

Municipal Building  
Chattanooga, Tennessee  
June 10, 1997

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

INVOCATION

Chairman Swafford gave the invocation for the evening.

MINUTE APPROVAL

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

SPECIAL PRESENTATION: CARLTON  
CAMPBELL

Carlton Campbell of the East Lake Neighborhood Association expressed appreciation to the Council for allowing him an opportunity to address them. He stated the Association was organized three years ago because it was felt there was a need for the community to come together to take action that would help and improve the community; that there have been improvements made through the group's action. He stated since Councilman Taylor has come on he has been a tremendous help; that they are looking forward to working with him over the next four years. He stated fliers have been distributed regarding a "Day in the Park" this Saturday in East Lake Park which will celebrate the Park's 100th birthday. He asked the Council to take this opportunity to help them celebrate; that there has been a lot of work done and it is a beautiful place. He stated there are 50 members in the Association; that they want the Council to know East Lake is willing to work with them. (At this point he asked those in attendance from the Association to stand.)

SPECIAL PRESENTATION: CARLTON  
CAMPBELL (Cont'd.)

Councilman Taylor stated the East Lake community is a great community to work with; that he looks forward to having a long working relationship in the years to come.

Mayor Kinsey also expressed thanks to those in attendance from East Lake.

FRANCES DODD

Chairman Swafford recognized the presence of Frances Dodd, a former co-worker while employed with Juvenile Court.

CHICKAMAUGA LOCK

Councilman Lively made the motion to move Resolution 7(k) up on the agenda; Councilman Pierce seconded the motion, the motion passed.

Mayor Kinsey stated Beverly Pasley attended a meeting last week regarding this issue; that the Chickamauga Lock has not been improved within the last ten years. He stated the Lock needs to be repaired or replaced; that Congressman Wamp has asked that the City pass a resolution encouraging the U.S. Congress to find the funds to repair or replace the Lock. He asked that the Council approve this resolution.

On motion of Councilman Lively, seconded by Councilman Crockett,

A RESOLUTION REQUESTING THAT THE U. S. CONGRESS  
APPROPRIATE FUNDS FOR THE REPLACEMENT OF THE  
CHICKAMAUGA LOCK

was adopted.

MAYOR'S CABINET

Mayor Kinsey stated working through the budget process was a very good opportunity for him to be able to work with the different department heads and administrators; that he is really pleased with their ability, commitment and talent and looks forward to working with them.

MAYOR'S CABINET (Cont'd.)

At this point Mayor Kinsey introduced the Cabinet members:

**JIM BONEY**, Finance; **JIM COPPINGER**, Fire Chief; **MOSES FREEMAN**, Equal Employment Opportunity and Better Housing; **DONNA KELLEY**, Personnel; **CARL LEVI**, City Treasurer; **JACK MARCELLIS**, Public Works; **DARRELL MCDONALD**, Parks and Recreation; **RAYBURN TRAUGHBER**, General Services; **BERNADINE TURNER**, Human Services, **JACK WILKINSON**, City Engineer; and **RANDY NELSON**, City Attorney (Jointly appointed by Mayor and Council).

On motion of Councilman Pierce, seconded by Councilman Lively, the Mayor's Cabinet was approved; on roll call vote:

Crockett	Yes
Eaves	Yes
Lively	Yes
Pierce	Yes
Taylor	Yes
Swafford	Yes

CITY ATTORNEY JOINT APPOINTMENT

On motion of Councilman Pierce, seconded by Councilman Eaves, the joint appointment of Randall Nelson as the City Attorney was approved.

ANNEXATION PUBLIC HEARING

City Attorney Nelson stated we are now able to set a date for the public hearing for the annexation of Ooltewah and would like to set a date as soon as possible. By general consensus of the Council July 1 was scheduled as the public hearing date.

REZONING

Councilman Pierce made the motion to move all matters on first reading up on the agenda due to his having to leave early; Councilman Lively seconded the motion; the motion passed.

1997-087: Emerson Hall

The applicant was present; there was no opposition.

REZONING (Cont'd.)

Emerson Hall stated this matter was before the Council on May 13 with some opposition or concerns about the buffer from the Hamilton Chase complex, and Councilman Eaves required that the matter be held over. He stated the matter was held for two weeks and another week because Councilman Eaves was out of the city; that since that time they have worked with the Hamilton Chase people and Atty. Schram and have worked out an arrangement satisfactory to them and the buyer of the property for a buffer of the area.

Linda Spencer represented the buyer of the property and clarified that they were able to work out a situation so that the berm screens sufficiently.

Councilman Eaves stated it was indicated there is an agreement with the apartment people, and asked if they were present. Ms. Spencer stated they are in agreement; that Atty. Schram is present.

