a drawing (plan) if Council members want to review it.

Mr. Bennett stated the surrounding zoning is R-1, R-2 and R-3; that this property was zoned R-1 in 1991 as part of the North Chattanooga zoning study in an attempt to cut back on the higher density zoning. He stated land use indicates a lot of adjacent property is vacant because of the steep terrain. He stated there is some multi-family development; that most of the development in the area is single family residential.

Councilman Taylor indicated his having difficulty finding the street for this request. Mr. Bennett stated it is difficult to locate as many of the streets in this area are not open, however, this property is accessible.

Mr. Green stated he has a building that was constructed in 1981 that has five units.

Councilwoman Hurley asked if the Hill City Neighborhood Association is aware of what Mr. Green is proposing; that she represented the area when the rezoning took place and there was a great deal of emphasis among the Association that they wanted the area to remain R-1, not this property, but that whole area. She asked Councilman Taylor if anyone from the Association has talked with him.

Councilman Taylor indicated his not having heard from anyone within the Association. At this point he made the motion to delay the matter two weeks to have an opportunity to adequately look at the site.

On motion of Councilman Taylor, 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 ON LOUISE STREET NORTHEAST OF THE 1000 BLOCK OF MERONEY STREET, BEING ON THE SOUTHEAST AND SOUTHWEST LINE OF LOUISE STREET AT MERONEY STREET, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE

was tabled two weeks.

REZONING

1997-100: Jewish Community Federation of Greater Chattanooga

Pursuant to notice of public hearing the rezoning request of the Jewish Community Federation of Greater Chattanooga came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilwoman Rutherford, seconded by Councilman Lively, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 5326 LYNNLAND TERRACE, BEING AT THE END OF LYNNLAND TERRACE SOUTHEAST OF MCBRIEN ROAD, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

AMEND BUDGET ORDINANCE

Councilman Hakeem inquired as to when the agreement was made regarding the Sign Inspector positions. City Attorney Nelson responded "last week." Councilman Pierce asked if the "conditions" (for the position) are listed within the ordinance.

Councilman Hakeem stated Ms. Kelley came to him today with some modifications in the qualifications and asked if they are "spelled out". Admin. Marcellis stated the qualifications are not in the ordinance.

Councilman Hakeem stated if we accept the ordinance "as is" it means we accept the qualifications as they are now. Admin. Marcellis stated he is not sure how to answer; that the ordinance will not or should not list the qualifications for this job; that the qualifications will be posted. He stated what we stated is what is being posted; that they are trying to advertise within city government for this position based on the qualifications which are less stringent than last they were last week.

Councilman Hakeem made the motion that the Electrical Sign Inspector positions be taken out of the ordinance until a clarification can be given; Councilman Faves seconded the motion.

In open meeting City Attorney Nelson amended the caption of the ordinance, deleted Section 4 and changed Section 5 to reflect a new Section 4.

AMEND BUDGET ORDINANCE (Cont'd.)

Councilman Lively inquired as to the change. City Attorney Nelson responded several weeks ago we had a budget amendment and this provision was taken out; that last week we had a Committee meeting and was under the impression that he was to put the position back in. He stated he amended the ordinance and put it back on the agenda and was told to go ahead; that we are now taking the positions back out. Councilman Hakeem indicated "that is correct."

Councilman Lively then made the motion to table the matter one week; Councilman Crockett seconded the motion.

Councilman Hakeem stated the Council can move forward with the ordinance and take that section out. He asked if there is an impact if the matter is tabled one week.

Admin. Boney stated we still have time to act on this ordinance in order for it to be effective before June 30; that the trouble will be finding a Committee time to discuss the issue.

Councilman Hakeem stated we can move forward with the ordinance but delete or remove the Section dealing with the Electrical Sign Inspectors.

Admin. Marcellis stated if we can solve the matter regarding the Electrical Sign Inspectors during the week we can bring it back and amend it. City Attorney Nelson responded "no," that we will be amending the caption and that is two different subjects.

Councilman Pierce asked if we can go ahead and pass it on first reading and amend it before second and third reading. City Attorney Nelson reiterated that amending it will change the caption again; that the answer is "no."

Councilman Pierce inquired as to what would happen if the positions are pulled out. City Attorney Nelson responded that we will have to go back and start over.

Chairman Swafford stated if we are not able to have a Budget Committee meeting we will have to work with administration.

AMEND BUDGET ORDINANCE (cont'd.)