Councilman Eaves asked if Atty. Schram is okay with this. Atty. Schram responded "yes."

On motion of Councilman Eaves, 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 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 passed first reading.

REZONING

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

The applicant was present; there was no opposition.

Chairman Swafford asked the purpose of the zoning change. Mr. Edwards stated the property will be used for a bridal shop.

Councilman Lively noted the representative for this area is not here tonight and suggested that the matter be tabled one week. Mr. Edwards stated he has spoken with Councilwoman Hurley, and she is in agreement.

Councilman Eaves stated this has to have another reading and we can hold it then if it is necessary. Councilman Lively stated in that case he moves for approval.

REZONING (Cont'd.)

On motion of Councilman Lively, 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 passed first reading.

REZONING

1997-105: James Norris

The applicant was present; there was no opposition.

James Norris stated a representative from the City stated he needed to rezone the property to M-1 so that he can park his trucks on the property; that he has talked with the neighbors and everyone said they do not have a problem because all he was doing was keeping trucks.

Mr. Bennett stated the property is south of Bonny Oaks and access is through Kirkman Road; that they are asking for M-1 to be able to have truck storage. He stated the surrounding zoning is entirely R-1, which is the primary reason for the recommendation against the zoning change; that the land use is almost entirely single family. He stated the applicant indicated there was no opposition at Planning; that he did have a petition with a number of signatures from the neighborhood who indicated they do not have a problem with the use there. He stated the Staff indicated that the M-1 is a spot zone in an R-1 area.

Councilman Eaves inquired about the "red" areas as reflected on the map regarding this property. Mr. Bennett stated the area is zoned R-1; that the use in the "red" area is operating as a commercial business, and they are operating illegally.

Councilman Eaves stated he knows the applicant gets along with the neighbors; that the Council might need to spend some time with the City Attorney on this and have this request done on a temporary basis. He stated the real problem is that the applicant might sell this property one of these days, and it will be an M-1 in the middle of the neighborhood; that as long as the applicant is there it will be alright; that the difficulty is what happens when the property is sold.

REZONING (Cont'd.)

Councilman Eaves stated he would like to take time on this and confer with the City Attorney or Planning to see if there might be some way we can do this on a temporary basis. He made the motion to defer the matter until the next meeting (June 24).

Mr. Norris expressed that he understood.

On motion of Councilman Eaves, 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 2924 KIRKMAN ROAD, BEING ON THE SOUTHEAST LINE OF KIRKMAN ROAD SOUTHWEST OF BONNY OAKS DRIVE, FROM R-1 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE, SUBJECT TO CERTAIN CONDITIONS **was tabled two weeks (June 24).**

GOVERNMENT REORGANIZATION PLAN

Councilman Pierce stated it has been called to his attention that a resolution regarding the Mayor's reorganization plan needs approval.

City Attorney Nelson stated the Mayor asked him to present it as part of his departmental reports; that the reorganization incorporates the move of Better Housing to the Equal Employment Opportunity Department and the Back Tax office to the City Attorney's office; that other departments remain the same.

On motion of Councilman Lively, seconded by Councilman Pierce, A RESOLUTION ADOPTING A REORGANIZATION PLAN FOR THE GOVERNMENT OF THE CITY OF CHATTANOOGA was adopted.

REZONING

1997-114: Dr. Geneth K. Wolfer

A representative for the applicant was present; there was no opposition.

Atty. John Anderson of Grant, Konvalinka and Harrison was present representing the applicant. He stated the request for the O-1 is for office use; that Dr. Wolfer has moved her general practice out on East Brainerd Road to a house adjoining this property; that she is going to buy it so that she can use it as part of her office. He requested that the Council approve the O-1 zoning for a medical practice.

REZONING (Cont'd.)

On motion of Councilman Eaves, 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 8483 EAST BRAINED 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.

REZONING

1997-115: Temo Enterprises of Tennessee, L.P.

A representative (Lanny McNabb) for the applicant was present; there was no opposition.

Councilman Lively stated this is downzoning and made the motion for approval.

On motion of Councilman Lively, seconded by Councilman Pierce, AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 2717 ROSSVILLE BOULEVARD, BEING ON THE SOUTHWEST AND NORTHWEST LINE OF ROSSVILLE BOULEVARD, NORTHEAST OF EAST 28TH STREET, FROM M-1 MANUFACTURING ZONE TO C-1 HIGHWAY COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS passed first reading.

REZONING

1997-117: Marvis Nicholson

The applicant was present; there was opposition in attendance.