On motion of Councilman Lively, seconded by Councilman Crockett, PROVIDING FOR AN INTERIM BUDGET AND APPROPRIATING FUNDS FOR THE USUAL AND ORDINARY EXPENSES OF THE CITY GOVERNMENT FOR THE MONTHS OF JULY, AUGUST AND SEPTEMBER, 1997, PENDING THE ADOPTION OF THE 1997-98 ANNUAL BUDGET, AND FURTHER TO AMEND ORDINANCE NO. 10465, THE BUDGET ORDINANCE, AS AMENDED AND AS ENCAPTIONED HEREINBELOW, SO AS TO DELETE FROM SECTION 7(C) THE PROVISION FOR AN ELECTRICAL SIGN INSPECTOR AND A SEPARATE SIGN INSPECTOR AND INSERT IN LIEU THEREOF A PROVISION FOR TWO (2) ELECTRICAL SIGN INSPECTOR **was tabled one week.**

SPECIAL EXCEPTIONS PERMIT

1997-096: Rosebrook Townhomes, LLC & Monty Reeves

The applicant was not present; there was no opposition.

On motion of Councilman Eaves, seconded by Councilman Hakeem, A RESOLUTION GRANTING A SPECIAL EXCEPTIONS PERMIT FOR A FINAL PLANNED UNIT DEVELOPMENT ON A TRACT OF LAND LOCATED IN THE 1900 BLOCK OF ROSEBROOK DRIVE AND THE 7500 BLOCK OF GOODWIN ROAD, BEING ON THE NORTHEAST LINE OF IGOU GAP ROAD SOUTHEAST OF DENTON LANE, MORE PARTICULARLY DESCRIBED HEREIN was adopted.

TRANSFER OF CREDITS

On motion of Councilman Lively, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE TRANSFER OF CREDITS FROM ONE ACCOUNT TO ANOTHER ACCOUNT WITHIN THE VARIOUS DEPARTMENTS, AGENCIES, AND DIVISIONS OF THE GOVERNMENT was adopted.

AGREEMENT: WHEELABRATOR WATER TECHNOLOGIES INCORPORATED - BIO GRO DIVISION

Councilman Eaves stated the recommendation from Public Works Committee is to defer this matter two weeks.

AGREEMENT: WHEELABRATOR WATER TECHNOLOGIES INCORPORATED - BIO GRO DIVISION (Cont'd.)

On motion of Councilman Eaves, seconded by Councilman Crockett, A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH WHEELABRATOR WATER TECHNOLOGIES INCORPORATED - BIO GRO DIVISION, RELATIVE TO AN ANNUAL CONTRACT FOR A PERIOD OF TWO (2) YEARS CONCERNING BIOSOLIDS MANAGEMENT AT THE MOCCASIN BEND WASTEWATER TREATMENT PLANT **was tabled two weeks.**

ACCEPT PROPOSAL: TDOT

Councilman Eaves stated this matter comes with a recommendation from Public Works Committee for deferral for two weeks.

On motion of Councilman Eaves, seconded by Councilman Crockett, A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION RELATIVE TO U.S. 127 (S.R. 8, SIGNAL MOUNTAIN BOULEVARD) WIDENING PROJECT FROM U.S. 27 (S.R. 29) TO S.R. 27 (SUCK CREEK ROAD) **was tabled two weeks.**

AGREEMENT: CITY OF FORT OGLETHORPE, GA.

On motion of Councilman Lively, seconded by Councilman Pierce, A RESOLUTION AUTHORIZING THE MAYOR AND CITY FINANCE OFFICER TO EXECUTE AND ATTEST, RESPECTIVELY, AN AGREEMENT WITH THE CITY OF FORT OGLETHORPE, GEORGIA, RELATIVE TO CONVEYANCE OF WASTEWATER TO CHATTANOOGA'S WASTEWATER SYSTEM FOR TREATMENT AND DISPOSAL **was adopted.**

CONTRACT: RIVERBEND CONSTRUCTION CORPORATION

On motion of Councilwoman Rutherford, seconded by Councilman Hakeem, A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. 14A, MOCCASIN BEND WASTEWATER TREATMENT PLANT OUTFALL IMPROVEMENTS, TO RIVERBEND CONSTRUCTION CORPORATION, FOR THEIR LOW BID IN THE AMOUNT OF TWO HUNDRED FORTY-SEVEN THOUSAND, SEVEN HUNDRED ELEVEN DOLLARS (\$247,711.00) **was adopted.**

CHANGE ORDER

On motion of Councilman Crockett, seconded by Councilwoman Hurley, A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1, CONTRACT NO. 73B-2, BIG RIDGE COLLECTION SYSTEM IV, WITH MAYSE CONSTRUCTION COMPANY, WHICH CHANGE ORDER INCREASES THE CONTRACT AMOUNT BY TWO HUNDRED TWENTY-SIX THOUSAND, SEVEN HUNDRED SEVENTY-FIVE AND 53/100 DOLLARS (\$226,775.53), FOR A REVISED CONTRACT PRICE OF TWO MILLION, TWO HUNDRED ELEVEN THOUSAND, FOUR HUNDRED FORTY-TWO AND 03/100 DOLLARS (\$2,211,422.03) was adopted.