Ms. Nicholson stated she is trying to put in a six-plex or seven-plex; that the neighborhood is a "dying" neighborhood and would like to put a two-or-three bedroom duplex on this lot for single parents in that area who do not have nice housing. She stated everyone is not financially stable enough to buy a home; that she would like to have homes for people to come in for starter homes and a nice place to stay in that area; that the closest place for nice homes is Highway 58, Downtown, East Ridge or out in Red Bank.

REZONING (Cont'd.)

Ms. Nicholson stated as a single parent she would like to stay close to her parents in town; that prior to the lot being vacant they had a home that burned down; that she lived in the area and attended a school in the area that has closed down because people are moving out of the area.

Mr. Bennett stated this request is for R-3 for multi-family residential; that the site would permit six dwellings on the property; that the surrounding zoning is R-2 and M-1, and the land use is predominantly single family residential. He stated there is some spot duplex development as well as single family residences.

Chairman Swafford inquired as to the M-1 in the area. Mr. Bennett stated he did not know what the use is; that both Staff and Planning recommend against the request; that there was opposition at the Planning Commission public hearing.

Lucille Goodloe spoke in opposition to the request stating that she lives next door to the property; that she and others in the neighborhood are old and are the only ones left out there; that there is no other duplex on that street and this would be next door to her. She stated the lot comes right against her property and all of the people on the lot next to that are old people, too. She stated she would appreciate it if the Council would take her remarks under consideration. She stated people in the neighborhood could not come and presented a petition with nine names on it. (The petition was presented to the Clerk and filed with minute material.)

Chairman Swafford stated at the Planning Commission hearing it was his understanding the way it is zoned you could put a duplex on it, but they are asking for multi-family use. Mr. Bennett stated Ms. Nicholson indicated six-or seven units; that the property is large enough for six.

Chairman Swafford stated a duplex could be placed on the property, now, but they are asking for more.

Councilman Pierce stated there could be a duplex and there is no way we can stop it; that they want multi-family units. He stated they have permission to build a duplex, and we cannot take that away from them.



REZONING (Cont'd.)

Ms. Goodloe stated her property is walled-in with a three foot wall. She stated when the house was there at different times the children of the people who lived in the house would climb on the wall; that if the wall comes down there goes her yard. She stated she was told they wanted to build a place for their family to live in; that she does not like the idea of a duplex for rent and people in-and-out.

Ms. Nicholson stated with all due respect to Ms. Goodloe, if they are allowed to put the six- and seven-plexes in there they will be secured; that the wall that is there is basically about to cave-in. She stated they will have to put in another barrier; that they have intentions of putting something up to keep kids from being harmed. She stated she understands there are older people in the neighborhood, but there is a need for younger people also; that there is a need for single parents and fathers who need a nice place to stay. She stated she would appreciate the Council's consideration.

Councilman Crockett stated this is in Councilman Hakeem's district, and he is not present tonight; that he is not sure what the pleasure of the Council is. He stated we have looked at issues like this in Highland Park, Brainerd and other areas of the city where the neighborhood's stability is an issue. He stated he thinks there is some effort with Habitat to build single family houses; that it is his observation that in some cases we have three-and-four-plexes, and these neighborhoods have gone the other way; that we have had different experiences in trying to bring neighborhoods back. He stated he personally would not be in favor of this zoning.

Councilman Lively stated it has been pointed out many times on the Council about "good intentions;" that this is definitely a spot zone and moved for denial of the request.

On motion of Councilman Lively, 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 2211 ELMENDORF STREET, BEING ON THE  
NORTHEAST LINE OF ELMENDORF STREET SOUTHEAST OF DODSON  
AVENUE, FROM R-2 RESIDENTIAL ZONE TO R-3 RESIDENTIAL  
ZONE

**was denied.**

REZONING

1997-118: Ben Spangler

The applicant was present; there was opposition in attendance.

Ben Spangler stated he wants to build mini-warehouses around 200 feet deep on this property.

Barry Bennett stated the request is for rezoning for C-2 for development of mini-warehousing on property that is on the east side of Patten Chapel Road. He stated the surrounding zoning includes R-1 and C-2; that the land use along Patten Chapel Road is predominantly single family residential; that there is some residential development within the C-2 area to the west across Patten Chapel Road.

Steve Powers, a resident of Patten Chapel Road, displayed photographs which reflected various directions of the area being requested for rezoning. He made reference to an ordinance which states for C-2 requests there should be an area located to serve traffic on major streets or collector streets which is defined in the general plan of 1990; that the Planning agenda gave him a map of the City that identifies various streets and roads; that Patten Chapel Road is defined as a local road only and not a major street or collector street. He stated the ordinance does not provide for C-2 zoning within the Patten Chapel Road area. He stated in order for this to be commercial it has to be an area that will serve traffic on a major street and that is not the case here.

Kim Manning asked that the request be denied for three reasons; (1) that the request encroaches upon a defined residential area as the convenience store, restaurant and a motel serve as a cutoff of the commercial zoning in the area and rezoning this property would extend commercial development too far into the residential area. She stated if the property is rezoned it will create a snowball effect as some one else will want to rezone residential for commercial use; that there are other areas that can be developed without invading a residential neighborhood. She stated the second objection has to do with environmental factors; that trees will have to be cleared. She stated this property lies next to the Tennessee River and can be viewed from Lookout Mountain and the TVA Raccoon Mountain Pump Storage facility. She stated the rezoning will not complement the surrounding environment; that warehouses will take away from the beauty of the area.

REZONING (Cont'd.)

Ms. Manning concluded by stating the third objection involves traffic; that Patten Chapel Road is a narrow road and commercial development is not appropriate. She stated in order to reach the property you will have to drive around an extremely sharp curve where average size cars have difficulty in passing; that large trucks will increase traffic and make it worse. She stated she does not object to development in the Lookout Valley area; that she objects to the residential area being intruded upon for commercial use. She asked the Council to keep this as an undisturbed residential area.

Dr. Spangler asked that the Council talk with each person that adjoins this property; that every one of them wants the Council to come in and rezone it because of the freeway noise; that the property across the street is blanket commercial. He stated there is no other use for this property other than commercial because you cannot do anything else with it. He stated everything he has brought into this town has been beautiful and landscaped, and his work stands for itself; that he will not do anything obnoxious. He stated Planning approved it, and he is asking the Council to approve it.

Mr. Bennett stated the original request was for C-2 for frontage and the area in the back to the east was requested for R-3 for apartments. He stated Dr. Spangler dropped the request for R-3, and the legal description has been amended.

Councilman Lively stated he was "on the fence" about this until he looked at it; that in order to do what Dr. Spangler is talking about will be a real environmental impact. He stated the area is all hillside and that he did not see how he will do this without removing every tree. He stated when the matter comes to a vote he will ask for denial, but to give the benefit of the doubt since three Council members are absent he will ask that the matter be tabled until the next Council meeting (June 24).

On motion of Councilman Lively, 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 314, 316, AND 324 PATTEN CHAPEL  
ROAD, BEING ON THE SOUTHEAST LINE OF PATTEN CHAPEL ROAD  
SOUTHEAST, THEN NORTHEAST, OF BROWN'S FERRY ROAD, FROM  
R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE  
was tabled two weeks (June 24).

(COUNCILMAN PIERCE EXCUSED HIMSELF FROM THE MEETING AT THIS POINT.)

REZONING

1997-121: Emerson Hall

The applicant was present; opposition was in attendance.

Atty. John Anderson was present on behalf of Clayton Homes, Inc. and stated the request is for M-1; that the use of this property is for retail sales only for mobile homes. He stated he talked with Barry Bennett and it is his understanding that it is the Building Inspector's interpretation that requires an M-1 classification for retail sales. He stated this is purely a retail operation, not manufacturing, and the intent would be nothing other than that. He stated the applicant is more than willing to accept any restrictions on M-1 whether temporary in nature or whatever it could be. He stated Danny Maples and Gary Warner of Clayton Homes has 237 retail facilities throughout the country and employs 5,000 individuals in the operation of their business. He stated some companies will come in and do a poor job of marketing; that their sales are projected to be in excess of \$3 million and will put in over \$500,000 in land improvements in the site; that there is a need for additional manufacturing facilities in the area. At this point he displayed a conceptual drawing of the site plan.

Ed Freeman, a resident of the neighborhood, spoke in opposition to the request. He stated his concern is if this property is rezoned to M-1 what will take place later with other companies wanting to come in, an example would be companies with junk cars for sale; that anything can be put in under M-1. He stated there are a lot of older people in the area, and it is hard to get into traffic; that if you bring something in like this he just cannot see it in the Mimosa area. He stated if you put M-1 in whatever you want can come in and hopes the Council will deny it.

Mr. Bennett stated all of the frontage property along Highway 58 is zoned C-2; that the abutting zoning is C-2, R-3, and R-1; that most of the neighborhood back to the south is single family. He stated the applicant is requesting M-1 because it is the least restrictive zone for that; that the building department could not find another zone that that use would fit into. He stated this is a more intensive use because of the size of the units being stored on the property.

Councilman Lively stated this is about the same use we had with mini-warehouses which included M-1. He asked if the Council had passed an ordinance changing that to C-2. Mr. Bennett stated they were permitted in M-3.