TEMPORARY USE: AUSTIN PALMER ART GALLERY

On motion of Councilwoman Hurley, seconded by Councilman Pierce, A RESOLUTION AUTHORIZING AUSTIN PALMER ART GALLERY TO USE TEMPORARILY THE WESTERN SIDEWALK AT 429 BROAD STREET FOR ATTACHING AN OVERHANG OVER THE ENTRANCE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS was adopted.

OVERTIME

Overtime for the week ending May 9, 1997 totaled \$68,182.02.

PURCHASES

Admin. Boney gave the departmental report for the Parks and Recreation Department in the absence of Admin. McDonald.

Councilman Hakeem stated it is his understanding that the Department is considering not opening the pool at the the Carver Recreation Center this summer. He inquired of Admin. Boney as to the validity of this issue. Admin. Boney responded that he did not know and will have Admin. McDonald or Larry Zehnder call Councilman Hakeem with a response.

On motion of Councilwoman Rutherford, seconded by Councilman Lively, the following purchases were approved for use by the Parks and Recreation Department:

PURCHASES (Cont'd.)

KITSMILLER-MURRAY CO. (Lower and better bid)
Requisition No. 135163

Purchase of Contract to provide Grading, Base and Asphalt for Tennis Courts

\$14,200.00

PACKARD'S SAFE & LOCK (Lower and more complete bid)
Requisition No. 135118

Purchase of Twelve-Months Requirement Contract or Keys

(Information available and file with minute material)

LEE-SMITH, INC. (Lower and better bid)
Requisition No. 139823

Purchase of Garbage Truck

\$29,974.00

PERSONNEL

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

JAMES H. DAVIS -- Retirement, Clerk IV, Waste Resources, effective April 30, 1997.

CONSTANCE W. HALL -- Resignation, Administrative Secretary, Traffic Management, effective May 16, 1997.

WAYMON LEBRON KEITH -- Employment, Laborer II, Traffic Management, Pay Grade 4/Step 1, \$14,868.00 annually, effective May 7, 1997.

ALBERT GILBERT -- Suspension (3 days without pay), Laborer II, Citywide Services, effective May 5, 6, 7, 1997.

VALORIE H. OSBORNE -- Return from Family Medical Leave, Public Relations/Education Manager, Engineering (Stormwater), effective May 5, 1997.

PURCHASES

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

ARCH COMMUNICATIONS
Contract No. A-1140681

Change of Vendor name FROM USA Mobile Communications per contract approved by Council on April 9, 1996.

ADAMS EQUIPMENT COMPANY (Lower and better bid)
Requisition No. 137443

Purchase of Jet Flusher/Vacuum Trucks (2)

\$200,261.00 each

PERSONNEL

The following personnel matters were reported for the Safety Department:

TODD FLOYD -- Suspension (one day without pay), Patrolman, effective May 3, 1997.

TERRY YATES -- Reinstated rank, Sergeant, Police Department, Pay Grade 12/Step 10, \$32,636.00 annually, effective May 9, 1997.

PURCHASE

On motion of Councilman Hakeem, seconded by Councilwoman Hurley, the following purchase was approved for use by the Safety Department:

MOTOROLA, INC. (Per TCA 6-56-301, State Contract SWC-420 Category 306)
Requisition No. 128466

Purchase of Digital Voice Protection Portable Radios

\$1,098,451.80

PURCHASE

On motion of Councilwoman Hurley, seconded by Councilman Hakeem, the following purchase was approved for use by the Chattanooga-Hamilton County Bicentennial Library:

CERTIFIED MAINTENANCE SERVICE
Requisition No. 134340

Purchase of Twelve Months Contract for Janitorial Services

\$13,500.00

PURCHASES

On motion of Councilwoman Hurley, seconded by Councilman Hakeem, the following purchases were approved for use by the Information Systems Division, Finance Department:

ROSS SYSTEMS (Per TCA 6-56-301, Sole source)
Requisition No. 137283

Purchase of Lease/Maintenance Contract

\$53,955.00

STORAGE TECHNOLOGY
Requisition No. 137258

Purchase of Maintenance Agreement on IBM Computer System

(Information available and filed with minute material)

REFUND

On motion of Councilwoman Hurley, seconded by Councilman Hakeem, the Administrator of Finance was authorized to issue the following refund for 1996 property taxes:

CHATT CORP. -- Bill No. 9580, Stormwater change, \$8,550.25

COMMITTEES

Councilman Taylor scheduled a meeting of the Health, Education, Human Services and Housing Committee for Tuesday, June 3 at 4 p.m.

Councilman Pierce rescheduled the meeting of the Safety Committee for Tuesday, May 27 at 4 p.m.

Councilwoman Rutherford scheduled a meeting of the Youth and Family Support Committee for Tuesday, May 27 at 3 p.m. to discuss the issue of pornography as reported by the Community Task Force. Councilman Taylor indicated his meeting for June 3 will center around the same subject. It was then indicated the meeting will be held jointly with the Health, Education, Human Services and Housing Committee.

DISTRICT 9 MEETING

Councilman Hakeem announced a District 9 meeting will be held on Monday, May 19 at 7 p.m. at Second Missionary Baptist Church on East Third Street. He stated Mayor Kinsey will be the featured speaker for the meeting.

CATHERINE COTHRAN

Catherine Cothran, widow of the late Chattanooga Police Chief, Ralph H. Cothran, read a prepared statement to the Council regarding the Chief's biography, Big Ralph: Reflections Of A Black Police Chief, which was available in local bookstores on March 8. She stated since that time negative rumors have surfaced regarding the author's reason for writing the book. She stated the Chief asked the author (her brother, Carl A. Patton) to write the book and gave interviews. She made an appeal to Mayor Kinsey to lift the censorship of the book in the Fire and Police Department and the ban of the book's sale. She stated an "Emergency Service Personnel Appreciation Day" was scheduled at Books-A-Million on Gunbarrel Road on March 8; that a large gathering of police officers and others was expected, but to her dismay only Admin. Dinsmore and a uniformed officer from another county were inside waiting when they arrived and were the only ones that purchased the book. She stated Admin. Dinsmore was anxious to know when the book would be published and who the publisher would be; that she and her brother have formed a small publishing business, Psyche Publishing, based in Atlanta, Georgia. She indicated Admin. Dinsmore made harsh comments to her son regarding the validity of the book before it was released and it was felt someone in Atlanta conferred with someone here before the book was published.

CATHERINE COTHRAN (Cont'd.)

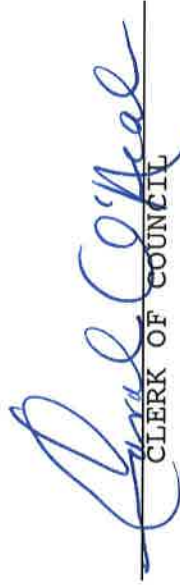
Mrs. Cothran continued by stating further evidence of censorship of the book involves the lack of cooperation from the news media; that on March 11 a news conference was called at the Literature for Kids Bookstore with only Channel 9 and WGOW Radio being the only responses received; that positive response to the book has come from several community leaders. She stated Chief Cothran was doing his job but the difficulty enforced upon him was a constant hindrance to his being able to raise to his full potential. She stated during his last days he was accused of misusing drug funds. She clarified that the Chief was not in control of the money. She stated he felt he should have had a computer in his home in an effort to do his job more effectively as Mayor Roberts and Admin. Dinsmore had a computer in their homes. She stated the computer was installed but was never adequately connected to operate for business; that all he could do was play card games on it which he could do without the need of a computer.

Mrs. Cothran continued reading from her statement and concluded her remarks by quoting from Professor Clemons of Old Dominion University who spoke of the usefulness of the book in the classroom as a teaching tool. She again appealed to Mayor Kinsey to lift the ban and censorship of the book. **(A copy of Mrs. Cothran's statement is filed with minute material of this date.)**

Chairman Swafford thanked Mrs. Cothran for her statement and indicated her appeal was specifically directed to Mayor Kinsey. He stated the Clerk of the Council will forward this portion of the minutes to the Mayor for this awareness and response.

ADJOURNMENT

On motion of Councilwoman Rutherford, seconded by Councilman Lively, the meeting was adjourned until Tuesday, May 20, 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)