REZONING (Cont'd.)

Councilman Lively stated he has been on this Council for seven years; that the Council has never zoned a mobile home lot in the city; that he assumes the homes are modular in type. A spokesman from the audience for Clayton Homes stated the primary request for rezoning is for display set-up.

Councilman Crockett stated he has been out to the site and the Attorney representing Clayton Homes has provided a lot of information. He stated he went out a couple of times; that this property is located in Chairman Swafford's district. He stated he is familiar with this and does not believe it is a question of the issue of Clayton Mobile Homes as it is a great company; that the question is if this is the most appropriate thing to bring back the commercial district. He expressed concurrence with both Staff and Planning that this will not encourage the type of recommercialization of this site and is not in favor of approving this zoning. He reiterated his concurrence with Staff and Planning and made the motion to deny this request.

Atty. Anderson stated it is his understanding that the concern with Planning was that in upgrading to M-1 rather than C-2 it changes the character of the zone and from that standpoint that becomes a site question; that what is occurring is a retail location of the display of the units. He stated when you have 20-25 units on site it is hard to imagine how that is a more intensive use than it would for Economy Honda or other automobile dealers with several hundreds of vehicles on the site. He stated the reputation of Clayton Homes is outstanding; that the property has been vacant for a number of years; that there is not a long line of potential purchasers for this property. He stated he has spoken with Fred Bunker who indicated the 1995 traffic count reflected 38,000 vehicles; that the actual count is below this and this development will not add a significant amount of traffic to Highway 58. He asked the Council to please approve this request subject to restrictions.

Councilman Lively stated the other thing he could suggest is that since there are only five members present he would move for the matter to be tabled two weeks.

On motion of Councilman Lively, 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 4818 AND 4820 HIGHWAY 58, BEING ON  
THE SOUTHEAST LINE OF HIGHWAY 58, NORTHEAST OF OAKWOOD  
DRIVE, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO M-1  
MANUFACTURING ZONE

**was tabled to weeks (June 24).**

AMEND CITY CODE: RELATIVE TO  
ESTABLISHMENT OF STREET NAMES AND  
NUMBERING

City Attorney Nelson stated this Ordinance and Resolution 7(a) needs to be held for two weeks as additional work needs to be done prior to passage.

On motion of Councilman Lively, seconded by Councilman Taylor,  
AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II  
CHAPTER 32, ARTICLE IX, SECTIONS 32-196 AND 32-198,  
RELATIVE TO ESTABLISHMENT OF STREET NAMES AND NUMBERING  
**was tabled two weeks (June 24).**

STREET NUMBERING/ADDRESSING POLICY

On motion of Councilman Lively, seconded by Councilman Taylor,  
AN ORDINANCE ADOPTING A STREET NUMBERING AND ADDRESSING  
POLICY FOR THE CITY OF CHATTANOOGA  
**was tabled two weeks (June 24).**

CLOSE AND ABANDON

1997-063: Parkridge Hospital, Inc.

On motion of Councilman Eaves, seconded by Councilman Taylor,  
AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED  
SOUTHEAST FROM KELLEY STREET, BETWEEN MCCALLIE AVENUE  
AND OAK STREET, MORE PARTICULARLY DESCRIBED HEREIN,  
UPON CERTAIN CONDITIONS  
passed second reading. On motion of Councilman Lively, seconded by  
Councilman Taylor, the ordinance passed third and final reading and  
was signed in open meeting.

CLOSE AND ABANDON

1997-007: City of Chattanooga, Department of Public Works

On motion of Councilman Lively, seconded by Councilman Taylor,  
AN ORDINANCE CLOSING AND ABANDONING AN ALLEY LOCATED  
SOUTHEAST FROM WEST 12TH STREET, BETWEEN CARTER STREET  
AND FORT STREET, MORE PARTICULARLY DESCRIBED HEREIN  
passed second reading. On motion of Councilman Taylor, seconded by  
Councilman Lively, the ordinance passed third and final reading and  
was signed in open meeting.

CLOSE AND ABANDON

1997-024: C L Rossville Partners L.P.

On motion of Councilman Lively, seconded by Councilman Eaves, AN ORDINANCE CLOSING AND ABANDONING AN UNNAMED STREET AND ALLEYWAY LOCATED NORTHEAST OF COVINGTON STREET, SOUTHEAST OF EAST 50TH STREET, MORE PARTICULARLY DESCRIBED HEREIN passed second reading. On motion of Councilman Eaves, seconded by Councilman Lively, the ordinance passed third and final reading and was signed in open meeting.

CLOSE AND ABANDON

1997-032: R. Edward Demars

On motion of Councilman Eaves, seconded by Councilman Lively, AN ORDINANCE CLOSING AND ABANDONING HOMESTEAD STREET LOCATED NORTHEAST FROM BONNY OAKS DRIVE, BETWEEN HIGHWAY 153 AND WILSON STREET, MORE PARTICULARLY DESCRIBED HEREIN, UPON CERTAIN CONDITIONS passed second reading. On motion of Councilman Eaves, seconded by Councilman Lively, the ordinance passed third and final reading and was signed in open meeting.

AMEND ORDINANCE 10494 (CAPITAL IMPROVEMENTS BUDGET)

On motion of Councilman Eaves, seconded by Councilman Lively, AN ORDINANCE TO AMEND ORDINANCE NO. 10494, ENTITLED "AN ORDINANCE APPROPRIATING, AUTHORIZING, OR ALLOCATING FUNDS TO THE CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR 1996/97", SO AS TO PROVIDE FOR THE APPROPRIATION OF ADDITIONAL FUNDS FROM VARIOUS SOURCES passed second reading. On motion of Councilman Eaves, seconded by Councilman Lively, the ordinance passed third and final reading and was signed in open meeting.

AMEND CITY CODE

On motion of Councilman Lively, seconded by Councilman Eaves, AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, SECTION 2-152(H), RELATIVE TO OVERTIME PAY FOR CERTAIN CITY EMPLOYEES ENGAGED IN LAW ENFORCEMENT OR FIREFIGHTING ACTIVITIES passed second reading. On motion of Councilman Taylor, seconded by Councilman Lively, the ordinance passed third and final reading and was signed in open meeting.

LEASE AGREEMENT: CITY OF CHATTANOOGA AND HAMILTON COUNTY

On motion of Councilman Lively, seconded by Councilman Eaves, A RESOLUTION AUTHORIZING THE MAYOR AND CITY FINANCE OFFICER TO EXECUTE, ON BEHALF OF THE CITY OF CHATTANOOGA AND JOINTLY WITH HAMILTON COUNTY AS LESSORS, A LEASE AGREEMENT FOR W. MAX FINELY STADIUM - GORDON L. DAVENPORT FIELD WITH THE STADIUM CORPORATION, AS LESSEE, IN THE FORM ATTACHED HERETO was adopted.

MAINTENANCE CONTRACT: STATE OF TENNESSEE, TDOT

On motion of Councilman Eaves, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MAINTENANCE CONTRACT WITH THE STATE OF TENNESSEE, DEPARTMENT OF TRANSPORTATION, FOR FISCAL YEAR 1997-98, RELATIVE TO THE STATE REIMBURSING THE CITY FOR MAINTENANCE WORK ON STATE HIGHWAYS ROUTED THROUGH THE CITY was adopted.

AGREEMENT: CONSOLIDATED TECHNOLOGIES, INC.

On motion of Councilman Eaves, seconded by Councilman Crockett, A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CONSOLIDATED TECHNOLOGIES, INC. FOR ENGINEERING SERVICES RELATIVE TO THE CONSTRUCTION OF AREA 2 - PHASES I AND II LINER, BIRCHWOOD LANDFILL, FOR AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND, TWO HUNDRED EIGHTY-FIVE DOLLARS (\$200,285.00) was adopted.



TEMPORARY USE: HIGHLAND PARK  
BAPTIST CHURCH

On motion of Councilman Lively, seconded by Councilman Taylor, A RESOLUTION AUTHORIZING HIGHLAND PARK BAPTIST CHURCH TO USE TEMPORARILY THE WESTERN SIDEWALK AT 1900 BAILEY AVENUE FOR EXTENSION OF EXISTING CANOPY ON CHURCH BUILDING, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman Eaves, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM NOWELL SANDERS, RELATIVE TO CONTRACT NO. RW-1-97, WIDENING OF JULIAN ROAD - DAVIDSON ROAD TO RAILROAD, TRACT NO. 3, FOR A CONSIDERATION OF TWO THOUSAND DOLLARS (\$2,000.00) was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman Taylor, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM TYLER G. MURDOCK AND APRIL L. MURDOCK, RELATIVE TO CONTRACT NO. RW-1-97, WIDENING OF JULIAN ROAD - DAVIDSON ROAD TO RAILROAD, TRACT NO. 5, FOR A CONSIDERATION OF TWO THOUSAND, THREE HUNDRED DOLLARS (\$2,300.00) was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman Eaves, seconded by Councilman Lively, A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM HELEN W. BOLDEN, RELATIVE TO CONTRACT NO. RW-1-97, WIDENING OF JULIAN ROAD - DAVIDSON ROAD TO RAILROAD, TRACT NO. 11, FOR A CONSIDERATION OF ONE THOUSAND, EIGHT HUNDRED DOLLARS (\$1,800.00) was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman Eaves, seconded by Councilman Crockett, A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM BEN F. PENDERGRASS AND MARY E. PENDERGRASS, RELATIVE TO CONTRACT NO. RW-1-97, WIDENING OF JULIAN ROAD - DAVIDSON ROAD TO RAILROAD, TRACT NO. 14, FOR A CONSIDERATION OF TWO THOUSAND, SEVEN HUNDRED FIFTY DOLLARS (\$2,750.00) was adopted.

RIGHT-OF-WAY PURCHASE

On motion of Councilman Lively, seconded by Councilman Crockett, A RESOLUTION AUTHORIZING THE PURCHASE OF A RIGHT-OF-WAY FROM MOUNTAIN CREEK ASSOCIATES, C/O LEISURE FACILITIES, INC., RELATIVE TO INTERSECTION WITH W ROAD AT MOUNTAIN CREEK ROAD, TRACT NO. 5, FOR A CONSIDERATION OF \*SIX THOUSAND, FOUR HUNDRED DOLLARS (\$6,400.00) was adopted.

OVERTIME

Overtime for the week ending June 6, 1997 totaled \$83,210.30.

PURCHASES

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

BUMPER TO BUMPER/DOWNEY'S (Lower and better bid)  
Requisition No. 139938

Purchase of Twelve Month Requirements contract for Wix Filters

**(Price information available and filed with minute material)**

DEVAN BROWN CONSTRUCTION (Lower and better bid)  
Requisition No. 135197

Purchase of Contract for the Renovation of Warner Park Power House Fitness Center

\$12,000.00

PURCHASES (Cont'd.)

RIVERBEND CONSTRUCTION CORP. (Lower and better bid)  
Requisition No. 139869

Purchase of Contract or Paving

\$14,448.00

PERSONNEL

The following personnel matter was reported for the General Services Department:

VANESSA MEYER -- Family Leave, Clerk IV, GS Fleet Maintenance, effective June 5, 1997 - September 9, 1997.

PURCHASES

On motion of Councilman Eaves, seconded by Councilman Lively, the following purchases were approved for use by the General Services Department:

APPLIED INDUSTRIAL TECHNOLOGIES (Lowest overall bid)  
Requisition No. 139574

Purchase of Six Month Requirements Contract for Brass Fittings

**(Price information available and filed with minute material)**

CROUCH'S WRECKER & EQUIPMENT SALES (Lower and better bid)  
Requisition No. 140276

Purchase of Roll Back Wrecker

\$40,893.00

PERSONNEL

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

MICKEY L HYDE -- Resignation, Equipment Operator I, City-wide Services, effective May 30, 1997.

PERSONNEL (Cont'd.)

CHARLES W. BONNER -- Retirement, Truck Driver II, City-wide Services, effective May 30, 1997.

SAMUEL J. SHAW -- Promotion, Truck Driver III, City-wide Services, Pay Grade 6/Step 13, \$23,725.00 annually, effective May 28, 1997.

DAVID R. BERENS -- Promotion, Truck Driver IV, City-wide Services, Pay Grade 7/Step 13, \$25,266.00 annually, effective May 28, 1997.

IRVING PENN -- Promotion, Truck Driver IV, City-wide Services, Pay Grade 7/Step 1, \$17,959.00 annually, effective May 28, 1997.

ALFRED AMMONS, JR. -- Promotion, Truck Driver IV, City-wide Services, Pay Grade 7/Step 3, \$19,083.00 annually, effective May 28, 1997.

RONALD E. THOMPSON, JR. -- Suspension (three days without pay), Laborer II, City-wide Services, effective June 9 - 11, 1997.

PURCHASES

On motion of Councilman Eaves, seconded by Councilman Lively, the following purchases were approved for use by the Public Works Department:

RED BANK ALUMINUM (Lower and better bid)  
Requisition No 138892

Purchase of Aluminum Awning

\$13,275.00

VULCAN MATERIALS CO. (Only bid received)  
Requisition No. 140036

Purchase of Twelve Month Requirements Contract for River Sand

\$11.50/ton

PERSONNEL

The following personnel matter was reported for Finance Department, City Court Division:

CHERIL L. WILSON -- Family Medical Leave, Court Clerk I, effective June 2 - July 18, 1997.

REFUNDS

On motion of Councilman Crockett, seconded by Councilman Eaves, the Administrator of Finance was authorized to issue the following refunds for License and Gross Receipts:

REVCO D. S. INC. -- Personalty tax credit not deducted, Index No. 272167, \$4,721.96

PURCHASE

On motion of Councilman Crockett, seconded by Councilman Eaves, the following purchase was approved for use by the Finance Department, Data Procession Division:

PREFERRED COMPUTERS AND COMPUTER SYSTEMS CORPORATION  
(Low bid on each item as the best bids for the City of Chattanooga)  
Requisition No. 137278

Purchase of Requirements Contract for Office Automation Equipment

**(Price information available and filed with minute material)**

COMMITTEES

In the absence and at the request of Councilwoman Hurley, Chairman Swafford scheduled a meeting of the **Parks and Recreation Committee for Tuesday, July 1 at 4 p.m.**

Chairman Swafford reminded Council members that the **Budget and Finance Committee will meet on next Wednesday, June 18 at 5 p.m.**

COMMITTEES (Cont'd.)

Councilman Crockett stated the public hearing on the southside urban renewal plan was held last evening at the Centennial Theatre at the Choo Choo; that from the Council he and Councilman Taylor were present along with Mayor Kinsey and a group from the Housing Authority who was in charge, along with Planning. He stated the matter will come before the Council for action in the near future.

Chairman Swafford expressed appreciation to Councilman Crockett for his attendance at the hearing. He stated his name was on the agenda to participate but could not be present due to a community meeting in his district. Councilman Crockett reiterated that it was a productive meeting, and the Mayor stayed for the entire meeting.

Councilman Lively stated he will not set a meeting of the Legal and Legislative Committee. He asked the City Attorney to look into the situation with the M-1 zoning regarding the specifics heard tonight; that there is a real problem zoning anything M-1. City Attorney Nelson stated there is a provision in the Code where heavy equipment sales can be put into C-1; that C-1 will be appropriate to zone for trailer sales, too.

Councilman Lively stated he will schedule a committee meeting once the City Attorney has worked up something if it is agreeable with the other Council members. City Attorney Nelson stated the matter will have to be referred to Planning before the Council can take action.

Councilman Taylor stated many people have been asking about the red ribbons some of the Council members are wearing; that they attended a luncheon sponsored by Chattanooga Cares and were given the red ribbons. He stated the Health and Education Committee will be scheduling a meeting in the future on the issue of AIDS in the community and the direction in which it is going.

PROCLAMATION TO DR. OBEAR

Chairman Swafford announced that the proclamation for Dr. Obear originally scheduled for presentation at tonight's meeting has been rescheduled for Tuesday, July 1.

REZONING NO. 1996-278: COMMERCIAL  
MANAGEMENT CORPORATION

Chairman Swafford stated the rezoning case in the name of Commercial Management Corporation (No. 1996-278) will be heard on July 1 as opposed to June 24. He stated the special presentation by the Brainerd Hills Neighborhood Association will be heard on that date, as well.

JUNE 17 COUNCIL MEETING

Chairman Swafford reminded everyone that there will not be a Council meeting next week (June 17) due to a majority of Council Members attending the Annual Tennessee Municipal League Conference in Knoxville.

LUCILLE GOODLOE

Lucille Goodloe asked the Council if they had had an opportunity to look at the property on Elmendorf Street before it was zoned for duplexes.

Chairman Swafford stated the zoning for the property has always been zoned for duplexes; that it has been that way forever. He stated the zoning for duplexes was not before the Council tonight; that the applicant was asking for R-3 to build a triplex or multi-family unit.

Ms. Goodloe stated no one lives there and the only reason no one is there is because there was a fire. She again asked why a duplex would be placed there if there is no place to put it.

Chairman Swafford again clarified that the property has been zoned R-2 for quite some time; that the applicant was not asking for duplex development; that they want a multi-family unit to change the zoning. He stated the applicant can have a single family unit or duplex; that they want to build an apartment there now, and the Council did turn down that rezoning and the property stays the way it has always been.

Ms. Goodloe expressed appreciation for the Council turning the rezoning down; that she could not understand why anyone would want a duplex there when houses are all out there.

Chairman Swafford stated the Council will watch the situation; that he understands what Ms. Goodloe is saying and maybe there will not be anything built.


BILL ANDERSON

Bill Anderson stated he has applied for and obtained a handicap tag and made reference to a letter he had received from the State and Ordinances that had been passed with regard to parking, public highways and streets.

City Attorney Nelson stated Mr. Anderson should not get a ticket; that the ordinance does not apply where there is a yellow zone, and if he parks at a regular meter he should not get a ticket.

ADJOURNMENT

Chairman Swafford adjourned the meeting until Tuesday, June 24, 1997 at 6 p.m.

  
SHIRLEY SWAFFORD  
CLERK OF COUNCIL

  
CHAIRMAN

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